

Capitol Region Watershed District Rules

Adopted X/XX/200X

General Policy Statement

The Capitol Region Watershed District (District) is a political subdivision of the State of Minnesota, established under the Minnesota Watershed Law. The District is also a watershed management organization as defined under the Minnesota Metropolitan Surface Water Management Act, and is subject to the directives and authorizations in that Act. Under the Watershed Law and the Metropolitan Surface Water Management Act, the District exercises a series of powers to accomplish its statutory purposes. The District's general statutory purpose is to conserve natural resources through development planning, flood control, and other conservation projects, based upon sound scientific principles.

As required under the Metropolitan Surface Water Management Act, the District has adopted a Watershed Management Plan, which contains the framework and guiding principles for the District in carrying out its statutory purposes. It is the District's intent to implement the Plan's goals and policies in these rules.

Land alteration affects the rate, volume, and quality of surface water runoff which ultimately must be accommodated by the existing surface water systems within the District. The watershed is 40.6 square miles and highly urbanized.

Land alteration and urbanization has and can continue to degrade the quality of runoff entering the waterbodies of the District due to non-point source pollution. Sedimentation from ongoing erosion processes and construction activities can reduce the hydraulic capacity of waterbodies and degrade water quality. Water quality problems already exist in all of the lakes and other water resources of throughout the District. The Mississippi River is the principle receiving water for all runoff from the District and is listed by the EPA as "impaired" for nutrients. Como Lake, a high priority water resource of the District, is also listed as impaired.

Projects that do not address the increased rate or volume of stormwater runoff from urban development can aggravate existing flooding problems and contribute to new ones. Projects that do not address the quality of runoff can aggravate existing water quality problems and contribute to new ones. Projects which fill floodplain or wetland areas without compensatory storage can aggravate existing flooding by reducing flood storage and hydraulic capacity of waterbodies, and can degrade water quality by eliminating the filtering capacity of those areas.

In these rules the District seeks to protect the public health and welfare and the natural resources of the District by providing reasonable regulation of the District's lands and waters to reduce the severity and frequency of flooding and high water, to preserve floodplain and wetland storage capacity, to improve the chemical, physical and biological quality of surface water, to reduce sedimentation, to preserve waterbodies' hydraulic and navigational capacity, to preserve natural wetland and shoreland features, and to minimize future public expenditures to avoid or correct these problems.

Relationship of Capitol Region Watershed District to Municipalities

The District recognizes that the primary control and determination of appropriate land uses is the responsibility of the municipalities. Accordingly, the District will coordinate permit application reviews involving land

development with the municipality where the land is located.

The District intends to be active in the regulatory process to ensure that water resources are managed in accordance with District goals and policies. The District intends to begin implementing these rules effective February 1, 2006. All developments that do not have municipal approval on or before February 1, 2006 will require a permit. Municipalities have the option of assuming a more active role in the permitting process after adoption of a local water management plan approved by the District by adopting and implementing local ordinances consistent with the approved plan.

The District will also review projects sponsored or undertaken by municipalities and other governmental units, and will require permits of the contractor in accordance with these rules for governmental projects impacting water resources of the District. These projects include but are not limited to, land development, road, trail, and utility construction.

The District desires to serve as technical advisor to the municipalities in their preparation of local surface water management plans and the review of individual development proposals prior to investment of significant public or private funds. To promote a coordinated review process between the District and the municipalities, the District encourages the municipalities to involve the District early in the planning process.

Rule A: Definitions

For the purposes of these rules, the following words have the meanings set forth below.

References in these rules to specific sections of the Minnesota Statutes include any amendments, revisions or recodification of those sections.

Best management practices (BMPs) - measures taken to minimize negative effects on the environment as documented in the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (MBWSR, 1988) and Minnesota Stormwater Manual (MPCA, 2005).

Board of Managers – the board of managers of the Capitol Region Watershed District.

Criteria - specific details, methods and specifications that apply to all permits and reviews and that guide implementation of the District's goals and policies.

Development - any proposal to subdivide land, any land disturbing activity, redevelopment affecting land, or creation of impervious surface, including but not limited to, road construction or reconstruction or improvement and construction or reconstruction of stormwater conveyance systems.

District - the Capitol Region Watershed District established under the Minnesota Watershed Law, Minnesota Statutes Chapter 103D.

Drainageway – all water conveyance systems including but not limited to storm sewers, ditches, culverts, and open channels.

Excavation - the displacement or removal of soil or other material.

Floodplain - the area adjoining a watercourse or natural or man-made water basin, including the area around

lakes, marshes and lowlands, that is inundated during a 100-year flood.

Floodway - the channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that must be kept free of encroachment so that the 100-year flood may be carried without increasing the 100-year flood elevation by more than 0.5 feet.

Floodway fringe - the area between the floodway and the boundary of the 100-year flood.

Governmental project - projects sponsored or paid for by a governmental agency.

Land Disturbance – alteration of the existing surface material to the point of exposing the underlying soil material or the placement of fill on a site.

Low floor - the lowest level of a structure, usually the basement or walk-out level.

Major drainageway - any drainageway having a tributary area of 200 acres or greater.

Municipal Approval – obtaining, in writing, all necessary zoning, building, platting, planning, grading/demolition permits and approvals for construction of the development.

Municipality - any city wholly or partly within the Capitol Region Watershed District.

NURP - Nationwide Urban Runoff Program.

Ordinary high water level (OHW) - the elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water level is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For Public Waters and Public Waters Wetlands the Minnesota DNR determines the OHW.

Parcel - any quantity of land capable of being described with such definiteness that its location and boundaries may be established.

Person - any natural person, partnership, unincorporated association, corporation, limited liability company, municipal corporation, state agency, political subdivision of the State of Minnesota.

Public waters - all waters identified as public waters under Minnesota Statutes section 103G.005, subdivision 15.

Public waters wetlands - all wetlands identified as public waters wetlands under Minnesota Statutes section 103G.005, subdivision 15a.

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

Subdivision, subdivide - the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots.

Trout Brook Interceptor – that portion of the Trout Brook Storm Sewer that is owned and operated by the District.

Watercourse - a channel that has definable beds and banks capable of conducting confined runoff from adjacent land.

Wetland - any area identified as wetlands under Minnesota Statutes section 103G.005, subdivision 19.

Rule B: Permit Procedural Requirements

- 1. Application Required.** Any person undertaking an activity for which a permit is required by these rules shall, prior to commencing work, submit to the District a permit application, engineering design data and such other information and exhibits as may be required by these rules. All permit applications must bear the original signature of the landowner, or for governmental projects the selected contractor.
- 2. Forms.** Permit applications must be submitted on the form provided by the District. Applicants may obtain these forms at the District office.
- 3. Time For Application.** A complete permit application which includes all required exhibits shall be received by the District at least 21 full days prior to a regularly scheduled meeting date of the Board of Managers. Late submittals or submittals with incomplete exhibits will be scheduled to a subsequent meeting date.
- 4. Action By Board Of Managers.** The Board of Managers shall act within sixty days of receipt of a complete permit application. A complete permit application includes all required information, exhibits, fees and surety.
- 5. Issuance Of Permits.** The Board of Managers will issue a permit only after applicant has satisfied all requirements for the permit, has paid all required District fees, and the District has received any required surety.
- 6. Permit Term.** Permits are valid for an eighteen-month period from the date of issuance unless otherwise suspended or revoked. To extend a permit, the permittee must apply to the District in writing, stating the reasons for extension. Any plan changes, and related project documents must also be included in the extension application. The District must receive this application at least thirty days prior to the permit's expiration date or the extension will be treated as a new permit.
- 7. Permit Assignment.** A permittee may assign a District permit only upon consent by the Board of Managers to the assignment.
- 8. Standard.** The Board of Managers may grant the assignment of an issued permit if it finds the following conditions have been met:
 - (a) The proposed assignee in writing agrees to assume all the terms, conditions and obligations of the permit as originally issued to the permittee.
 - (b) The proposed assignee has the ability to satisfy the terms and conditions of the permit as originally issued.
 - (c) The proposed assignee is not changing the project as originally permitted.
 - (d) There are no violations of the permit conditions as originally issued.

(e) The Board of Managers has received from the proposed assignee any required surety to secure performance of the assigned permit.

9. Permit Fees. The District will charge the applicant permit fees in accordance with the following fee schedule:

Erosion Control Permit Only		
	Rule F Only	\$500
Stormwater Management, Wetland, and Flooding Permits*		
	Rule C, and/or Rule D, and/or Rule E	\$1500
Connection to Trout Brook Interceptor		
	Rule G	\$500

*An additional \$500 fee will be charged to applicant if the project involves a Wetland Replacement or Banking Plan.

Procedure And Payment Of Fee. Applicant must submit the required permit fee to the District at the time it submits its permit application.

Governmental Agencies Exempt. The fees described above will not be charged to the federal government, the State of Minnesota, a political subdivision of the State of Minnesota, or local governmental unit.

Any development that has begun prior to the issuance of a permit will be subject to permit fees of twice the amount listed above.

10. Performance Surety.

(a) Policy. It is the policy of the Board of Managers to conserve the District's water resources by assuring compliance with its rules. Cash surety will be used as a reimbursement source for staff/engineering inspections.

Requiring a bond or other surety to secure performance of the permit conditions and the District rules is an effective way to conserve the District's water resources.

(b) Performance Surety Requirement. A cash surety in an amount set forth below must be submitted to the District with each permit application for the activities described below:

Description of Activity	Cash Surety Amount
1. Grading associated with Development	\$2,000/acre
2. Stormwater Management Facilities	125% of estimated construction cost

The surety amount will be calculated as follow:

$$(\text{Acres of Development} * \$2,000) + (1.25 * \text{Est. Construction Cost of Stormwater Facilities}) = \text{Surety}$$

An applicant may submit a performance bond or an irrevocable letter of credit to the District to secure performance of permit conditions for activities for which the required surety amount as determined above is in excess of \$5,000. The performance bond or letter of credit must be submitted with the permit application. The first \$5,000 of the surety must be a cash surety. For amounts over \$5,000, a cash surety, performance bond or letter of credit is acceptable.

(c) Form and Contents of Performance Bond or Letter of Credit.

(1) The performance bond or irrevocable letter of credit must be in a form acceptable to the District and from a surety licensed to do business in Minnesota.

(2) The performance bond or irrevocable letter of credit must be in favor of the District and conditioned upon the performance of the party obtaining the performance bond or letter of credit of the activities authorized in the permit, and compliance with all applicable laws, including the District's rules, the terms and conditions of the permit and payment when due of any fees or other charges required by law, including the District's rules. The performance bond or irrevocable letter of credit must provide that if the performance bond conditions are not met, the District may make a claim against the performance bond or letter of credit.

(d) Release of Performance Surety. The District will inspect the project to determine if it is constructed in accordance with the terms of the permit and District rules. If the project is completed in accordance with the terms of the permit and District rules and the party providing the performance surety does not have an outstanding balance of money owed to the District for the project, including but not limited to unpaid permit fees, the District will release the performance bond or letter of credit, or return the cash surety if applicable.

11. Other Permits And Approvals. It is the permit applicant's responsibility to secure all permits and approvals that are required by other governmental authorities, and provide the District proof that applicant has submitted these permit applications.

Rule C: Storm-Water Management Plans

1. Policy. It is the policy of the Board of Managers to:

- Reduce runoff rates to levels that allow for stable conveyance of flow throughout the water resources of the District.
- Require rate control practices on all development to preserve runoff rates at a level that will not cause the degradation of water resources.
- Limit runoff volumes by utilizing site designs that limit impervious or incorporating volume control practices such as infiltration.
- Minimize connectivity of impervious surfaces to the stormwater system.
- Require the use of effective nonpoint source pollution reduction BMPs in development projects.
- Protect and maintain downstream drainage systems to provide permanent and safe conveyance of stormwater. Reduce the frequency and/or duration of potential downstream flooding.

- Reduce the total volume of stormwater to protect surface water quality and provide recharge to groundwater.
- Remove sediment, pollutants, and nutrients from stormwater to protect surface water quality.

2. Regulation. A permit and stormwater management plan are required under this rule for development of a site.

3. Design Criteria For Stormwater Management Plans. Stormwater management plans must comply with the following criteria:

- Peak discharge rates for developments must be at or below existing rates for the 2, 10, and 100 year storm events.
- Developments must reduce runoff volumes in the amount equivalent to an inch of runoff from the impervious areas of the site. Stormwater must be pretreated to remove solids before discharging to infiltration areas to maintain the long-term viability of the infiltration area.
- Infiltration rates will be assumed based on soil type as listed below, unless onsite infiltration tests are completed that indicate otherwise.

Hydrologic Infiltration		
Soil Group	Rate	Soil Textures
A	0.50 in/hr	sand, loamy sand, or sandy loam
B	0.25 in/hr	silt loam or loam
C	0.10 in/hr	sandy clay loam
D	0.03 in/hr	clay loam, silty clay loam, silty clay, or clay

Source: *Urban Hydrology for Small Watersheds*, SCS, June 1986.

- Developments must incorporate effective non-point source pollution reduction BMPs to achieve 90% solid removal for the NURP water quality storm (2.5” rainfall). For the 90% removal calculation volume reduction will be considered.
- Where stormwater management facilities are proposed, a maintenance agreement must be submitted and approved by the District. The agreement shall specify the methods, schedule, and responsible parties for maintenance. The executed agreement must be submitted for recording with the County within 10 days of the issuance date of the permit. Public developments will require a maintenance agreement in the form of a Memorandum of Agreement or an approved Local Water Management Plan that details the methods, schedule and responsible parties for maintenance of stormwater management facilities for permitted development.

4. Required Exhibits. The following exhibits must accompany the permit application. One set, full size; two sets, reduced to maximum size of 11"x17."

- (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 drainageways.
- (c) Proposed and existing stormwater facilities' location, alignment and elevation.
- (d) Delineation of existing on-site wetland, marshes, shoreland and/or floodplain areas.

- (e) Identification of existing and proposed normal, and ordinary high and 100-year water elevations on-site.
- (f) Identification of existing and proposed site contour elevations with at least a 2-foot contour interval.
- (g) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet control structures.
- (h) Stormwater runoff volume and rate analyses for the 2-, 10- and 100-year critical events, existing and proposed conditions.
- (i) All hydrologic, water quality, and hydraulic computations completed to design the proposed stormwater management facilities.
- (j) Narrative addressing incorporation of stormwater BMPs.
- (k) On-site soil boring indicating soil type

5. Exceptions.

(a) Rule C and its requirements will not apply to development less than 1 acre in size for all land uses, unless such development :

(1) Is within the 100-year floodplain and greater than 1,000 sq. ft.

(2) Is within 300 feet of a public water or protected wetland and greater than 1,000 sq. ft.

(b) Rule C and its requirements will not apply to construction on individual lots within a residential subdivision approved by the District, provided the activity complies with the original development plan.

(c) Rule C and its requirements will not apply to annually cultivated land used for farming, research, or horticulture.

Rule D: Flooding

1. Policy. It is the policy of the Board of Managers to:

- Encourage water quantity controls to ensure no net increase in the impacts or potential for flooding on or off the site and, where possible, address existing flooding problems.
- Oppose floodplain filling for new residential developments
- Encourage floodplain development only in a manner that is compatible with the dynamic nature of floodplains.

2. Regulation. No person may alter or fill land below the 100-year flood elevation of any public water, public water wetland or other wetlands without first obtaining a permit from the District.

3. Criteria.

- A structure's lowest floor elevation must be 2 feet above the 100-year high water level of adjacent ponds and water bodies.

- Placement of fill within the 100-yr floodplain is prohibited, unless compensatory storage is provided. Compensatory storage must be provided on the development or immediately adjacent to the development.

4. Required Exhibits. The following exhibits must accompany the permit application. One set, full size; two sets, reduced to maximum size of 11" x 17".

- (a) Site plan showing property lines, delineation of the work area, existing elevation contours of the work area, ordinary high water elevation, and regional flood elevation.
- (b) Grading plan showing any proposed elevation changes.
- (c) Preliminary plat of any proposed land development.
- (d) Determination by a professional engineer or qualified hydrologist of the local 100-year flood elevation before and after the project.
- (e) Computation of change in flood storage capacity resulting from proposed grading.
- (f) Erosion Control Plan.
- (g) Soil boring results if available.

Rule E: Wetland Management

1. Policy. It is the policy of the Board of Managers to:

- Manage wetlands to achieve no-net loss of acreage and values and where possible, strive to enhance the functions and values of existing wetlands within the District.
- Identify wetland restoration and creation sites to enhance water quality and/or restore natural habitats.
- Interact with cities in the administration of the Wetland Conservation Act if desired by the cities.

2. Regulation. No person may fill, drain, excavate or otherwise alter the character of a wetland without first obtaining a permit from the District.

3. Criteria.

Wetlands shall not be drained, filled wholly or in part, excavated, or have sustaining hydrology impacted such that there will be a decrease in the inherent (existing) functions and values of the wetland. Wetland impacts will be evaluated based on the following principles in descending order of priority. Avoid the impact to the wetland, minimize the impact to the wetland, replace the wetland that was impacted. Wetland impacts will be governed by a Rule comparable to the Wetland Conservation Act, with the following exceptions:

1. The de minimis size will be zero.
2. Flexibility Sequencing will not be allowed.
3. Public Value Credits can not be used for replacement.
4. All other WCA non-temporary impact exemptions to wetlands will not be allowed.

A 25-foot buffer of permanent nonimpacted vegetative ground cover abutting and surrounding a wetland is required.

4. Local Government Unit. The District intends to serve as the "local government unit" for administration of

the Minnesota Wetland Conservation Act, unless a particular municipality in the District has elected to assume that role in its jurisdictional area. Notwithstanding the above, the District will continue to require wetland alteration permits under this rule.

5. Required Exhibits. The following exhibits must accompany the permit application. One set, full size; two sets, reduced to maximum size of 11"X17."

(a) Site plan showing:

- (1) Property lines and corners and delineation of lands under ownership of the applicant.
- (2) Existing and proposed elevation contours with at least a 2-foot contour interval, including the existing runout elevation and flow capacity of the wetland outlet, and spoil disposal areas.
- (3) Area of the wetland portion to be filled, drained, excavated or otherwise altered.

(b) Complete delineation of the existing wetland(s), supported by the following documentation:

- (1) Identification of the delineation method used in accordance with the 1987 Manual.
- (2) Identification of presence or absence of normal circumstances or problem conditions.
- (3) Basin classification using the Cowardian method and Circular 39.
- (4) Wetland data sheets, or a report, for each sample site, referenced to the location shown on the delineation map. In each data sheet/report applicant must provide the reasoning for satisfying, or not satisfying each of the technical criteria and why the area is or is not a wetland.
- (5) A delineation map showing the size, locations, configuration and boundaries of wetlands in relation to identifiable physical characteristics, such as roads, fence lines, waterways, or other identifiable features.
- (6) The location of all sample sites and stakes/flags must be accurately shown on the delineation map. Delineations submitted by applicants will normally be field-verified by District staff. Applicants must leave stakes in the field to aid review of the site. Wetland delineations should be performed during the normal growing season for this area of the State of Minnesota (May 1 - October 15). Delineations performed outside this time frame may or may not be permitted, depending on potential wetland impact in relation to the entire development or project.

(c) A replacement plan, if required, outlining the steps followed for the sequencing process and including documentation supporting the proposed mitigation plan.

(d) A wetland functions and values assessment comparison before and after project.

(e) An Erosion Control Plan.

6. Exceptions.

Rule E and its requirements will not apply to annually cultivated land used for farming, research, or horticulture, unless the activity results in draining or filling the wetland.

Rule F: Erosion Control Plans

1. Policy. It is the policy of the Board of Managers to:

- Prevent the export of sediment off site, which impacts surface water quality.

2. Regulation. A permit and an erosion control plan are required for development on a site.

3. Design Criteria For Erosion Control Plans.

- Erosion Control Plans must adhere to the MPCA Protecting Water Quality in Urban Areas Manual.

4. Required Exhibits. The following exhibits must accompany the permit application. One set, full size; two sets, reduced to maximum size of 11"x17".

- (a) An existing and proposed topographic map which clearly indicates all hydrologic features and areas where grading will expose soils to erosive conditions. The Plan must also indicate the direction of all site runoff.
- (b) Tabulation of the construction implementation schedule.
- (c) Name, address and phone number of party responsible for maintenance of all erosion control measures.
- (d) Identification of all temporary erosion control measures which will remain in place until permanent vegetation is in place. Examples include, but are not limited to: Seeding with perennial vegetation, mulching, sodding, silt fence, erosion control matting, and hay bale filter barriers.
- (e) Identification of all permanent erosion control measures such as outfall spillways and riprap shoreline protection, and their location.
- (f) For projects over 1 acre of graded area, documentation that the project applicant has applied for a National Pollutant Discharge Elimination System (NPDES) general permit from the Minnesota Pollution Control Agency (MPCA).
- (g) Tabulation of all earthwork cut-and-fill volumes and computation of any floodplain volume and/or wetland area changes.

5. Exceptions.

(a) Rule F and its requirements will not apply to development less than 1 acre in size for all land uses, unless such development:

(1) Is within the 100-year floodplain and greater than 1,000 sq. ft.

(2) Is within 300 feet of a public water or protected wetland and greater than 1,000 sq. ft.

(b) Rule F and its requirements will not apply to annually cultivated land used for farming, research, or horticulture.

Rule G: Connections to Trout Brook

1. Policy. It is the policy of the Board of Managers to:

- Regulate new direct connections or replacement of existing connections to Trout Brook Interceptor so that the connection is completed in a manner that does not compromise the integrity of the Trout Brook Interceptor.
- Not allow new direct connections to Trout Brook Interceptor if the connection will cause or exacerbate conveyance problems in the system

2. Regulation. A permit and stormwater management plan is required under this rule for new direct connections and replacement of existing connections to Trout Brook Interceptor.

3. Design Criteria For Connections to Trout Brook Interceptor.

Connection plans must comply with the following criteria:

- New direct connections and replacement of existing connections will be completed using a method that is approved by the District.
- Peak flow rate, the total volume of flow, and the timing of the flow for new connections must be managed to not cause new water conveyance problems or exacerbate existing water conveyance problems in the Trout Brook Interceptor. Enlargement of existing connections is considered a new connection.

4. Required Exhibits. The following exhibits must accompany the permit application. One set, full size; two sets, reduced to maximum size of 11"x17."

(a) Property lines and delineation of lands identifying ownership.

(b) Proposed and existing stormwater facilities' location, alignment and elevation.

(c) Identification of existing and proposed site contour elevations with at least a 2-foot contour interval.

(d) Construction plans and specifications of proposed connection, including design details, connection method, and timing of connection.

- (e) Stormwater runoff volume and rate analyses for the 2-, 10- and 100-year critical events, existing and proposed conditions.
 - (f) Narrative addressing incorporation of stormwater BMPs.
 - (g) On-site soil boring indicating soil type
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Rule H: Enforcement

- 1. Violation of Rules is a Misdemeanor.** Violation of these rules, a stipulation agreement made, or permit issued by the Board of Managers under these rules, is a misdemeanor subject to a penalty as provided by law.
 - 2. District Court Action.** The District may exercise all powers conferred upon it by Minnesota Statutes Chapter 103D in enforcing these rules, including criminal prosecution, injunction, or action to compel performance, restoration or abatement.
 - 3. Administrative Order.** The District may issue a cease and desist order when it finds that a proposed or initiated project presents a serious threat of soil erosion, sedimentation, or an adverse effect upon water quality or quantity, or violates any rule of the District.
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Rule J: Variances

- 1. Variances Authorized.** The Board of Managers may hear requests for variances from the literal provisions of these rules in instances when their strict enforcement would cause undue hardship because of circumstances unique to the property under consideration. The Board of Managers may grant variances where it is demonstrated that such action will be in keeping with the spirit and intent of these rules.
- 2. Standard.** In order to grant a variance the Board of Managers must determine that:
 - (a) Special conditions apply to the structure or land under consideration that do not apply generally to other land or structures in the District.
 - (b) Because of the unique conditions of the property involved, undue hardship to the applicant would result, as distinguished from mere inconvenience, if the strict letter of the rules was carried out. Economic considerations alone shall not constitute undue hardship if any reasonable use of the property exists under the terms of the District's rules.
 - (c) The proposed activity for which the variance is sought will not adversely affect the public health, safety, welfare, will not create extraordinary public expense, will not adversely affect water quality, water control, drainage in the District.
 - (d) The intent of the District's rules is met.
- 3. Term.** The term of a variance shall be concurrent with the associated permit.

4. Violation. A violation of any condition set forth in a variance shall be a violation of the District rules, and shall automatically terminate the variance.

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