

AS PROPOSED FOR TOWNSHIP BOARD, October 16, 2017

*** D R A F T ***
ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES
AMENDMENTS TO ZONING CODE SECTIONS 74-605(a)(c)(d)(f)(m) and (n)(7)
ORDINANCE NO. _____, 2017
(Tree and Woodland Resource Preservation)
October 16, 2017

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following amendment to Chapter 74, Section 74-605: Tree and Woodland Resource Preservation Subsections (a) (c) (d) (f) (m) and (n)(7): [**New language underlined; deleted language ~~stricken~~**]

Section 74-605 Tree and Woodland Resource Preservation

(a) **Introduction and purpose.** Trees and woodlands provide for a number of public benefits, including environmental, social, and aesthetic benefits. Uncontrolled development or tree removal could result in unnecessary removal of trees, woodlands and related natural resources. Therefore, it is the intent of this section to:

(1) Encourage the preservation of trees and related natural resources of the Woodland ecosystem on undeveloped land and in connection with the development of land;

(2) Prohibit clear cutting of Woodland areas prior to or in anticipation of development without prior approval from the Planning Commission;

(3) Prohibit removal of protected trees or woodlands without a permit when required by this Section;

(4) Provide for the protection, preservation, proper maintenance and use of trees and Woodlands to minimize damage from erosion and siltation, loss of wildlife and vegetation, and/or from the destruction of the natural habitat;

(5) Provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of the Township, in keeping with Article IV, Section 52 of the Michigan Constitution of 1963 and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

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(c) **Prohibitions.**

(1) Clear cutting of woodlands, including grubbing, on parcels covered by this section is prohibited without first obtaining a tree/woodland removal permit. Clear cutting as a long term forestry management practice for long term regrowth of the woodland and not prior to or in anticipation of development of land is allowed without a tree/woodland

removal permit if consistent with a woodland stewardship plan described in Subsection (m) below that has been reviewed, approved and is on file with the Township prior to the start of any forestry management practices or operations.

(2) Removal of protected trees or woodlands without a permit when required by Subsection (g) below is prohibited.

(d) **Exemptions.** Tree and Woodland removal associated with the following shall be exempt from the requirements of this section:

(1) Parcels that are not subject to site plan review or subdivision plat review as defined in Article II, and:

a. Are three (3) acres or less.

b. Are greater than three acres, but where no more than 100 dbh inches of protected trees are removed within 12 months.

(2) Farming operations, as defined by the Right to Farm Act, which are lawfully existing and operating in accordance with Generally Accepted Agricultural Management Practices as adopted by the Michigan Department of Agriculture.

(3) Forestry operations conducted in compliance with a woodland stewardship plan that has been filed with the Township Building Official and has been reviewed and approved by the Township Environmental Consultant prior to the start of any forestry management practices or operations.

(4) Installation, repair or maintenance of public utilities lawfully operating in the township in accordance with an operating permit or right-of-way permit issued by the township but only to the extent that such tree or woodland removal is necessary for protection of utility lines and the public health, safety and welfare.

(5) Work within an existing public road right-of-way or an existing private road easement but only to the extent necessary for safe access along such right of way or private road easement and to protect the public health, safety and welfare in accordance with an operating permit or right-of-way permit issued by the Township.

(6) Any trees which are demonstrated by the property owner to the satisfaction of the Township Building Official, in consultation with the Township Environmental Consultant, to have a health and condition standard factor of less than 50 percent based upon the standards established by the International Society of Arboriculture.

(7) Any tree that poses a safety hazard, whose removal will prevent injury or damage to persons or property, and provided that removal is accomplished through the use of accepted standard forestry practices.

* * *

(f) **Filing of application; fee; amendment.** Application for proposed tree/woodland removal permit shall be made by filing an application form and required fee with the Township Clerk. The fees shall be set by resolution of the Township Board. In addition, when this Section requires or permits review, approval and filing of a woodland stewardship plan, the plan shall be filed with the Township Clerk on an application form provided by the Township and the required fee. The fee for review of the woodland stewardship plan shall be set by resolution of the Township Board. Any request for amendment to a tree/woodland removal permit shall be made by filing an application form with the Township and the required fee. The fee for amendment to a tree/woodland removal permit shall be set by the Township Board. Any amendment to a tree/woodland removal permit shall be processed in the same manner as the initial permit, and the amendment request and the amended plan submittals shall highlight the proposed changes, including any additional tree/woodland removal proposed, the reasons for such changes, and any additional mitigation proposed, unless otherwise required by the Township environmental consultant in consultation with the Planning Commission due to the nature of the proposed amendment.

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(m) **Woodland Stewardship Plan.** When ~~this section requires~~ a woodland stewardship plan is being proposed, it must be reviewed and approved by the Township environmental consultant prior to the start of any forestry management practices or operations. The plan shall meet the following requirements:

(1) *Plan contents.* The contents of a woodland stewardship plan must comply with the requirements established by the State of Michigan's Forest Stewardship Program (FSP) including:

a. Property identification and overview: Landowner and plan writer's names, addresses, phone numbers and signatures; acreage under the stewardship plan; date; landowners goals; location of site and directions to property; cover page with FSP logo, date, etc.; completed Landowner Assessment form; interaction with surrounding landscape.

b. Property maps and location information: General property description; forest type map; activity map; soils map, legend, and soils description.

c. Resource descriptions: Narrative description of management unit; stands described by cover type and acreage; major species; stand size class, density soil type, site quality; stand quality, including age, health, growth rate, volume, timber quality, threatened and endangered species database checked, habitat class information, cultural heritage data, stand history, wildlife habitat quality and uses, timber production potential, recreational opportunities, wetlands and water quality issues, and aesthetics.

d. Prescriptions/recommendations: Schedule of prescribed activities for the next ten years; stand/management unit specific goals statement; how prescriptions

use the appropriate best management practices to minimize damage to the resources in each management unit; long-range silvicultural objectives for each stand or cover type clearly stated and related to landowners' goals.

(2) *Professional qualifications.* All woodland stewardship plans must be prepared by a certified forester. Certified foresters are foresters registered with the State of Michigan or a conservation district forester.

(3) *Purpose.* The purpose of the woodland stewardship plan shall be for long term forest management and regrowth of the woodland and not prior to or in anticipation of development of the land.

(4) *Review and Approval by State of Michigan Forest Stewardship Program (FSP).* Prior to filing the woodland stewardship plan with the Township, the applicant shall obtain and provide evidence of approval of the plan pursuant to the State of Michigan Forest Stewardship Program or its successor.

(5) *Compliance with Generally Accepted Forest Management Practices (GAFMP).* The woodland stewardship plan shall comply with GAFMP adopted by the Michigan Department of Natural Resources or its successor.

(n) **Tree replacement options and requirements.** The tree replacement requirements herein can be met in part or in whole by the landscape requirements set forth in Section 74-586, Landscaping and transition strips.

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(7) *Security.* After issuance of a permit under this section the applicant shall deposit with the Township security in the form of cash, ~~surety bond~~ or letter of credit, in an amount recommended by the Township environmental consultant and approved by the Planning Commission, and in a form approved by the Township Building Official and Township attorney to ensure proper installation and survival of replacement trees, transplanted trees, and/or woodland plants for a period of three years after the later of (i) planting, (ii) issuance of a certificate of occupancy for the project, or (iii) final ~~permit~~ approval of the tree/woodland removal permit or any amendment. The tree replacement plan shall include a description of the proposed amount and type of security to be posted. The applicant and the Township shall enter into an escrow agreement pertaining to the conditions for release of the security in a form approved by the Township attorney and building official at the time the security is posted.

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(signatures on following page)

RESOLUTION DECLARED ADOPTED.

ANN ARBOR CHARTER TOWNSHIP BOARD
OF TRUSTEES

By: _____
Michael Moran, Supervisor

By: _____
Rena Basch, Clerk

Public Hearing: October 2, 2017

Planning Commission Recommendation: October 2, 2017

Approved by Board: _____, 2017

Effective: _____, 2017 (7 days after publication)