

**MEMORANDUM**

**To:** MCWD Board of Managers

**From:** Renae Clark

**Date:** December 20, 2018

**Re:** Local Water Management Plans – Status Update

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**Purpose:**

Staff is providing the Board of Managers an update on the status and the anticipated schedule for adoption of Local Water Management Plans (LWMP) for counties, cities and townships (“local government units” or LGU’s) within the Minnehaha Creek Watershed District (MCWD).

**Background:**

LGU’s within the MCWD are required to prepare a LWMP that is consistent with the MCWD Watershed Management Plan (WMP) and approved by the MCWD. Each local water plan must meet the minimum requirements in Minnesota Statutes, section 103B.235 and Minnesota Rule 8410.0160. The LWMP is a required element of the LGU comprehensive land use management plan that must be prepared and submitted to the Metropolitan Council by December 31, 2018.

MCWD staff has been in communication with all LGU’s within its jurisdiction and can report that, for those LGU’s that do not have approved, LWMP’s, progress is being made to complete all requirements for MCWD approval primarily within the first quarter of 2019. A full status summary of LWMP is provided below.

In 2015, the Minnesota Board of Water and Soil Resources (BWSR) substantially revised Minnesota Rules 8410, which governs the preparation of watershed organization plans and LGU LWMPs. One intent of this revision was to align the timing of LWMP and comprehensive land use plan preparation. Comprehensive land use plans must be revised by December 31, 2018, and similarly every ten years thereafter. Minnesota Rules 8410.0160, subpart 6, requires that an LWMP be submitted for MCWD review within the two-year window preceding this deadline.

Minnesota Statutes §103B.235 requires MCWD approval of the LWMP before the LGU may adopt it. This would seem to require that the LWMP included in the comprehensive land use plan for Metropolitan Council approval be the LGU-adopted LWMP that the MCWD has approved. MCWD counsel understands the legal framework in this way and advises that the 8410.0160 revision rests on this understanding.

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However, we recently have become aware that in its review of comprehensive land use plans, the Metropolitan Council is approaching the matter differently. In conversation with Metropolitan Council staff, we have been advised that if a comprehensive land use plan includes a LWMP that has been previously reviewed by the Metropolitan Council and, in the judgment of its staff, meets the basic requirements of Minnesota Rule 8410, it satisfies the comprehensive land use plan requirement. That is, staff does not consider whether the LWMP has been approved by the MCWD. With the writing of its WMP, the MCWD has taken what is believed to be clear interpretation of MN Rule 8410 - namely, as stated above, that a *watershed district approved* LWMP is required as part of the comprehensive land use plan. The indicated Metropolitan Council approach may result in comprehensive land use plan approval prior to MCWD approval of the LWMP. It also would have the result of leaving no express deadline in the law for LGU's to submit and obtain MCWD approval of LWMPs.

MCWD staff will continue to coordinate with Metropolitan Council regarding the status of MCWD review and approval of LWMP's, requesting the Council to not act on comprehensive plans that do not have MCWD-approved LWMP's. As a practical matter, there are currently no comprehensive land use plans of LGU's within MCWD's jurisdiction under Metropolitan Council review. As noted in the summary below, there are some LGU's that have requested a six-month extension to the Metropolitan Council's December 31, 2018 deadline. MCWD is receiving strong cooperation from all LGU's regarding the satisfactory completion of LWMP in the coming months.

One of the priorities outlined in the Strategic Action Plan presented to the Planning and Policy Committee of the Board of Managers on October 25, 2018 includes collaborating with local, regional and state entities to identify policy and procedural changes that would improve land-use water integration at a MCWD and broader regional scale. There is collaboration planned among the Metropolitan Council, BWSR and LGU's to review how this latest round of amendments has worked and to look for areas of future improvements.

**Summary:**

The status of local water management plans for LGU's within the MCWD is provided below. Staff will provide a briefing of LWMP status as part of agenda items 11.3 and 11.4 on December 20, 2018.

If there are questions in advance of the meeting, please contact: Renae Clark at (952) 641-4510 or [rclark@minnehahacreek.org](mailto:rclark@minnehahacreek.org).

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## Status of local water management plans within the Minnehaha Creek Watershed District

		2019 - Anticipated Approval Schedule						
	City	Notes	Jan	Feb	Mar	Apr	May	Jun
MCWD Approved LWMP	Chanassen							
	Edina							
	Excelsior							
	Golden Valley							
	Medina							
	Minneapolis							
	Minnetrista							
	Shorewood							
LWMP Resubmitted for Second Review	Deephaven							
	Greenwood							
	Minnetonka	Approval requested 12/20/18						
	Minnetonka Beach							
	Mound							
	Orono							
	Plymouth	Approval requested 12/20/18						
	Richfield							
	St. Bonifacius							
	Tonka Bay	Not submitted to Met. Council						
	Woodland							
LWMP Submitted for First Review	Hopkins	First draft comments provided 11/09/18 - coordination occurring						
	Spring Park	Not submitted to Met. Council						
	St. Louis Park	First draft comments provided 12/18/20						
	Victoria	Coordination on-going, resubmittal expected in December.						
	Watertown Twp.	Carver County is the land use authority for the townships and responsible for meeting requirements. Staff have met to review comments. County is requesting an extension from Met. Council and working to satisfy LWMP comments early next year.						
	Laketown Twp.							
	LWMP Not Submitted	Independence	Submittal expected in Dec. Requested extension from Met. Council.					
Long Lake		Coordination on-going since Aug. Mayor and Council led initiative. Letter received to request extension.						
Maple Plain		Submittal expected in Dec. Requested extension from Met. Council.						
Wayzata		Coordination on-going since July. Submittal expected in Jan. Requested extension from Met. Council.						

Note: 2019 schedules are dependent on timing of City submittals

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