

# SENATE BILL No. 807

March 17, 1992, Introduced by Senator HONIGMAN and referred to the Committee on Local Government and Urban Development.

A bill to amend Act No. 203 of the Public Acts of 1979, entitled  
"Goemaere-Anderson wetland protection act,"  
being sections 281.701 to 281.722 of the Michigan Compiled Laws, by adding section 8a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 203 of the Public Acts of 1979, being  
2 sections 281.701 to 281.722 of the Michigan Compiled Laws, is  
3 amended by adding section 8a to read as follows:

4 SEC. 8A. (1) PRIOR TO THE EFFECTIVE DATE OF AN ORDINANCE  
5 AUTHORIZED UNDER SECTION 8(4), A MUNICIPALITY THAT WISHES TO  
6 ADOPT SUCH AN ORDINANCE SHALL COMPLETE AND MAKE AVAILABLE TO THE  
7 PUBLIC AT A REASONABLE COST AN INVENTORY OF ALL WETLAND WITHIN  
8 THE MUNICIPALITY, EXCEPT THAT A MUNICIPALITY LOCATED IN A COUNTY  
9 THAT HAS A POPULATION OF LESS THAN 100,000 IS NOT REQUIRED TO

1 INCLUDE PUBLIC LANDS ON ITS MAP. A MUNICIPALITY SHALL MAKE A  
2 DRAFT OF THE INVENTORY MAP AVAILABLE TO THE PUBLIC, SHALL PROVIDE  
3 FOR PUBLIC NOTICE AND COMMENT OPPORTUNITY PRIOR TO FINALIZING THE  
4 INVENTORY MAP, AND SHALL RESPOND IN WRITING TO WRITTEN COMMENTS  
5 RECEIVED BY THE MUNICIPALITY REGARDING THE CONTENTS OF THE  
6 INVENTORY. A MUNICIPALITY THAT HAS A WETLAND ORDINANCE ON THE  
7 EFFECTIVE DATE OF THIS SECTION HAS 18 MONTHS FROM THAT DATE TO  
8 COMPLETE AN INVENTORY MAP AND TO OTHERWISE COMPLY WITH THIS ACT  
9 OR THE MUNICIPALITY SHALL NOT CONTINUE TO ENFORCE THAT  
10 ORDINANCE. UPON COMPLETION OF AN INVENTORY MAP OR UPON A SUBSE-  
11 QUENT AMENDMENT OF AN INVENTORY MAP, THE MUNICIPALITY SHALL  
12 NOTIFY EACH RECORD OWNER OF PROPERTY ON THE PROPERTY TAX ROLL OF  
13 THE MUNICIPALITY THAT THE INVENTORY MAPS EXIST OR HAVE BEEN  
14 AMENDED, WHERE THE MAPS MAY BE REVIEWED, THAT THE OWNER'S PROP-  
15 ERTY MAY BE DESIGNATED AS A WETLAND ON THE INVENTORY MAP, AND  
16 THAT THE MUNICIPALITY HAS AN ORDINANCE REGULATING WETLAND. THE  
17 NOTICE SHALL ALSO INFORM THE PROPERTY OWNER THAT THE INVENTORY  
18 MAP DOES NOT NECESSARILY INCLUDE ALL OF THE WETLANDS WITHIN THE  
19 MUNICIPALITY THAT MAY BE SUBJECT TO THE WETLAND ORDINANCE. THE  
20 NOTICE MAY BE GIVEN BY INCLUDING THE REQUIRED INFORMATION WITH  
21 THE ANNUAL NOTICE OF THE PROPERTY OWNER'S PROPERTY TAX  
22 ASSESSMENT. A WETLAND INVENTORY MAP DOES NOT CREATE ANY LEGALLY  
23 ENFORCEABLE PRESUMPTIONS REGARDING WHETHER PROPERTY THAT IS OR IS  
24 NOT INCLUDED ON THE INVENTORY MAP IS OR IS NOT IN FACT A  
25 WETLAND.

26 (2) A MUNICIPALITY THAT ADOPTS A WETLAND ORDINANCE SHALL  
27 PROCESS WETLAND USE APPLICATIONS IN A MANNER THAT ENSURES THAT

1 THE SAME ENTITY MAKES DECISIONS ON SITE PLANS, PLATS, AND RELATED  
2 MATTERS, AND WETLAND DETERMINATIONS AND THAT THE APPLICANT IS NOT  
3 REQUIRED TO SUBMIT TO A HEARING ON THE APPLICATION BEFORE MORE  
4 THAN 1 MUNICIPAL DECISION MAKING BODY. THIS REQUIREMENT DOES NOT  
5 APPLY TO EITHER OF THE FOLLOWING:

6 (A) A PRELIMINARY REVIEW BY A PLANNING DEPARTMENT, PLANNING  
7 CONSULTANT, OR PLANNING COMMISSION, PRIOR TO SUBMITTAL TO THE  
8 DECISION MAKING BODY IF REQUIRED BY AN ORDINANCE.

9 (B) AN APPEAL PROCESS THAT IS PROVIDED FOR APPEAL TO THE  
10 LEGISLATIVE BODY OR OTHER BODY DESIGNATED TO HEAR APPEALS.

11 Section 2. This amendatory act shall not take effect unless  
12 Senate Bill No. 522 of the 86th Legislature is enacted into law.