

**MEETING DATE:** July 26, 2018

**TITLE:** Approval of Edina Local Water Management Plan

**RESOLUTION NUMBER:** 18-072

**PREPARED BY:** Renae Clark

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**REVIEWED BY:**  Administrator  Counsel  Program Mgr.  
 Board Committee  Engineer  Other

**WORKSHOP ACTION:**

<input type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date):_____	<input type="checkbox"/> Refer to taskforce or committee (date):_____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input checked="" type="checkbox"/> Other: Requesting approval at July 26 Board Meeting	

**PURPOSE or ACTION REQUESTED:**

Approval of the City of Edina Local Water Management Plan (LWMP)

**PROJECT/PROGRAM LOCATION:**

N/A

**PROJECT TIMELINE:**

- January 18, 2018 – Edina LWMP first draft submitted to MCWD
- March 16, 2018 – MCWD denial letter sent
- March 30, 2018 – MCWD and City staff meeting to discuss plan revisions
- June 4, 2018 – Edina submitted draft response to MCWD
- June 29, 2018 – MCWD provided additional comments to City draft response
- July 9, 2018 – Edina submitted requested LWMP revisions

**PROJECT/PROGRAM COST:**

N/A

**PAST BOARD ACTIONS:**

- August 12, 2010, Resolution 10-069: MCWD approval of Edina local water resources management plan
- July 31, 2014, Resolution 14-056: Authorization of Memorandum of Understanding with the City of Edina establishing the intent to coordinate in areas of regulation, land use planning, stormwater management, parks and public land management and greenway development
- January 11, 2018, Resolution 18-004: Approval and adoption of MCWD Watershed Management Plan for the implementation period 2018-2027

## **SUMMARY:**

### Background:

MN Statutes § 103B.235 and MN Rules § 8410.0160 grant watershed districts the authority to review and approve local water management plans (LWMPs). Under this framework, watershed districts can assign responsibilities to local government units (LGUs) for carrying out implementation actions defined in the watershed plan. The LWMP is a required element of the LGU comprehensive land use management plan which LGU's must adopt by the end of 2018.

The Minnehaha Creek Watershed District (MCWD or District) adopted its new Watershed Management Plan (Plan) in January 2018. The Plan is rooted in the District's Balanced Urban Ecology policy (BUE) as the principle strategy to accomplish its mission. The BUE policy recognizes the inter-dependence of the natural and built environment and that both benefit through a holistic planning approach. The BUE policy is establishes the guiding principles of focus in areas of highest resource needs, flexibility to respond to emerging opportunities as a result of land use change in real time, and pursuing clean water goals in partnership with our communities.

The Plan establishes the District as a regional water planning agency. The Plan provides rationale for subwatershed-based planning and prioritization by which to focus implementation efforts for the 2018-2027 Plan cycle. The District has prioritized the subwatersheds of Minnehaha Creek, Six Mile Creek-Halsted Bay and Painter Creek based on a combination of resource needs and opportunities for management of some of the State's most prized recreational natural resources of Lake Minnetonka and Minnehaha Creek – including the Minneapolis Chain of Lakes.

In addition to these focused planning and implementation efforts, the District's approach watershed-wide is to remain responsive to opportunities created by local land use change or partner initiatives. The District's responsive approach relies on early and effective coordination by the District's communities to help identify opportunities to integrate plans and investments. As opportunities arise, the District will evaluate them against the resource needs and priorities defined for each subwatershed in the District's Plan and determine the appropriate response. The District has a wide range of services it can mobilize to address resource needs and support partner efforts, including data collection and diagnostics, technical and planning assistance, permitting assistance, education and capacity building, grants, and capital projects.

Integration of land use and water planning is the primary focus of the LWMP requirements set forth in the District's Plan. To effectively integrate the goals of MCWD and its LGUs in a way that maximizes community benefits and effectively leverages public funds, the District has invited a partnership framework with its communities. In addition to the legally required elements of LWMPs, as defined in State statute and rules, the MCWD Plan requires communities to propose a coordination plan which describes how the LGU and MCWD will share information and work together to integrate land use and water planning. Specifically, the purpose of a MCWD/LGU coordination plan is to:

1. Establish a framework to be informed as to current LGU land use and infrastructure planning and enable early coordination of land use and water resources management
2. Foster LGU development regulation that integrates water resource protection before plans are fixed
3. Identify and capitalize on project opportunities for improved water resources outcomes while maximizing other public and private goals

As established in the District's Plan, MCWD will prioritize implementation efforts and resource deployment based on its established priorities and LGU commitment to coordination. This commitment is demonstrated through the coordination plan and its implementation by the LGU.

### Edina LWMP Summary:

The City of Edina (City) has submitted its LWMP for MCWD review and approval. District staff reviewed the LWMP and provided detailed comments for consideration and incorporation into the LWMP and met with City representatives to discuss the goals and requirements of the District's Plan. The City has revised the LWMP to address the District's comments.

The City of Edina is located partially within the MCWD and drains to the Minnehaha Creek subwatershed. Major bodies of water within the City include Minnehaha Creek, which is impaired for fecal coliform bacteria, chloride, low dissolved oxygen, and fish and macroinvertebrate communities. The District's Plan identified the Minnehaha Creek subwatershed as a priority subwatershed in which the District will focus its implementation efforts for the 2018-2027 plan cycle. The primary management strategies identified for this subwatershed are stormwater management, stream restoration, and restoration of wetlands and ecological corridors.

The City of Edina and MCWD have a history of partnership through early coordination of land use and water planning. In 2014, the City and District executed a Memorandum of Understanding (MOU) to describe the common goal of clean water and outline areas of collaboration including public education and outreach, development oversight, integrated capital improvements, and planning coordination. The City and District are currently partnering on the Arden Park Restoration Project which targets the management strategies of stream restoration and stormwater management while achieving broader community goals for the park.

The LWMP identifies partnership opportunities and policy discussions to advance shared goals for water resources, including:

- Arden Park – Clean water and drainage issues, civic engagement
- Weber Park – Flooding issues (and clean water co-benefits opportunity), civic engagement
- Grandview Green - Stormwater management, regional planning, permitting, civic engagement
- Flood Risk Reduction Strategy for the Morningside neighborhood
- Public communication and education coordination and partnership
- Coordination of policies:
  - Development of a program for inspection and maintenance of private stormwater BMP's
  - Land use policies that are connected to local flood risk
  - Building an understanding of clean water and flooding issues among City Departments to better incorporate water resources planning

The City has developed a coordination plan under which it has committed to the following:

- Meet annually with District staff to exchange and review capital improvement plans and maintenance activities for stormwater infrastructure as part of the MS4 reporting process
- Notify the District of the following:
  - Updates to road and infrastructure implementation programs
  - Updates to park and recreation plans
  - Institution and completion of small area plans and other focused development or redevelopment actions
  - Significant alterations within the City MS4 system
  - Updates to the Capital Improvement Plan
- Continue the strong working relationships and regular conversations in the areas of CIP planning, private development review, public development and redevelopment, operation and maintenance, regulatory enforcement, and education and engagement
- Route requests for land use approvals for District comment during concept plan review
- Include the MCWD early in review of potential land use changes and redevelopment projects
- Require documentation of MCWD permit issuance as a condition of City approvals
- Share any new or relevant data on an annual basis (e.g. studies, monitoring data, BMP performance)

The City has not proposed to acquire implementation authority for any MCWD Rules and has proposed that MCWD retain Local Government Unit status for the Wetland Conservation Act.

The City's coordination plan is attached, and the full LWMP can be found at: <https://edinamn.gov/369/Lakes-Ponds-Creeks-and-Wetlands>.

Recommendation:

Staff has verified that the LWMP meets the requirements of Minnesota Statutes §103B.235, Minnesota Rules 8410.0160, and the MCWD Watershed Management Plan and recommends approval.

**ATTACHMENT:**

City of Edina Coordination Plan

## RESOLUTION

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**RESOLUTION NUMBER: 18-072**

**TITLE: Approval of Edina Local Water Management Plan**

WHEREAS, on January 11, 2018, the MCWD adopted its Watershed Management Plan (WMP) pursuant to Minnesota Statutes §103B.231 and Minnesota Rules 8410, which describes how the MCWD will fulfill its responsibilities under the Metropolitan Surface Water Management Act for implementation over the period 2018-2027, and which is guided by the organizational strategy and approach defined through the Balanced Urban Ecology policy; and

WHEREAS, the Balanced Urban Ecology policy prioritizes partnership with the land use community to integrate policy, planning, and implementation in order to leverage the value created when built and natural systems are in harmony; and

WHEREAS, the Balanced Urban Ecology policy rests on the guiding principles of focusing in areas of highest resource needs, being flexible to respond to opportunities that arise through land use changes, and working in partnership to achieve the MCWD's goals; and

WHEREAS, on watershed district adoption of its WMP, cities and towns (local government units or LGUs) within the watershed must prepare local water management plans (LWMPs) that meet content requirements of Minnesota Statutes §103B.235, Minnesota Rules 8410.0160 and the WMP;

WHEREAS, the LWMP is a primary tool to provide a framework for increased early coordination of land use and water planning through the coordination plan that is a required component of the LWMP and the content of which is described in the WMP, Appendix A; and

WHEREAS, the MCWD will prioritize implementation efforts and resource deployment based on its established priorities and LGU commitment to coordination as demonstrated through the coordination plan and its implementation by the LGU; and

WHEREAS, the City of Edina (City) has revised its LWMP and submitted it to the MCWD for review and approval; and

WHEREAS, MCWD staff reviewed the draft LWMP, provided detailed written comments on the LWMP, and thereafter worked with City staff to achieve the development of a proposed LWMP for consideration by the MCWD Board of Managers; and

WHEREAS, the Metropolitan Council has reviewed the LWMP and provided its written comments to the MCWD in a letter on February 23, 2018, and the MCWD has fully considered the comments; and

WHEREAS, the LWMP states that the City does not choose to exercise sole regulatory authority but, instead, wishes that the MCWD continue to require permits for the use and development of land, and otherwise exercise its regulatory authority, within the meaning of Minnesota Statutes §103B.211, subd. 1(a)(3); and

WHEREAS, the LWMP states that the City elects for the District to continue to act as the Local Government Unit responsible to implement the Minnesota Wetland Conservation Act; and

WHEREAS, the LWMP contains a coordination plan that meets the standards set forth in the MCWD WMP, Appendix A; and

WHEREAS, the MCWD has determined that the final revised LWMP meets the requirements of Minnesota Statutes § 103B.235, Minnesota Rules 8410.0160, and is consistent with the MCWD WMP including Appendix A, "Local Water Plan Requirements";

NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of Managers hereby approves the City of Edina LWMP;

BE IT FURTHER RESOLVED, that the Board approves the associated coordination plan and adopts it on behalf of the MCWD;

BE IT FURTHER RESOLVED that the City is to adopt and implement its LWMP within 120 days, and to notify the MCWD within 30 days thereafter that it has done so.

Resolution Number 18-072 was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_.  
Motion to adopt the resolution \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions. Date: July 26, 2018.

\_\_\_\_\_  
Secretary Date: \_\_\_\_\_.

## City of Edina Coordination Plan

The *MCWD Watershed Management Plan (2018)* and *NMCWD Water Management Plan (2017)* both highlight the desire to more closely integrate land use planning and water resource management to capitalize on opportunities to improve water resources as development and redevelopment occurs. Given that land use planning lies primarily with the cities, achievement of this goal will require close coordination and partnership between the watershed districts (WDs) and cities.

To achieve the level of coordination and communication required to successfully capitalize on opportunities to improve water resources as part of land use planning, the city will strive to conduct the following activities:

- Participate in an annual meeting to review water resource plan implementation, to be coordinated by the WDs. Parties will discuss how the WDs can receive notice of and consult on land use, infrastructure, park and recreation, and capital improvement planning efforts.
- Transmit the annual NPDES MS4 report to WDs (mutual transmittal, if applicable).
- Notify the WDs of the following:
  - Updates to road and infrastructure implementation programs. The City annually produces a map of anticipated road reconstruction and road maintenance projects for the next five years.
  - Updates to park and recreation plans.
  - Institution and completion of small area plans and other focused development or redevelopment actions.
  - Significant alterations within the City MS4 system (to maintain currency of the WD watershed-wide hydrology and hydraulics model).
  - Updates to the Capital Improvement Plan.
- Partnership or coordination as to public communications and education.

The WDs are asked to complete the following activities:

- District notice to the City regarding watershed management plan amendments and annual capital improvement program updates.

To capture CIP and budget planning, the annual meeting should occur early in the second quarter. The annual meeting will involve the City's Community Development Director, Economic Development Manager, Engineering Director, Engineering Services Manager, and Water Resources Coordinator. The City welcomes and will accommodate requests from the WDs for additional meetings and communications that spur from the annual meeting. For elements the City and WDs identify for coordination, specific communication plans and schedules will be made. The Water Resources Coordinator will facilitate communication among appropriate parties based on the scope of the item.

Conversations around water resources planning occur continuously throughout the year and are guided by this plan. It is common for various stakeholders across the community (public agencies, non-profit organizations, citizen groups, city departments, and private entities) to be involved in work that has prominent or nuanced water resources implications. Some of the challenges of coordinating water

resources planning include the number of stakeholders involved, balancing funding priorities, community attitudes, and the fact that plans and projects are often owned by others (and may have different schedules, values, and service targets). Due to the dynamic nature of various concurrent activities and planning efforts, maps of anticipated road reconstruction, potential park improvements, capital infrastructure investment/reinvestment, priority water resources issues, and private development are not provided here, but will be prepared ahead of each annual meeting. Spatial analysis tools allow for these pieces of information to be integrated annually, efficiently incorporating the best available information.

The City and WDs have a history of partnership. The past successes have largely been the result of strong working relationships that promote regular conversations. The City is eager to continue and expand cooperative work in the following areas;

- CIP and budget planning: The City's process for this is described in more detail in section 15.4.3. Internal review begins in second quarter, drafts are available for comment in third quarter, and City Council takes action in December of each year.
- Private development and redevelopment: It's common for large projects to go through a sketch plan review with City Council. The City will share known upcoming projects at the annual meeting. As WD staff develop relationships with the community and economic development staff at the City, they can regularly and informally check in with the City to stay abreast of private development and redevelopment activity. The City will facilitate a coordination meeting with private developers and the WDs at the request of the WDs. For projects that do not go through a sketch plan process, the City will inform permit applicants of the potential need for a WD permit and, when one is required, will not issue a City permit until the WD permit application has been made.
- Public development and redevelopment: Described in more detail in section 15.4.1.4. Because of our strong working relationship with the WDs, the City is continually seeking opportunities for coordination. This occurs through informal conversations as opportunities arise. Any future efforts including small area plans or other planning activity will be shared at the annual meeting.
- Operation and maintenance: The City will inform the WDs of illicit discharges in a timely manner and share a summary of the illicit discharge detection and elimination program at each annual meeting. Additionally, the City will share its MS4 inspection results at each annual meeting.
- Regulatory enforcement: As described in 15.4.1.1.
- Education and engagement: As described in 15.4.1.2. The City will share its education and engagement calendar at each annual meeting. The City asks the WDs to continue to cross-promote and partner on events.

In 2014, the City and Minnehaha Creek Watershed District initiated a Memorandum of Understanding (MOU) to describe the common goal of clean water among the agencies and outline spheres of collaboration in a number of areas including public education and outreach, development oversight, integrated capital improvements, and planning coordination. A copy of the MOU is available in the [City's Water Resources Library](#).



## Implementation Partnership Opportunities

The City will work closely with the NMCWD and MCWD to identify and implement water resource protection or improvement partnership projects. While some opportunities may be associated with development and redevelopment, other opportunities will be focused on land owned by the City. [Figure 15.1](#) shows the city-owned parcels throughout the city. Upcoming opportunities for water resource management or improvement partnerships associated with City-owned park and property redevelopment include:

### Minnehaha Creek Watershed

- Arden Park: Clean water and drainage issues, civic engagement
- Weber Park: Flooding issues (and clean water co-benefits opportunity), civic engagement
- Grandview Green: Stormwater management, regional planning, permitting, civic engagement

This CWRMP lays out a framework for working toward incremental improvement in water resource issues through the Flood Risk Reduction Strategy and Clean Water Strategy. At the time of this plan's writing, the focus area for the Flood Risk Reduction Strategy is the Morningside neighborhood in the Minnehaha Creek Watershed District and the focus area for the Clean Water Strategy is Lake Cornelia in the Nine Mile Creek Watershed District. The City invites the watershed districts to be involved in the development of these strategies for each of these focus areas.

## Development Review Process and Land Use Planning

The City utilizes its Development Review process to address stormwater management and ensure water resource protection within the City. Engineering staff review development and redevelopment proposals to ensure that the stormwater management policies and standards detailed in [Section 3.0](#) of this plan are met. Engineering staff also consult the City's Wellhead Protection Plan to ensure that development and redevelopment proposals are in line with the protective measures established for the City's sensitive groundwater resources.

Staff from the City's planning department review development and redevelopment proposals with the guidance of the City's long-range Comprehensive Plan and Zoning Ordinance. In addition to incorporating the policies and design standards of this CWRMP, the *Edina Comprehensive Plan* (City of Edina, 2008) includes policies, principles, and guidelines that integrate water resources protection and management with land use planning. Among these include the City's land use policy to "grow and develop in a sustainable manner that will protect its high quality natural environment, promote energy efficiency and conservation of natural resources" and to "maintain the current open space and wetlands acreage and seek to expand it whenever possible". The Comprehensive Plan encourages reductions in impervious surfaces and associated stormwater runoff from redevelopment sites and parking lot design that promotes stormwater infiltration, and also encourages protection and improvement of urban forests, which provides stormwater management benefits, among others.

Additionally, the Edina Comprehensive Plan includes procedures for planning, programming, and implementing transportation infrastructure, sewer and water infrastructure, and park, recreation, and natural area management. These plans coincide with the timing of the local comprehensive planning

timeline and support the Transportation, Water Resources, and Parks & Trails elements of the comprehensive plan.

The City's zoning ordinance is used by staff in the planning department to guide development and redevelopment within the city. The zoning ordinance establishes required setbacks from naturally occurring lakes, ponds, and streams. In some cases, the buffer requirements of the watershed districts may be more stringent, upon which the watershed district requirements supersede. The City's zoning ordinance also addresses development within the floodplain districts of the city.

Small Area Plans outline a long-range vision for land use and development in a very specific area of the City based on input from residents and business representatives. A list of completed and upcoming Small Area Plans is available on the City's website, [www.EdinaMN.gov/657/Small-Area-Plans](http://www.EdinaMN.gov/657/Small-Area-Plans).

The city of Edina is basically fully developed; thus land alteration activities are primarily of a redevelopment nature. As the city redevelops, the City utilizes the policies of the Edina Comprehensive Plan, the zoning ordinance, and this CWRMP to encourage low-impact site design. The City also relies on implementation of the rules and regulations of the NMCWD and MCWD.