



## MEMORANDUM

Comfort Lake-Forest Lake Watershed District

**Date:** February 9, 2026  
**To:** CLFLWD Board of Managers  
**From:** Mike Kinney, District Administrator  
**Subject:** Proposed 2026 Rule Revision



**District Wide**

### Background/Discussion:

The Comfort Lake-Forest Lake Watershed District (CLFLWD) permitting program regulates activities ranging from individual single-family homes to large scale development projects as well as city infrastructure improvements. These rules have a large effect on the community, and it is important that the rules balance the protection of water resources and the community need for development and redevelopment.

It is the District's goal to review its rules every 10 years, and update them based on community needs, current engineering practices and economic best practices. The purpose of this memo is to introduce the board to the proposed 2026 rule revision framework - including costs, preliminary timeline, and topics to consider. The 2026 workplan has CLFLWD staff allocating 0.2 Full-time equivalents for the proposed revision and \$30,000 of levy funds for consultant costs. Additionally, the District was awarded a PRAP grant of \$8,400 to use in improving the permitting program. However, these funds cannot be used for the rule revision process itself but can be utilized in the initial gap analysis work. The plan would be split into three phases:

1. Rule assessment and gap analysis (Feb 2026 to Oct 2026)
  - a. Engage with community including Board, Partners, and Stakeholders
  - b. Staff and District Engineer review rules
2. Draft Rule Revision (Nov 2026 to Feb 2027)
  - a. Staff and District Engineer draft proposed rules based on phase 1 results
3. Adoption of Revised Rules (Feb 2027 to May 2027)
  - a. Distribute proposed rules for public comment
  - b. Review public comments
  - c. Board votes on adopting proposed rule revision

Attached are an EOR scope of work and a presentation to provide more detailed information on the proposed rule revision including a timeline, staff goals, and a staff compiled list of topics to consider based on board, staff, district engineer, government entities, developers,



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community members, and permittee experiences. These items have been compiled and grouped based on CLFLWD rules, new potential regulations, and a miscellaneous page.

**Attached:**

2026 Proposed Rule Revision Presentation  
EOR SOW



# 2026 Proposed Rule Revision





# Introduction

## Main Sections

- Rule Revision Goals
- Preliminary Timeline
- Budget
- Potential Revisions
  - Rule 2.0 Stormwater
  - Rule 3.0 Erosion Control
  - Rule 4.0 Wetlands
  - Other Current Rules
  - New Rules
  - Miscellaneous

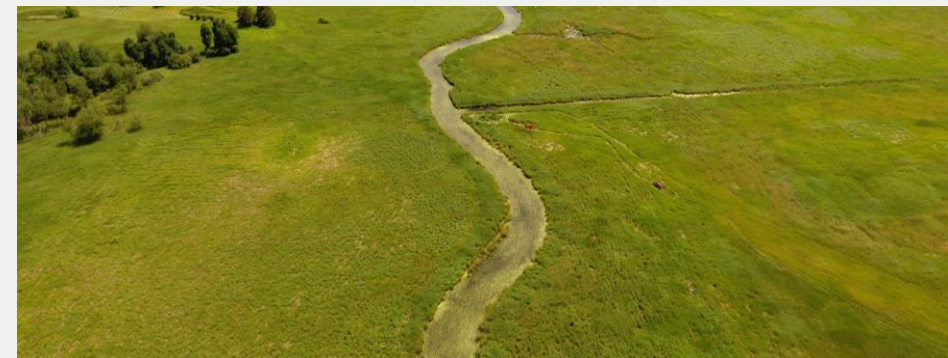




## Goals

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- Retain current level of water quality protection
- Ensure standards are up to date with current standards, research, and practices
- Institute flexible rules
- Allow lower cost practices that provide comparable benefits





## Timeline – 2026 to 2027

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**Phase 1** Rule assessment and gap analysis (Feb 2026 to October 2026)

**Phase 2** Draft Rule Revision (Nov 2026 to Feb 2027)

**Phase 3** Adoption of Revised Rules (Feb 2027 to May 2027)



## Timeline – 2026 to 2027 cont.

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### Board Engagement

- February and March
  - Proposed process
  - Board guidance
- September
  - Hold Public Hearing

### Partner Engagement

- March to May
  - Meet with interested Counties, Cities, State Agencies for input

### Stakeholder Engagement

- July to August
  - Distribute questionnaires to permittees
- October
  - Hold public meeting with stakeholders

### Rule Revision

- November 2026
  - Draft Revisions
- February 2027
  - Comment Period

### Board Action

- May 2027
  - Board vote on rule revisions



## Proposed Rule Revision Budget

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The proposed rule revision is a large undertaking that will require both staff and consultant time. The budget including staff time is below:

**CLFLWD Staff:** 0.2 Full Time-Equivalents (FTE) in 2026, less than 0.1 in 2027

**Levy Funds:** \$30,000 for consultant fees including for District Engineer EOR in 2026, budget TBD for 2027

**Performance Review and Assistance Program (PRAP):** The District was awarded a PRAP grant of \$8,400 to use in improving the permitting program, however, these funds cannot be used for the rule revision process itself. This grant will fund staff and EOR time to perform a gap analysis/workload analysis associated with expanding the District's regulatory capacity, and to expand/enhance resources for permittees (e.g., permit process flow chart).



## Rule 2.0 Stormwater

- Application of Minimal Impact Design Standards (MIDS) on large rural plots
- More flexibility for permittees to pay into Stormwater Impact Fund
- Excluding rural large lots from subdivision stormwater requirements or providing alternative options
- Inclusion of water reuse credits
- Credit for impervious reduction
- Regional specific stormwater rules
- Simplify rule or improve language for how new development stormwater requirements are applied





## Rule 2.0 Stormwater cont.

- Review and update of sequencing for stormwater rule
  - Better clarity on sequencing and discussion whether filtration is still a preferred treatment option after infiltration.
  - Update filtration media requirements
  - Also, should be flexible enough that the standard can change as more science and better media become available.
- For housing development stormwater treatment, require that they are built on public land or the maintenance agreement be held by a public entity



*Stiff-leaved goldenrod growing in Heims Lake Villas BMP installation*



## Rule 2.0 Stormwater cont.

- Utility replacement projects exemption
- Public road exemptions
- Develop more explicit expectations for stormwater design, such as the inclusion of native vegetation seeded in stormwater basins
- Applying more rigorous initial, ongoing, and closeout inspections to BMP installations (Level of oversight on stormwater features, infiltration tests, etc.)



*Xcel pole replacement project*



## Rule 3.0 Sediment, Erosion Control & Rule 4.0 Buffers, & Rule 6.0 Crossings

- Review requirements of when silt fence/erosion control must be removed after the completion of a project
- Rule requiring biodegradable erosion control materials/blankets and/or establishing when non-biodegradable would be acceptable.
- Switch from MnRAM to the WI/MN Rapid Assessment Method
- Definition of current condition-to address encroachment
- Additional clarity on what constitutes a watercourse crossing trigger under rule 6.



*Silt fence installed at remodel site on Forest Lake's east basin*



## New Rules

- Develop and implement a Chloride Management Plan
- Set standards for calculation of impervious surface created by solar panel installations
- Establish permit process for shoreline work that does not trigger a DNR permit
- Include language to clarify conditions that necessitate a permit during repair work for ice heave damage, using DNR guidelines (5.0) Potentially creating a streamlined process such as a web notification form to keep records on active work that does not require a permit



*Ice heave formed at the Forest Lake #1 boat access*



## Miscellaneous

- Update to reflect the publication of Atlas 15 (2.0)
- Remove rule triggers that are caused by city variance and adopt standardized District criteria



*Left: Photos highlighting the stormwater features and natural elements of Heims Lake Villas. Above: Aerial view of Forest Lake.*

# Scope of Work



**Project Name** | CLFLWD Permit Rule Revision Phase 1 Scope of Work

**Date** | 2-9-2026

**To / Contact info** | CLFLWD Board of Managers

**Cc / Contact info** | Mike Kinney, District Administrator

**From / Contact info** | Anne Wilkinson, PhD, PE

The following is the proposed scope and budget for EOR's support with the first phase of the Permit Rule Revision. The first phase includes permit rule assessment and gap analysis and is anticipated to take place February- October 2026.

## Task 1. Community Engagement

EOR and District staff have compiled a preliminary list of permit rule revisions. This list will be refined and presented to stakeholders. This task includes seeking input from District Managers, Municipalities, Counties, MnDOT, BWSR and the public. Task 1 will include preparation, technical support, and meeting attendance for: one Board Workshop, three Municipality meetings (Wyoming, Scandia, Forest Lake), two County meetings (Chisago, Washington), a meeting with BWSR, a meeting with MnDOT and a public hearing. EOR will assist with review of comments and responses to stakeholder feedback.

Expense	Units	Cost
Labor Total	47.5 hours	\$9,827

## Task 2. Assessment and Gap Analysis

The purpose of Task 2 is to further refine the rule revisions based on the community engagement in Task 1. EOR will develop a list of recommended rule and standards revisions to be considered during the rulemaking process per previously completed assessments and input from stakeholders in Task 1.

Expense	Units	Cost
Labor Total	14 hours	\$3,022

## Recommended Motion

We recommend the Board approve this scope of work for EOR to support first phase of the permit rule revisions for a total cost of \$12,849.



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## MEMORANDUM

**TO:** Board of Managers, Comfort Lake-Forest Lake Watershed District  
**FROM:** Chuck Holtman  
**RE:** 2026-27 Rulemaking Project  
**DATE:** February 11, 2026

The District has not reviewed its rules in a broad manner since its adoption of a comprehensive set of rules in 2008. The February 12, 2026 regular meeting agenda includes a discussion of a proposed review of District rules and a rule revision to occur in 2026-27. To assist in that discussion, Administrator Kinney asked that I provide a short memo outlining the role that counsel may play in the effort.

Counsel's role may fall into four categories:

- Rule revision scoping and content decisions
- Rule revision drafting
- Preparing rulemaking rationale document
- Assisting in public engagement

Initial scoping and content decisions. As staff directs, I would participate in discussions among staff and the District engineer, and in Board discussion, to identify subjects for rule revision and the substance of revisions. From my experience supporting the District and with other clients, I would contribute to identifying issues that have arisen in implementing the District rules and other issues in water resource regulation that the Board may wish to address. I would advise as to questions that may arise as to, for example:

- Approaches to regulating, and the District's legal authority with respect to alternative approaches
- Authorities of other public entities to regulate within the realm in question, and how District regulation might co-exist or be integrated with those authorities
- Practical considerations attending regulatory options

Rule revision drafting. Rule text requires attending to structural and textual clarity. Terms have legal connotations and should be written to protect District authority and discretion when subject to interpretation. For this reason, counsel ordinarily is the principal drafter of proposed rule text, or plays a principal role in reviewing drafting by staff or the engineer.

Preparing rulemaking rationale document. In rulemaking by state agencies, a proposed rule must be accompanied by a document titled a "Statement of Need and Reasonableness" (SONAR). Watershed districts are not subject to this legal requirement, but preparation of such a document is customary and prudent. The document explains the proposed rule revisions in a

conversational way to assist the public and agencies in reviewing and commenting on the revisions. It expresses the reasons for the proposed revisions and why the District believes the revisions to be appropriate and sound. The document is important in the event of a legal challenge, which in the District's case should be unlikely. It also is a document that is useful when questions arise in the future as to the meaning and Board intent with respect to particular rule text, and provides legal support for District interpretations of its rules. Typically this document is drafted by counsel in order to serve these several purposes.

Assistance in public engagement. Comment from the public, local units of government and state agencies may raise questions of legal authority, or of policy choices that bring legal considerations into play. At staff's direction, I would assist in assessing and preparing responses to such comments.

It is difficult to determine, in advance, the number of counsel hours for the rulemaking effort, as this depends directly on the scope and nature of rule changes, the internal process to develop the proposed rule, the number of iterations that may occur before the proposed rule is finalized, and the extent and nature of comments during public review. Throughout the process, counsel would work at the direction of staff.

c: Mike Kinney, Administrator