

**MINNEHAHA CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

**2. PROCEDURES RULE
PURSUANT TO MINNESOTA STATUTES §103D.341**

**Adopted April 11, 2024
Effective April 29, 2024**

- 1. APPLICATION REQUIRED.** A person undertaking an activity for which a permit is required by these rules must first submit a permit application to the District. The application must include all submittals required by applicable District rules except as District staff, in its judgment, communicates to the applicant in writing is unnecessary for a specific application. A permit application must bear the original signature of the landowner, or an electronic signature in accordance with District protocol. Another interested party may sign as a co-applicant, with its interest stated in the application.

 - a. Applicants are encouraged to submit preliminary plans early in the project development process. District staff will provide nonbinding, informal review for conformity with District rules.
 - b. An interested person may intervene in a permit proceeding by filing a written request to intervene with the District before the final decision on the application. The request must state the nature of the person’s interest and a copy must be hand-delivered to the applicant or received at the applicant’s address stated in the application before the time of the final decision. An intervener has the rights of a party in the proceeding before the District.
 - c. A permit applicant consents to entry and inspection of the subject property by the District and its authorized agent at reasonable times as necessary to evaluate the permit application or determine compliance with the requirements of a District permit or rule.
- 2. FORMS.** An application for a permit, and for a variance or exception from any District rule, must be submitted on the District form. District forms are available at the Permits section of the District website (www.minnehahacreek.org).
- 3. FEES.** District permit fees are set forth in the District Permit Fees Rule. A permit application is incomplete and will not be processed by the District until the applicable fee is paid. Failure to timely pay fees is grounds for permit revocation.
- 4. ACTION ON PERMIT APPLICATION.**

 - a. District permit review is governed by applicable timelines in Minnesota Statutes 15.99. The Board will make permit decisions, except as it has delegated this authority to staff by written resolution. The Board will review a staff permit decision on the applicant’s request. The Board will review and decide all requests for variance or an exception. The District may approve or deny an application, and may impose reasonable conditions on

approval. As otherwise consistent with the rules, a permit may require financial assurance, and may require a maintenance agreement or declaration to be properly executed or recorded before permit issuance.

- b. The District may reconsider and revoke a permit if it finds that a material error or misrepresentation was made in the application and that the correct information was available at the time of the application. The District may suspend or revoke a permit if preliminary or final subdivision approval received from the land use authority is not consistent with permit conditions.
- c. If approved plans or specifications are proposed to be changed after permit approval, a permittee must submit information necessary for the District to reevaluate compliance with District rules and determine whether the permit must be amended.

5. CONFORMITY WITH MUNICIPAL PLAN. The District will review applications for permits involving land development only after the applicant demonstrates that the plan has received preliminary approval from the land use authority. The requirement of preliminary approval means: (a) preliminary plat approval if required for the development; or (b) if plat approval is not required, approval by the municipal planning commission or a written statement from the responsible municipal official that the development meets municipal approval requirements.

6. NOTICE. Except where the applicable rule does not require public notice, an applicant for a District permit must supply a certified list of property owners and mailing labels for each property within 600 feet of any parcel on which the proposed project is to occur. A certified list may be obtained from county property information services. At the request of the applicant and at the applicant's expense, the District will supply the mailing list and labels. District staff will send notice of the proposed project to the individuals on the mailing list for the applicant at the applicant's expense. A copy of the list will be retained with the application at the District office. The application is not complete and will not be processed until the list has been submitted to the District or the applicant has asked the District to supply the applicable list and labels.

7. ALTERNATIVE NOTICE. On written request, the District may approve alternative notice for any of the following projects:

- a. A linear project, including but not limited to a road, sidewalk or trail, one-half a mile or more in length.
- b. A project on a parcel or contiguous parcels with an area of 100 acres or more, where no more than five percent of the area will be disturbed, provided the disturbed area does not include a wetland.
- c. A project where the applicant proposes to combine notice under this rule with notice required under the approval procedures of another governmental body. The District must find that the alternative means will provide adequate notice to residents near the proposed activity.

- 8. TIME FOR SUBMITTAL.** For applications to be decided by the Board, the District must receive a complete permit application, including all required submittals, at least 21 days before a scheduled Board meeting date.
- 9. PERMIT TERM, RENEWALS AND TRANSFERS.** A permit that has not been suspended or revoked is valid for one year from the date the District has advised the applicant in writing of permit approval, except as the District, in its discretion, may specify a longer duration in the permit. However, a general permit under the Appropriations Rule does not expire and a property owner continues to qualify for coverage as long as the general permit criteria are met. The permit term is not extended while the applicant complies with conditions precedent to permit issuance.
- a. To renew a permit, the permittee must submit a renewal request on the District format, prior to the permit expiration date. If there has been a material change in circumstances, the District may impose different or additional conditions on a renewal, or deny the renewal. On the first renewal, a permit will not be subject to additional or different requirements solely because of a change in District rules. New or revised rule requirements will not be imposed on permit renewal if the permittee has made substantial progress toward completion of the permitted work.
 - b. When property subject to an active permit is conveyed, the permittee and the new owner must request a permit transfer on the District format. Until a transfer is issued, the permittee and transferee will remain responsible for site conditions and permit compliance. The District will approve a transfer unless it finds that the proposed transferee has not demonstrated the ability to perform the authorized work in accordance with the conditions of the permit, in which case the District may impose conditions on or deny the transfer. Permit transfer does not extend the permit term.
- 10. BASIS FOR DECISIONS.** All interpretations of these rules and permit decisions under these rules will incorporate and be consistent with the District purposes set forth in Minnesota Statutes sections 103B.201 and 103D.201.