RESOLUTION 2019-22

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

RESOLUTION TO APPROVE
WHITE BEAR TOWNSHIP LOCAL WATER MANAGEMENT PLAN

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

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 July 27, 2018 White Bear Township (Township) 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 Township has adequately addressed those comments;

WHEREAS the RCWD has determined that the local plan, as revised and submitted on August 6, 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 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 Township to assume sole regulatory authority;

WHEREAS the Township 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 Township, 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 Township’s agreement that the RCWD will continue to exercise its present regulatory authority; and
WHEREAS the RCWD and the Township understand that the RCWD would deem a future withdrawal of the Township’s authorization without an RCWD determination that the Township’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 Township recognize and agree that the Township 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 White Bear Township’s local water management plan, as submitted on August 6, 2019.

The question was on the adoption of the resolution and there were ___ yea and ___ nays as follows:

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Upon vote, the Chair declared the Resolution passed.

Barbara Haake, Acting Secretary

Dated: August 14, 2019

* * * * * * * * *

I, Barbara Haake, Acting 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 14th day of August 2019.

Barbara Haake, Acting Secretary