

MEETING DATE: December 20, 2018

TITLE: Approval of Plymouth Local Water Management Plan

RES. NUMBER: 18-129

PREPARED BY: Renae Clark

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

WORKSHOP ACTION:

Advance to Board mtg. Consent Agenda. Advance to Board meeting for discussion prior to action.

Refer to a future workshop (date):_____ Refer to taskforce or committee (date):_____

Return to staff for additional work. No further action requested.

Other: Requesting final action December 20, 2018

PURPOSE or ACTION REQUESTED:

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

PROJECT/PROGRAM LOCATION:

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

PROJECT TIMELINE:

September 10, 2018	Plymouth LWMP first draft submitted to MCWD
November 9, 2018	MCWD denial letter sent
November 21, 2018	Plymouth LWMP updated draft submitted to MCWD
November 29, 2018	MCWD provided additional comments on LWMP
December 7, 2018	Plymouth provided finalized response to MCWD comments

PAST BOARD ACTION:

November 13, 2008	MCWD approval of Plymouth local water resources management plan (08-085)
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.

**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.**

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.

Plymouth LWMP Summary:

The City of Plymouth (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 Plymouth is approximately 36 square miles with 5.8 square miles in the MCWD or 3.3% of MCWD's jurisdiction. The majority of this drainage area within the MCWD is part of the Gleason Lake subwatershed with approximately 0.3 square miles draining to the City of Minnetonka and the Minnehaha Creek subwatershed. The City of Plymouth includes three other watershed jurisdictions: Bassett Creek Watershed Management Organization, Elm Creek Watershed Management Organization, and Shingle Creek Watershed Management Organization. Primary water resources within the City of Plymouth and MCWD include Mooney Lake, Hadley Lake, Kreatz Lake, Gleason Lake and Gleason Creek – County Ditch #15. Of these waterbodies, Mooney Lake, Hadley Lake, Kreatz Lake and Gleason Lake are listed on the States Impaired Waters list for excess nutrients. Gleason Creek has elevated levels of phosphorus and chlorides likely due to runoff from lawns and streets in the subwatershed.

The MCWD has implemented several water resource improvements during the previous plan cycle to address excess nutrients to Gleason Lake and manage flooding on Mooney Lake. Water quality ponds, stream restoration, and vegetation management have been undertaken to improve water quality and ecological integrity of Gleason Lake. Mooney Lake has no natural outlet, in 2007 the MCWD and City of Plymouth undertook a project install storm sewer infrastructure including an outlet pipe and lift station to support emergency pumping. Plymouth is responsible for operating this system and the MCWD is responsible for monitoring downstream impacts.

Plymouth divided the portion of Minnehaha Creek within its boundaries into 8 subwatersheds in order to assess water resource related issues and opportunities. Implementation plans for these subwatersheds include: education, regulation, street sweeping, facility inspections and maintenance, and in some cases capital improvements. To allow the District the flexibility to respond to opportunities identified by cities or other partners, or that may arise through land use change, the MCWD capital improvement plan for this subwatershed includes a project for stormwater management. In the future, should the District or a partner determine that a larger or more concentrated scale of capital and program implementation may be needed, a discrete subwatershed planning process may be initiated to provide high resolution diagnostic of watershed issues and drivers, map projected land use and infrastructure changes, define a detailed and integrated capital and programmatic implementation plan, and outline a funding strategy including program costs and sources.

To support ongoing communication and promote value-added collaboration between the City and MCWD, as a required element of the LWMP, the City has developed a MCWD Coordination Plan. The Coordination Plan is intended to create systematic touchpoints on key initiatives that would benefit from our coordination which are summarized as follows:

- Annual meetings to discuss potential land use changes on the horizon, maintenance activities of stormwater infrastructure, regulatory activities and capital improvement planning
- Regulatory coordination regarding construction site inspections, Wetland Conservation Act activities and implementation of MCWD Rules
- Implementation of the Mooney Lake Pumping Plan
- Future initiatives that may include Gleason Lake and Mooney Lake subwatershed improvements

The City has not proposed to acquire implementation authority for any MCWD water resource regulation and concurs that the MCWD will continue to apply its erosion control, stormwater management, floodplain alteration and wetland protection rules, as well as other MCWD rules, within City boundaries and has proposed that the City 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://www.dropbox.com/sh/kiyg3oizwnb05kv/AADKYR1G8KI0ndhoGJNNkNq8a?dl=0&preview=Plymouth+Surface+Water+Management+Plan+-+Final.pdf>

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. Plymouth Coordination Plan
2. Plymouth Watershed Organization Jurisdictional Boundaries Map

RESOLUTION

RESOLUTION NUMBER: 18-129

TITLE: Approval of Plymouth 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 Plymouth (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 October 12, 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 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 Plymouth 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 18-129 was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: December 20, 2018.

Secretary Date: _____.

MINNEHAHA CREEK WATERSHED DISTRICT COORDINATION PLAN

The Minnehaha Creek Watershed District (MCWD) has requested that local government units (LGU) establish a coordination plan that the LGU (City) and MCWD can implement at a staff level to achieve common goals. In general, these goals include increasing awareness of needs and opportunities, implementing programs and projects that meet the needs of all partners, and improving communication and coordination between the City and MCWD.

Early coordination and collaboration between the City and MCWD is critical to achieve a desirable and beneficial outcome for all water resource related projects. Through this coordination, it is the intent of the City to efficiently manage water quality concerns and use of public funds.

The primary person responsible for regulatory coordination at the City of Plymouth is the Water Resources Manager or the Public Works Director. The following is a summary of the coordination plan which will be adjusted should the City and MCWD agree to do so.

Annual Meeting:

City and MCWD staff will meet at least once during the year to review the following information from the previous year:

- National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) annual activity report
- Construction Site Violations and Enforcement Actions
- Illicit Discharge & Illegal Dumping enforcement actions and remediation
- Wetland Conservation Act violations and enforcement actions
- As-built information from newly constructed water quality best management practices
- Mooney Lake Pumping Plan implementation
- MCWD maintenance inspections of past projects
- Potential private land use change in early stages of planning

The City and MCWD will discuss its respective Capital Improvement Plans (CIP) and identify potential partnerships for improving water quality.

Land Use & Project Planning:

Land Use Planning within the MCWD will follow the City of Plymouth 2040 Comprehensive Plan. At this time the City expects land use changes to be driven by redevelopment and infill development projects. The City acknowledges the value of discussing water quality improvements that are above and beyond regulatory requirements with developers during initial stages of site design. As applicable, the City will consult and include MCWD staff on these discussions to better coordinate and align improvement projects within the District. The primary person responsible for planning review is the Planning Manager.

The CIP is the City's ten-year projection of capital improvement projects which is updated annually to properly prioritize investments.

The CIP includes projects and equipment needs citywide. During the CIP prioritization process city staff coordinates projects to seek economies of scale and mitigate impacts whenever practical. Projects related to Public Works and Water Resources improvements will be discussed with MCWD staff during the annual meeting as outlined.

Regulatory Coordination:

The City of Plymouth will continue to require documentation of applicable MCWD construction and land alteration permits for those projects located within district boundaries as a condition of City approval. Approved MCWD permits will be stored with project documentation for future reference.

Construction Site Inspections & Compliance:

City of Plymouth and MCWD staff will discuss additional coordination for erosion control and construction site compliance inspections during the annual meeting. Plymouth will continue to implement an erosion control inspection and enforcement program for all projects within the city as outlined in our Surface Water Management Plan and Grading & Erosion Control Standard Operating Procedures. A summary of any violations and any enforcement action(s) taken will be provided during the annual meeting.

Illicit Discharge & Illegal Dumping:

The City of Plymouth will coordinate and keep MCWD apprised of illicit discharge or other water resource violations discovered by or reported to the City. A summary of these violations and any enforcement action(s) taken will also be provided during the annual meeting.

Wetland Conservation Act (WCA):

The City of Plymouth will continue to act as the Local Government Unit (LGU) to oversee wetland alteration(s) within the City under the Wetland Conservation Act (WCA). The City will continue to include MCWD on all WCA Notices and Technical Evaluation Panels that occur within the jurisdictional boundary of the watershed district. A summary of violations and enforcement action(s) taken will also be provided during the annual meeting.

Implementation of District Rules:

Development and Redevelopment Projects:

The City of Plymouth provides development and redevelopment project applicants a Post-Construction Water Quality Management Guidance Document. This document outlines review thresholds, environmental regulations, and additional agencies that may require permits for the project. At any time during the pre or post application process, city staff meets with applicants to answer questions or discuss concerns the applicant has on issues such as planning, zoning, sewer, water, streets, water resources, and regulatory review. As appropriate, city staff will include MCWD staff on these meetings to provide input.

City Projects:

The City of Plymouth will discuss upcoming City CIP projects within MCWD at the annual meeting. Staff will apply for applicable district permits and comply with MCWDs Rules and Standards for each applicable project.

Information Sharing:

Stormwater Facility Infrastructure

The City of Plymouth will provide as-built information from newly installed water quality best management practices within public infrastructure and private development projects at the annual meeting.

Mooney Lake Pumping Plan

Pursuant to the Mooney Lake Operating Plan for Emergency Pumping, the City of Plymouth will provide the following information annually to MCWD:

- Date(s) pumping started and stopped
- Pumping rates
- Estimated total volume pumped
- Cost of power usage

Future Coordination:

In the MCWD Watershed Management Plan (2018), the District outlines its commitment to serving as a resource to its communities through early coordination and planning of land use and water resource matters, including technical assistance, regulatory process facilitation, and shared efforts to secure funding.

The City wishes to continue to collaborate with MCWD on future water quantity and quality improvement projects. Discussions during the annual meeting on specific programs and projects will facilitate increased flow of information in order to provide a stronger coordination of land use and water resources management, ongoing communication of City priorities, CIP planning, and a more efficient use of public funds for projects and programs intended to improve natural resources. Known City initiatives for future coordination include the following:

- Gleason Lake sub-watershed Improvements
 - The City is currently conducting a feasibility study to determine ways to improve water quality and drainage within the Gleason Lake Sub-watershed. Four project areas have currently been identified to make progress towards the Gleason and Kreatz Lake TMDLs.
- Mooney Lake sub-watershed Improvements
 - In coordination with the City CIP for road improvements, the City will look for opportunities to reduce watershed loading to Mooney Lake and provide local flood reduction within the subwatershed. Though implementation of this coordination plan, the City may look the MCWD as a resource to assist in the determination of the most effective water quality treatment options for improving Mooney Lake.

