

SECTION 7: LOCAL WATER MANAGEMENT PLANS

7.1 VRWJPO PLAN RELATIONSHIP TO LOCAL WATER MANAGEMENT PLANS

In accordance with Minnesota law (Minn. Stat. Chapter 103B.235), once a watershed plan is approved and adopted, or amended, local units of government must prepare a local water management plan, capital improvement program and official controls as necessary to bring local water management into conformance with the watershed plan, within the time period prescribed in the watershed plan. The BWSR approved this Plan on October 26, 2005. Local governments (the communities within the VRWJPO) must adopt local watershed plans by November 3, 2007, two years from the date of adoption of the VRWJPO Plan. If a local government unit does not wish to be the permitting authority, the community may conform to this law by adopting all or part of this VRWJPO Plan by reference through a resolution or other VRWJPO-approved official means. If a local government unit wishes to continue as the permitting authority, the community must prepare its own local watershed plan. Any community may prepare its own local watershed plan and may incorporate any of the VRWJPO plan into the local watershed plan. Local watershed plans must conform to the VRWJPO Plan, Minnesota law (Minn. Stat. Chapter 103B), and Minnesota Rules (Minn. Rules 8410). Table 7-1 lists all of the cities and townships in VRWJPO, the other watersheds they lie within, and the dates by which they will be required to adopt local plans or the VRWJPO Plan by reference.

The VRWJPO will take a leadership role in a process improvement effort to clarify expectations and opportunities for watershed management plans and local water management plans, and how these plans can be coordinated with the requirements of other programs (e.g., NPDES Phase II MS4 permit requirements). The VRWJPO goals are to 1) achieve greater alignment among water-related planning requirements for local units of government to avoid unnecessary duplication with other programs/requirements, 2) emphasize development and implementation of ordinances, and 3) use the local watershed plans to fill in gaps and address issues that cannot or do not need to be addressed through ordinance.

Within 30 days of the VRWJPO's adoption of this 2005 VRWJPO Watershed Management Plan, the VRWJPO will notify each city and township of the VRWJPO's requirements regarding local plan revisions and adoption. The VRWJPO will assist local governments in identifying the steps and information needed to meet the VRWJPO's requirements for local watershed plans.

A local government unit can maintain as much management control as it wishes, through its approved local water management plan and local controls (e.g., ordinances). For example, a community can maintain the permitting authority for all land alteration activities. In this case, the VRWJPO would require the community to adopt all the VRWJPO standards/rules by ordinance and to outline the community's permitting process, including the preliminary and final platting process in their local water management plan. Local government units are also responsible for permitting wetland alteration activities unless the community designates the VRWJPO as the Local Government Unit (LGU) for the Wetland Conservation Act. Even if a community continues its permitting role, the VRWJPO will require the community to occasionally submit to the VRWJPO for review and comment selected proposed land alteration plans

and associated documentation showing compliance to the VRWJPO and community rules and regulations. The submittal would be required prior to the community issuing a permit. The VRWJPO may appeal the community's approval of a project, if the VRWJPO believes the project is not consistent with the community's local water management plan.

Any proposed zoning changes in a community with an approved local water management plan will be reviewed by the VRWJPO for conformance with the local plan. If the proposed zoning change will result in changes to the approved rates and volumes of stormwater runoff, the local plan will need to be amended, and the amendment reviewed and approved by the VRWJPO.

Table 7.1: VRWJPO Cities and Townships, WMOs, and Required Dates of Local Plan

City – (C) or Township (T)	Watershed Management Organizations (WMOs) and Date/Expected Date of BWSR-Approved Plan	Required Plan Adoption Date
Apple Valley (C)	Vermillion River Watershed Joint Powers Organization (VRWJPO), 9/2005; Black Dog WMO (BDWMO), 5/2002	9/2007
Burnsville (C)	VRWJPO, 9/2005; BDWMO, 5/2002; Lower Minnesota River Watershed District, 9/1999	9/2007
Castle Rock (T)	VRWJPO, 9/2005; North Cannon River WMO (NCRWMO), [10/2003]	9/2007
Coates (C)	VRWJPO, 9/2005	9/2007
Douglas (T)	VRWJPO, 9/2005; NCRWMO, [10/2003]	9/2007
Elko (C)	VRWJPO, 9/2005; Scott Watershed Management Organization (Scott WMO), 2/2004	9/2007
Empire (T)	VRWJPO, 9/2005	9/2007
Eureka (T)	VRWJPO, 9/2005; NCRWMO, [10/2003]	9/2007
Farmington (C)	VRWJPO, 9/2005	9/2007
Hampton (C)	VRWJPO, 9/2005	9/2007
Hampton (T)	VRWJPO, 9/2005; NCRWMO, [10/2003]	9/2007
Hastings (C)	VRWJPO, 9/2005; Lower St. Croix Valley Watershed Management Organization, [early 2005?]	9/2007
Lakeville (C)	VRWJPO, 9/2005; BDWMO, 5/2002	9/2007
Marshan (T)	VRWJPO, 9/2005	9/2007
New Market (C)	VRWJPO, 9/2005; Scott WMO, 2/2004	9/2007
New Market (T)	VRWJPO, 9/2005, Scott WMO, 2/2004	9/2007

Nininger (T)	VRWJPO, 9/2005	9/2007
Ravenna (T)	VRWJPO, 9/2005	9/2007
Rosemount (C)	VRWJPO, 9/2005	9/2007
Vermilion (C)	VRWJPO, 9/2005	9/2007
Vermillion (T)	VRWJPO, 9/2005	9/2007

7.2 REQUIREMENTS FOR LOCAL WATER MANAGEMENT PLANS

Local water management plans are required to conform to Minnesota Statutes Chapter 103B.235, Minnesota Rules 8410.0160, and the VRWJPO Plan. Minnesota Rules 8410.0160 requires (in part) that:

“Each local plan must include sections containing a table of contents; executive summary; land and water resource inventory; establishment of goals and policies; relation of goals and policies to local, regional, state, and federal plans, goals, and programs; assessment of problems; corrective actions; financial considerations; implementation priorities; amendment procedures; implementation program; and an appendix. Each community should consider including its local plan as a chapter of its local comprehensive plan.”

The rules (Minn. Rules 8410.0170) also explain in more detail the general requirements stated above.

The policies and goals established by the local water management plan must be consistent with the VRWJPO Plan. The section of the local water management plan covering assessment of problems must include those problems identified in the VRWJPO Plan that affect the community; this would include the problems identified in Section 3.

In accordance with Minnesota Rules 8410.0100, Subp. 6, the VRWJPO Plan assessed the stormwater-related maintenance issues in the Watershed. Local units of government are to maintain stormwater systems (storm sewers, ponding areas, ditches, water level control structures, etc.) under their jurisdiction in good working order to prevent flooding and water quality problems. In accordance with Minnesota rules (8410.0100, Subp. 6), the VRWJPO requires that local water management plans “...assess the need for periodic maintenance of public works, facilities and natural conveyance systems and specify any new programs or revisions to existing programs needed to accomplish its goals and objectives.” Local water management plans will also be required to address, at a minimum, the following maintenance issues, also taken from Minnesota rules (8410.0100, Subp. 6):

- The need and frequency for street sweeping of public and private streets and parking lots.
- The need and frequency for inspecting stormwater outfalls, skimmers, sumps, and ponds.

- The adequacy of maintenance programs for stormwater facilities and water level control structures owned by both the city and private parties.
- The need for other maintenance programs as considered necessary.

In addition to the maintenance issues, the communities will be required to assess the following (taken from Minn. Rules 8410.0100, Subp. 6):

1. The need to establish a water body classification system different from the VRWJPO's or to adopt the VRWJPO water body classification system. If a different classification system is used, it will have to be correlated to the VRWJPO classification system and approved by VRWJPO;
2. The need to establish local spill containment clean-up plans; and
3. The need for any other necessary management programs.

Local water management plans must clearly identify when the management programs will go into effect.

The VRWJPO general standards for local water management plan content are as follows, and incorporate the requirements of Minnesota law (Minn. Stat. Chapter 103B.235, Subd. 2):

1. Describe 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 or reference a map of the stormwater system that shows the drainage patterns, existing and proposed stormwater ponds, and stormwater outfalls.
4. Identify areas and elevations for stormwater storage adequate to meet the VRWJPO standards.
5. Identify normal elevations for stormwater storage adequate to meet the VRWJPO standards.
6. Identify areas where improvement measures are needed to address stormwater management and water quality issues.
7. Control of stormwater rates crossing municipal boundaries.
8. Define water quality and water quality protection methods adequate to meet VRWJPO standards.
9. Describe the local unit of government's roles and responsibilities for implementation of lake water quality and other lake management projects.
10. Identify regulated areas.
11. Set forth an implementation program, including a description of official controls and, as appropriate, a capital improvement program.
12. The local government unit's permitting process for land and wetland alteration work shall be outlined in the local water management plan. The VRWJPO reserves the right to recommend to the local government that a project that the VRWJPO considers to be inconsistent with the local management plan be denied. If the local government proceeds to approve such a project, the VRWJPO reserves the right to take legal action.
13. The local water management plan must describe the community's conformance with the U.S. Environmental Protection Agency's Storm Water Phase II National Pollutant Discharge Elimination System (NPDES) Rules for small municipal separate storm sewer

systems (MS4s). The local water management plan must either include the community's Storm Water Pollution Prevention Plan (SWPPP) or provide a summary of the SWPPP contents.

The Metropolitan Council requires cities to adopt stormwater management ordinances as part of their comprehensive plan updates. The Metropolitan Council's adopted "Interim Strategy to Reduce Nonpoint Source Pollution to All Metropolitan Water Bodies" includes three requirements:

1. Local governments must adopt design standards (such as Nation Urban Runoff Program (NURP)) for new stormwater ponds that will reduce pollutant loadings from stormwater runoff;
2. Local governments must follow the best management practices given in the Minnesota Pollution Control Agency's (MPCA) *Protecting Water Quality in Urban Areas* (2000), or an equivalent set of standards; and
3. Local governments must adopt the Department of Natural Resources' (DNR) shoreland regulations, as required by the DNR's priority phasing list.

The Metropolitan Council developed a model stormwater ordinance that addresses the first two requirements. The MPCA later developed a more comprehensive model stormwater ordinance that the Metropolitan Council encourages local units of government to adopt.

Other requirements for local water management plans are described in previous sections of the VRWJPO Plan.

7.3 VRWJPO REVIEW OF LOCAL WATER MANAGEMENT PLANS

Before a local unit of government adopts its local water management plan, the plan must be submitted to all of the affected watershed management organizations for review. The local unit of government must also submit its plan to the Metropolitan Council, and to any counties with adopted groundwater plans, for a 45-day review. Within 60 days of receipt of the local plan, the VRWJPO will review the local plan for conformance with the VRWJPO Plan. During its review, the VRWJPO will take into consideration any comments received from the Metropolitan Council and the counties. The VRWJPO will approve or disapprove all or part of the local plan within the 60-day time frame, unless the local government agrees to an extension. If the VRWJPO does not complete its review, or fails to approve or disapprove the plan within the allotted time, and the local government has not given an extension, the local plan will be considered approved (Minn. Rules 8410.0170, Subp. 12 and Minn. Stat. Chapter 103B.235, Subd. 3 and 3a).

Following VRWJPO approval of the local plan, the local unit of government must adopt and implement its plan within 120 days and amend its official controls within 180 days of plan approval. Each local unit of government must notify the VRWJPO (and the other affected WMOs) within 30 days of plan adoption and implementation, and adoption of necessary official controls.

Any amendments to the local plan must be submitted to the VRWJPO for review and approval prior to their adoption by the local unit of government. The VRWJPO review process for local plan amendments is the same as for the original local plan.