

### **1.1.1 Rules and Standards and Project Reviews**

In preparing this Third Generation Watershed Management Plan, the Commission developed modifications to its standards for new development and redevelopment, codifying them in a Rules and Standards document. The Commission chose to adopt those new standards in advance of this Plan, effective January 1, 2015. The modifications bring those standards closer to consistency with those of other jurisdictions and with state and other requirements, and provide additional nutrient and sediment load and runoff volume reductions as identified in the various TMDLs. The revised Rules and Standards are set forth in Appendix C.

*Project Review Size Thresholds.* The mandatory size threshold for application of water quality and water quantity standards had been either 5 or 8 acres for single-family detached projects, depending on density, and 1 acre for all other development types. Projects proposing impacts to wetlands or floodplains were also required to meet certain standards and be reviewed by the Commission. All single family residential projects that disturb more than one acre and all other non-single family residential land-disturbing projects regardless of size were required to submit erosion control plans for review.

The water quality and quantity review threshold for many other WMOs is one acre regardless of land use, with some even smaller, based on the amount of disturbed surface. During this planning process it was determined that the current review thresholds miss many smaller projects that could incorporate BMPs to provide pollutant load and volume reductions. The threshold of project size for application of Commission water quality and quantity rules and standards was lowered in the revised standards. That review threshold is now one acre, regardless of density of land use.

Member cities may now elect to take on project review responsibilities for all projects less than five acres by demonstrating that they have in place the necessary local ordinances, policies, practices, and expertise and executing a Memorandum of Understanding with the Commission. This MOU must provide for periodic performance reviews by the Commission, and a method to rescind this delegated authority should the member city be found out of compliance.

*Infiltration.* The standards adopted in the Second Generation Plan promoted but did not require infiltration of stormwater runoff. The new infiltration-from-net-new-impervious-surface requirement in the revised standards is 1.1 inches infiltrated within 48 hours. This is consistent with the MPCA's Minimal Impact Design Standards (MIDS) and the NPDES General and Construction Permits requirements of 1 inch, and with rules promulgated by other watershed management organizations. Where infiltration is not feasible, the revised rules require that runoff be filtered before discharge off the site. The rules include several credits toward meeting that infiltration volume requirement, including: disconnection of impervious surface; conservation of existing native vegetation; and the use of decompacted and amended soil as a BMP.

*Rate Control.* The standards adopted as a plan amendment to the Second Generation Plan required detention of a Channel Protection Volume to reduce the potential for erosive velocities in the streams in the watershed. Those standards were replaced in the revised standards with the new infiltration requirement.

*Water Quality.* The standards adopted in the Second Generation Plan required no net increase in pollutant loading from pre-development to post-development. As adopted in the revised standards, that requirement is now “the load reduction achieved by abstracting 1.1 inch from net new impervious or no net increase in TP or TSS, whichever is lower.” From a practical standpoint, developers will need to calculate first, the loading from the pre-development condition, and second, the loading assuming the abstraction of 1.1 inch of impervious runoff from the post-development condition. The development must incorporate water quality BMPs to limit post-construction loading to the lesser of those two figures. Load reduction achieved by meeting the infiltration requirement can be applied toward meeting the water quality requirement.

*Buffers.* The Second Generation Plan required developers to provide a 50 foot buffer adjacent to Elm, Rush, North Fork Rush, and Diamond Creeks for any new or redevelopment, and encouraged property owners to provide a 20 foot buffer adjacent to wetlands, lakes, and streams. That requirement is revised in the new standards to require an average 50 foot, minimum 25 foot wide buffer adjacent to the aforementioned streams, and to require an average 25 foot, minimum 10 foot wide buffer adjacent to lakes, wetlands, PWI streams, and county ditches for any new development or redevelopment. This revised buffer requirement provides more flexibility in establishing the buffer while retaining the basic buffer functions.