COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: September 10, 2018
AGENDA NUMBER: 14
ITEM: Review of City of Andover Local Water Plan

AGENDA: Policy

ACTION REQUESTED
Table the plan pending revisions addressing 5 items

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.

Andover 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:
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**

7/30/18 Receipt of Review DRAFT of Local Water Plan

9/10/18 Board of Manager Review of LWP

**FINDINGS**

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
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<tbody>
<tr>
<td><strong>Data and Information</strong></td>
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<tr>
<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 compliance requirements 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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<tr>
<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. The agreements are collected in a separate document and are mentioned in the Plan. The Plan would be improved if those current agreements were listed by title in that section.</td>
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<td>3.</td>
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<td>4. Maps of current land use and future land use.</td>
<td>Meets requirements. The appendices were not provided for review, but the plan notes that the appendix includes future land use from the 2008 Comprehensive Plan. The 2018 Future Land Use map from the current Comp Plan update should be incorporated into the final SWMP.</td>
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<tr>
<td>5. Maps of drainage areas with paths, rates and volumes of stormwater runoff.</td>
<td>Partially meets requirements. The appendices were not provided for review, but the plan references a figure depicting subwatersheds and direction of flow. The plan states that the City relies on the District’s model for citywide data and occasionally obtains modeling for specific developments, but it should also note that rates and volumes of runoff can be obtained from that modeling.</td>
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<td>6. Identify areas and elevations for stormwater storage adequate to meet the performance standards established in the Watershed Management Plan.</td>
<td>Does not meet requirements. No storage data is provided or referenced. As in #4 above, the Plan notes that the City relies on the District’s XPSWMM model, however, it is unclear whether any assessment of the adequacy of available storage</td>
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<td>7. Define water quality and water quality protection methods adequate to meet the performance standards established in the Watershed Management Plan.</td>
<td>Meets requirements. The Plan adopts by reference the CCWD standards, but it does not appear that those requirements are codified in a City stormwater management ordinance. Site plan review and subdivision applications note that the applicant must meet watershed standards. The City has and enforces an erosion control and shoreland management ordinance.</td>
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<td>8. Identifies regulated areas.</td>
<td>Meets requirements. Figures are presented showing wetlands, public waters, and flood zones. Designated wildlife corridors are identified.</td>
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<td>9. 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>Meets requirements. This plan revision adds to the list of identified problems Coon Creek and Crooked Lake Impairments and TMDLs and notes that it will collaborate with other MS4s to undertake implementation efforts.</td>
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<td>10. 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.</td>
<td>Meets requirements. While not in the City’s municipal code, planning department applications for site plan reviews and preliminary plats make clear that hydrology reports and stormwater management plans meeting District standards are required to be submitted with application materials..</td>
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<tr>
<td>11. Evaluation of LGU’s official controls and any planned revisions relative to the requirements of the Watershed Management Plan.</td>
<td>Partially meets requirements. It appears that the City does not have a Stormwater Management Ordinance, and the plan does not include any mention of periodically reviewing local controls and updating them as necessary to ensure they are consistent with District requirements.</td>
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<td>12. 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.</td>
<td>Meets requirements. A table of structural and nonstructural actions, generalized costs, and schedule is provided. No priorities are established.</td>
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<td>13. Contains an implementation program through the year to which the plan extends, consistent with MN Rules 8410.0160.</td>
<td>Partially meets requirements. Table 7.2.1 does not appear to cover the full ten year extent of the plan. Items with the timeframe “Complete” should note the date by which they will be completed.</td>
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<td>14. A statement of the process to amend the local plan, consistent with Minnesota Statutes §103B.235.</td>
<td>Partially meets requirements. The Plan should also note that it will be updated as necessary in response to updates to the watershed plans.</td>
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</table>

**Metropolitan Council Recommendations**

| 15. | Not provided. |

**Other Notes**

| 16. Extent of plan | Section 1.6 notes that the SWMPO is intended to be in place for 10 years, until 2025. However, with the update and approval, the period of time over which this Plan extends will be 2018-2027. |
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
Andover 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
Approve the Andover LWP with the following six stipulations:
1. Revise the Executive Summary to meet the requirements of MR 8410.0160.
2. More fully describe the hydrologic characteristics of the City. A figure showing
subwatersheds and direction of flow is referenced, but I was not able to review it
for completeness. The Plan should also more fully describe the use of the
District’s model for flood evaluations, storage analyses, and peak rates and
volumes.
3. Confirm 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. I did not find a Stormwater Management ordinance in the City’s code, nor does
the Plan state the intent to adopt such an ordinance. This should be clarified.
5. The Implementation Plan appears to only extend for five years rather than the
required full ten years.
6. Final approval will be issued pending receipt of items addressing the above 5
items.