

MEETING DATE: September 13, 2018

TITLE: Approval of Shorewood Local Water Management Plan

RESOLUTION NUMBER: 18-095

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 checked="" type="checkbox"/> No further action requested.
<input type="checkbox"/> Other:	

PURPOSE or ACTION REQUESTED:

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

PROJECT/PROGRAM LOCATION:

N/A

PROJECT TIMELINE:

April 9, 2018 – Shorewood LWMP first draft submitted to MCWD

June 8, 2018 – MCWD denial letter sent

July 5, 2018 – Shorewood LWMP updated draft submitted to MCWD

July 15, 2018 – MCWD provided additional comments related to WCA regulation

September 4, 2018 – Shorewood final draft LWMP received

PAST BOARD ACTIONS:

- January 8, 2009, Resolution 09-005: MCWD approval of Shorewood local water resources management plan
- January 11, 2018, Resolution 18-004: Approval and adoption of MCWD Watershed Management Plan for the implementation period 2018-2027
- March 8, 2018, Resolution 18-020: Authorization of Memorandum of Understanding with the City of Shorewood identifying collaboration and technical assistance from MCWD on various drainage and flooding concerns within the City of Shorewood

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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 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

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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.

Shorewood LWMP Summary:

The City of Shorewood 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 has revised the LWMP to address the District's comments.

The City of Shorewood is approximately 13 square miles located primarily within the MCWD with a small portion east of Christmas Lake located outside the District. Shorewood includes a portion of the East Upper Lake of Lake Minnetonka and a large portion of Christmas Lake. Shorewood drains to three subwatersheds including Christmas Lake, Lake Minnetonka, and Lake Virginia. The District's Plan identifies stormwater management, and wetland restoration as primary strategies for protecting water quality in these subwatersheds. Implementation priorities focus on resource protection through regulation, early coordination and integration with land use planning, and opportunity-driven stormwater management projects and grants.

The Shorewood LWMP acknowledges a partnership and opportunity-driven approach through its recognition of the City and MCWD's recently adopted Memorandum of Understanding which takes a systematic approach to solving drainage and water quality issues in the western portion of the City which drains to Lake Minnetonka. The March 2018 Memorandum of Understanding integrates multiple City goals for road improvements, parks, trails, and open space planning and enhancements, with the resolution of drainage issues while using water as a community asset.

As a required element of the LWMP, the City has developed a MCWD coordination plan which incorporates the current, collaborative planning and under which it has committed to the following additional collaboration:

- Annual meeting - City staff members will meet during the summer to review NPDES MS4 reports and activity from the previous year. Staff will also discuss draft Capital Improvement Plans for each entity for the upcoming year.
- Planning and CIP coordination –The City will send the MCWD any small area plans, major land use changes or policy changes such as zoning and ordinance updates early in the planning stage to receive feedback from the MCWD on how water quality treatment could be incorporated into these items.
- Regulatory coordination – The City will include the MCWD early on in City projects including holding pre-application meetings to discuss proposed project plans and will continue to refer developers to the MCWD early on in project planning.
- Public Outreach and Education –The City will help promote the MCWD's educational workshops and events to private homeowners and developers and coordinate with the MCWD on other educational efforts when possible to avoid duplicating efforts.
- Technical assistance and funding – The City seeks support from MCWD in terms of grant funding for water quality projects and requests that MCWD staff continue to provide information about upcoming grants and other funding opportunities. The City will send the MCWD the CIP when it is updated annually and ask the MCWD for planning assistance and aid in finding funding sources to help finance the projects on the CIP.

The City has not proposed to exercise sole implementation authority for water resource regulation and has proposed that the MCWD retain Local Government Unit status for the Wetland Conservation Act for that portion of Shorewood within the District.

The City's coordination plan is attached, and the full LWMP can be found at: <https://wsbeng.sharefile.com/share/view/sf2b02de7be740829>

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:

Shorewood Coordination Plan

RESOLUTION

RESOLUTION NUMBER: 18-095

TITLE: Approval of Shorewood 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 Shorewood (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 April 30, 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

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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 Shorewood 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 18-095. was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: September 13, 2018.

Secretary Date: _____.

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City of Shorewood Coordination Plan

MCWD requests that local government units establish a coordination plan that the LGU and MCWD can implement at a staff level to achieve common goals. Some of these goals include:

- Maintaining awareness of needs and opportunities between the City and MCWD
- Implementing programs and projects that meet the needs of all partners, align financially, and are a part of the overall watershed planning effort.

Improving coordination between land use planning at the City and watershed planning at MCWD will result in better projects that meet agency goals and are a more efficient use of public funds. Coordination and collaboration between entities is key to constructing cost effective BMPs to manage water quality concerns and preserve the City's natural resources in the future.

The following is a summary of the coordination plan, which will be adjusted and expanded as deemed appropriate by the City and MCWD during project implementation. It is anticipated that the City Administrator, Public Works Director, and Planning Director will be the primary contacts for the coordination plan.

- **Annual meeting** – City staff members will meet during the summer to review NPDES MS4 reports and activity from the previous year. Staff will also discuss draft Capital Improvement Plans for each entity for the upcoming year. It is anticipated that the City Administrator, Public Works Director, and Planning Director will be the primary contacts for the annual meeting.
- **Land Use Planning** – City Planning staff will continue to route requests for land use approvals including, but not limited to, subdivisions and site plan reviews which fall under MCWD jurisdiction will be forwarded to MCWD staff for comment. Coordination will occur in the beginning stages of the project during the concept plan review.

The City's ten-year Capital Improvement Plan (CIP) is a flexible schedule of projects and public improvements that the City wishes to do over the next ten years. The 2018-2027 CIP is the most recent version of the CIP and can be found on the City's website. The CIP is updated annually to ensure consistency of changing demands and funds available. Projects are prioritized by the current level of need for the project, and available funds but to address the growing number of drainage concerns within the City, the CIP in the near future will be guided by addressing drainage concerns primarily.

The City will send the MCWD the CIP when it is updated annually and ask the MCWD for planning assistance and aid in finding funding sources to help finance the projects on the CIP. The CIP would include future feasibility studies and capital improvement projects that the City is hoping to implement in the future. The City will send the MCWD any small area plans, major land use changes or policy changes such as zoning and ordinance updates to receive feedback from the MCWD on how water quality treatment could be incorporated into these items. The city will include the MCWD early on in project initiation, even if projects are unfunded at the time, to utilize the technical planning assistance offered by the MCWD and to look for opportunities to incorporate water quality improvements into otherwise non-water related projects.

- **Regulatory Activities** –The MCWD has rules covering stormwater management, erosion control, shoreline and streambank stabilization, floodplain alteration and wetland protection among others. MCWD will be responsible for implementation and enforcement of their own rules. In cases where there are analogous City requirements, then the more restrictive rules are understood to govern. Enforcement of the rules will be the responsibility of the governing entity.

The City will include the MCWD early on in City projects including holding pre-application meetings to discuss proposed project plans. The City will also continue to refer developers to the MCWD early on in project planning to ensure the MCWD has adequate time to be value added for development plans. Planning staff will require documentation of appropriate MCWD construction and land alteration permits for those projects located within District boundaries as a condition to City approval. Approved MCWD permits will be stored with other project documentation for future reference. Staff will consider additional coordination for erosion control inspection and enforcement and discuss opportunities at future annual meetings.

- **Wetland Conservation Act Enforcement** – MCWD acts as the LGU for WCA applications within the MCWD boundary. The City will continue to forward any concerns regarding wetlands in the MCWD boundary to MCWD as they arise.
- **Funding** – The City seeks support from MCWD in terms of grant funding for water quality projects. The City requests that MCWD staff continue to provide information about upcoming grants and other funding opportunities.
- **Data Sharing** – City staff members and MCWD staff will coordinate to share any new or relevant data with one another on an annual basis to ensure consistency between entities. This data could be related to any newly completed studies water quality monitoring, BMP performance monitoring, and other activities.
- **Public Improvement Projects** – City staff members will provide yearly updates on plans for public improvement projects. This will be coordinated as part of the annual meeting while discussing the draft Capital Improvement Plan. Maintenance activities for stormwater infrastructure will be provided to MCWD as part of the MS4 recording process and City inspection reports.
- **Public Outreach and Education** – The City will continue to provide surface water management updates to the public through the annual newsletter, City mailings and the City website. The City will encourage programs aimed at fostering responsible water quality management practices by its residents, including educating residents on the proper use of fertilizer and the importance of cleaning up after their pets. The City will help promote the MCWD’s educational workshops and events to private homeowners and developers. The MCWD’s educational workshops cover topics such as winter maintenance training, installing turf alternatives, and informational sessions on the Master Water Steward program. The City will coordinate with the MCWD on other educational efforts when possible to avoid duplicating efforts.
- **Future Project Coordination** – The City wishes to continue to coordinate with the MCWD on future projects. In 2018, a MOU was adopted which states the City and the MCWD will work together to solve large-scale drainage issues within the western half of the City. These drainage issues include Shorewood Oaks Development, Strawberry Lane, Grant Lorenz Channel, Alexander Lane Pond and Church Road Ponding. The City plans to partner with the MCWD on

Freeman Park drainage area projects to reduce the risk of flooding including reconstructing the Freeman Park outlet, stabilizing the Grant Lorenz Channel and other smaller projects. The City of Excelsior and the City of Shorewood plan to partner on a Grant Street/Park Street drainage improvement project in the future with collaboration from the MCWD. The City will continue to look for opportunities to collaborate with the MCWD on future drainage improvement projects.

Street reconstruction projects are planned for most upcoming years in the City. Some street reconstruction projects include storm sewer replacement. The City will send the MCWD where future street reconstruction projects are planned when they are added to the CIP so the MCWD can provide recommendations and technical planning assistance for how water quality improvements could be incorporated into larger City projects.

- **Overall Goals** – Both entities wish to maintain healthy water quality and water quantity throughout the City. Prioritization of these characteristics may differ between the two entities but City staff and MCWD staff will continue to have an open dialogue about how to best meet both water quality and water quantity goals.