

**RESOLUTION NO. 2024-10**  
**RICE CREEK WATERSHED DISTRICT**  
**BOARD OF MANAGERS**

**ADOPTING RULE REVISIONS**

Manager Weinandt offered the following Resolution and moved its adoption, seconded by Manager Bradley :

**WHEREAS** pursuant to Minnesota Statutes §103D.341, the Rice Creek Watershed District ("District") duly adopted and implements rules to protect water resources throughout the watershed;

**WHEREAS** on the basis of District experience, and the experience of its public partners, in implementing its present rules, and to meet certain minimum stormwater management standards imposed by the Minnesota Pollution Control Agency, the District proposes to revise its stormwater management, erosion and sediment control, floodplain alteration, wetland alteration, regional conveyance systems, public drainage systems, enforcement, variances, definitions and procedural rules;

**WHEREAS** the Board has worked with staff to ensure that the proposed changes, as they have been developed, are consistent with the Board's regulatory and broader watershed management plan policies;

**WHEREAS** on July 24, 2024, by Resolution 2024-05, the Board directed that the proposed revisions, along with a memorandum describing the proposed changes and the rationale for them, be distributed for public comment in accordance with Minnesota Statutes §103D.341;

**WHEREAS** on July 26, 2024, District staff distributed the proposed revisions and accompanying memorandum to all municipalities and public transportation authorities within the District and the Minnesota Board of Water and Soil Resources, and to other interested parties, and provided notice of public hearing, all in accordance with the Board's directive;

**WHEREAS** the Board provided for submittal of public comment until September 20, 2024, and on September 11, 2024, held a duly noticed public hearing on the proposed rules;

**WHEREAS** the Board has carefully reviewed and duly considered all submitted comments in preparing the final revised rules, and has reviewed proposed responses to comments prepared by District staff and the District engineer;

**WHEREAS** on the basis of public comment, the District finds it appropriate to make the following changes to the proposed rules, which are within the scope of the rulemaking:

- Paragraph B.1: The following text will be added, “Where a public applicant must acquire land, a signed notice from the landowner acknowledging the application may be provided in lieu of the landowner’s signature as a co-applicant.”
- Paragraph C.6(d)(2): The following text will be added, “...and 6(d)(1).”
- Paragraph C.9(e): The following text will be added, “be”
- Table C6: The following text will be added as an asterisk under the table, “Rain gardens are ‘off-line’ infiltration or bio-filtration basins.”
- Paragraph F.5(e): The following text will be added, “...unless credits are unavailable or the applicant demonstrates that credit price deviates substantially from a market condition.”
- Paragraph G.3: The text will be modified to, “The landowner or conveyance system owner receiving a permit under this rule is responsible to maintain the permitted alteration in the design condition.”
- Paragraph K.4: The word “statute” will be replaced with “law”

**WHEREAS** the Board finds the proposed revised rules to be sound, reasonable and fair; to protect, conserve and manage the beneficial use of the water resources of the watershed; and generally to promote the public welfare;

**THEREFORE BE IT RESOLVED** that the Board hereby adopts the proposed revisions to the District Rules, as amended above;

**BE IT FURTHER RESOLVED** that the District Administrator, on certification of the revised rules by the Board Secretary, is to publish legal notice of the adoption of the revised rules; file the certified revised rules with each county recorder and the Minnesota Board of Water and Soil Resources; provide notice of adopted rules to each public transportation authority within the District; mail a copy of the certified revised rules by January 1, 2025, to the governing body of each city and township within the District; and file a certified copy of the revised rules in the official minute book of the District;

**BE IT FURTHER RESOLVED** that the District Administrator is to supply a copy of the District’s written response to comments to each commenting party and otherwise make the response to comments available as a part of the public rulemaking record; and

**BE IT FINALLY RESOLVED** that the revised rules are effective as of January 1, 2025, and will apply to all applications for permits that have not been submitted to the District and deemed complete, within the meaning of Minnesota Statutes §15.99, by December 31, 2024.

The question was on the adoption of the resolution and there were 5 yeas and 0 nays as follows:

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

Upon vote, the President declared the Resolution passed.

J. Robertson  
 Jessica Robertson, Secretary

Dated: November 13, 2024

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I, Jessica Robertson, 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 hereunto set my hand this 13 day of November, 2024.

J. Robertson  
 Jessica Robertson, Secretary