

6.0 VRWJPO PLAN REVIEW, ADOPTION, UPDATE, AND REVISION

6.1 VRWJPO PLAN REVIEW, APPROVAL AND ADOPTION

During development of the VRWJPO Plan, prior to its submittal for formal review, the VRWJPO accomplished outreach to the public, agencies and other organizations through the following mechanisms:

- September 2003 open house for public, agencies and organizations
- Five Technical Advisory Group (TAG) meetings in 2003 and 2004. The following agencies, units of government, and organizations were invited to the TAG meetings:

<p>Cities: Apple Valley Burnsville Coates Elko Farmington Hampton Hastings Lakeville New Market Rosemount Vermilion</p>	<p>Townships: Castle Rock Douglas Empire Eureka Hampton Marshan New Market Nininger Ravenna Vermillion</p> <p>Other Organizations: Friends of the Mississippi River MN Farm Bureau Sierra Club</p>	<p>Federal/State/Regional Agencies: U.S. Corps of Engineers Metropolitan Council MN Board of Water and Soil Resources MN Dept. of Agriculture MN Dept. of Health MN Dept. of Natural Resources MN Dept. of Transportation MN Pollution Control Agency Natural Resource Conservation Service</p> <p>Other Local Units of Government: Dakota County Environmental Mgmt. Dept. Dakota Co. Soil & Water Conservation Dist. Scott County Natural Resources Dept. Scott Co. Soil & Water Conservation Dist. Elko/New Market Joint Sewer Board</p>
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- Presentations at Dakota County Township Officers meetings in 2003 and 2004
- VRWJPO website (www.co.dakota.mn.us/planning/vermillionjpo) provides information to the public and provided opportunities to comment on portions of the draft Plan
- The Friends of the Mississippi River and members of the Vermillion River Watershed Planning Commission facilitated public outreach meetings regarding the Vermillion River watershed in the Apple Valley and Farmington areas in 2004

The Vermillion River Watershed Planning Commission (WPC) was instrumental in developing the preliminary draft of the VRWJPO Plan. Section 5.1 of this Plan provides more information about the WPC.

As part of the formal review process, and in accordance with Minnesota statutes, this Plan was submitted for review to the cities and townships within VRWJPO, Dakota County, Dakota County Soil and Water Conservation District, Scott County, Scott County Soil and Water Conservation District, the Minnesota Board of Water and Soil Resources (BWSR), the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Agriculture, the Minnesota Department of Health (MDH), and the Metropolitan Council. In addition, this Plan was submitted to all of the other agencies and organizations that are part of the TAG (see above listing) and to the adjoining watershed management organizations.

During the first (60-day) formal review period, the VRWJPO held open houses/workshops throughout the watershed and gave presentations (as invited) to the cities and townships within the watershed. Through these open houses/workshops and presentations, the VRWJPO provided information about the VRWJPO and the Plan, and requested comments on the Plan.

After the 60-day formal review period, the VRWJPO held a public hearing on the Plan. After further revisions to the Plan, it was submitted for its second formal review, then revised again and submitted to BWSR for its final review and approval. BWSR approved the Plan on **[insert date]**, indicating that the Plan met all the requirements of current Minnesota laws and rules (Minnesota Statutes 103B.231 and 103D.405 and Minnesota Rules 8410). The VRWJPO Joint Powers Board formally adopted this Plan on **[insert date]**.

6.2 PLAN UPDATE

This Plan will guide VRWJPO activities through at least 2015, unless it is superseded by adoption and approval of a subsequent Plan. Approximately two years prior to the expiration date of this Plan (in 2013), VRWJPO will begin the process of updating its Plan. The updated Plan will meet the requirements of the applicable Minnesota laws and rules.

BWSR may develop a priority schedule for the revision of watershed management plans (Minnesota Statutes 103B.231, Subd. 3a). BWSR will use the schedule to inform VRWJPO and other watershed management organizations in the Twin Cities metropolitan area of when they will be required to revise their plans. Based on Minnesota Statutes 103B.231, the VRWJPO may submit a draft plan revision for review prior to BWSR's scheduled plan revision date. If BWSR fails to begin review of the submitted plan within 45 days of plan submittal, the VRWJPO may adopt and implement their plan without formal BWSR approval.

6.3. PLAN REVISIONS/AMENDMENTS

The VRWJPO may revise its Plan through an amendment prior to a Plan update if either minor changes are required, or if problems arise that are not addressed in the Plan. However, this Plan, authorities, and official controls of the VRWJPO will remain in full force and effect until a Plan revision is approved by BWSR.

All amendments to this Plan will follow the procedures set forth in this section, or as required by Minnesota laws and rules (as revised). Plan amendments may be proposed by any person to the VRWJPO Joint Powers Board, but only the VRWJPO Joint Powers Board may initiate the amendment process.

Neither a minor nor a general plan amendment will be required for the following situations:

1. The capital projects, annual activities, or studies listed in Table 5-1 are implemented at a different time than shown in the table;
2. When the VRWJPO initiates a capital project listed in Table 8-1 and the updated cost estimate is
 - a. no more than \$500,000
 - or*
 - b. more than \$500,000 and less than 80% higher than the estimated costs shown in Table 8-1 (as annually adjusted);
3. Implementation of a capital project discussed in the Plan, but not listed in Table 8-1 and the estimated cost of the capital project is less than \$500,000;
4. The estimated activity/study costs are different than shown in Table 5-1;
5. The VRWJPO adds or deletes non-capital activities and/or studies to/from Table 5-1 . Such additions or deletions will be proposed, discussed and adopted as part of the VRWJPO's annual budgeting process (see Section 5 – Implementation for more information); and
6. The proposed funding method (or combination of methods) for a capital improvement project listed in Table 5-1 is different than shown in the table (e.g. watershed-wide tax instead of subwatershed tax). In this situation, VRWJPO will hold a public hearing on the proposed change to the funding method.

If an amendment is needed, the VRWJPO will prepare plan amendments in a format consistent with Minnesota Rules 8410.0140, Subp. 4, unless a different format is approved by BWSR. The rule requires that, unless the entire document is reprinted, all amendments adopted must be printed in the form of replacement pages for the Plan, each page of which must:

1. Show deleted text as stricken and new text as underlined (for draft amendments under consideration);
2. Be renumbered as appropriate; and
3. Include the effective date of the amendment.

The VRWJPO will maintain a distribution list of everyone who receives a copy of the Plan. Within 30 days of adopting an amendment, the VRWJPO will distribute copies of the amendment to everyone on the distribution list.

6.3.1 Minor Plan Amendments

The minor plan amendment process is more streamlined than the general plan amendment process. The VRWJPO will consider certain changes to its approved capital improvement program (Table 8-1, "capital improvements") to be minor plan amendments if both of the following conditions are met (from Minnesota Rules 8410.0140, Subp. 3):

1. The original Plan set forth the capital improvements but not to the degree needed to meet the definition of "capital improvement program" as provided in Minnesota law (Minnesota Statutes, Section 103B.205, subdivision 3. (The VRWJPO deems that the capital improvements listed in Table 8-1, along with the supporting sections of this Plan describing the need for the capital improvements and the financial impact of the improvements on local units of government, meet the definition of a "capital improvement program" as given in statute.)
2. The affected county or counties approve the capital improvement in its revised, more detailed form.

A minor plan amendment will be required for the following situations:

1. When the VRWJPO initiates a capital project listed in Table 8-1 and the updated cost estimate is more than \$500,000 and increases by more than 80% of the cost shown in Table 8-1 (as annually adjusted).
2. Implementation of a capital project listed in Table 8-1 for which either no cost estimate is given and the estimated cost is more than \$500,000, or no funding method is listed.
3. Addition of a new policy or significant revision of an existing policy that will require substantive revision of the VRWJPO rules and regulations. For example, the VRWJPO will be developing watershed standards that will be incorporated into the VRWPO Plan as a minor plan amendment. The standards development process will begin immediately with VRWJPO adoption of the minor plan amendment expected in 2006.

Minnesota Rules 8410.0020, Subp. 10 gives the following examples of other minor plan amendments:

"...recodification of the Plan, revision of a procedure meant to streamline administration of the Plan, clarification of the intent of a policy, the inclusion of additional data not requiring interpretation, or any other action that will not adversely affect a local unit of government or diminish a water management organization's ability to achieve its Plan's goals or implementation program."

By approving this Plan, BWSR agrees that the above types of plan revisions will require minor plan amendments (not general plan amendments), in conformance with Minnesota Rules 8410.0140.

The VRWJPO will follow the following review process for minor plan amendments:

1. The VRWJPO will send copies of the proposed minor plan amendment to the affected cities and townships, the Metropolitan Council, Dakota and Scott Counties (if the amendment is a minor amendment to the VRWJPO capital improvement program), and the state review agencies for review and comment.
2. The VRWJPO will hold a public meeting to explain the amendments and publish a legal notice of the meeting twice, at least 7 days and 14 days before the date of the meeting. The VRWJPO will also post the notice of the public meeting on the VRWJPO website and mail the notices to each affected city, township and county.

3. If the proposed amendment is a minor amendment to the VRWJPO capital improvement program, Dakota and Scott Counties must approve the minor amendment.

6.3.2 General Plan Amendments

If VRWJPO or BWSR decide that a general plan amendment is needed, the VRWJPO will follow the general plan amendment process described in Minnesota rules and laws (Minnesota Rules 8410.0140, Subp. 2 and Minnesota Statutes 103B.231, Subd. 11, or as subsequently amended). The general plan amendment process is as follows (and is the same as the Plan review process):

1. The VRWJPO must submit the amendment to the VRWJPO cities and townships, Dakota County, Scott County, Dakota County Soil and Water Conservation District, Scott County Soil and Water Conservation District, the state review agencies (the DNR, MPCA, Minnesota Department of Agriculture, and MDH), the Metropolitan Council, and BWSR for a 60-day review.
2. The VRWJPO must respond in writing to any concerns raised by the reviewers.
3. The VRWJPO must hold a public hearing on the proposed amendment.
4. The VRWJPO must submit the revised amendment to the Metropolitan Council, the state review agencies and the BWSR for a 45-day review.
5. The VRWJPO must submit the final revised amendment to the BWSR for approval.

The VRWJPO will consider sending drafts of proposed general plan amendments to all plan review authorities to receive input before beginning the formal review process.

Examples of situations where a general plan amendment may be required include:

- Addition of a capital improvement project that is not included in Table 8-1 is not mentioned in the text of this Plan, and the estimated project cost is more than \$500,000.
- Addition of new VRWJPO policies or programs with the potential to result in significant financial impacts or controversy.