



Title: Conditional Approval of Edina Major Plan Amendment

Resolution number: 22-077

Prepared by: Name: Becky Christopher
Phone: 952-641-4512
bchristopher@minnehahacreek.org

Reviewed by: N/A

Recommended action: Conditional approval of the City of Edina’s amended local water management plan

Schedule: N/A

Budget considerations: N/A

Past Board action: Res # 18-072 Title: Approval of Edina Local Water Management Plan

Background:

The City of Edina has submitted a major amendment to its local water management plan to the Minnehaha Creek Watershed District (MCWD) for review and approval. A local water management plan is a required element of each city’s comprehensive land use management plan. MN Statutes §103B.235 and MN Rules §8410.0160 grant watershed districts the authority to review and approve local water management plans.

The purpose of the amendment is to incorporate the City’s Flood Risk Reduction Strategy which was approved by the City in April 2020. The amendment includes changes to the City’s policies and implementation program and incorporates additional detail for priority projects. A summary of the proposed changes (prepared by City staff) is attached, and the full amendment is available in the City’s [Water Resources Library](#) (in Plans and Policies >> 2022 DRAFT Major Amendment to Water Resources Management Plan >> For Agency Review folder).

The City of Edina’s strategy is to comprehensively reduce the risk of flooding throughout the community. Through this strategy, the City takes action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains. The primary goal for the City’s flood risk reduction effort is to improve public safety and reduce the exposure of private principal structures to flooding.

At the October 20, 2022 Policy and Planning Committee (PPC) Meeting, staff provided an overview of the amendment, areas of potential concern, and proposed comments for the City. As a regional agency charged to align water management policies and manage flood risk across municipal boundaries, MCWD staff’s review was focused on understanding, and preventing or limiting, downstream impacts that may result from the changes proposed in the plan amendment. As cities across the MCWD take steps to reduce flood risk within their boundaries, particularly in the context of climate change, flood risk may be transferred downstream and there may be downstream water quality, channel or ecological impacts from increased or altered flows.

Staff's review identified two main areas of downstream impact concern, as outlined below:

1. The plan proposes multiple capital improvements to reduce local flood risk, some of which include infrastructure changes that would increase downstream conveyance of stormwater.
2. The City's policies allow a property owner to place fill within the floodplain to elevate structures to meet the required elevations, without requiring compensatory storage, provided it can be shown that there will not be an increase to the 100-year elevation of an affected watercourse.

In both of these areas, modeling on an individual project basis may show no increase in peak flood level, but the cumulative effect across multiple projects is not well understood.

Staff and the Board discussed the strong history of partnership and coordination between the City and MCWD and the desire to continue to work with the City as a partner and leader in water resource management to understand and address these potential downstream impacts. The MCWD and City are currently partnering to develop a pilot two-dimensional hydraulic and hydrologic model, which will inform the development of a watershed-wide model to provide a better understanding of these risks at a watershed scale. This work will inform MCWD's efforts to engage its communities in climate action planning and policy development for the 2027 Watershed Management Plan.

Summary:

Following discussion at the October PPC Meeting, staff sent a comment letter to the City requesting additional clarification regarding the areas of concern outlined above and that the City consider revisions to the amendment to address them. Staff met with the City to discuss the comments, and City staff expressed a willingness to incorporate additional language to acknowledge and address the MCWD's concerns. City staff requested that the MCWD issue a conditional approval to allow their process to proceed while the additional language is finalized and incorporated.

MCWD staff request that the Board of Managers approve the City of Edina's local water management plan, as amended, conditioned on submission of a final amended plan that incorporates language that:

1. Acknowledges the potential for cumulative downstream impact posed by the City's flood risk reduction efforts
2. Expresses a commitment to work cooperatively with the MCWD to understand and prevent or minimize downstream impacts, including:
 - a. Coordination on a project-specific basis to evaluate options to manage flood risk
 - b. Advising MCWD in its development of a two-dimensional model to inform flood risk management policies
 - c. Exploring opportunities to partner with MCWD on regional flood storage projects
 - d. Updating the MOU between the City and MCWD to reflect this intent

Attachments:

Edina staff report summarizing the proposed amendment



RESOLUTION

Resolution number: 22-077

Title: Conditional Approval of Edina Major Plan Amendment

- WHEREAS, on August 30, 2022, the City of Edina (City) submitted a major amendment to its local water management plan (LWMP) for MCWD review and approval pursuant to Minnesota Statutes section 103B.235, subdivision 3; and
- WHEREAS, the purpose of the amendment is to incorporate the City's Flood Risk Reduction Strategy which was approved by the City in April 2020; and
- WHEREAS, the LWMP is a primary tool to provide a framework for coordination of land use and water planning through the coordination plan that is a required component of the LWMP under the MCWD's Watershed Management Plan; and
- WHEREAS, MCWD staff reviewed the draft amendment and discussed it with the Board of Managers at the October 20, 2022 Policy Planning Committee Meeting; and
- WHEREAS, MCWD staff provided written comments to the City, and thereafter worked with City staff to reach agreement on proposed revisions to the amendment intended to strengthen coordination between the City and MCWD on flood risk management; and
- WHEREAS, based on these discussions, MCWD staff has requested that the City incorporate language into the plan that:
1. Acknowledges the potential for cumulative downstream impact posed by the City's flood risk reduction efforts
 2. Expresses a commitment to work cooperatively with the MCWD to understand and prevent or minimize downstream impacts, including:
 - a. Coordination on a project-specific basis to evaluate options to manage flood risk
 - b. Advising MCWD in its development of a two-dimensional model to inform flood risk management policies
 - c. Exploring opportunities to partner with MCWD on regional flood storage projects
 - d. Updating the MOU between the City and MCWD to reflect this intent; and
- WHEREAS, the LWMP states the City's determination to continue to defer exercise of regulatory authority over the use and development of land pursuant to Minnesota Statutes section 103B.211, subdivision 1(a)(3)(iii) and to have MCWD continue to act as the Local Government Unit for the state Wetland Conservation Act within the territorial limits of the City within MCWD's jurisdiction; and
- WHEREAS, the Metropolitan Council has reviewed the LWMP and provided its written comments to the MCWD in a letter on October 21, 2022, and the MCWD has fully considered the comments; and
- WHEREAS, the MCWD has determined that the amended LWMP meets the requirements of Minnesota Statutes § 103B.235, Minnesota Rules 8410.0160, and is consistent with the MCWD watershed management plan, though revision in accordance with the comments provided by MCWD will strengthen the LWMP;

NOW THEREFORE BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby approves Edina's local water management plan, as amended, conditioned on Edina's submittal of a final amended plan that the District Administrator has found to adequately incorporate the acknowledgements and commitments described above.

Resolution Number 22-077 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 12/1/2022

Secretary Date: _____

DRAFT



Date: August 16th, 2022

To: CITY COUNCIL

From: Jessica Wilson, CFM, Water Resources Manager

Subject: Authorize Staff to Submit Draft Major Amendment to Water Resources Management Plan for Agency Review

Information / Background:

In September 2018 City Council adopted the 2018 Comprehensive Water Resources Management Plan. The implementation section of the plan included a Flood Risk Reduction Strategy to outline a plan for working toward reducing flood risk. Based on Council and community feedback, the Morningside neighborhood was selected as the focal geography for the Flood Risk Reduction Strategy.

On April 7, 2020, City Council considered and approved the Flood Risk Reduction Strategy and ordered a major amendment to the Water Resources Management Plan (Plan). The purpose of this report is to summarize the changes in the proposed major amendment and seek the Council's authorization for staff to submit the draft major amendment for agency review.

The Plan describes three core services: flood risk and stormwater runoff management, clean water services, and natural resources restoration and protection. It is informed by a hydrologic and hydraulic model that has undergone several minor and major updates since it was created in 2004. The Plan is a Local Water Plan as defined in MN Rule 8410 and MN Statute 103B.235. It is one of three water plans that serves as the basis for the Water Resources chapter in the Comprehensive Plan.

The Plan is required to:

- Describe physical environment and land use
- Define drainage areas, characteristics, and paths of storm water runoff
- Identify areas and elevations for storm water storage adequate to meet performance standards established in the watershed plan
- Define water quality and water quality protection methods adequate to meet performance standards established in the watershed plan
- Set forth an implementation program to the extent required in the overlying watershed plans.

The Nine Mile Creek Watershed District, Minnehaha Creek Watershed District, and State agencies will review the Plan for consistency with the watershed plans. Staff will make the draft plan available for review and comment by the public during this time also.

Following the 60-day review period, staff will modify the plan as necessary based on comments, and then return to Council to consider plan adoption.

Summary of changes to the Plan

Significant changes have been made to the content and structure of the document. A version with tracked changes is available for review in the [Water Resources Library](#). The gray highlighted text in the 'clean' version of the draft indicates where major changes have been made.

Relatively minor revisions have been incorporated into Section 1.0: Executive Summary and Section 2.0: Introduction and Physical Setting to align with major changes in other sections, incorporate updated terminology and approach per the major changes in other sections, and minor updates with current information since the Plan's adoption in 2018.

Section 3.0: Issues and Implementation program (formerly section 15) has been moved up and has had major revisions (described in more detail below) to incorporate the Flood Risk Reduction Strategy. Note that changes to the clean water elements of the Plan were out of scope for this major amendment and changes reflect only those to incorporate the Flood Risk Reduction Strategy elements currently. The Clean Water Strategy is in progress now.

Section 4.0 Policies for Water Resources Management (formerly section 3) has also undergone major revisions, described more thoroughly below.

The technical pieces which make up the methodology for modeling and major drainage area descriptions and recommendations have been moved to Appendix A (formerly sections 4-14). The wetlands chapter (formerly chapter 16) has been removed to a standalone document. Moving the technical and accessory pieces to the appendix or to standalone documents was intended to keep the primary document to a manageable size and elevate the program and policies for surface water management.

Section 3.0: Issues and Implementation Program (formerly section 15)

This section describes the programs and activities that support each of the core services (flood risk and stormwater runoff management, clean water services, and natural resources restoration and protection) and some of the policy issues around the provision and growth of service. This chapter also discusses resources, financial considerations, and implementation priorities.

Water Resources Network: Stormwater Assets and Natural Resources, Defined

The plan acknowledges the water resources network encompasses its stormwater system of built infrastructure and the system of natural surface and groundwater resources. The stormwater infrastructure assets are described in more of a utility management approach, describing asset procurement, ownership, inventory and inspection, operations and maintenance, renewal and replacement, and new and upgraded public or private assets.

Drivers of Increasing Flood Risk in Edina

Flooding in Edina is not only common, but also increasing. Though there is a desire for solving flood problems outright through transformational change, the physical constraints of a changing climate, aging infrastructure, expensive capital investment needed, and land use decisions of the past continuously push us to a risk management paradigm in which only incremental change is possible.

The factors that are driving increasing flood risk were explored through the development of the Flood Risk Reduction Strategy. The primary and secondary drivers are climate change and aging infrastructure. Well-drained landscapes and imperviousness also matter but are more historical drivers of flood risk.

Flood Risk Reduction Strategy

The City of Edina's strategy is to comprehensively reduce the risk of flooding throughout the community. Through this strategy, the city takes action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains. The primary goal for the City's flood risk reduction effort is to improve public safety and reduce the exposure of private principal structures to flooding.

Flood Risk Equation

Flood risk is defined by climate and physical setting, exposure, and vulnerability. According to the Minnesota Department of Natural Resources Climatology Office, Minnesota's climate is already changing rapidly and will continue to do so for the foreseeable future. The region has gotten much wetter and warmer, driven by more frequent heavy precipitation and warmer winters. Principal structure flood exposure can occur through over land flooding, groundwater seepage, and sanitary backflow.

Sectors of Work

The objective of the flood risk reduction strategy is to reduce exposure to flooding, reduce vulnerability to flooding, and provide equitable access to support for readiness, response, and recovery.

Through the following sectors of work, the city will work with the community to comprehensively reduce flood risk.

INFRASTRUCTURE: We renew our infrastructure and operate it to reduce risk. We will plan public streets and parks to accept and convey flood waters to reduce the risk and disruption of related city services.

REGULATION: We acknowledge competing demands of land use and addressing drainage, groundwater, and surface water issues. We help people solve issues without harming another.

OUTREACH AND ENGAGEMENT: We make flood information available and give people tools for flood resilience.

EMERGENCY SERVICES AND PUBLIC SAFETY: We help people prepare for floods, remove people from harm during floods, and recover after floods.

Implementation and Capital Improvement

Significant updates to the City's stormwater model were done, including incorporating more detailed 2D modeling. The Morningside neighborhood was one of five detailed study areas called out in the 2018 Plan. This major amendment includes study of the other four areas and options for capital improvement.

The five detailed study areas are.

- Morningside Neighborhood and Weber Park
- Concord and West 58th Street
- Halifax Avenue South
- Valley View and Southdale Road Neighborhood
- Southwest Corner of TH 62 and TH 100

The implementation table also incorporates additional items under the emergency services and public safety sector of work to include a review of critical facilities, blue-sky flood preparedness planning, and a substantial damage plan.

Staff previewed the flood risk reduction projects at the City Council's August 3rd work session meeting. Engineering staff and Finance staff are reviewing the Utility Rate Study and populating the 2023-2028 Capital Improvement Plan for Council to consider in the coming months.

Section 4.0: Policies for Water Resources Management (formerly section 3)

This section presents background information, goals, policies, and design standards covering flood risk and stormwater runoff management, clean water services, and natural resources restoration and protection.

Several revisions have been made to provide clarifications, incorporate the new exposure/vulnerability terminology, and incorporate the focus on reducing risk for principal structures to align with the Flood Risk Reduction Strategy.

Notable changes include the following.

- The primary goal of the City's flood risk reduction effort is to improve public safety and reduce the exposure of private principal structures to flooding. Policy statements establish that protection of principal structures is the priority.
- Policies prioritize a No Adverse Impact (NAI) approach, sometimes referred to as the "Good Neighbor Policy". Policies are centered on protecting public health, public safety, public trust, and other concerns.
- Requests for city-coordinated pumping to lower water levels during wet periods will be evaluated based on the health, safety, and welfare of residents. Pumping will only be considered when flooding threatens principal structures. (Resolution No. 2021-22: City's Policy of Prioritizing Flooding Issues, adopted by City Council on February 17, 2021.)
- Site-specific standards for principal structure elevations may allow an alternative path for risk reduction.

Next Steps

Staff is seeking authorization to submit the draft major amendment to the Water Resources Management Plan to Watershed Districts for review and comment. After the 60-day comment period, staff will consider comments, make revisions, and ask Council to consider adopting the major amendment.

Links to past conversations on this topic

Links to past Council consideration of the Water Resource Management Plan, Flood Risk Reduction Task Force, and Morningside Flood Infrastructure Project are provided below:

[August 3, 2022 Council Work Session – Flood Risk Reduction Strategy Report and Clean Water Strategy Report](#)

[September 21, 2021 Council Meeting – MFIP 30% Design Check In](#)

[April 20, 2021 Council Meeting – MFIP Staff Recommendation](#)

[March 16, 2021 Council Work Session – MFIP Preliminary Staff Recommendation](#)

[September 1, 2020 Council Work Session – Morningside Flood Infrastructure Project \(MFIP\) Update](#)

[April 21, 2020 Approve Public Participation Plan for MFIP and Request for Purchase for Engineering and Engagement Services](#)

[Public Participation Plan](#)

[April 7, 2020 Flood Risk Reduction Strategy approval](#)

[March 5, 2019 FRRS Strategy Update](#)

[March 5, 2019 – Work Session – Water Resources Management – Morningside Neighborhood Flood Risk Reduction Strategy, Lake Cornelia Clean Water Strategy, and Chloride Pollution Prevention](#)

[September 5, 2018 – Adoption of 2018 Comprehensive Water Resources Management Plan](#)

[April 3, 2018 – Work Session – Comprehensive Water Resources Management Plan – Implementation Discussion](#)

[January 17, 2018 – Authorize Staff to Submit Draft Comprehensive Water Resources Management Plan for Agency Review](#)

[November 21, 2017 – Work Session – Draft 2018 Comprehensive Water Resources Management Plan Presentation for Review and Comment](#)

[Water Resources Library – Historical Morningside Neighborhood Stormwater Reports](#)