

4.5 IMPACT ON LOCAL GOVERNMENTS

Following approval and adoption of the Elm Creek Third Generation Watershed Management Plan pursuant to Minnesota Statutes 103B, governmental units having land use planning and regulatory responsibility are required by statute to prepare or amend their local water management plans. Local plan content is driven primarily by Minnesota Rules 8410 and must include a capital improvement program and implementation plan to bring the local water management plan into conformance with the Commission's Plan. The local water management plans must be submitted to the Commission and the Metropolitan Council within two years after approval of the Watershed Management Plan by the Board of Water and Soil Resources (BWSR).

4.5.1 Local Plan Content

Local water management plans adopted by member cities pursuant to Minnesota Statutes, Section 103B.235 shall be consistent with the Third Generation Watershed Management Plan. Local plans must comply with Minnesota Statutes, Section 103B.235 and Minnesota Rules 8410 regarding local plan content. The Commission strongly encourages communities to develop the scope of their local plan with assistance from the Commission. At a minimum, local water management plans are required to do the following:

- Update the existing and proposed physical environment and land use. Information from previous plans that has not changed may be referenced and summarized but does not have to be repeated. Local plans may adopt sections of this Plan's Inventory and Condition Assessment by reference unless the city has more recent information, such as revised figures and data.
- Explain how the goals and policies, and rules and standards in this Plan will be implemented at the local level, including any necessary modifications of local ordinances, policies, and practices and specifically addressing adoption and enforcement of a manure management ordinance.
- Show how the member city will take action to achieve the load reductions and other actions identified in and agreed to in TMDL Implementation Plans and the WRAPS study, including identifying known upcoming projects including street or highway reconstruction projects that will provide opportunities to include load and volume reduction BMPs.
- Show how the member city will, through an executed and recorded maintenance and inspection agreement, inspect or cause to be inspected and documented at least every five years privately owned permanent BMPs installed to meet the goals and policies, rules and standards of this Plan, and the actions the member city will take to assure that the BMPs are maintained and operated as designed.
- Update existing or potential water resource related problems and identify nonstructural, programmatic, and structural solutions, including those program elements detailed in Minnesota Rules 8410.0100, Subp. 1 through 6.
- Summarize the estimated cost of implementation and analyze the member city's ability to finance the recommended actions.
- Set forth an implementation program including a description of adoption or amendment of official controls and local policies necessary to implement the Rules and Standards; programs; policies; and a capital improvement plan.

4.5.2 Local Plan Review

Each member city shall submit its proposed local water management plan to the Commission and the Metropolitan Council for review before adoption by its governing body. The Metropolitan Council review period is 45 days and the Commission review period is 60 days after plan receipt.

The Commission recognizes that the member cities differ in land use, level of development, and capacity. As such, the level of detail required in local plans will also vary. In addition, member cities have land in multiple watersheds, and those WMOs are on differing management plan update schedules. The Commission will consider approval of phased planning efforts provided the Commission is notified of the phased approach prior to the start of planning activity.

4.5.3 Project Review Authority Delegation

Member cities may request that the Elm Creek Commission delegate its authority to conduct certain project reviews to the member city by a Memorandum of Understanding (MOU). To be so considered, the member city must have enacted local ordinances, policies, and practices at least as stringent as the Commission's; must have the resources and technical capacity to undertake these reviews; and must annually report to the Commission the numbers and types of reviews completed. The Commission will periodically audit the member city's project reviews, and will reserve the right to rescind its delegated authority if the city is not consistently operating under the terms of the MOU. Development and redevelopment projects that impact wetlands, floodplains, or watercourses must continue to be reviewed by the Commission.

4.5.4 Financial Impact

For the purpose of estimating future operating costs, this Plan limits the annual increase in member city assessments to 3 percent, with the difference between the proposed budget in a given year and the estimated revenue taken from the Commission's fund balance. Table 4.4 above shows the estimated member dues and the cost of Commission operations per capita and per \$100,000 of market value. This table does not include the cost of capital improvement projects.

The JPA contains a provision allowing member cities to request Commission review of proposed budget increases prior to accepting an annual budget. The largest municipal cost is likely to be the result of local water planning efforts mandated by the State of Minnesota through the NPDES MS4 permit, and updating local plans. Costs to revise the in-place local plan will range from minimal to \$40,000 depending on the level of activity anticipated by the community.

4.6 PLAN REVIEW, UPDATE AND REVISION

This Watershed Management Plan provides direction for the Elm Creek Watershed Management Commission activities through the year 2025. The Commission may initiate amendments to the Plan at any time. The Commission intends that the Plan provide a flexible framework for managing the watershed.

The Commission will annually review the Implementation Plan and Capital Improvements Program (CIP), and revisions to the IP and CIP may require future minor or major plan amendments. The CIP details projects for the first five years and provides a summary of potential 2020-2024 projects. Future plan amendments may be necessary to amend the CIP or the Implementation Plan based on new project opportunities, TMDL or regulatory requirements, policies, or standard practices.

4.6.1 Amendment Procedures

All amendments to the Plan except minor amendments shall adhere to the full review and process set forth in Minnesota Statutes 103B.231, and this section. The Commission shall adopt proposed major plan amendments upon their approval by the Board of Water and Soil Resources (BWSR) in accordance with Minnesota Statutes 103B.231.

The amendment procedure for minor plan amendments shall be in accordance with Minnesota Rules 8410.0140 as such rules now exist or as subsequently amended.

Neither a minor nor a major plan amendment will be required for the following situations:

1. If projects included in the approved CIP are implemented in a different year than shown.
2. When a capital project is included in the approved Capital Improvement Program and the Commission's share of an updated cost estimate does not exceed 125 percent of the Commission's share shown on the CIP, as adjusted by the Construction Cost Index as published by the Engineering News Record.
3. When a capital project is included in the approved CIP and the Commission's share of an updated cost estimate is less than the Commission's share shown on the CIP, as adjusted by the Construction Cost Index as published by the Engineering News Record. However, the Commission will review such projects to evaluate the extent to which the original project objectives are being met.

4.6.2 Form of the Amendment

Unless the entire document is reprinted, all amendments adopted by the Commission must be in the form of replacement pages for the Plan, each page of which must conform to the following:

1. On draft amendments being considered, show deleted text as stricken and new text underlined.
2. Be renumbered as appropriate.
3. Include the effective date of the amendment.