



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday December 18, 2019

Agenda Item

Item 6. H. - Local Water Management Plan Reviews

Prepared By

Linda Loomis, Administrator

Summary

i. City of Shakopee

The LMRWD received the Shakopee's draft Local Surface Water Management Plan (LSWMP) February 6, 2019. The LMRWD reviewed the LSWMP and submitted comments to the City on April 12, 2019. On November 27, 2019 the LMRWD received the final plan from the City and a response to the LMRWD comments. After review of the City's response to the LMRWD comments staff is recommending the LMRWD Board of Managers approve the Shakopee LSWMP. Resolution 19-03 is attached for adoption by the Board.

Attachments

Response to LMRWD comments from the City of Shakopee
Resolution 19-03 Approving the LSWMP for the City of Shakopee

Recommended Action

Motion to adopt Resolution 19-03

Memorandum

To: Lower Minnesota River Watershed District (LMRWD)
Attn: Linda Loomis

From: Stephanie Thulien, WSB

Cc: Kirby Templin, PE, City of Shakopee

Date: November 27, 2019

Re: City of Shakopee SWMP Agency Review Comment Responses
WSB Project No. 011510-000

The following comments were provided by LMRWD on April 11, 2019. Response to comments are shown in red.

1. SECTION III, Page 5: The MOU between City and the District was not included in Appendix B. Nevertheless, an updated agreement between the District and the City is required before May 1, 2020.

Response: Noted

2. SECTION IV, Page 2, Issue 4.1.7: This presents a coordination opportunity for the District and the City.

Response: Noted.

3. SECTION IV, Page 2, Issue 4.1.8: How does following the requirements of the WHP and the DWSMAs help protect and preserve groundwater-dependent resources like trout streams?

Response: The DWSMA within Shakopee does not appear to fall within the Eagle Creek watershed (known trout stream). Therefore, the City does not anticipate the restrictions on infiltration BMPs due to DWSMA and WHP to be an issue for groundwater-dependent resources like Eagle Creek.

4. SECTION IV, Page 7, Issue 4.3.2: This presents a coordination opportunity for the District, City, and City of Savage. The District has identified the Schroeder's Acres Park/Savage Fen Stormwater Management Project in its capital improvement program. The incorporation of the project into the SWMP should be considered.

Response: The City of Shakopee is not identified in the District's plan as being a partner on this project. However, with future projects the City will work with LMRWD and Savage regarding concerns and issues with Eagle Creek that relate to the City of Shakopee.

5. SECTION IV, Page 10, Issue 4.10.4: The City is encouraged to coordinate salt applicators' training programs with the District. The District and several other public entities have received grant funds from Scott County as a part of the watershed-based

fund, and they are working on a comprehensive chloride management plan that can be shared with the City once complete.

Response: Language added to Issue 4.10.4 Corrective Action stating that the City will cooperate with the District for this plan and will consider implementing any action items that are identified.

6. SECTION IV, Page 11, Issue 4.11.3: Participation of City staff in the District's technical advisory meetings is an important coordination component. It allows for a combination of technical and financial resources to address water and natural challenges.

Response: Noted.

7. SECTION V, Page 1, Stormwater infrastructure shall be designed using Atlas 14 rainfall data, or most current and best available information. Commendable.

Response: Noted.

8. SECTION V, Page 3, Dean Wetland water quality: Dean Lake is a classified wetland. As a wetland, are these desired water quality parameters reasonable?

Response: Specific water quality parameters have been removed. Goal was added to Dean Wetland to not degrade from current conditions.

9. SECTION V, Page 4, The City will investigate opportunities to retrofit the downtown area to provide additional water quality treatment in this fully developed area. The District is a partner on this project, as well as the state through the watershed-based funding grant, and they should be noted in the SWMP.

Response: Language was added to Section 5.3, #9 identifying the District and the state as partners on this project.

10. SECTION V, Page 5, Increased public involvement through volunteering with groups such as CAMP (Citizen Assisted Monitoring Program) and CSMP (Citizen Stream Monitoring Program). How is this information used to inform public works activities or projects?

Response: When questions, issues, or projects are brought to the City, monitoring data, when available and needed/relevant, is used to help evaluate and educate to resolve questions, issues, and projects.

11. SECTION V, Page 6, Erosion and sedimentation control plans and SWPPP's for projects that disturb one acre or more of land shall be reviewed and enforced by the City for all new developments. These plans shall conform to the requirements of the Scott WMO, PLSLWD or LMRWD (depending on location) and the NPDES Construction Stormwater Permit. Noted. The City's official controls must be updated to conform to the District's requirements on or before May 2020.

Response: Noted, this will occur through the District's Municipal Permit process.

12. SECTION V, Page 6, The City will prohibit work in areas having steep slopes (>12%) and high erosion potential where the impacts of significant erosion cannot be protected against or mitigated in accordance with the City's ordinances. Commendable. This City's

ordinance is more protective of steep slopes than the District's Steep Slopes Standard.

Response: Noted.

13. SECTION V Page 6, 5.7 Groundwater: The inclusion of a policy should be considered that would involve working with the District to promote the protection of groundwater resources, which in turn would protect trout waters and fen resources.

Response: Policy 7 under Section 5.7 was added to promote the protection of groundwater resources.

14. SECTION V, Page 6: Information about District led activities in this area should be incorporated. Additionally, how does this tangibly translate to actionable activities?

Response: Goal 1 relates to more of a coordination effort than actionable activities. These activities will be developed as groundwater needs arise.

15. SECTION V, Page 7: Again, given the District's focus on preserving groundwater resources for the protection, preservation, and restoration of trout waters and fens, we are very interested in how the City plans to translate this into actionable activities—funding, technical resources, etc.?

Response: Actionable activities will be developed when new information is received.

16. SECTION V, Page 7, 5.8 Wetlands: The City's wetland ordinance was passed in 2008 and appears to have last been updated in 2013. Was the information in Appendix E reviewed and updated to conform to current requirements, or is this a planned activity? If it is planned, when will it be performed?

Response: Noted, this will occur as needed through the Districts Municipal Permit process.

17. Section VI, Table 6.1: Do any of the projects listed fit the goals, policies, and strategies of the District? If so, it would be helpful to see the items specifically associated with the District.

Response: LMRWD was referenced as a possible funding source for projects that fit goals, policies and strategies of the District.

18. Section VI, Table 6.1, Ordinance updates - The City will continually evaluate their adopted ordinances related to floodplain regulation, illicit discharge, surface water management, wetland management, and erosion control. Any necessary revisions will be made as regulations change. This appears to focus on minor tweaks to ordinances. Is there a planned update before the District May 2020 deadline, when the City's official controls must be updated?

Response: The City's ordinances will be updated as needed as part of the Districts Municipal Permit process.

Met Council Comment

1. In the water resource water quality classifications table (page 3, Section 5), O'Dowd Lake is designated as level 3; supporting fishing, aesthetic viewing activities and observing wildlife. According to Section 2.4.2 (Public Area for Water Based Recreation and Access), O'Dowd Lake is also used for swimming. So it seems the lake should be designated as Level 1 in the Table.

Response: O'Dowd water quality classification was revised to Level 1.

Manager _____ introduced the following resolution and moved its adoption:

RESOLUTION 19-03

LOWER MINNESOTA RIVER WATERSHED DISTRICT

RESOLUTION APPROVING THE LOCAL SURFACE WATER MANAGEMENT PLAN
FOR THE CITY OF SHAKOPEE

WHEREAS, the Lower Minnesota River Watershed District ("LMRWD") is a special purpose unit of government, established in accordance with Minnesota Statutes 103B and 1013D; and

WHEREAS, On October 24, 2018, the LMRWD adopted a Watershed Management Plan (LMRWD Plan) under Minnesota Statutes 103B.231 subdivision 10, which details the existing physical environment, land use and development in the watershed and establishes as plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve goals of Minnesota Statutes Chapters 103B and 103D; and

WHEREAS, Minnesota Statute 103B.235 Local Water Management Plans require that local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program and official controls as necessary to bring local water management into conformance with the LMRWD Plan. Local Plans must meet the requirements of the LMRWD Plan as well as the general requirement of Minnesota Statutes 103B.235 and Minnesota Rules Chapter 8410; and

WHEREAS, the City of Shakopee ("City") lies partially within the LMRWD and therefore must meet the requirements of the LMRWD Plan; and

WHEREAS, the City prepared and submitted its Local Surface Water Management Plan (LSWMP) to the LMRWD for review on February 6, 2019; and

WHEREAS, the LMRWD has reviewed the LSWMP and on April 12, 2019 submitted its comments to the City; and

WHEREAS, on November 27, 2019 the City issued the City's final LSWMP and responded to LMRWD comments satisfactorily. The LMRWD hereby determines that the plan has been prepared in accordance with the requirements of Minnesota Statutes, Section 103B.235 and Minnesota Rules 8410.0160 and 8410.9171 and contains the requirements for local plans; and

WHEREAS, Minnesota Statutes, Section 103B.235, Subdivision 3 authorizes the watershed district to review and approve local water management plans and to take other actions necessary to assure that the local plan is in conformance with the LMRWD's plan and standards set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Lower Minnesota River Watershed District Board of Managers hereby approves the Local Surface Water Management Plan for the City of Shakopee, dated November 2019 with the conditional understanding that:

- 1) In accordance with Minnesota Statutes, Section 103B.235, Subd. 4, the Shakopee LSWMP shall be adopted and implemented by the City within 120 days of this action, and the City shall amend its official controls accordingly within 180 days.
- 2) Pursuant to Minnesota Statutes, Section 103B.235, Subd. 5 and consistent with the Lower Minnesota River Watershed Management Plan, the City shall submit amendments to the local water management plan to the LMRWD for review and approval in accordance with State Statutes and Minnesota Rules.
- 3) The LMRWD Managers believe that regulation is most properly performed by the local governmental unit (LGU), provided that regulation by the LGU is consistent with the goals and policies of the LMRWD Plan. The City of Shakopee shall implement water management policies, standards and criteria as least as strict as those in the LMRWD Plan, as amended, on all projects within the boundaries of the LMRWD in the City of Shakopee.
- 4) The LMRWD is in the process of adopting rules to implement the standards contained in the LMRWD Plan. Municipalities within the LMRWD will be asked to apply for a general permit to enforce the standards of the LMRWD Plan on or before February 1, 2020.
- 5) For properties that are split between the LMRWD and any other watershed management organization, the most restrictive water management policies, standards and criteria will be implemented.

Adopted by the LMRWD Board of Managers this 18th day of December, 2019.

Jesse Hartmann, President

ATTEST:

David Raby, Secretary/Treasurer

The motion for the adoption of the foregoing resolution was seconded by Manager _____ and upon a vote being taken thereon, the following voted in favor thereof: Hartmann, Raby and Frey; and the following voted against the same: None. Whereupon said resolution was declared passed and adopted, this 18th day of December, 2019, signed by the President and his signature attested by the Secretary/Treasurer.