

**RESOLUTION NO. 2021-25**

**RICE CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**ADOPTING REVISED PERMIT FEE SCHEDULE**

Manager Weinardt offered the following resolution and moved its adoption, seconded by Manager Bradley.

**WHEREAS** the Rice Creek Watershed District (“District”), a governmental subdivision with powers set forth in Minnesota Statutes Chapters 103B and 103D, is authorized to act to achieve the purposes set forth in those chapters for the protection, conservation and beneficial use of the water resources of the watershed;

**WHEREAS** Minnesota Statutes §103D.341 states that the District Board of Managers (“Board”) must adopt rules to accomplish the purposes of Chapter 103D and implement the powers of the managers;

**WHEREAS** Minnesota Statutes §103D.345, subdivisions 1 and 2, provides for a \$10 non-refundable permit fee, and further provides that a watershed district may charge permit inspection fees to cover actual costs to review projects conducted within its jurisdiction, including actual costs related to investigation of the area affected by a proposed activity, analysis of the proposed activity, services of a consultant, and any required subsequent monitoring of the proposed activity;

**WHEREAS** the Board concurs in the intent of §103D.345 that those wishing to undertake activities requiring permits, and not the taxpayers of the watershed district, should bear the principal cost of District review for the purpose of protecting water resources from the impacts of those activities;

**WHEREAS** District Rule B, section 8, provides that the Board will establish and from time to time revise the permit fee schedule;

**WHEREAS** on September 8, 2021, the Board tasked the District engineer to review actual costs associated with permit review, and the District engineer performed the requested analyses as presented in technical memoranda dated October 6, November 3, and November 29, 2021;

**WHEREAS** at workshop meetings on October 11 and November 8, 2021, and at the regular meeting of December 8, 2021, the Board reviewed the data and recommendations of the District engineer and concurred in a permit fee approach presented by the District engineer, according to which applicants would pay a permit fee equal to 60 percent of actual permit review cost, as simplified for administrative feasibility, and 100 percent of that part of actual permit review cost exceeding a specified amount;

**WHEREAS** the attached "RCWD Permit Review Schedule" reflects the approach described in the preceding paragraph;


**THEREFORE BE IT RESOLVED** that the Board hereby revises the District's existing permit fee schedule by approving the attached "RCWD Permit Fee Schedule," which supersedes and replaces the preexisting fee schedule;

**BE IT FURTHER RESOLVED** that the change is effective as to all applications not deemed complete within the meaning of Minnesota Statutes §15.99 as of the end of December 31, 2021;

The question was on the adoption of the Resolution and there were 4 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
WALLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WEINANDT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PREINER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Resolution passed

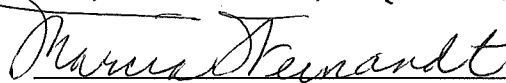
  
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Marcia A. Weinandt, Secretary

Dated: December 8, 2021

\* \* \* \* \*

I, Marcia A. Weinandt, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 8<sup>th</sup> day of December, 2021.

  
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Marcia A. Weinandt, Secretary

## **RCWD PERMIT FEE SCHEDULE**

The permit fee schedule was most recently adopted on December 8, 2021 (effective January 1, 2022) by District Board Resolution 2021-25 in accordance with RCWD Rule B.8 (Procedural Requirements). Government entities are exempt from permit fees.

### **Non-Rule C Fee:**

A \$300 non-refundable fee is due at the time of application for a project subject to one or more of the following Rules:

- Rule D (Erosion and Sediment Control Plans)
- Rule E (Floodplain Alteration)
- Rule F (Wetland Alteration)
- Rule G (Regional Conveyance Systems)
- Rule I (Public Drainage Systems)
- Rule J (Appropriation of Public Waters)

### **Rule C (Stormwater Management) Fee:**

Residential, Commercial, Industrial, Institutional development that proposes less than 5 acres of new and/or reconstructed impervious surface

- \$3,000 non-refundable fee due at time of application
- Once application review costs (District Engineer and Legal Counsel) exceed \$9,000\*, any additional cost must be reimbursed by the applicant before the permit can be issued.

Residential, Commercial, Industrial, Institutional development that proposes 5 or more acres of new and/or reconstructed impervious surface

- \$5,400 non-refundable fee due at time of application
- Once application review costs (District Engineer and Legal Counsel) exceed \$9,000\*, any additional cost must be reimbursed by the applicant before the permit can be issued.

An application subject to a Rule C fee is exempt from the Non-Rule C fee of \$300.

The following is exempt from the Rule C fee and subject only to the Non-Rule C fee of \$300:

- Single-family residential subdivision that creates seven or fewer lots and establishes no new public roadway or a private roadway/driveway serving three or more lots

### **Rule L (Variances):**

Variable. See District Permit Variance Guidance Policy

\*Review cost is calculated according to the consultant hourly rate, which the District will publish annually. The review cost incurred between the non-refundable fee amount and \$9,000 will be absorbed by the District and will not be the responsibility of the applicant. District staff will notify the applicant of the incurred cost to date once the total review cost exceeds \$7,500, and at subsequent \$3,000 intervals. A delay in notice, however, will not affect the applicant's reimbursement responsibility.