

WETLAND DETERMINATION KENTWOOD PLANNING DEPARTMENT

In 1979, the Goemaere-Anderson Wetland Protection act became state law. The Act provides for the preservation, management, protection and use of the wetlands through the use of permits and penalties. According to the Act, a wetland in an area such as Kentwood is:

Wetland – land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh and which is any of the following:

1. An inland lake, pond or stream;
2. A bog, swamp or marsh more than five acres in size;
3. A bog, swamp or marsh less than five acres in size if the Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment or destruction.

The Act requires landowners to obtain permits from the DNR for:

1. Depositing or allowing placement of fill in a wetland;
2. Dredging, removing, or allowing removal of soil or minerals from a wetland;
3. Building, operating, or maintaining any use or development in a wetland unless specifically exempted by the Act; or
4. Draining the surface waters from a wetland.

Kentwood has many wetlands that are primarily along Plaster Creek and Whiskey Creek. However, there are also many small marshes and bogs throughout the City. The rolling terrain and high clay content of the soil naturally contains water in depression areas. If staff suspects wetlands are present on a site proposed for development, a DNR determination of wetland extent will be required before any public hearing will be scheduled, or plan review completed. City staff does not have the authority to verify a wetland. We rely on owner-supplied information which may not be valid. The staff, Planning and City Commissions are responsible for evaluating development projects. It is imperative the evaluations are based on the best available information. The Planning and City Commissions generally rely on staff to verify the information provided to them. Staff must know the DNR prescribed wetlands perimeter before we can fully review a project. The City must not be in a position where a project receives approval from either of the Commissions and then discover the wetland is larger than the developer described and extensive revisions are required. The DNR prefers to have the local government's judgment of a request before they proceed with permits. If wetland mitigation becomes an issue due to the developer's desires, then staff can structure the City's approval to bring the project back if DNR prescribed changes become required.