



## MEMORANDUM

**To:** MCWD Board of Managers  
**From:** Becky Christopher, MCWD Lead Planner  
**Date:** April 18, 2016  
**Re:** Comprehensive Plan Updates

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### **Purpose:**

At the April 21, 2016 Planning and Policy Committee (PPC) Meeting, staff will provide an update on the Comprehensive Plan development process, including outreach efforts that are being planned and a draft framework for local water plan requirements.

### **Overview:**

First, staff will provide a brief update on outreach efforts that are being planned to reach local policymakers and technical staff who are not participating on the District's advisory committees.

Secondly, staff will outline a draft framework for local water plan requirements. MN Rules 8410 states that watershed district plans must "clearly define the responsibilities of the organization, local government units, and other entities for carrying out the implementation actions".

Under the 2007 Plan, the primary responsibilities assigned to local government units (LGUs) were phosphorus load reductions as part of the District's three-pronged approach to achieve its water quality targets: (1) MCWD regulations, (2) MCWD projects, and (3) LGU reductions. The full list of LGU requirements from the District's 2007 Plan is attached.

Since the adoption of the 2007 Plan, the Minnesota Pollution Control Agency (MPCA) has completed Total Maximum Daily Loads (TMDLs) for the majority of nutrient-impaired lakes in the District (25 of 29). In light of these state requirements now being in place, staff recommends that the LGU load reduction requirements from the 2007 Plan not be carried forward.

For the 2017 Plan, staff proposes to simplify the list of LGU requirements (many of which are already required by statute, rule, or MPCA) and focus primarily on creating a framework for improved coordination to facilitate integration of land-use and water planning.

If there are questions in advance of the meeting, please contact Becky Christopher at 952-641-4512 or [bchristopher@minnehahacreek.org](mailto:bchristopher@minnehahacreek.org).

# General LGU Requirements

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Local Plans must meet the general requirements of Minnesota Statutes 103B.235 and Minnesota Rules Chapter 8410 as well as the requirements of the District's Comprehensive Water Resources Management Plan (WRMP). Individual subwatershed plans and specialized studies such as the *Hydrologic, Hydraulic, and Pollutant Loading Study* (HHPLS) identify on a more detailed basis particular issues of concern to the District that must be addressed in the Local Water Management Plans. These are summarized for each city in an Appendix to the WRMP. General requirements are summarized below. Refer to the WRMP for more specific details and LGU requirements.

1. Describe the existing and proposed physical environment and land use.
2. Define drainage areas and the volumes, rates, and paths of stormwater runoff, including a map of the stormwater system.
3. Include a stormwater system map that shows ponds, streams, lakes and wetlands that are part of your system; structural pollution control devices (grit chambers, separators, etc.) that are part of your system; pipes and pipe sizes and other conveyances in your system; and outfalls and all other points of discharge from your system that are outlets.
4. Identify areas and elevations for stormwater storage adequate to meet performance standards established in the subwatershed plans.
5. Identify areas of known flooding and areas identified in the HHPLS where modeling predicts that public roads, private roads, or private drives might overtop during infrequent events or there may be minimal freeboard above the flood level. Local plans must assess whether the risk of occasional flooding is acceptable or should be addressed, and set forth a plan for making improvements as necessary.
6. Identify land-locked subwatershed units and basins and strategies to manage water volumes in those land-locked areas to minimize flooding.
7. Assess the condition of locations identified in the HHPLS where modeling predicts that under existing or future development conditions higher velocities than desired may result in erosion at outlets or culverts, potentially warranting erosion control or energy dissipation. The local plan must assess the need for such measures, and set forth a plan for making improvements as necessary to correct existing or prevent future erosion.
8. Define water quality and water quality protection methods adequate to meet performance standards established in the watershed plan.
9. Identify specific steps you will take to achieve the annual phosphorus load reductions assigned in the subwatershed plans affecting your community.
10. Identify regulated areas, such as Outstanding Resource Value Waters.
11. Identify Key Conservation Areas in the WRMP in your community, and assess the adequacy of local policies and regulatory controls in place to conserve hydrologic and ecologic values of the resources within those Areas. The plan must set forth a plan and schedule for the amendment of those policies and controls as necessary to meet performance standards established in the subwatershed plans.
12. Assess the consistency of the LGU's wetland regulation, including any wetland classification system and specific wetland classifications, with the management classifications, classification system and proposed regulation set forth in this Plan.
13. Set forth an implementation program, including a description of official controls and, as appropriate, a capital improvement program.
14. Describe your permitting process for land and wetland alteration work, including an assessment of the adequacy of current official controls and a plan and schedule for the amendment of those controls as necessary.
15. Describe your conformance with NPDES requirements for MS4s including TMDL and Nondegradation requirements. The local plan must include the LGU's Stormwater Pollution Prevent Plan (SWPPP) or a summary of its contents.

### **Integration with Land Use Planning**

As a part of the Local Water Management Plan and City Comprehensive Plan development process, LGUs should carefully examine how water resources management and protection can be integrated into land use planning and development. The District will look for each local plan to do the following:

1. Examine city- or township-wide land use needs, both within the planning period and beyond, in the context of resource maps and inventories; and describe how land use and regional water resource needs are being reconciled to secure the greatest degree of long-term water resource protection.
2. Describe efforts to integrate Safe Drinking Water Act and other wellhead protection plans, as well as the protection of sensitive surface- and groundwater resources, into the local zoning code.
3. Describe how water resource protection priorities have been integrated into local parks, open space, recreation and land acquisition plans.
4. Describe how local authority to require land or easement dedication or protective covenants as a part of subdivision regulation is being used for water resource protection purposes.
5. Consult with District staff on approaches to low-impact site design that preserve natural hydrological systems and capability to assimilate development impacts; examine how those approaches can be integrated into local land use regulations; describe constraints or competing concerns that prevent further integration; and describe how you will integrate such approaches into your development code.
6. Identify how conflicts between (i) development code setbacks and (ii) water resource requirements in local ordinances or District rules will be reconciled to give due weight to water resource protection goals.
7. Show that your development code requires stormwater facilities and wetlands in residential subdivisions that are subject to future maintenance obligations under local ordinance or District rule to be located entirely on outlots, and justify exceptions to this requirement.
8. State that the local subdivision ordinance requires, or within 180 days will be amended to require, that a copy of each proposed preliminary plat, and iterations thereof, be provided to the District for informational purposes at the time it is submitted to the locality.

### **Housekeeping Requirements**

The WRMP does not obligate LGUs to specific land management and housekeeping practices. Rather, you should consider changes in these practices as one set of tools to achieve water resource performance goals. The Local Plan should:

1. Describe current practices.
2. Examine potential improvements in these practices.
3. Identify any barriers to implementing these improvements.
4. Indicate what changes the LGU will make.
5. Describe, with appropriate quantification, the impact these changes are expected to have toward achieving water quality and other water resource goals.

### **Permit Program**

In accordance with statute, on the request of a city or township, the District will cease to apply its rules and permit requirements within the boundaries of that LGU on its approval of the local water plan. To approve a local plan, however, the District must find that the local permit program is at least as protective of water resources as the District rules. An LGU may meet this standard by stating in the plan that it is authorizing the District to continue to apply its rules within the locality. Alternatively, if an LGU wishes to assume the sole regulatory role, the District will evaluate its plan according to the following:

1. The local plan must identify those District rules for which it wishes to assume sole regulatory authority.
2. For those District rules, the local plan must include existing or proposed ordinances for a District determination that they are at least as protective of water resources as the District rules.
3. Procedural details of local ordinances may differ from District rules provided they do not compromise water resource protection.
4. The local plan must describe a compliance monitoring and enforcement program in adequate detail.
5. For those areas for which the LGU wishes to assume sole authority, it must describe the technical expertise it has or will acquire to implement its ordinances, describe how it will monitor and enforce compliance, and present an estimate of its annual cost to implement its program.
6. The local plan must state whether the LGU intends to assume the role of “local government unit” responsible to implement the Minnesota Wetlands Conservation Act within that part of the LGU that lies within the watershed, or whether it chooses for the District to assume that role. If the former, it must describe the technical expertise it has or will acquire to implement WCA, describe how it will monitor and enforce WCA compliance, and present an estimate of its annual cost to implement and enforce WCA.
7. The local plan must state that within one year after the District provides notice that it has significantly revised a District rule, the LGU will submit for District approval, adopt and put into effect a revised ordinance consistent with the District rule change (the LGU should allow 60 days for District review). If the LGU chooses not to make the revision, it can simply authorize the District to apply its revised rule within LGU boundaries.
8. If an LGU chooses to exercise sole regulatory authority with respect to one or more District rules, the District’s approval of the local plan will be given effect through a memorandum of understanding (MOU) executed by the District and the LGU. The MOU will:
  - a. Describe the regulatory roles of each party;
  - b. State that the District must approve the granting of any variance to a water resource ordinance by the LGU;
  - c. Specify ongoing or periodic communication between the District and the LGU to allow for District awareness of the LGU’s water resource permitting activity; and
  - d. Reserve the District’s ability to exercise its regulatory authority within LGU boundaries if the LGU is not implementing its regulatory program in accordance with its local plan.