COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: August 27, 2018
AGENDA NUMBER: 11
ITEM: Review of City of Spring Lake Park Local Water Plan

AGENDA: Policy

ACTION REQUESTED
Table local water plan pending resolution of five issues/concerns

BACKGROUND
Minnesota Statutes 103B.235, Subd. 3 requires that each local unit shall submit its water management plan to the watershed management organization for review for consistency with the watershed plan.

The organization shall approve or disapprove the local plan or parts of the plan. The organization shall have 60 days to complete its review; provided, however, that the watershed management organization shall, as part of its review, take into account the comments submitted to it by the Metropolitan Council pursuant to subdivision 3a.

If the organization fails to complete its review within the prescribed period, the local plan shall be deemed approved unless an extension is agreed to by the local unit.

Spring Lake Park submitted its revised Local Water Plan on July 12 making the 60 day mark August 26.

Minnesota Rule 8410.160 requires each local plan must, at a minimum, meet the requirements for local plans in Minnesota Statutes, section 103B.235. Each local plan must include sections containing a
1. table of contents;
2. purpose;
3. water resource related agreements;
4. executive summary;
5. land and water resource inventory;
6. establishment of goals and policies;
7. relation of goals and policies to local, regional, state, and federal plans, goals, and programs;
8. assessment of problems;
9. corrective actions;
10. financial considerations;
11. implementation priorities;
12. amendment procedures;
13. Implementation program; and an appendix.
TIMELINE AND RECORD
3/14/18 Received Rough DRAFT Local Surface Water Management Plan for review and comment

4/10/18 Review and comments to Spring Lake Park on Rough Draft

7/23/18 Receipt of Review DRAFT of Local Water Plan

8/27/18 Board of Manager review of LWP

FINDINGS
Does the plan contain the sections required under MR8410.160 General Structure?

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<th>Requirement</th>
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<td><strong>Data and Information</strong></td>
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<td>1. An executive summary stating highlights of the local water plan.</td>
<td>Partially meets requirements. By rule the executive summary must “…summarize[s] the highlights of the local water plan.” The draft plan executive summary is simply an overview of the planning purposes and broad table of contents. It should include a brief recap of problems and issues and the City’s general strategies to address them.</td>
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<td>2. A summary of water resource management-related agreements, including joint powers agreements, into which the LGU has entered with watershed management organizations, adjoining LGUs, private parties or others.</td>
<td>Meets requirements.</td>
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<td>3. Maps of current land use and future land use.</td>
<td>Meets requirements. 2018 (current) and 2040 planned land use are depicted.</td>
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<td>4. Maps of drainage areas with paths, rates and volumes of stormwater runoff.</td>
<td>Meets requirements. A figure is provided showing drainage areas, paths, and the storm sewer system, and a table shows runoff volume and peak rates, as well as HWL and available storage. The table should clearly indicate which of these are intercommunity flows and to which community.</td>
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<td>5. Identify areas and elevations for stormwater storage adequate to meet the performance standards established in the Watershed Management Plan.</td>
<td>Partially meets requirements. Storage data is provided but it is unclear whether any assessment of the adequacy of available storage has been assessed or is planned.</td>
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<td>6. Define water quality and water quality protection methods adequate to meet the performance standards established in the Watershed Management Plan.</td>
<td>Meets requirements. While Spring Lake Park requires development and redevelopment on sites greater than one acre to meet NPDES permit requirements for construction site runoff control, it</td>
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<td>appears the ordinances are silent on post-construction runoff controls. The plan states that the City defers enforcement of watershed rules to the appropriate watershed district, there does not appear to be such a requirement in the City’s current code. The City does not appear to have an Erosion and Sediment Control ordinance, and relies on the erosion control standards established in the NPDES construction permit. The Plan establishes water quality, runoff rate and volume policies consistent with District standards, and acknowledges that City Code will need to be updated following adoption of the Local Plan.</td>
<td><strong>Requirement</strong> 11: Spring Lake Park Local Water Plan Review, Page 3 of 5</td>
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<td>7. Identifies regulated areas.</td>
<td><strong>Meets requirements.</strong> Figure 2.2 shows NWI wetlands and PWI public waters. There are no Flood Insurance Studies or Flood Insurance Rate Maps available for Spring Lake Park. A link to the City’s Wellhead Protection Plan is provided.</td>
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<tr>
<td>8. A listing and summary of existing or potential water resource-related problems wholly or partly within the corporate limits, including but not limited to areas of present or potential future local flooding, landlocked areas, and future storage needs.</td>
<td><strong>Partially meets requirements.</strong> Table 6.3 of the Plan provides an overview of identified issues within the city and potential corrective actions. That table should be revised to note that a) portions of the city discharge to downstream impaired waters, and b) the Metro Chloride TMDL lists Spring Brook Creek as a High Risk Stream having at least one chloride concentration value within 10% of exceeding the water quality standard; and c) the BMPs and chloride management corrective actions the city will be taking to reduce pollutant loads and prevent any further degradation. Section 6.4 should also be revised with this information.</td>
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| 9. Provides that no application for development within the Watershed shall be determined to be complete by the local unit unless:  
(1). It contains at least the information required by the District pursuant to policy 4.1: Permit Procedures; and  
(2). It is consistent with the performance standards contained in the approved and adopted environmental ordinances of the local unit; and  
(3). It provides that no local permit shall be effective until the review procedures cited in policy 4.1: Permit Procedures have been completed. | **Does not meet requirements.** Section 150.205 of the City’s code of ordinances requires that no local permits or subdivision approvals will be allowed to proceed without an approved NPDES SWPPP or variance, however, there appears to be no provision in the code that watershed district review be completed prior to any construction or issuance of a local permit. |
<p>| 10. Evaluation of LGU’s official controls and any planned revisions relative to the requirements of the Watershed Management Plan. | <strong>Meets requirements.</strong> The plan states that the city will work closely with the District to ensure that its local controls are consistent with District |</p>
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<td>11. Includes a table that briefly describes each component of the implementation program and clearly details the priority, schedule, estimated cost, and funding sources for each component including annual budget totals; and</td>
<td>Partially meets requirements. A table of structural and nonstructural actions, costs, and schedule is provided. The plan states that the actions are not in priority order, but no sense of priority is provided.</td>
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<td>12. Contains an implementation program through the year to which the plan extends, consistent with MN Rules 8410.0160.</td>
<td>Meets requirements. Table 8.3 should include a column indicating the potential source of funds for each action.</td>
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<td>13. A statement of the process to amend the local plan, consistent with Minnesota Statutes §103B.235.</td>
<td>Meets requirements. The Plan should be more specific as to whether there are any minor or housekeeping type of plan revisions that the city may pursue that will not require the full statutory review process.</td>
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### Metropolitan Council Recommendations

14. Not provided.

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**OTHER ISSUES/CONCERNS**

Attached

**PRIOR DECISIONS**

NA

**OPTIONS**

1. **Approve Plan:** Not advised. The plan submitted has been left intentionally general to provide the city with the maximum amount of flexibility and ability to adapt and adjust to the ever changing political, legislative and financial environments that the city perceives.

2. **Table Plan:** The plan could be tabled pending a redrafting of the plan and addressing the issues and concerns discussed in this staff report.

3. **Deny Plan:** Not Advised. The District could deny the plan, forcing the City of Coon Rapids to essentially start over at least with the planning process. This would be the most expensive and least constructive option for the City and would be wholly inconsistent with District actions in the past.
RECOMMENDATION
Table with 5 stipulations conditions:
1. Revise the Executive Summary to meet the requirements of MR 8410.0160.
2. Add to the identified issues that the Metro Chloride TMDL lists Springbrook Creek as a High Risk Stream having at least one chloride concentration value within 10% of exceeding the water quality standard, and identify proposed corrective actions.
3. Clarify the sequencing of developer review and permitting so as to assure that watershed district review is complete prior to the issuance of any building or other permits.
4. There are several ordinance revisions that will be necessary following adoption, including adding a provision that development and redevelopment, if applicable, must meet the provisions of the water districts’ rules and standards, and that permitting must be complete prior to issuance of any local permits.
5. Revise the Plan Amendment section to clarify if there are any plan revisions that could be considered minor or housekeeping and that would not have to go through the full plan amendment process.