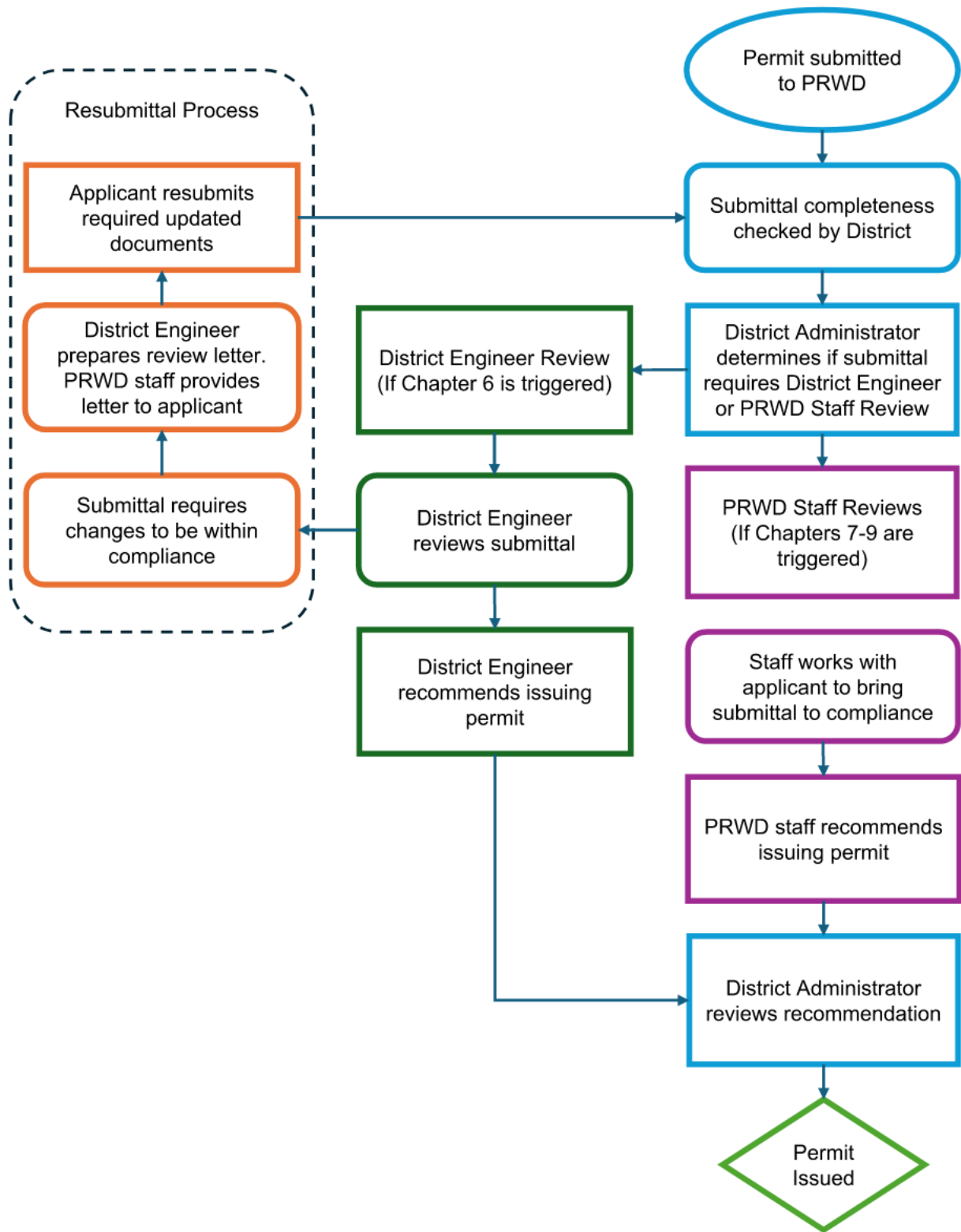


## CHAPTER 5. PERMIT REQUIREMENTS

- 5.1 **Application Required.** A person undertaking an activity for which a permit is required by the Rules must obtain the required permit prior to commencing the activity that is subject to District regulation. Applications for permits must be submitted to the District in accordance with the procedures described herein. Required exhibits are specified for each substantive rule below. Applicants are encouraged to contact District staff before submission of an application to review and discuss application requirements and the applicability of specific rules to a proposed project. When the Rules require a criterion to be met, or a technical or other finding to be made, the District makes the determination except where the rule explicitly states otherwise. The landowner or, in the District's judgment, easement holder, must sign the permit application and will be the permittee or a co-permittee. Pre-application meetings are highly recommended for all applications. A pre-application meeting request form is available on the District website and can be submitted in person or via email.
- 5.2 **Forms.** A District permit application, and District checklist of permit submittal requirements, must be submitted on the forms provided by the District. Applicants may obtain forms from the District office or website at <http://www.prwd.org/permits>.
- 5.3 **Action by District.** The District will act on complete applications in accordance with timing requirements established under Minn. Stat. § 15.99, as amended. A complete permit application includes all required information, exhibits, and fees. An application will not be considered unless all substantial technical questions have been addressed and all substantial plan revisions resulting from staff and consultant review have been completed. Permit decisions will be made by the District Administrator, or a designated representative, unless Board action is deemed necessary.
- A. The District's permitting process is summarized in the chart on the following page (*Figure 5-1*).

Figure 5-1



- 5.4 **Issuance of Permits.** The permit will be issued after the applicant has satisfied all requirements for the permit and has paid all required District fees.
- 5.5 **Permit Term.** Permits are valid for twelve (12) months from the date of issuance unless otherwise stated within the permit, or due to it being suspended or revoked. To extend a permit, the permittee must apply to the District in writing, stating the reasons for the extension. Plan changes, and related project documents, must be included in the extension application. The District must receive this application at least thirty (30) days prior to the permit expiration date. The District may impose different or additional conditions on a renewal or deny the renewal in the event of a material change in circumstances. On the first renewal, a permit will not be subject to change because of a change in the Rules.
- 5.6 **Permit Assignment.** If title to the property is transferred during the term of the permit, a permittee must be assigned. The District will act on a permit assignment when the following conditions have been met:
- A. The proposed assignee agrees, in writing, to assume the terms, conditions, and obligations of the permit;
  - B. The proposed assignee has the ability to satisfy the terms and conditions of the permit;
  - C. The proposed assignee is not changing the project;
  - D. There are no violations of the permit conditions; and
  - E. The District has received from the proposed assignee a substitute surety, if required, to secure performance of the assigned permit.
- Until the assignment is approved, the permittee of record, as well as the current title owner, will be responsible for permit compliance.
- 5.7 **Permit Fees.** The District will charge applicants permit fees in accordance with a schedule that will be maintained and revised from time to time by the Board of Managers to ensure that permit fees cover the District's actual costs of administering, inspecting, and enforcing permits. The current fee schedule may be obtained from the District office or the District website at <http://www.prwd.org/permits>. An applicant must submit the required permit fee to the District at the time it submits its permit application. Permit fees will not be charged to the federal government, the State of Minnesota, or a political subdivision of the State of Minnesota.
- 5.8 **Permit Variance.** Requests for a variance from a requirement of this chapter must be decided by the Board of Managers under the following conditions:
- A. **Variance Authorized.** The Board of Managers may hear requests for a variance from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the property under consideration. The Board of Managers may grant a variance where it is demonstrated that such action will be in keeping with the spirit and intent of this chapter. Requests for variances must be in writing.

- B. Standard. In order to grant a variance, the Board of Managers will determine that:
- (1) Special conditions apply to the structure or land under consideration that do not generally apply to other land or structures in the District.
  - (2) 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 chapter was carried out. A hardship cannot be created by the landowner or their contractor. Economic hardship is not grounds for issuing a variance.
  - (3) The proposed activity for which the variance is sought will not adversely affect the public health, safety, or welfare; will not create extraordinary public expense; and will not adversely affect water quality, water control, or drainage in the District.
  - (4) The intent of the chapter is met.
- C. Term. A variance will become void twelve (12) months after it is granted if not used.
- D. Violation. A violation of any condition set forth in a permit variance is a violation of this chapter and will be addressed through the process detailed in Chapter 11, Enforcement.