



Nine Mile Creek Discovery Point
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ninemilecreek.org

MEMO

TO: Nine Mile Creek Board of Managers
FROM: Lauren Foley
DATE: Sept. 29, 2021
RE: Enforcement Procedures

Background

All the projects requiring a permit within NMCWD are subject to the District's Rules. Rules 2.0-9.0 address substantive requirements of projects such as floodplain size, wetland buffers, stormwater management requirements, etc. Rules 1.0, 10.0, 11.0, 12.0, and 13.0 address administrative requirements such as permit expiration, permit application fees, and variance procedures.

Rule 13.0 gives the District the ability to enforce the other rules when someone is not compliant. Historically, NMCWD has relied on 1) voluntary compliance and 2) work with the respective city staff to find if they're amenable to taking an enforcement action such as withholding a certificate of occupancy. While NMCWD intends to keep relationships with our cities strong, partnering with their enforcement as a mechanism is inconsistent across the District and leaves it to chance that there are city resources available.

During this presentation, NMCWD staff and consultants will present the legal basis and constraints of enforcement and new flowcharts to transition the District from voluntary compliance to enforcement in cases where it proves necessary.

Request

None – this is for informational purposes only.