



Draft Rules

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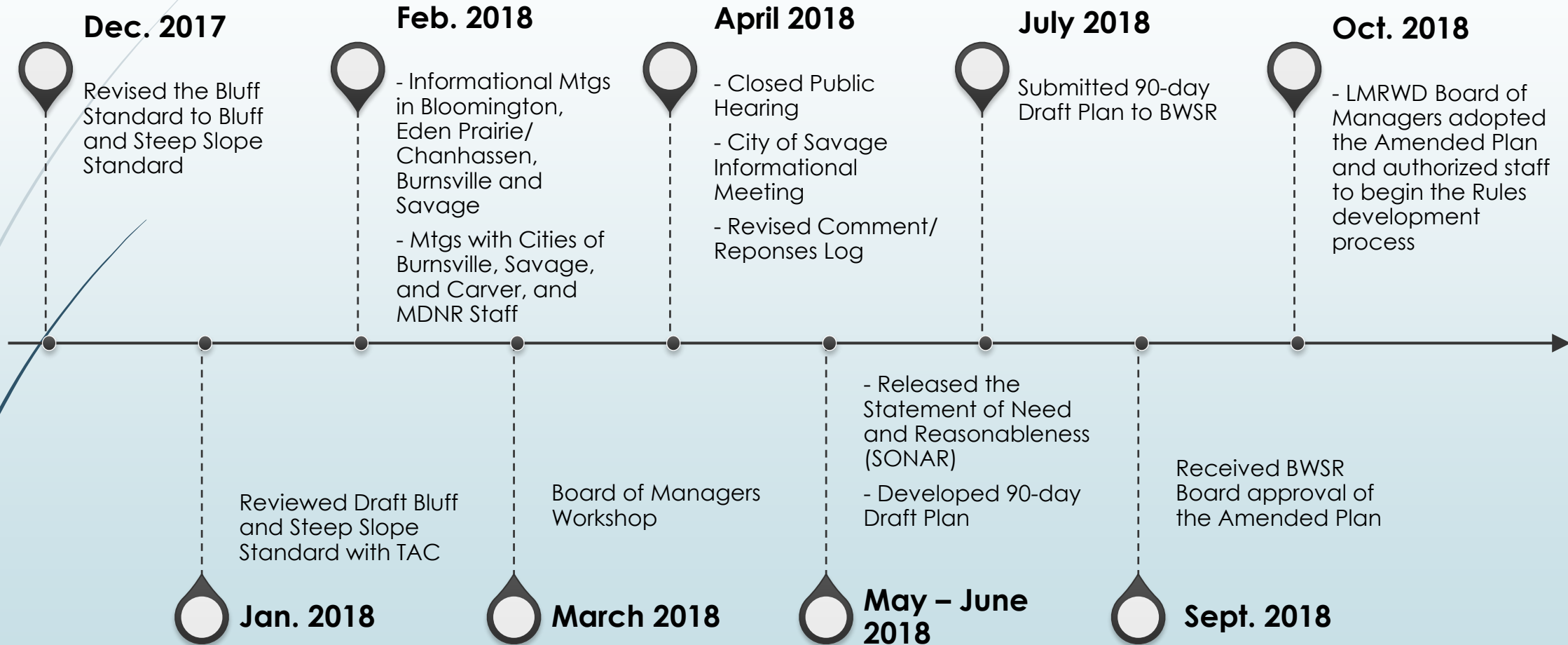
John Kolb – Rinke Noonan

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Overview

- ▶ Welcome and introduction – Linda Loomis
- ▶ Background – Della Schall Young
- ▶ Rule A – John Kolb
- ▶ Rules B – H – Della Schall Young
- ▶ Schedule and next steps - Della Schall Young

Background





Rule A: Administrative and Procedural Requirements – Review

► Purpose

- Facilitate municipal compliance with Statutes Section 103B.235, subd. 1:
 - the local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared official controls as necessary to bring local water management into conformance with the watershed plan.
- Provide mechanism to verify local controls (land use ordinances) comply with standards in the plan.
- Avoid duplicative programs.



Rule A: Administrative and Procedural Requirements – Review

- ▶ Fundamental Structure (General Permit)
 - ▶ Adopted official controls consistent with the performance standards articulated in the Watershed Management Plan (appendix K) as reflected in rules B, C, D and F.
 - ▶ Application date of February 7, 2020; Implementation date of May 1, 2020.
 - ▶ Five year duration (ensures mid-point review).
 - ▶ Provides for compliance audit, suspension/revocation and enforcement.
 - ▶ Allows LGU to issue variances, with district review and comment, according to existing LGU standards for issuance of variances.**
 - ▶ Provides for exception process, by memorandum of agreement, for the steep slope standard (Rule F)

**No variance from professional certification requirement for steep slopes



Rule A: Administrative and Procedural Requirements – Review

► Fundamental Structure (Individual Permit)

- Applies to MNDOT project and in the absence of a General Permittee (unorganized areas, where general permits has either not issued or has been suspended or revoked).
- Applications subject to 60 day rule.
- Provides for conditional approval, reconsideration and appeal.
- Applies practical difficulties standard to variances.
- Allows for after-the-fact consideration.
- Establishes framework for permit and inspection fees, financial assurances and enforcement.



Rules B - H: General Review

- ▶ General and High Value Resource Areas (HVRA) regulations within Rules B and D. HVRA Overlay District maps and shapefiles are available upon request from the District
- ▶ Rules E, G and H – permits are administered by the Minnesota Department of Natural Resources with input from the District
- ▶ Rule F – Steep Slopes Overlay District maps and shapefiles are available upon request
- ▶ Required information and exhibits were added to all rules.



Schedule

- April 2019: Present draft rules to the managers, request draft rules release.
- May 2019: Present draft rules to the TAC and solicit comments
- June 2019: Submit draft rules to BWSR, all public transportation authorities, TAC and all statutorily required review entities for the 45-day review period.
- September 2019: Address all comments received during the 45-day review period and revised the rules, accordingly.
- October 2019: Notice and hold a public hearing on the draft rules, as revised.



Schedule

- ▶ November 2019:
 - ▶ Provide written notice of adopted rules and a copy of the rules to public transportation authorities that have jurisdiction within the watershed district and to the governing body of each municipality affected by the rules.
 - ▶ File a copy of the adopted rules with the county recorder of each county affected by the watershed district and with BWSR.
- ▶ February 7, 2020: General Permit application due to the District



Questions?