



MEMORANDUM

Comfort Lake-Forest Lake Watershed District

Date: December 8, 2025
To: Board of Managers
From: Administrator Kinney
Subject: Revision to Rule 9.0



District Wide

Background/Discussion:

The permitting rules of Comfort Lake Forest Lake Watershed District (CLFLWD) state that the cost of private development review should be covered not by levy funds but by the permittee. Staff currently charge expenses incurred and tracked for permit review, processing and compliance monitoring; however, this is time-consuming and requires extensive accurate administration to capture all costs. At the September 25, 2025, board meeting, the CLFLWD board voted to publish and distribute a proposed permit fee structure rule revision and provide at least 45 days for public comment. This revision would allow the board to adopt a fee schedule that applies a flat fee based on applicable rules.

CLFLWD has received comments from Washington County and the City of Forest Lake. It also has received emails from the Met Council and Minnesota Department of Health saying the organizations have no comments.

The City of Forest Lake is supportive but notes that 9.3.3 is ambiguous and CLFLWD staff have edited the section for clarity, without changing the meaning.

Washington County also supports the rule revision but suggests stating in 9.3.2 and 9.3.3 a time by which CLFLWD will notify a person it finds to be doing work without a permit and will notify an applicant who has underpaid or overpaid the permit fee, respectively. These events are specific to circumstances, and the timing of notice to a property owner relating to them is not governed by any specific legal constraint. Further, time frames for such notices were not the subject of the proposed rule change as published.

Accordingly, staff recommend that the changes that the County suggests not be made at this time. However, staff proposes to add to 9.3.3 that CLFLWD will refund a fee overpayment within 30 days of the permit decision. Washington County also questions if the excess fees provision of 9.3.4 would apply to governmental agencies. In that 9.4 exempts governmental agencies from permit fees, the excess fees provision would not apply to such agencies.



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The 45-day comment period is closed, and all comments have been considered and incorporated into the proposed rule revision. The CLFLWD board will now consider adopting the proposed Rule Revision.

At the September 25, 2025, meeting, the board also reviewed a proposed fee schedule presented by the CLFLWD engineer. The proposed flat fee structure aligns with actual costs CLFLWD incurred for each category of permit, based on an historical review performed by the engineer. The present meeting packet includes this as the proposed Fee Schedule, which staff recommends for adoption.

These two items will require separate votes, the first to adopt the rule revision and the second to adopt the new flat rate fee schedule. In the future, this fee schedule may be updated by board resolution. These updates would not, however, require a public hearing nor notice from the board.

If the rule revision is adopted, the CLFLWD Administrator, in accordance with statute, will publish notice of the adoption of the rules, and will mail a copy of the rules to the governing body of each city and township affected by the rules, public transportation authorities with jurisdiction in the watershed, and BWSR. Additionally, the Administrator will file a copy of the rules with the Washington and Chisago County Offices of the Recorder.

Recommended Motions

Motion 1 – Rule Revision:

Proposed Motion: Manager _____ moves to adopt the attached proposed revised rule.
Seconded by Manager _____.

Motion 2 – Fee Schedule:

Proposed Motion: Manager _____ moves to adopt the proposed fee schedule, titled "Schedule A – Permit Fee Schedule," replacing existing Schedules A and B. Seconded by Manager _____.

Attached

Revision to Rule 9.0

Proposed Permit Fee Structure

9.0 FEES

9.1 Policy Findings. The Board of Managers finds that:

9.1.1 When property owners are encouraged to seek permits for potential projects, the public benefits by improving or maintaining water quality and quantity of water resources in the District. Other benefits include reduced inspection and enforcement costs for correcting unpermitted activities in violation of District rules, state and federal clean water laws.;

9.1.2 It is in the public interest that land disturbance subject to District rules be inspected and analyzed by District staff to provide the Board of Managers sufficient information to evaluate compliance with District goals and Rules and applicable law. The District's annual tax levy should not be used to pay the cost to monitor private development projects; and

9.1.3 From time to time persons perform work requiring a permit from the District without a permit, and persons perform work in violation of an issued District permit. In this case, the cost of engineering inspection and analysis and actions to gain compliance typically exceeds the ordinary cost of monitoring a compliant site. This cost should be borne by the property owner that has not followed required procedures, and not by the District's general taxpayer base.

9.2 . ~~Calculation of Fees Establishing Fees.~~ As an element of a complete application, the applicant shall submit to the District a permit fee and permit fee deposit that The Board of Managers, by resolution, will establish the permit fee schedule and amend it from time to time. ~~The schedule will reflect~~s the District's actual costs of permit application review and field inspection of the work, including investigation of the area affected by the work, analysis of the work, services of a consultant, including engineering and legal consultants, and activity performed to monitor and secure compliance with the permit and District rules. ~~The permit fee schedule will be established, and amended from time to time, by resolution of the Board of Managers.~~

9.3 Payment of Fee.

~~9.3.1~~ As an element of an application, the applicant must submit to the District a permit fee in accordance with the District's permit fee schedule.

~~9.3.1~~ **9.3.2** The District may notify any person performing work that it finds to be in violation of a District rule or permit. If a permit has not been issued for the work, the person performing the work ~~shall~~ **must** promptly apply for a permit and submit the permit

application fee and ~~permit fee deposit~~. The permit fee schedule may reflect the increased District cost to investigate, and provide for review and permitting of, unpermitted work.

9.3.32 ~~On permit review, t~~The District ~~shall~~ will notify the permit applicant if, on review of the application, it finds that under the fee schedule, the fee has been under- or overpaid. ~~of any additional permit fee deposit due.~~ The adjusted permit fee ~~deposit must shall~~ be paid to the District before the permit will issue. In the case of overpayment, the District will refund the excess payment within 30 days of the permit decision.

9.3.43 ~~When the District determines that work under a permit has been completed, it will return to the permittee the remaining portion of the permit fee deposit. If the District expends funds in excess of the permit fee deposit, it may invoice the permittee for the excess at any time.~~ The Board of Managers may include an excess fees clause in the fee schedule, providing that if actual District engineering and legal review costs exceed the applicable fee by an amount set forth in the fee schedule, the applicant must reimburse that exceedance before the permit will issue. The fee ~~shall must~~ be paid to the District within thirty (30) days from the date of invoice. Failure to ~~timely~~ pay the permit fee deposit, ~~in addition~~, is a violation of the permit ~~terms~~ and the District may recover the permit fee by any means authorized by law.

9.4 Governmental Agencies Exempt. The fee provided for in this Rule will not be charged to any agency of the United States or any governmental unit in the State of Minnesota.



Comfort Lake–Forest Lake Watershed District Rules

Schedule A—Permit Fee Schedule

On _____, the Comfort Lake–Forest Lake Watershed District (CLFLWD) Board of Managers adopted Resolution _____ establishing this permit fee schedule. This fee schedule will apply to all permit applications received as complete on or after January 1, 2026. The fee for submittal of a CLFLWD permit application is pursuant to Minnesota Statutes 103D.345 and CLFLWD Rule 9.0 and is as follows:

Water Resource Fee

The amount of the permit fee is reviewed and revised by the CLFLWD Board on an annual basis or otherwise as warranted. An application is not deemed complete until the required permit fee has been submitted. The permit fee is as stated below, and is additive for all applicable rules.

Table1: Permit Fees.

Rule		Fee
Rule 2.0 Stormwater Management	Rule 2.2.1(a)	\$1,850
	Additional lots; < 3 lots	\$50/lot
	Rule 2.2.1(b-d)	\$3,500
Rule 3.0 Erosion Control	Activities disturbing: Less than 1 acre	\$1,125
	1.0 – 4.99 acres	\$1,375
	5.0 – 19.99 acres	\$1,625
	20.0 or more acres	\$2,125

Rule 4.0 Lake, Stream, and Wetland Buffer Rule	\$2,250
Rule 6.0 Stream and Lake Crossings	\$1,500
Rule 7.0 Floodplain and Drainage Alterations	\$500
Applicable to all Rules	If actual District engineering and legal review costs exceed the fee amount by \$4,500 or more, the amount of the exceedance will be added to the permit fee.