

MEETING DATE: March 14, 2019

TITLE: Approval of Orono Local Water Management Plan

RES. NUMBER: 19-029

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. action.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date): _____ (date): _____	<input type="checkbox"/> Refer to taskforce or committee
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input checked="" type="checkbox"/> Other: Requesting final action March 14, 2019	

PURPOSE or ACTION REQUESTED:

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

PROJECT/PROGRAM LOCATION:

City of Orono (See attached map)

PROJECT TIMELINE:

June 28, 2018	Orono LWMP first draft submitted to MCWD
August 27, 2018	MCWD denial letter sent
November 28, 2018	Orono LWMP updated draft submitted to MCWD
January 9, 2018	MCWD provided additional comments on LWMP
February 18, 2018	Orono provided finalized response to MCWD comments

PAST BOARD ACTION:

November 14, 2010	MCWD approval of Orono local water resources management plan (10-092)
November 14, 2010	MCWD approval of Memorandum of Understanding (10-093)
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.

Orono LWMP Summary:

The City of Orono (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 Orono is entirely within the Minnehaha Creek Watershed District and partially located within four subwatersheds including Painter Creek, Gleason Lake, Long Lake Creek, and Lake Minnetonka. Significant water bodies partially or fully located in Orono include Long Lake, Tanager Bay, Stubs Bay, Forest Lake, and West Arm Bay, which are listed on the States Impaired Waters List. Within Orono and its subwatersheds, the District Plan has identified water resource issues of excess nutrients, degraded aquatic plant communities, and degraded, disconnected corridors caused by altered wetlands, common carp, stormwater runoff, internal phosphorus loading, and water quality from upstream water bodies. Strategies identified to address these issues and drivers generally include wetland restoration, carp management, and restoration of upstream water bodies.

Through the City's LWMP and 2040 Comprehensive Plan Land Use Plan, the City emphasizes its commitment to protection of the City's wetlands and natural resources, recognizing their important role in watershed health and protecting Lake Minnetonka. The City's LWMP notes that Orono's goal of preserving water quality can only be accomplished by maintaining the basic integrity of the natural watershed. A system stressor noted in the City's LWMP is development. Drainage system maintenance and regulation are implementation strategies identified in the LWMP to mitigate water resource impacts from new development. The City recognizes that implementation of these strategies and others may expand outside City boundaries and will require a partnership-driven approach with the MCWD, Long Lake Waters Association, and neighboring Cities.

Through the required coordination plan, Orono endeavors to coordinate preservation of key conservation areas as part of land use and zoning decisions. Further, Orono expresses desire to partner with MCWD on exploring opportunities to better understand its drainage system, and better predict and mitigate downstream stormwater impacts from planned drainage system improvements and infill development. Other systematic touchpoints identified to promote early coordination on key initiatives and regulation are summarized as follows:

- Annual meetings to discuss potential land use changes on the horizon, regulatory activities, capital improvement planning and Big Island Nature Park operation, maintenance and management
- Regulatory coordination regarding construction site inspections, Wetland Conservation Act activities and implementation of MCWD Rules
- Continuing to be an active partner in the Long Lake Creek Subwatershed Partnership

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 District 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: [Orono LWMP - click here](#)

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. Orono Coordination Plan
2. Orono Location Map

RESOLUTION

RESOLUTION NUMBER: 19-029

TITLE: **Approval of Orono 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 Orono (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 6, 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 Orono 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 19-029 was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: March 14, 2019.

Secretary Date: _____.

Orono – MCWD Coordination Plan

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. MCWD partnership and level of response is driven by early coordination of land use planning through the implementation of this coordination plan.

Although the City coordinates with numerous agencies with respect to Surface water management, the city recognizes the benefits that arise from close coordination with the MCWD. Therefore, the City and MCWD have established a coordination plan that can be implemented at a staff level. Improving coordination at the concept level planning phase between land use planning at the City and watershed planning at the MCWD will result in better projects that meet both organizations' goals and are a more efficient use of public funds. Early coordination and collaboration between entities is the key to maximizing shared water resource goals and community goals for private redevelopment and public capital improvements. It is the intent of the City to leverage this coordination to efficiently manage water quality, natural resource threats and opportunities that arise through land use change, our shared interest in conservation, and overall maximize the asset value of the City's natural resources in the future.

Coordination Plan

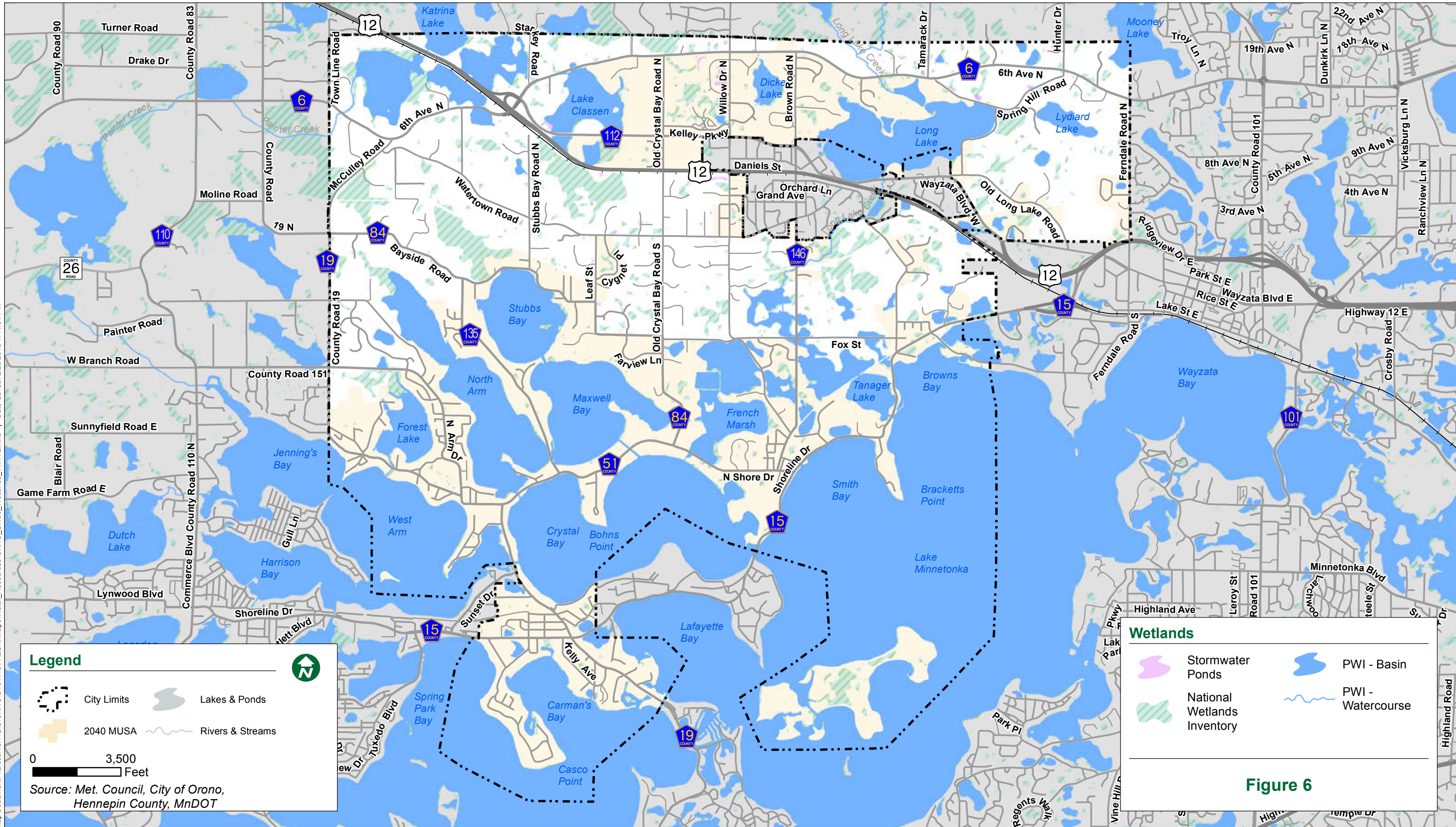
The following coordination plan will be adjusted and expanded as deemed appropriate by the City and MCWD during implementation. The City Administrator is the primary City contact and the District Administrator will be the District contact for the coordination plan.

1. Annual meeting – City and MCWD staff will meet during the first quarter of each year to review the following:
 - a. National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) reports and activity from the previous year
 - b. Draft Capital Improvement Plans (CIP) for each organization for the upcoming year. The City will focus coordination of the Streets, Stormwater and Park CIPs with MCWD.
 - c. Opportunities for early coordination and review of land use change applications
 - d. Regulatory coordination to identify areas of collaboration
 - e. Operation, maintenance, and management of Big Island Nature Park
 - f. Areas for improved coordination and process improvement.
 - g. Public Education plans, resources and opportunities.

2. Land Use Planning and Regulatory Coordination- The City of Orono staff will continue to route requests for land use approvals, including but not limited to, subdivisions, site plan approvals, WCA applications to the District in an effort to maximize water resource benefits and streamline regulatory processes. Specific areas of regulatory coordination include the following:
 - a. The City will continue to rely on MCWD to maintain authority for reviewing and approving applications for compliance with MCWD's rules and enforcing those rules as necessary. The City will rely on the water resource management standards set forth by MCWD and their management of the Wetland Conservation Act in Orono. Since all wetlands within the City are within the MCWD

- boundaries, in an effort to avoid overlapping or conflicting regulations, the City defers jurisdiction for the regulation of wetlands to the MCWD.
- b. The City will require documentation of required MCWD permits in advance of issuing applicable City permits. Approved MCWD permits will be stored with other project documentation for future reference.
 - c. Pre-application meetings and permit reviews will be coordinated with MCWD early in the planning process as necessary.
 - d. The City will continue to collaborate with MCWD on construction site inspections and compliance.
 - e. MCWD will keep the City apprised of water resource violations and expectations for compliance.
 - f. Key Conservation areas- The City will assist MCWD in the preservation of those areas identified by MCWD by considering them in land use and zoning decisions.
 - g. The primary person responsible for regulatory coordination at the City of Orono is Community Development Director and the Permitting Program Manager at MCWD
 - h. The City and MCWD will include each other in the notification protocols for Illicit Discharges.
 - i. The City and MCWD will partner on exploring opportunities to better understand and predict downstream stormwater impacts from infill development.
3. Public Infrastructure Improvements. The City of Orono staff will continue to route significant infrastructure improvements (streets, stormwater and parks in particular) to the MCWD as early in the planning as possible in order to maximize resourcing opportunities, reduce any regulatory process delays and solicit any best practice expertise/ experience.
- a. Infrastructure and land improvements that require MCWD permits will be coordinated early in the planning and design process so that the regulatory process may be efficient and integrated water and natural resource improvements may be explored.
 - b. The City will brief the MCWD on the Streets, Stormwater and Parks CIPs each year at the annual meeting. The City intends to coordinate applicable projects at the concept stage of project development partner, on competitive grant programs and leverage MCWD technical resources and planning assistance.
 - c. Big Island Nature Park Management – The city will continue to coordinate with MCWD as agreed in the Park management Plan and Conservation Easement. It is the intention of the agencies to jointly review the Management Plan on a regular basis to address new and ongoing Park management issues. The primary person responsible for Big Island Nature Park activities at the City of Orono is The Public Works Director and the Project and Land Manager at MCWD.
 - i. Any significant changes to the level of maintenance practices at the park will be reviewed at the annual meeting prior to implementation.
 - ii. Pursuant to Management Plan and Easement, any planned improvements will be coordinated through the city and watershed beginning at the concept level stage.
 - d. The City will partner with the MCWD to identify a system wide approach for managing local drainage issues. The approach will include review of impacts upstream and downstream of any potential solutions and provide a better understanding of potential impacts.
4. MCWD on public communications and education coordination and partnership. The City will provide support and assistance to MCWD with the District’s educational programs in the form of information sharing and help with promotion materials. The City will identify target audiences and educational needs and collaborate with MCWD to create educational opportunities to meet these needs.
5. Long Lake Creek Subwatershed Partnership. The City will continue to join with its partners in the Long Lake Creek Subwatershed Partnership to implement shared water resource improvement efforts; align local plans and capital investment to identify opportunities where local investments intersect with natural

resource goals. The City looks to MCWD, as the regional agency, to facilitate the coordination and provide technical expertise to the group.



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