

**MINUTES OF THE RULES WORKSHOP  
OF THE  
COMFORT LAKE -FOREST LAKE  
WATERSHED DISTRICT**

**THURSDAY, NOVEMBER 20, 2008**

1) **Call to Order**

The Vice President called the Rules Workshop to order at 6:00 p.m. at the Forest Lake City Offices, 220 North Lake Street, Forest Lake, Minnesota

Present: President Jackie Anderson, Vice President Richard Damchik, Treasurer Jon Spence, Manager Wayne Moe

Absent: Secretary John Lynch

Staff: Randy Anhorn, Chuck Holtman (Smith Partners), Lisa Tilman (EOR)

2) **Review and Discussion on the Draft Rules.**

Administrator Anhorn went over the various topics to be discussed at the workshop, including the following:

1. Discussion on compiled comments, including draft responses, from 45-day review and public hearing
2. Discussion on Rule language changes clarifying a couple areas in proposed Rules as presented by Smith Partners
  - a. Buffer intent and suggested refined language
  - b. Erosion control rule
  - c. Stormwater rule
  - d. Added language authorizing the District to enter open but inactive property to abate or prevent impending water resource impacts
3. Discussion on upcoming timeline for adoption on Rules and initiation of Permit Program
4. Discussion and potential Board approval of presented documents and fee schedule
  - a. Application
  - b. Financial assurance templates (letter of credit, performance bond, escrow agreement)
  - c. Stormwater facility maintenance declaration and agreement
  - d. Example permit letter template
  - e. Field inspection fee deposit and financial assurance schedules
  - f. Guidance Manual

***Discussion on compiled comments, including draft responses, from 45-day review and public hearing***  
(a copy is annexed and incorporated by reference).

Administrator Anhorn presented the received comments from the 45-day review period on the District's proposed rules (a copy of the compiled comments are annexed and incorporated by reference). Anhorn mentioned that comments were received from Browns Creek Watershed District, BWSR, Chisago City, the City of Forest Lake, Metropolitan Council, MNDOT, City of Scandia, Washington County, WCD, and the City of Wyoming. The Board discussed the received comments and agreed by consensus on responses to the comments as presented in the attached table.

The Board asked that following the upcoming December regular Manager's meeting, and after Board

approval and rule adoption, that staff send the comments and responses out to the respondents along with the adopted rules.

The Board further requested staff prepare and forward a resolution for adoption of the rules for the December 18, 2008 Board meeting.

***Discussion on Rule language changes clarifying a couple areas in proposed Rules as presented by Smith Partners*** (a copy of Smith Partners memo is annexed and incorporated by reference)

Chuck Holtman went through the suggested language changes that due to the current economic conditions and their impact on development activity have disturbed the heretofore reliable presumption that site development, once begun, will continue diligently until completed. The following additions to the proposed rule are offered to strengthen the District's ability to protect water resources from open but inactive sites.

Following discussion on the proposed, The Board requested staff make the suggested changes to the proposed rules.

Chuck Holtman then asked for clarification on if the buffer rule if the Board had intended for the rule to be a stand alone rule triggered by its own applicability. The Board discussed the rule and its applicability and stated that it was there intention for the rule to be triggered by its own applicability. Chuck Holtman then suggested some refinement to the language in order to clarify the Boards intentions.

***Discussion on upcoming timeline for adoption on Rules and initiation of Permit Program***

Staff went through the timeline and outstanding needs prior to the Board adopting the proposed rules. Staff stated that once the Board hears all concerns, finds the rules sound, reasonable and fair; and serve to protect, conserve, and manage the beneficial use of the waters and resources of the watershed; they would need to determine an implementation date for the rules and permit program to be officially implemented (after which date a District permit would be required).

Administrator Anhorn handed out a list of projects currently in process in the watershed and where the projects are in the approval process (a copy is annexed and incorporated by referenced). The Board held discussion on current projects and determined that if the rules are adopted at the December Board meeting, that starting on February 1, 2009, or thereafter all projects shall be subject to the District's adopted rules.

Following discussion, motion was made by Manager Damchik and seconded by Manager Anderson, to adopt the rules at the Board's December 18, 2008 Board meeting and set a rules and permit implementation date for February 1, 2009. Upon vote, the motion carried unanimously.

***Discussion and potential Board approval of presented documents and fee schedule***

Administrator Anhorn stated that at previous meetings he had provided draft forms/documents that the District will need to implement its regulatory program. The documents included:

- Permit Application
- Stormwater facility maintenance declaration and agreement
- Financial assurance template (letter of credit, performance bond, and escrow agreement)

- Field inspection fee deposit and financial assurance schedules

A copy of each is annexed and incorporated by reference. Administrator Anhorn stated that he incorporated comments from Smith Partners in the presented documents, and asked the Board for comments on the documents. Anhorn further recommended their adoption for use as part of the District's Permit Program.

The Board approved by consensus the permit application (with edits), the stormwater facility maintenance declaration and agreement, and the financial assurance templates.

Administrator Anhorn then requested the Board review the presented proposed field inspection fee deposits and financial assurance schedules (a copy of each is annexed and incorporated by reference). The Board went through each of the presented fees and approved the following:

<b>Field Inspection deposit Fee</b>	
<b>Permit Type</b>	<b>Field Inspection Fee Deposit</b>
a) Rule 2.0 Stormwater Management	
Rule 2.2a - Land Development-Subdivision of 3 lots	\$2,000
Greater than 3 lots	\$100/additional lot
Rule 2.2b-d – All other stormwater rule applications	\$3,000
b) Rule 3.0 Erosion Control	
Activities/Grading less than 1 acre	\$1,000
1.0 - 4.99 acres	\$1,250
5.0 - 19.9 acres	\$1,500
20 or more acres	\$2,000
c) Rule 4.0 Buffer Requirements	\$1,500
d) Rule 6.0 Watercourse and Basin Crossings	\$1,500
e) Rule 7.0 Floodplain and Drainage Alterations	\$ 500

<b>Financial assurance</b>	
<b>Area of Activity</b>	<b>Financial Assurance Amount</b>
Grading or Alteration	\$2000/acre
Stormwater Management Facility	125% of estimated construction cost

The Board decided that, unless the Board finds that the project presents a significant risk of water resource harm from erosion, financial assurance is not required for a project undertaken by or for a resident owner on a single-family home site requiring only an erosion control permit under Rule 3.0 or on a stormwater management facility if an applicant demonstrates that it has provided the municipality a financial assurance for the facility of an equal or greater amount.

The Board requested staff prepare and forward a resolution for adoption of the approved field inspection deposit fee and financial assurance schedules for the December 18, 2008 Board meeting.

***Discuss the additional steps needed in order to define the Districts permit program***

Administrator Anhorn discussed the possibility of delegating certain permit approval authority to the administrator (e.g. Rule 3.0 erosion control). Administrative permits could reduce overall plan review

time and costs. The Board agreed, however, decided that they would rather start the program off with everything coming before the Board and then determine sometime thereafter to define what would be better managed through an administrative permit process.

The Board decided to table the discussion of additional needs until the Board December 18, 2008 regular Board meeting.

3) **Adjournment**

Motion to adjourn CLFLWD Rules Workshop was made by Manager Damchik and seconded by Manager Moe. Upon vote, the motion carried unanimously.

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John T. Lynch, Secretary