

1 **MINNEHAHA CREEK WATERSHED DISTRICT**

2  
3 **MINUTES OF THE**  
4 **COMPREHENSIVE PLAN TECHNICAL ADVISORY COMMITTEE**

5  
6 **December 16, 2015**

7  
8 **COMMITTEE MEMBERS PRESENT**

9  
10 Ross Bintner, Jessica Van Der Werff, Nate Stanley, Lois Eberhart, Liz Stout, Derek Asche, Erick  
11 Francis, Cara Geheren, Mike Kelly, Kristin Larson, Steve Christopher, Kate Drewry, Chris  
12 Zadak, and Rich Brasch.

13  
14 **OTHERS PRESENT**

15  
16 Larry Blackstad, District Consultant; James Wisker, Director of Planning and Projects; Becky  
17 Christopher, Lead Planner and Project Manager; Anna Brown, Planner and Project Manager; and  
18 Matthew Cook, Planning Assistant.

19  
20 **COMMITTEE MEETING**

21  
22 Ms. Christopher reminded the group that the primary objective of the 2017 Plan and role of the  
23 Committee is to improve the District's implementation model. One thing that the District  
24 believes is key to this effort is improving the integration of land-use and water planning. She  
25 added that this is the central theme of the *Balanced Urban Ecology* policy that was adopted by  
26 the MCWD Board in 2014 and distributed to the Committee for review.

27  
28 Ms. Christopher reviewed the meeting agenda, which included a presentation on the topic of  
29 integrating land-use and water planning, an overview of the two-track approach as a model to  
30 improve integration, examples of how the approach is currently being used, and discussion by  
31 the Committee. She then briefed the Committee on the previous day's meeting of the Policy  
32 Advisory Committee (PAC).

33  
34 Mr. Wisker asked Ms. Eberhart, who was present at the PAC meeting as a liaison, for her take on  
35 the meeting. Ms. Eberhart said that the PAC meeting was the best meeting she had attended in a  
36 decade. She cited the enthusiastic input of city policymakers and the apparent openness of cities  
37 large and small to the District's approach as impressive features of the meeting. Ms. Eberhart  
38 stated that she was thrilled by the District's direction towards integrated planning and  
39 meaningful partnerships. She called the pursuit a wise, sophisticated approach that was good for  
40 all parties involved.

41  
42 **Integration of Land-Use and Water Planning**

43  
44 Mr. Wisker reiterated that a primary goal of the District's Comprehensive Plan update process is  
45 to develop a framework that continues to meaningfully integrate the District's work with that of  
46 other public and private sector partners. The District is seeking the Committee's help in

47 developing this framework. To provide context for the Committee’s discussion, Mr. Wisker  
48 stated that he would provide a presentation of the following:

49

- 50 1. History of why watershed districts were established
- 51 2. Pitfalls of the MN watershed management framework
- 52 3. The District’s evolution in policy and planning

53

#### 54 1. History of watershed districts

55

56 Mr. Wisker began by examining why the state legislature created a watershed management  
57 framework. Given that water runs across the landscape before entering surface waters, he stated,  
58 changes on the land affect hydrologic processes and water quality. For this reason, land-use is  
59 extremely important in managing watershed issues. In addition, water does not follow political  
60 boundaries, so the effects of land-use on water in one city will be felt downstream in another  
61 city.

62

63 Furthermore, the legislature recognized that city governments have an inherent conflict of  
64 interest concerning water management. While cities exert land-use control and have an interest in  
65 resource protection, they are also concerned with economic development, investment in  
66 infrastructure, tax base enhancement, and not disappointing voters interested in maximizing  
67 economic activity on the land.

68

69 For these reasons, the legislature passed the Watershed Act of 1955 to insulate water from land-  
70 use conflict of interest and manage on a hydrologic basis across political boundaries. Mr. Wisker  
71 read from MN Statute Ch. 103D.201: “Watershed District Purposes: To conserve the natural  
72 resources of the state by land-use planning, flood control, and other conservation projects by  
73 using sound scientific principles for the protection of the public health and welfare...”. Mr.  
74 Wisker stated that, while a great deal of good work has been accomplished under this framework  
75 to protect and improve water resources, it also created some challenges.

76

#### 77 2. Pitfalls of the MN watershed management framework

78

79 Mr. Wisker noted that when dividing government into separate units, the mission and authority  
80 ought to be divided without creating inefficiencies, coordination costs, conflict, or duplication of  
81 efforts. It is also critical that the government units retain the means to integrate their work so as  
82 not to create “silos”. He stated that, while watershed districts were created for good reasons, this  
83 teasing apart of land-use and water management left only weak connections between the two. He  
84 noted that State legislation called for integration, but did not provide the means or a framework  
85 by which to do so.

86

87 Mr. Wisker stated that this disconnect between land-use and water planning has been called out  
88 as an issue in multiple studies over the past decade:

89

- 90 • 2007 – The Office of the Legislative Auditor released Evaluation Report on Watershed  
91 Management, asserting that water resource condition is driven by land-use. The report

92 found that efforts to manage water quality are most effective when coordinated with land-  
93 use planning.

- 94
- 95 • 2009 – The Minnesota Environmental Initiative completed the Land and Water Policy  
96 Project, which found that land-use and water planning are compartmentalized at all  
97 levels, residing under separate bodies of jurisdiction and regulation.
  - 98
  - 99 • 2011 – A Hennepin County Water Governance Project concluded that the interaction  
100 between technically based watershed management and the political world of the built  
101 environment was complicated, requiring significant effort to coordinate.
  - 102
  - 103 • 2013 – The Minnesota Pollution Control Agency published a report to the legislature,  
104 Water Regulation and Governance Evaluation, which found that “opportunities to address  
105 water-land-use connections have waned in recent decades,” and that state water  
106 management goals can only be achieved with strong links to land-use. Moreover,  
107 watershed district plans were criticized for their “focus on engineering solutions, rather  
108 than land-use driven issues or trends”.
  - 109

110 Ms. Eberhart cited another study from 2011 that reinforces the need for integration - the MN  
111 Water Sustainability Framework that was produced by the University of MN Water Resources  
112 Center at the request of the legislature.

113

114 Mr. Wisker then highlighted a few key reasons why integration between land-use and water  
115 planning has been lacking:

- 116
- 117 A. Desynchronized Planning
  - 118 B. Cultural Differences
  - 119 C. Reliance on Regulation

120

121 A. Desynchronized Planning

122

123 First, Mr. Wisker stated that the planning framework laid out in MN Rule 8410 is based on a  
124 10-year cycle. He listed the required steps under this 10-year model as follows:

- 125
- 126 • Gather data
  - 127 • Diagnose issues
  - 128 • Set goals
  - 129 • Engage public
  - 130 • Plan action
  - 131 • Adopt plan
  - 132 • Implement

133

134 Mr. Wisker added that while the 10-year plans of watershed districts are being written and  
135 carried out, land-use is changing constantly; and as the landscape evolves, the plan becomes  
increasingly obsolete. He explained that this mechanistic, static planning structure results in a

136 fundamental lack of synchronization between land-use change and watershed plans. Mr.  
137 Wisker asserted that in order to be successful in this setting, watershed districts must be  
138 responsive. This requires knowledge of the local landscape and strategies to adapt and  
139 respond in real time to development.

140  
141 B. Cultural Differences

142  
143 Mr. Wisker attributed another reason for the historic disconnect between planning spheres to  
144 cultural differences. He presented Scott Campbell's "Planner's Triangle" diagram,  
145 illustrating the differences and conflicts that exist between economic, environmental, and  
146 social justice planning spheres. He noted that Campbell and others recognized that these  
147 planning spheres and their respective organizations have different rules, procedures, norms,  
148 knowledge and language. Given the institutional inertia this creates, he noted that Planners  
149 tend to stay in their silos.

150  
151 C. Reliance on Regulation

152  
153 Finally, Mr. Wisker noted that these weak linkages to land-use planning and the inability to  
154 respond in real time has led to reliance on regulation as a safety net to protect against  
155 development. This has reinforced the cultural typecast of watershed staff as technicians and  
156 regulators acting as a barrier to development. He stated that, while a regulatory approach to  
157 water resource management is critical to establish baseline standards and thresholds,  
158 regulation typically only serves to minimize degradation and impact. Therefore strict  
159 reliance on regulation will result in missed opportunities for environmental improvement that  
160 could be achieved through truly integrating the planning of these various systems.

161  
162 Ms. Drewry suggested that another potential reason why integration is lacking is that there is  
163 often resentment by cities about having additional layers of authority and regulation from larger  
164 agencies. She cited a desire for local control as the key driver behind this.

165  
166 Ms. Eberhart noted that, when the legislature stepped in, there was a more significant gap and  
167 cities did not have the expertise to manage water effectively. Nowadays, she continued, cities  
168 have more expertise because of increased responsibilities such as NPDES permits. Mr. Wisker  
169 concurred, but underscored that management on a regional scale is still critical, given the  
170 regional nature of water systems.

171  
172 3. The District's evolution in policy and planning

173  
174 Mr. Wisker highlighted a few policy milestones from recent MCWD history that have moved the  
175 organization toward improved integration:

- 176  
177 • October 2009 – The Board of Managers directed staff to create a partnership framework  
178 modeled after Hennepin Community Works which acknowledged the ability of natural  
179 systems to underpin a local sense of identity, creating economic and social value. The

180 Hennepin County model utilized the power of convening public and private sector  
181 partners by “building bridges for effective planning and implementation” to align  
182 investment around planned improvements to generate broad community value.  
183

- 184 • 2010 and 2011 – Louis Smith presented his white paper *Watershed Partnerships*,  
185 commissioned by the MCWD and others, highlighting the value and strategy behind  
186 partnerships to advance watershed initiatives through collaborative and integrated  
187 planning.  
188
- 189 • May 2013 – At the Board retreat, the Managers requested that a policy framework be  
190 developed to “institutionalize” the District’s goal of, “integrating our work into the plans  
191 and work of others” by “expressing a commitment to complement the efforts of cities and  
192 private development,” and by “moving away from regulatory focused relationships.”  
193
- 194 • September 2013 – The Planning and Policy Committee discussed again the value of  
195 partnerships, and that while partnerships had been enjoyed under the 2007 Plan, it had  
196 been structured as a TMDL for local municipalities and was immediately followed by  
197 four years of rulemaking, solidifying the District’s reputation as a regulatory agency. The  
198 Committee discussed that bolstering the philosophy of partnerships and integration with  
199 land-use may establish a central theme for the 2017 Plan, also citing the power of  
200 convening multi-jurisdictional partnerships within focused geographies to align authority,  
201 mission and investment for large-scale implementation and community benefit.  
202
- 203 • March 2014 – The Board adopted the *Balanced Urban Ecology* policy as “a statement of  
204 the MCWD’s fundamental philosophy and way of doing business,” to “guide the  
205 development of the District’s update to its Comprehensive Plan,” and to operationalize  
206 the policy in the District’s “planning processes”. The policy emphasized the  
207 interdependence of the natural and built environments, the need for integrated planning,  
208 the value of disciplined focus, and the importance of flexibility and bold, creative  
209 thinking.  
210

211 Mr. Wisker restated that the central theme of the District’s Plan was to improve the District’s  
212 ability to integrate its work with its partners. He asserted that the District does not want to be  
213 viewed as regulator, grant agency, or capital funding source, but as a valued partner. Mr. Wisker  
214 noted that when involved early in planning processes, the District has a proven track record of  
215 adding economic, social, and environmental benefit. He concluded by adding that the District is  
216 seeking the help of the advisory committee members to find new ways to be involved in  
217 partnership with their work.  
218

219 Ms. Eberhart noted that, with its 2007 Plan, the District focused on water quality and generally  
220 left the issue of local flooding to cities to address. She noted that the District’s recent work  
221 shows a recognition of the connection between these issues and addresses both. Mr. Wisker  
222 agreed, stating that the District used to mostly implement one-dimensional, scattered projects  
223 aimed at reducing phosphorus loading. He recalled the Board’s desire to be more sophisticated in

224 their approach, hoping to address more issues than phosphorus loading by developing a more  
225 comprehensive understanding of the system.

226

227 Mr. Bintner asked how close the District is to meeting the goals of the 2007 Capital  
228 Improvement Plan (CIP). Mr. Wisker described the challenges of implementing the 2007 CIP  
229 given its static and highly-prescriptive nature. He used the City of Victoria as an example where  
230 the District's efforts to implement a wetland restoration in the CIP were in conflict with the  
231 City's land-use plans. He referenced the District's past adversarial relationship with the City, and  
232 juxtaposed it against the current relationship the two parties share, framed by a Memorandum of  
233 Understanding (MOU) and cooperative work together with Lennar Corporation to restore the  
234 very wetland that was the subject of conflict in the past. Ms. Geheren concurred.

235

236 Ms. Drewry asked if the District had the staff resources to pursue this level of integration and  
237 coordination with cities. Mr. Wisker responded that the District does have increased capacity  
238 compared to 2007. He noted that the District has grown to have four project planners instead of  
239 one, and that staff in Land Management and Permitting are augmenting the District's ability to  
240 operate in this way. As examples, Mr. Wisker described how the Land Management staff are  
241 providing technical assistance to developers in exchange for conservation easements and  
242 restoration efforts. He also provided examples where the Permitting staff have established  
243 partnerships with private landowners and developers that have resulted in greater resource  
244 protection while helping the developer increase the potential economic use of the land.

245

#### 246 Two-Track Approach

247

248 Mr. Christopher referred back to Ms. Drewry's question about staff capacity noting that this is  
249 one of the reasons the District developed the two-track approach. She reiterated the challenges of  
250 implementing the District's 2007 Plan in that it was overly prescriptive, static, and spread  
251 District resources too thin by trying to give equal attention to all parts of the watershed. In  
252 contrast to this model, Ms. Christopher described how the District began to take a new approach  
253 with its work in the Minnehaha Creek Greenway. The District found success in this area by  
254 developing a deeper understanding of the goals and plans of the cities, private businesses, and  
255 other entities and integrating its work in ways that complement and support those goals. One  
256 thing that made this approach possible was focus. By dedicated sustained and concentrated effort  
257 in the area, the District was able to more effectively develop relationships and learn about needs  
258 and opportunities on the landscape.

259

260 Ms. Christopher explained that the model for the "focus" track of the two-track approach was  
261 informed by the District's success in the Greenway. Through sustained focus of resources and  
262 staff time, the District is able to meaningfully engage its partners, integrating the District's work  
263 with theirs. She stated that the "focus" track would be utilized in high-need areas of the  
264 watershed where the issues to be addressed are complex and require heightened collaboration. In  
265 these "focal geographies," Ms. Christopher explained, the District plans to act as the convener,  
266 bringing together cities, businesses, and other agencies to coordinate investment and  
267 implementation.

268

269 She then explained that, in addition to playing the role of convener in these focal areas, the  
270 District seeks to improve integration with land-use planning watershed-wide through the  
271 “responsive” track. By developing processes and strategies to improve coordination with cities  
272 and the development community, the District aims to remain responsive to needs and  
273 opportunities as they arise. Ms. Christopher noted that there are a number of ways in which  
274 partners can leverage the District’s resources including capital project implementation, cost share  
275 grants, technical assistance, and program support in areas such as education and permitting.  
276

277 Ms. Christopher stated that the District is already largely operating under this two-track  
278 approach, and the goal is to structure the new Plan in a way that supports and continues to  
279 improve on this model.  
280

281 Mr. Bintner offered his experience of working with the District through the “responsive” track.  
282 He stated that District staff were invited by the City of Edina to attend an early planning meeting  
283 for the restructuring of the Grandview area. At the meeting, Mr. Bintner explained, the District  
284 added value over and above just applying the rules. The District staff served to broaden the scope  
285 of possibilities for the site, accomplishing greater benefit for both parties. He contrasted this to  
286 his experiences with other watershed districts. He suggested that the validity of the “responsive”  
287 track need not be discussed any further, and the Committee should instead invest its time in  
288 laying out a more detailed framework for the “responsive” track.  
289

290 Ms. Eberhart put forward that a network must be in place so that staff may indeed coordinate  
291 early on. Mr. Wisker concurred, stating that the District does not want its Permitting program to  
292 operate as a “black box” but rather work with applicants as customers. He asked the Committee  
293 to help define how to memorialize this approach in the 2017 Plan.  
294

295 Ms. Geheren stressed the importance of the District’s revamped Permitting Department in  
296 strengthening the relationships the District has with cities. She stated that the City of Victoria has  
297 seen a night-and-day change in the District’s practices through the City’s interaction with the  
298 District’s Permitting Department. Ms. Geheren noted that the City has gone from actively  
299 distrusting the District to trusting in and partnering with the District, as evidenced by the MOU  
300 that the City shares with the District.  
301

302 Mr. Bintner stated that he was in support of the “focus” track, as he saw the merit of geographic  
303 focus and meaningful integration. He suggested that the two tracks inform each other and that the  
304 best practices established out of the “focus” track will have broader implications. Mr. Wisker  
305 concurred, stating that the District has learned much through its work in the Minnehaha Creek  
306 Greenway and that the lessons learned are easily applicable to other urban areas, whether in  
307 geographies of the “focus” or “responsive” tracks.  
308

309 Mr. Wisker added that the idea of focusing resources has long been taboo in government. He  
310 stated that “focus” should not carry a negative connotation as it is a more effective way for the  
311 District to accomplish its work. The rationale for focusing in Six Mile Creek, for instance, is  
312 well-founded in that there are numerous impaired waters and the area is rapidly developing.  
313

314 Ms. Christopher briefly highlighted a number of other recent examples of work the District has  
315 done which serve as examples of the “responsive” track. She noted that all of the examples were  
316 things that were not specifically identified in the Comprehensive Plan but rather arose out of  
317 coordination with cities and landowners to explore opportunities.

318  
319 Ms. Geheren asked if, for the projects listed, the respective city reached out to the District. Mr.  
320 Wisker responded that the projects were initiated through a variety of pathways. What has  
321 changed is the ability of District staff, across departments, to recognize opportunities and find  
322 creative solutions.

323  
324 As an example, Mr. Blackstad stated that the City of Hopkins came to the District concerning  
325 Cottageville Park, and asked for help in resolving what was framed as simply a policing issue.  
326 He noted that once the District was brought into the discussions, District staff not only provided  
327 new solutions for the policing issue, but they designed a new community amenity and met their  
328 own water resource goals.

329  
330 Ms. Eberhart was impressed by the District’s willingness to propose specific solutions to its  
331 partners and regulated parties, contrasted by the typical governmental approach of avoiding  
332 specific direction and the risk associated with implementing said direction.

333  
334 Ms. Drewry applauded the Board’s philosophy, calling it unique. She encouraged staff and the  
335 Board to continue operating under said philosophy, and that the risks taken thus far have been  
336 worth taking. Mr. Wisker explained that staff and the Board establish MOUs with their partners  
337 to minimize risk by ensuring clarity of intent and transparent, ongoing communication. He cited  
338 the MOU developed for the District’s future involvement in the restructuring of Knollwood Mall  
339 as an example of this practice.

340  
341 Mr. Bintner stated that many best management practices have been installed over the years, and  
342 that the burden of maintenance for those facilities often falls to cities. He explained that many  
343 cities face difficulty in attempting to keep track of all the facilities which need maintaining, let  
344 alone performing the maintenance. Mr. Bintner questioned the sustainability of this model noting  
345 that the cost of said maintenance would eventually become too big a burden for cities to bear.  
346 Mr. Bintner asked for the District to consider taking a lead role on addressing this issue. Mr.  
347 Wisker agreed and noted that it has been flagged as a policy issue that should be addressed  
348 through this process. He suggested a systems-wide approach to maintenance, including a model  
349 for defining the responsibilities of Homeowners’ Associations, cities, and the District.

350  
351 Ms. Geheren noted that many of the stormwater ponds in Victoria are physically inaccessible by  
352 the appropriate equipment for maintenance. She suggested that Permitting staff at the District  
353 keep in mind maintenance needs when permitting required facilities. Mr. Kelly agreed with Mr.  
354 Bintner and Ms. Geheren, stating that his city’s maintenance burden would soon be an issue.

355  
356 Ms. Drewry asked if the District has had any conversations with the Metropolitan Council about  
357 getting involved in the development of city plans. Ms. Eberhart stated that this should not be  
358 mandated but rather up to the cities to invite the District in. Mr. Wisker stated that the District

359 would be most successful if methods for including the District were written into cities' policy  
360 documents. Ms. Drewry suggested that the District distribute communication to the cities  
361 offering assistance and asking to be involved in their respective planning processes. Ms. Geheren  
362 noted that the 29 cities in the District would not all engage the District themselves.

363  
364 Mr. Bintner asked what the role of the District's Education and Communications Departments  
365 would be in implementing this approach. Mr. Wisker responded that the District is going through  
366 an internal process to evaluate its programs to ensure that all departments are optimized and  
367 aligned to support the new approach.

368  
369 Mr. Bintner noted that all cities and the District are subject to the same requirements under the  
370 state MS4 permit and that he is interested in exploring a fee-for-service arrangement with the  
371 District for things like education and outreach. He also suggested that the District offer cost share  
372 of around 15% to incentivize cities to address deferred BMP maintenance. Mr. Wisker asked the  
373 Committee to bring to a future meeting ideas of other potential services that the District could  
374 provide. Ms. Geheren and Mr. Kelly noted that they would also be interested in exploring a fee-  
375 for-service model with the District.

376  
377 Mr. Bintner noted that he is fully on board with the District's two-track approach.

378  
379 Ms. Eberhart asked what the location and timing of the next focal geography would be. Ms.  
380 Christopher explained that it is difficult to set an exact schedule, as conditions affecting this  
381 decision will change based on what is happening on the landscape and new data that will be  
382 collected through the District's E-grade program. She noted that certain subwatersheds, such as  
383 Painter Creek and Long Lake Creek, are likely candidates due to their size, complexity, and level  
384 of impairment. Ms. Eberhart asked if, instead of listing an exact schedule in the Plan, the District  
385 could provide the types of factors or criteria that it will consider when selecting a focal  
386 geography. Ms. Christopher confirmed that this is the District's intent.

387  
388 Mr. Wisker reiterated that the "focus" track approach is not necessary in all areas of the  
389 watershed. He used Wayzata as an example, stating that the District has been, and will continue,  
390 working with the City through a more responsive model by exploring partnership opportunities  
391 as the City redevelops its downtown.

392  
393 In terms of schedule, Mr. Wisker explained that the process for Six Mile will involve developing  
394 and strengthening relationships with partners, overlaying District and partner plans, and  
395 developing a list of short- and long-term opportunities. From there, the District and its partners  
396 can begin implementation while moving on to gather information and plan in the next  
397 geography. Ms. Geheren affirmed that the process laid out would provide much-needed  
398 information for the City of Victoria to better coordinate with the District. She added that what  
399 the District was proposing was much like the forward-looking practices of transportation  
400 planning.

401  
402 Ms. Geheren reiterated that the City of Victoria now trusts the District where, in the past, it  
403 would closely monitor the District's agendas and Board meetings. Mr. Bintner added that the

404 District's previous reputation, as told to him, was that of a difficult and problematic agency.  
405 However, he noted, that has not at all been the case in his personal experience with the District.

406  
407 Ms. Christopher asked the Committee members to keep thinking about how the District can  
408 memorialize a process which follows the intent of the two-track approach. Mr. Wisker noted that  
409 they would try to have the rough outline of the two-track approach ready as a pre-read for the  
410 next Committee meeting.

411  
412 The Committee discussed potential dates for the next meeting. The meeting adjourned at 4:00  
413 p.m.

414  
415 Respectfully submitted,

416  
417 Matthew Cook  
418 Planning Assistant

DRAFT