

MEETING DATE: December 20, 2018

TITLE: Approval of Minnetonka Local Water Management Plan

RES. NUMBER: 18-128

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 December 20, 2018	

PURPOSE or ACTION REQUESTED:

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

PROJECT/PROGRAM LOCATION:

City of Minnetonka (See attached map: Watershed Organization Jurisdiction Boundaries)

PROJECT TIMELINE:

September 14, 2018	Minnetonka LWMP first draft submitted to MCWD
November 13, 2018	MCWD denial letter sent
December 3, 2018	MCWD-City meeting to develop Coordination Plan
December 14, 2018	Minnetonka provided finalized response to MCWD comments

PAST BOARD ACTION:

January 29, 2009	MCWD approval of Minnetonka local water resources management plan (08-097)
June 18, 2009	MCWD approval of LWMP MOU (09-059)
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.

Minnetonka LWMP Summary:

The City of Minnetonka (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 Minnetonka is approximately 28 square miles with 13 square miles in the MCWD. The majority of this drainage area within the MCWD is within the Minnehaha Creek subwatershed with small portions draining to the Lake Minnetonka and Gleason Lake subwatersheds. The City of Minnetonka includes three other watershed management jurisdictions: Basset Creek Watershed Management Organization, Nine Mile Creek Watershed District and Riley-Purgatory-Bluff Creek Watershed District. Primary water resources within the City of Minnetonka in MCWD include the southern portion of Gleason Lake, a portion of Gray's Bay and Wayzata Bay of Lake Minnetonka, and Minnehaha Creek.

As established by the MCWD Watershed Plan, Minnehaha Creek subwatershed is an area focus for this plan cycle. The subwatershed is approximately 47 square miles. Minnetonka is at the headwaters of this regional recreational system and as a result of active conservation by the City, a large portion of the Minnehaha Creek corridor in Minnetonka is City-owned. As discussed further within the Coordination Plan, the City and MCWD will look to leverage, land use change, CIP planning, and Educational initiatives to elevate this portion of Minnehaha Creek as part of the regional system.

As a required element of the LWMP, the City has developed a MCWD-City Coordination Plan which incorporates current and future initiatives that will benefit from early coordination between each agency summarized as follows:

- Land use planning: Specific areas of land use planning and potential project areas on the horizon have been identified and include:
 - City Hall campus planning
 - Integration of water and natural resources with operations of public works yard
 - Creek corridor long range vision and expansion opportunities
- Educational Programming including:
 - Leverage MCWD education programs for MS4 minimum requirements
 - Workshops and trainings
 - Programing around Minnehaha Creek as a regional recreational resource
- Regulatory Coordination
 - City implementation of MCWD Rules for Floodplain Management, Stormwater Management, and Erosion Control
 - Early coordination of development proposals
 - Creating a systematic way for tracking and monitoring wetland buffers established by MCWD permits

The City proposes to continue implementation authority for MCWD Rules for Floodplain Alteration, Stormwater Management and Erosion Control and concurs that the MCWD will continue to apply its Wetland Protection rules, as well as other MCWD rules, within City boundaries. The City will 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://eminnetonka.com/images/engineering/2018.12.17_MTKA_WRMP_Full_Rpt_and_Appendices_MCWD.pdf

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. Minnetonka Coordination Plan
2. Minnetonka Watershed Organization Jurisdictional Boundaries Map

RESOLUTION

RESOLUTION NUMBER: 18-128

TITLE: Approval of Minnetonka 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 Minnetonka (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 October 26, 2018, and the MCWD has fully considered the comments; and

WHEREAS, the City of Minnetonka wishes to retain water resource regulatory authority within the meaning of Minnesota Statutes §103B.211, subd. 1(a)(3), and assert sole permitting jurisdiction with respect to activities subject to MCWD Erosion Control; Floodplain Alteration; and Stormwater Management Rules; and

WHEREAS the MCWD will continue to exercise its present authority with respect to its rules for Appropriations, Illicit Discharge, Dredging, Shoreline and Streambank Stabilization, and Water Body Crossings and Structures under authority provided by MCWD Rules and the Minnesota Department of

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Resolutions are not final until approved by the Board and signed by the Board Secretary.**

Natural Resources, and otherwise exercise its permitting and approval authority in accordance with the terms of Minnesota Statutes §103B.211(a)(3); and 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

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 Minnetonka 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 18-128 was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: December 20, 2018.

Secretary Date: _____.

APPENDIX J: WMO Coordination Plan

City of Minnetonka Water Resources Management Plan

Appendix J: WMO Coordination Plan

The City of Minnetonka works closely with the four Watershed Management Organizations (WMOs) in the city to responsibly manage its water resources. This appendix describes the city's approach to communication and coordination with the WMOs, with the goals of maintaining awareness of needs and opportunities and implementing programs and projects that:

- develop out of coordinated, subwatershed-based planning;
- reflect the cooperation of other public and private partners;
- align investments; and
- secure a combined set of District, city, and partner goals.

This appendix describes the ways the city currently interacts with the WMOs within the city and outlines the requirements and content of the city's coordination plan with the MCWD.

Existing WMO Coordination Efforts

The city interacts and coordinates with the WMOs on a variety of different levels and through multiple departments.

Examples of coordination activities include:

- Notifications sent when development/redevelopment occurs within WMO boundaries;
- Informing project proposers of applicable WMO rules and permitting requirements;
- Annual meetings between city and WMO staff (often more frequent than annually) to provide updates to the WMOs;
- Meetings coordinated specific to a particular development/redevelopment or infrastructure improvement projects (e.g., pavement management, utility upgrades);
- Participating in WMO watershed planning actions by providing review and comment (e.g., watershed plan update, rule updates)
- Technical Advisory Committee participation
- Citizen involvement in the WMOs' Citizen Advisory Committee
- Participation in climate change resiliency discussions;
- Appointed/elected officials attending official WMO events.
- Coordination of current and future water resource issues.

The city looks to maintain and expand these communication channels to ensure that efforts to improve the local water resources are pursued in partnership with the WMOs.

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 incorporated 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 and programmatic 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. 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 an LGU to develop a collaborative relationship that promotes opportunities to integrate land use and water planning to maximize goals and outcomes.

Summary

The District WMP invites a partnership framework with communities that fosters increased and early flow of information, to provide for a stronger coordination of land use and water resource management to achieve water quality goals while adding broader value to the community. Targeted areas of collaboration include land use policy development, capital improvement feasibility planning for public infrastructure, land use and development regulation, LGU operation and facility maintenance and educational programing. Based on the community assessment of water resource needs, the District looks to the City to describe how it intends to align planning, regulation, programing and investment decisions to address both District and City identified water resource goals. The framework for communication and collaboration is created through this coordination plan and will be the key to creating opportunities for partnership at the intersection of municipal, private and District interests.

The MCWD requires that all cities in their local plans describe the elements of a coordination plan that the city and MCWD can implement at a staff level to achieve this goal. Through the coordination plan the District encourages the LGU to identify any known initiatives of collaboration and potential future priorities which would benefit from early coordination. Some specific points of coordination are as follows:

LAND USE PLANNING

Minnehaha Creek is a regional, recreation recourse. In previous years, Minnetonka's proactive actions have made a large portion of the creek corridor public open space. The city will continue to pursue these opportunities as they arise. To continue and further these strategies, the City will endeavor to timely coordinate planning processes in early stages of planning and development.

Figure J-1 shows the publicly-owned parcels in the Minnehaha Creek corridor, public parks areas, and upcoming CIP projects in the MCWD.

Specific areas of land use planning and potential project areas on the horizon identified for early coordination include the following:

1. Minnetonka city hall campus area
2. Minnetonka public works facility
 - a. Future model for integrating water and natural resources with operations of public works yard.
3. Explore opportunities in the future to partner with the City of Hopkins for updates to the compost site located at Minnetonka Boulevard and Hopkins Crossroad.
4. Creek corridor
 - a. City owns over approximately half of the land adjacent to Minnehaha Creek.
 - i. Minnetonka continues to consider additional opportunities for expanding green space adjacent to Minnehaha Creek as land becomes available, as they have done so in years past practices.
 - ii. Minnetonka will continue to work to protect Minnehaha Creek through miscellaneous improvements and development regulations as they arise.
 - b. Future opportunities may exist if redevelopment of the Minnetonka Mills area occurs, located east of I-494 and west of Hopkins Crossroad along Minnetonka Boulevard.
 - c. The City would partner with the MCWD for their corridor vision planning and funding assistance to long range efforts.
5. Wetland complex west of city hall (wetland area behind The Marsh, MCWD and City offices)
 - a. City goals and potential opportunities for restoration, water quality improvement opportunities and pedestrian connections.
 - b. The Marsh's future initiatives, goals, and long term orientation of the property.
6. Coordinate City infrastructure improvement projects (utilities, paving plans, reconstruction) for the 5-year Capital Improvement Program (CIP) evaluation reviewed and updated on an annual basis.
7. Provide proposed changes to City ordinance, regulatory controls, and resource management plans to MCWD for review.
8. Participate in watershed district planning actions by providing review and comments.
9. Provide MCWD copies of preliminary plats.

10. Meet with MCWD staff to review small area plans and other potential redevelopment activity within the jurisdiction.
11. Road and infrastructure renewal projects.
 - a. The City will continue to work with MCWD for early coordination for projects that come on-line and at this time which include the Groveland-Bay area, Twelve Oaks Center Drive, and Parkers Lake Road.

EDUCATIONAL PROGRAMMING

1. Leverage of MCWD educational programs for MS4 minimum requirements
2. Workshops and trainings
 - a. Chlorides
 - b. Urban Waters Forum
3. Signage
 - a. Connecting people to Minnehaha Creek for recreational opportunities
 - b. Consistent corridor signage
4. Programing around Minnehaha Creek as a regional recreational resource
5. Programing in line with the Minimum Control Measures (MCM) for the city's Municipal Separate Storm Sewer (MS4) Program for public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site runoff control, post-construction stormwater management in new development and redevelopment and pollution prevention and good housekeeping for municipal operations and maintenance.

REGULATORY COORDINATION

1. Implementation of MCWD Rules for Floodplain Management, Stormwater Management, and Erosion Control
 - a. Local plan establishes written protocols for:
 - i. Procedures to administer and enforce city ordinances, regulatory guidelines and processes including maintenance of stormwater facilities.
 - ii. The City will continue implementation of sediment and erosion control within the MCWD through the MOU between the city and WMO.
 - iii. The city will continue to coordinate water resource regulatory authority through the MOU including stormwater management regulations and WCA requirements acting as the LGU, including the process to notice the MCWD as an invited member of the TEP on these applications.
 - iv. The City continues to require implementation of temporary and permanent erosion and sediment control measures for developments and other projects, and follows city practices and procedures in line with MPCA guidance. Any work done without a permit is grounds for shutdown of operations, installation of erosion and sediment control measures, and permit approval prior to any work commencing.
 - b. A variance from the City ordinance will be deferred to MCWD.

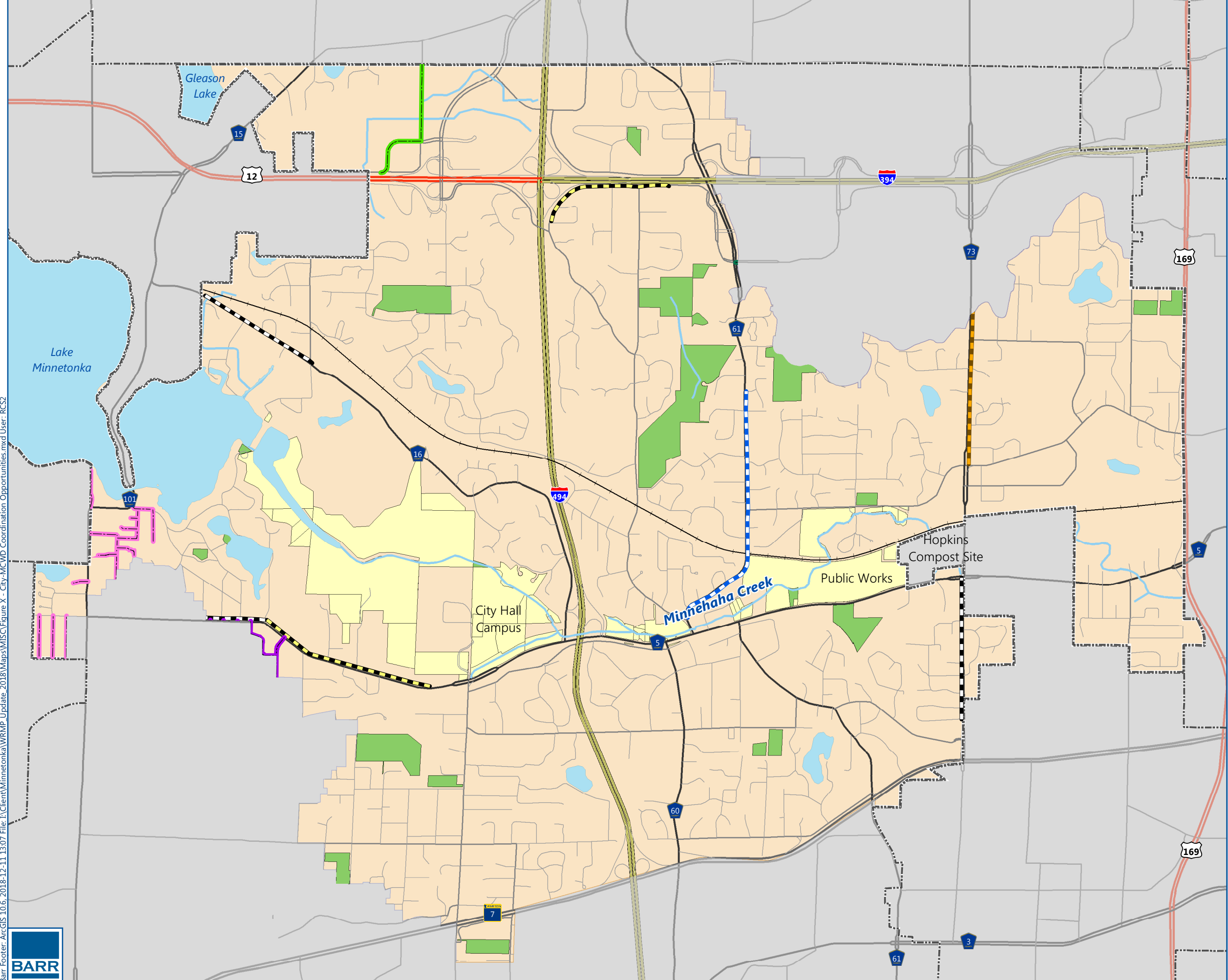
2. The City will refer all land use applications to MCWD early in the permitting process and require documentation of required MCWD permits prior to City authorization of regulated activity
3. Rule / Code revisions
 - a. MCWD and the City will coordinate changes to natural resource protection rules and codes
4. MCWD/City coordination to create a systematic plan to track wetland buffers and other maintenance obligations of MCWD permits issued to the City

ANNUAL MEETING

1. Provide annual update regarding LWMP implementation progress and MS4 reporting.
2. Review City implementation plans regarding the LWMP and other land use, road, infrastructure, park and recreation and other CIP efforts plans and programs.
3. Review activities noted within this coordination plan.

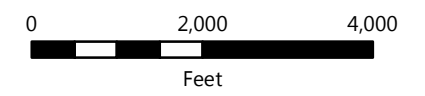
COMMUNICATION

1. The Water Resources Engineering Coordinator is the City staff person responsible for implementation and communication of the activities within this plan.



- City-Owned Property along Minnehaha Creek Corridor
- City Parks
- Minnetonka Boundary
- Rivers and Streams
- Lakes and Ponds
- WMOs**
- Minnehaha Creek
- Trail Construction Projects**
- 2019
- 2021
- 2023
- 10 Yr Plan 2024 - 2028
- Street Reconstruction Projects**
- 2019
- 2020
- 2021
- 2022-2023 Water Main Replacement

Sources:
City-Owned Property derived from Hennepin County parcel data (05/10/2017).



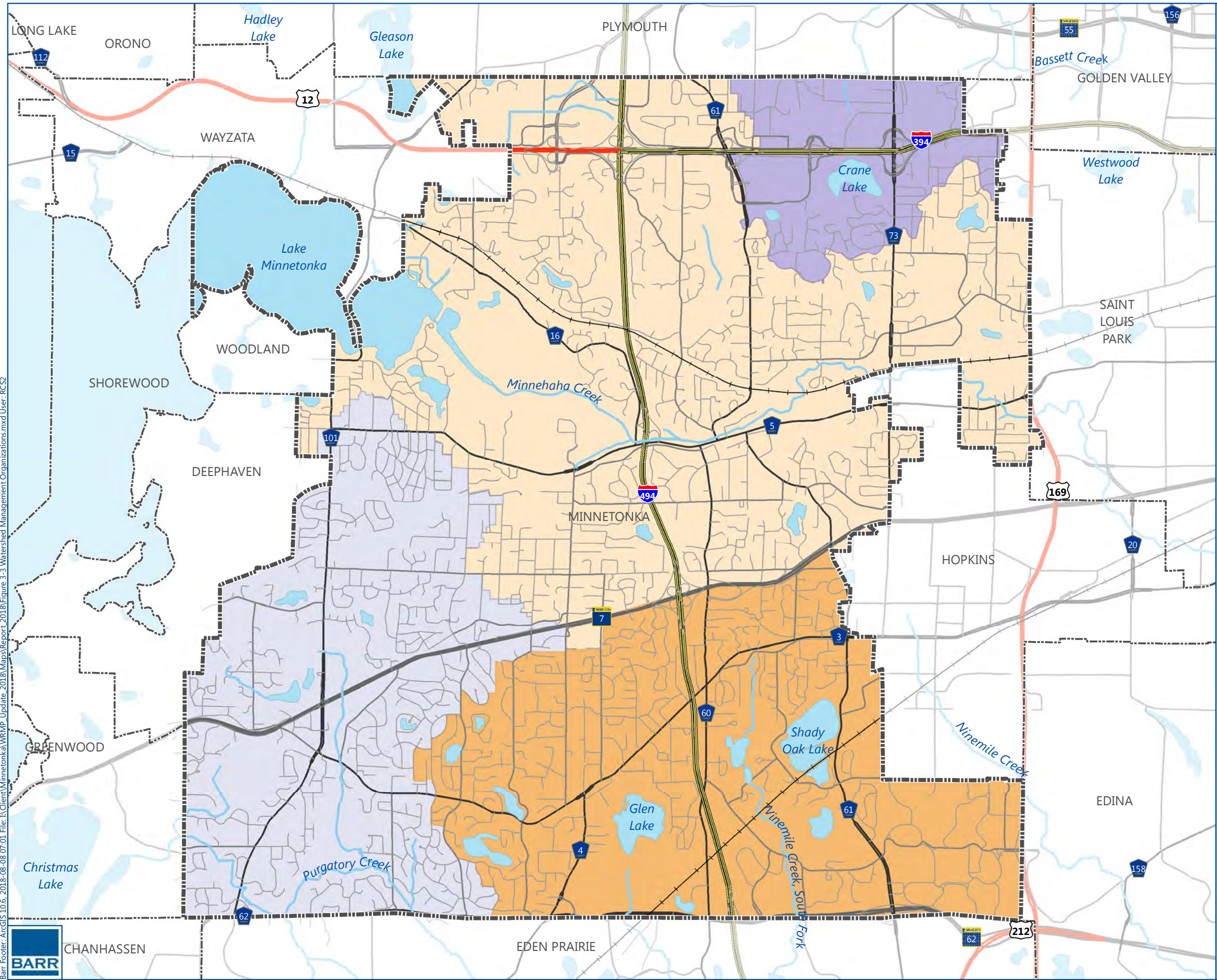
CITY/MCWD COORDINATION OPPORTUNITIES
Water Resources Management Plan
Minnetonka, Minnesota

FIGURE J-1

Barr Footer: ArcGIS 10.6, 2018-12-11 13:07 File: I:\Client\Minnetonka\WRMP_Update_2018\Maps\MISC\Figure X - City/MCWD Coordination Opportunities.mxd User: RCS2

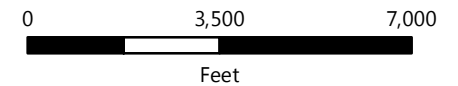


Barr Footer: ArcGIS 10.6, 2018-08-08 07:01 File: I:\Client\Minnetonka\WRMP Update_2018\Maps\Report_2018\Figure 3-3 Watershed Management Organizations.mxd User: RCS2



- Minnetonka Boundary
- Rivers and Streams
- Lakes and Ponds
- Watershed Management Organizations (WMOs)**
 - Bassett Creek
 - Minnehaha Creek
 - Nine Mile Creek
 - Riley-Purgatory-Bluff Creek

Sources:
Drainage Districts from Hennepin County MetroGIS parcel data (05/10/2017).



WATERSHED MANAGEMENT
ORGANIZATIONS
Water Resources
Management Plan
Minnetonka, Minnesota

FIGURE 3-3

