

Resolution 23-02
Brown's Creek Watershed District
Board of Managers

Revising permit fees

Manager _____ offered the following resolution and moved its adoption, seconded by Manager _____:

Whereas Brown's Creek Watershed District has duly adopted rules and permitting requirements pursuant to Minnesota Statutes sections 103D.335 and 103D.341;

Whereas BCWD incurs substantial costs to administer its permitting program, including costs of services by consultants, analysis of proposed activities, inspection of permitted projects and compliance assurance;

Whereas under Minnesota Statutes section 103D.345, subdivision 2, BCWD may apply a permit fee to cover the actual costs of its permitting program, except that public entities may not be charged a permit fee;

Whereas BCWD Rule 8.0 establishes policies and a framework for permit fees;

Whereas the Brown's Creek Watershed District Board of Managers reviews and revises BCWD's permit-fee schedule from time to time to ensure continued compliance with applicable state law and BCWD's policies, and to ensure that BCWD's permit-fee structure operates in harmony with BCWD's regulatory program to contribute to the achieving BCWD's overarching goals and purposes;

Whereas at its on May 12, 2003, the Board of Managers adopted Resolution 03-03 establishing a policy regarding permit fees, stating that:

- Permit-processing costs should be borne by those obtaining permits rather than the taxpayers of the watershed at large;
- A permit fee schedule should be adopted and publicized to ensure consistency and clarity in permit processing for the benefit of those subject to BCWD permit requirements; and
- Permit fees should be set and revised periodically to reflect the actual cost to process a permit application, monitor permit compliance and take any action within its authority to address non-compliance, without being excessive;

Whereas at its December 10, 2007, regular meeting the board adopted Resolution 07-11, establishing that:

- fee deposits would be held in escrow and applied to reimburse BCWD for permit inspection-related costs incurred;

- when a permit application is approved, the deposit must be replenished to the deposit amount by the applicant before the permit will be issued;
- the unused portion of a deposit balance will be returned to the permittee when BCWD determines that authorized work has been completed in compliance with BCWD rules and the applicable permit;

Whereas at its January 14, 2008, regular meeting the board adopted Resolution 08-01, establishing that:

- when a permit application is conditionally approved, the deposit must be replenished to the deposit amount within 60 days of receiving notice that such deposit is due, or the permit application or permit shall be deemed abandoned and all prior approvals shall be revoked and collection proceedings shall begin on unpaid balances;
- all permit applicants, permittees, or parties found to be in violation of District Rules to pay invoices of actual permit fees due within 30 days, and that failure to pay said fees within 35 days shall result in the charging of interest at the rate of 0.5% per month plus administrative costs;

Whereas the BCWD Board of Managers affirms its prior policies and resolutions, and finds that it wishes to incentivize compliance with BCWD's rules and permitting requirements by applicants for single-lot single-family residential projects (i.e., not subdivisions), who often have less experience and professional expertise at their disposal, by simplifying and streamlining applicable permit-fee requirements, including establishing a set fee amount rather than the established deposit-and-charge system; and

Whereas the BCWD Board of Managers finds further that BCWD incurs substantially greater costs when project proponents and properties owners fail to obtain a required BCWD permit prior to commencing regulated work, compared to projects permitted in advance.

Now, therefore, be it resolved that the Brown's Creek Watershed District Board of Managers adopts the attached revised permit-fee schedule, effective immediately;

Be it further resolved that the board of managers directs the administrator to provide written notice of the amended schedule policies in all relevant BCWD application and guidance materials.

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

	Yea	Nay	Absent
Eckles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LeRoux	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wirth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the chair declared the resolution adopted, June 14, 2023.

* * * * *

I, Charles LeRoux, secretary of the Brown's 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 BCWD and find the same to be a true and correct transcript thereof.

In testimony whereof, I have hereunto set my hand this ____ day of _____, 2023.

Charles LeRoux, Secretary

**Brown's Creek Watershed District Rules
Permit Fee Schedule**

<u>Permit Type</u>	<u>Permit Fee Deposit</u>
Rule 2.0 Stormwater Management	
Rule 2.2a - land development/subdivision	
4 or fewer lots	\$2,000
More than 4 lots	\$2,000 + \$100/additional lot
Rule 2.2b-f - all other stormwater-rule applications	\$3,000
Rule 3.0 Erosion Control	
Activities/grading less than 1 acre	\$1,000
1.0 - 4.99 acres	\$1,250
5.0 - 19.9 acres	\$1,500
20 or more acres	\$2,000
Rule 5.0 Shoreland & Streambank Alterations	\$1,500
Rule 6.0 Watercourse & Basin Crossings	\$1,500
Rule 7.0 Floodplain and Drainage Alterations	\$500
Single-lot single-family residential flat fee	\$1,000
<u>All</u> after-the-fact applications	<i>2x amounts listed</i>

Except for single-lot single family residential projects, the applicable rule-specific amount is required for each rule triggered by a specific application. E.g., the applicable deposit for a project triggering rules 5.0 and 7.0 is \$2,000 (\$1,500 for Rule 5.0 and \$500 for Rule 7.0). When an application is approved, the permit-fee deposit must be replenished to the deposit amount by the applicant before the permit will be issued to cover actual costs incurred to monitor compliance and address non-compliance with the BCWD Rules. Except for single-lot single family residential projects, costs incurred by BCWD greater than the permit-fee deposit balance will be billed to the applicant. Except for single-lot single family residential projects, any unused portion of the deposit balance will be returned to the applicant when BCWD determines that the authorized work has been completed in compliance with applicable rules and the permit.