

MEMORANDUM
Comfort Lake-Forest Lake Watershed District

To: Board of Managers

Date: February 26, 2019

From: Mike Kinney

Subject: Local Water Management Plan – Forest Lake and Scandia

Background/Discussion

On January 8th staff received the latest draft Local Water Management Plans for the cities of Forest Lake and Scandia, beginning the District’s 60-day review period of the plans. Staff reviewed each LWMP once before and submitted preliminary comments last summer. Metropolitan Council, Rice Creek Watershed District, and Washington County submitted comments last round as well. Tim Olson, consulting engineer with Bolton & Menk and primary contact for the LWMP revisions, indicated that all these comments were incorporated into the final draft. Upon receiving the latest drafts on January 8th (beginning the second round of review/comments), staff and EOR performed a final review in conjunction with the requirements listed in section 8.1.2 of the District’s own Watershed Management Plan (WMP) (vol I, page 93). Neither city has requested to assume sole permitting authority, therefore the Level 1 Requirements for LWMP Content apply. Attached is a table summarizing the eight level 1 requirements and the LWMP’s conformance to each. For convenience, links are provided below for the applicable section of the WMP, and the two LWMPs.

The City of Forest Lake has addressed all the District’s requirements. As such, staff recommends approval of the Forest Lake LWMP at this time. Below is a link to the final revised draft LWMP.

Mr. Olson informed staff that the draft Scandia LWMP has been revised to address the District’s requirements. However, the revisions have not yet been approved by the City Administrator, and therefore not submitted to the District. Furthermore, Mr. Olson predicts that approval will not be obtained prior to February 28th due to staff health complications and associated office absence. Staff recommends that the Board *conditionally* approve the Scandia LWMP contingent upon incorporation of the revisions indicated in the attached summary table. Below is a link to the latest draft that we have received (does not have latest revisions).

Recommended Actions

The District has until March 8th to act upon the LWMPs. Staff recommends the following two actions:

Proposed Motion #1 (Forest Lake): Manager _____ moves to adopt resolution 19-02-02 **approving** the City of Forest Lake Local Water Management Plan. Seconded by Manager _____.

Proposed Motion #2 (Scandia): Manager _____ moves to adopt resolution 19-02-03 **conditionally approving** the City of Scandia Local Water Management Plan, contingent on the District Administrator’s determination that the City has incorporated the revisions outlined in the February 25th summary table. Seconded by Manager _____.

Attachment: LWMP Requirement Conformance Summary Table

Links:

- WMP Section 8.2.1: https://www.clflwd.org/documents/CLFLWDWMPVolI_AmendedApr2018.pdf#page=112
- Forest Lake LWMP (revised): https://www.clflwd.org/documents/Forest_Lake-LSWMP-DRAFT-02202019.pdf
- Scandia LWMP (not revised): https://www.clflwd.org/documents/Scandia_Local_Water_Management_Plan_12192018.pdf

City Local Watershed Management Plans – Forest Lake and Scandia

CLFLWD Review

Conformance to LWMP Requirements According to Section 8.1.2 of Comfort Lake-Forest Lake Watershed District’s Watershed Management Plan

According to the CLFLWD Watershed Management Plan, all LWMPs, even those that adopt portions, or all, of the District’s Plan by reference the LWMP must:	Forest Lake LWMP Status	Scandia LWMP Status
1. Include a map of stormsewer system.	Included. Figure SW-13.	Included. Figure SW-13.
2. Describe the existing and proposed land use.	Included. Figures SW-03 and SW-05.	Included. Figure SW-03 and SW-05.
3. Discuss how existing and proposed land uses support or impact water and natural resources. Municipalities are unique in their responsibility to regulate and manage land use. The LWMP provides an opportunity to consider any historical, current, or future connections between land use and water and natural resources.	Included. Sections 4.6, 4.9, 5.2, 6.3.	Included. Sections III.B, IV, V, table 1.
4. Include a listing of any impaired waters (as shown on the MPCA’s 303(d) list) and approved TMDLs that are likely to result in wasteload or load allocations within the local unit of government’s jurisdiction. The LWMP must describe the local unit of government’s plan for implementing measures to address approved TMDLs and the municipality’s allocated load.	Included. Figure SW-10, section 5.3.	Included. Figure SW-08, III.C.6.
5. Outline the implementation actions planned to address lake water quality and phosphorus reduction goals outlined in Table 8 [included below]. NPDES MS4 permit communities must also integrate their Stormwater Pollution Prevention Program (SWPPP) policies, goals and actions into their LWMPs, in accordance with MPCA requirements and schedules. Anti-degradation requirements, policies, goals, and actions, must also be included, if applicable.	Included. Section 6. SWPPP included in Appendix E.	Included. Section VI.
6. Describe the local unit of government’s process which will be used to inform the District of requests for variances from municipal ordinances. The District will provide comment to the municipality on variance requests that appear likely to impact the water and natural resources of the District.	Included. Section 4.1 and 6.2.	Was not included. Did not include procedure for notifying DNR of variance requests. Scandia indicated that revised

		LWMP has added to Section V, Goal 1 to address this.
<p>7. Outline the local unit of government’s schedule for inspection, maintenance and repair of stormwater management systems including schedules for:</p> <ul style="list-style-type: none"> – sweeping of public and private streets and parking lots, – inspecting stormwater outfalls, skimmers, sumps, and ponds, and – maintenance and repair programs for stormwater facilities and water control structures (e.g., cleaning catch basins, trash racks, pond excavation, facility repairs, etc.). 	Included. Section 4.8, goal 5, policy 5.2 and 5.4. Copy of sweeping implementation plan included in Appendix I.	Partial. Includes sewer system maintenance schedule. Scandia indicated that revised LWMP has added to Section V, Goal 1, to address this.
<p>8. Summarize the municipality’s spill containment and clean-up plans. Identify the status of septic systems (if any) and describe the regulatory tools in place, including local enforcement of existing local septic system ordinances, and whether ordinances are in conformance with the MPCA 7080 Rules and Metropolitan Council requirements.</p>	Included. Policy 5.7 in section 4.8.7.	Pollutant spill response summary included in section V, goal 7. Spill response and septic system requirements included in Appendix B - Ordinances. First draft referenced MN Rules Chapter 7080, but not Metropolitan Council requirements. Scandia indicated that revised LWMP has added bullet to Goal 7 for Met Council piece.

<p>Adopts CLFLWD WMP by reference?</p> <p>For those communities that choose to adopt the District Plan by reference, the items listed above can be provided to the District in memo form along with a letter that documents that the City:</p> <ul style="list-style-type: none"> • is adopting the District Plan by reference, and • indicates that it will not be seeking delegation of District permitting authority. 	No.	Yes. Section VI.2.
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Table 8. Goals for In-lake Water Quality and Phosphorus Load Reductions

Lake	Municipal Portion of Drainage Area	10-year In-Lake Total Phosphorus Goal		20-year In-Lake Total Phosphorus Goal	
		In-Lake Concentration	In-Lake Concentration	Maximum Load to Lake ⁹	Total Load Reduction Needed ⁹
Moody	Chisago Lake Twp 98% Scandia 2%	60µg/l TP	40 µg/l TP	144 lb/yr	879 lb/yr
Bone	Scandia 96% Chisago Lake Twp 4%	40 µg/l TP	40 µg/l TP	669 lb/yr	560 lb/yr
Birch	Scandia 53% Chisago Lake Twp 29% Chisago City 11% Forest Lake 7%	60 µg/l TP	60 µg/l TP	471 lb/yr	451 lb/yr
School	Chisago City 82% Forest Lake 10% Chisago Lake Twp 8%	50 µg/l TP	40 µg/l TP	452 lb/yr	476 lb/yr
Little Comfort	Wyoming 46% Chisago City 41% Forest Lake 13%	40 µg/l TP	40 µg/l TP	577 lb/yr	678 lb/yr
Shields	Forest Lake 100%	100 µg/l TP	60 µg/l TP	195 lb/yr	911 lb/yr
Sylvan	Scandia 62% Forest Lake 38%	20 µg/l TP	20 µg/l TP	69 lb/yr	0 lb/yr
Forest	Forest Lake 93% Scandia 6% Chisago City 1%	<40 µg/l TP	<40 µg/l TP	3,312 lb/yr	153 lb/yr
Heims	Wyoming 100%	<40 µg/l TP	<40 µg/l TP	NA	NA
Comfort	Wyoming 63% Forest Lake 36% Chisago City 1%	40 µg/l TP	40 µg/l TP	2,339 lb/yr	127 lb/yr

THIS INFORMATION WAS ADDED TO FOREST LAKE – PG 28, SCANDIA – PG 34

RESOLUTION 19-02-02

**COMFORT LAKE-FOREST LAKE WATERSHED DISTRICT
BOARD of MANAGERS**

**RESOLUTION TO APPROVE
FOREST LAKE LOCAL WATER MANAGEMENT PLAN**

Manager _____ offered the following resolution and moved its adoption, seconded by
Manager _____:

WHEREAS on October 27, 2011, the Comfort Lake-Forest Lake Watershed District (CLFLWD) adopted a Watershed Management Plan (WMP) under Minnesota Statutes 103B.231, which details the existing physical environment, land use and development in the watershed and establishes a plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS the WMP incorporates the Rules adopted by the CLFLWD to improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS on February 20, 2018 the City of Forest Lake (City) submitted an update to its local water management plan under Minnesota Statutes 103B.235 for formal CLFLWD review and approval;

WHEREAS the Metropolitan Council received a copy of the local plan and provided comments on that plan to the CLFLWD in accordance with Minnesota Statutes 103B.235, and the CLFLWD finds that the City has adequately addressed those comments;

WHEREAS the CLFLWD has determined that the local plan, as revised and resubmitted on February 20, 2019, meets the requirements for approval set forth in the WMP, except that the local plan does not provide for the adoption of official controls necessary to insure that the full regulatory standards of the CLFLWD are met, as required by the WMP in order for the City to assume sole regulatory authority;

WHEREAS the City does not wish to assume sole regulatory authority but, instead, wishes to authorize the CLFLWD to continue to require permits for the use and development of land, and otherwise exercise its regulatory authority within the City, within the meaning of Minnesota Statutes 103B.211, subd. 1(a)(3); and

WHEREAS the CLFLWD's approval of the local plan rests on the City's agreement that the CLFLWD will continue to exercise its present regulatory authority; and

WHEREAS the CLFLWD and the City understand that the CLFLWD would deem a future withdrawal of the City's authorization without a CLFLWD determination that the City's official Controls meet WMP standards to constitute a failure to adopt the implementation program of the local plan as specified in Minnesota Statutes 103B.211, subdivision 1(a)(3)(i);

THEREFORE BE IT RESOLVED that the CLFLWD Board of Managers hereby approves the City of Forest Lake’s local water management plan, as resubmitted on February 20, 2019.

The question was on the adoption of the above resolution and there were ____ ayes and ____ nays as follows:

	AYE	NAY
Jon W. Spence		
Jackie A. Anderson		
Wayne S. Moe		
Stephen Schmaltz		
Jen Oknich		

The President declared the resolution adopted.

Dated: February 28, 2019

Jen Oknich, Secretary

* * * * *

I, Jen Oknich, Secretary of the Comfort Lake-Forest Lake Watershed District Board of Managers, do hereby certify that I have compared the above resolution with the original thereof as the same appears on record and on file in the District's offices and find the same to be a true and correct copy thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 28th day of February 2019.

Jen Oknich, Secretary

RESOLUTION 19-02-03

**COMFORT LAKE-FOREST LAKE WATERSHED DISTRICT
BOARD of MANAGERS**

**RESOLUTION TO APPROVE
SCANDIA LOCAL WATER MANAGEMENT PLAN**

Manager _____ offered the following resolution and moved its adoption, seconded by
Manager _____:

WHEREAS on October 27, 2011, the Comfort Lake-Forest Lake Watershed District (CLFLWD) adopted a Watershed Management Plan (WMP) under Minnesota Statutes 103B.231, which details the existing physical environment, land use and development in the watershed and establishes a plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS the WMP incorporates the Rules adopted by the CLFLWD to improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS on February 20, 2018 the City of Scandia (City) submitted an update to its local water management plan under Minnesota Statutes 103B.235 for formal CLFLWD review and approval;

WHEREAS the Metropolitan Council received a copy of the local plan and provided comments on that plan to the CLFLWD in accordance with Minnesota Statutes 103B.235, and the CLFLWD finds that the City has adequately addressed those comments;

WHEREAS the City, working with CLFLWD staff, has determined changes to the initially submitted local plan- necessary for the plan to meet the requirements for approval set forth in the WMP, but which changes have not yet been incorporated into the local plan;

WHEREAS in addition, the local plan does not provide for the adoption of official controls necessary to ensure that the full regulatory standards of the CLFLWD are met, as required by the WMP in order for the City to assume sole regulatory authority;

WHEREAS the City does not wish to assume sole regulatory authority but, instead, wishes to authorize the CLFLWD to continue to require permits for the use and development of land, and otherwise exercise its regulatory authority within the City, within the meaning of Minnesota Statutes 103B.211, subd. 1(a)(3); and

WHEREAS the CLFLWD's approval of the local plan rests on the City's agreement that the CLFLWD will continue to exercise its present regulatory authority; and

WHEREAS the CLFLWD and the City understand that the CLFLWD would deem a future withdrawal of the City's authorization without a CLFLWD determination that the City's official Controls meet WMP standards to constitute a failure to adopt the implementation program of the local plan as specified in Minnesota Statutes 103B.211, subdivision 1(a)(3)(i);

THEREFORE BE IT RESOLVED that the CLFLWD Board of Managers hereby approves the City of Scandia's local water management plan, subject to the condition that the District Administrator, in writing, has affirmed that the plan has been revised to incorporate the identified final changes.

The question was on the adoption of the above resolution and there were ____ ayes and ____ nays as follows:

	AYE	NAY
Jon W. Spence		
Jackie A. Anderson		
Wayne S. Moe		
Stephen Schmaltz		
Jen Oknich		

The President declared the resolution adopted.

Dated: February 28, 2019

Jen Oknich, Secretary

* * * * *

I, Jen Oknich, Secretary of the Comfort Lake-Forest Lake Watershed District Board of Managers, do hereby certify that I have compared the above resolution with the original thereof as the same appears on record and on file in the District's offices and find the same to be a true and correct copy thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 28th day of February 2019.

Jen Oknich, Secretary