

MEETING DATE: October 11, 2018

TITLE: Approval of Golden Valley Local Water Management Plan

RES. NUMBER: 18-106

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.	<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 final action October 11, 2018	

PURPOSE or ACTION REQUESTED:

Approval of the City of Golden Valley Local Water Management Plan (LWMP)

PROJECT/PROGRAM LOCATION:

City of Golden Valley – Southeast corner of I-394 and Highway 100

PROJECT TIMELINE:

May 16, 2018 Golden Valley LWMP first draft submitted to MCWD
July 16, 2018 MCWD denial letter sent
September 19, 2018 Golden Valley LWMP updated draft submitted to MCWD

PAST BOARD ACTION:

November 6, 2008 MCWD approval of Golden Valley local water resources management plan (08-080)
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.

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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.

Golden Valley LWMP Summary:

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

The City of Golden Valley is approximately 10.5 square miles located primarily within the Basset Creek Water Management Commission. Only the far southeast corner of the City, south of I-394 and east of Highway 100, is located within the Minnehaha Creek Watershed District (80 acres or 0.13 square miles). Land use in this area is primarily single family residential with a small natural area and pond. An area in the I-394 corridor is going through the development process with three parcels slated to become a parking deck. This portion of Golden Valley drains to St. Louis Park through storm sewer ultimately to Brownie Lake in Minneapolis which is part of the Minnehaha Creek subwatershed. Brownie Lake is listed as impaired for excess chlorides. Pursuant to the District Plan, MCWD will continue to monitor chloride levels and provide education and training for public and private applicators and residents on best management practices for chloride use.

As a required element of the LWMP, the City has developed a MCWD coordination plan. The Golden Valley LWMP notes that the City will continue to coordinate with the MCWD to identify potential partnership opportunities associated with redevelopment and provides specific areas of coordination as follows:

- Annual reporting – City staff members will provide an annual report to MCWD regarding implementation activities of the LWMP and NPDES MS4 reports from the previous year
- Refer permit applicants to MCWD
- Coordinate City infrastructure maintenance activities
- Participate in MCWD watershed planning actions such as plan updates and rule revisions

The City has not proposed to acquire implementation authority for any MCWD water resource regulation and has proposed that the City 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:

http://Files.barr.com:80/AHT/AHT_UI/public/#/password?package=0mzF4wIU7V4nx4Z%2fJ8or3relfp%2fXI9qgfKE58K4d0L1uUCY7vSXh9Fr2sd3%2f7%2fgy9u7li6Xu7kM3xawoC8LwF5F0%2f%2bulCvaqc%2bpQtutsw40%3d using rclark@minnehahacreek.org as the email address to sign in.

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:

- Golden Valley Coordination Plan

RESOLUTION

RESOLUTION NUMBER: 18-106

TITLE: Approval of Golden Valley 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 Golden Valley (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 2, 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 to continue to act as the Local Government Unit responsible to implement the Minnesota Wetland Conservation Act; and

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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 Golden Valley 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 18-106 was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: October 11, 2018.

Secretary Date: _____.

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City of Golden Valley LGU/MCWD Coordination Plan

Activity ID	Activity Description	City Staff	Estimated Timeline
LGU-1	Provide annual report to MCWD regarding SWMP implementation progress, including MS4 reporting	Public Works Specialist	Annually (June)
LGU-2	Inform project proposers of applicable MCWD rules and permitting requirements	Public Works Specialist	Ongoing
LGU-3	Meet with MCWD staff to review potential redevelopment activity within MCWD jurisdiction	Public Works Specialist City Planner	As needed ¹
LGU-4	Coordinate City infrastructure maintenance activities in Minnehaha Creek watershed (e.g., pavement management, utility upgrades)	Public Works Specialist	As needed ¹
LGU-5	Provide proposed changes to City ordinance, regulatory controls, and resource management plans to MCWD for review	Public Works Specialist	As needed
LGU-6	Participate in MCWD watershed planning actions by providing review and comment (e.g., watershed plan update, rule updates)	Public Works Specialist	As requested

(1) Frequency of activity within the Minnehaha Creek watershed is anticipated to be limited due to small watershed size