

**Minnehaha Creek Watershed District
Land & Water Partnership Initiative
Technical Advisory Committee**

Meeting #5
February 16, 2023
1:00 – 3:00 PM

MCWD Office – 15320 Minnetonka Blvd, Minnetonka
Board Room - Lower Level

Agenda

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| 1:00-1:05 | Welcome and Recap of Meeting 4 |
| 1:05-1:40 | Review and Discussion of Batch 2 rules (Wetland Protection and Variances and Exceptions Rules) |
| 1:40-1:50 | Break |
| 1:50-2:50 | Review and Discussion of Coordination Framework |
| 2:50-3:00 | Next Steps and Wrap-up |
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Attachments:

- Meeting 5 Pre-Read Memo



Title: TAC Meeting 5 Pre-Read: Batch 2 Rules and Coordination

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Meeting Purpose:

The Technical Advisory Committee (TAC) will (1) discuss and provide feedback on Batch 2 of MCWD’s proposed rule revisions and (2) explore how MCWD and partners can integrate TAC discussions to-date into an actionable, mutually beneficial framework for on-going, sustainable coordination.

Part 1. Rule Revisions - Batch 2:

Background:

At the December 8, 2022 TAC meeting, MCWD presented an overview of the Permitting Program’s (Program) proposed improvements and rule revisions. The Program’s direction and rule revisions are focused on promoting partnership and improving customer service by aligning with state standards, simplifying and streamlining rule language and processes, and tailoring regulations to natural resource risk and project opportunity. To allow for adequate review time and review options, MCWD has spread out the proposed rule drafts across three TAC meetings and provided multiple feedback methods. The updated process and timelines are described in the below table:

Rule	Feedback Method
Batch 1: Erosion Control, Shoreline and Streambank Stabilization, Waterbody Crossings and Structures, Dredging	<ul style="list-style-type: none"> • Survey: completed January 11 • In-meeting discussion: January 19 • Extended Feedback Form: March 17
Batch 2: Wetland Protection and Variances and Exceptions	<ul style="list-style-type: none"> • Survey: due February 10 • In-meeting discussion: February 16 • Extended Feedback Form: due March 17
Batch 3: Stormwater Management and Floodplain Alteration	<ul style="list-style-type: none"> • Survey: due March 3 • In-meeting discussion: March 16 • Extended Feedback Form: due March 17

TAC Meeting 5:

Meeting 5 will be focused on reviewing and providing feedback on Batch 2 rules - Wetland Protection (WP) and Variances and Exceptions (V&E). The intent of each rule revision, and areas for TAC input, are described below:

Wetland Protection Rule:

- Revision Intent:
 - The additions to the WP Rule seek to add flexibility on buffer provisions for projects on large parcels and/or public projects that have an expressed, water-dependent recreational or educational benefit.
- Input Areas:
 - MCWD has requested TAC input on comfort with the additions and if they help mitigate challenges TAC members have experienced with the buffer provision.
 - MCWD will also review any other topics flagged through the TAC survey.

Variances and Exception Rule:

- Revision Intent:
 - The only substantive change proposed to the V&E Rule is to align language to match state and county court decisions. Specifically, updating the “undue hardship” standard to the “practical difficulty

standard” for variances. This language shift will not significantly change how the MCWD implements the V&E Rule, but it does provide slightly more flexibility for property owners.

- Input Areas:
 - Given the limited revisions, MCWD has not identified any specific topics for input on this rule.
 - MCWD will review any topics flagged through the TAC survey.

Next Steps:

MCWD will use the feedback from the Batch 2 rules survey and in-meeting discussions to further revise the WP and V&E Rules. MCWD welcomes additional comments from TAC members and non-TAC members on the draft rules through the [Extended Feedback Form](#) available until March 17, 2023 or through individual meetings, as desired. The feedback received through the methods described above will be considered, and any substantive changes will be brought back at TAC Meeting 7.

Part 2. Coordination Framework

Background:

The Land & Water Partnership Initiative is focused on strengthening partnerships that support MCWD’s emphasis on impactful, collaborative projects that benefit the watershed and our communities. The TAC’s work plan has three areas of focus and input:

- LWP Program: Help shape a new Land & Water Partnership (LWP) program that will support partner projects through technical and financial assistance
- Permitting Program & Rule Alignment: Advise on improvements to our permitting program and rule revisions to streamline process and promote early coordination
- Coordination Framework: Build sustainable connections for ongoing collaboration

The intended outcome of this TAC process is to create systems to support partnership and integration of land use and water planning. As MCWD and the TAC approach the conclusion of this work, the next step is integrating feedback and discussions to-date, to create an actionable, mutually beneficial, and sustainable coordination framework.

TAC Meeting 5:

At Meeting 4, the TAC explored the idea of a municipal partnership framework to allow better coordination between MCWD and municipal partners on regulatory work such as permit review and issuance, site monitoring and inspection, and enforcement and compliance action. Meeting 5 will build on this discussion by exploring other key areas of coordination between MCWD and its public partners. In particular, the discussion will be focused on how MCWD and its partners can coordinate to shape and identify opportunities associated with private development.

In Meeting 5, the TAC will help map out points of coordination, mutual benefits, and action steps needed to implement better systems for coordination using the below framework as a guide.

Public Planning and Projects:

- Land use planning (e.g., comprehensive plans, small area plans, infrastructure plans, etc.)
- Public project coordination (e.g. concept review, permitting)

Private Development:

- Concept review
- Permitting
 - Regulatory authority
 - Permit administration
 - Inspection and enforcement

General Coordination:

- Sharing of updates, priorities, data, ideas

TAC Discussion Questions:

In addition to mapping the broader coordination framework, the primary area of focus for TAC discussion will be on how MCWD and its public partners can coordinate better to shape, identify, and advance partnership opportunities with private development. Please come prepared to speak to the following discussion questions:

- How can we coordinate on system-scale planning to identify areas of opportunity/priority?
- How can we coordinate to screen for opportunities at a project scale through the development/permit review process?
- What are the ordinances/policies/tools cities can leverage to promote water resource protection and improvement?
- How can MCWD market the LWP program to the private sector?