

SECTION VI

VI. IMPACT ON LOCAL UNIT OF GOVERNMENT

As required by Minnesota Rules, Part 8410.0110, this section outlines the impact that implementation of this Watershed Management Plan will have on member communities' regulatory programs, other water resource-related programs, studies, and capital improvements. The member communities will need to adopt the goals, policies, and standards outlined within this Plan. A discussion of the financial impact of implementing this watershed management plan on local units of government is also included in this section.

A. **REGULATORY PROGRAMS**

The implementation of the Commission's Watershed Management Plan requires the adoption and enforcement of several regulatory programs by the member communities. The regulatory programs, which the Commission will require from member communities, are as follows:

1. Development and adoption of an approved Surface Water Management Plan. The member communities may decide to adopt all or part of this Plan by reference.
2. The local community shall be responsible for addressing stormwater management needs and problems provided that the impact of the problem and source of the impact are wholly contained within a given community and the community is in conformance with the Elm Creek Watershed Management Plan.
3. Adoption and enforcement of floodplain management ordinance in conformance with Commission standards.
4. Adoption of the Minnesota Pollution Control Agency's Best Management Practices and the Metropolitan Council's Minnesota Urban Small Sites BMP Manual.
5. Adoption of a shoreland ordinance in compliance with the Minnesota Department of Natural Resources is encouraged.
6. Adoption of erosion and sedimentation control ordinance and policies in conformance with Commission policies and standards.
7. Adoption and approval of a stormwater system maintenance plan that meets or exceeds the requirements as described in the policies and standards of this Plan for public and private ponds.
8. Acceptance of the local government unit role in the implementation of the 1991 Wetland Conservation Act, if a member community so chooses. Member communities can choose to have the Commission act as the local government unit for the Wetland Conservation Act.
9. Adoption and approval of a Wetland Management Plan.

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10. Development and adoption of a well head protection and spill prevention program (this item is encouraged, but not required). Wellhead protection plans shall be forwarded to the Commission as part of the plan development process. Once plans are completed, a copy shall be provided to the Commission.
11. Require major stormwater storage facilities to accommodate the 100-year event critical duration event.
12. Member communities are required to cooperate with the Minnesota Department of Health to ensure abandoned or unsealed wells are properly sealed.
13. Member communities are required to sweep City-owned paved streets at least once annually for rural section roads and twice annually for urban section roads.
14. Require that rate control structures and stormwater drainageways are included in a drainage, utility, or flow easement.
15. Maintain existing discharge rates during 2-, 10-, and 100-year storm events.
16. Maintain pre-development flow rates within Elm, Diamond, and Rush Creek stream channels for the 2-, 10-, and 100-year rainfall events by limiting the discharge rates from new development and redevelopment to equal to or less than the existing discharge rates.
17. Pretreatment of stormwater runoff to the Nationwide Urban Runoff Program (NURP) recommendations or Minnesota Pollution Control Agency guidelines in the design and construction of new or modifications to existing stormwater conveyance systems wherever possible and feasible. Other Best Management Practices or innovative stormwater management techniques that can be practically implemented can also be considered on a case-by-case basis.
18. Removal of floating debris for a 2-year event for new or redeveloped treatment pond outlets.
19. Maintenance or reduction of existing phosphorus levels upon development or redevelopment. This can be implemented on a regional/drainage area basis if this standard is deemed impractical on a site-by-site basis.
20. The local community shall identify water quality goals for water bodies located entirely within its boundaries.
21. The local community shall be responsible for removing deadfall in creek channels provided that the deadfall is no longer attached to the land. For deadfall that remains attached to the land, it is the responsibility of the landowner to remove the deadfall.

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22. Member communities are encouraged to use Minnesota Land Cover Classification (MLCCS) or other inventory methods, where available, to identify existing habitat patches and wildlife corridors and to develop land use policies and strategies to protect these resources. Assistance from the DNR is available for this task.
23. The local community shall be responsible for developing buffer widths, types of vegetation, and policies for development around wetlands, watercourses, lakes, and storm ponds. The buffer policy will need to include at a minimum a 50' buffer requirement adjacent to Elm Creek, Rush Creek, North Fork Rush Creek, and Diamond Creek, if applicable, for any new development. The policy will also at a minimum need to encourage existing property owners to establish a 20' buffer around lakes, streams, and wetlands for areas that are currently developed.
24. Communities will implement to the extent defined by the Commission in this Plan and to the extent directed by the local government unit's City Council the capital improvement plans, programs, and studies in **Table V-1B, V-2, and V-3** to achieve the goals of the Commission. These plan, programs, and studies have been identified through the public input process and will be administered at the local level and funding for these items is unknown at this time. The local communities can implement a storm water utility or trunk fee, if they so choose. General information about these funding sources is contained in **Appendix N**.
25. After a member city has a local stormwater management plan approved by the Commission, it may assume the review process of new developments. To initiate this, the city shall make this request to the Commission and the Commission shall prepare a Letter of Understanding for the City to administer the Commission reviews.

Appendix L shows the current status of member city regulatory programs for conformance with requirements as established in this Watershed Management Plan.

B. LOCAL STORMWATER MANAGEMENT PLAN DEVELOPMENT

As required by Minnesota Statute 103B.235 and Minnesota Rules 8410.0160, the local communities shall develop and adopt a local Stormwater Management Plan in conformance with the Commission's Plan and State Statute and Rules within two years. As allowed in **Section VI.A.1B** of the Commission's Plan, the local community may decide to adopt a part or all of the Commission's Plan by reference.

Upon development of a draft local plan, the plan must be submitted to the following agencies for review:

- C Metropolitan Council (45-day review)
- C Hennepin County (45-day review)
- C Commission (60-day review)

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Upon review of the plan, the Commission can approve the local community's plan or provide comments for revisions to the plan. After approval of the plan by the Commission, the local community has 120 days to adopt and begin implementation of the plan. Each local community must notify affected organizations within 30 days of adoption of the plan.

C. CAPITAL IMPROVEMENT PROGRAM

Table V-1 in Section V lists capital improvement programs that the Commission proposes to undertake. The Commission has determined that their highest priority will be to focus on the stabilization of Elm Creek. The Commission will focus its limited resources on this item for the foreseeable future.

The primary source of funding to implement these capital improvements is the member cities and grant funding sources as outlined within Section V. The lead role for undertaking these projects can be the member communities, the Commission, or other appropriate organization and these roles are outlined in the Capital Improvement Plan in **Section V**.

The Commission's role in the implementation of the capital improvements, programs, and studies will be limited to that of securing and allocating grant funding, as well as overseeing projects which may impact more than one local city in the Watershed Management Commission. If funding cannot be secured, these projects will be delayed.

The problem areas and concerns outlined in the Elm Creek Watershed Management Plan must be identified in the affected local community's Stormwater Management Plan.

D. WATER RESOURCES RELATED PROGRAMS

Section V, Table V-2, outlines anticipated water resource-related programs that the Commission proposes to implement in the upcoming years.

E. WATER RESOURCE MANAGEMENT STUDIES

The Commission anticipates undertaking water resource management studies as outlined in **Section V, Table V-3**. The principal funding source for these studies is grant funding. The lead role in completing these proposed studies may also be deferred to the member communities. The Commission will also undertake studies at the request of the local cities, provided funding is available.

F. FINANCIAL CONSIDERATIONS

Implementation of the proposed regulatory controls, programs, and improvements that are identified in this plan will have a financial impact on the Commission and member communities. To establish how significant this impact will be, a review of the means to fund these controls, programs, and improvements is necessary. Toward this end, a listing of various resources of revenue to implement this Plan is outlined below.

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<u>DESCRIPTION OF FUNDING SOURCE</u>	<u>REVENUE GENERATED (ANNUALLY)</u>
1. Revenue from member communities	Operating Budget: \$115,000 Capital Improvement Projects: \$20,000 Stormwater Management Programs: \$10,000 <u>Stormwater Management Studies: \$5,000</u> \$150,000
2. Special assessments made by member communities for capital improvement projects	Variable depending on activities
3. Grant monies from various local, regional, County, State, or Federal agencies.	Variable depending on activities undertaken

Note: To implement this plan, this is a 30% increase in the budget.

The ability for the Commission to implement these projects, programs, and studies is dependent on member community support as outlined in the Joint Powers Agreement, the willingness for the member communities to implement these items, and the ability of the Commission to secure grant funds. The costs to implement the projects, programs, and studies outlined in this Plan exceed the funds currently available to the Commission. The Commission will work with member communities to implement this Plan and will work to secure grant funding to assist in its implementation. However, if funding is not secured, it is anticipated that the projects, programs, and studies will be delayed. **Section V** outlines a funding plan to implement projects.

The local communities also have the ability through Minnesota Statutes Section 444.075 to implement a stormwater utility fee and a stormwater trunk fee. The utility fee program can be used to fund maintenance projects and address stormwater problem areas within the city. The utility fee is designed to be charged to existing residents and commercial/industrial developments based on their use of the existing storm sewer system. The trunk fee is charged to newly developing property based on its proposed use and can be used to fund improvements and construction of a trunk conveyance and ponding system. Additional information regarding stormwater utility and trunk fees are included as **Appendix N**.