

Resolution 23-011

**Riley-Purgatory-Bluff Creek Watershed District
Board of Managers**

Permit Fee Schedule Update

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

WHEREAS the Riley-Purgatory-Bluff Creek Watershed District has duly adopted rules and permitting requirements, pursuant to Minnesota Statutes sections 103D.335 and 103D.341;

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

WHEREAS Minnesota Statutes section 103D.345, subdivisions 2 and 3, provide that a watershed district may charge inspection fees to private applicants to cover actual costs related to the permitting of projects conducted within its jurisdiction, including the cost of staff and consultant services; to cover actual costs related to a field inspection, including investigation of the area affected by the proposed activity, analysis of the proposed activity, services of a consultant and any required subsequent monitoring of the proposed activity; and, further, that costs of monitoring an activity authorized by permit may be charged and collected as necessary after issuance of the permit;

WHEREAS RPBCWD Rule L – Permit Fees requires applicants to pay permit fees in accordance with a written schedule maintained and revised from time to time by resolution of the RPBCWD Board of Managers to ensure that RPBCWD’s actual costs of administering and enforcing private-project permits are recovered from permittees;

WHEREAS RPBCWD maintains written policies to ensure that permit costs are borne by parties seeking and working under permits rather than watershed taxpayers, and to ensure consistency and clarity in permit processing for the benefit of those subject to RPBCWD permit requirements; and

WHEREAS RPBCWD review and analysis of the costs of administering permit applications has prompted a slight revision of the RPBCWD permit fees to ensure that RPBCWD does not collect more funds than necessary for applications triggering only the RPBCWD erosion- and sediment-control requirements, and the managers find that revision of the permit fee schedule is necessary to adhere to the principles and goals outlined here and in RPBCWD Rule L – Permit Fees.

NOW THEREFORE BE IT RESOLVED that the RPBCWD Board of Managers adopts the attached Permit Fee Deposit & Rate Schedule, effective for all private-property applications completed on or after January 4, 2023, and establishes RPBCWD policy stated in the schedule.

NOW THEREFORE BE IT FURTHER RESOLVED that the RPBCWD Board of Managers directs the administrator to ensure that the current Permit Fee Deposit & Rate Schedule is readily available online and in the district office; and

NOW THEREFORE BE IT FINALLY RESOLVED that the RPBCWD Board of Managers will continue to periodically review and, if necessary and warranted, revise the Permit Fee Deposit & Rate Schedule based on analysis of permitting costs incurred for private projects.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Crafton				
Duevel				
Koch				
Pedersen				
Ziegler				

Upon vote, the chair declared the resolution adopted.

Dated: January 4, 2023.

* * * * *

I, Dorothy Pedersen, secretary of the Riley-Purgatory-Bluff Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with RPBCWD and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this __ day of _____, 2023.

Dorothy Pedersen, Secretary

Riley-Purgatory-Bluff Creek Watershed District

Permit Fee Deposit and Rate Schedule

Effective January 5, 2023

The following permit-fees deposits will be required from private permit applicants for processing a permit application, in keeping with established RPBCWD policy.

Deposits

For land-disturbing activities on record single-family residential property:	\$200
For Wetland Conservation Act-only approvals	\$500
For Rule C/erosion-control only applications:	\$1,000
For subdivision of land and all other projects:	\$3,000

Applicants requesting a variance or exception under Rule K – Variances and Exceptions must submit an additional deposit of \$2,000.

Rates

Application processing fee	\$10
Inspection, services of consultants, monitoring –	
RPBCWD Inspection (staff time and directly attributable costs)	\$35.50/hour
RPBCWD Administration (staff time)	\$59.55/hour
Consulting engineer/technician	<i>contracted rate</i>
Counsel	<i>contracted rate</i>

Electronic recordkeeping, postage, mailing, contracted administrative services and other miscellaneous services will be billed at cost.

- Permit fee deposits will be held in escrow and applied to reimburse RPBCWD for costs;
- When an application is approved, the deposit will be replenished to the applicable deposit amount by the applicant before the permit will be issued to cover actual RPBCWD costs incurred in processing and administering the application;
- An application for a permit modification, renewal or extension will not be approved until the applicable permit-fee deposit balance is replenished;
- A permit applicant must replenish the permit-fee deposit to the original amount or such lesser amount as the RPBCWD administrator deems sufficient within 30 days of receiving notice that an additional deposit is due. The administrator may close out the relevant application or revoke approval if the permit-fee deposit is not timely replenished; and
- The administrator will return any unused portion of an applicant’s permit fee deposit to the permittee within 45 days of notice from the permittee that the permitted work has been completed, unless RPBCWD determines that the work has not been completed in accordance with the applicable permit and rules.