RESOLUTION NO. 2014-35
RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

ADOPTING REVISED RULES of the DISTRICT

Manager Wagamon offered the following resolution and moved its adoption, seconded by Manager Ogata.

WHEREAS the Rice Creek 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 water resources of the watershed;

WHEREAS Minnesota Statutes §103D.341 states that the District Board of Managers ("Board") must adopt rules to accomplish the purposes of Chapter 103D and implement the powers of the managers;

WHEREAS on June 26, 2013, the Board adopted extensive rule revisions primarily to update the District’s stormwater management rules and to consolidate its rules implementing regional comprehensive wetland protection and management plans into a single rule;

WHEREAS the present rulemaking addresses several specific aspects of the revised rules that, with a year of experience and hindsight, the District believes need to be adjusted or clarified and also proposes to substitute the newly published “Atlas 14” precipitation data of the National Oceanic and Aeronautic Administration (NOAA) for the prior “TP-40” data as the basis for stormwater and floodplain modeling under the rules;

WHEREAS on July 23, 2014, by Resolution 2014-24, the District published for public comment proposed revisions to its rules and a “statement of need and reasonableness” explaining the revisions, with copies mailed to BWSR; public transportation authorities with jurisdiction within the watershed; all counties, cities and townships within the watershed; and other interested parties, all in accordance with Minnesota Statutes §103D.341;

WHEREAS the Board provided for submittal of public comment for a period of at least 60 days, and on August 26, 2014, held a duly noticed public hearing on the proposed rules;

WHEREAS the District has carefully reviewed and duly considered all comments in preparing the final revised rules and has prepared written responses to all material comments submitted;

WHEREAS on the basis of further consideration by District staff and the District engineer, the Board finds it appropriate and within the scope of the rulemaking to make one change from the proposed rule, consisting of removing the proposed text at Rule C.6(e) stating as follows: "For Public Linear projects, no more than 50% of the new or reconstructed impervious surface may be left untreated."

WHEREAS the Board finds the proposed revised rules, as amended during the public comment period, 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 District Rules as revised and attached hereto;

BE IT FURTHER RESOLVED that the District administrator, on certification of the revised rules by the Board Secretary, is directed to publish legal notice of the adoption of the revised rules; mail the certified revised rules to each county recorder and the Minnesota Board of Water and Soil Resources; mail a copy of the certified revised rules by December 1, 2014, 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 FURTHER RESOLVED that the revised rules are effective as of December 1, 2014 and will apply to all applications for permits are not submitted to the District and complete by November 30, 2014.

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

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Upon vote, the Chair declared the Resolution passed.

Harley Ogata, Secretary

Dated: November 12, 2014

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I, Harley Ogata, 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 have hereunto set my hand this 12th day of November, 2014.

Harley Ogata, Secretary