

**ROSE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING**

**AGENDA
December 2, 2021**

1. **Call the meeting to order**
2. **Roll Call:** Stanczyk, Holton, Brooks, Bolan, Noble, Jung, Lynn
3. **Approval of Agenda**
4. **Minutes: Additions, corrections and/or approval**
 - A. Regular Meeting November 4, 2021
5. **Public comments on agenda items (excluding Public Hearing)**
6. **Communications**
7. **Committee Reports**
8. **Public Hearings (Notification as required by State law)**
9. **New Business**
10. **Unfinished Business**
 - A. Oak Wilt Control Ordinance
11. **Tabled Items**
12. **Discussion Items**
 - Announcements**
 - A. Rose Township Board Report-Glen Noble
 - B. Comments by Township Planner.
 - C. Next Regular Planning Commission Meeting January 6, 2022 7:00 PM Rose Twp. Offices, 9080 Mason Street, Holly, Michigan (tentative).
 - D. Next Regular N.O.C.F.A. Meeting, December 21, 2021, 3:00 PM Rose Township.
 - E. Next Regular Township Board Meeting December 8, 2021, 7:00 PM
 - F. Zoning Board of Appeals, December 7, 2021, 7:00 PM, Rose Township Hall. (tentative)
14. **Open the meeting to the public**
15. **Adjournment** A. Motion _____ B. Time _____ PM

**ROSE TOWNSHIP PLANNING MEETING
REGULAR MEETING
November 04, 2021**

DATE: Thursday, November 04, 2021
TIME: 7:00 p.m.
PLACE: 9080 Mason St., Holly, MI 48442

PRESENT: Theresa Lynn, Co-Chair Mark Bolan
 Maura Jung Glen Noble, Trustee
 Darlene Stanczyk Jim Holton

ABSENT: Michael Brooks, Chair (excused)

OTHER(S) PRESENT AND GUESTS SIGNED IN:

Brian Borden (Township Planner)	Dave Plewes (Zoning Administrator)
Debbie Miller (Township Clerk)	Renee Kraft (Recording Secretary)
Grace Marlowe	Judith VanMeter
Donna Boshell	Scott Wilson
Eric David	James England
Gisela Lendle-King	

1. CALL TO ORDER:

Co-Chairman Lynn called a regular meeting of the Rose Township Planning Commission to order at 7:00 p.m.

2. ROLL CALL:

Board Members Present: Bolan, Jung, Lynn, Holton, Noble, Stanczyk
Board Members Absent/Excused: Brooks

3. APPROVAL OF AGENDA:

Motion by Bolan to approve the agenda as submitted. Seconded by Holton.

VOTE: **YES:** Jung, Lynn, Holton, Noble, Stanczyk, Bolan
 NO: None
 ABSENT: Brooks

4. APPROVAL OF MINUTES:

Motion by Holton to approve the minutes as submitted. Seconded by Bolan.

VOTE: **YES:** Lynn, Holton, Noble, Stanczyk, Bolan, Jung
 NO: None
 ABSENT: Brooks

5. BRIEF PUBLIC COMMENTS – AGENDA ITEMS ONLY: (limit comments to 3 minutes)

None

6. COMMUNICATIONS:

- A. Three letters from unidentified people; email from Ariel Santos, Founder and President of Michigan Cannabis Caregivers Association; email from Michael Brooks, Chairman of Rose Township Planning Commission.

7. COMMITTEE REPORTS:

None

8. PUBLIC HEARINGS: (Notification as required by State law)

A. Caregiver Ordinance

Public Hearing Open: 7:04pm

Brian Borden, Township Planner: Discussed the draft ordinance and reminded the Planning Commission that the Rose Township Board has the final authority since it is an amendment to the existing ordinance. Anything the Planning Commission does is a recommendation to the Township Board.

Resident: Donna Boshell – Questioned why only indoor? Borden stated it is up to the Commission if they want to open up the ordinance for outdoor growing. Thinks the State allows it but does it fall under the definition of what is an enclosed/locked facility? The Township can choose whether or not to implement it.

Resident: James England – Caregiver needs to be enclosed/locked and not seen from the road. The Township wants to tighten it up and make them pay more in permits. He doesn't want any more laws. If DTE can't handle the load they will update your system. Why are you tightening up everything else more than what the state is telling us what we can and can't do.

Theresa Lynn: Discussed correspondence received. These people are struggling with their constitutional rights versus to do what they want to do. All three anonymous letters are opposing the new ordinance. Ms. Santos discussed in her email the citizens rights to growing medical caregiver marijuana without undo restrictions. Mr. Brooks email discussed that he is good with the written ordinance barring residential discussion tonight.

Public Hearing Closed at 7:22pm

Discussion on the ordinance:

Bolan: Expressed his disagreement on the Rose Township Board being able to change the ordinance once the Planning Commission creates it- 1)b.8-page 3. Borden explained it is solely for the application. Bolan asked if the ordinance will stand for those already seeking a permit. Plewes responded that any changes made will be for future applications. Bolan questioned where strictly AG came from. Plewes responded that 70% or more are probably zoned AG with a large percentage of those on 10 acres or more. Michigan Supreme Court ruled municipalities have the right to regulate these uses under

the Medical Marijuana Act. Was reminded that the Commission can change the ordinance.

Jung: We are reiterating a lot of what the State is saying. Views this as more of an AG practice - it fits what has been discussed in the past. Stated outdoor growing was never a part of the discussion.

Stanczyk: Agreed with Jung and is comfortable with what the Commission is doing.

Holton: Agreed with Jung.

Noble: Nobody spoke about property rights, constitutional rights, and civil rights of landowners. Discussed that the Commission doesn't want to take out existing legal operations, but to provide a guideline for people/applicants that want to have additional caregiver operations in the Township. Borden and Plewes concurred with that statement.

The caregiver must reside on the premises. Fee for application and annual inspections. Why won't we allow outside growing? Thinks they should. Plewes explained the ordinance is set up to protect the grower from theft, weather damage, animal damage.

Being indoor helps them to control security of the plants. Stated the Commission could make that change in the ordinance to also grow outside if it so chose. To grow outside they would have to have a secrecy fence around it and keep odors from neighbors.

Lynn: We are focusing on the Caregiver ordinance, but we also need to think about the health, safety and welfare of all our residents.

Noble: Questioned if existing caregivers will be grandfathered in. Plewes responded the date of the moratorium and beyond are illegal. People grandfathered in do not need to go through the application process (approximately August 11, 2021).

Lynn: October 29, 2021 legislators drafted a bill regarding Caregivers growing 24 plants (five patients), so happy the Commission changed the ordinance to removed number and change it to follow State law.

Noble: Stated that the draft bill discussed above is also trying to eliminate the caregivers excess operations and is being pushed by the licensed medical marijuana industry because they can't test their products, and no license fees. He heard they generate huge revenues for the State of Michigan, \$318 million dollars last year.

Lynn: Reminded the Planning Commission it needs to go to the Rose Township Board, who has the final say on it.

Jung: Recommends approving it and sending it to the Rose Township Board.

Plewes: Read email received.

Motion by Lynn to approve the Caregiver Ordinance as of the November 4, 2021 meeting and send to the Rose Township Board for their adoption. Seconded by Holton.

VOTE: **YES:** Holton, Noble, Stanczyk, Bolan, Jung, Lynn

NO: None

ABSENT: Brooks

9. NEW BUSINESS:

A. Oak Wilt Control Discussion

Plewes: Explained the potential Ordinance. This does not pertain to private property. Stated how unique it is.

Lynn: Questioned if the Ordinance can be written specifically for utility easements and right-of-way, so property owners realize it is not put in place for them. Plewes stated yes.

Stanczyk: Stated we should follow the guidelines that have been presented to us.
Jung: Oak Wilt is in Oakland County and can affect a huge area. Beetles are attracted to dead oaks that have the fungus on them, then moves to the healthy oaks. Once a tree gets infected it can spread through the roots of the healthy trees, because their root systems are grafted to each other. Noticed DTE cutting Oaks without painting the branches. They are probably following DNR rules, which has different risk levels. It would be devastating to lose oaks since Rose Township is probably 80-90% oak. She researched and drafted an ordinance. She read the ordinance she wrote.

Holton: Several large oaks damaged when streets were brush-cleaned. Would like Oakland County to get a copy of ordinance. How do we address the County, as much as the outside contractors? Questioned if road grading, coupled on top of oak wilt, is weakening the tree root systems? Is chloride a positive or negative impact to trees; he heard the dust can weigh down the trees. Is there a survey map of the oak wilt damaged areas? Plewes stated the County is aware.

Noble: Questioned if all oaks or just red oaks? Jung responded stating red oaks are most susceptible but all oaks can get it. Noble wants to make sure it doesn't spin off to the landowners. Discussed wind damaged trees that Oakland County helped him clean up. Wants an exclusion where trees have been destroyed, and blocked roads will be exempt from this ordinance. Wants it limited to red oaks only. Black oak, white oak, northern red oak and pin oak are the oaks in this area.

Plewes: This is more of a sweep, not individual trees that we are looking at for this ordinance.

Jung: Explained that this ordinance is only for healthy oaks.

10. Unfinished Business:

None

11. Tabled Items:

None

12: Discussion Items:

None

13. Announcements:

A. Rose Township Board Report-Glen Noble: The Board will be happy a document will be created for the Oak Wilt Tree Ordinance.

B. Comments by Township Planner-Brian Borden: The state is trying to pass legislation taking any and all local control away on short-term rentals.

C. Next Regular Planning Commission Meeting: December 2, 2021, 7:00pm

D. Next Regular N.O.C.F.A. Meeting: November 16, 2021, 3:00pm at Holly Township Fire Station #1

E. Next Regular Township Board Meeting: November 10, 2021, 7:00pm

F. Zoning Board of Appeals: December 7, 2021, 7:00pm, Rose Township Hall (tentative)

14. Open the Meeting to the Public:

Resident name – Grace Marlow and Judith VanMeter: Regarding corner of Rosell and Water Roads: Their area was a low-land and now is a lake, partially because it is overgrown on

other side of road, and partially because of beavers, and partially because of the drain being clogged. There are two drains coming under the tracks and converges on their land. Would like to know if there is a long-range plan for that corner. Plewes stated he will talk with them about it. She stated she has already contacted Rose Township two years ago but nothing was done about it.

Gisela Lendle-King: Red oaks and black oaks are in the same family. Thanks the Board for taking on the task. Most trees on her property were black oaks that they cut in June. Hoping the ordinance will make it so the Township can deal with the utility companies. Plewes stated fees might be attached when oaks are cut out of season.

Debbie Miller: How many caregiver licenses will be allowed in Rose Township. Plewes stated it will be regulated at the state level.

15. Adjournment: 8:34

Motion to adjourn by Lynn. Seconded by Bolan. All said aye. Meeting adjourned at 8:34pm.

Approved/Corrected

Debbie Miller, MMC, MiPMC II
Rose Township Clerk

Background, Intent and Purpose

1. This Ordinance sets forth protective measures to preserve the Oak tree population and to prevent and protect against the spread of Oak Wilt.
2. Oak Wilt is the systemic, lethal disease of Oak trees (*Quercus* spp.) caused by the fungus *Bretziella fagacearum* (formally *Ceratocystic fagacearum*). Trees can die within weeks or months after being infected.
3. The fungus causing Oak Wilt is spread in three ways:
 - a. above ground by Nitidulids beetles that carry spores from fungal pads on infected trees into wounds on healthy oak trees;
 - b. underground from tree to tree by underground root grafts (contact) from infected trees to healthy trees (oaks within approximately 100 feet of each other can contract the disease in this manner); and
 - c. movement of infected firewood from one location to another.
4. When an Oak has wilted and died, it may produce a fungal mat below the bark. On the mat are spores responsible for the fungus that produces and spreads Oak Wilt. When a mat ferments, it produces a fruity aroma that attracts vectors (sap-feeding beetles) which then come in contact with the spores and then spread the spores to once healthy oak trees.
5. Oaks can be divided into two major families: Red Oaks and White Oaks. The Red Oak family includes pin, northern pin, northern and southern red, black, and scarlet oaks. The White Oak family includes bur, post, white, and swamp white oaks.

Trees of highly susceptible species (Red Oaks) wilt rapidly from the top down and are killed completely within four to six weeks. Moderately susceptible species (White Oaks) wilt more slowly.

6. Oak trees comprise a significant component of the township's natural environment and are a high value species that provide food and cover for game and nongame species, provide building materials, firewood, and greatly contribute to the aesthetic character of the community.

Oak Wilt can have a devastating effect on Oak trees, and threatens the township's Oak forests and woodlots, which can decrease property values, become expensive to manage, and cause detrimental aesthetic consequences.

Protective Measures and Applicability

1. Oak trees of any variety within public rights-of-way or utility easements/corridors shall not be pruned or trimmed between April 1 and October 31.
2. Pruning or trimming necessary to address a matter of public safety shall be exempt from this Ordinance.

However, such trees shall be treated with the best known practices, which include applying a wound dressing, immediately cutting or mulching cut limbs, debarking logs, or grinding stumps to protect against the spread.

3. Oak trees that are accidentally damaged between April 1 and October 31 shall be treated immediately with an acceptable tree pruning sealer or latex paint to mask the exposed wound from contamination.

Violations

1. Anyone found to be in violation of this provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to the provisions of this Code.

2. The Zoning Administrator, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate, or restrain the violation.
3. Each day's continuance of a violation shall be deemed a separate and distinct offense. Expenses incurred in connection with such action shall be assessed as damages against the violation.

Suggested Best Practices for Private Property

1. Red Oaks that have died of Oak Wilt should be removed within four weeks.
2. Red Oaks not infected by Oak Wilt, but potentially root grafted to a tree that was killed or diseased with Oak Wilt, should be treated by injection of fungicide.
3. White Oaks should be treated with an appropriate tree injection.
4. Firewood from Oak trees should not be moved, as Oak Wilt can be spread by the movement of infected wood.
5. Trenching may be a practice in lieu of, or in addition to injections for Oak Wilt management.
6. Dead Oak trees should be removed and properly disposed of by chipping to less than three inches, or removed to a disposal site for debarking, burning, or burial. Stumps left by the removal of Oak trees should be promptly removed or buried.
7. The safest timeframe to prune or trim Oak trees is from just prior to bud break to leaf drop (generally November 1 to March 14).
8. Tree pruning/trimming tools should be disinfected between use from tree to tree.

Forest Pest Alert

Oak Wilt

(*Ceratocystis fagacearum*)



- Oak wilt kills healthy red oaks. White oaks can also be affected but are more resistant and less vulnerable to mortality from the disease.
- Look for red oaks that suddenly drop their leaves in the summer.
- The disease is spread between trees through roots, by beetles and by the movement of infected firewood.
- DO NOT prune oak trees between April 15 and July 15.
- Oak trees that are suspected of being infected with oak wilt should be reported to the following:

www.misin.msu.edu

DNR-FRD-Forest-Health@michigan.gov



Learn More:
<http://michigansaf.org/ForestInfo/Health/E3169-OakWilt.pdf>



Don't Move Firewood!

Oak Wilt Information

The Oak Wile information below is copied directly from the following websites.

SOURCE: Michigan Department of Natural Resources (DNR)

https://www.michigan.gov/dnr/0,4570,7-350-79136_79237_81077-370911--,00.html

Why we care: Oak wilt kills healthy red oaks. White oaks can also be affected but are more resistant and less vulnerable to mortality from the disease. Once a red oak becomes infected with the oak wilt fungus, the tree will die, and there is no treatment to save the infected tree. Once an oak wilt infection is confirmed, however, treatments are available to save surrounding oaks and stop the spread of this disease.

What is at risk? All red oaks are susceptible to oak wilt. Red oaks are common urban and suburban landscape trees. The loss of these trees can have a significant negative impact. In the forest, red oaks are also an important producer of acorns for wildlife habitat. Using 2011 Forest Inventory and Analysis data along with the current average stumpage price for red oak sawlogs, it is estimated that the value of red oak timber in Michigan is approximately 1.6 billion dollars.

The threat: Oak wilt moves slowly on its own through root systems and travels short distances overland when new spores are moved by beetles from an infected tree to a freshly pruned or injured tree. Oak wilt can be moved long distances when people move infected firewood from one location to another. Look for red oaks that suddenly drop their leaves in the summer. The disease spreads, killing nearby oaks from one year to the next. Currently, oak wilt is generally distributed throughout the Midwest and Texas.

What can you do? DO NOT prune oak trees during the growing season. If you need to prune oaks, DO NOT prune them between April 15 and July 15. DO NOT move firewood: oak wilt is spread by the movement of infected wood.

SOURCE: Michigan Department of Natural Resources (DNR) Bulletin

<https://content.govdelivery.com/accounts/MIDNR/bulletins/23298e8>

Oak wilt is caused by the fungus *Bretziella fagacearum*. It spreads from tree to tree by underground root contact, through tiny, sap-feeding beetles that carry spores from fungal pads on infected trees into wounds on healthy oaks.

Spores also can be found on recently cut firewood from trees that died of oak wilt. This is one of the reasons why the DNR and other agencies advise against moving firewood.

Oaks in the red oak family, including black oak, northern red oak and northern pin oak, are most susceptible to the disease, which kills trees by interrupting the flow of sap.

Trees in the white oak group are less susceptible because they have a different internal cell structure that prevents rapid spread of the infection through the tree. Trees in the white oak group have rounded leaf edges and include white oak and swamp white oak.

The highest risk of infection occurs from April 15 through July 15, but it is prudent to avoid pruning or injuring oak trees until they have lost leaves for the winter.

If pruning or removing oaks cannot be avoided during the high-risk period, or a tree gets damaged, immediately cover wounds with tree-wound paint or latex-based paint. Treating tree wounds with paint is not usually recommended; doing so to combat oak wilt is the exception.

One of the paragraphs from above highlighted:

The highest risk of infection occurs from April 15 through July 15, but it is prudent to avoid pruning or injuring oak trees until they have lost leaves for the winter.

SOURCE: The College of Agriculture and Natural Resources (CANR) and Michigan State University - Extension

https://www.canr.msu.edu/news/stop_pruning_oak_trees_now_to_avoid_oak_wilt_1

Oak wilt, caused by the fungus *Ceratocystic fagacearum*, is a lethal disease of oaks and has been detected in 56 counties in Michigan. One way oak wilt spreads is through disease spores carried on the bodies of sap beetles as they feed from tree to tree. These sap beetles are attracted to fresh wounds. With warmer weather, oak buds are swelling, signaling the activity of the fungus causing oak wilt and the sap beetles that transmit this deadly disease. All that's missing now is fresh wounds in oak trees.

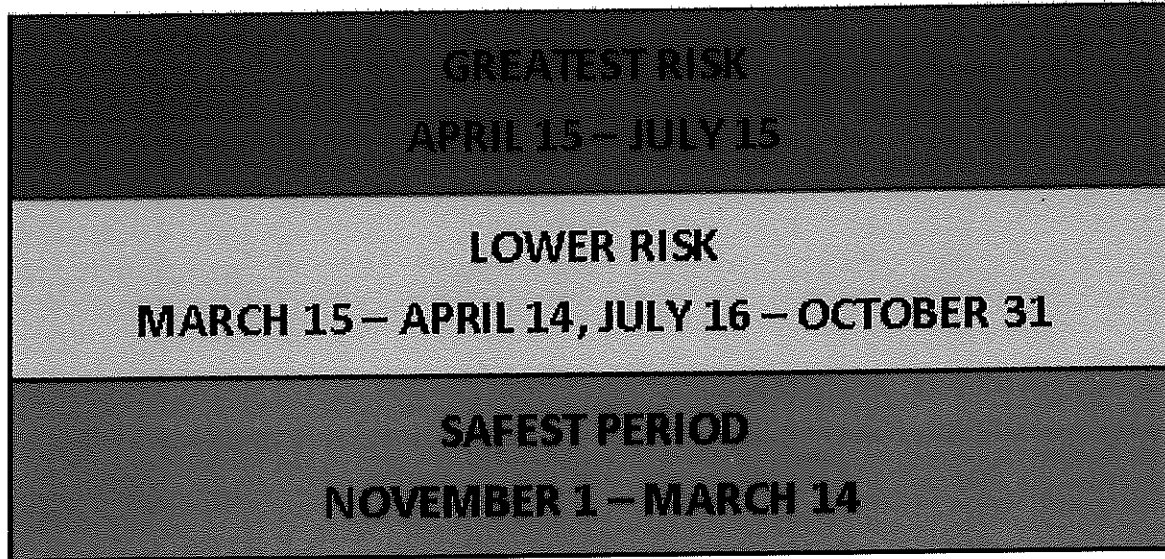
Homeowners can reduce the risk of oak wilt infections by not pruning or otherwise injuring oaks after April 15. While high risk of infection decreases to lower risk after mid-July, it's prudent to simply avoid pruning oak trees from just prior to bud break to leaf drop. This means April to November.

SOURCE: Michigan Oak Wilt Coalition

<https://www.michiganoakwilt.org/>

The **Oak Wilt Coalition** is a partnership between private, nonprofit and governmental organizations. Led by ISA Michigan (formally the Arboriculture Society of Michigan (ASM)), the partnership includes representatives from Michigan State University, Michigan Departments of Transportation, Natural Resources and Agriculture and Rural Development, ReLeaf Michigan, Michigan Forest Association, Michigan Green Industry Association, electric utilities, private companies and others.

OAK WILT RISK METER



Source of Oak Wilt Risk Meter: Michigan Oak Wilt Coalition