RESOLUTION 2018-13

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

RESOLUTION TO APPROVE
NEW BRIGHTON LOCAL WATER MANAGEMENT PLAN

Manager Haake offered the following Resolution and moved its adoption, seconded by Manager Bradley.

WHEREAS on June 9, 2010, the RCWD adopted a new 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 RCWD to improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS on December 5, 2017 the City of New Brighton (City) submitted an update to its local water management plan under Minnesota Statutes 103B.235 for formal RCWD review and approval;

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

WHEREAS the RCWD has determined that the local plan, as revised and submitted on May 31, 2018, meets the requirements for approval set forth in the WMP, except that the local plan does not provide for the adoption of official controls or implementation of inspection and administrative procedures necessary to insure that the full regulatory standards of the RCWD 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 RCWD 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 RCWD’s approval of the local plan rests on the City’s agreement that the RCWD will continue to exercise its present regulatory authority; and

WHEREAS the RCWD and the City understand that the RCWD would deem a future withdrawal of the City’s authorization without an RCWD 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); and

WHEREAS the RCWD and the City recognize and agree that the City at a later time may amend its plan in order to assume sole regulatory authority, subject to RCWD approval;

THEREFORE, BE IT RESOLVED that the RCWD Board of Managers hereby approves the City of New Brighton's local water management plan, as submitted on May 31, 2018.

The question was on the adoption of the resolution and there were 5 yeas and 0 nays as follows:

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Upon vote, the Chair declared the Resolution passed.

Michael Bradley, Secretary

Dated: June 13, 2018

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I, Michael Bradley, 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 hereunto set my hand this 13th day of June 2018.

Michael Bradley, Secretary