



Nine Mile Creek Discovery Point

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MEMO

TO: Nine Mile Creek Watershed District Board of Managers

FROM: Lauren Foley

DATE: 2/1/2021

RE: Review of Expanded Administrative Approval Authority for Permits

Introduction: On March 15, 2017, Resolution 17-01 was adopted to give the Administrator some approval authority for permits. Namely, those that only trigger Rule 5 (Sediment and Erosion Control), single family homes without variances, and minor modifications. On September 21, 2019, Resolution 19-03 expanded the Administrator's authority to approve permits to all permits except those that meet one of more of the following criteria:

1. A variance or exception
2. Land-disturbing activity to be undertaken, in whole or part, by or on behalf of NMCWD
3. A regional stormwater-management plan under subsection 4.3.6 of the NMCWD Stormwater Management Rule
4. Land-disturbing activity involving an increase in the impervious area of the subject site by 2.5 acres or more from existing conditions
5. Land-disturbing activity or subdivision of land subject to the Stormwater Management Rule for which the applicant has requested that the subject site be found to be "restricted" under subsection 4.3.2 of the rule and the submitted stormwater-management plan does not provide at least 0.55 inches of volume retention from the regulated impervious area of the site in accordance with paragraph 4.3.2a
6. Request to be heard by Board of Managers by permit applicant/other interested party or the Administrator feels it warrants to be heard in front of the Board.

In addition, to keep the managers updated on the added administratively approved permits, a memo of administratively approved permits since the previous regular board meeting, continues to be included in the next regular board meeting packet. Also, to provide a bit more information on the expanded approval authority projects, and the rules they trigger, the engineer's permit review memo's are stored on the District's website and searchable by permit number, address/city within the website library at [https://www.ninemilecreek.org/resource-library/?rt=Permit Reviews&sort=&rs=.](https://www.ninemilecreek.org/resource-library/?rt=Permit%20Reviews&sort=&rs=)

Moreover, Resolution 19-03 required that in February 2021, staff present a report reviewing the operation of the permitting program pursuant the expanded permit approval authority delegated to the administrator.

Below is an accounting of the permits approved (and rules triggered) by the administrator since the adoption of Resolution 19-03, and those that came before the Board due to the exceptions listed above.

Administratively Approved

Since approval of Resolution 19-03, there have been **151** permits administratively-approved by the District, **121** permits approved under 2017’s authority and **30** permits approved under 2019’s expanded authority.

Of the **30** approved by the administrator under the 2019 added approval, the table below shows how often each rule was triggered (permits often trigger more than one rule):

Rule	Number of Permits
2.0 Floodplain management	5
3.0 Wetlands management	7
4.0 Stormwater management	26
5.0 Sediment/Erosion control	28
6.0 Waterbody crossing	2
7.0 Shoreline & streambank improvements	2
8.0 Sediment removal	1
9.0 Water appropriations	0

17 projects were heard by the Board of Managers in the aforementioned time period. The reason is coded according to the list of criteria listed on page 1.

<i>Criteria</i>	<i>Number of Permits</i>
1: Variance/exception	4:1 for floodplain fill, 1 for floodplain freeboard, 2 for wetland buffer
2: NMCWD’s Permits	6
3: Regional stormwater	1
4: >2.5 acres impervious surface	1
5: Stormwater doesn’t meet <i>Restricted</i>	4: 3 for contamination, 1 for high groundwater
6: Request/policy	1

Request: No action required. The presented is for informational purposes to promote discussion.