

WATERSHED MANAGEMENT PLAN AMENDMENT

LOWER MINNESOTA RIVER WATERSHED DISTRICT – TAC MEETING

Draft Bluff and Steep Slopes Standard

JANUARY 30, 2018

OVERVIEW

1. Background
2. Bluff and Steep Slopes Standard
3. Summary of Need
4. Administrative Procedures
5. Upcoming Activities

BACKGROUND

1. 60-Day Comment Period (July 2017, September 2017)
 - 7-Agencies, 5-Cities, 1-County, and 37-Residents
2. Public Hearing (October 2017)
 - 50+ attendees including politicians, LGU Staff and agency staff

BACKGROUND

3. Comment Statistics (Thru Sept. 26, 2017)

- Concern about allowance(s)?
- Vegetation Removal
- Property Rights
- Potential Impact of Property Value
- Public engagement
- Need and Justification



Draft Bluff Standard
to
Draft Bluff and Steep Slope Standard

DEFINITIONS

Bluff: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

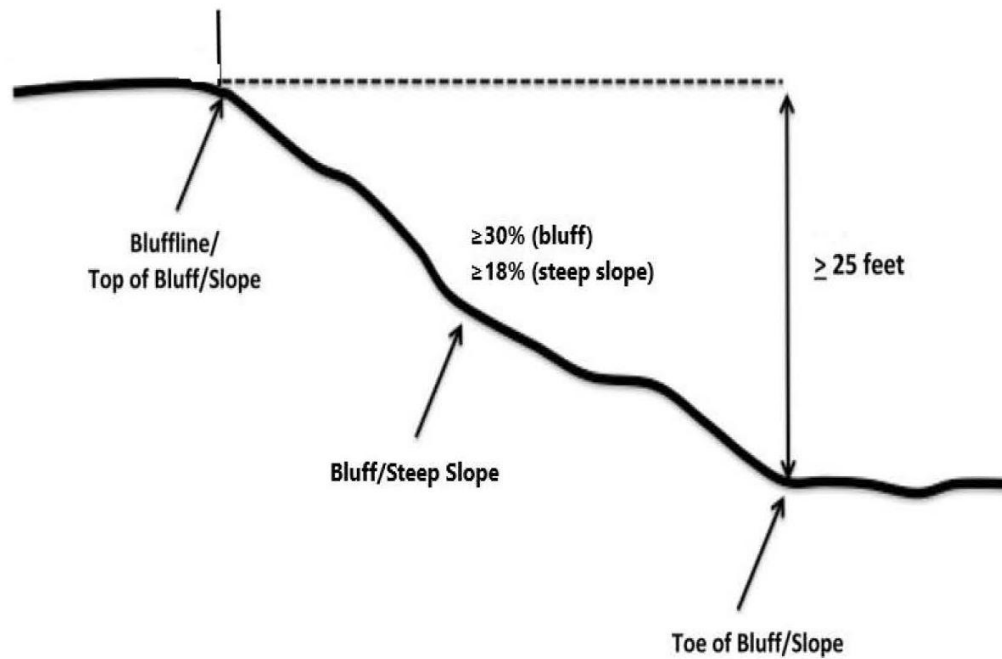
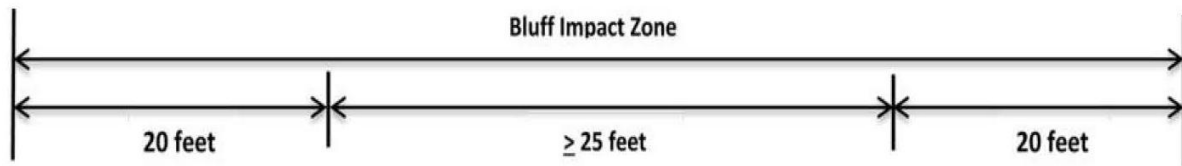
- A. part or all of the feature is located in a shoreland area, as defined in Minnesota Statutes and Rule;
- B. the slope rises at least 25 feet above the ordinary high water level of the waterbody;
- C. the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- D. the slope must drain toward the waterbody.

An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff. See Figure 1.

DEFINITIONS

Steep slope: A natural topographic feature having a slope that rises at least 25 feet above the ordinary high water level, or toe of the slope to the top of the slope, and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, as follows:

- where the slope begins above the ordinary high water level, from the toe of the slope to the top of the slope.
- where the slope begins below the ordinary high water level, from the ordinary high water level or toe of the slope to the top of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet. See Figure 1.



Bluff and Steep Slopes (Figure 1)

POLICY STATEMENT

It is the District's policy to:

- Protect water quality down gradient of bluffs and steep slopes from pollutant loadings of sediment, nutrient, bacteria, and other contaminants.
- Maintain stability of bluffs, steep slopes, shorelines, and other areas prone to erosion.
- Sustain and enhance the biological and ecological functions of non-invasive vegetation on bluffs and steep slopes.

POLICY STATEMENT

It is the District's policy to:

- Minimize impacts to and preserve the natural character and topography of the bluffs and steep slopes.
- Protect properties and waterbodies adjacent to bluffs and steep slopes from erosion, sedimentation, flooding, and other damage.
- Promote public safety by requiring certification from qualified individuals before land-disturbing activities and other land alterations on bluffs and steep slopes.

REGULATED ACTIVITIES

- Land-disturbing activities that involves the excavation of 50 cubic yards or more of earth, or alteration or removal of 5,000 square feet or more of surface area or vegetation within the Bluff and Steep Slopes Overlay District, as shown on the Lower Minnesota River Watershed District - Bluff and Steep Slopes Overlay District Map.
- Activities requiring municipal/LGU grading, building, parking lot, foundations or other commercial or residential permits that result in a net increase in impervious surface or stormwater runoff within the Bluff and Steep Slope Overlay District.

EXCEPTIONS

1. Maintenance, repair, or replacement of existing structures, public roads, utilities, and drainage systems within the Bluff and Steep Slopes Overlay District.
2. Disturbances that are part of an approved local water plan (LWP) to repair, grade, or re-slope existing bluffs or steep slopes that are eroding or unstable to establish stable slopes and vegetation.
3. Native plantings that enhance natural vegetation of bluffs and steep slopes.

EXCEPTIONS

4. Selective removal of noxious, exotic, or invasive vegetation using locally recognized methods to control and/or minimize their spread.
5. Pruning of trees or vegetation that are dead, diseased or pose a public hazard, and removal of vegetation in emergency situations from bluffs and steep slopes.
6. Maintenance of existing lawns, landscaping, and gardens.
7. Agricultural and forestry activities.

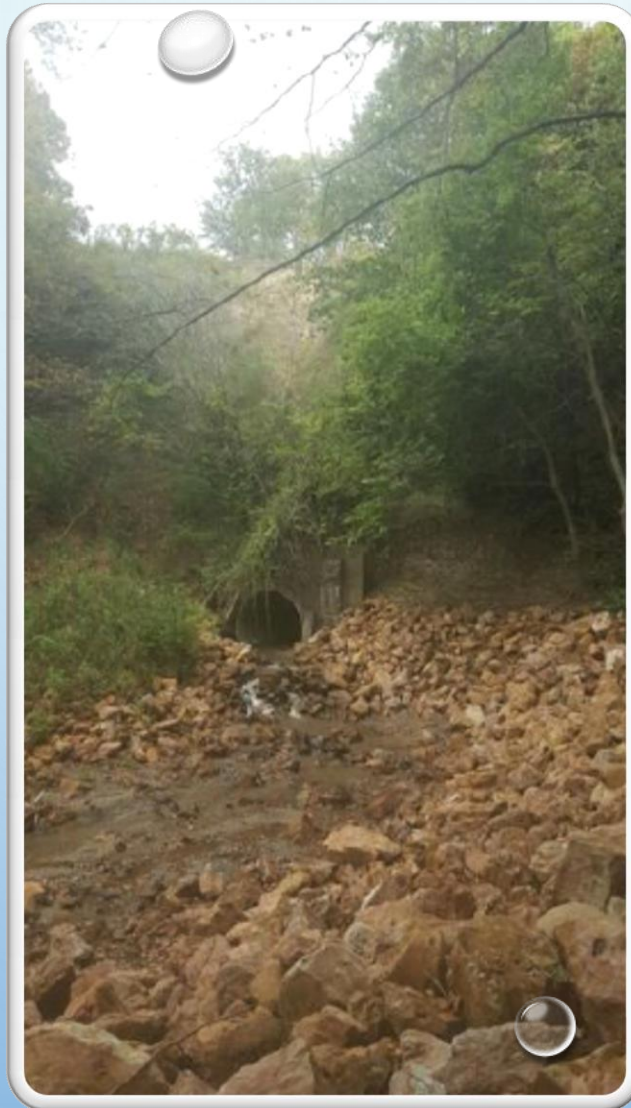
STANDARD

- The standards outlined in this section apply to the areas identified on the Lower Minnesota River Watershed District - Bluff and Steep Slopes Overlay District Map.
- Land disturbing activities as regulated in this section may occur within the Bluff and Steep Slope Overlay District, provided a professional engineer registered in the state of Minnesota certifies the suitability of the area for the proposed activities, structures or uses resulting from the activities and the following requirements are addressed:
 - Minimum erosion and sediment control best management practices (BMPs) include site stabilization and slope restoration measures to ensure the proposed activity will not result in:
 - adverse impacts to adjacent and/or downstream properties or water bodies;

STANDARD

- unstable slopes conditions; and
- degradation of water quality due to erosion, sedimentation, flooding, and other damage.
- Preservation of existing hydrology and drainage patterns. Land-disturbing activities may not result in any new water discharge points on steep slopes or along the bluff.
- Stormwater ponds, swales, infiltration basins, or other soil saturation-type features shall not be constructed within the Bluff and Steep Slope Overlay District.

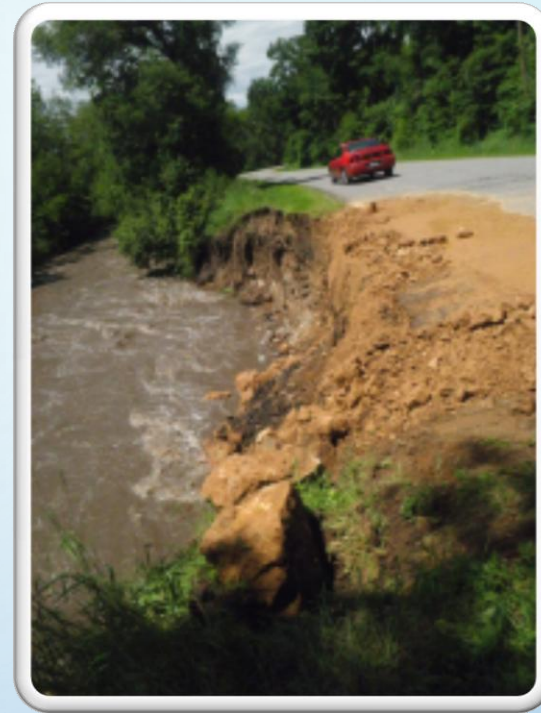
Summary of Need

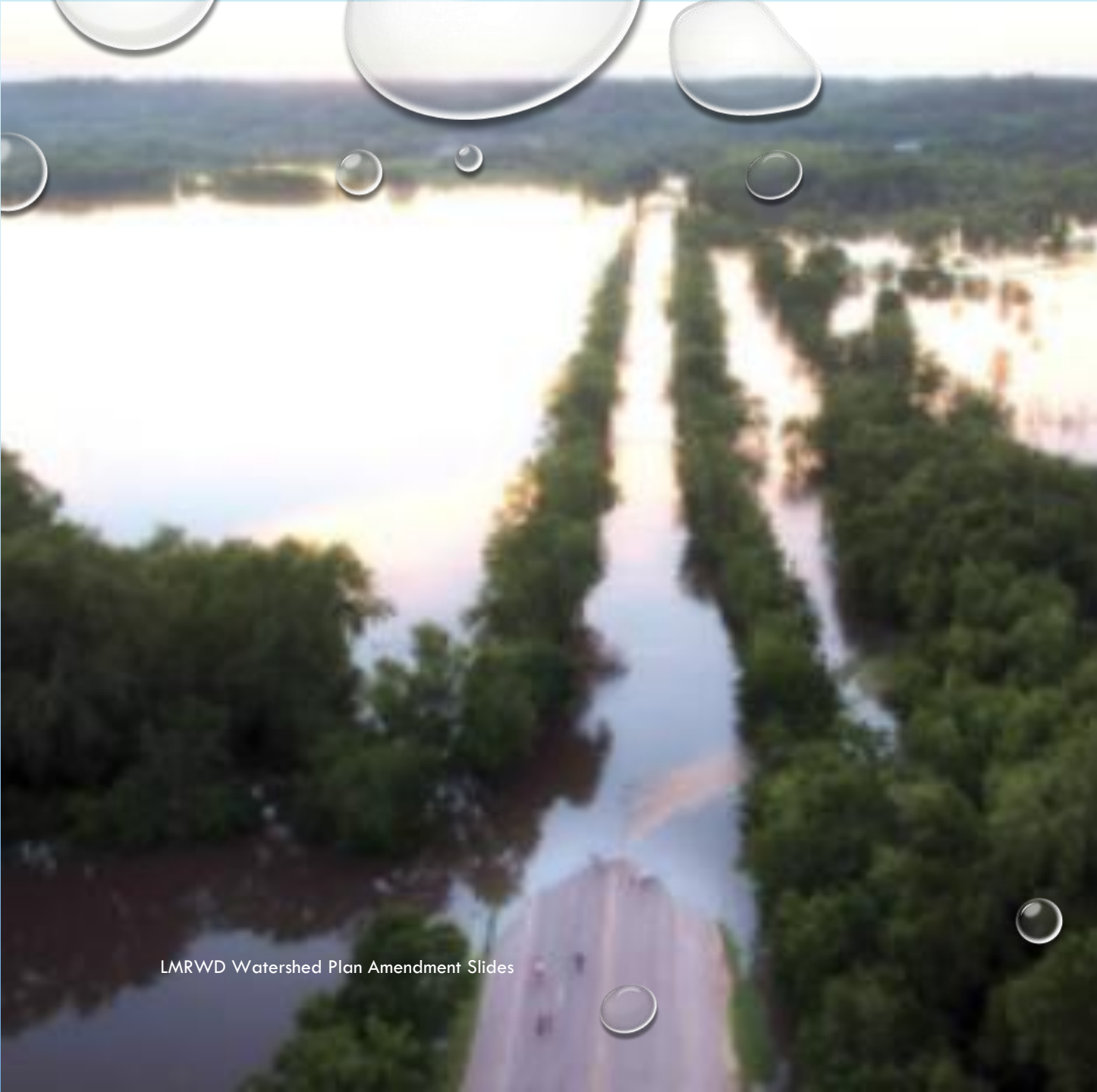


Slope/Bluff Failure

(Courtesy of Three Rivers Park District and Hennepin County)

Slope Failure/Safety






Current Precipitation Trends

Courtesy of Fresh Sights Digital Media

Administrative Considerations

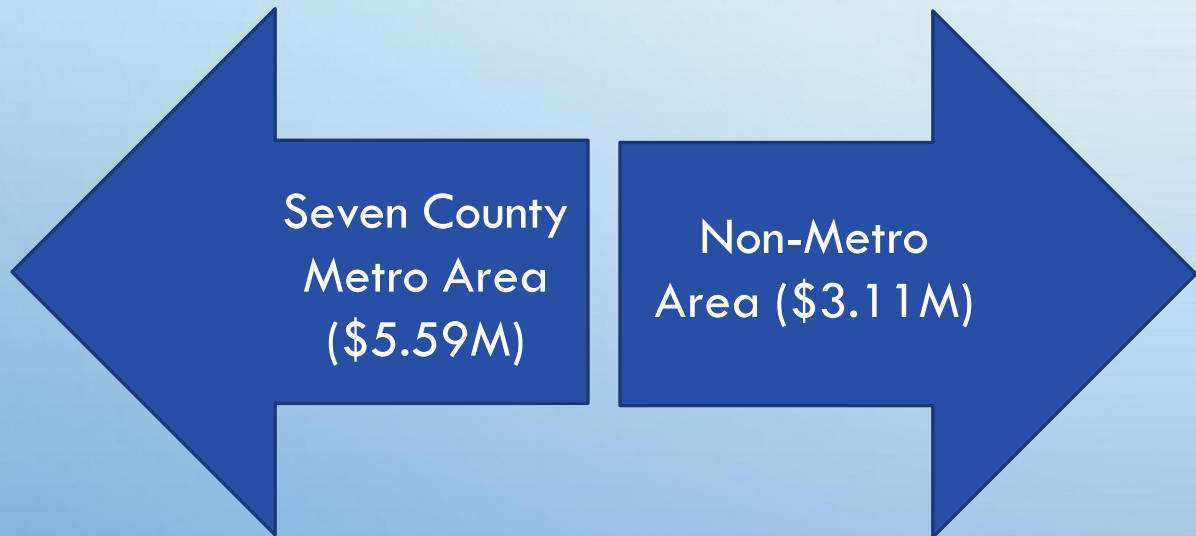
- Pre-existing nonconformities allowed to be maintained, rebuilt, etc.
- Lots with current municipal development approval subject to vested rights analysis
- Lots with development potential subject to new standard (municipal verification process considered)
- Roadway/public works projects subject to new standard with verification by road authority
- District will provide project review and technical assistance to agencies/LGUs
- Local Water Management Plan (LWMP) and Official Control amendments required within 18 months of adoption of Watershed Management Plan amendments
- LGUs with adopted variance process may continue to issue variances

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1. Informational and LGU Meetings
 2. Close Public Hearing
 3. Reconcile All Comments
 4. Draft 90-day Draft Amend Plan

Upcoming Activities

METRO-AREA WATERSHED BASED FUNDING PILOT PROGRAM

RECOMMENDATION FROM THE LOCAL GOVERNMENT WATER ROUNDTABLE WORK GROUP



Seven County Metro Area	% of area (based on sq. miles of Metro)	Allocation (up to 250K each plus distribution based on % area)
Anoka	15%	\$826,000
Carver	13%	\$749,200
Dakota	20%	\$1,018,000
Hennepin	20%	\$1,018,000
Ramsey	5%	\$442,000
Scott	13%	\$749,200
Washington	14%	\$787,600
Total Metro	100%	5,590,000

METRO-AREA WATERSHED BASED FUNDING PILOT PROGRAM

Eligible recipients include local governments:

- Counties
- Watershed districts
- Water management organizations,
- Municipalities

That have a current approved and locally adopted;

- County groundwater plan
- Watershed management plan

METRO-AREA WATERSHED BASED FUNDING PILOT PROGRAM

Projects must be identified in a comprehensive watershed plan developed under the metropolitan surface water management frameworks or groundwater plans. Grant recipients must identify a non-state match and may use other legacy funds to supplement projects funded under this paragraph.

Primary purpose is to fund activities that implement projects that protect, enhance and restore water quality in lakes, rivers, streams; protect groundwater from degradation; and protect drinking water sources.

Technical and engineering assistance necessary to implement activities are eligible expenses.

METRO-AREA WATERSHED BASED FUNDING PILOT PROGRAM

Each county geographic area has until June 30, 2018 to:

Conduct Collaborative PTM (Prioritize, Target & Map) Implementation Planning

- Convene initial meeting
- Have local governments within county area identify a voting representative (and alternate) to attend meetings
- Let BWSR know who is serving as the convening organization and the decision making process that will be used
- Describe the process used to select projects and programs for the “Collaborative PTM Implementation Plan” and how success will be evaluated
- Identify projects and programs in a eLINK budget request and work plan.

METRO-AREA WATERSHED BASED FUNDING PILOT PROGRAM

Each organization will need to decide

- 1) Will they participate in a collaborative process?
- 2) Who is their representative and alternate to the collaborative planning groups?

Questions?