

Wetland Essentiality Test

Sec. 12-174. Review standards.

(b) Notwithstanding the above, a use permit application for a noncontiguous wetland that is less than two (2) acres in size shall be approved unless the body acting upon the permit determines that the wetland is essential to the preservation of the natural resources of the city. It shall not be the burden of the applicant to prove that the wetland is not essential to the preservation of the natural resources of the city. All noncontiguous wetland areas of less than two (2) acres which appear on the wetlands inventory map, or which are otherwise identified during a field inspection by the city, shall be analyzed for the purpose of determining whether such areas are essential to the preservation of the natural resources of the city. If there is to be a denial of a permit to dredge, fill, construct or otherwise undertake an operation, in a noncontiguous wetland area of less than two (2) acres, then, on the basis of data gathered by or on behalf of the city, findings shall be made in writing and given to the applicant stating the basis for the determination that such wetland is essential to preservation of the natural resources of the city. In making the determination, the city shall find that one (1) or more of the following exist at the particular site:

- (1) The site supports state or federal endangered or threatened plants, fish or wildlife appearing on a list specified in Section 36505 of the Natural Resources Environmental Protection Act (Act 451 of 1994) [previously section 6 of the endangered species act of 1974, Act No. 203 of the Public Acts of 1974, being section 229.226 of the Michigan Compiled Laws].
- (2) The site represents what is identified as a locally rare or unique ecosystem.
- (3) The site supports plants or animals of an identified local importance.
- (4) The site provides groundwater recharge documented by a public agency.
- (5) The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.
- (6) The site provides wildlife habitat by providing breeding, nesting or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened or endangered wildlife species.
- (7) The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
- (8) The site provides pollution treatment by serving as a biological and chemical oxidation basin.
- (9) The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
- (10) The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

After determining that a wetland less than two (2) acres in size is essential to the preservation of the natural resources of the city, the wetland use permit application shall be reviewed according to the standards in subsection 12-174(a), above.