

# Section 8

## Local Responsibilities

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### LOCAL PLANNING

Following approval and adoption of the Shingle Creek and West Mississippi Second Generation Watershed Management Plan pursuant to Minnesota Statutes 103B, governmental units having land use planning and regulatory responsibility are required by statute to prepare or amend their local water management plans. Local plan content is driven primarily by Minnesota Rules 8410 and must include a capital improvement program and implementation plan to bring the local water management plan into conformance with the Shingle Creek and West Mississippi Watershed Management Commissions' (SCWM WMC) Plan. The local water management plans must be submitted to the SCWM WMC and the Metropolitan Council within two years after approval of the Shingle Creek and West Mississippi WMP by the Board of Water and Soil Resources (BWSR).

### Local Plan Content

Local water management plans adopted by member cities pursuant to Minnesota Statutes, Section 103B.235 shall be consistent with the Second Generation Watershed Management Plan (WMP). Each city's plan shall provide that implementation of the local plan pursuant to Minnesota Statutes, Section 103B.235, Sd. 3 will include adoption of any changes to its official controls that are necessary to assure that the City has the legal authority to enforce compliance with the rules and regulations of the Commission and any additional regulatory provisions identified in the local water management plan.

Local plans must comply with Minnesota Statutes, Section 103B.235 and Minnesota Rules 8410 regarding local plan content and the requirements of the WMP. The Commissions strongly encourage communities to develop the scope of their local plan with assistance from the SCWM WMC. At a minimum, local water management plans are required to do the following:

- Describe the existing and proposed physical environment and land use.
- Describe the existing and proposed hydrology and demonstrate that stormwater storage volumes and management sector peak outflow rates meet the requirements specified in the WMP.
- Identify how the goals and policies, and rules and standards established in the WMP will be implemented at the local level.
- Identify how the wetlands functions and value assessments required by the SCWM WMC Plan will be undertaken.

- Include a policy describing how the member city intends to protect threatened and endangered species and areas of significant natural communities identified by the DNR within their boundaries.
- Assess existing or potential water resource related problems and identify nonstructural, programmatic, and structural solutions, including those program elements detailed in Minnesota Rules 8410.0100, Subp. 1 through 6.
- Summarize the estimated cost of implementation and analyze the member city's ability to finance the recommended actions.
- Set forth an implementation program including a description of official controls, programs, policies, and a capital improvement plan.

### **Watershed Management Commission Review**

Each member city shall submit its proposed water management plan to the SCWM WMC and the Metropolitan Council for review before adoption by its governing body. The SCWM WMC and the Metropolitan Council will review and approve or suggest changes to the local water management plan. The Metropolitan Council review period is 45 days and the SCWM WMC review period is 60 days after plan receipt.

The Commission recognizes that the member cities in the Shingle Creek and West Mississippi watersheds range from fully developed to developing. As such, the level of detail required in local plans will also vary. The Board will consider approval of phased planning efforts provided the SCWM WMC is notified of the phased approach prior to the start of planning activity. For example, member cities anticipating minimal development activity can provide sufficient detail to allow for stormwater planning without creation of detailed hydraulic and hydrological computer models for areas that are already fully developed.

### **REGULATORY CONTROLS AND ENFORCEMENT**

The SCWM WMC recognizes that the primary control and determination of appropriate land use is the responsibility of municipalities. However, in accordance with its Joint Powers Agreement the SCWM WMC will operate a project review program in those municipalities without an approved surface water management plan. Appendix B, Rules and Standards, details the purpose of the project review program, its thresholds, and the expected means of enforcement.

When requested, the SCWM WMC will consider review of land development plans at an early stage in order to facilitate better coordination between the developer and governmental units.

### FINANCIAL IMPACT

This updated management plan represents a change to the financial requirements of the member communities. Many of the programs described here generally follow the implementation activity levels of the past several years. Some new or expanded programs will require additional contributions from member cities. Larger-scale studies or capital improvement projects would require a significant new contribution from the member cities. Large-scale studies and capital improvement projects will be considered annually. Section 7 and Appendix G include discussion and tables showing the schedule and cost for anticipated activities.

The largest municipal cost is likely to be the result of local water planning efforts mandated by the State of Minnesota and the SCWM WMC. Costs to revise the in-place local plan will range from minimal to \$50,000 depending on the level of activity anticipated by the community.

### COORDINATION

A principal problem in organizing and implementing effective plans for watershed management is that multiple governmental agencies have varying degrees of authority and responsibility. Numerous agencies have various responsibilities for drainage, flood/soil erosion control, water/land pollution, open space preservation/enhancement, land development/land use controls such as zoning and subdivision, and water resources conservation/development.

The SCWM WMC will strive for close coordination and cooperation with all levels of government in the planning and administration of its policies and regulations. The SCWM WMC must abide by certain requirements and constraints in state law that provide for its establishment and operation.

The goals and policies set forth in this Plan are consistent with the goals and policies set forth in:

- DNR's Directions 2000;
- Metropolitan Council's Water Resources Water Management Policy Plan;
- MPCA's 2001-2005 Nonpoint Source Management Program Plan;
- Metropolitan Council's Livable Communities and Smart Growth Strategies; and
- Metropolitan Council's Regional Park Policy Plan

The Shingle Creek and West Mississippi Watershed Commissions intend to maintain an effective liaison with other governmental units in order to ensure that the Commissions' policies, plans, and programs are well understood.