RESOLUTION NO. 2014-02

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

ADOPTING GUIDANCE UNDER RULE C.5(f):
COMPREHENSIVE STORMWATER MANAGEMENT PLANS

Manager Wagaman offered the following Resolution and moved its adoption, seconded by Manager Ogata:

WHEREAS pursuant to Minnesota Statutes §103D.341 the Rice Creek Watershed District ("District") has adopted and implements rules requiring permits for activities that may affect water resources;

WHEREAS under Rule C: Stormwater Management Plans, subsection 5(f) provides:
   A municipality or public road authority may prepare a comprehensive stormwater management plan [CSMP] setting forth an alternative means of meeting the standards of sections 6 and 7 within a defined subwatershed. Once approved by the District and subject to any stated conditions, the plan will apply in place of those sections.

WHEREAS it is the expectation of the District Board of Managers ("Board") that a municipality or public road authority interested in developing a CSMP under this subsection will consult in a timely way with District staff so that its efforts are efficiently guided toward an outcome that meets the goals of both parties and the Board's criteria for approval;

WHEREAS the Board believes it serves the interests of municipalities and public road authorities for the District to adopt guidance that describes (a) how the District will review a proposed CSMP and (b) the criteria the District will apply to determine that the CSMP "meet[s] the standards of sections 6 and 7" of District Rule C.


The question was on the adoption of the resolution and there were 3 yeas and 0 nays as follows:

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Upon vote, the chair declared the resolution passed.

Harley Ogata, Secretary

Dated: January 8, 2014
I, Harley Ogata, secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF I have set my hand this 8th day of January, 2014.

Harley Ogata, Secretary
Under District Rule C.5(f), a municipality or public road authority may prepare a Comprehensive Stormwater Management Plan (CSMP) as an alternative way to meet the requirements of Rules C.6 and C.7 (Water Quality Treatment & Peak Stormwater Runoff Control) for development within a defined area. The District revised its rules in 2013 to better align the District’s water quality treatment and volume control standards with the Minnesota Pollution Control Agency’s Small MS4 General Permit and Minimal Impact Design Standards, and to more directly use the Resource of Concern (ROC) as an orienting principle for water quality protection and improvement. An ROC drainage area is defined as the contributing drainage area to one of the lakes specifically identified as an “upper tier” waterbody in the District’s watershed management plan (see Rule C – Maps C1a-C1E for ROC drainage areas). The ROC approach applies watershed-based management on a more focused scale.

Rule C.5(f) is included in the District’s Rule C: Stormwater Management Plans, to replace in part the previously used and now discontinued system of stormwater volume credits and debits for public bodies, and to allow for greater efficiency/flexibility in the permitting process. For example, a CSMP may benefit a road authority planning out its road projects for the next several years, when the road authority wishes to create regional Best Management Practices (BMPs) within each ROC drainage area. Alternatively, a municipality or an economic development authority, as the land use planning authority, may want to plan for or build regional stormwater treatment for a proposed industrial development.

Once approved by the District, the CSMP will apply in place of all or parts of sections C.6 and C.7, as it may specify. Please note that when individual projects are undertaken, permits will still be required in order to confirm compliance with the CSMP, other terms of Rule C, and other applicable District rules. Applications for such projects will require the same level of completeness as for any other project, except as a CSMP may specifically adjust submittal requirements for permit applications within the CSMP area. Also note that a CSMP may need to be modified over time to align with rule changes.

Due to the unique properties of each potential plan, an interested applicant must meet with the District to discuss its CSMP prior to submitting a draft plan. A CSMP will be approved by resolution of the District Board of Managers, which may include conditions on the approval.

Rule C.5(f) states that a CSMP must meet the standards of sections C.6 and C.7. The basic standards against which the District will evaluate a proposed CSMP are the following:

- The water quality treatment volume standard must be met in aggregate within the defined subwatershed (or for each ROC within the defined subwatershed, if more than one).
- The peak runoff standard must be met in aggregate within the defined subwatershed (or for each ROC), with no adverse impacts downstream and/or upstream of individual project sites.
- The CSMP must provide for infiltration or other abstraction (reuse) within the defined subwatershed (or for each ROC) to an extent proportional to the feasibility of same within subwatershed development sites.
- The CSMP must demonstrate that BMPs used to meet the required water quality treatment volume and peak control standards will be constructed and functional prior to, or concurrent with, the construction/reconstruction of impervious surface associated with each proposed project.
A CSMP proposal must include modeling, calculations, other technical analysis and additional information sufficient for the District to determine that the plan will meet these standards and otherwise meets the language and intent of section C.5(f). It must conform to other applicable statutes and rules, including but not limited to those for drainage system management and wetland protection. The District may require information as is reasonably required for its review. One purpose of early consultation is to identify the technical analysis that will be needed to support a particular CSMP.