



DATE: October 23, 2013

HAND DELIVERED

TO: Mark Ritchie, Secretary of State

FROM: Jim Haertel, Metro Region Manager

SUBJECT: **Order, Coon Creek Watershed District Boundary Change**

Pursuant to Minn. Stat. § 103B.215, Subd. 4, paragraph d, hereby enclosed for filing is a certified copy of the Minnesota Board of Water and Soil Resources Findings of Fact, Conclusions and Order dated October 23, 2013, including attachment of two maps fully incorporated in the Order, six pages total, changing the boundary of the Coon Creek Watershed District.

Please contact me at (651) 297-2906 if you have any questions.

Enclosures (to all listed)

- cc: Anoka County Board of Commissioners
- Anoka County Auditor
- Anoka Conservation District
- Mayor, City of Andover
- Mayor, City of Blaine
- Mayor, City of Columbus
- Mayor, City of Coon Rapids
- Mayor, City of Fridley
- Mayor, City of Ham Lake
- Mayor, City of Spring Lake Park
- Steve Hirsch, DNR-Eco Waters Director
- Keith Parker, DNR Regional Administrator, St. Paul
- Coon Creek Watershed District
- Ray Bohn, MAWD
- Rob Sip, MDA
- Nick Proulx, DNR-Ecological & Water Resources
- Pat Bailey, MDH-Rochester
- Juline Holleran, MPCA
- Judy Sventek, Metropolitan Council
- BWSR: Mary Peterson, Aaron Spence

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Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the Boundary Change of the
Coon Creek Watershed District in Anoka County
pursuant to Minnesota Statutes § 103B.215

**ORDER
WATERSHED DISTRICT
BOUNDARY CHANGE**

Whereas, a petition (Petition) for a boundary change of the Coon Creek Watershed District (District) was filed by the District with the Board of Water and Soil Resources (Board) on May 23, 2013, pursuant to Minn. Stat. § 103B.215, and;

Whereas, the Board has completed its review of the Petition;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

FINDINGS OF FACT

1. **Petition.** The Petition to change the boundary of the Coon Creek Watershed District (District) was filed by the District on May 23, 2013.
2. **Property Description.** The territory included in the boundary change, the Petitioned Area, totals approximately 290.3 acres of land in the City of Coon Rapids, Anoka County, entirely within the seven county Twin Cities metropolitan area. The proposed boundary change seeks to transfer the Petitioned Area from the Lower Rum River Watershed Management Organization to the District.
3. **Reasons for Boundary Change.** The Petition states the proposed boundary change “would allow for more efficient use of management resources, and minimize the costs of public capital expenditures. All water management activities for the City of Coon Rapids would be contained within a single watershed; simplifying the planning and reporting

requirements, and creating a more uniform set of policies and controls. It would consolidate the official controls with regard to protection of groundwater, and its beneficial use.”

4. **Statements of Concurrence.** Statements of concurrence from the City of Coon Rapids and the Lower Rum River Watershed Management Organization were submitted with the Petition, as required by Minn. Stat. § 103B.215, Subd. 2c .
5. **Effect on Benefits and Damages.** The Petition states there are no capital improvements or financial obligations for the Petitioned Area, as required by Minn. Stat. § 103B.225.
6. **Notice of Filing.** A Legal Notice of Filing of the proposed boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Anoka County Union on August 23 and 30, 2013, in the Blaine Spring Lake Park Life on August 23 and 30, 2013, in the Coon Rapids Herald on August 23 and 30, 2013, and in the Fridley Sun Focus on August 29 and September 5, 2013. Further, a copy of the Notice of Filing was mailed to several addressees including the Anoka County Board of Commissioners, the Anoka County Auditor, the Anoka Conservation District, the Lower Rum River Watershed Management Organization, the District, several cities affected by the proposed boundary change, and the Department of Natural Resources.
7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103B.215, Subd. 3, which requires within 20 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing were received during the specified time period and no hearing was held.
8. **Metro Region Committee Meeting.** On October 1, 2013, the Board’s Metro Region Committee and staff met to review and discuss the Petition. Board staff in attendance were Board Conservationist Mary Peterson and Barbara Hogan, Office Administrative Assistant. Board staff recommended approval of the boundary change per the Petition. Board staff noted there was no opposition to the proposed boundary change, the affected city and watershed management organizations concur in the Petition, approval of the boundary change would not affect the benefits or damages for any improvement previously constructed, and approval of the boundary change would be substantially consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255. After discussion, the Committee found all the affected local units of government concur in the Petition, the proposed boundary change would be substantially consistent with the

purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255, the proposed boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages, and approval of the proposed boundary change must be contingent on the release of the Petitioned Area from the Lower Rum River Watershed Management Organization. The Committee decided with a unanimous vote to recommend to the full Board that the boundary change be approved as proposed in the Petition.

CONCLUSIONS

1. The Petition for a boundary change of the Coon Creek Watershed District is valid in accordance with Minn. Stat. § 103D.215.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.
4. The governing bodies of the City of Coon Rapids, the Lower Rum River Watershed Management Organization, and the Coon Creek Watershed District concur in the proposed boundary change.
6. No opposition to the Petition is contained in the record.
7. The proposed boundary change is substantially consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.
8. The proposed boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.
9. The proposed boundary change should be approved per the Petition contingent on the release of the Petitioned Area from the Lower Rum River Watershed Management

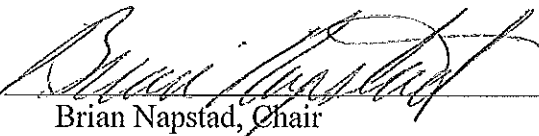
Organization and the watershed management plan for the Coon Creek Watershed District should be amended to include the Petitioned Area within one year of the date of the release of the Petitioned Area from the Lower Rum River Watershed Management Organization.

ORDER

The Board hereby orders that the boundary of the Coon Creek Watershed District is changed per the Petition and as depicted on the two maps contained in the Petition on pages 4 and 8, attached hereto and made a part of this Order hereof, including the data sets the maps were created from, contingent upon the release of the Petitioned Area from the Lower Rum River Watershed Management Organization. The Board further orders that the Coon Creek Watershed District amend its watershed management plan to include the Petitioned Area within one year of the date of the release of the Petitioned Area from the Lower Rum River Watershed Management Organization.

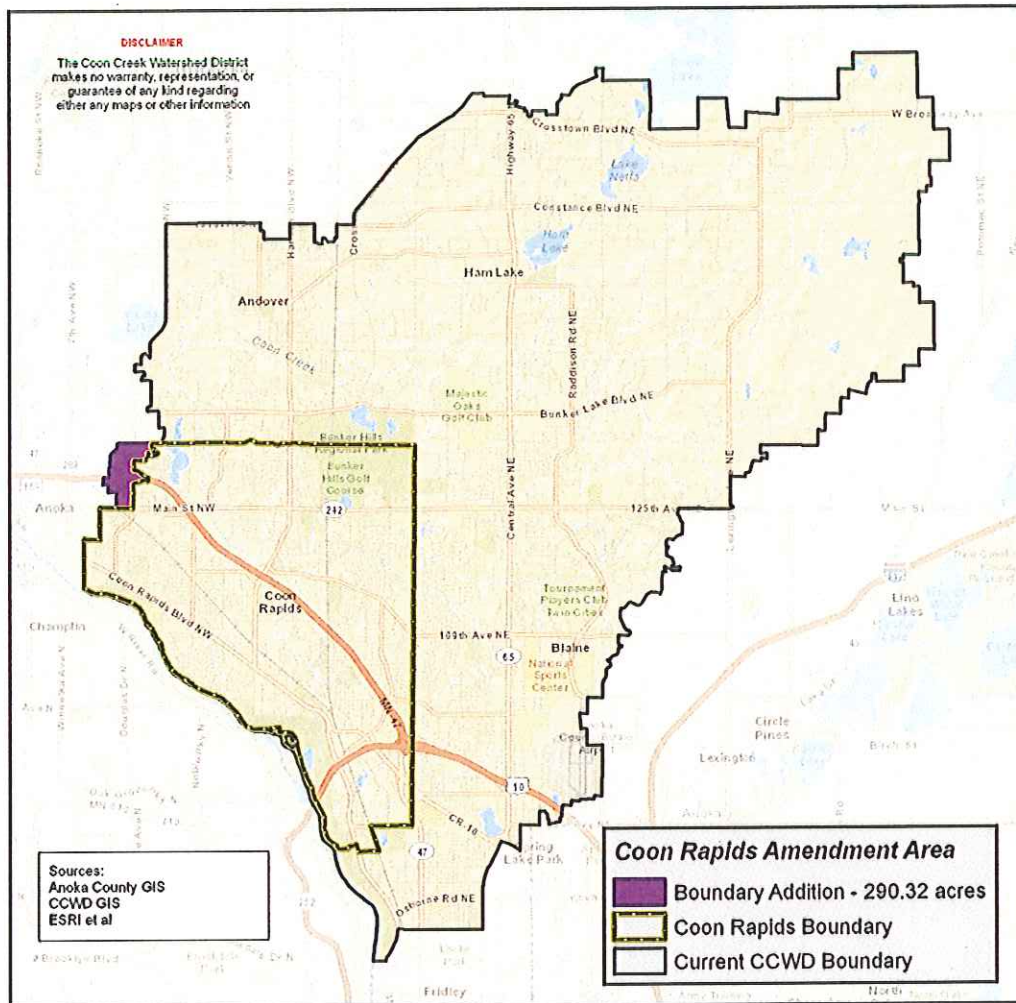
Dated at Saint Paul, Minnesota this 23rd day of October, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: 
Brian Napstad, Chair

Location

Figure 1: Coon Creek Watershed District and Lower Rum River Watershed Management Organization Location Map



**Properties/
Parcels
Involved**

