

**MINUTES OF THE RULES WORKSHOP
OF THE
COMFORT LAKE -FOREST LAKE
WATERSHED DISTRICT**

WEDNESDAY, JUNE 11, 2007

1) **Call to Order**

The Vice President called the Rules Workshop to order at 2:30 p.m. at the Forest Lake City Offices, 220 North Lake Street, Forest Lake, Minnesota

Present: President Jackie Anderson, Vice President Richard Damchik, Secretary John Lynch, Treasurer Jon Spence, Manager Wayne Moe

Staff: Randy Anhorn, Dan Fabian (EOR)

2) **Review and Discussion on the Draft Rules.**

Administrator Anhorn went over the various topics to be discussed at the workshop, including the following:

- a) Discussion on the draft minutes from the May 6, 2008 rules workshop
- b) Discussion on the resulting draft rules stemming from discussions at the May 6, 2008 rules workshop
- c) Discussion on the format and scheduling for upcoming joint meetings between the Managers and public officials of the local communities in the watershed, and between the Managers and the District's TAC/CAC in order to discuss the resulting draft rules and the Managers visions
- d) Discussion on the steps needed to adopted the rules following the joint meetings
- e) Discussion on the additional steps needed in order to define the Districts permit program

Discuss draft minutes from the May 6, 2008 rules workshop (a copy is annexed and incorporated by reference).

The Board highlighted small edits that needed to be made in the presented draft minutes from the May 6, 2008 rules workshop. The Board then discussed the importance of adding more in depth discussion of policy and philosophy considerations the Board discussed on their implementing the resulting rules. Manager Anderson stated that it is important to accurately state the discussion the Board had on how the rules could be implemented as either broad or narrow views. Manager Anderson stated that the minutes would provide documentation on how the final rules came to be.

Administrator Anhorn stated that he would work on expanding the minutes to detail the discussions the Managers had and conclusions made, and would like help from Manager Anderson in order to capture the discussion. Manager Anderson stated that she would help

the Administrator with the additions.

Discuss the resulting draft rules stemming from discussions at the May 5, 2008 rules workshop

The Board went through the May 8, 2008 version of the draft rules resulting from the May 6, 2008 workshop (a copy is annexed and incorporated by reference). Manager Anderson questioned rule 2.2(a) where a District permit would be required for subdivisions of 4 or more parcels outside the 1,000 foot shoreland impact zone and for subdivisions of 2 lots or more within the 1,000 foot shoreland impact zone. Manager Anderson stated that it was her recollection that the Board had decided that a District permit would be required for subdivisions of 3 lots or more within the 1,000 foot shoreland impact zone not 2, in order to be consistent with minor subdivisions requirements of the local communities. The Board held discussion and agreed with Manager Anderson and requested that the Administrator make the change to the draft rules.

Manager Anderson asked the Administrator to review the water quality load (phosphorus load reduction) standard (2.4.1(c)) in order to make sure that an across the watershed the standard would be adequate to meet goals as opposed to reduction standards on a lake drainage area. The Administrator went through the reductions needed for each lake to meet its short-term and long-term goals, and the portion of each which represents each lakes' internal loads. The Administrator stated that the 50% District-wide reduction standard was an aggressive one and would address the needs for each lake. The Board further discussed the problem of requiring a 50% phosphorus load reduction on areas that are already in a natural undeveloped state. The Board stated that land used for agricultural purposes such as crop land or for livestock is not considered "natural undeveloped." Because the area would already be in a natural state, it is unrealistic to require and/or achieve a 50% reduction load reduction. The Board decided that such areas should be exempt, or excluded from the 50% reduction requirement and instead require phosphorus loading to not increase from the natural state modeled load. The Board requested staff edit the draft rules accordingly.

Manager Anderson further asked the Administrator to check with Smith Partners on what happens if the cost for corrective actions exceeds the amount held in surety as mentioned under rule 10.3? Manager Anderson stated that she wanted to know the District's options.

Discuss the format and scheduling for upcoming joint meetings between the Managers and public officials of the local communities in the watershed, and between the Managers and the District's TAC/CAC in order to discussion the draft rules and the Manager's visions

The Board held discussion on the importance to have a joint District Board meeting with local elected officials or planning commissions from the local communities. The Board thought that it would be worthwhile to review the draft rules and policy decisions the Board made with the local elected or appointed officials (policy makers) in order for the Manager to get direct feedback from the local policy makers and to inform them on why the Managers feel that the draft rule/standard(s) are needed.

After format and scheduling discussion, the Board set a date for the joint Manager-public official meeting for Wednesday, July 16, 2008 at 2:30 p.m. at the Forest Lake City Hall, 220 North Lake Street. Administrator Anhorn stated that he would prepare a letter for the President's signature inviting the local officials to the meeting. It was further discussed that Staff would go through the District's rulemaking process, the local involvement in the TAC/CAC process, the resulting rules/standards, and facilitate discussion on the resulting rules/standards between the Managers and the local officials.

The Board then held discussion on potential dates for the joint Manager-TAC/CAC meeting to discuss changes to the draft rules stemming from TAC/CAC comments. The Board scheduled the joint Manager-TAC/CAC meeting for Wednesday, July 30, 2008 at 2:00 p.m. the Forest Lake City Hall, 220 North Lake Street.

Discuss the steps needed to adopted the rules following the joint meetings

The Administrator and Mr. Fabian (EOR) went through the schedule in order to adopt the District's rules following the two joint meetings. The Administrator said that the District would have to:

- send the rules out to the local communities and BWSR for a 45-day review
- respond to the comments received and make potential changes to draft rules following comments
- hold a public hearing on draft rules
- adopt the rules

The Board discussed the need and timing for a formal legal review of the draft rules and determined that a formal legal review should follow the joint meetings and prior to the draft rules being sent out for the 45-day review.

The Board asked Mr. Fabian how the rulemaking process for Carnelian-Marine-St. Croix Watershed District (CMWD) was progressing, and how many comments they had received through the 45-day review and resulting public hearing. Mr. Fabian went through the CMWD process and how the watershed received many comments from the first 45-day review period and public hearing, and for that reason, CMWD made some changes to their rules and now have the rules out for a second 45-day review.

Discuss the additional steps needed in order to define the Districts permit program

The Administrator stated that there will be a need for an additional workshop in the future to define the District's resulting permit program including inspection and enforcement possibilities and MOUs, variance procedures, and fees.

The Board stated that they thought that a workshop could be scheduled in concurrence or following the 45-day review period.

Manager Anderson asked about the development of a checklist for permit submittal needs in order to help the applicant and provide a quick method of determining the completeness of

the application. The Administrator mentioned that a checklist could easily be put together and could be part of a brochure detailing District standards and permit needs.

Manager Anderson also asked that the Administrator check the City of Forest Lake's variance steps as a potential model for the District. Staff mentioned Chuck Holtman's comments as to watersheds not having to following similar variance procedures as cities, and doing so may pigeon hole the watershed, and therefore they do not recommend the watershed's follow similar procedures and rather develop their own internal policy.

3) **Adjournment**

Motion to adjourn CLFLWD Rules Workshop was made by Manager Spence and seconded by Manager Moe. Motion carried unanimously.

John T. Lynch, Secretary