

MEETING DATE: January 10, 2018

TITLE: Approval of Richfield Local Water Management Plan

RES. NUMBER: 19-06

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 final action January 10, 2018	

PURPOSE or ACTION REQUESTED:

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

PROJECT/PROGRAM LOCATION:

City of Richfield (See attached map: Watershed Organization Jurisdiction Boundaries)

PROJECT TIMELINE:

June 18, 2018	Richfield LWMP first draft submitted to MCWD
August 17, 2018	MCWD denial letter sent
November 6, 2018	Richfield response to comments provided
November 28, 2018	MCWD additional comments provided
December 10, 2018	Richfield provided finalized response to MCWD comments

PAST BOARD ACTION:

October 2, 2008	MCWD approval of Minnetonka local water resources management plan (08-068)
June 18, 2009	MCWD approval of LWMP MOU (09-058)
January 11, 2018	Approval and adoption of MCWD Watershed Management Plan for the implementation period 2018-2027 (18-004)

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 principal 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 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.

Richfield LWMP Summary:

The City of Richfield (City) has submitted its LWMP for MCWD review and approval. District staff reviewed the LWMP and provided detailed comments regarding the goals and requirements of the District's Plan for consideration and incorporation into the LWMP.

The City of Richfield is approximately 7 square miles with 2.1 square miles in the MCWD. Richfield also includes parts of the Nine Mile Creek Watershed District and the Richfield-Bloomington Watershed Management Organization.

Richfield is a part of the Minnehaha Creek subwatershed which has been established as an area of focus through the MCWD Watershed Management Plan. Richfield primarily drains to Minnehaha Creek from Legion Lake (type 3 wetland and DNR Public Water) through Taft Lake to Lake Nokomis. Lake Nokomis is on the State's Impaired Waters List for excess nutrients.

In 2012, the Board of Managers ordered the Taft-Legion Lake Volume and Load Reduction Project which was completed in partnership with the City of Richfield in 2016. The project includes a combination of water reuse and flocculation treatment systems to improve water quality in Taft Lake and downstream Lake Nokomis. Under the cooperative agreement, the City is responsible for project operation, monitoring, and maintenance. Project monitoring has shown that the project is not meeting performance standards, and District staff are actively coordinating with City staff to evaluate performance issues and limitations and resolve these issues ahead of the 2019 operating season.

As a required element of the LWMP, the City has developed a MCWD-City Coordination Plan which recognizes the principles of the District's Balanced Urban Ecology Policy and the emphasis of coordinated land use and water planning. It outlines how the City will coordinate with MCWD on land use planning, regulation, capital improvement plans, and the ongoing operation, maintenance and monitoring of the Taft-Legion Project.

The City proposes to retain implementation authority for MCWD Rules for Erosion Control, Floodplain Alteration, Stormwater Management and Wetland Protection and concurs that the MCWD will continue to apply its other rules within City boundaries. The City will 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://files.barr.com/AHT/AHT_UI/public/#/password?package=ItsNjdyJcvJcFJ3Rm%2F44m7pwVTDcXie6Jeu1pvJS%2FCJx1nUz7Kjs0zEDQIVxZQdMDZzdsvN%2FIJrbl9mg0XVjkuVSC%2BvzNEaiSQ4isd8tUw%3D

Please sign in using the email of rclark@minnehahacreek.org

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.

Attachments:

1. Richfield Coordination Plan
2. Richfield Watershed Organization Jurisdictional Boundaries Map

RESOLUTION

RESOLUTION NUMBER: 19-06

TITLE: **Approval of Richfield 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 Richfield (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 August 1, 2018, and the MCWD has fully considered the comments; and

WHEREAS, the City of Richfield wishes to retain water resource regulatory authority within the meaning of Minnesota Statutes §103B.211, subd. 1(a)(3), and assert sole permitting jurisdiction with respect to activities subject to MCWD Erosion Control, Floodplain Alteration, Wetland Protection, and Stormwater Management Rules; and

WHEREAS, the City of Richfield ordinances and official controls regarding Erosion Control, Floodplain Alteration, Wetland Protection, and Stormwater Management were reviewed and found to provide protection of water resources at least as effective as the MCWD rules; and

**DRAFT for discussion purposes only and subject to Board approval and the availability of funds.
Resolutions are not final until approved by the Board and signed by the Board Secretary.**

WHEREAS, the MCWD will continue to exercise its present authority with respect to its rules for Appropriations, Illicit Discharge, Dredging, Shoreline and Streambank Stabilization, and Water Body Crossings and Structures under authority provided by MCWD Rules and the Minnesota Department of Natural Resources, and otherwise exercise its permitting and approval authority in accordance with the terms of Minnesota Statutes §103B.211(a)(3); and 1(a)(3); and

WHEREAS, the LWMP states that the City elects 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 hereby approves the City of Richfield Local Surface Water Management Plan;

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

BE IT FINALLY 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 19-06 was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: January 10, 2019.

Secretary Date: _____.

Appendix E

City of Richfield/MCWD Coordination Plan

Much of the City of Richfield is located with the jurisdiction of the Minnehaha Creek Watershed District (MCWD). The MCWD adopted its fourth generation recent Watershed Management Plan (MCWD Plan) in 2018. The MCWD Plan details how the watershed district will interact with cities, including Richfield, to accomplish its goals, including:

- **Water Quantity** - To manage the volume and flow of stormwater runoff to minimize the impacts of land use change on surface and groundwater.
- **Water Quality** - To preserve and improve the quality of surface and groundwater.
- **Ecological Integrity** - To restore, maintain, and improve the health of ecological systems.
- **Thriving Communities** - To promote and enhance the value of water resources in creating successful, sustainable communities.

The previous MCWD Plan (*MCWD, 2006*) delegated specific actions to the City of Richfield, including a phosphorus load reduction from the area of the city tributary to Minnehaha Creek. The current draft MCWD Plan promotes a collaborative approach through the MCWD's Balanced Urban Ecology policy. The policy prioritizes partnership with the land use community (e.g., city planners) to integrate policy, planning, and implementation i to maximize the value of integrated natural and constructed landscapes.

To this end, the MCWD will work with the City of Richfield to understand land use and redevelopment opportunities within the city and pursue collaborative action when opportunities arise (areas of potential redevelopment within the City are included in Figure 2-3). Targeted areas of collaboration include:

- Land use policy development and its implementation through planning activities including long-range land use and infrastructure plans, area-wide plans, recreation and open-space plans, and reduced area of imperviousness plan.
- Capital improvement feasibility planning for public infrastructure including roads, sewer, drinking water, and localized power generation.
- Land use and development regulation, from initial development feasibility through ongoing inspection and facility maintenance functions.
- City operations and facility maintenance

MCWD spending and use of resources are likely to depend in part on local water plan focus and City commitment to collaborative efforts as identified in the local water management plans (e.g., this Plan) and the City's implementation of it. Examples of possible MCWD activities that could be performed in collaboration with the City of Richfield include:

- Joint grant applications: Coordination to seek funding for work that serves aligned interests of the District and City.
- District incentive programs: Grant or cost-share funds awarded at the discretion of the Board of Managers to an LGU, or to institutional or individual property owners within an LGU.
- Technical assistance: Services of the District staff or engineer to assist LGUs and their residents in resolving water resource issues or pursuing opportunities in areas such as flood management, wetland banking and others.

- Education initiatives and coordination of education activities for MS4 compliance and other purposes.
- Conservation: Helping cities and their property owners achieve mutual conservation goals by serving as easement holder for conservation development, assuming wetland bank maintenance obligations, and similar roles.
- Watershed management district: Using watershed district authority to establish localized taxing district to allow lake associations or other groups with common, geographically defined interests to raise funds in order to pursue community goals.

To facilitate these cooperative actions, the MCWD expects that the City of Richfield's local water management plan (this document) include elements that promote LGU/MCWD coordination. The goal of coordination efforts is to maintain mutual awareness of needs and opportunities to develop and implement programs and projects that:

- develop out of coordinated, subwatershed-based planning;
- reflect the cooperation of other public and private partners;
- align investments; and
- secure a combined set of District, LGU and partner goals. The coordination plan provides for ongoing and periodic communications as to land use planning, infrastructure programming, and development regulation.

Many of the policies included in Section 4.3 of this Plan identify collaborative action with watershed management organizations, including the MCWD.

Land Use Planning Coordination

The City will continue to engage the MCWD in land use planning, where appropriate, and consider cooperative roles with the MCWD in developing and implementing programs and capital improvements (see Table 5-1, Table 5-2, and Table 5-3 of the City's 2018 Surface Water Management Plan). Note that the City's fully developed condition and preference for regional treatment limits opportunities to collaborate with the MCWD to implement on-site stormwater practices as part of development and redevelopment. When redevelopment opportunities and other proposed projects are brought to the City, City staff will assess the potential for MCWD partnership and contact MCWD staff to evaluate such opportunities as early in the process as possible. Coordination activities between the City and MCWD are related to land use planning are identified in Table 1.

Regulation and Permitting

The City has assumed local permitting authority for projects located within the jurisdiction of the MCWD as allowed in Section 3.6.4 of the 2018 MCWD Watershed Management Plan and described in a 2009 memorandum of understanding between the City and the MCWD (see Appendix A).. Per the 2009 memorandum of understanding, the City serves as the permitting authority for projects triggering MCWD Rule B (Erosion Control), Rule C (Floodplain Alteration), Rule D (Wetland Protection), and Rule N

(Stormwater Management). The MCWD retains permitting authority for projects triggering other applicable MCWD Rules (see also Section 5.3.1).

The City's permitting authority is in addition to any required state or federally mandated permits (e.g., NPDES). To maintain permit authority from the MCWD, the City maintains local performance standards and a project review process that is consistent with, or more stringent, than those included in the MCWD Rules (as amended). The City's official controls are contained in the following City documents:

- 2018 Surface Water Management Plan (2018 SWMP)
- Engineering Design Standards for Stormwater Management (2018 SWMP Appendix B)
- Storm Water Pollution Prevention Program (SWPPP, 2018 SWMP Appendix C)
- Richfield [City Code](#):
 - Section 427 – Wetland Protection
 - Section 428 – Erosion and Sediment Control Regulations
 - Section 429 – Water Resources Management Regulations
 - Section 430 – Shoreland Ordinance
 - Section 550 – Floodplain Management Regulations
 - Section 720 – Stormsewer System
 - Appendix B – Zoning Code

In some cases, the City has incorporated MCWD rules and requirements into the City's official controls; in others, MCWD requirements are adopted by reference directly to the [MCWD Rules](#), as amended.

The City serves as the LGU for administering the Wetland Conservation Act (WCA) within the jurisdictions of the MCWD. The City's role includes requiring and verifying that all projects impacting wetlands meet the requirements of the WCA. The City will continue to notice the MCWD regarding WCA action and invite MCWD staff to participate in Technical Evaluation Panels (TEPs), as needed.

The City informs project applicants of applicable permit requirements and performance standards when first contacted by project proposers. This includes permit requirements enforced by the City as well as MCWD requirements for which the City has not assumed permit authority. The City provides contact information for MCWD permitting staff, when applicable. As part of its initial conversations with project proposers, City staff will consider potential cooperative opportunities between the City and MCWD and contact MCWD planning staff, when appropriate.

The City's procedures for evaluating permit applications and enforcing permit conditions, including maintenance obligations, are detailed in the applicable City official controls listed above. The City Utilities Supervisor/Engineer (Public Works Department) serves as the point of contact for the City's regulatory and permitting program.

Joint Project Implementation

The City will continue to seek opportunities to engage the MCWD in the design and construction of capital improvements as it implements its 2018 Surface Water Management Plan. Examples of past

collaborative efforts include the Taft-Legion Lake Volume and Load Reduction Project. Assistance sought by the City may include:

- Technical assistance
- Financial assistance via cost-share or grant application
- Added-value project components consistent with MCWD goals

City Staff will coordinate with MCWD annually to discuss planned City capital improvements and evaluate opportunities for shared implementation (see Table 1).

Taft-Legion Lake Volume and Load Reduction Project

The City will continue to operate, maintain, and monitor the Taft-Legion Lake Volume and Load Reduction Project consistent with the project cooperative agreement and first amendment to the cooperative agreement (see Appendix A of the 2018 Surface Water Management Plan). The cooperative agreement and amendment(s) specify the following City action:

- Inspections – The City shall inspect the BMP's constructed as part of the project at least bi-monthly and as-needed during operation. This activity shall include inspection of pumps, controls, and other elements necessary to verify the system is operating as intended.
- Maintenance – The City shall repair and maintain:
 - Project facilities (irrigation and infiltration systems, grit chambers, flocculation system)
 - Native buffer plantings
- Monitoring – The City shall perform monitoring to evaluate system performance, including:
 - Flow through the infiltration, irrigation, and flocculation systems
 - Water quality of influent water
 - Water quality of flocculation system effluent
 - Precipitation
 - Water surface elevations

The City will interpret collected monitoring data, compare system performance to feasibility report projections, and submit an annual report to the MCWD (see Table 1).

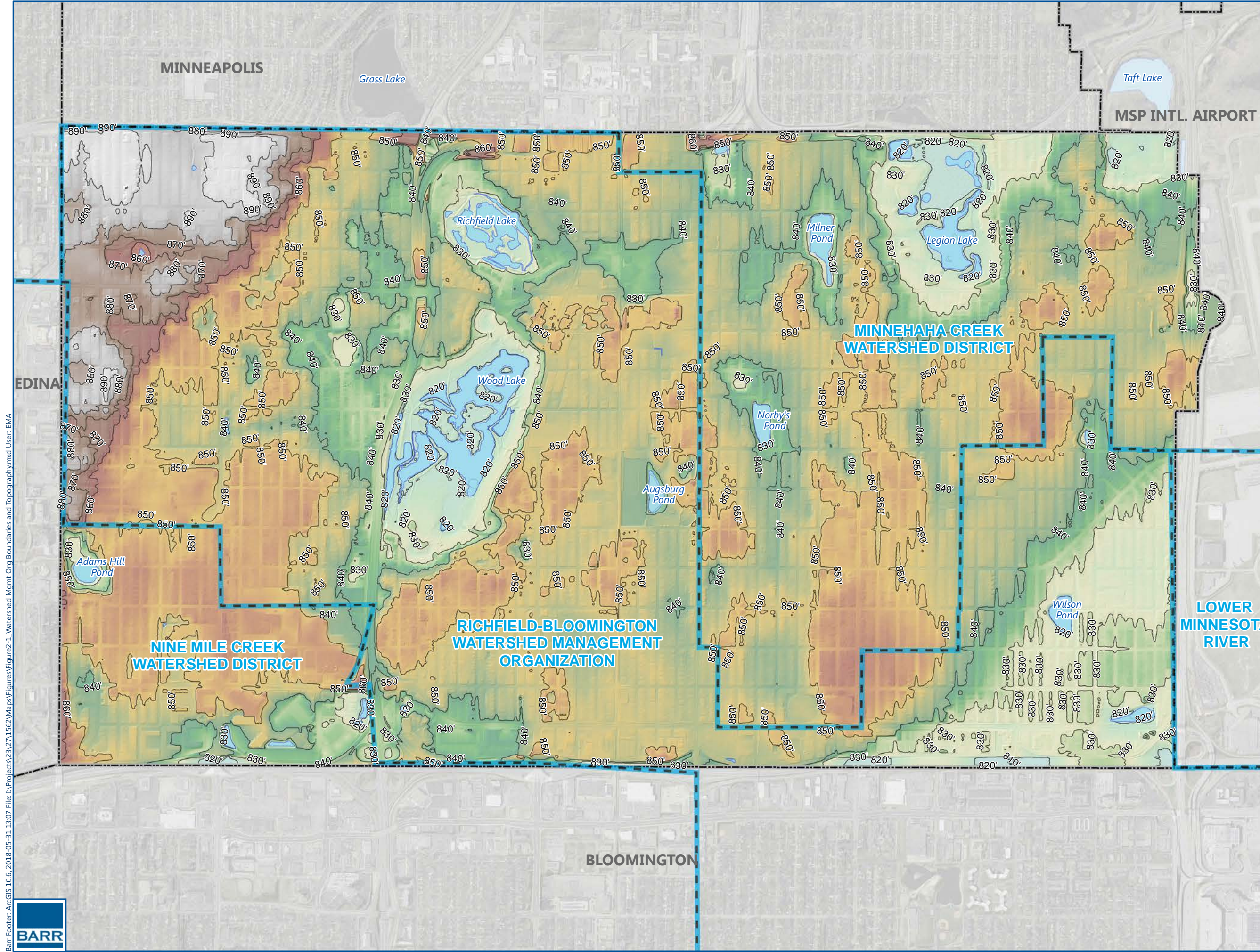
Reporting





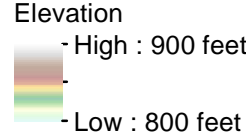
The City will prepare and submit an annual report to the MCWD detailing actions performed in the previous year relevant to the requirements and goals of the MCWD. The City will submit the report prior to June 30 of each year. The report will include evaluation of the Taft-Legion Lake Volume and Load Reduction Project (as outlined in the project cooperative agreement and amendment(s), see Appendix A of the 2018 Surface Water Management Plan). The annual report will also include a summary of upcoming City projects and redevelopment opportunities, and other activities that may benefit from coordination with the MCWD.

The annual report will summarize the activities performed as part of the City of Richfield/MCWD Coordination Plan presented in Table 1.

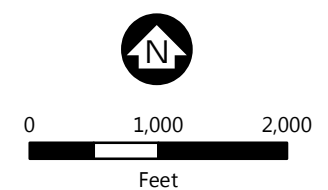
Table 1 City of Richfield/Minnehaha Creek Watershed District Coordination Plan

Activity ID	Activity Description	City Staff	Estimated Timeline
LGU-1	Provide annual report to MCWD regarding: <ul style="list-style-type: none"> - SWMP implementation progress, including MS4 reporting - Taft-Legion Lake Volume and Load Reduction Project monitoring and performance evaluation - Summary of upcoming City projects/redevelopment plans - Summary of activities performed as part of the City of Richfield/MCWD Coordination Plan 	Utilities Supervisor/Engineer (Public Works Department)	Annually (June)
LGU-2	Inform project proposers of applicable MCWD rules and permitting requirements; evaluate City/MCWD cooperative opportunities at time of project proposal	Utilities Supervisor/Engineer (Public Works Department)	Ongoing
LGU-3	Meet with MCWD staff to review potential redevelopment and/or land use change activity within MCWD jurisdiction	Utilities Supervisor/Engineer (Public Works Department) City Planner	As needed
LGU-4	Coordinate City infrastructure maintenance activities in Minnehaha Creek watershed (e.g., pavement management, utility upgrades)	Utilities Supervisor/Engineer (Public Works Department)	As needed
LGU-5	Provide proposed changes to City ordinance, regulatory controls, and resource management plans to MCWD for review	Utilities Supervisor/Engineer (Public Works Department)	As needed
LGU-6	Participate in MCWD watershed planning actions by providing review and comment (e.g., watershed plan update, rule updates)	Utilities Supervisor/Engineer (Public Works Department)	As requested
LGU-7	Coordinate implementation and enforcement of the City's regulatory program with MCWD permit staff, as needed, including WCA notification	Utilities Supervisor/Engineer (Public Works Department)	As needed
5.2-11 (2018 SWMP Table 5-2)	Continue to perform operation, maintenance, monitoring, and reporting tasks for Legion-Taft Lake Volume and Load Reduction Project	Utilities Supervisor/Engineer (Public Works Department)	Annually



-  Municipal Boundary
-  Watershed Management Organization Boundary
-  Lake/Pond
-  10-foot Contour
- Elevation
-  - High : 900 feet
- Low : 800 feet

Source: MnDNR, City of Richfield



TOPOGRAPHY & WATERSHED MANAGEMENT ORGANIZATION BOUNDARIES
Surface Water Management Plan
City of Richfield

FIGURE 2-1

