

VII. Watershed District Administration

Plan implementation and enforcement is the responsibility of the member cities once the cities have adopted the necessary controls and completed their Local Plan. The SWWD will annually review municipal controls and permits to assure compliance with the WMP. Based on the review, if necessary, the SWWD will enforce its standards, amend the WMP, initiate additional engineering and administrative studies, revise the capital improvement program, or initiate corrective construction activities to address any deficiencies in the implementation of SWWD standards, projects, and programs.

A. Plan Amendment Procedures

The SWWD recognizes the need to amend the WMP from time to time to reflect changes in proposed land uses, updating of technical data as more accurate site information becomes available, and modifications in goals, policies, standards and implementation procedures which may be required as a result of future legislation or as enforcement or other problems become evident.

Significant changes involving goals, policies, standards, administrative procedures, or capital improvements will require a thorough review process as described in MN Rule 8410.0140 and presented below.

General amendment procedure. All amendments to the WMP plan must adhere to the review process provided in Minnesota Statutes, section 103B.231, subdivision 11, except when the proposed amendments constitute minor amendments and:

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(a.) the watershed management organization has held a public meeting to explain the amendments and published a legal notice of the meeting twice, at least seven days and 14 days before the date of the meeting;

(b) the organization has sent copies of the amendments to the affected local units of government, the Metropolitan Council, and the state review agencies for review and comment; and

(c) the board has either agreed that the amendments are minor or failed to act within 45 days of receipt of the amendments.

Minor amendments to capital improvements. Amendments to the capital improvement program may be considered to be minor plan amendments if the following conditions are met:

(a) the original plan set forth the capital improvements but not to the degree needed to meet the definition of Acapital improvement program≡ as provided in Minnesota Statutes, section 103B.205, subdivision 3; and

(b) the affected county or counties have approved the capital improvement in its revised, more detailed form.

Form of amendments. Unless the entire document is reprinted, all amendments adopted by the watershed district must be printed in the form of replacement pages for the plan, each page of which must:

(a) on draft amendments being considered, show deleted text as stricken and new text as underlined;

(b) be renumbered as appropriate; and

(c) include the effective date of the amendment.

Distribution of amendments. The SWWD will maintain a distribution list of agencies and individuals who have received a copy of the WMP and shall distribute copies of amendments within 30 days of adoption. The SWWD will consider sending drafts of proposal amendments to all plan

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review authorities to seek their comments before establishing a hearing date or commencing the formal review process.

A city may request that the WMP be amended to allow for revised land uses, site-specific stormwater runoff, ponding and flood level data, and similar modifications. However, the municipality shall submit sufficient documentation proving that the proposed change will not have an adverse effect on the WMP or else shall provide for mitigating measures.

Necessary changes initiated by a city or its Local Plan that do not significantly change the fundamental goals, policies, standards and administrative procedures of the SWWD will be incorporated into the WMP as minor amendments according to the requirements of MN Rule 8410.0140 and then by resolution of the SWWD board. The SWWD will keep records of all changes and supplemental data and will, as required for clarity, republish the WMP or portions thereof from time to time to provide an updated document for referral by the cities and others.

The WMP extends through the year 2002. The SWWD shall prepare proposed amendments updating the WMP before the end of 2001. The Citizens Advisory Committee (CAC) will be responsible for recommending proposed amendments updating the WMP. The CAC amendments will be submitted to the SWWD Board for review and approval to begin the amendment process.

B. Local Water Management Plans

Upon completion and adoption of the WMP and amendments, each municipality must amend an existing Local Water Management Plan (Local Plan) to conform to the requirements of the WMP or prepare a new Local Plan which is in conformance with the WMP. The Local Plan must include all the requirements of the WMP and the legal requirements of MN Rule 8410. The Local Plan must be submitted to the SWWD for approval within two years of the adoption of the SWWD WMP.

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