

PRIOR LAKE - SPRING LAKE  

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WATERSHED DISTRICT

PERMIT  
INFORMATION

&

RULES

*Prior Lake-Spring Lake Watershed District  
4646 Dakota Street SE  
Prior Lake, Minnesota 55372  
(952) 447-4166*

**October 2015**

*This information will be updated periodically.  
Please contact the District with questions or comments.*

# PERMIT APPLICATION INFORMATION

## *Prior Lake-Spring Lake Watershed District*

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## Background

The Prior Lake-Spring Lake Watershed District (District) is a governmental agency established and authorized under the Minnesota Watershed Act (Minnesota Statutes Chapter 103D). The District was established on March 4, 1970, in response to a petition filed on June 24, 1969, by resident freeholders.

The District covers about 42 square miles in Scott County, MN (see Map 1). The City of Prior Lake and Spring Lake Township comprise most of the District's area; Sand Creek Township and the Cities of Shakopee and Savage also have some land in the District. Water in the PLSLWD flows mainly from the southwest to the northeast through Spring, Upper Prior and Lower Prior Lakes, and then north through the Prior Lake Outlet Channel to the Minnesota River near Valley Fair amusement park.

The PLSLWD is administered by a five-person Board of Managers appointed by the Scott County Commissioners. Each manager is selected from nominees submitted by the cities and townships in the District. All of the District's policies, goals, and accomplishments are directed by the people who serve on the Board. The District also employs five staff: an Administrator, Administrative Assistant, Water Resources Project Manager, Water Resources Specialist III and a Water Resources Specialist I. This team handles the day-to-day operation of the District, from reading Prior Lake levels, to reviewing development plans, to answering calls from interested citizens.

The District's Board of Managers adopted Rules regarding the conservation, protection and management of land and water resources in the District on August 8, 2003. The current edition of these Rules was adopted on October 13, 2015 (see Appendix 2).

The following information on the District's rules and permitting requirements is provided to assist those who are subdividing land or undertaking land-disturbing activities within the watershed. If you contemplate any activity that may affect land or water resources in the District, you should review this information. This will help you determine the requirements of the District, including whether or not you are required to have a permit from the District for your planned activity.

## Permits Required

A permit is required from the District when one or more of the following conditions are met:

### **Rule D: Stormwater Management and Rule E: Erosion & Sediment Control**

Any land disturbing activity greater than one acre

-or-

Any land disturbing activity greater than 0.23 acre (10,000 square feet) within a shoreland protection zone (i.e. within 1,000 feet of a lake or DNR-protected wetland, or within 300 feet of the Prior Lake Outlet Channel).

### **Rule F: Floodplain Alteration**

Any activity that alters or fills land below the 100-year critical flood elevation of any public waters, public waters wetland or other wetland.

### **Rule G: Wetland Alteration**

Any activity that will drain, fill, excavate or otherwise alter a wetland.

*Note: Permit projects also need to comply with District requirements under Rule J: Buffer Strips.*

### **Rule H: Bridge and Culvert Crossings**

Any activity that constructs, improves, repairs or alters a driveway, road or utility across the Prior Lake outlet channel or a watercourse with a tributary area in excess of 100 acres.

### **Rule I: Drainage Alterations**

Any activity that artificially drains surface water, or obstructs or redirects the natural flow of runoff, so as to affect a drainage system established under Minnesota Statutes, chapter 103E, or the public health and general welfare of the District.

*Note: permits are also required from the municipality in which the activity is to take place; contact your municipality (i.e. City or County) for information about their permitting requirements.*

All land disturbing activities, whether or not they require a permit from the District, must be completed in compliance with the standards and criteria of the District's Rules and in conformance with best management practices. A copy of the District's Rules is included in this booklet.

## **Permit Applications**

The District's Rules require that any person or political subdivision undertaking an activity for which a permit is required must submit to the District for review a permit application. The following information must be included in a permit application provided to the District (refer to Appendix 3 for various forms, including the Application Form):

- One Application Form (2 pages)\*
- Required Permit Fee Deposit (as applicable)
- A location map that shows the project location and boundaries with respect to identifiable landmarks (roads, sections corners, etc)\*
- One complete copy of the application materials, such as calculations, drawings, and narratives, that are required by the District Rules to show how the proposed activities will meet the District's Rule requirements\*

*Note: The required applications materials vary based on the proposed activity, and may include grading plans, subdivision plans, hydrologic/hydraulic modeling results, stormwater management system design details, and/or a copy of the Storm Water Pollution Prevention Plan for the proposed activity. See the District Rules or contact District staff for more information on the specific application requirements for a proposed activity.*

- One set of mailing labels for the property owners located within 500 feet of the proposed activity\*

*Note: The addresses must be obtained by the applicant from a licensed abstractor, and must be furnished to the District on mailing labels (i.e. 8.5" x 11" sheets of self-stick labels). The name for each address should be "Current Resident".*

- One copy of the wetland delineation and wetland mitigation plan (as applicable)\*

*\* Both paper copy and electronic copy (pdf) required*

A **complete** permit application package must be filed with the District **at least 14 calendar days** prior to the scheduled meeting date of the Board of Managers to be considered for inclusion on that meeting agenda. Late or incomplete submittals will be scheduled to a subsequent meeting date. Note that applications for subdivision projects should be submitted to the District prior to

preliminary plat approval, preferably at the same time that the preliminary plat application is submitted to the local municipality.

The Board of Managers holds its regular monthly meeting on the second Tuesday of each month, at 6:00 p.m., to discuss and act on the business of the District, including permit applications. The meetings are usually held at the Prior Lake City Hall, 4646 Dakota Street SE, Prior Lake, MN. The meeting date, time or location may occasionally change due to meeting room conflicts or holidays; therefore, it is important to verify with District staff the date, time and location of a specific meeting.

A permit application **will not** be processed for consideration by the Board of Managers until the information required in the Rules has been provided and the application has been determined by District staff to be complete. Once an application package is received, the District staff and engineer review the package for completeness and to determine if the proposed activities conform to the District's Rules. The District staff and engineer will complete their initial review and provide comments back to the applicant within the timeframes specified in Minnesota Statutes Section 15.99, along with a determination of the completeness of the application.

A complete application package must be filed with the District at least 14 calendar days before the Board meeting to be considered for that meeting's agenda. To allow time to resolve questions and making any necessary revisions, the District recommends that applications be submitted **1-3 months** prior to the meeting, depending on the complexity of the project.

It has been the District staff's experience that usually the first version of a permit application is missing key information, and is therefore incomplete. It is also common for the staff and engineer to have questions about the application materials and to identify design modifications that are necessary to meet the District's Rules. As a result, after the initial application submittal it can take several weeks or more for an applicant to make the permit application complete and adequate. This includes time needed by the District staff to review each submittal of new or revised information, meet internally to discuss the application and exchange phone calls/faxes with the applicant, and also the time it takes the applicant to respond to the District's questions and comments. Therefore, it is a good idea to submit a permit application **well in advance** of the Board meeting at which you hope to receive approval, to allow time for several iterations of questions and responses.

Making a comprehensive application at the outset can minimize the number of steps and the time it takes to complete the application process. This involves reading the Rules of the District to determine what information is required. If you are in doubt about whether a particular provision of the Rules applies to your situation, feel free to contact staff prior to submitting the application, or address your question in writing as part of the application.

Also, keep in mind that while you may have previously provided information to the District for another application or earlier phase of a development, do not assume that it is still available and will become part of your current permit application. You should submit all required information as part of each application.

Finally, please understand that while District staff is sensitive to the time constraints of development and other land-disturbing activities within the District and the District is committed to acting on permit applications in a timely manner, only you can be responsible for the timing of your application. Ultimately, you must be your own advocate for the proposed project; the District cannot be that for you. Read the Rule requirements and this handbook, shepherd your application through the District's process, and when in doubt, give us a call or send an e-mail – we look forward to working with you!

## Summary of Application Requirements

The following paragraphs summarize the District’s rule requirements and the information that is required as part of your application. This is summary guidance only, and is not meant to substitute for reading the District’s rules to identify specific requirements that may be applicable to your project. If you are interested in obtaining a permit from the Watershed District, please do the following:

- Carefully review the District’s Rules and read those sections that apply to your plans.
- Review your desired project schedule and include it in your application.
- Assemble the Exhibits required in your application.
- Call or meet with District staff if you have questions.
- Complete the permit application form.
- Submit your application well before the 14-day deadline.

Appendix 4 includes several checklists designed to help you assemble the required application materials. The District recommends that you use these as you prepare your application. The checklists are not required to be included as part of the application submission.

### Flows, Volumes and Elevations:

The District Rules require that the post-project runoff rates be equal to or less than the pre-project rates (i.e. existing conditions). The Rules also include requirements for volume control and minimum low-floor elevations. To assist the District in its evaluation of the proposed project with respect to these requirements, please include a summary in your application of the flows, runoff volumes and pond elevations, as applicable, for the existing and proposed conditions for the 2, 10 and 100-year events. Include a table with this information for each subcatchment in the project area, along with a summary table for the entire project area. The supporting information used to develop the summary tables (e.g. hydrologic model or calculations) should be included with the application.

**Subcatchment:** \_\_\_\_\_

\*Mean Sea Level, in feet.

Event:	Runoff Peak Flow (cfs)		Post-project pond run-out elevation (MSL*)	Runoff Volume (acre-feet)	
	Pre-project	Post-project		Pre-project	Post-project
2-year					
10-year					
100-year					

### Erosion and Sediment Control

For land-disturbing activities, an erosion and sediment control plan must be submitted along with the application to show how best management practices (BMPs) will be used to prevent erosion and sediment migration into adjacent water resources or off site. If the project also required an NPDES Construction Stormwater Permit, the Storm Water Pollution Prevention Plan (SWPPP) developed for that permit may also serve as the erosion and sediment control plan for the District’s permit.

Note that temporary and permanent BMPs must be identified on the grading plans for the project, including timeframes for temporary mulch and seeding. Appendix 6 shows a list of common Best Management Practices (BMPs) for erosion and sediment control.

Vegetation is the best and most permanent erosion control. You should plan to seed and mulch or otherwise stabilize the disturbed areas of your site as soon as possible following grading, and within the timeframes specified by the District's Rule C. The appropriate seed mixture should be selected for the site, soil and time of year. If seeding is still needed in late fall, a dormant seed should be applied. A suitable seeding specification is to be included on your grading and erosion control plan. Refer to the latest edition of the Seeding Manual, Mn/DOT; it can be found at [www.dot.state.mn.us](http://www.dot.state.mn.us).

*Silt Fence:* Appendix 5 shows a silt fence and summarizes conditions that limit the usefulness of silt fences. Other sediment barrier BMPs, such as biologs, may be substituted for silt fence, and may even be preferred to silt fence depending on the site conditions. If you plan to use silt fence for erosion control, include a design/installation detail such as the one depicted in Appendix 5 on your grading plan. The silt fence must be installed at least 10 feet from the edges of any soil piles. The District recommends that silt fence not be used for perimeter control and other purposes not related to erosion control. All silt fence must be removed from the project site before the District will issue a Certificate of Completion for the project.

#### Volume Control Requirements

The Prior Lake-Spring Lake Watershed District is historically a land-locked basin. In the early 1980's, an outlet was constructed on Lower Prior Lake. That outlet is limited to a maximum flow of 65 cfs, while the total watershed area is in excess of 22,000 acres. One of the strategies adopted by the Board of Managers to address the concerns posed by potential increases in runoff volumes as the watershed develops is to minimize increases in runoff volume resulting from new and re-development. The District is also interested in reducing runoff volumes from areas that developed prior to the adoption of storm water management requirements, promoting the use of innovative volume control BMPs in site designs, and increasing storage areas in the watershed by preserving and restoring wetlands.

The District's Rule D includes requirements for incorporating volume control BMPs into the project design, and for either avoiding net volume increases or controlling a portion of the runoff volume resulting from any net increase in impervious area resulting from the project. There are several manuals, guidebooks and guidance information available to assist you in incorporating volume control into your project. For example, Appendix 7 contains an excerpt from the MPCA's General Stormwater Permit, which refers to infiltration requirements.

Questions regarding the applicability of the District's volume control requirements or suggestions for site design BMPs should be directed to District staff early in the process. Also, the District has cost-share funding available for projects that incorporate BMPs that go beyond the District's minimum requirements for volume control; contact the District Administrator for more information about this partnership opportunity.

Appendix 3 includes the form and language of the "Development Agreement" required by the District for infiltration/volume control facilities. This document can also be obtained in electronic form.

#### Buffer Strips:

The District's Rules also require that buffer strips be established around wetlands and watercourses at the time of land subdivision (see Rule J). Buffer strips must be memorialized through a

conservation easement granted to the District and recorded on the property. Appendix 3 includes the general form and language of the “Declaration and Acceptance of Conservation Easement” document. This can also be obtained in electronic form.

Permit Application Escrow (Permit Fee Deposit):

It is the policy of the Board of Managers that it is in the public interest to require applicants to pay the cost of administering, reviewing, and inspecting permit applications rather than using the District’s annual administrative levy for such purposes (see Rule K). To implement this policy and rule requirement, the PLSLWD requires that permit applicants provide a Permit Fee Deposit to cover the costs of application review, inspections and compliance efforts.

The Permit Fee Deposit is due at the time that the permit application is submitted to the District. The Deposit includes a \$10.00 application fee and an amount held in escrow to be used for the actual costs of permit review, field inspections, monitoring and related expenses. The amount of the Deposit is set by the Board of Managers on an annual basis. Fees will not be charged to the federal government, the State of Minnesota or a political subdivision.

District will meet with a potential permittee for a pre-application consultation at no charge. Beyond the initial meeting, the District will track the actual costs of the permit application review (including engineering and legal costs) and charge those costs against the Permit Fee Deposit. When an application is approved by the Board of Managers, any review costs in excess of the initial deposit will be billed to the applicant. The Deposit must also be replenished to the original deposit amount before the permit will be issued, to cover the District’s actual costs to monitor compliance and address non-compliance with its Rules. If at any time during the project the Permit Fee Deposit falls below 25% of the original amount, the permittee must replenish the deposit to the original balance.

Once the District determines that the permitted activity has been completed in accordance with the permit and the District’s Rules, any unused portion of the Permit Fee Deposit will be returned to the applicant, minus the \$10 application fee. The District does not pay interest on escrow deposits.

**2005 Permit Fee Deposit Amounts**

The following table presents the Permit Fee Deposit amounts adopted by the Board of Managers in 2005. Fees are cumulative based on each applicable category.

<b>Activity</b>	<b>Permit Fee Deposit (2005)</b>
Grading or Alteration:	
Less than one acre	\$500
1.0 – 4.9 acres	\$1,000
5.0 – 19.9 acres	\$1,500
20 or more acres	\$2,000
Projects with Wetland or Floodplain Areas	\$1,000
Bridge or Culvert Crossing of a Waterbody or Ditch	\$1,500 (per crossing)
Drainage Alterations	\$1,500

Permit Security:

The District Rules also require cash security or an irrevocable renewable letter of credit to ensure completion of the permitted activity in accordance with the permit and the rules of the District (see Rule L). The Permit Security is due following Board approval of the application, prior to permit issuance.

*Requirements for Cash Security* -- Security provided as a cash deposit will be held in escrow by the District until final completion of the project. The District may use the security to correct any default by the permittee under the permit or the District’s Rules, or to pay for any outstanding actual costs incurred by the District for permit review, field inspections, monitoring or related expenses. Once the District determines that the permitted activity has been completed in accordance with the permit and the District’s Rules, any unused portion of the Permit Security will be returned to the applicant. The District does not pay interest on escrow deposits.

*Requirements for Letters of Credit* -- Security provided in the format of a letter of credit must be issued for a minimum term of one year, with an expiration/renewal date of January 1. Security with a shorter term may be deposited with the District provided that it is replaced at least 30 days before its expiration. The District shall be authorized to draw against the letter of credit after any default by the permittee under the permit or the District’s Rules, if the permittee fails to replace any security at least 30 days before its expiration, or to pay for any outstanding actual costs incurred by the District for permit review, field inspections, monitoring or related expenses.

**2005 Permit Security Requirements**

The Permit Security will vary as outlined below. Security is cumulative based on each applicable category.

<b>Activity</b>	<b>Amount of Security</b>
1. Site development/grading	\$1,000/acre
2. Construction of a public ditch or waterbody crossing, including a crossing of the Prior Lake Outlet Channel	<ul style="list-style-type: none"><li>• \$2,000 for single-lane crossing</li><li>• \$5,000 for 2 or more lanes</li></ul>
3. Construction activity or grading within 100 feet of the Prior Lake Outlet Channel or any public ditch	<ul style="list-style-type: none"><li>• \$3,000 for a parallel distance less than 500 ft.</li><li>• \$5,000 for a parallel distance of 500 feet or greater</li></ul>
4. Stormwater management facilities (ponds, outlets, infiltration basins, environmental manholes, rain gardens, etc.)*	125% of estimated construction costs*

\*Not required if provided to the municipality and proof of receipt is provided to the District.

**Stamp Required on Final Plans & Specifications**

When a permit is issued, the approved plans and specifications must be stamped, initialed and dated by the District (see example stamp text). These approved “Plans & Specs” are an integral part of the permit. All permitted activity is to be done in accordance with the approved plans and specifications. A copy of the permit, including the approved plans & specs, must be kept at the site of the approved activity at all times while the authorized work is in progress.

### **Example of Plans & Specs Approval Stamp**

These Plans & Specs have been approved by: \_\_\_\_\_ Date: \_\_\_\_\_ For Permit#: \_\_\_\_\_

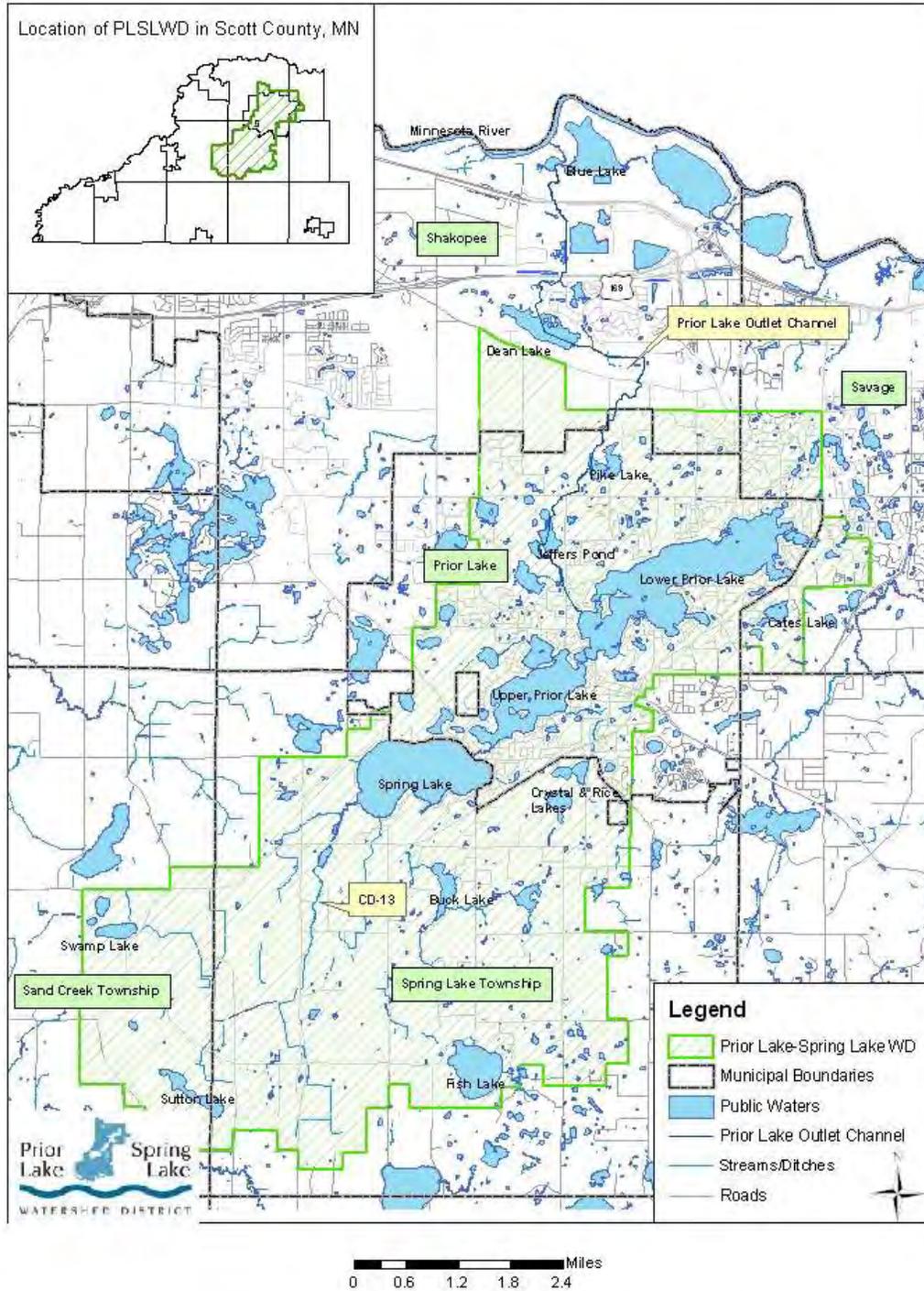
- All work must be done in accordance with these approved Plans and Specs, District Rules, and the terms and conditions of the Permit.
- Plans and Specs must not be changed without Prior written approval of the Prior Lake-Spring Lake Watershed District.
- Permittee must have a copy of the approved Plans and Specs on-site while work is in progress.
- Authority: Water & Land Resource Mgmt Rules, Prior Lake-Spring Lake Watershed District, 952-447-4166.
- Conditions:

## **APPENDICES**

<b><u>Appendix 1:</u></b> Map of the District	<b>1 page</b>
<b><u>Appendix 2:</u></b> Rules of the District	<b>37 pages</b>
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## Appendix 1 –Map of the District

### Prior Lake-Spring Lake Watershed District and Outlet Channel



## Appendix 2 – Rules of the District

### **POLICY STATEMENT**

The Prior Lake-Spring Lake Watershed District (the District) is a political subdivision of the state under the Minnesota Watershed Act, and a watershed management organization as defined in the Metropolitan Surface Water Management Act. These Acts provide the District with power to accomplish its statutory purpose - the conservation, protection and management of water resources within the boundaries of the District through sound scientific principles.

The District has adopted a water resources management plan pursuant to the Acts. These Rules implement the plan's principles and objectives.

Land alteration and utilization can affect the rate and volume and degrade the quality of surface water runoff within the District. Sedimentation from ongoing erosion and construction activities will reduce hydraulic capacity of waterbodies and degrade water quality. Water quality problems already exist in many waterbodies in the District.

Activities that increase the rate or volume of stormwater runoff will aggravate existing flooding problems and contribute to new ones. Activities that degrade runoff quality will cause quality problems in receiving water. Activities that fill floodplain or wetland areas will reduce flood storage and hydraulic capacity of waterbodies, and will degrade water quality by eliminating the filtering capacity of such areas.

These Rules protect the public health, welfare and natural resources of the District by regulating the improvement or alteration of land and waters within the District to reduce the severity and frequency of high water, to preserve floodplain and wetland storage capacity, to improve the chemical and physical quality of surface waters, to reduce sedimentation, to preserve the hydraulic and navigational capacities of waterbodies, to promote and preserve natural infiltration areas, and to preserve natural shoreline features. In addition to protecting natural resources, these Rules are intended to minimize future public expenditures on problems caused by the improvement or alteration of land and waters.

## **RELATIONSHIP WITH MUNICIPALITIES AND COUNTY**

The District recognizes that the control and determination of appropriate land use is the responsibility of the municipalities and the county. The District will review permit applications involving land subdivision before preliminary approval is received from the municipality or county so that District requirements will be considered in the review process.

The District intends to be active in the regulatory process to ensure that water resources are managed in accordance with its goals and policies. The District will require permits for developments and improvements in the watershed that meet the thresholds specified in the Rules. Municipalities will have the option of assuming a more active role within the permitting process after adoption of local water management plans approved by the District and implementation of local ordinances consistent with the approved plan. In the interim, however, the District will direct the permitting process.

The District desires to provide technical advice to the municipalities and the county in the preparation of local stormwater management plans and the review of projects that may affect water resources prior to investment of significant public or private funds.

## RULE A - DEFINITIONS

For the purposes of these Rules, unless the context otherwise requires, the following words and terms shall have the meanings set forth below.

References in these Rules to specific sections of the Minnesota Statutes or Rules include amendments, revisions or recodifications of such sections.

The words “shall” and “must” are mandatory; the word “may” is permissive.

**Agricultural Activity** - the use of land for the production of agronomic, horticultural or silvicultural crops, including nursery stock, sod, fruits, vegetables, flowers, cover crops, grains, Christmas trees, and grazing.

**Alteration or Alter** - when used in connection with public waters or wetlands, any activity that will change or diminish the course, current or cross-section of public waters or wetlands.

**Applicant** - any person or political subdivision that submits an application to the District for a permit under these Rules.

**Best Management Practices or BMPs** - techniques proven to be effective in controlling runoff, erosion and sedimentation including those documented in the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR, 1988); Protecting Water Quality in Urban Areas (MPCA, 2000); Minnesota Urban Small Sites BMP Manual (Metropolitan Council 2001); and Minnesota Stormwater Manual (MPCA, 2014): as such documents may be amended, revised or supplemented.

**Compensatory Storage** - excavated volume of material below the floodplain elevation required to offset floodplain fill.

**Compliance Agreement** - an agreement required pursuant to Paragraph 7 of Rule B to assure compliance with these Rules.

**County** - Scott County, Minnesota.

**Dead Storage** - the permanent pool volume of a water basin, or the volume below the runout elevation of a water basin.

**Detention Basin** - any natural or manmade depression for the temporary storage of runoff.  
**Development** - the construction of any structure on or the subdivision of land.

**District** - the Prior Lake-Spring Lake Watershed District.

**Drain or Drainage** - any method for removing or diverting water from waterbodies, including excavation of an open ditch, installation of subsurface drainage tile, filling, diking or pumping.

**Erosion** - the wearing away of the ground surface as a result of wind, flowing water, ice movement or land disturbing activities.

**Erosion and Sediment Control Plan** - a plan of BMPs or equivalent measures designed to control runoff and erosion and to retain or control sediment on land during the period of land disturbing activities in accordance with the standards set forth in Rule E.

**Excavation** - the artificial removal of soil or other earth material.

**Fill** - the deposit of soil or other earth material by artificial means.

**Floodplain** - the area adjacent to a waterbody that is inundated during a 100-year flood.

**Impervious Surface** - a surface compacted or covered with material so as to be highly resistant to infiltration by runoff. Impervious surface shall include roads, driveways and parking areas, whether or not paved, sidewalks greater than 3 feet wide, patios, tennis and basketball courts, swimming pools, covered decks and other structures. Open decks with joints at least ¼ inch wide, areas beneath overhangs less than 2 feet wide, and sidewalks 3 feet or less wide shall not constitute impervious surfaces under these Rules.

**Land Disturbing Activity** - any change of the land surface to include removing vegetative cover, excavation, fill, grading, stockpiling soil, and the construction of any structure that may cause or contribute to erosion or the movement of sediment into waterbodies. The use of land for agricultural activities shall not constitute a land disturbing activity under these Rules.

**Landlocked Basin** - a basin other than Prior Lake that is one acre or more in size and does not have a natural outlet at or below the 100-year flood elevation as determined by the 100-year, 10- day runoff event.

**Low Floor** - the finished surface of the lowest floor of a structure.

**Managers** - the board of managers of the District.

**MnDOT** - the Minnesota Department of Transportation.

**Municipal Separate Storm Sewer System (MS4)** - the Prior Lake Outlet Channel, which is operated by the District and is designed and used to convey water from the outlet for Prior Lake.

**Municipality** - any city or township wholly or partly within the District.

**National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge**

**Permit** – a permit issued by the Minnesota Pollution Control Agency that authorizes the discharge of pollutants to waters of the State.

**NRCS** - the Natural Resource Conservation Service.

**NURP** - the Nationwide Urban Runoff Program developed by the Environmental Protection Agency to study stormwater runoff from urban development.

**Ordinary High Water Level or OHW** - the boundary of waterbodies and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

**Owner** - the owner of a parcel of land or the purchaser under a contract for deed.

**Parcel** - a parcel of land designated by plat, metes and bounds, registered land survey, auditors subdivision or other accepted means and separated from other parcels or portions by its designation.

**Permittee** - the person or political subdivision in whose name a permit is issued pursuant to these Rules.

**Person** - any individual, trustee, partnership, unincorporated association, limited liability company or corporation.

**Political Subdivision** - a municipality, county or other political division, agency or subdivision of the state.

**Prior Lake Outlet Channel** - a watercourse improved and maintained by the District to provide an outlet for Prior Lake.

**Public Health and General Welfare** - are defined in Minnesota Statutes, section 103D.011, subdivisions 23 and 24.

**Public Waters** - any waters as defined in Minnesota Statutes, section 103G.005, subdivision 15.

**Public Waters Wetland** - any wetland as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

**Redevelopment** - the rebuilding, repair or alteration of a structure, land surface or facility for which over 50 percent of the parcel involved is disturbed by a land disturbing activity.

**Runoff** - rainfall, snowmelt or irrigation water flowing over the ground surface.

**Sediment** - soil or other surficial material transported by surface water as a product of erosion.

**Sedimentation** - the process or action of depositing sediment.

**Shoreland Protection Zone** - land located within a floodplain, within 1,000 feet of the OHW of a public water or public waters wetland, or within 300 feet of the Prior Lake outlet channel.

**Standard** - a preferred or desired level of quantity, quality or value.

**Stormwater Management Plan** - a plan for the permanent management and control of runoff prepared and implemented in accordance with the standards set forth in Rule D.

**Structure** - anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, water and storage systems, drainage facilities and parking lots.

**Subdivision or Subdivide** - the separation of a parcel of land into 2 or more parcels.

**SWCD** - the Scott Soil and Water Conservation District.

**Water basin** - an enclosed natural depression with definable banks capable of containing water that may be partly filled with public waters.

**Waterbody** - all water basins, watercourses and wetlands as defined in these Rules.

**Watercourse** - any natural or improved stream, river, creek, ditch (including Scott County Ditch 13), channel, culvert, drain, gully, swale or wash in which waters flow continuously or intermittently in a definite direction.

**Water Resources Management Plan** - the watershed management plan for the District adopted and implemented in accordance with Minnesota Statutes, section 103B.231.

**Watershed** - a region draining to a specific watercourse or water basin.

**Wetland** - land transitional between terrestrial and aquatic systems as defined in Minnesota Statutes, section 103G.005, subdivision 19.

**Wetland Conservation Act or WCA** - the Minnesota Wetland Conservation Act of 1991.

## **RULE B - PROCEDURAL REQUIREMENTS**

1. **APPLICATION REQUIRED.** Any person, or political subdivision, undertaking an activity for which a permit is required by these Rules shall first submit to the District for review a permit application, design data, plans, specifications and such other information and exhibits as may be required by these Rules. Permit applications shall be signed by the owner, or the owner's authorized agent, except for activities of a political subdivision which may be signed by either the owner or the general contractor.
2. **FORMS.** Permit applications shall be submitted on forms provided by the District. Forms are available at the District office.
3. **ACTION BY MANAGERS.** The managers shall approve or deny within 60 days after receipt of an application containing all required information, exhibits and fees, and complete under Minnesota Statutes, Section 15.99. Failure of the managers to deny an application within 60 days is approval of the application. If the managers deny an application, they must state in writing the reasons for the denial at the time they deny the application. If the District receives an application not containing all required information, exhibits and fees, the 60 day limit starts over if the District sends notice within 10 business days after receipt of the application telling the applicant what information is missing. If a state or federal law or court order requires a process to occur before the managers act on an application, or if an application requires prior approval of a state or federal agency, the deadline for the managers to approve or deny is extended to 60 days after completion of the required process or the required prior approval is granted. The managers may extend the initial 60-day period by providing written notice of the extension to the applicant. The notice shall state the reasons and anticipated length of the extension, and may not exceed 60 days unless approved by the applicant. To the extent inconsistent with these Rules, the provisions of Minnesota Statutes, Section 15.99, shall apply.
4. **CONFORMITY WITH SUBDIVISION PLAN.** The managers will consider permit applications for subdivisions before preliminary approval is received from the municipality or county. The District shall furnish a copy of the approved permit to the municipality or county. The preliminary and final subdivision approval obtained from the municipality and county shall be consistent with the conditions of the permit approved by the District. The applicant shall furnish to the District copies of the resolutions granting preliminary and final subdivision approval within 30 days after adoption by the municipality or county.
5. **SUBMITTAL.** A complete permit application with all required information and exhibits shall be filed with the District at least 14 calendar days prior to the scheduled meeting date of the managers. Late or incomplete submittals will be scheduled to a subsequent meeting date.
6. **NOTIFICATION.** The District shall mail notice of the permit application to the owners of land within 500 feet of the described activity, and to the municipality or county with jurisdiction over the activity, at least 7 days prior to the scheduled meeting date of the managers at which the application will be considered. The names and addresses of the owners to be notified shall be obtained by the applicant from a licensed abstractor and furnished to the District with the permit application. The permit application will not be processed until the list of owners has been submitted. Neither the failure to give mailed notice to any owner nor any defect in the notice shall invalidate an action by the managers on a permit application.
7. **CONDITIONS.** A permit may be approved subject to reasonable conditions to assure

compliance with these Rules. The conditions may include a requirement that the permittee and owner, including any mortgagee, enter into an agreement with and in form acceptable to the District to (a) specify responsibility for the construction and future maintenance of approved structures, (b) document other continuing obligations of the permittee or owner, (c) grant reasonable access to the proper authorities for inspection, monitoring and enforcement purposes, (d) affirm that the District or other political subdivisions can require or perform necessary repairs or reconstruction of such structures, (e) require indemnification of the District for claims arising from issuance of the permit or construction and use of the approved structures, and (f) reimburse the reasonable costs incurred to enforce the agreement. Permits and agreements may be filed for record to provide notice of the conditions and continuing obligations.

8. **ISSUANCE OF PERMITS.** The managers will issue a permit only after the applicant has satisfied all requirements of these Rules, paid all required fees, and submitted to the District any required security. When the District issues a permit where plans are required, the District shall endorse in writing or stamp the plans and specifications as “approved.” All activity under the permit shall be done in accordance with the approved plans and specifications, one set of which shall be kept on the site of the activity at all times while the authorized work is in progress.
9. **VALIDITY.** Issuance of a permit based on plans, specifications or other data shall not prevent the District from thereafter requiring the correction of errors in the approved plans, specifications and data, or from preventing any activity being carried on thereunder in violation of these Rules.
10. **EXPIRATION.** A permit shall expire and become null and void if the approved activity is not commenced within 180 days after approval by the managers, or if the approved activity is suspended or abandoned at any time after the activity is commenced for a period of 180 days. Before the activity can recommenced, the permit must be renewed. An application for renewal of a permit must be in writing, and state the reasons for the renewal. Any plan changes and required fees must be included with the application. There must be no unpaid fees or other outstanding violations of the permit being renewed. The managers shall consider the application for renewal on the basis of the Rules in effect on the date the application is considered.

Any permittee may apply for an extension of time to commence the approved activity under an unexpired permit when the permittee is unable to commence the activity within the time required by these Rules. An application for an extension of a permit must be in writing, and state the reasons for the extension. Any plan changes and required fees must be included with the application. There must be no unpaid fees or other outstanding violations of the permit being extended. The application must be received by the District at least 30 days prior to the permit’s expiration. The managers shall consider the application for an extension on the basis of the Rules in effect on the date the application is considered. The managers may extend the time for commencing the approved activity for a period not exceeding 180 days upon finding that circumstances beyond the control of the permittee have prevented action from being taken. No permit may be extended more than once.

11. **MODIFICATIONS.** The permittee shall not modify the approved activity or plans and specifications on file with the District without the prior approval of the managers.
12. **INSPECTION AND MONITORING.** After issuance of a permit, the District may perform

such field inspections and monitoring of the approved activity as the District deems necessary to determine compliance with the conditions of the permit and these Rules. Any portion of the activity not in compliance shall be promptly corrected. In applying for a permit, the applicant consents to entry upon the land for field inspections and monitoring, or for performing any work necessary to bring the activity into compliance. The cost of the District for field inspections and monitoring, including services of consultants, shall be payable by the permittee as provided in Paragraph 4 of Rule K.

13. **SUSPENSION OR REVOCATION.** The District may suspend or revoke a permit issued under these Rules wherever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provision of these Rules, or if the preliminary and final subdivision approval received from the municipality or county is not consistent with the conditions of the permit.
14. **CERTIFICATION OF COMPLETION.** The District will certify completion of an activity for which a permit has been issued under these Rules and authorize the release of any required security upon inspection and submittal of information verifying completion of the activity in accordance with the approved plans and conditions of the permit. Copies of documents, with evidence of recording where appropriate, that establish easements or provide for maintenance of structures required by the permit shall be filed with the District before completion can be certified and any security released. No activity may be certified as complete if there are any unpaid fees or other outstanding permit violations. If the District fails to make a determination as to compliance of an activity with the conditions of the permit within 60 days after submittal of the foregoing information verifying completion, the activity shall be deemed complete and any surety shall thereupon be released.
15. **PERMIT TRANSFERS.** Transfer of a permit without a plan change may be administratively approved upon receipt of a permit application from the transferee with the applicable fees and any required surety. Transfer of a permit with plan changes shall be processed as a new permit application under these Rules. No permit may be transferred if there are any unpaid fees or other outstanding permit violations. Permit transfer does not release the original permittee from liability under the permit or extend the permit term.
16. **OTHER PERMITS.** The applicant shall secure all environmental permits and approvals required by other governmental entities, and promptly provide the District with copies of such permits and approvals after issuance.
17. **ADMINISTRATION OF RULES.** The District Administrator shall administer and enforce these Rules under the direction and control of, and subject to the powers expressly reserved to, the managers. At any time within 5 days after a decision or determination by the District Administrator interpreting or applying these Rules, the applicant, permittee or any other person or political subdivision with an interest in the decision or determination, may appeal to the managers. The managers shall, at a regular or special meeting, consider and affirm, reverse or remand the decision or determination that is on appeal.
18. **REGULAR MEETINGS.** Regular meetings of the managers are held on the second Tuesday of each month at 7:30 p.m., unless notice of a different date or time is given.
19. **SEVERABILITY.** If any provision of these Rules is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these Rules shall not be affected thereby.

## **RULE C - GENERAL STANDARDS**

1. **POLICY.** It is the policy of the managers to protect the water resources of the District by requiring that all activities within the District comply with minimum standards for the protection of water quality and the environment.
2. **REGULATION.**
  - (a) All land disturbing activities, whether requiring a permit under these Rules or otherwise, shall be undertaken in conformance with best management practices and in compliance with the standards and criteria in these Rules.
  - (b) No person shall conduct land disturbing activities without protecting adjacent property and waterbodies from erosion, sedimentation, flooding or other damage.
  - (c) Land disturbing activities shall be planned and conducted to minimize the extent of disturbed area, runoff velocities and erosion potential, and to reduce and delay runoff volumes. Erosion and runoff controls, consistent with best management practices, shall be properly installed before commencing land disturbing activities, and sufficient to retain sediment on-site. Erosion and runoff controls shall be regularly inspected and maintained. Disturbed area within 100 feet of a waterbody, storm sewer inlet or road shall be stabilized if work within the area ceases or will be suspended for more than 7 days on slopes greater than 3:1, or 14 days on slopes ranging from 3:1 to 10:1, or 21 days for flatter slopes. Vegetation shall be installed over the disturbed areas promptly if the land disturbing activity ceases or is suspended, and upon completion.
  - (d) When possible, existing natural watercourses and vegetated soil surfaces shall be used to convey, store, filter and retain runoff before discharge into public waters or a stormwater conveyance system.
  - (e) When possible, runoff from roof gutter systems shall discharge onto lawns or other pervious surfaces to promote infiltration.
  - (f) Use of fertilizer and pesticides in the shoreland protection zone shall be done so as to minimize runoff into public waters by the use of earth material, vegetation, or both.
  - (g) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference shall be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.
  - (h) Whenever the District determines that any land disturbing activity has become a hazard to any person, or endangers the property of another, adversely affects water quality or any waterbody, increases flooding, or otherwise violates these Rules, the owner of the land upon which the land disturbing activity is located, or other person or agent in control of such land, upon receipt of written notice from the District, shall within the time period specified therein repair or eliminate such condition. The owner of the land upon which a land disturbing activity is located shall be responsible for the cleanup and any damages from sediment that has eroded from such land. The District may require the owner to obtain a permit under these Rules before undertaking any repairs or restoration.

## **RULE D - STORMWATER MANAGEMENT**

1. **POLICY.** It is the policy of the managers to:
  - (a) Require that peak runoff rates not exceed existing conditions and the capacity of downstream conveyance facilities or contribute to flooding.
  - (b) Manage subwatershed discharge rates and flood storage volumes to be consistent with the goals of the water resources management plan.
  - (c) Control runoff rates by the use of regional or on-site detention or infiltration facilities where feasible.
  - (d) Review stormwater management structures based on the 100-year critical storm event for the drainage area.
  - (e) Route runoff to water treatment ponds or other acceptable facilities before discharging into waterbodies.
  - (f) Promote the use of natural waterbodies for storing runoff and improving water quality and other amenities.
  - (g) Promote natural infiltration of runoff.
  - (h) Minimize the amount of directly connected impervious surface created by the development, preserve the infiltration capacity of the soil, and incorporate infiltration practices into the design where feasible.
2. **REGULATION.**
  - (a) No person or political subdivision shall commence a land disturbing activity or the development or redevelopment of land, unless specifically exempted by Paragraph 9 below, without first obtaining a permit from the District that incorporates and approves a stormwater management plan for the activity, development or redevelopment.
  - (b) Where the District has Memorandum of Agreements with municipalities for Local Water Planning and Regulation, the municipalities will comply with MS4 Permit requirements for Post-Construction Stormwater Management.
3. **CRITERIA.** Stormwater management plans shall comply with the following criteria:
  - (a) A hydrograph method based on sound hydrologic theory will be used to analyze runoff for the design or analysis of flows and water levels.
  - (b) Runoff rates for the proposed activity shall not exceed existing runoff rates for the 2-year, 10-year and 100-year critical storm events, and runoff rates may be restricted to less than the existing rates when necessary for the public health and general welfare of the District.
  - (c) Where a project creates one or more acres of new impervious surface, the stormwater runoff volume shall be retained on site in the amount equivalent to 1.0 inches of runoff over the new impervious surface. For a project that creates less than one acre of new impervious, the stormwater runoff volume shall be retained on site in the amount equivalent to 0.5 inches of runoff over the new impervious.

- (i) Development that creates impervious surfaces must explicitly address the use of best management practices to limit the loss of pervious area, and meet the volume reduction standards to the extent feasible considering site-specific conditions.
  - 1) Volume reduction techniques considered shall include infiltration, reuse and rainwater harvesting, canopy interception and evapotranspiration, and/or additional techniques included in the *Minnesota Stormwater Manual*, as amended. High priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by water quality ponding BMPs.
  - 2) The District may approve alternative BMPs instead of infiltration, provided that the proposed BMPs meet the requirements of the NPDES General Construction Permit, as amended.
- (ii) BMPs shall be designed and installed in accordance with generally accepted design practices and guidance contained in the Minnesota Pollution Control Agency's *Minnesota Stormwater Manual*, as amended.
- (d) Infiltration features shall include the following design considerations:
  - (i) The infiltration area shall be capable of infiltrating the required volume within 48 hours for surface and subsurface BMPs.
  - (ii) Infiltration areas will be limited to the horizontal areas subject to prolonged wetting.
  - (iii) Areas of permanent pools tend to lose infiltration capacity over time and will not be accepted as an infiltration practice.
  - (iv) Stormwater runoff must be pretreated to remove solids before discharging to infiltration areas to maintain the long term viability of the infiltration areas.
- (e) Regional detention basins shall be utilized to manage peak flow rates and runoff volumes, and meet water quality objectives when feasible. On-site detention basins, infiltration facilities, and permanent sedimentation and water quality ponds will be utilized for land disturbing activities exceeding one acre when regional basins are not in place or feasible. A waiver may be granted for special circumstances described in Paragraphs 4(a) and 4(b) below.
- (f) The applicant will provide water quality BMPs sized to infiltrate and/or retain the runoff volume generated on the site by the 2 year, 24-hour event under the developed condition for all points where discharges leave a site. For that portion of the 2 year, 24-hour event runoff volume that is not required to be infiltrated under paragraph (c), water quality BMPs or additional infiltration will be incorporated. The order of preference for water quality BMPs is biofiltration, filtration, wetland treatment system, extended detention, and wet detention in accordance with NURP standards.
- (g) Analysis of flood levels, storage volumes and flow rates for waterbodies and detention basins shall be based on the range of rainfall and snow melt durations producing the critical flood levels and discharges.
- (h) Landlocked water basins may be provided with outlets that:

- (i) Retain a hydrologic regime complying with Rules F and G;
  - (ii) Provide sufficient dead storage to retain back-to-back 100-year, 24-hour rainfalls and runoff above the highest anticipated groundwater elevation and prevent damage to property adjacent to the basin; and
  - (iii) Do not create adverse downstream flooding or water quality conditions, or materially affect stability of downstream water courses.
- (i) Detention basins shall be designed to provide:
- (i) An outlet structure to control the 2-year, 10-year and 100-year critical storm events to predevelopment runoff rates;
  - (ii) An identified overflow spillway sufficiently stabilized to convey a 100-year critical storm event;
  - (iii) A normal water elevation above the OHW of adjacent waterbodies; and
  - (iv) Access for future maintenance.
- (j) Permanent sedimentation and water quality ponds shall be designed to the Wet Pond Design Standards set forth on Appendix A to these Rules and provide:
- (i) Water quality features consistent with NURP criteria and best management practices;
  - (ii) A permanent wet pool with dead storage of at least the runoff from a 2.5-inch storm event;
  - (iii) A normal water elevation above the OHW of adjacent waterbodies;
  - (iv) An outlet skimmer to prevent migration of floatables and oils for at least the one year storm event; and
  - (v) Access for future maintenance.
- (k) Unless a municipality or the county has adopted an ordinance prescribing a minimum low floor elevation, which ordinance shall govern, any new residential, commercial, industrial and other habitable structures shall be constructed with the following low floor elevation:
- (i) In the case of a land-locked basin, the low floor elevation shall be at least 3 feet above the surveyed basin overflow or three feet above the high water level of the basin as determined from an estimate of high water levels using the higher of either the 100-year, 10-day runoff event and back-to-back 100-year, 24-hour rainfalls under full build-out conditions. Aerial photographs, vegetation, soils and topography shall be used to derive a “normal” water elevation for the basin to compute the 100-year elevation.
  - (ii) In all other cases, the low floor elevation shall be at least 2 feet above the critical event 100-year high water elevation and three feet above the overflow elevation of nearby waterbodies and stormwater basins.

#### 4. WAIVERS.

- (a) The managers may waive the on-site runoff rate and water quality control design

criteria in Paragraphs 3(a), 3(b), 3(d), 3(e), 3(f), 3(h), and 3(i) above, if a municipality has an approved local water management plan which provides for off-site stormwater facilities capable of controlling and treating runoff.

- (b) The design criteria in Paragraphs 3(b), 3(c), 3(d), 3(e), and 3(i) above may be waived for sites with total new impervious surface of less than one acre, or for sites with land disturbing activities less than one acre; if volume control, runoff rate control, and water quality BMPs have been incorporated to the maximum extent possible.
5. EXHIBITS. The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11" x 17"):
- (a) Property lines and delineation of lands under ownership of the applicant.
  - (b) Delineation of the subwatershed contributing runoff from off-site, proposed and existing subwatersheds on-site, emergency overflows and watercourses.
  - (c) Proposed and existing stormwater facilities location, alignment and elevation.
  - (d) Delineation of existing on-site wetland, marsh, shoreland and floodplain areas.
  - (e) For applications proposing infiltration as a stormwater management practice, identification, description, permeability and approximate delineation of site soils in both existing and proposed as-developed condition.
  - (f) Existing and proposed ordinary high and 100-year water elevations on-site.
  - (g) Existing and proposed site contour elevations at 2 foot intervals, referenced to NGVD, 1929 datum.
  - (h) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet controls.
  - (i) Runoff volume and rate analysis for the 2-year, 10-year and 100-year critical storm events, existing and proposed.
  - (j) All hydrologic, water quality and hydraulic computations made in designing the proposed stormwater management facilities.
  - (k) Narrative addressing incorporation of infiltration BMPs.
  - (l) Delineation of any ponding, flowage or drainage easements, or other property interests, to be dedicated for stormwater management purposes.
6. MAINTENANCE. All stormwater management structures and facilities shall be maintained in perpetuity to assure that the structures and facilities function as originally designed. The responsibility for maintenance shall be assumed either by the municipality or county with jurisdiction over the structures and facilities, or by the applicant entering into a compliance agreement with the District.
7. EASEMENTS. The applicant shall establish in form acceptable to the District temporary and perpetual easements for ponding, flowage and drainage purposes over hydrologic features such as waterbodies and stormwater basins. The easements shall include the right of reasonable access for inspection, monitoring, maintenance and enforcement purposes.
8. COVENANTS. The District may require that the land be subjected to restrictive

covenants or a conservation easement, in form acceptable to the District, to prevent the future expansion of impervious surface and the loss of infiltration capacity.

9. EXCEPTIONS. No permit or stormwater management plan shall be required under this Rule for the following land disturbing activities:
  - (a) Minor land disturbing activities such as home gardens, repairs and maintenance work.
  - (b) Construction, installation and maintenance of individual sewage treatment systems.
  - (c) Construction, installation and maintenance of public utility lines or individual service connections unless the activity disturbs more than one acre, in which event Paragraph 9(e) below shall apply.
  - (d) Construction of any structure on an individual parcel in a subdivision with a stormwater management plan approved by the District, so long as any land disturbing activity complies with the approved plan.
  - (e) Development or redevelopment of, or construction of a structure on, an individual parcel with a land disturbing activity that does not cause off-site erosion, sedimentation, flooding or other damage, and disturbs:
    - (i) Less than 10,000 square feet in the shoreland protection zone; provided that, if a municipality or county with jurisdiction has adopted an ordinance requiring stormwater management consistent with this Rule D that also regulates the activity, such ordinance shall govern the activity. Where the municipality or county with jurisdiction regulates the activity, the exemption shall increase from 10,000 square feet to one acre, at which point this Rule shall apply in addition to the municipal or county regulation for land disturbing activities greater than one acre; or
    - (ii) Less than one acre outside of the shoreland protection zone.
  - (f) Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles.
  - (g) Emergency activity necessary to protect life or prevent substantial harm to persons or property.
  - (h) All land disturbing activities not required by this Rule to obtain a permit or have an approved stormwater management plan shall nevertheless be conducted in full compliance with Rule C.

## **RULE E - EROSION AND SEDIMENT CONTROL**

1. **POLICY.** It is the policy of the managers to require the preparation and implementation of erosion and sediment control plans to control runoff and erosion and to retain or control sediment on land during land disturbing activities.
2. **REGULATION.** No person or political subdivision shall commence a land disturbing activity or the development or redevelopment of land, unless specifically exempted by Paragraph 7 below, without first obtaining a permit from the District that incorporates and approves an erosion and sediment control plan for the activity, development or redevelopment.
3. **CRITERIA.** Erosion and sediment control plans shall comply with the following criteria:
  - (a) Natural site topography and soil conditions shall be used to control runoff and reduce erosion and sedimentation during construction and after completion of the land disturbing activity.
  - (b) Erosion and sediment control measures shall be consistent with the standards of the General Permit Authorization to Discharge Stormwater Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, except where more specific requirements apply, including:
    - (i) Phasing to minimize disturbed areas subject to erosion at any one time.
    - (ii) Implementation of BMPs to minimize the discharge of sediment and other pollutants.
    - (iii) Dewatering activities shall be discharged in a manner that does not cause nuisance conditions.
    - (iv) Proper storage and disposal of all construction site projects, materials or wastes.
    - (v) Site inspections and records of rainfall events.
    - (vi) Proper maintenance of all BMPs.
    - (vii) Management of solid and hazardous wastes on each project site
    - (viii) Final stabilization upon completion of the construction activity
    - (ix) Provisions for the use of temporary sediment basins to control runoff and provide treatment during construction, when applicable.
  - (c) All erosion and sediment controls shall be installed before commencing the land disturbing activity, and shall not be removed without District approval or until the District has issued a certificate of completion pursuant to Paragraph 14 of Rule B.
4. **EXHIBITS.** The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11" x 17"):
  - (a) An existing and proposed topographic map showing contours on and adjacent to the land, property lines, all hydrologic features, the proposed land disturbing activities,

and the locations of all runoff, erosion and sediment controls and soil stabilization measures.

- (b) Plans and specifications for all proposed runoff, erosion and sediment controls, dewatering methods, and temporary and permanent soil stabilization measures.
  - (c) Detailed schedules for implementation of the land disturbing activity, the erosion and sediment controls, and soil stabilization measures.
  - (d) Detailed description of the methods to be employed for monitoring, maintaining and removing the erosion and sediment controls, and soil stabilization measures.
  - (e) Soil borings if requested by the District.
  - (f) For projects over one acre of disturbed area, documentation that the permittee has applied for the NPDES General Construction Permit from the Minnesota Pollution Control Agency (MPCA) shall be submitted, in addition to the Stormwater Pollution Prevention Plan (SWPPP) prepared for the NPDES Permit.
  - (g) Other project site-specific submittal requirements as may be required by the District.
5. **CONSTRUCTION ACTIVITY REQUIREMENTS.** Any activity subject to a permit under this Rule must conform to the standards of the NPDES General Construction Permit, as amended, regarding construction site erosion and sediment control.
6. **INSPECTION.** The permittee shall be responsible for inspection of all erosion and sediment control measures until final soil stabilization is achieved.
7. **MAINTENANCE.** The permittee shall be responsible for proper operation and maintenance of all erosion and sediment controls, and soil stabilization measures, in conformance with Best Management Practices and the requirements of the NPDES General Construction Permit, as amended. The permittee shall, at a minimum, inspect and maintain all erosion and sediment controls and soil stabilization measures daily during construction, weekly thereafter until vegetative cover is established, and after every rainfall event exceeding 0.5 inches.
8. **SECURITY.** Any bond or other security required in accordance with Rule L shall be maintained until final soil stabilization and removal of erosion and sediment controls, and the payment of all fees and other amounts due the District.
9. **EXCEPTIONS.** No permit or erosion control plan shall be required under this Rule for the following land disturbing activities:
- (a) Minor land disturbing activities such as home gardens, repairs and maintenance work.
  - (b) Construction, installation and maintenance of individual sewage treatment systems.
  - (c) Construction, installation and maintenance of public utility lines or individual service connections unless the activity disturbs more than one acre, in which event Paragraph 7(e) below shall apply.
  - (d) Construction of any structure on an individual parcel in a subdivision with an erosion and sediment control plan approved by the District, so long as any land disturbing activity complies with the approved plan.
  - (e) Development and redevelopment of, or construction of a structure on, an individual

parcel with a land disturbing activity that does not cause off-site erosion, sedimentation, flooding or other damage, and disturbs:

- (i) In the shoreland protection zone, an area less than 10,000 square feet; provided that, if a municipality or county with jurisdiction has adopted an ordinance requiring stormwater management consistent with this Rule E that also regulates the activity, such ordinance shall govern the activity, and the exempt area shall increase from 10,000 square feet to one acre (at which point this Rule shall apply in addition to the municipal or county regulation); or
  - (ii) Outside of the shoreland protection zone, an area of less than one acre.
- (f) Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles.
  - (g) Emergency activity necessary to protect life or prevent substantial harm to persons or property.
  - (h) All land disturbing activities not required by this Rule to obtain a permit or have an approved erosion and sediment control plan shall nevertheless be conducted in full compliance with Rule C. All drainage alterations not required by this Rule to obtain a permit shall nevertheless be conducted in full compliance with Rule C.

## **RULE F - FLOODPLAIN ALTERATION**

1. **POLICY.** It is the policy of the managers to:
  - (a) Preserve existing water storage capacity below the 100-year critical flood elevation on all waterbodies in the District to minimize the frequency and severity of high water.
  - (b) Minimize development in the floodplain which will unduly restrict flood flows or aggravate known high water problems.
  - (c) Require compensatory storage for unavoidable floodplain fill.
2. **REGULATION.** No person or political subdivision shall alter or fill land below the 100-year critical flood elevation of any public waters, public waters wetland or other wetland without first obtaining a permit from the District.
3. **CRITERIA.**
  - (a) Floodplain alteration or filling shall not cause a net decrease in flood storage capacity below the projected 100-year critical flood elevation unless it is shown that the proposed alteration or filling, together with the alteration or filling of all other land on the affected reach of the waterbody to the same degree of encroachment as proposed by the applicant, will not cause high water or aggravate flooding on other land and will not unduly restrict flood flows.
  - (b) All new structures shall be constructed with the low floor at a minimum of two feet above the 100-year critical flood elevation.
  - (c) A land disturbing activity within a floodplain may require a District permit under Rules D and E.
  - (d) An activity that alters or fills a wetland within a floodplain may require a permit under Rule G.
4. **EXHIBITS.** The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11" x 17"):
  - (a) Site plan showing boundary lines, delineation and existing elevation contours of the work area, ordinary high water level, and 100-year critical flood elevation. All elevations shall be referenced to NGVD, 1929 datum.
  - (b) Grading plan showing any proposed elevation changes.
  - (c) Preliminary plat of any proposed subdivision.
  - (d) Determination by a registered professional engineer of the 100-year critical flood elevation before and after the proposed activity.
  - (e) Computation of the change in flood storage capacity as a result of the proposed alteration or fill.
  - (f) Erosion control and sediment plan which complies with Rule E.
  - (g) Soil boring results if available.
5. **EXCEPTIONS.** If a municipality or county has adopted a floodplain ordinance which prescribes an allowable degree of floodplain encroachment, the applicable ordinance shall govern the allowable degree of encroachment and no permit will be required under this Rule

## **RULE G - WETLAND ALTERATION**

1. **POLICY.** It is the policy of the managers to:
  - (a) Achieve no net loss in the quantity, quality and biological diversity of wetlands in the District.
  - (b) Increase the quantity, quality and biological diversity of wetlands in the District by restoring or enhancing diminished or drained wetlands.
  - (c) Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality and biological diversity of District wetlands as determined using the Minnesota Routine Assessment Method (MnRam) for Evaluating Wetland Functions Version 2.0.
  - (d) Replace affected wetlands where avoidance is not feasible and prudent.
2. **REGULATION.** No person or political subdivision shall drain, fill, excavate or otherwise alter a wetland without first obtaining the approval of a wetland replacement plan from the local government unit with jurisdiction over the activity.
3. **CRITERIA.**
  - (a) Any drainage, filling, excavation or other alteration of a wetland shall be conducted in compliance with Minnesota Statutes, section 103G.245, the wetland conservation act, and regulations adopted thereunder.
  - (b) A wetland may be used for stormwater storage and treatment only if the use will not adversely affect the function and public value of the wetland as determined by the local government unit.
  - (c) Other activities which would change the character of a wetland shall not diminish the quantity, quality or biological diversity of the wetland.
  - (d) A land disturbing activity within a wetland may require a District permit under Rules D and E.
  - (e) An activity within a wetland that alters or fills a floodplain may require a District permit under Rule F.
4. **LOCAL GOVERNMENT UNIT.** The District intends to serve as the local government unit for administration of the wetland conservation act, unless a particular municipality in the District has elected to assume that role in its jurisdictional area.

## **RULE H - BRIDGE AND CULVERT CROSSINGS**

1. **POLICY.** It is the policy of the managers to regulate crossings of watercourses for driveways, roads and utilities to maintain channel profile stability and conveyance capacity.
2. **REGULATION.** No person or political subdivision shall construct, improve, repair or alter a driveway, road or utility across the Prior Lake outlet channel or a watercourse with a tributary area in excess of 100 acres without first obtaining a permit from the District.
3. **CRITERIA.** Crossings shall:
  - (a) Retain adequate hydraulic capacity, which for any crossing over the Prior Lake outlet channel shall be based on the hydraulic model for the outlet channel.
  - (b) Retain adequate navigational capacity.
  - (c) Not adversely affect water quality.
  - (d) Represent the "minimal impact" solution to a specific need with respect to all reasonable alternatives.
  - (e) Allow for future erosion, scour, and sedimentation considerations.
  - (f) Require a permit under Rules D and E if part of a land disturbing activity or subdivision.
4. **EXHIBITS.** The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11" x 17"):
  - (a) Construction plans and specifications.
  - (b) Analysis prepared by a registered professional engineer showing the effect of the project on hydraulic capacity and water quality.
  - (c) An erosion and sediment control plan which complies with Rule E.
5. **MAINTENANCE.**
  - (a) The maintenance, reconstruction and stabilization of any public crossing shall be the responsibility of the political subdivision with jurisdiction over the crossing.
  - (b) The maintenance, reconstruction and stabilization of any private crossing shall be the responsibility of the owner of the crossing.
  - (c) If a crossing over the Prior Lake outlet channel is determined by the District to be causing significant erosion of the outlet channel cross-section or profile, the District may order the owner of the crossing to make necessary repairs or modifications to the crossing and outlet channel. If the owner of the crossing fails to make the necessary repairs or modifications after notice from the managers, the District may repair, modify or remove the crossing or repair or modify the outlet channel. The owner shall pay the cost of the District to repair, modify or remove the crossing and outlet channel within 10 days after issuance of a statement by the District. The amounts payable to the District under this Rule H shall be collectable in the same manner as fees under Rule K.
  - (d) As a condition to the approval of a permit under this Rule H, the District may require the applicant and owner to enter into a compliance agreement with the District.

## **RULE I - DRAINAGE ALTERATIONS**

1. **POLICY.** It is the policy of the managers that surface water may be drained only in a manner which does not unreasonably burden upstream or downstream land.
2. **REGULATION.** No person or political subdivision shall artificially drain surface water, nor obstruct or redirect the natural flow of runoff, so as to affect a drainage system established under Minnesota Statutes, chapter 103E, or the public health and general welfare of the District, without first obtaining a permit from the District.
3. **CRITERIA.** The applicant for a drainage alteration shall:
  - (a) Describe the overall environmental impact of the proposed drainage alteration and demonstrate that:
    - (i) There is a reasonable necessity for such drainage alteration;
    - (ii) Reasonable care has been taken to avoid unnecessary injury to upstream and downstream land;
    - (iii) The utility or benefit accruing to the land on which the drainage will be altered reasonably outweighs the gravity of the harm resulting to the land receiving the burden; and
    - (iv) The drainage alteration is being accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practicable natural drain, a reasonable and feasible artificial drainage system is being adopted.
  - (b) Provide a hydraulic design which complies with Rules F and G, and if the alteration involves a landlocked basin, the alteration must comply with Rule D3(f) for outlets from landlocked basins.
  - (c) Provide a stable channel and outfall.
  - (d) Obtain a permit under Rules D and E if the drainage alteration is part of a land disturbing activity or a development or redevelopment of land.
4. **EXHIBITS.** The following exhibits shall accompany the permit application (one set full size, and two sets reduced to a maximum size of 11" x 17"):
  - (a) Map showing location of proposed alteration and tributary area.
  - (b) Existing and proposed cross sections and profile of affected drainage area.
  - (c) Description of bridges or culverts required.
  - (d) Narrative and calculations verifying compliance with Paragraph 3(a) and 3(b) above.
5. **EXCEPTIONS.**
  - (a) No permit shall be required under this Rule for the alteration of drainage in connection with the use of land for agricultural activities.
  - (b) The managers may waive the requirement of Paragraph 4(d) above if the applicant submits easements or other documentation in form acceptable to the District evidencing the consent of the owner of any burdened land to the proposed alteration. Such easements or other documentation shall be filed for record and evidence thereof

submitted to the District.

- (c) All drainage alterations not required by this Rule to obtain a permit shall nevertheless be conducted in full compliance with Rule C.

## RULE J - BUFFER STRIPS

1. **POLICY:** Natural vegetation around watercourses and wetlands is integral to maintaining the water quality and ecological functions these resources provide. Vegetative buffers reduce the impact of surrounding development and land use on watercourse and wetland functions by stabilizing soil to prevent erosion, filtering sediment from runoff, and moderating water level fluctuations during storms. Buffers provide essential habitat for wildlife. Requiring buffers recognizes that watercourse and wetland quality and function are related to the surrounding upland.
2. **DEFINITIONS:** For the purposes of this Rule J, unless the context otherwise requires, the following words and terms shall have the meanings set forth below. Words and terms not defined in this Rule shall have the meanings set forth in Rule A.

**Buffer Strip** - an area of natural, unmaintained, vegetated ground cover abutting or surrounding a watercourse or wetland.

**Watercourse** - any natural or improved stream, river, creek, ditch (including Scott County Ditch 13), channel or other waterway with a tributary area in excess of 50 acres.

**Wetland** - any wetland as defined in Minnesota Statutes, section 103G.005, subdivision 19; and any public waters wetland as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

3. **GENERAL PROVISIONS:**

- (a) This Rule shall apply to all lands containing watercourses or wetlands and lands within the buffer strips required by this Rule. Watercourses and wetlands shall be subject to the requirements established herein and other applicable federal, state and local ordinances and regulations.
- (b) This Rule does not apply to any wetland with a surface area equal to or less than the area of wetland impact allowed without replacement as de minimis under the Wetland Conservation Act.
- (c) An applicant shall determine whether any watercourse or wetland exists on land or within the applicable buffer strip on adjacent land, and shall delineate the boundary for any wetland on the land. An applicant shall not be required to delineate wetlands on adjacent property, but must review available information to estimate the wetland boundary.
- (d) Documentation identifying the presence of any watercourse or wetland on the applicant's land, including wetland delineation and buffer strip vegetation evaluation, must be provided to the District with a permit application.
- (e) Wetland and buffer strip identifications and delineations shall be prepared in accordance with state and federal regulations.

4. **STANDARDS:** The following standards apply to all lands that contain or abut a watercourse or wetland:

- (a) Best management practices shall be followed to avoid erosion and sedimentation during land disturbing activities.
- (b) When a buffer strip is required the applicant shall, as a condition to issuance of a permit:
  - (i) Submit to the District for its approval a conservation easement for protection of

approved buffer strips. The easement shall describe the boundaries of the watercourse or wetland and buffer strips, identify the monuments and monument locations, and prohibit any of the alterations set forth in Paragraph 5(e) below and the removal of the buffer strip monuments within the buffer strip or the watercourse or wetland;

- (ii) File the approved easement for record and submit evidence thereof to the District; and
- (iii) Install the wetland monumentation required by Paragraph 7 below.

(c) All open areas within the buffer strip shall be seeded or planted in accordance with Paragraph 8 below. All seeding or planting shall be completed prior to removal of any erosion and sediment control measures. If construction is completed after the end of the growing season, erosion and sediment control measures shall be left in place and all disturbed areas shall be mulched for protection over the winter season.

## 5. BUFFER STRIPS.

- (a) For any parcel created or redeveloped after the effective date of this Rule J, a buffer strip shall be maintained around the perimeter of all watercourses or wetlands. The buffer strip provisions of this Rule shall not apply to any parcel of record as of the date of this Rule until such parcel is subdivided or redeveloped. The District does, however, strongly encourage the use of buffer strips on all parcels in the District.
- (b) Buffer strips shall be a minimum of 20 feet wide with an average width of 30 feet, measured from the ordinary high water level of the watercourse or wetland.
- (c) Buffer strips shall apply whether or not the watercourse or wetland is on the same parcel as a proposed development.
- (d) Buffer strip vegetation shall be established and maintained in accordance with Paragraph 8 below. Buffer strips shall be identified within each parcel by permanent monumentation in accordance with Paragraph 7 below.
- (e) Subject to Paragraph 5(f) below, alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application, are prohibited within any buffer strip. Noxious vegetation, such as European buckthorn, purple loosestrife and reed canary grass, may be removed as long as the buffer strip is maintained to the standards required by the District. Alterations would not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards.
- (f) The following activities shall be permitted within any buffer strip, and shall not constitute prohibited alterations under Paragraph 5(e) above:
  - (i) Use and maintenance of an unimproved access strip through the buffer, not more than 20 feet in width, for recreational access to the watercourse or wetland and the exercise of riparian rights;
  - (ii) Placement, maintenance, repair or replacement of utility and drainage systems that exist on creation of the buffer strip or are required to comply with any subdivision approval or building permit obtained from the municipality or county, so long as any adverse impacts of utility or drainage systems on the function of the buffer

strip have been avoided or minimized to the extent possible; and

- (iii) Construction, maintenance, repair, reconstruction or replacement of existing and future public roads crossing the buffer strip, so long as any adverse impacts of the road on the function of the buffer strip have been avoided or minimized to the extent possible.

#### 6. ALTERNATE BUFFER STRIPS.

(a) Because of unique physical characteristics of a specific parcel, narrower buffer strips may be necessary to allow a reasonable use of the parcel; and in combination with other best management practices may provide equivalent water quality treatment performance. The District will permit an alternative buffer width if any one or more of the following conditions is met:

- (i) The proposed activity, development or redevelopment of land will not increase runoff volumes for the 5-year critical storm event, not including the 10-day snow melt event, that is discharged to the watercourse or wetland; or
- (ii) The applicant demonstrates that a combination of best management practices to be incorporated with the proposed activity, development or redevelopment of land will provide storm water quality treatment performance equivalent to a 30-foot buffer; or
- (iii) The dominant wetland type, as determined by methods acceptable under the Minnesota Wetland Conservation Act, is a low quality Type 1 or 2 Wet Meadow, where low quality is defined as having a highly impacted vegetative community such that reed canary grass comprises more than 40 percent cover, and/or European buckthorn, if present, comprises greater than 30 percent cover, and/or vegetation was frequently (at least three of the past five years) removed by cropping.

(b) The use of alternative buffer strips will be evaluated as part of the review of a stormwater management plan under Rule D. Where alternative buffer strip standards are approved, the width of the buffer strips shall be established by the managers based on a minimum width of 16 feet. Alternative buffer strips must be in keeping with the spirit and intent of this Rule. The District may require maintenance agreements, restrictive covenants or easements, in form acceptable to the District, to cover best management practices used to justify the alternative standard, to assure maintenance in perpetuity and that best management practices continue to function as originally designed.

7. MONUMENTATION: A monument shall be required at each parcel line where it crosses a buffer strip and shall have a maximum spacing of 200 feet along the edge of the buffer strip. Additional monuments shall be placed as necessary to accurately define the edge of the buffer strip. A monument shall consist of a post and a buffer strip sign. The signs shall be obtained from the District and include warnings about disturbing or developing the buffer strip. The signs shall be 5 inch wide x 7 inch vertical, have a brown field with white lettering, and shall be securely mounted on a post to a minimum height of 4 feet above grade.

#### 8. VEGETATION:

(a) Where acceptable natural vegetation exists in buffer strip areas, the retention of such vegetation in an undisturbed state is required unless an applicant receives approval to replace such vegetation. A buffer strip has acceptable natural vegetation if it:

- (i) Has a continuous, dense layer of perennial grasses that has been uncultivated or unbroken for at least 5 consecutive years; or
  - (ii) Has an overstory of trees and/or shrubs that has been uncultivated or unbroken for at least 5 consecutive years; or
  - (iii) Contains a mixture of the plant communities described in Subparagraphs 8(a)(i) and (ii) above that has been uncultivated or unbroken for at least 5 years.
- (b) Notwithstanding the performance standards set forth in Paragraph 8(a), the managers may determine existing buffer strip vegetation to be unacceptable if:
- (i) It is composed of undesirable plant species including but not limited to common buckthorn, purple loosestrife, leafy spurge or noxious weeds; or
  - (ii) It has topography that tends to channelize the flow of runoff; or
  - (iii) For some other reason it is unlikely to retain nutrients and sediment.
- (c) Where buffer strips are not vegetated or have been cultivated or otherwise disturbed within 5 years of the permit application, such areas shall be replanted and maintained. The buffer strip plantings must be identified on the permit application. The buffer strip landscaping shall comply with the following standards:
- (i) Buffer strips shall be planted with a seed mix approved by MnDOT, NRCS or SWCD, with the exception of a one-time planting with an annual nurse or cover crop such as oats or rye.
  - (ii) The seed mix shall be broadcast according to MnDOT, NRCS or SWCD specifications of the selected mix. The annual nurse or cover crop shall be applied at a minimum rate of 30 pounds per acre. The MnDOT or NRCS seed mix selected for permanent cover shall be appropriate for soil site conditions and free of invasive species. MnDOT, NRCS or SWCD approved mixtures appropriate for specific soil and moisture conditions can be used to meet these requirements.
  - (iii) Native shrubs may be substituted for native forbs. All substitutions must be approved by the District. Such shrubs may be bare root seedlings and shall be planted at a minimum rate of 60 plants per acre. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.
  - (iv) Any groundcover or shrub plantings installed within the buffer strip are independent of any landscaping required elsewhere by the municipality or county.
  - (v) Grasses and forbs shall be seeded or planted by a qualified contractor. The method of application shall be approved by the District prior to planting or seeding.
  - (vi) No fertilizer shall be used in establishing new buffer strips, except on highly disturbed sites when necessary to establish acceptable buffer strip vegetation and then limited to amounts indicated by an accredited soil testing laboratory.
  - (vii) All seeded areas shall be mulched immediately with clean straw at a rate of 1.5 tons per acre. Mulch shall be anchored with a disk or tackifier.
  - (viii) Buffer strips (both natural and created) shall be protected by erosion and sediment control measures during construction in accordance with Rule E. The erosion and sediment control measures shall remain in place until the area crop is established.

- (d) Buffer strip vegetation shall be established and maintained in accordance with the requirements found in this Paragraph 8. During the first two full growing seasons, the owner must replant any buffer strip vegetation that does not survive. The owner shall be responsible for reseeding and/or replanting if the buffer strip changes at any time through human intervention or activities. At a minimum the buffer strip must be maintained as a “no mow” area.

## **RULE K - FEES**

1. **POLICY.** The managers find that it is in the public interest to require applicants to pay the cost of administering and reviewing permit applications, and inspecting approved activities to assure compliance with these Rules, rather than using the District's annual administrative levy for such purposes.
2. **APPLICATION.** Each application for the issuance, transfer or renewal of a permit under these Rules shall be accompanied by an application fee of \$10.00 to defray the cost of recording and processing the application.
3. **REVIEW.** An applicant for the issuance, transfer or renewal of a permit under these Rules shall pay a review fee equal to the actual cost of the District for the review and analysis of the proposed activity, including services of engineering, legal and other consultants. The District may require a deposit based on a good faith estimate of the cost to review an application at the time of filing. The review fee shall be payable upon issuance of a statement after consideration of the application by the managers. No permit may be issued until the review fee has been paid.
4. **INSPECTION.** A permittee shall pay a field inspection fee equal to the actual cost of the District for field inspections and subsequent monitoring of the permitted activity, including services of engineering, legal and other consultants. The District may require a deposit based on a good faith estimate of the cost to inspect and monitor a proposed activity at the time the application is filed. Additional field inspection fees shall be payable within 10 days after issuance of a statement if continued inspection and monitoring of an activity is required. A permit may be revoked, or a certificate of completion withheld, if the field inspection fee is not fully paid.
5. **FAILURE TO OBTAIN PERMIT.** Any person or political subdivision performing any activity for which a permit is required under these Rules without having first obtained a permit from the District, shall pay, in addition to such fines, court costs or other amounts as may be payable by law as a result of such violation, a field inspection fee equal to the actual cost of the District for field inspections, monitoring and investigation of such activity, including services of engineering, legal and other consultants. The field inspection fee shall be payable within 10 days after issuance of a statement by the District. No permit shall be issued for the activity if there are any unpaid field inspection fees or other outstanding violations of these Rules.
6. **RECOVERY.** The fees provided for in these Rules may be recovered by the District in any legal proceeding authorized by law.
7. **AGENCIES EXEMPT.** The fees in Paragraphs 2, 3 and 4 above shall not be charged to the federal government, the state, or a political subdivision.

## **RULE L - SECURITY**

1. **POLICY.** It is the policy of the managers to protect and conserve water resources by requiring a bond or other security to assure compliance with these Rules.
2. **REQUIREMENT.** The managers may require a deposit of cash, a performance bond, an irrevocable letter of credit or other security with the District as a condition to the issuance of a permit under these Rules.
3. **AMOUNT.** The amount of the security shall be set by the managers as the amount the managers deem necessary to cover the following potential liabilities to the District:
  - (a) Post permit field inspection, monitoring and related fees authorized under Minnesota Statutes, section 103D.345;
  - (b) The cost of maintaining and implementing erosion and sediment control required by the permit;
  - (c) The cost of completing buffer strip landscaping in accordance with Paragraph 10(a) of Rule J; and
  - (d) The cost of remedying damage resulting from noncompliance with the permit or these Rules or for which the permittee is otherwise responsible.
4. **FORM AND CONDITIONS.**
  - (a) A performance bond or letter of credit must be in a form acceptable to the District and from a bank or surety licensed to do business in Minnesota.
  - (b) The security shall be in favor of the District and conditioned upon the applicant's performance of the authorized activity in compliance with the permit and applicable laws, including these Rules, and the payment when due of any fees or other charges authorized or required by the permit, and these Rules.
  - (c) The security shall be issued for a minimum term of one year. Security with a shorter term may be deposited with the District provided it is replaced at least 30 days before its expiration.
  - (d) The District shall be authorized to make a claim or draw against the security after any default by the permittee under the permit or these Rules, or if the permittee fails to replace any security at least 30 days before its expiration.
5. **POLITICAL SUBDIVISIONS.** The general contractor for activities of a political subdivision shall provide any security required by the permit and these Rules.
6. **RELEASE.** Any security may be released by the District pursuant to Paragraph 14 of Rule B.

## **RULE M - VARIANCES**

1. **WHEN AUTHORIZED.** The managers may grant variances from the literal provisions of these Rules. A variance shall only be granted when in harmony with the general purpose and intent of the Rules in cases where strict enforcement of the Rules will cause undue hardship, and when the terms of the variance are consistent with the District's water resources management plan and Minnesota Statutes, chapter 103D.
2. **HARDSHIP.** "Hardship" as used in connection with the granting of a variance means the land in question cannot be put to a reasonable use if used under the conditions allowed by these Rules; the plight of the applicant is due to circumstances unique to the land and not created by the applicant; and the variance, if granted, will not adversely affect the essential character of the locality and other adjacent land. Economic considerations alone shall not constitute a hardship if a reasonable use for the land exists under the terms of these Rules. Conditions may be imposed in the granting of a variance to insure compliance and to protect adjacent land and the public health and general welfare of the District.
3. **PROCEDURE.** An application for a variance shall describe the practical difficulty or particular hardship claimed as the basis for the variance. The application shall be accompanied with such surveys, plans, data and other information as may be required by the managers to consider the application.
4. **TERM.** A variance shall expire one year after it is granted, unless used by the applicant within the one-year period.
5. **VIOLATION:** A violation of any condition imposed in the granting of a variance shall be a violation of these Rules and shall automatically terminate the variance.

## **RULE N - APPEALS**

1. **INTERESTED PARTY.** For the purposes of this Rule N, “interested party” means a person or political subdivision with an interest in the pending subject matter.
2. **APPEALS.** An interested party may appeal a rule, permit decision or order made by the managers by a declaratory judgment action brought under Minnesota Statutes, Chapter 555.
3. **PROCEDURES.** The decision on appeal must be based on the record made in the proceeding before the managers. An appeal of a permit decision or order must be filed within 30 days of the managers’ decision.

## **RULE O - ENFORCEMENT**

1. **MISDEMEANOR.** A violation of these Rules, a stipulation agreement made or permit or order issued by the managers pursuant to these Rules, is a misdemeanor subject to a penalty as provided by law.
2. **ACTIONS.** The District may exercise all powers conferred upon it by Minnesota Statutes, chapter 103D, in enforcing these Rules, or a stipulation agreement made or permit or order issued by the managers under these Rules, including criminal prosecution, injunction, or an action to compel performance, restoration or abatement, or other appropriate action.
3. **ADMINISTRATIVE ORDER.** The District may issue a cease and desist order when it finds that a proposed or initiated activity or project presents a serious threat of flooding, erosion, sedimentation, an adverse effect upon water quality, or otherwise violates these Rules.
4. **ATTORNEYS' FEES AND COSTS.** In any civil action arising from or related to these Rules, an order or a stipulation agreement made or a permit issued or denied by the managers under these Rules, the court may award the prevailing party reasonable attorneys' fees and costs.

## **RULE P – Illicit Discharge**

1. **POLICY.** It is the policy of the managers to prohibit illicit discharges to the Prior Lake Outlet Channel.
2. **DEFINITIONS:** For the purposes of this Rule P, unless the context otherwise requires, the following words and terms shall have the meanings set forth below. Words and terms not defined in this Rule shall have the meanings set forth in Rule A.

**Illicit Connection** – an illicit connection is defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 system, including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the system and any connections to the system from indoor drains and sinks, regardless of whether said drain or connection has been previously allowed, permitted, or approved by political subdivision.
2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 system that has not been documented in plans, maps, or equivalent records and approved by a political subdivision.

**Illicit Discharge** – any discharge to the MS4 that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

**Non-Stormwater Discharge** – any discharge to the MS4 system that is not composed entirely of stormwater.

**Pollutant** - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Stormwater** – means stormwater runoff, snow melt runoff, and surface runoff and drainage (Minn. R. 7090.0080, subp.12.).

3. **REGULATION.**
  - (a) No person or political subdivision shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the Prior Lake Outlet Channel any pollutants or waters containing any pollutants, other than stormwater, unless specifically exempted by Paragraph 3 below.
  - (b) The construction, use, maintenance or continued existence of illicit connections to the Prior Lake Outlet Channel is prohibited.
    - (i) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law, rule, or practices applicable or prevailing at the time of connection.

- (ii) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the Prior Lake Outlet Channel, or allows such a connection to continue.
  - (iii) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.
  - (iv) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the District requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the District.
4. **SUSPENSION OF MS4 ACCESS.** The District may, without prior notice, suspend MS4 discharge access when such suspension is necessary:
- (a) **Suspension due to Illicit Discharges in Emergency Situations.** The District may, without prior notice, suspend MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the District's MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the District may take such steps as deemed necessary to prevent or minimize damage to the District's MS4 or Waters of the United States, or to minimize danger to persons or the environment.
  - (b) **Suspension due to the Detection of Illicit Discharge.** Any person discharging to the District's MS4 in violation of this Rule may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The District may issue an administrative order or pursue other enforcement action as provided in the District's Rule O to compel performance, restoration, abatement, and other appropriate action.
5. **MONITORING OF DISCHARGES.** This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- (a) **Access to Facilities.** The District shall gain consent or obtain a search warrant to enter buildings subject to regulation under this Rule to determine compliance with this Rule. The discharger shall make the necessary arrangements to allow access to representatives of the District.
  - (b) **Access to Records.** The District may examine and copy records that must be kept under the conditions of an NPDES Permit to discharge stormwater or that concern the performance of any duties as defined by state or federal stormwater laws.
  - (c) If the District has been refused access to any part of the premises from which stormwater is discharged, then the District may seek issuance of a search warrant from any court of competent jurisdiction.

6. **WATERCOURSE PROTECTION.** Every person owning property, through which a watercourse passes, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
7. **NOTIFICATION OF SPILLS.** It is the duty of every person to notify the District immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of the Prior Lake Outlet Channel, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution.
8. **ENFORCEMENT.** In addition to pursuing enforcement actions as provided in the District's Rule O, the District may utilize the following measures to enforce the provisions of this rule:
  - (a) **Notice of Violation.** Whenever the District finds that a person has violated a prohibition or failed to meet a requirement of this Rule, the District may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
    - (i) The performance of monitoring, analysis and/or reporting;
    - (ii) The elimination of illicit connections or discharges;
    - (iii) That violating discharges, practices or operations will cease and desist;
    - (iv) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
    - (v) Payment of District costs of administrative and remediation;
    - (vi) The implementation of source control or treatment BMPs.
  - (b) **Enforcement Measures.** If a violation is not corrected pursuant to the Notice of Violation and subsequent District order, the District may seek enforcement of the Rule requirements and/or order through criminal prosecution, injunction, action to compel performance, restoration, abatement, and other appropriate action. The District may avail itself of any and all measures necessary to abate the violation and/or restore the property.
9. **EXCEPTIONS.** The following materials may be discharged to the Prior Lake Outlet Channel operated by the District:
  - (a) Stormwater from a Municipal Separate Storm Sewer System connected to the Prior Lake Outlet Channel operated by the District, as specified in the Joint Powers Agreement / Memorandum of Agreement that governs the operation of the Prior Lake Outlet Channel.
  - (b) Discharges from public waters, including Prior, Pike, and Dean lakes.
  - (c) The following minor discharges:

- (i) Water line flushing
  - (ii) Landscape irrigation
  - (iii) Diverted stream flows
  - (iv) Rising ground waters
  - (v) Uncontaminated ground water infiltration
  - (vi) Uncontaminated pumped ground water
  - (vii) Discharges from potable water sources
  - (viii) Foundation drains
  - (ix) Air conditioning condensation
  - (x) Irrigation water
  - (xi) Springs
  - (xii) Water from crawl space pumps
  - (xiii) Footing drains
  - (xiv) Lawn watering
  - (xv) Individual residential car washing
  - (xvi) Flows from riparian habitats and wetlands
  - (xvii) Dechlorinated swimming pool discharges
  - (xviii) Street wash water
- (d) Discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that a permit has been received from the District under all applicable rules.
  - (e) Discharges or flow from firefighting, and other discharges specified in writing by the Prior Lake Watershed District as being necessary to protect public health and safety.
  - (f) Dye testing is an allowable discharge, but requires a verbal notification to the District prior to the time of the test.

## **Appendix 3 List of Forms**

You may copy forms 1, 7 or 11 for submittals you make, including an application. The other forms will be provided later to a permit applicant or initiated by the District.

**Form 1: Permit Application Form (2 pages)**

This is the “cover sheet” for all the application materials submitted.

**Form 2: Notice of Completeness or Incompleteness**

When the District receives an application, the applicant will be notified regarding the completeness and adequacy of the information submitted. The applicant will likely be required to submit additional information.

**Form 3: Review of Permit Application**

Once District Staff does a review, it will be prepared in this format by District Staff for the Board’s consideration.

**Form 4: Permit Application Status Notice**

After the Board has considered an application, a Status Notice will be sent out to summarize the Board’s action and any additional information required.

**Form 5: Permit - two pages; 5.1, 5.2.**

The actual permit will include these 2 pages.

**Form 6: Log of Activities.**

Suggested format to keep track of your erosion and sediment control activities.

**Form 7: Inspection Report**

At various times during the construction and/or operation of the permitted activity, the District will inspect the site for compliance with:

- a) the permit,
- b) the approved plan, and
- c) minimum standards for the protection of water quality and the environment.

Note: The following forms 8, 9, and 10 are preceded by an information sheet entitled “Required Information & Procedures” for **Buffer Strips** or **Infiltration** facilities, if required. You may obtain electronic copies of these forms from the District or you may create them yourself using the same language and inserting your project-specific information.

**Form 8: Declaration and Acceptance of Conservation Easement (version A)**

For Buffer Strips

**Form 9: Declaration and Acceptance of Conservation Easement (version B)**

For Buffer Strips.

**Form 10: Development Agreement – for Infiltration**

**Form 11: Permit Renewal or Transfer Application**

If an application has expired, is to be extended, renewed or transferred, this form should be used as the cover sheet for the information submitted.

**Form 12: Certificate of Completion**

Once a permitted project or activity is complete, the permittee is to complete and submit this form to the District. This will trigger a final inspection and, if there are no outstanding requirements, the District will:

- a) Terminate the permit,
- b) Send you the finalized Certificate of Completion, and
- c) Close the file.



PRIOR LAKE - SPRING LAKE

WATERSHED DISTRICT

**PERMIT APPLICATION, PAGE 2 OF 2**

Prior Lake - Spring Lake Watershed District (PLSLWD)

4646 Dakota Street SE, Prior Lake, MN 55372, 952-447-4166

PROJECT NAME	APPLICATION #: (to be assigned)
--------------	---------------------------------

**Permit Fee Deposit - to be paid with your application:**

Instructions: Calculate the required Permit Fee Deposit by totaling the amounts from items A through D below (as applicable). Include the Permit Fee Deposit with your application. Checks may be payable to the Prior Lake-Spring Lake Watershed District.

Fill in amount here:

A) Grading or Alteration:			
less than one acre .....	\$500		
1.0 to 4.99 acres .....	\$1,000		
5.0 to 19.9 acres .....	\$1,500		
20 acres or more .....	\$2,000		
B) Projects with Wetland or Flood Plain Areas	\$1,000	+	
C) Bridge or Culvert Crossing of a Waterbody or Ditch	\$1,500 per crossing	+	
D) Drainage Alterations .....	\$1,500	+	
<b>Total Permit Fee Deposit due with application</b>		=	

Permit Fee Deposit information and conditions:

1. The Permit Fee Deposit will be held in escrow and used to pay the District's costs for reviewing the application and administering the permit (if approved), including staff costs, and engineering and legal fees.
2. If at any time the Permit Fee Deposit falls below 25% of the original amount, the District shall notify the applicant to replenish the fee deposit to the original amount.
3. Upon application approval, a separate permit security escrow shall be required from the applicant prior to permit issuance.
4. Upon final completion of the project and the issuance of a Certificate of Completion by the District, the District shall return any unspent balance in the Permit Fee Deposit to the applicant, less a \$10 application fee. The District does not pay interest on escrow deposits.

**I hereby apply under District Rule B for a permit to complete the proposed project in accordance with the information submitted with this Application and the District's Rules, and I agree to the conditions on page one and two of this application.**

Signature of Owner - Applicant	Your Name - please print	Date Submitted
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Application Received	Permit Fee Deposit Amt	Received (y/n)	District Representative
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Generic Example of Form 3  
District Staff will prepare a summary review in this general form.

PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT

REVIEW of PERMIT APPLICATION

Date: Month xx , 200x

Permit Application No. 00.00 << name of project >>>

Applicant: Name of Owner / Applicant\*  
address  
City, state zip  
Phone number: \_\_\_\_-\_\_\_\_-\_\_\_\_

Recommendation: Most reviews are written by the District staff and will include staff recommendations regarding the item. These typically include:  
1) Items which are to be supplied before the permit can be issued.  
2) Resource management practices that can be incorporated into the design/construction/operation phases regarding erosion control and long-term surface water management.

Location: Description of the project area or site.

Purpose: Brief summary statement of the purpose of the activity.

Exhibits: This section typically lists the documentation submitted with the permit application.  
It includes such items as the dates that application information (Exhibits) were submitted

Findings: This section summarizes the District's findings on the proposal relative to the requirements and policies of the District.

Board Action: The District Board may grant conditional approval of a proposal. Other possibilities include tabling for additional information and denial.

\* The District requires that the Owner/Applicant sign the application.  
The Owner/Applicant will become the Permittee if a permit is issued.

PRIOR LAKE - SPRING LAKE

WATERSHED DISTRICT

4646 Dakota Street SE, Prior Lake, MN 55372, 952-447-4166

**STATUS of PERMIT APPLICATION**

<b>PROJECT NAME</b>	<b>APPLICATION # :</b>
---------------------	------------------------

<b>Name of Applicant</b>	<b>Telephone #:</b>
	<b>Email:</b>

<b>Address of Applicant</b>
-----------------------------

<b>STATUS OF PERMIT APPLICATION</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Tabled <input type="checkbox"/> Approved with conditions <input type="checkbox"/> Denied

<b>EXPLANATION</b>

<b>FEES</b>			
Initial Permit Fee Deposit	\$	-	
Review Costs:			
District Staff	\$	-	
Engineering	\$	-	
Legal	\$	-	
Postage	\$	-	
Total	\$	-	
<b>Balance:</b>	\$	-	
<b>Replenish Fee Deposit:</b>			
<b>Security Due*:</b>			
<b>Total Due:</b>			

Permits for the approved project will be issued upon receipt of security fee due, as well as satisfaction of Condition #1 above. The contractor may pay the amount due by check, bank draft or money order made payable to the Prior Lake-Spring Lake Watershed District.

The Permit Fee Deposit will be used for the actual costs incurred by the PLSLWD for review, inspections and compliance efforts, in accordance with the requirements of MN Stat. §103D.345, Subd. 2. If at any time during the project the Permit Fee Deposit falls below 25% of the original amount, the permittee must replenish the deposit to the original balance. Any unused balance of the Permit Fee Deposit will be returned once the PLSLWD Board determines that the permitted activity has been completed in accordance with the permit and the PLSLWD Rules.

<b>Signature of District Representative</b>	<b>Date</b>
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PRIOR LAKE - SPRING LAKE

WATERSHED DISTRICT

Prior Lake - Spring Lake Watershed District (PLSLWD)  
4646 Dakota Street SE, Prior Lake, MN 55372, 952-447-4166

**PERMIT #** \_\_\_\_\_

**PROJECT NAME**

**Name of Permittee**

**Phone #:**

**Email:**

**Permittee's Address** (Street, RFD, Box, City, State, Zip Code)

**Project Location (Township, Range, Section) and Address**

**Project Legal Description** (attach separate sheet if necessary)

**PERMIT CATEGORY** (check applicable type(s))

Land Disturbance (C)

Floodplain Alterations (F)

Drainage Alteration (I)

Stormwater Mgt (D)

Wetland Alterations (G)

Buffer Strips (J)

Erosion & Sed Ctrl (E)

Bridge/Culvert Crossings (H)

Other: \_\_\_\_\_

**PROJECT DESCRIPTION**

Signature of District Representative

Issuance Date

EXPIRATION DATE

PRIOR LAKE - SPRING LAKE

WATERSHED DISTRICT

4646 Dakota Street SE, Prior Lake, MN 55372, 952-447-4166

PERMIT # \_\_\_\_\_

**GENERAL TERMS AND CONDITIONS OF PERMIT**

- 1 All provisions of the Minnesota Watershed Act, Overall Plan and Rules of the District, and the General Conditions of the Permit Application are made part of this Permit by reference.
- 2 By acceptance of this Permit, Permittee acknowledges and agrees to perform and be bound by all General and Special Terms and Conditions of the issuance of this Permit.
- 3 Permittee shall obtain all necessary permits and approvals from other governmental entities with jurisdiction over the Project, including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Department of Natural Resources, MN Pollution Control Agency, county, city and township.
- 4 Permittee shall construct the Project in accordance with the conditions of the Permit, applicable laws, ordinances and regulations of other governmental entities with jurisdiction over the Project, and the plans & specifications referenced in the Permit.
- 5 Permittee shall not modify the Project or the Plans without the prior approval of the District.
- 6 Permittee will indemnify, defend and hold the District harmless from any claims for injury or damage resulting directly or indirectly from the Project.
- 7 Before starting work on the Project, Permittee shall: (a) obtain any copies of any permits required by other governmental entities or agencies; (b) if required by the District (see Special Conditions), deposit with the District a financial security for an amount and on terms and conditions acceptable to the Board; and c) notify the District of the date it intends to begin the work so the work may be viewed in progress.
- 8 It is the responsibility of Permittee to provide all measures necessary to contain sediment on the site during construction. This may require the use of erosion control measures not outlined on the erosion control plan. If this requirement is not met, the Permittee may be ordered to provide additional erosion control measures if deemed necessary by the District Inspector.
- 9 Permittee grants to the District, and its agents, employees, officers and contractors, a license to enter the Project to perform any inspections or work authorized by the Permit or any applicable law. The license shall expire after acceptance of the work by the District and issuance of a Certificate of Completion.
- 10 A Request for Certificate of Completion (PLSLWD Form 12) shall be sent to the District within 10 days after completion of the Project so that a final inspection can be made to assure compliance with this Permit.
- 11 Temporary measures (such as silt fence for erosion control) shall be removed when such measures are no longer necessary.
- 12 If Project is not completed before the Permit expiration date, Permittee must apply for renewal. If work on the Project is under way, a time extension may be granted by the Board for good cause. Written request for a time extension is to be filed by the Permittee at least 30 days prior to the expiration date. Work is not permitted without a valid Permit. If the Permit expires prior to the grant of an extension, the guidelines established for a new permit application must be followed.
- 13 Transfer of this Permit without plan changes may be administratively approved upon receipt of a Permit Fee Deposit and security from the transferee. Any outstanding fees under the initial Permit must be paid in full before a transfer. Transfers with plan changes must follow the guidelines established for a new permit application.
- 14 Failure to comply with this Permit may result in one or more of the enforcement actions, as specified in District Rule O.
- 15 If Permittee fails to comply with this Permit, District may, perform any work necessary or incidental to cure the default. The Permittee shall promptly upon demand reimburse District for any expense so incurred by the District, provided that the Permittee shall first be given at least 48 hours written notice by certified mail, return receipt requested, of the work in default and the requirements to cure the default. In the event of an emergency, as determined by District, the 48 hour notice requirement to Permittee may be waived, and the Permittee shall reimburse District for any expense so incurred in the same manner as if mailed notice has been given.
- 16 The District may draw against the security after any default by Permittee in performance under this Permit, or if Permittee fails to replace any security prior to 30 days of its expiration, or if any of the work or other obligations of Permittee under this Permit have not been completed at least 30 days prior to the expiration date specified on Page 1 of the Permit. All proceeds obtained from a draw on the shall be used to cure the defaults of the Permittee in performance of the Permit.
- 17 All notices required to be given shall be sent to the address specified on Page 1 of this Permit.
- 18 The District shall use the Permit Fee Deposit to pay for the actual costs incurred by the District to enforce this Permit, including court costs and reasonable engineering and attorney's fees. If at any time the Permit Fee Deposit falls below 25% of the original amount, the permittee must replenish the deposit to the original balance.





PRIOR LAKE-SPRING LAKE WATERSHED DISTRICT  
CONSERVATION EASEMENT

Required Information & Procedures

A. Basic Documents.

1. Declaration of Conservation Easement - either Option A or B.
2. Acceptance by the District (part of Declaration).
3. Consent by Mortgagee, if land is encumbered.

B. Process.

*Option A* - Declaration creates Conservation Easement by metes and bounds legal description BEFORE plat is filed.

1. Developer submits to District, for approval, metes and bounds legal description and drawing showing location of buffer strip(s).
2. Developer submits signed Declaration of Conservation Easement for District to sign Acceptance.
3. Signed Declaration with Acceptance and any required Consent(s) by Mortgagee are filed for record with Scott County Recorder and/or Registrar, as appropriate, and evidence of filing is provided to District.
4. Location of buffer easement(s) can (but need not) be shown on final plat as:

"Conservation Easement per Document \_\_\_\_\_".

*Option B* - Declaration creates Conservation Easement by reference to location on plat CONCURRENTLY with filing of plat.

1. Developer submits to District, for approval, final plat, showing easement location and designating "Conservation Buffer Easement per Document \_\_\_\_\_" around/along wetlands and watercourses.
2. Developer prepares Declaration referring to "Conservation Buffer Easement" shown on the plat (rather than using metes and bounds legal description to describe the easement).

3. Developer submits signed Declaration of Conservation Easement for District to sign Acceptance.
4. Signed Declaration with Acceptance and any required Consent(s) by Mortgagee are filed for record with Scott County Recorder and/or Registrar, as appropriate, CONCURRENTLY with the filing of plat, and evidence of filing is provided to District.

C. Required Information.

1. Name and legal status of Declarant and owner, if different  
\_\_\_\_\_
2. Contact person phone number \_\_\_\_\_
3. Name and official position of person to sign on behalf of entity Declarant or Owner  
\_\_\_\_\_
4. If Option A, legal descriptions for Declaration Exhibits A and B; or if Option B, copy of final plat showing easement location and designation of "Conservation Buffer Easement per Document \_\_\_\_\_".

D. Easement Checklist.

<u>Date Completed</u>	<u>Option A</u>	<u>Date Completed</u>	<u>Option B</u>
_____	Legal description approved	_____	Easement location on plat approved
_____	Signed Declaration recorded	_____	Signed Declaration recorded
_____	Signed Consent(s) recorded, if needed	_____	Signed Consent(s) recorded, if needed
_____	Evidence of filing Declaration received	_____	Evidence of filing Plat and Declaration received

E. Special Requirements, if any.

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DECLARATION AND ACCEPTANCE OF CONSERVATION EASEMENT

This Declaration is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

\_\_\_\_\_  
(whether one or more the “Declarant”).

RECITALS

Declarant has obtained a permit from the Prior Lake-Spring Lake Watershed District (“Watershed District”) pursuant to its Rules (“Rules”) relating to the development of certain land (“Land”) in Scott County, Minnesota, described on the attached Exhibit A, and desires to establish a conservation easement under Minnesota Statutes, Chapter 84C, to create buffer strips around the perimeter of watercourses and wetlands within the Property as required by the Rules.

DECLARATION

NOW, THEREFORE, Declarant hereby declares that the portion of the Land described or depicted on the attached Exhibit B (“Easement Area”) shall be held, sold, conveyed and occupied subject to the following easements and restrictions (collectively the “Conservation Easements”), which shall be perpetual and run with the Land and bind each owner (“Owner”) and all other persons having any right, title or interest in the Land or any part thereof, their heirs, representatives, successors and assigns, and shall inure to the benefit of the Watershed District, and its successors and assigns.

1. INTENT. Declarant intends to permanently retain the Easement Area in its predominantly natural condition and prevent or remedy any subsequent activity or use that may significantly impair or interfere with its function as a buffer strip.

2. RESTRICTIONS. The following restrictions shall apply to the Easement Area:

(a) The Easement Area shall be preserved predominantly in its natural condition. No trees, shrubs, or other vegetation that are not indigenous or naturalized to the State of Minnesota shall be planted upon the Easement Area; and no trees, shrubs, or other vegetation shall be removed from the Easement Area without the prior written consent of the Watershed District.

(b) Buffer strip vegetation shall be established and maintained within the Easement Area in accordance with the Rules.

(c) Easement identification monuments (signs) must be placed and maintained at the boundaries of the Easement Area as required by the Rules. Removal of the monuments is prohibited.

(d) Subject to Section 3 below, alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application, are prohibited within the Easement Area. Noxious vegetation, such as European buckthorn, purple loosestrife and reed canary grass, may be removed as long as the Easement Area is maintained to the standards required by the Rules. Alterations would not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards.

3. AUTHORIZED USES. The following activities shall be permitted within the Easement Area, and shall not constitute prohibited alterations under Paragraph 2(d) above:

(a) Use and maintenance of an unimproved access strip through the Easement Area, not more than 20 feet in width, for recreational access to the watercourse or wetland and the exercise of riparian rights.

(b) Placement, maintenance, repair or replacement of utility and drainage systems that exist on creation of the Conservation Easements or are required to comply with any subdivision approval or building permit obtained from the municipality or county, so long as any adverse impacts of utility or drainage systems on the function of the Conservation Easements have been avoided or minimized to the extent possible.

(c) Construction, maintenance, repair, reconstruction or replacement of existing and future public roads crossing the Easement Area, so long as any adverse impacts of the road on the function of the Conservation Easements have been avoided or minimized to the extent possible.

4. ENTRY. The Watershed District, and its agents, employees, officers and contractors, may enter the Land (but not any structure or improvements) at reasonable times to monitor subsequent activities and uses, perform work, and enforce this Declaration. The Watershed District shall give reasonable prior notice to the Owner of all such entries and shall not unreasonably interfere with the Owner's use and quiet enjoyment of the Land. This Declaration grants no right of access or entry on the Land to the general public.

5. COSTS AND FEES. The Owner shall reimburse the Watershed District for all costs incurred in the enforcement of this Declaration, including Watershed District staff and engineering and attorneys' fees. The Owner shall fully pay all invoices submitted by the Watershed District for obligations incurred under this Declaration within 7 days after receipt. Amounts not so paid shall accrue interest at the rate of 8 percent per year.

#### 6. MISCELLANEOUS.

(a) Unless the context otherwise requires, references in this Declaration to the Rules adopted by the Watershed District include amendments and revisions to the Rules.

(b) Each Owner, including Declarant, and each successor record owner of the Land shall be fully discharged and relieved of liability under this Declaration upon ceasing to own any interest in the Land and paying all amounts and performing all obligations hereunder to the time such ownership terminates.

(c) This Declaration may be amended by the Declarant or any subsequent Owner, with the written consent of the Watershed District.

(d) Enforcement of this Declaration shall be by proceedings at law or in equity against any person violating or attempting to violate these restrictions either to restrain the violation or to recover damages. The failure to enforce any of the restrictions shall not be deemed to be a waiver of the right to do so thereafter. A party seeking enforcement of this Declaration shall be entitled to recover from the party violating the restrictions, reimbursement for all costs and expenses of litigation including reasonable attorneys' fees and other costs incurred in attempting to secure such relief.

(e) Invalidation of any provision of this Declaration shall not affect the remaining provisions, which shall continue in full force and effect.



EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

[Insert legal description of Property]

EXHIBIT B

LEGAL DESCRIPTION OF EASEMENT AREA

[Insert legal description of Easement Area]



DECLARATION AND ACCEPTANCE OF CONSERVATION EASEMENT

This Declaration is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, \_\_\_\_\_ (whether one or more, the “Declarant”).

RECITALS

Declarant has applied for a permit (Applic #\_\_\_\_.\_\_\_\_) from the Prior Lake-Spring Lake Watershed District (“Watershed District”) pursuant to its Rules (“Rules”) relating to the development of certain land (“Land”) in Scott County, Minnesota, platted or soon to be platted as \_\_\_\_\_ (“Plat”) according to the plat thereof, recorded or soon to be recorded with Scott County, Minnesota. Declarant desires to establish a conservation easement under Minnesota Statutes, Chapter 84C, to create buffer strips around the perimeter of watercourses and wetlands within the Land as required by the Rules.

DECLARATION

NOW, THEREFORE, Declarant hereby declares that the portion of the Land described or depicted as “Conservation Buffer Easement” on the Plat (“Easement Area”) shall be held, sold, conveyed and occupied subject to the following easements and restrictions (collectively the “Conservation Easements”), which shall be perpetual and run with the Land and bind each owner (“Owner”) and all other persons having any right, title or interest in the Land or any part thereof, their heirs, representatives, successors and assigns, and shall inure to the benefit of the Watershed District, and its successors and assigns.

1. INTENT. Declarant intends to permanently retain the Easement Area in its predominantly natural condition and prevent or remedy any subsequent activity or use

that may significantly impair or interfere with its function as a buffer strip.

2. RESTRICTIONS. The following restrictions shall apply to the Easement Area:

(a) The Easement Area shall be preserved predominantly in its natural condition. No trees, shrubs, or other vegetation that are not indigenous or naturalized to the State of Minnesota shall be planted upon the Easement Area; and no trees, shrubs, or other vegetation shall be removed from the Easement Area without the prior written consent of the Watershed District.

(b) Buffer strip vegetation shall be established and maintained within the Easement Area in accordance with the Rules.

(c) Easement identification monuments must be placed and maintained at the boundaries of the Easement Area as required by the Rules. Removal of the monuments is not allowed.

(d) Subject to Section 3 below, alterations including building, storage, paving, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application, are prohibited within the Easement Area. Noxious vegetation, such as European buckthorn, purple loosestrife and reed canary grass, may be removed as long as the Easement Area is maintained to the standards required by the Rules. Alterations would not include plantings that enhance the natural vegetation or selective clearing or pruning of trees or vegetation that are dead, diseased or pose similar hazards.

3. AUTHORIZED USES. The following activities shall be permitted within the Easement Area, and shall not constitute prohibited alterations under Paragraph 2(d) above:

(a) Use and maintenance of an unimproved access strip through the Easement Area, not more than 20 feet in width, for recreational access to the watercourse or wetland and the exercise of riparian rights.

(b) Placement, maintenance, repair or replacement of utility and drainage systems that exist on creation of the Conservation Easements or are required to comply with any subdivision approval or building permit obtained from the municipality or county, so long as any adverse impacts of utility or drainage systems on the function of the Conservation Easements have been avoided or minimized to the extent possible.

(c) Construction, maintenance, repair, reconstruction or replacement of existing and future public roads crossing the Easement Area, so long as any adverse impacts of the road on the function of the Conservation Easements have been avoided or minimized to the extent possible.

4. ENTRY. The Watershed District, and its agents, employees, officers and contractors, may enter the Land (but not any structure or improvements) at reasonable times to monitor

subsequent activities and uses, perform work, and enforce this Declaration. The Watershed District shall give reasonable prior notice to the Owner of all such entries and shall not unreasonably interfere with the Owner's use and quiet enjoyment of the Land. This Declaration grants no right of access or entry on the Land to the general public.

5. COSTS AND FEES. The Owner shall reimburse the Watershed District for all costs incurred in the enforcement of this Declaration, including Watershed District staff and engineering and attorneys' fees. The Owner shall fully pay all invoices submitted by the Watershed District for obligations incurred under this Declaration within 7 days after receipt. Amounts not so paid shall accrue interest at the rate of 8 percent per year.

#### 6. MISCELLANEOUS.

(a) Unless the context otherwise requires, references in this Declaration to the Rules adopted by the Watershed District include amendments and revisions to the Rules.

(b) Each Owner, including Declarant, and each successor record owner of the Land shall be fully discharged and relieved of liability under this Declaration upon ceasing to own any interest in the Land and paying all amounts and performing all obligations hereunder to the time such ownership terminates.

(c) This Declaration may be amended by the Declarant or any subsequent Owner, with the written consent of the Watershed District.

(d) Enforcement of this Declaration shall be by proceedings at law or in equity against any person violating or attempting to violate these restrictions either to restrain the violation or to recover damages. The failure to enforce any of the restrictions shall not be deemed to be a waiver of the right to do so thereafter. A party seeking enforcement of this Declaration shall be entitled to recover from the party violating the restrictions, reimbursement for all costs and expenses of litigation including reasonable attorneys' fees and other costs incurred in attempting to secure such relief.

(e) Invalidation of any provision of this Declaration shall not affect the remaining provisions, which shall continue in full force and effect.

Declarant's Signature: \_\_\_\_\_

Declarant's Printed Name and Title: \_\_\_\_\_

Name of Firm: \_\_\_\_\_

STATE OF MINNESOTA)

)ss.

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public



DEVELOPMENT AGREEMENT

This Agreement is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_  
\_\_\_\_\_ (whether one or more the “Owner”), and the PRIOR  
LAKE-SPRING LAKE WATERSHED DISTRICT, a political subdivision of the State of Minnesota  
 (“Watershed District”).

RECITALS

A. Owner proposes to develop \_\_\_\_\_ (“Project”) on certain  
property located in \_\_\_\_\_, Minnesota, legally described on the attached  
Exhibit A.

B. Owner has applied to the Watershed District (Application # \_\_\_\_.) for a permit (“Permit”) approving its storm water management plan for the Project (“Plan”). The Watershed District has approved the Permit on conditions that Owner agrees to construct, use, operate and maintain storm water and infiltration structures within the Project in the locations described on the attached Exhibit B (collectively the “Infiltration Structures”) in accordance with the provisions of this Agreement.

AGREEMENT

In consideration of the mutual covenants herein, the parties hereto agree as follows:

1. RECITALS. The foregoing recitals are true, correct and incorporated herein by this reference.
2. INFILTRATION STRUCTURES. Owner, at its expense, shall construct the Infiltration Structures to the specifications, in the locations, and at the times required by the Permit and as set forth on the copy of the Plans summarized herein as Exhibit C.
3. USE AND MAINTENANCE. Owner and Watershed District agree that, once the Infiltration Structures are properly constructed, proper and timely maintenance is the key to the intended function

of the Infiltration Structures in perpetuity. Owner shall, at its expense, use, operate, repair, maintain, replace and restore the Infiltration Structures in accordance with the requirements of the Permit, best management practices, the manufacturers' specifications for such structures, and this Agreement, to include without limitation, the following:

Infiltration structures shown on the Plan and in the Permit shall be constructed, operated and maintained to conform with this Agreement and the infiltration requirements of the Permit, including the infiltration rate. If it is determined that the required infiltration rate can no longer be maintained in the Infiltration Structures, the Owner shall restore or replace that capacity within the watershed of Prior Lake.

Exhibit D summarizes maintenance requirements for the Infiltration Structures.

4. RESTRICTIONS. The following restrictions shall apply to the Infiltration Structures:

- (a) Infiltration Structures shall be preserved and maintained predominantly in the locations, size and condition shown on the Plan.
- (b) Owner shall not make any use of the Infiltration Structures that would adversely affect the functions of the Infiltration Structures for the infiltration of precipitation water in the manner set forth in the Plan.
- (c) No pavement, building, structure, playground or other surface shall be placed upon or within the Infiltration Structures without the prior written consent of the Watershed District.
- (d) No trash, soil, waste or other offensive material, or landfill shall be placed upon or within the Infiltration Structures without the prior written consent of the Watershed District.
- (e) No change in the general topography and size of the Infiltration Structures shall be allowed without the prior written consent of the Watershed District.

5. INSPECTION. Owner grants to the Watershed District, and its agents, employees, officers and contractors, a license to enter the Project including the Infiltration Structures (but not any dwelling) at reasonable times to monitor subsequent activities and uses, perform work, inspect for conformance with the Permit, and enforce this Agreement. These activities by the Watershed District shall not unreasonably interfere with the Owner's use and quiet enjoyment of the Project. This Agreement grants no right of access or entry on the Project to the general public.

6. INDEMNITY. Owner shall indemnify, defend and hold the Watershed District and its agents, employees, officers, and contractors, harmless from all claims made by it and third parties for damage or loss sustained or costs incurred, including Watershed District staff and engineering and attorneys' fees, in connection with or arising out of the issuance of the Permit, the construction of the Project, or this Agreement.

7. COSTS AND FEES. Owner shall reimburse the Watershed District for all costs incurred in the enforcement of this Agreement, including Watershed District staff and engineering and attorneys' fees. Owner shall fully pay all invoices submitted by the Watershed District for obligations incurred under this Agreement within 7 days after receipt. Amounts not so paid shall

accrue interest at the rate of 8 percent per year.

8. **DEFAULT.** If Owner defaults as to any obligations required by the Permit, the Rules, or this Agreement, the Watershed District may, at its option and after not less than 48 hours notice to Owner, enter upon the Project and perform the work, and Owner shall reimburse the Watershed District for all costs incurred thereby. In the event of an emergency as determined by the Watershed District, the requirement of 48 hours advance notice of default shall be waived.

9. **DURATION.** This Agreement shall terminate on the date that the Infiltration Structures are dedicated to and accepted by \_\_\_\_\_ for the storm water management and infiltration purposes prescribed herein. In the absence of such dedication and acceptance, this Agreement shall remain in effect and shall be enforceable by the Watershed District for a term of 30 years from the date hereof. After such time, this Agreement shall extend automatically for successive periods of 10 years, unless an instrument signed by the then Owner and the Watershed District has been filed for record terminating this Agreement.

10. **BINDING EFFECT.** (a) This Agreement shall run with the land and bind and inure to the benefit of the parties hereto and their respective heirs, successors and assigns; however, the Owner and each successor record owner of the Project shall be fully discharged and relieved of liability under this Agreement upon ceasing to own any interest in the Project and paying all amounts and performing all obligations hereunder to the time ownership terminates.

(b) If the Project is a subdivision, the obligations of Owner under this Agreement are, with the prior written notification of the Watershed District, to be transferred to and assumed by a homeowner's association responsible for the operation and maintenance of the common areas and improvements of the Project, including the Infiltration Structures. The Project Owner and each successor owner of any individual lot in the Project shall be relieved of liability under this Agreement upon (i) the filing for record the assumption of liability by the homeowner's association and the notification of the Watershed District, and (ii) Owner's payment of all amounts and performance of all obligations hereunder as of the transfer. Exhibit E summarizes the Special Conditions required by the District to be incorporated into the Homeowners' Association documentation.

11. **RECORDING.** Owner shall cause this Agreement to be filed for record within 30 days after issuance of the Permit. Evidence of filing shall be provided to the Watershed District within 30 days of completion of the recording.

12. **MISCELLANEOUS.** (a) Unless the context otherwise requires, references in this Agreement to the Rules adopted by the Watershed District include amendments and revisions to the Rules. For the purpose of this Agreement, unless the context otherwise requires, the terms "best management practices" and "impervious surface" shall have the meaning set forth in the Rules.

(b) The invalidity or un-enforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision.

(c) The failure of the Watershed District to insist on compliance or enforcement of any provision of this Agreement shall not affect the validity or enforceability or constitute a waiver by the Watershed District of future enforcement of that provision or any other provision.

(d) All notices under this Agreement shall be deemed to be sent or delivered when personally delivered to the recipient or when mailed by certified or registered mail, postage prepaid, addressed to Owner at \_\_\_\_\_, to any successor or assign of Owner at its registered office or place of business in Minnesota, and to the Watershed District at 15815 Franklin Trail, Prior Lake, Minnesota 55372, or at such other address as either party may hereafter designate in writing to the other.

(e) This Agreement shall be subject to and governed by Minnesota law.

**EXHIBIT A: Legal Description the Project Area.**

[Insert legal description]

**EXHIBIT B: Legal Description of the Areas of the Stormwater Structures.**

[Insert legal description(s) ]

**EXHIBIT C: Drawing of Infiltration Structures**

[Insert drawing(s)]

**EXHIBIT D: Summary of Maintenance Requirements and In-Service Checklist**

[ Insert, if any.]

**EXHIBIT E: Special Conditions to be included in the documentation for a Homeowners' Association.**

**Special Conditions for a Homeowners' Association Document**

Permit # \_\_\_\_ for:

<< name of activity or development >>

Permittee and Owner: << describe >>

Prior Lake-Spring Lake Watershed District (the District)

The Watershed District Permit requires a Development Agreement (DA) between the Permittee and the District. The DA is for infiltration structures to be constructed on the site. The permittee is to finalize the DA, have that document recorded, and then provide the District with documentation of that recording.

The obligations of the Permittee under the DA shall, prior to completion of the

permitted activity and release of any security, be transferred to and assumed by a permanent homeowners' association (HA) for the project.

The purposes of the HA are maintenance and administration of the common elements and restrictions for the project, including the infiltration facilities required by the District permit.

The documents establishing the HA shall:

1. Be provided to the District for review and comment before the HA is finalized such that those documents may be reasonably satisfactory to the District,
2. Provide evidence to the District of the proper formation of the HA,
3. Include a requirement that the membership of the HA be comprised of all of the owners of parcels within the project,
4. Require mandatory membership in the HA by all of the owners,
5. Require the HA to maintain the common elements, including the form and function of the infiltration facilities,
6. Require that the owners and others comply with the restrictions contained in the DA,
7. Require the collection of assessments to pay for the obligations of the HA,
8. Provide for a method of enforcement of assessment rights and obligations of the owners in accordance with the HA documents,
9. Provide for the recording of a declaration to establish the easements, restrictions and covenants as required or necessary for the HA.



**PRIOR LAKE - SPRING LAKE**

**WATERSHED DISTRICT**

4646 Dakota Street SE, Prior Lake, MN 55372, 952-447-4166

**APPLICATION for EXTENSION / RENEWAL / TRANSFER**

PROJECT NAME :		PERMIT #:
Name of Owner - Applicant		Telephone #: Email:
Applicant's Address (Street, RFD, Box, City, State, Zip Code)		
Project Location (Township, Range, Section) and Address		
Project Legal Description (Attach separate sheet if necessary; indicate if unchanged from initial application))		
<b>CATEGORY - check all that apply:</b> <input type="checkbox"/> Public and Private Drainage Systems <input type="checkbox"/> Land Development Plan <input type="checkbox"/> Bridge and/or Culvert Construction <input type="checkbox"/> Final Site Drainage Plan <input type="checkbox"/> Renewal <input type="checkbox"/> Other (attach additional info)		
State reason(s) for extension/renewal/transfer:		
State any plan changes:		
Attach additional information necessary to describe the activity and any change.		
<b>GENERAL CONDITIONS</b>		
1. The Permittee grants to the District, and its agents, employees, officers and contractors, a license to enter the Project to perform any inspections or work authorized by the Permit or any applicable law. The license shall expire after acceptance of the work by the District and issuance of a Certificate of Completion.  2. The Permittee shall indemnify, defend and hold the District and its agents, employees and officers harmless for all claims made by itself and third parties for damages or loss sustained or costs incurred, including engineering and attorneys' fees, as a result of the issuance of the Permit or the construction of the Project.  3. The Permittee shall pay all costs incurred by the District to process and review the application for the Permit and to inspect and monitor the activities authorized by the Permit. In addition, the Permittee shall reimburse the District for all costs incurred in the enforcement of the Permit, including engineering and attorneys' fees. The Permittee shall fully pay all bills submitted to it by the District within 7 days after receipt. Bills not so paid shall accrue interest at the rate of 8% per year.  4. The Permittee shall obtain such easements as may be required for construction of the Project and provide in the final plat for the Project utility and drainage easements acceptable to the District to protect all hydrologic features within the Project and to provide access for the maintenance of the storm sewer facilities to be constructed pursuant to the Permit.  5. To assure full compliance with the terms of the Permit, the Permittee shall deposit with the District a cash surety or irrevocable letter of credit, in form and from a surety satisfactory to the District, in the amount specified under the Special Conditions of the Permit.  6. By acceptance of the Permit, Permittee acknowledges and agrees to perform and be bound by all general and special terms and conditions of the Permit.		
I hereby apply under District Rule B for a Permit to complete the proposed project in accordance with the exhibits and other information submitted with this Application, the conditions of the previous Application(s) and Permit(s) for this activity. I agree to the above general conditions.		
Your Signature	Your Name - please print	Date Submitted
Date Received at District	\$60 Fee Received	Signature of District Representative

PRIOR LAKE - SPRING LAKE

WATERSHED DISTRICT

4646 Dakota Street SE, Prior Lake, MN 55372, 952-447-4166

**REQUEST for CERTIFICATE OF COMPLETION**

PERMITTEE: FORWARD TO DISTRICT UPON COMPLETION of PROJECT & PERMIT REQUIREMENTS

**PROJECT NAME**

**PERMIT #**

**Permittee (same as Owner - Applicant)**

**Phone #:**

**Email:**

**Permittee's Address:**

The undersigned hereby certifies that the work described in the above referenced Permit has been completed as of the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, in accordance with the permit granted by the Prior Lake-Spring Lake Watershed District and is now ready for **final inspection**.

Signature of Permittee \_\_\_\_\_

Date \_\_\_\_\_

**FINAL INSPECTION FINDINGS (PLSLWD staff use only)**

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**ACTIONS REQUIRED**

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- Send Letter
- Advise Board
- Advise City/Town of \_\_\_\_\_

- Advise \_\_\_\_\_
- Release of Surety
- Other \_\_\_\_\_

Signature of District Representative

Date

## **Appendix 4**

### Checklists

Use the following checklists, as applicable to your particular activity, to prepare a complete application. The more complete your application, the more likely your application is to be reviewed in a timely manner.

These checklists are included here for your use only; they are not a required part of an application.

Note, however, that the District staff also uses these same checklists in the process of determining completeness and adequacy of applications.

B – Procedural Requirements

C – General Standards

D – Stormwater Management

E – Erosion & Sediment Control

F – Floodplain Alteration

G – Wetland Alteration

H – Bridge & Culvert Crossing

I – Drainage Alteration

# PRIOR LAKE SPRING LAKE

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## WATERSHED DISTRICT

### Permit Checklist

#### Rule B: Procedural Requirements

Applicant Name: _____
Project: _____
Permit # _____ Submittal Date: _____
Reviewed by: _____
Review Date: _____ Approval Date: _____

This checklist is intended to assist permit applicants in making a complete application and in complying with the Rules of the Watershed District. Keep a copy for your records.

#### PERMIT APPLICATION:

- Initial permit application submitted on: \_\_\_\_\_.
- COMPLETE permit application submitted at least 14 days before the PLSLWD Board meeting at which you would like it to be considered.
- Obtain from a licensed abstractor a list of all landowners within 500 feet of your project boundary. Include a map of these parcels. Print off addresses with the name shown as "Current Resident" on 8.5" x 11" sheets of self-stick labels.
- If for subdivision, the permit application must be considered by PLSLWD Board of Managers before preliminary approval by city or county.
- Submitted paid application fee (Other fees may be charged later).
- Permit Application deemed complete by PLSLWD on: \_\_\_\_\_.

#### FOLLOWING BOARD APPROVAL:

- For subdivisions only: Furnish PLSLWD a copy of city or county approval within 30 days of that approval. City & County subdivision approvals consistent with PLSLWD Permit conditions
- Provide permit security to the District.
- Plans & Specs need to be stamped by PLSLWD staff as "Approved". This is part of Permit issuance.
- Furnish PLSLWD with copies of other required permits (or status of those permits).
- Meet all conditional items listed in the Status of Permit form.
- Once all above items are complete, obtain your Permit from the District.

#### PROJECT COMPLETION:

- Submit Certificate of Completion form to the District when all Permit requirements are complete.

# PRIOR LAKE SPRING LAKE

WATERSHED DISTRICT

## Permit Application Checklist Rule C: General Standards

Applicant Name: \_\_\_\_\_

Project: \_\_\_\_\_

Permit # \_\_\_\_\_ Submittal Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Review Date: \_\_\_\_\_ Approval Date: \_\_\_\_\_

*This checklist is to assist you in making a complete application and complying with the Rules of the Watershed District. Any land disturbing activities must comply with Rule C, including these General Standards below.*

- (a) Project shall be undertaken in conformance with best management practices and in compliance with the standards and criteria in the District Rules.
- (b) Project must protect adjacent property and waterbodies from erosion, sedimentation, flooding or other damage.
- (c) Land disturbing activities shall be planned and conducted to:
  - Minimize the extent of disturbed area, runoff velocities and erosion potential, and to reduce and delay runoff volumes.
  - Include proper erosion and runoff controls that are:
    - consistent with best management practices
    - properly installed before commencing land disturbing activities
    - sufficient to retain sediment on-site
    - regularly inspected and maintained
  - Stabilize disturbed areas within 100 feet of a waterbody, storm sewer inlet or road if work within the area ceases or will be suspended for more than 7 days on slopes greater than 3:1, or 14 days on slopes ranging from 3:1 to 10:1, or 21 days for flatter slopes.
- (d) When possible, existing natural watercourses and vegetated soil surfaces shall be used to convey, store, filter and retain runoff before discharge into public waters or a stormwater conveyance system.
- (e) When possible, runoff from roof gutter systems shall discharge onto lawns or other pervious surfaces to promote infiltration.
- (f) Use of fertilizer and pesticides in the shoreland protection zone shall be done so as to minimize runoff into public waters by the use of earth material, vegetation, or both.
- (g) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference shall be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.

# PRIOR LAKE SPRING LAKE

WATERSHED DISTRICT

## Permit Application Checklist Rule D: Stormwater Management

Applicant Name: _____
Project: _____
Permit # _____ Submittal Date: _____
Reviewed by: _____
Review Date: _____ Approval Date: _____

### **SUBMITTALS REQUIRED** *The following items shall accompany the permit application:*

Yes No N/A

- (a) One full size set of 11" x 17" plans (both paper and electronic versions required).
- (b) Property lines and delineation of lands under ownership of the applicant.
- (c) Delineation of the subwatershed contributing runoff from off-site, proposed and existing subwatersheds on-site, emergency overflows and watercourses.
- (d) Proposed and existing stormwater facilities location, alignment and elevation.
- (e) Delineation of existing on-site wetland, marsh, shoreland and floodplain areas.
- (f) For applications proposing infiltration as a stormwater management practice, identification, description, permeability and approximate delineation of site soils in both existing and proposed as-developed condition.
- (g) Existing and proposed ordinary high and 100-year water elevations onsite.
- (h) Existing and proposed site contour elevations at 2 foot intervals, referenced to NGVD, 1929 datum.
- (i) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet controls.
- (j) Runoff volume and rate analysis for the 2-year, 10-year and 100-year critical storm events, existing and proposed.
- (k) All hydrologic, water quality and hydraulic computations made in designing the proposed stormwater management facilities.
- (l) Narrative addressing incorporation of infiltration BMPs.
- (m) Delineation of any ponding, flowage or drainage easements, or other property interests, to be dedicated for stormwater management purposes.

### **COMMENTS - SUBMITTALS:**

**DISTRICT POLICIES** *Has the project met the following district policies:*

Yes No N/A

- (a) Require that peak runoff rates not exceed existing conditions and the capacity of downstream conveyance facilities or contribute to flooding.
- (b) Manage subwatershed discharge rates and flood storage volumes to be consistent with the goals of the water resources management plan.
- (c) Control runoff rates by the use of regional or on-site detention or infiltration facilities where feasible.
- (d) Review stormwater management structures based on the 100-year critical storm event for the drainage area.
- (e) Route runoff to water treatment ponds or other acceptable facilities before discharging into waterbodies.
- (f) Promote the use of natural waterbodies for storing runoff and improving water quality and other amenities.
- (g) Promote natural infiltration of runoff.
- (h) Minimize the amount of directly connected impervious surface created by the development, preserve the infiltration capacity of the soil, and incorporate infiltration practices into the design where feasible.

**COMMENTS - POLICIES:**

**APPROVAL CRITERIA** *Has the stormwater management plan complied with the following criteria?*

Yes No N/A

- (a) A hydrograph method based on sound hydrologic theory will be used to analyze runoff for the design or analysis of flows and water levels.
- (b) Runoff rates for the proposed activity shall not exceed existing runoff rates for the 2-year, 10-year and 100-year critical storm events, and runoff rates may be restricted to less than the existing rates when necessary for the public health and general welfare of the District.
- (c) Where a project creates one or more acres of new impervious surface, the stormwater runoff volume shall be retained on site in the amount equivalent to 1.0 inches of runoff over the new impervious surface. For a project that creates less than one acre of new impervious, the stormwater runoff volume shall be retained on site in the amount equivalent to 0.5 inches of runoff over the new impervious.
  - (ii) Development that creates impervious surfaces must explicitly address the use of best management practices to limit the loss of pervious area, and meet the volume reduction standards to the extent feasible considering site-specific conditions.
    - 1) Volume reduction techniques considered shall include infiltration, reuse and rainwater harvesting, canopy interception and evapotranspiration, and/or additional techniques included in the Minnesota Stormwater Manual, as amended. High priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by water quality ponding BMPs.
    - 2) The District may approve alternative BMPs instead of infiltration, provided that the proposed BMPs meet the requirements of the NPDES General Construction Permit, as amended.

(iii) BMPs shall be designed and installed in accordance with generally accepted design practices and guidance contained in the Minnesota Pollution Control Agency's Minnesota Stormwater Manual, as amended.



**(d)** Infiltration features shall include the following design considerations:

- (i) The infiltration area shall be capable of infiltrating the required volume within 48 hours for surface and subsurface BMPs.
- (ii) Infiltration areas will be limited to the horizontal areas subject to prolonged wetting.
- (iii) Areas of permanent pools tend to lose infiltration capacity over time and will not be accepted as an infiltration practice.
- (iv) Stormwater runoff must be pretreated to remove solids before discharging to infiltration areas to maintain the long term viability of the infiltration areas.



**(e)** Regional detention basins shall be utilized to manage peak flow rates and runoff volumes, and meet water quality objectives when feasible. On-site detention basins, infiltration facilities, and permanent sedimentation and water quality ponds will be utilized for land disturbing activities exceeding one acre when regional basins are not in place or feasible. A waiver may be granted for special circumstances described in Paragraphs 4(a) and 4(b) below.



**(f)** The applicant will provide water quality BMPs sized to infiltrate and/or retain the runoff volume generated on the site by the 2 year, 24-hour event under the developed condition for all points where discharges leave a site. For that portion of the 2 year, 24-hour event runoff volume that is not required to be infiltrated under paragraph (c), water quality BMPs or additional infiltration will be incorporated. The order of preference for water quality BMPs is biofiltration, filtration, wetland treatment system, extended detention, and wet detention in accordance with NURP standards.



**(g)** Analysis of flood levels, storage volumes and flow rates for waterbodies and detention basins shall be based on the range of rainfall and snow melt durations producing the critical flood levels and discharges.



**(h)** Landlocked water basins may be provided with outlets that:

- (i) Retain a hydrologic regime complying with Rules F and G;
- (ii) Provide sufficient dead storage to retain back-to-back 100-year, 24-hour rainfalls and runoff above the highest anticipated groundwater elevation and prevent damage to property adjacent to the basin; and
- (iii) Do not create adverse downstream flooding or water quality conditions, or materially affect stability of downstream water courses.



**(i)** Detention basins shall be designed to provide:

- (i) An outlet structure to control the 2-year, 10-year and 100-year critical storm events to predevelopment runoff rates;
- (ii) An identified overflow spillway sufficiently stabilized to convey a 100-year critical storm event;
- (iii) A normal water elevation above the OHW of adjacent waterbodies; and
- (iv) Access for future maintenance.



**(j)** Permanent sedimentation and water quality ponds shall be designed to the Wet Pond Design Standards set forth on Appendix A to these Rules and provide:

- (i) Water quality features consistent with NURP criteria and best management practices;
- (ii) A permanent wet pool with dead storage of at least the runoff from a 2.5-inch storm event;
- (iii) A normal water elevation above the OHW of adjacent waterbodies;
- (iv) An outlet skimmer to prevent migration of floatables and oils for at least the one year storm event; and
- (v) Access for future maintenance.

- (k) Unless a municipality or the county has adopted an ordinance prescribing a minimum low floor elevation, which ordinance shall govern, any new residential, commercial, industrial and other habitable structures shall be constructed with the following low floor elevation:
  - (i) In the case of a land-locked basin, the low floor elevation shall be at least 3 feet above the surveyed basin overflow or three feet above the high water level of the basin as determined from an estimate of high water levels using the higher of either the 100-year, 10-day runoff event and back-to-back 100-year, 24-hour rainfalls under full build-out conditions. Aerial photographs, vegetation, soils and topography shall be used to derive a “normal” water elevation for the basin to compute the 100-year elevation.
  - (ii) In all other cases, the low floor elevation shall be at least 2 feet above the critical event 100-year high water elevation and three feet above the overflow elevation of nearby waterbodies and stormwater basins.

**COMMENTS - CRITERIA:**

# PRIOR LAKE SPRING LAKE

## WATERSHED DISTRICT

### Permit Application Checklist Rule E: Erosion-Sediment Control

Applicant Name: _____
Project: _____
Permit # _____ Submittal Date: _____
Reviewed by: _____
Review Date: _____ Approval Date: _____

#### **SUBMITTALS REQUIRED** *The following items shall accompany the permit application:*

- | Yes                      | No                       |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) An existing and proposed topographic map showing contours on and adjacent to the land, property lines, all hydrologic features, the proposed land disturbing activities, and the locations of all runoff, erosion and sediment controls and soil stabilization measures.                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Plans and specifications for all proposed runoff, erosion and sediment controls, and temporary and permanent soil stabilization measures.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) Detailed schedules for implementation of the land disturbing activity, the erosion and sediment controls, and soil stabilization measures.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (d) Detailed description of the methods to be employed for monitoring, maintaining and removing the erosion and sediment controls, and soil stabilization measures.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (e) Soil borings if requested by the District.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (f) For projects over one acre of disturbed area, documentation that the permittee has applied for the NPDES General Construction Permit from the Minnesota Pollution Control Agency (MPCA) shall be submitted, in addition to the Stormwater Pollution Prevention Plan (SWPPP) prepared for the NPDES Permit. |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>SECURITY.</b> Any bond or other security required in accordance with Rule L shall be maintained until final soil stabilization and removal of erosion and sediment controls, and the payment of all fees and other amounts due the District.  |

#### **DISTRICT POLICIES** *Has the project met the following district policies:*

- | Met                      | Not Met                  |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Prepare (and implement) an erosion and sediment control plan to control runoff and erosion and to retain or control sediment on land during land disturbing activities. |

#### **APPROVAL CRITERIA** *Does the project comply with the following criteria?*

- | Met                      | Not Met                  |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) Natural site topography and soil conditions shall be used to control runoff and reduce erosion and sedimentation during construction and after completion of the land disturbing activity.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Erosion and sediment control measures shall be consistent with the standards of the General Permit Authorization to Discharge Stormwater Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued by the Minnesota Pollution Control Agency, except where more specific requirements apply, including:<br>(i) Phasing to minimize disturbed areas subject to erosion at any one time. |

- (ii) Implementation of BMPs to minimize the discharge of sediment and other pollutants.
- (iii) Dewatering activities shall be discharged in a manner that does not cause nuisance conditions.
- (iv) Proper storage and disposal of all construction site projects, materials or wastes.
- (v) Site inspections and records of rainfall events.
- (vi) Proper maintenance of all BMPs.
- (vii) Management of solid and hazardous wastes on each project site
- (viii) Final stabilization upon completion of the construction activity
- (ix) Provisions for the use of temporary sediment basins to control runoff and provide treatment during construction, when applicable.

- (c) All erosion and sediment controls shall be installed before commencing the land disturbing activity, and shall not be removed without District approval or until the District has issued a certificate of completion pursuant to Paragraph 14 of Rule B.

**COMMENTS - SUBMITTALS:**

# PRIOR LAKE SPRING LAKE

WATERSHED DISTRICT

## Permit Application Checklist

### Rule F: Floodplain Alteration

Applicant Name: _____
Project: _____
Permit # _____ Submittal Date: _____
Reviewed by: _____
Review Date: _____ Approval Date: _____

#### **SUBMITTALS REQUIRED** *The following items shall accompany the permit application:*

- | Yes                      | No                       |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) Site plan showing boundary lines, delineation and existing elevation contours of the work area, ordinary high water level, and 100-year critical flood elevation. All elevations shall be referenced to NGVD, 1929 datum. |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Grading plan showing any proposed elevation changes.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) Preliminary plat of any proposed subdivision.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (d) Determination by a registered professional engineer of the 100-year critical flood elevation before and after the proposed activity.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (e) Computation of the change in flood storage capacity as a result of the proposed alteration or fill.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (f) Erosion control and sediment plan which complies with Rule E.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (g) Soil boring results if available.   |

#### **DISTRICT POLICIES** *Has the project met the following district policies:*

- | Met                      | Not Met                  |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) Preserve existing water storage capacity below the 100-year critical flood elevation on all waterbodies in the District to minimize the frequency and severity of high water. |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Minimize development in the floodplain which will unduly restrict flood flows or aggravate known high water problems.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) Require compensatory storage for unavoidable floodplain fill.   |

#### **APPROVAL CRITERIA** *Does the project comply with the following criteria?*

- | Met                      | Not Met                  |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) Floodplain alteration or filling shall not cause a net decrease in flood storage capacity below the projected 100-year critical flood elevation unless it is shown that the proposed alteration or filling, together with the alteration or filling of all other land on the affected reach of the waterbody to the same degree of encroachment as proposed by the applicant, will not cause high water or aggravate flooding on other land and will not unduly restrict flood flows. |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) All new structures shall be constructed with the low floor at a minimum of two feet above the 100-year critical flood elevation.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) A land disturbing activity within a floodplain may require a District permit under Rules D and E.   |

(d) An activity that alters or fills a wetland within a floodplain may require a permit under Rule G.

**COMMENTS:**

# PRIOR LAKE SPRING LAKE

WATERSHED DISTRICT

## Permit Application Checklist Rule G: Wetland Alteration

Applicant Name: \_\_\_\_\_

Project: \_\_\_\_\_

Permit # \_\_\_\_\_ Submittal Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Review Date: \_\_\_\_\_ Approval Date: \_\_\_\_\_

### **SUBMITTALS** *It is recommended that the following items accompany the permit application (as applicable):*

Yes N/A

(a) Wetland Delineation Report

(b) Wetland Replacement Plan

### **DISTRICT POLICIES** *Has the project met the following district policies:*

Met Not Met

(a) Achieve no net loss in the quantity, quality and biological diversity of wetlands in the District.

(b) Increase the quantity, quality and biological diversity of wetlands in the District by restoring or enhancing diminished or drained wetlands.

(c) Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality and biological diversity of District wetlands as determined using the Minnesota Routine Assessment Method (MnRam) for Evaluating Wetland Functions Version 2.0.

(d) Replace affected wetlands where avoidance is not feasible and prudent.

### **APPROVAL CRITERIA** *Does the project comply with the following criteria?*

Met Not Met

(a) Any drainage, filling, excavation or other alteration of a wetland shall be conducted in compliance with Minnesota Statutes, section 103G.245, the Wetland Conservation Act, and regulations adopted thereunder.

(b) A wetland may be used for stormwater storage and treatment only if the use will not adversely affect the function and public value of the wetland as determined by the local government unit.

(c) Other activities which would change the character of a wetland shall not diminish the quantity, quality or biological diversity of the wetland.

### **COMMENTS:**

# PRIOR LAKE SPRING LAKE

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## WATERSHED DISTRICT

### Permit Application Checklist Rule H: Bridge & Culvert Crossings

Applicant Name: _____
Project: _____
Permit # _____ Submittal Date: _____
Reviewed by: _____
Review Date: _____ Approval Date: _____

**SUBMITTALS REQUIRED** *The following items shall accompany the permit application:*

- | Yes                      | No                       |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) Construction plans and specifications.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Analysis prepared by a registered professional engineer showing the effect of the project on hydraulic capacity and water quality. |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) An erosion and sediment control plan which complies with Rule E.   |

**DISTRICT POLICIES** *Has the project met the following district policies:*

- | Met                      | Not Met                  |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) To maintain channel profile stability in watercourses. |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) To maintain conveyance capacity in watercourses.       |

**APPROVAL CRITERIA** *District Rules require that crossings shall:*

- | Met                      | Not Met                  |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) Retain adequate hydraulic capacity, which for any crossing over the Prior Lake outlet channel shall be based on the hydraulic model for the outlet channel. |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) Retain adequate navigational capacity.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) Not adversely affect water quality.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (d) Represent the "minimal impact" solution to a specific need with respect to all reasonable alternatives.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (e) Allow for future erosion, scour, and sedimentation considerations.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (f) Require a permit under Rules D and E if part of a land disturbing activity or subdivision.  |

**COMMENTS:**

# PRIOR LAKE SPRING LAKE

WATERSHED DISTRICT

## Permit Application Checklist

### Rule I: Drainage Alterations

Applicant Name: \_\_\_\_\_

Project: \_\_\_\_\_

Permit # \_\_\_\_\_ Submittal Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Review Date: \_\_\_\_\_ Approval Date: \_\_\_\_\_

#### **SUBMITTALS REQUIRED** *The following items shall accompany the permit application:*

Yes No

- (a) Map showing location of proposed alteration and tributary area.
- (b) Existing and proposed cross sections and profile of affected drainage area.
- (c) Description of bridges or culverts required.
- (d) Narrative and calculations verifying compliance with Paragraph 3(a) and 3(b) above.

#### **DISTRICT POLICIES** *Has the project met the following district policies:*

Met Not Met

- (a) Surface water may be drained only in a manner which does not unreasonably burden upstream or downstream land.

#### **APPROVAL CRITERIA** *The applicant is required to:*

Met Not Met

- (a) Describe the overall environmental impact of the proposed drainage alteration and demonstrate that:
- (i) There is a reasonable necessity for such drainage alteration;
  - (ii) Reasonable care has been taken to avoid unnecessary injury to upstream and downstream land;
  - (iii) The utility or benefit accruing to the land on which the drainage will be altered reasonably outweighs the gravity of the harm resulting to the land receiving the burden; and
  - (iv) The drainage alteration is being accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practicable natural drain, a reasonable and feasible artificial drainage system is being adopted.
- (b) Provide a hydraulic design which complies with Rules F and G, and if the alteration involves a landlocked basin, the alteration must comply with Rule D3(f) for outlets from landlocked basins.
- (c) Provide a stable channel and outfall.
- (d) Obtain a permit under Rules D and E if the drainage alteration is part of a land disturbing activity or a development or redevelopment of land.

#### **COMMENTS:**

**App. 5**  
1/1/02

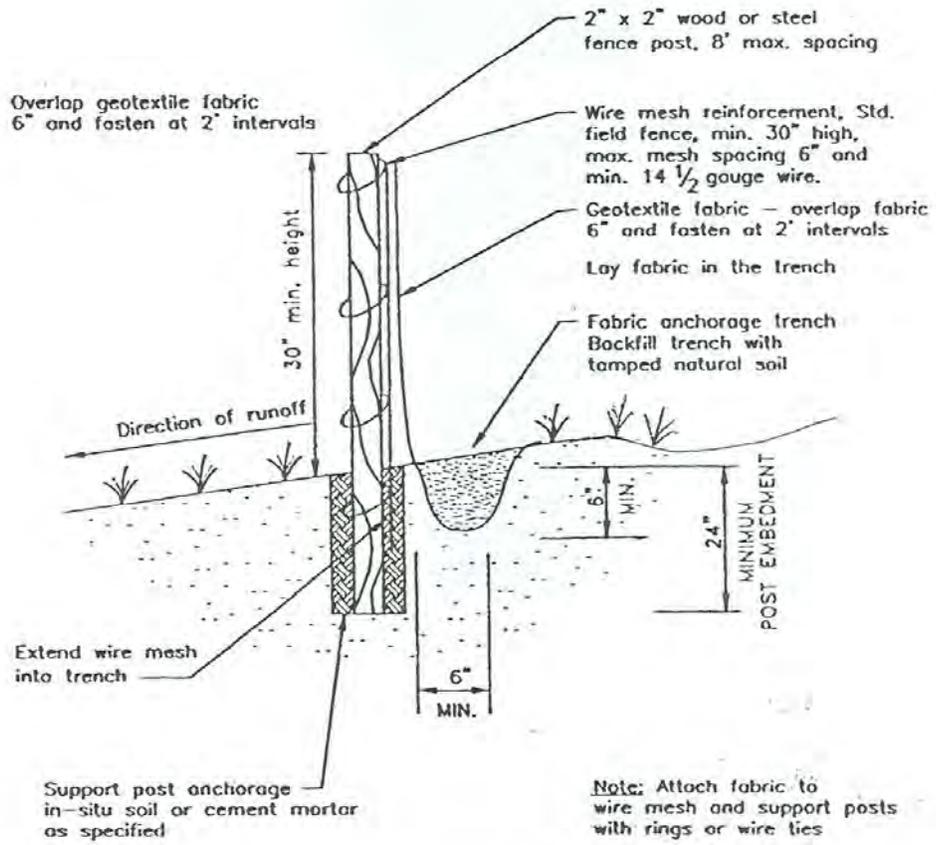
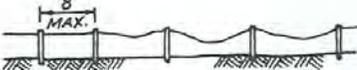
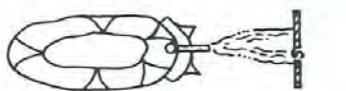
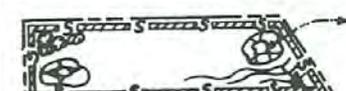


Table 2: Conditions that Limit the Effectiveness of Silt Fences

1		<p><b>Slope and/or Length of Slope</b>                      5% to 10%: no more than 50 feet                      10% to 20%: no more than 25 feet                      more than 20%: no more than 15 feet</p>
2		<p>Silt fence is not <b>aligned parallel</b> to slope contours</p>
3		<p>Edges of the silt fence are not <b>curved uphill</b>, allowing flow to bypass the fence</p>
4		<p><b>Contributing length</b> to fence is greater than 100 feet</p>
5		<p>Fabric is not <b>entrenched deeply</b> enough to prevent undercutting</p>
6		<p><b>Spacing between posts</b> is greater than eight feet</p>
7		<p>Fence receives <b>concentrated flow</b> without reinforcement</p>
8		<p>Installed <b>below an outlet pipe</b> or weir</p>
9		<p>Silt fence is <b>upslope</b> of the exposed area</p>
10		<p>Silt fence alignment does not consider <b>construction traffic</b></p>
11		<p><b>Sediment deposits</b> behind silt fence reduce capacity and increase breach potential</p>
12		<p>Alignment of silt fence <b>mirrors the property line</b> or limits of disturbance, but does not reflect ESC needs</p>

## **Appendix 6: Best Management Practices, “BMPs”**

For Stormwater management, especially during construction.

Site Management

Silt Fence

Temporary Seed/Mulch

Permanent Seeding/Sodding

Temporary Sediment Basin

Temporary Protection of Drain Inlet

Site Clean-up/Litter Control

Off-limits areas

Parking Management

Street Sweeping

Slope Drain

Infiltration

Porous Pavers

Detention

Diversion

Floatable Silt Curtain

Chemicals/Fuels Management

Lot Benching

Lined Channel

Drain Inlet Protection

Filter Strip

Sodding

Rip rap

Others (explain)

Refer to Rule C for other BMPs and related general criteria.

BMPs are often best applied in combinations and/or sequentially. The development and application of BMPs is an on-going activity.

Permit applicants, land developers and other are also encouraged to consider current BMP manual such as:

“Protecting Water Quality in Urban Areas”, MPCS, March 2000.

“Minnesota Urban Small Sites Manual”, Prepared for Metro Council Environmental Services by Barr Engineering, July, 2001.

“The Practice of Watershed Protection”, T R Schuler and H K Holland, Center for Watershed Protection, Elliot City, MD.

## Appendix 7: Excerpt from NPDES Construction Storm Water Permit

### III.D. PERMANENT STORMWATER MANAGEMENT SYSTEM

The **Permittee(s)** shall design the **project** so that all **stormwater** discharged from the **project** during and after **construction activities** does not cause a violation of state water quality standards, including nuisance conditions, erosion in receiving channels or on downslope properties, or a significant adverse impact to **wetlands** caused by inundation or decrease of flow.

The **Permittee(s)** shall construct a permanent stormwater management system meeting the requirements of this Part, or if the **project** is located in a jurisdiction subject to a **NPDES/SDS** Municipal Separate Storm Sewer System (MS4) permit and that permit has established permanent treatment requirements that include volume reduction, the **Permittee(s)** can comply with the permanent treatment requirements established under the MS4 permit in lieu of the permanent treatment requirements of this permit.

Where a **project's** ultimate development replaces vegetation and/or other pervious surfaces with one (1) or more acres of cumulative **impervious surface**, the **Permittee(s)** must design the **project** so that the **water quality volume** of one (1) inch of runoff from the new **impervious surfaces** created by the **project** is retained on site (i.e. infiltration or other volume reduction practices) and not discharged to a **surface water**. For purposes of this part, **surface waters** does not include man-made drainage systems that convey **stormwater** to a compliant permanent **stormwater** management system.

For those **projects** where infiltration is prohibited (see Part III.D.1.j.), the **Permittee(s)** shall consider other methods of volume reduction and the **water quality volume** (or remainder of the **water quality volume** if some volume reduction is achieved) must be treated by a wet sedimentation basin, filtration system, regional ponding or equivalent methods prior to the discharge of **stormwater** to **surface waters**.

Where the proximity to bedrock precludes the installation of any of the permanent **stormwater** management practices outlined in Part III.D., other treatment, such as grassed swales, filtration systems, smaller ponds, or grit chambers, is required prior to the discharge of **stormwater** to **surface waters**.

For work on linear **projects** with lack of right-of-way where the **Permittee(s)** cannot obtain an easement or other permission for property needed to install treatment systems capable of treating the entire **water quality volume** on site, the **Permittee(s)** must maximize the **water quality volume** that can be treated prior to discharge to **surface waters**. Treatment can be provided through other methods or combination of methods such as grassed swales, filtration systems, smaller ponds, or grit chambers, prior to discharge to **surface waters**. A reasonable attempt must be made to obtain right-of-way during the **project** planning process. Documentation of these attempts must be in the **SWPPP** per Part III.A.5.m. in the section addressing **infeasibility**.

When constructing any of the permanent **stormwater** management systems in this part, the **Permittee(s)** must incorporate the following design parameters:

## 1. Infiltration/Filtration

- a. Infiltration/Filtration options include but are not limited to: infiltration basins, infiltration trenches, rainwater gardens, sand filters, organic filters, bioretention areas, natural or enhanced swales, dry storage ponds with underdrain discharge, off-line retention areas, and natural depressions. Infiltration must be used only as appropriate to the site and land uses. The method selected by the **Permittee(s)** must remove settleable solids, floating materials, and oils and grease from the runoff to the maximum extent practicable before runoff enters the infiltration/filtration system. Filtration systems must be designed to remove at least 80 percent of total suspended solids. When designing the system the **Permittee(s)** must evaluate the impact of constructing an infiltration practice on existing hydrologic features (e.g., existing **wetlands**) and the system must be designed to maintain pre-existing conditions (e.g., do not breach a perched water table that is supporting a **wetland**). For a discussion of potential **stormwater** hotspots, groundwater warnings, design measures, maintenance considerations or other retention, detention, and treatment devices, see the **Minnesota Stormwater Manual** found on the MPCA's website.
- b. Infiltration systems must not be excavated to final grade until the contributing drainage area has been constructed and fully **stabilized** unless rigorous erosion prevention and sediment controls are provided (Part III.D.1.c.).
- c. When an infiltration system is excavated to final grade (or within three (3) feet of final grade), the **Permittee(s)** must employ rigorous **erosion prevention** and **sediment controls** (e.g., diversion berms) to keep sediment and runoff completely away from the infiltration area. The area must be staked off and marked so that heavy construction vehicles or equipment will not compact the soil in the proposed infiltration area.
- d. To prevent clogging of the infiltration or filtration system, the **Permittee(s)** must use a pretreatment device such as a vegetated filter strip, small sedimentation basin, or water quality inlet (e.g., grit chamber) to settle particulates before the **stormwater** discharges into the infiltration or filtration system.
- e. The **Permittee(s)** must design infiltration or filtration systems that provide a **water quality volume** (calculated as an instantaneous volume) of one (1) inch of runoff (or one (1) inch minus the volume of **stormwater** treated by another system on the site) from the new impervious surfaces created by the **project**.
- f. The **Permittee(s)** must design the infiltration/filtration system to discharge the **water quality volume** routed to the system through the soil surface or filter media within 48 hours or less. Additional flows that cannot be infiltrated or filtered within 48 hours must be routed to bypass the system through a **stabilized** discharge point. The **Permittee(s)** must design the infiltration system to provide a

means to visually verify that the system is discharging through the soil surface or filter media within 48 hours or less.

- g. The **Permittee(s)** shall employ appropriate on-site testing consistent with the recommendations found in the **Minnesota Stormwater Manual** to verify soil type and to ensure a minimum of three (3) feet of separation from the seasonally **saturated soils** (or from bedrock) and the bottom of the proposed infiltration/filtration system.
- h. The **Permittee(s)** must ensure filtration systems with less than three (3) feet of separation from seasonally **saturated soils** or from bedrock are constructed with an impermeable liner.
- i. The **Permittee(s)** must design adequate maintenance access (typically eight (8) feet wide).
- j. Infiltration is prohibited when the infiltration system will be constructed in:
  - i. Areas that receive discharges from vehicle fueling and maintenance.
  - ii. Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally **saturated soils** or the top of bedrock.
  - iii. Areas that receive discharges from industrial facilities which are not authorized to infiltrate industrial **stormwater** under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
  - iv. Areas where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating **stormwater**.
  - v. Areas of predominately Hydrologic Soil Group D (clay) soils unless allowed by a local unit of government with a current MS4 permit.
  - vi. Areas within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features unless allowed by a local unit of government with a current MS4 permit.
  - vii. Areas within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13., unless allowed by a local unit of government with a current MS4 permit.
  - viii. Areas where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour or as allowed by a local unit of government with a current MS4 permit.

## 2. Wet Sedimentation Basin

- a. The **Permittee(s)** must design the basin to have a permanent volume of 1,800 cubic feet of storage below the outlet pipe for each acre that drains to the basin. The basin's permanent volume must reach a minimum depth of at least three (3) feet and must have no depth greater than 10 feet. The basin must be configured such that scour or resuspension of solids is minimized.

- b. The **Permittee(s)** must design basins to provide live storage for a **water quality volume** (calculated as an instantaneous volume) of one (1) inch of runoff (or one (1) inch minus the volume of **stormwater** treated by another system on the site) from the new impervious surfaces created by the **project**.
- c. The **Permittee(s)** must design basin outlets such that the **water quality volume** is discharged at no more than 5.66 cubic feet per second (cfs) per acre of surface area of the pond.
- d. The **Permittee(s)** must design basin outlets to prevent short-circuiting and the discharge of floating debris. Basin outlets must have **energy dissipation**.
- e. The **Permittee(s)** must design the basin to include a **stabilized** emergency overflow to accommodate storm events in excess of the basin's hydraulic design.
- f. The **Permittee(s)** must design adequate maintenance access (typically eight (8) feet wide).
- g. The **Permittee(s)** must design sediment Basins to be situated outside of **surface waters** and any buffer zone required under Appendix A, Part C.3. and they must be designed to avoid draining water from **wetlands** unless the impact to the **wetland** is in compliance with the requirements of Appendix A, Part D.

### 3. Regional Ponds

When the entire **water quality volume** cannot be retained onsite, the **Permittee(s)** can use or create regional ponds provided that they are constructed ponds, not a natural **wetland** or water body, (**wetlands** used as regional ponds must be mitigated for, see Appendix A, Part D) and designed in accordance with this permit's design requirements (Part III.D.2.) for all water from **impervious surfaces** that reach the pond. **Permittee(s)** shall not construct regional ponds in **wetlands**, regardless of their condition, quality or designation by local plans, unless the mitigative sequence in Appendix A, Part D. of this permit has been completed. There must be no significant degradation of the waterways between the **project** and the regional pond. The **owner** must obtain written authorization from the applicable local governmental unit (LGU) or private entity that owns and maintains the regional pond. The LGU's or private entity's written authorization must identify that the regional pond will discharge the **water quality volume** (one (1) inch of runoff from the impervious watershed area) at no more than 5.66 cfs per acre of surface area of the pond. The **owner** must include the LGU's or private entities' written authorization in the **SWPPP**. The LGU's or private entity's written authorization must be obtained before the **owner** finalizes the **SWPPP** and before any application for this permit is made to the MPCA.