

**RESOLUTION NO. 08-12-01**

**COMFORT LAKE - FOREST LAKE WATERSHED DISTRICT  
BOARD OF MANAGERS**

**ADOPTING WATERSHED DISTRICT RULES  
UNDER MINNESOTA STATUTES §103D.341**

Manager Damchik offered the following resolution and moved its adoption, seconded by Manager Lynch.

**WHEREAS** the Comfort Lake – Forest Lake 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 waters and resources of the watershed; and

**WHEREAS** Minnesota Statutes section 103D.341 states that the District Board of Managers ("Board") must adopt rules to accomplish the District's statutory purposes; and

**WHEREAS** the District has completed a substantial revision to its watershed management plan and the Board adopted the revised plan on September 4, 2008, and the District has pursued the development of its rules in conjunction with the revision of the plan to ensure that the rules accurately reflect the goals and policies of the revised plan; and

**WHEREAS** the District's proposed rules define permit requirements for stormwater management; erosion control; lake, stream and wetland buffers; shoreline and streambank alterations; watercourse and basin crossings; floodplain and drainage alteration; and wetland management, and include provisions to facilitate protection of groundwater dependent natural resources; and

**WHEREAS** the District has developed the rules in close coordination with its Citizen's Advisory Committee, consisting of watershed residents, and its Technical Advisory Committee, consisting of technical representatives of government agencies and municipalities, and both committees have provided review and comment on the proposed rules throughout the development process; and

**WHEREAS** the adopted rules not only embody the goals and policies of the District's revised watershed management plan, but also reflect the District's experience in applying its development review standards; and

**WHEREAS** on September 8, 2008, the Board issued its proposed rules for public comment and mailed a copy of the proposed rules to the Minnesota Board of Water and Soil Resources (BWSR), Washington and Chisago Counties, public transportation authorities with jurisdiction within the watershed, cities and townships within the watershed, and other interested parties; and

**WHEREAS** during the comment period interested parties provided the Board with written comments on the proposed rules, and on November 13, 2008, the District held a duly noticed public hearing on the proposed rules, at which time the Board received further comment on the proposed rules, has considered the water resource benefits and compliance burdens of the rules and has revised the rules as warranted; and

**WHEREAS** the Board has reviewed and given due consideration to all comments in preparing the final draft of the rules; and

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

**THEREFORE BE IT RESOLVED** that the Board hereby adopts the attached rules dated December 18, 2008, as the rules of the Comfort Lake – Forest Watershed District; and

**THEREFORE BE IT FURTHER RESOLVED** that these rules are effective as of February 1, 2009, and apply to any activity subject to these rules occurring on or after February 1, 2009, unless before that date the activity received:

- (a) final written comments from the District in its development review capacity as exercised before adoption of these rules;
- (b) preliminary plat approval from the local land use authority; or
- (c) if not subject to plat approval, all local grading, building and other land alteration permits required for the activity,

and that a property owner who does not meet any of these criteria but has made a substantial investment in project design and review may present such circumstances to the District in the context of a variance request; and

**THEREFORE BE IT FURTHER RESOLVED** that the District Administrator shall publish notice of the adoption of the rules; mail a copy of the rules to the governing body of each city and township affected by the rules, public transportation authorities with jurisdiction in the watershed, and BWSR; and file a copy of the rules with the Washington and Chisago County Offices of the Recorder, as specified by statute.

Upon vote, the motion carried with five (5) ayes and zero (0) nays as follows:

	<u>AYE</u>	<u>NAY</u>
Jackie A. Anderson	X	
Richard P. Damchik	X	
John T. Lynch	X	
Wayne S. Moe	X	
Jon W. Spence	X	


The Chair declared the resolution adopted.

\* \* \* \* \*

I, John T. Lynch, Secretary of the Comfort Lake - Forest Lake Watershed District Board of Managers, do hereby certify that I have compared the above resolution with the original thereof as the same appears on record and on file in the District's offices and find the same to be a true and correct copy thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 18<sup>th</sup> day of December, 2008.

(SEAL)

  
John T. Lynch, Secretary