

**MINNEHAHA CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

**REVISION
PURSUANT TO MINNESOTA STATUTES §103D.341**

Adopted January 13, 2005

RULE A: PROCEDURAL REQUIREMENTS

1. **APPLICATION REQUIRED.** Any person undertaking any activity for which a permit is required by these rules shall first submit for review a permit application, engineering design data and such other information to the District as may be required by these rules to determine whether the improvements are in compliance with the criteria established by these rules. All permit applications must bear the original signature of the landowner. 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 shall state the nature of the person's interest and a copy shall 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 shall have the rights of a party in the proceeding before the District.

2. **FORMS.** Permit applications shall be submitted using forms provided by the District, including a variance form if a variance is requested, which you can find on the [Permit Applications](#) page. Permit applications shall be addressed to:

Minnehaha Creek Watershed District
18202 Minnetonka Blvd.
Deephaven, MN 55391

3. **ACTION ON PERMIT APPLICATION.** The District shall act within 45 days of receipt of an application and set of exhibits in compliance with the submittal requirements of these rules, as determined by the District. Permit decisions will be made by the Board except as provided for in specific rules and as delegated to staff by written resolution. The notification requirements of paragraphs 5 and 6 of this rule will continue to apply to permit actions delegated to staff by Board resolution. The Board will review a staff permit decision on the applicant's request. Variance requests will be acted on by the Board pursuant to Rule I. The District may approve or deny an application and, if approving, may impose reasonable conditions. Conditions may include, as otherwise consistent with the rules, requirements for sureties, maintenance agreements and declarations and may require that those documents be properly executed or recorded before permit issuance. The District may reconsider 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.

4. 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 each municipality in which development is to take place. The requirement of preliminary municipal approval shall mean:

(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, on preliminary review, the development appears to meet municipal approval requirements.

5. NOTIFICATION PROCESS. Persons applying for a District permit must supply a certified list of property owners and mailing labels for each property on that list obtained from Hennepin County or Carver County who reside within 600 feet of a parcel on which the proposed project is to occur. 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 will not be processed until the list has been submitted to the District. Notification is required for a permit application submitted under the following District Rules:

[Rule B](#) - Erosion Control

[Rule C](#) - Floodplain Alteration

[Rule D](#) - Wetland Protection

[Rule E](#) - Dredging

[Rule F](#) - Shoreland and Streambank Improvement

[Rule G](#) - Stream and Lake Crossings

[Rule N](#) - Stormwater Management

Notification is not required for a fast-track permit under Rule B, C, E or F.

6. ALTERNATIVE NOTIFICATION. The District, on written request, may approve alternative notification for any of the following projects:

(a) A linear project, including but not limited to a road, sidewalk or trail, one-half 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 notification under this rule with notification required under the approval procedures of another governmental body.

The applicant must demonstrate that an alternative means of notification will provide adequate notice to residents near the proposed activity.

7. TIME FOR SUBMITTAL. A complete permit application which includes all required exhibits shall be received by the District at least 21 full days prior to the scheduled meeting date of the Board of Managers. Late submittals or submittals with incomplete exhibits will be scheduled to a subsequent meeting date.

8. TABLED PERMITS. Permit applications tabled at a board meeting due to revisions needed for compliance with District rules will be addressed at the next board meeting if the revisions are submitted within 3 working days of being tabled. Otherwise, permit applications and resubmittals will be treated pursuant to paragraph 7 of this rule. The District may require re-notification pursuant to paragraphs 5 and 6 if resubmittal constitutes a substantial change in the proposed project or if 90 days have elapsed between the date of the Board's action to table and the date of resubmittal.

9. PERMIT RENEWALS AND TRANSFERS. A permit is valid for a one year period from the date the applicant is advised in writing that the District has approved the permit unless it is otherwise suspended or revoked. To renew or transfer a permit, the permittee must notify the District in writing, prior to the permit expiration date, of the reason for the renewal or transfer request. The District may impose different or additional conditions on a renewal or deny the renewal in the event of a material change in circumstances other than a change in District rules. A transfer shall be approved unless the District 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 Board District may impose conditions on or deny the transfer. Permit transfer does not extend the permit term.

10. REGULAR MEETINGS. [Regular meetings of the Board of Managers](#) are conducted on the first and third Thursday of each month, no earlier than 6:00 p.m.

11. BASIS FOR DECISIONS. All interpretations of these rules and permit decisions under these rules will incorporate and be consistent with District purposes set forth in sections 103B.201 and 103D.201 of the Minnesota Statutes.