

CLEVELAND TOWNSHIP LEELANAU COUNTY

ORDINANCE NO. 2024-2 DRAFT VERSION 3

AMENDMENT TO THE CLEVELAND TOWNSHIP ZONING ORDINANCE

AN ORDINANCE TO AMEND ARTICLE IX, AGRICULTURAL DISTRICT SECTION 9.13
PRIVATE FOREST (9.01c).

CLEVELAND TOWNSHIP HEREBY ORDAINS:

Section 9.13 Private Forests:

Purpose:

To preserve the rural nature of Cleveland Township and the Township's Forest Conservation Areas, uses will be guided by the practical application of biological, physical, quantitative, managerial, economic, social, and policy principles to the regeneration, management, utilization, and conservation of forests while maintaining the productivity of the forest for private landowners.

1. Definitions:

Private Forest: A parcel of land within the Agricultural District consisting of an ecosystem or assemblage of ecosystems dominated by trees supporting other woody vegetation and species of plants and animals that require a forest habitat. A forest is not defined by its size. For example, a forest may include woodlands, woodlots, windbreaks, and shelter belt; or a forest could be a very narrow strip of planted trees along a property line; or a small patch of hardwoods.

Forester: Foresters are professionals who, through forestry education and practical experience, have acquired expertise in the practical application of biological, physical, quantitative, managerial, economic, social, and policy principles to the regeneration, management, utilization and conservation of forests to meet specified goals and objectives while maintaining the productivity of the forest.

Forestry Use or Forestry Operations: Activities related to the harvesting, reforestation, and other management activities, including but not limited to thinning, pest control, fertilization, and wildlife management, that are consistent with principles of sustainable forestry

2. Standards/Conditions:

- a) Any forestry, timber harvesting or land clearing activity in a private forest shall be subject to submitting a Best Practices plan and obtaining a permit from the Zoning Administrator. This plan is written by a certified Forester.
- b) A property owner may, without a permit, remove up to five (5) trees, per calendar year, whose diameter measures more than 6" at a height of 4.5' above the ground, provided that the trees removed represent no more than 30% of the total number of trees on the property.

- c) Any tree removal more extensive than described in 2b above, requires a permit issued by the Zoning Administrator after the Zoning Administrator has received a plan for the additional tree removal prepared by a Certified Arborist or Forester.
- d) Property owners who encounter insect infestation or trees suspected of being diseased shall contact a Certified Arborist or Forester for proper diagnosis and planning for treatment or removal. The property owner shall supply a copy of this consultant's report to the Zoning Administrator prior to removing any trees.
- e) Exceptions to the requirements above are:
 - a. Actions made necessary by an emergency, such as a tornado, windstorm, flood, freeze, or other disaster, to prevent injury or damage to persons or property or to restore the normal use of the property.
 - b. Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees.
 - c. Removal of dead trees.
 - d. Clear invasive species as defined by the DNR (<https://www.michigan.gov/invasives/id-report/plants>).
- f) Forestry use and or operations on lots shall retain stormwater runoff on site or detain it so as to allow discharge without any impact on adjacent lands or water (section 3.80) beyond the existing pre -use/operation run off impact.
- g) A professional forester qualified to submit a written plan for forest operations, forest management, timber harvesting or other tree removal shall subscribe to the Michigan Stewardship Ethic of the Forest Stewardship Program of the Michigan DNR and shall meet at least one of the following certifications: "Registered Foresters" are recognized by the State of Michigan – <http://www.Michigan.gov/Forestry> "Certified Foresters" are certified by the Society of American Foresters - <http://www.safnet.org> "ACF Foresters" are members of the Association of Consulting Foresters - <http://www.acf-foresters.org> "Forest Stewardship Plan Writers" write Forest Stewardship Plans https://www.michigan.gov/dnr/0,4570,7-350-79136_79237_80945_81361---,00.htm "Technical Service Providers" write plans for the Environmental Quality Incentives Program <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/technical/tsp/> "Qualified Foresters", certified by MDARD ,write plans for the Qualified Forest Program.
- h) Clearing for livestock pastureland and or crops, adhering to the State of Michigan's Right to Farm Act and its Generally Accepted Agricultural and Management Practices, is allowed without a permit.