

COON CREEK WATERSHED DISTRICT

POLICY & PROCEDURES MANUAL

Policy #	4.7
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Program:	Planning, Programming and Budgeting
Policy Name:	Certification and Approval of Local Water Plans

POLICY

To ensure that the policies, plans, programs, and regulations of all state and local agencies are consistent with the comprehensive management plan.

It is the policy of the Coon Creek Watershed District to allow the municipalities and township in the District, the greatest degree of flexibility and discretion in the preparation of local water management plans and ordinances, so long as the plans and ordinances do not conflict with the ultimate objectives and minimum requirements and standards of the District's Comprehensive plan.

It is the policy of the Coon Creek Watershed District to accept a local agency's Storm Water Pollution Prevention Plan (SWPPP) as an appropriate substitute for the same components required by Minnesota Statutes 103B.235.

SOURCE

Minnesota Statutes 103B.235

GENERAL INFORMATION

The Metropolitan Water Management Act (Minnesota Statutes 103B) is a legislative determination that management and protection of water and related land resource values in the Metropolitan area is a regional and statewide concern. The Act also recognizes, as does the District's Comprehensive Plan, that local governmental participation in the management process is fundamental to achieving the goals and objectives of the act.

The Act also contemplates that the Watershed District will achieve local participation in the implementation programs and oversee the implementation of the plan. The Act provides for approval of local water plans and land use ordinances by the Watershed District, after which the approved plans and ordinances act as the governing regulations for the municipality. However, if a municipality should choose not to participate in the implementation program, then the District shall adopt and enforce such rules and regulations as are necessary to implement the minimum standards of the comprehensive plan.

This policy is intended to serve two functions:

1. As a general guide for local authorities in preparing local plans and land use ordinances for approval by the Board of Managers, and

2. As a planning and regulatory mechanism that can be adopted by the Board of Managers if a local unit of government fails to secure approval.

PROCEDURES

1. APPROVAL OF LOCAL PLANS

1.1 Conformance of Local Water Plans Required

Within one year after the effective date of the last watershed plan affecting a city or township, or any amendment thereof, each local unit of government with jurisdiction over land located within the Watershed shall adopt or amend a local water management plan applicable to the development of such land so that the local water management plan and ordinances are in conformance with the minimum standards of the Comprehensive plan for the Coon Creek Watershed.

1.2 Submission of Plan and Ordinances

Within one year after the effective date of the last watershed plan affecting a city or township, or any amendment thereof, each local unit of government with jurisdiction over land located within the Watershed shall submit, in accordance with this policy, its local water management plan and any ordinances applicable to the development of land to the Watershed District for review and determination of whether the local water plan is in conformance with the minimum standards of the comprehensive plan for the Coon Creek watershed.

1.3 Setting of Hearing

After receipt of a local water plan and ordinances the District Administrator shall give notice of and set the date, time and place for a public hearing for consideration of the application, plan and ordinances. The public hearing shall be held within thirty days following receipt of the plan and ordinances.

1.4 Recommendation to the Board

Upon completion of the public hearing, the Administrator shall review the record of the hearing and shall, within thirty days following receipt of the plan and ordinances, submit a report to the Board of Managers setting forth proposed findings and a recommended order as to whether the local water plan and ordinances are in conformance with the minimum standards of the Comprehensive plan for the watershed.

1.5 Approval of the Local Water Plan

Upon receipt of the report of the District Administrator, the Board of Managers shall review the findings, conclusion and recommendations, and shall within thirty days following receipt of the plan and ordinances, issue an order certifying, certifying with conditions, or disapproving the local water plan and ordinances. If the local water plan and ordinances are disapproved the Board shall specify the changes necessary in order to secure Board approval.

1.6 Responsibility of Local Unit Upon Conditional Approval or Disapproval

Any City or township whose local water plan or ordinances have been disapproved or certified with conditions shall modify such plan or ordinances as is necessary to conform to the minimum standards of the Comprehensive plan for the watershed, the conditions attached to the conditional certification or specified changes. Within 120 days after entry of the Districts order disapproving, or approving with conditions, the local unit shall submit its modified plan and ordinances for review pursuant to the provisions of section 1.3 through 1.5 above.

1.7 Effect of Failure of Local Unit to Obtain District Approval of Local Water Plan and Ordinances

No person shall initiate any development, which requires local approval or receive and local approval for development of land within the District, without first obtaining Watershed District approval. A Watershed District development approval shall supersede any local decision if a local unit has not received approval of its local water plan and ordinances.

1.8 Effect on and Responsibilities of Local Unit Upon Approval

Watershed District approval of a local water plan and ordinances shall authorize such local unit to grant, to the extent it is authorized by state law or municipal ordinance, any permits or approvals of development within the watershed subject to District review.

1.9 Standards for Approval of Local Water Management Plans and Ordinances

Local water management plans and ordinances, and any parts thereof, shall be certified only if:

- A. They are based upon a current and comprehensive inventory and analysis of the natural resources and land uses of the local unit prepared either by the local unit or any other source. The local unit may use the inventory provided by the District.
- B. They include provisions which:
 - (1) Define the drainage areas and the volumes, rates and paths of stormwater runoff.
 - (2) Identify areas and elevations for stormwater storage adequate to meet the performance standards established in the Comprehensive plan.
 - (3) Define water quality and water quality protection methods adequate to meet the performance standards established in the Comprehensive plan.
 - (4) Identifies regulated areas
- C. They provide 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.
 - (3) They provide that no local permit shall be effective until the review procedures cited in policy 4.1: Permit Procedures have been completed;
- D. They include a capital improvements program.

1.10 Submission and Review of Amendments to Certify Local Water Plans and Ordinances

A. Submission: No amendment to any approved local water management plan or ordinance shall be effective until the local unit shall have submitted such amendment to the Watershed District and such amendment has been approved by the Watershed District pursuant to section 1.5, or the Administrator has, pursuant to subsection B hereof, notified the local unit that such amendment does not affect the prior approval of then local management plan or ordinance.

B. Decision Not To Review: Within 15 days following receipt of any amendment to an approved LP, the Administrator shall determine whether the amendment raises substantial issues with respect to the conformance of the LP with the Comprehensive plan. If the Administrator determines no such substantial issue is raised, he shall certify such fact to the clerk of the local unit and such amendment shall thereupon take effect in accordance with it terms and applicable law.

C. Decision To Review: If the Administrator determines that the amendment raises substantial issues with respect to the conformance of the amended LP to the Comprehensive plan, the amended LP shall be reviewed pursuant to section 1.3 to 1.9 of this policy and the Administrator shall so inform the local unit.

2 MODIFICATION OR REVOCATION OF APPROVAL OF LOCAL WATER RESOURCE MANAGEMENT PLANS AND NOTICE THEREOF

2.1 Initiation

A. Any person may request the District to assess whether an approved local plan or ordinance is being implemented in accordance with the provisions of the District's Comprehensive plan. Such a request shall be in writing and shall specify the local unit acts which are alleged to be not in conformance with the Comprehensive plan by date, time, and other identifying characteristics.

B. If the District determines, at any time, that a local unit of government is not implementing and enforcing its approved plan or ordinance as is necessary to implement the Comprehensive plan, The District shall initiate proceedings pursuant to this section to revoke, suspend or modify the District approval of the local plan or ordinances.

2.2 Notice Of Hearing

Upon making a determination to initiate proceedings to revoke, suspend or modify District approval of a local plan or ordinance, the District shall give notice and conduct a public hearing in accordance with the provisions of section 1.3 above.

2.3 Recommendation of the Board of Managers

Upon completion of the public hearing, the Administrator shall review the record of the hearing and shall, within forty-five days following receipt of the plan and ordinances, submit a report to the Board of Managers setting forth proposed findings and a recommended order as to whether the local water plan and ordinances are in conformance with the minimum standards of the Comprehensive plan for the watershed.

2.4 Action by the Board

Upon receipt of the report of the District Administrator, the Board of Managers shall review the findings, conclusion and recommendations, and shall within sixty days following receipt of the plan and ordinances, issue a final order with respect to the revocation, suspension or modification of the District approval of the local water plan and ordinances. Upon determining that the local unit is not implementing its plan, ordinances or this plan, the District shall issue an order:

1. Revoking or suspending District approval of the local plan or land use ordinances;
2. Modifying such approval to impose any conditions necessary to ensure adequate District or local review of development within its jurisdiction; or
3. Taking any other action it deems necessary to ensure local cooperation in the implementation of the objectives of this plan.

2.5 Effect of Modification or Revocation of Approval

Revocation, suspension or modification of District approval of any local plan or ordinance shall have the same effect as if the local plan or ordinance had been disapproved or approved with conditions in the first instance as provided under section 1.7. Any revocation suspension or modification of District approval pursuant to this part shall remain in effect until otherwise ordered by the District

3. ADOPTION OF RULES AND REGULATIONS FOR UNAPPROVED AREAS

3.1 District Adoption of Rules and Regulations for Unapproved Areas

In the event that any local unit of government fails to obtain approval of its local water management plan or ordinances, the District shall adopt and enforce such rules and regulations as may be necessary to implement the minimum standards contained in the Comprehensive plan and as may be applicable to any such local government.

3.2 Preparation and Review of Rules and Regulations

The District shall prepare such rules and regulations which are consistent with and implement this plan for any local unit of government which fails to obtain approval under the Comprehensive plan. Said rules shall include those provisions necessary to implement the goals and objectives of the Comprehensive plan.

3.3 Public Hearing

The District shall conduct a public hearing to consider the proposed rules and regulations for unapproved areas.

3.4 Adoption of Rules and Regulations

Upon completion of the public hearing, the District shall revise and adopt said rules and regulations.