

**MEETING DATE:** January 10, 2019

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

**RESOLUTION NUMBER:** 19-08

**PREPARED BY:** Renae Clark

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**TELEPHONE:** 952-641-4510

**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 January 10, 2019 Board Meeting	

**PURPOSE or ACTION REQUESTED:**

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

**PROJECT/PROGRAM LOCATION:**

See Deephaven Location Map (attached)

**PROJECT TIMELINE:**

June 21, 2018 – Deephaven LWMP first draft submitted to MCWD  
August 20, 2018 – MCWD denial letter sent  
December 14, 2018 – Deephaven LWMP second draft submitted to MCWD  
January 3, 2018 – MCWD requested additional information  
January 7, 2019 – Deephaven submitted final draft LWMP

**PROJECT/PROGRAM COST:**

N/A

**PAST BOARD ACTIONS:**

- May 14, 2009, Resolution 09-036: MCWD approved Deephaven local water resources management plan
- May 14, 2009, Resolution 09-037: Authorization of a Memorandum of Understanding with the City of as conditioned in the approval of the local water resources management plan, formalizing responsibilities of the City and the Watershed District in ensuring that the goals, policies, and implementation items in the Local Water Management Plan are satisfactorily carried out
- 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 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.

Deephaven LWMP Summary:

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

The City of Deephaven is approximately 2.35 square miles in size and is located partially within the MCWD and partially within Riley-Purgatory-Bluff Creek Watershed District. Within MCWD, Deephaven drains to Lower Lake South, Carson's Bay and Robinson Bay of Lake Minnetonka and partially to Shavers Lake. Through their LWMP, the City of Deephaven has identified several drainage improvements to address storm sewer infrastructure failure and localized flooding. Deephaven proposes resource protection through street and utility improvement projects, education, and implementation of its Stormwater Pollution Prevention Plan.

The primary management strategies identified for this area in the District's newly adopted Plan are protection through regulation, promoting shoreline best management practices to improve ecological integrity, and implementation of opportunity-based projects that align with District goals. To coordinate these strategies, the City has developed a MCWD coordination plan under which it has committed to the following:

- Transmit the MS4 report to the MCWD annually.
- Notify the MCWD whenever the City proposes revisions to land use planning, infrastructure, park and recreation, and CIPs related to surface water management.
- Notify the MCWD regarding small area plans and other focused development or redevelopment actions.
- Coordinate with the MCWD regarding District permit applications, reviews, construction sit inspections, and compliance with their rules for public projects.
- Require property owners to coordinate directly with the MCWD regarding District permit applications, reviews, construction site inspections, and compliance with their rules for projects on private property.
- Coordinate with MCWD and RPBCWD to develop and inventory of private stormwater management facilities and a process for inspections, annual reporting, and maintenance.

The City has not proposed to acquire implementation authority for any MCWD water resource regulation and has proposed that the 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://newforma.bolton-menk.com/DownloadWeb/predownload.aspx?qs=LR82FPL2GKZR6KQBTG9V7GL77M76K4UNZXDINARYCX7KEZM6744WLRVW57YEUHKG4SHE6ZK2SLU4KWJY5K42TMTTC39TXW3C8FJ4TT8LHP3DPL9U7DAJ9V RMXNV8YM4KYF53TVPGKB2WQUSQZGHSFSFQ3VNTFSQLF4GVMXFWW3AKQ4LEXGTB6PHZB429TZWJ2P64FS93TBGPZZRXBDNYATTFDAA>

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:**

1. Deephaven Coordination Plan
2. Deephaven Location Map

## RESOLUTION

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**RESOLUTION NUMBER: 19-08**

**TITLE: Approval of Deephaven 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 Deephaven (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 7, 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 hereby approves the City of Deephaven 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 19-08 was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_.  
Motion to adopt the resolution \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions. Date: January 10, 2019.

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

## **DEEPHAVEN / MCWD COORDINATION PLAN**

### **Background**

Through its Water Management Plan (WMP/Plan) the Minnehaha Creek Watershed District (MCWD/District) has defined its role as a regional water planning agency and incorporates a subwatershed focus to address areas of significant resources needs with a level of complexity that requires sustained effort and coordination across multiple partners. Through sustained focus, the District is able to develop a thorough understanding of issues and drivers, build relationships, identify opportunities and coordinate plans and investments with its partners for maximum natural resource and community benefit. While operating on a subwatershed scale, focused within priority areas indicated in its WMP, the MCWD is remaining responsive to its communities District-wide by providing technical resources, regulatory coordination, and in some cases funding.

As the District implements its Watershed Management Plan it will be engaged in a continuing process of reviewing priorities and programing the commitment of technical resources and funds. The coordination plan is an opportunity for the City to develop a collaborative relationship that promotes opportunities to integrate land use and water planning to maximize goals and outcomes. Through the implementation of this coordination plan the District encourages the City to identify any known initiatives of collaboration and potential future priorities which would benefit from early coordination. Commitment of MCWD resources relies on the level of LGU coordination at the early stages project planning as outlined in this plan.

### **Coordination Plan**

The City will meet with MCWD annually to coordinate plan elements (i.e. improvement projects, education opportunities, potential partnerships, etc.). Annual meetings will be coordinated to account for the City and MCWD budgeting schedules.

In addition to the annual meeting, the City will:

- Transmit the MS4 report to the MCWD annually.
- Notify the MCWD whenever the City proposes revisions to land use planning, infrastructure, park and recreation, and CIPs related to surface water management.
- Notify the MCWD regarding small area plans and other focused development or redevelopment actions.
- Coordinate with the MCWD regarding District permit applications, reviews, construction site inspections, and compliance with their rules for public projects.
- Require property owners to coordinate directly with the MCWD regarding District permit applications, reviews, construction site inspections, and compliance with their rules for projects on private property.
- Defer Wetland Conservation Act reviews and permitting to the MCWD according to law.
- Support the MCWD in the implementation of their rules.
- Coordinate with the MCWD and RPBCWD to develop an inventory of private stormwater management facilities used to meet governmental requirements and a process for inspections, annual reporting, and maintenance.

The City has no projects or requests on the horizon that would trigger any of these activities. The City will coordinate with the MCWD should any project be identified in the future.

The city zoning administrator is responsible for communication and implementation of this coordination.

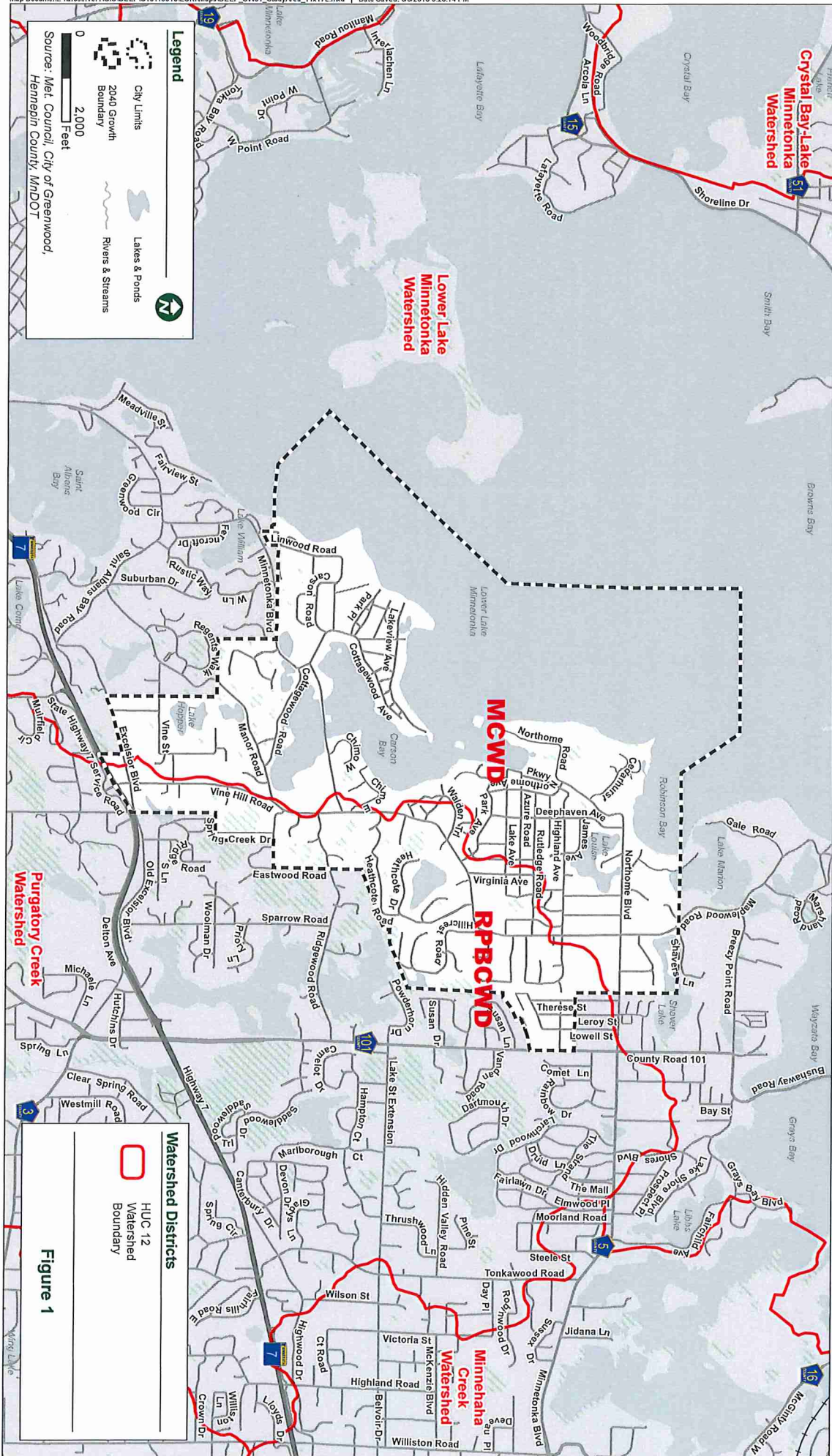


2040 Comprehensive Plan  
Deephaven, MN

Study Area  
June 2018



Real People. Real Solutions.



Source: Met. Council, City of Greenwood, Hennepin County, MNDOT