

BCWMC Requirements for Ordinance and Local Water Management Plans (LWMPs)

No.	BCWMC Requirement	BCWMC Plan Section	BCWMC Plan Pg
<b>DEADLINE SEPTEMBER 30, 2017</b>			
A	<p>Local controls must be implemented within 2 years of adoption of the BCWMC Plan (September 2017). <u>Two BCWMC policies require specific ordinances: Floodplain standards in Policy 4.2.2-39 &amp; shoreland regulations in Policy 4.2.8-80</u></p> <p>Ordinances/controls may also be needed to appropriately implement the following BCWMC policies. [The referenced BCWMC policies are included in an attached table.]</p> <ul style="list-style-type: none"> <li>- Water Quality: 4.2.1-3, 4.2.1-12, 4.2.1-13, 4.2.1-15</li> <li>- Flooding and Rate Control: 4.2.2-29, 4.2.2-31, 4.2.2-32, 4.2.2-34, 4.2.2-35, 4.2.2-36, 4.2.2-38, 4.2.2-39</li> <li>- Groundwater Management: 4.2.3-48</li> <li>- Erosion and Sediment Control: 4.2.4-51, 4.2.4-54, 4.2.4-55</li> <li>- Streams Restoration and Protection: 4.2.5-64</li> <li>- Wetland Management: 4.2.6-65, 4.2.6-66, 4.2.6-68, 4.2.6-69</li> <li>- Recreation, Habitat and Shoreland Management: 4.2.8-80, 4.2.8-89</li> <li>- Administration: 4.2.10-112, 4.2.10-113, 4.2.10-120, 4.2.10-121</li> </ul>	<p>Section 5.3.1.1 Section 4.2.2-39 Section 4.2.1 to Section 4.2.10</p>	<p>5-24 4-7</p>
<b>REQUIRED IN LWMP DUE WITH CITY COMPREHENSIVE PLAN - 2018</b>			
1	<p>The LWMP must outline the city's permitting process, including preliminary and final platting process. The LWMP must describe the City's collaborative role in the BCWMC review of development and improvement projects, as described in Section 5.1.1.1 of the BCWMC Plan.</p>	<p>Section 5.1.1.1 Section 5.3.1</p>	<p>5-2 5-23</p>
2	<p>The LWMP must include an assessment of problems affecting the city that are identified in Section 3 of the BCWMC Plan. Generally, issues identified in Section 3 of the BCWMC Plan include those related to:</p> <ul style="list-style-type: none"> <li>- Water quality</li> <li>- Water quantity, flooding, and floodplain management</li> <li>- Erosion and sedimentation</li> <li>- Stream management</li> <li>- Wetlands, habitat, shoreland areas, and invasive species</li> <li>- Groundwater</li> <li>- Education and outreach</li> <li>- Maintenance of stormwater systems</li> </ul>	<p>Section 5.3.1.1 Section 3.0</p>	<p>5-24 3-1 thru 3-20</p>

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3	The LWMP must include proposed corrective actions for issues identified in the LWMP. Proposed corrective actions must be consistent with the individual and collaborative roles of the BCWMC and city. Corrective actions may include policies, action items, or implementation items within the LWMP.	Section 5.3.1.1	5-24
4	The LWMP must describe the city's existing and proposed ordinances, permits, and procedures addressing erosion and sediment control.	Section 4.2.4-Policy 55	4-10
5	<p>Goals, policies, and activities (or equivalent, e.g., strategies, actions, etc.) included in the LWMP must be consistent with the BCWMC goals and policies identified in Section 4 of the BCWMC Plan. Specific policies in the BCWMC Plan that should be included or referenced among LWMP policies, strategies, or actions include (by BMCWC Plan policy section): [The referenced BCWMC policies are included in an attached table.]</p> <ul style="list-style-type: none"> <li>- Water Quality: 4.2.1-3, 4.2.1-5, 4.2.1-11, 4.2.1-12, 4.2.1-13, 4.2.1-15, 4.2.1-16</li> <li>- Flooding and Rate Control: 4.2.2-22, 4.2.2-23, 4.2.2-24, 4.2.2-29, 4.2.2-31, 4.2.2-32, 4.2.2-34, 4.2.2-35, 4.2.2-36, 4.2.2-38, 4.2.2-39</li> <li>- Groundwater Management: 4.2.3-48, 4.2.3-50</li> <li>- Erosion and Sediment Control: 4.2.4-51, 4.2.4-54, 4.2.4-55, 4.2.4-56</li> <li>- Streams Restoration and Protection: 4.2.5-62, 4.2.5-64</li> <li>- Wetland Management: 4.2.6-65, 4.2.6-66, 4.2.6-68, 4.2.6-69, 4.2.6-70, 4.2.6-72</li> <li>- Public Ditches: 4.2.7-77</li> <li>- Recreation, Habitat and Shoreland Management: 4.2.8-80, 4.2.8-85, 4.2.8-89</li> <li>- Administration: 4.2.10-106, 4.2.10-112, 4.2.10-113, 4.2.10-118, 4.2.10-119, 4.2.10-120, 4.2.10-121, 4.2.10-122</li> </ul>	Section 5.3.1.1 Section 4.2.1 to Section 4.2.10	5-24
6	The LWMP must assess the need for maintenance of local storm sewer systems under city jurisdiction, including public works facilities and natural conveyance systems. The LWMP must reference the City's responsibilities related to management of local storm sewer systems. [The LWMP may reference the City's MS4 permit if the current City MS4 permit clearly describes the required information.]	Section 5.3.1.1 Section 3.8.1	5-24 3-20
7	The LWMP must adopt the BCWMC waterbody classification system (Section 2.7.2.2 of the BCWMC Plan). The LMWP must assess the need for a local waterbody management classification system and, if needed, correlate the system to the BCWMC waterbody classification system.	Section 5.3.1.1 Section 4.2.1-3	5-24 4-3
8	The LWMP must assess the need for other water quality and water quantity management programs, if necessary, in addition existing programs already described in the LWMP (or included in the City's SWPPP and referenced in the LWMP).	Section 5.3.1.1	5-24

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9	The LWMP Implementation Table shall include BCWMC projects located within the City, to the extent those projects are known.	Section 4.2.1-5	4-3
10	<p>The LWMP is required to conform to Minnesota Statutes 103B.235. Minnesota Statutes 103B.235 Subd. 2 include specific requirements for LWMP contents:</p> <ul style="list-style-type: none"> <li>(1) describe existing and proposed physical environment</li> <li>(1) define drainage areas and the volumes, rates, and paths of storm water runoff existing and proposed physical environment</li> <li>(3) identify areas and elevations for stormwater storage adequate to meet performance standards established in the watershed plan</li> <li>(4) define water quality and water quality protection measures adequate to meet performance standards established in the watershed plan</li> <li>(5) identify regulated areas</li> <li>(6) set forth an implementation program, including a description of official controls and, as appropriate, a capital improvement program.</li> </ul>	Section 5.3.1.1 MN Statutes 103B.235 Subd. 2	5-24
	<p>The LWMP is required to conform to Minnesota Rules 8410. According to Minnesota Rules 8410.0160 Subp. 3, the LWMP must include:</p> <ul style="list-style-type: none"> <li>A. an executive summary that summarizes the highlights of the local water plan;</li> <li>B. appropriate water resource management-related agreements that have been entered into by the local community must be summarized, including joint powers agreements related to water management that the local government unit may be party to between itself and watershed management organizations, adjoining communities, or private parties;</li> <li>C. the existing and proposed physical environment and land use must be described. Drainage areas and the volumes, rates, and paths of storm water runoff must be defined. Data may be incorporated by reference;</li> <li>D. an assessment of existing or potential water resource-related problems must be summarized for only those areas within the corporate limits of the city;</li> </ul>		

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11	<p>E. a local implementation program through the year the local water plan extends must describe nonstructural, programmatic, and structural solutions to issues identified in the LWMP. The program must be prioritized. The program shall:</p> <p>(1) include areas and elevations for storm water storage adequate to meet performance standards or official controls established in WMO plans;</p> <p>(2) define water quality protection methods adequate to meet performance standards or official controls in tin WMO plans and identify regulated areas;</p> <p>(3) clearly define the responsibilities of the city from that of WMOs for carrying out the implementation components;</p> <p>(4) describe official controls and any changes to official controls relative to requirements of WMO plans;</p> <p>(5) include a table that briefly describes each component of the implementation program and clearly details the schedule, estimated cost, and funding sources for each component including annual budget totals;</p> <p>(6) include a table for a capital improvement program that sets forth, by year, details of each contemplated capital improvement that includes the schedule, estimated cost, and funding source.</p>	Section 5.3.1.1 MN Rules 8410.0160	5-24

BCWMC Plan Policies related to LWMP Content

BCWMC Policy Category	Plan Section- Policy No.	BCWMC Plan Policy Text	Category (performance standard, required city action/policy, or collaboration with BCWMC)
Water Quality	4.2.1-3	Member cities shall classify other waterbodies according to the BCWMC classification system and include this information in their local water management plans.	Required city action
Water Quality	4.2.1-5	The BCWMC and the member cities will implement the improvement options listed in the BCWMC’s CIP (Table 5-3) to address the water quality of priority waterbodies based on feasibility, prioritization, and available funding (see policy 110 regarding CIP prioritization criteria).	Required city action
Water Quality	4.2.1-11	<p>The BCWMC will coordinate monitoring efforts with other programs including:</p> <ul style="list-style-type: none"> <li>- Member city monitoring...</li> <li>- Metropolitan Council Citizen Assisted Monitoring Program (CAMP) and Watershed Outlet Monitoring Program (WOMP)</li> <li>- Three Rivers Park District monitoring</li> <li>- Minneapolis Park and Recreation Board monitoring</li> <li>- Minnesota Pollution Control Agency Citizen Lake Monitoring Program (CLMP) and other monitoring</li> <li>- Hennepin County River Watch Program</li> </ul>	City/BCWMC collaboration
Water Quality	4.2.1-12	The BCWMC requires all stormwater to be treated in accordance with the MPCA’s Minimal Impact Design Standards (MIDS) performance goal for new development, redevelopment, and linear projects. If the MIDS performance goal is not feasible and/or is not allowed for a proposed project, then the project proposer must implement the MIDS flexible treatment options, as shown in the MIDS Design Sequence Flow Chart, or BCWMC approved alternative.	Performance standard
Water Quality	4.2.1-13	The BCWMC will review projects and developments to evaluate compliance with the MPCA’s Minimal Impact Design Standards (MIDS) performance goals, triggers, and flexible treatment options (which are adopted by the Commission as BCWMC water quality management standards) if the projects are located in member cities that have not adopted the MIDS performance goals, triggers, and flexible treatment options, or at the request of the member city. For projects located in member cities that have adopted the MIDS performance goals, triggers, and flexible treatment options, the member cities shall review projects for conformance with MIDS water quality treatments standards, unless Commission review is requested by the member cities.	Performance standard

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Water Quality	4.2.1-15	Member cities shall not allow the drainage of sanitary sewage or non-permitted industrial wastes onto any land or into any watercourse or storm sewer discharging into Bassett Creek.	Required city action
Water Quality	4.2.1-16	The BCWMC will maintain a water quality model (e.g., P8) for the watershed. Each year, member cities shall provide the BCWMC with plans for BMPs constructed within their city. The BCWMC will update the model annually to incorporate completed BCWMC capital improvements and BMP information provided by the member cities. The BCWMC will develop a summary report of the water quality model results and provide that report to the member cities to assist in their MS4 reporting.	Required city action
Flooding and Rate Control	4.2.2-22	During the first five years of Plan implementation, the BCWMC will work with the member cities to determine responsibilities for major rehabilitation and replacement of the BCWMC Flood Control Project features and establish the associated funding mechanisms.	City/BCWMC collaboration
Flooding and Rate Control	4.2.2-23	The BCWMC will finance major maintenance and repair of water level control and conveyance structures that were part of the original BCWMC Flood Control Project on the same basis as the original project. New road crossings of the creek that were installed as part of the project will be maintained by the city where the structure is located.	Required city action
Flooding and Rate Control	4.2.2-24	Member cities shall be responsible for routine maintenance and repair of BCWMC Flood Control Project structures located within each city. Each member city shall be responsible for routine cleaning, including removal of debris, brushing, and tree removal from the BCWMC Flood Control Project features located within their city.	Required city action
Flooding and Rate Control	4.2.2-29	The member cities must implement the BCWMC's development policies, including minimum building elevations of at least 2 feet above the 100-year flood level for new and redeveloped structures, as outlined in the BCWMC's Requirements for Improvements and Development Proposals document (BCWMC, 2015, as revised).	Performance standard
Flooding and Rate Control	4.2.2-31	The BCWMC and member cities must require rate control in conformance with the Flood Control Project system design and this Plan. The BCWMC requires cities to manage stormwater runoff so that future peak flow rates leaving development and redevelopment sites are equal to or less than existing rates for the 2-year, 10-year, and 100-year events.	Performance standard

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Flooding and Rate Control	4.2.2-32	<p>The BCWMC requires the retention of on-site runoff from development and redevelopment projects consistent with the MPCA’s Minimal Impact Design Standards (MIDS) performance goals. These include the retention of:</p> <ul style="list-style-type: none"> <li>- 1.1 inches of runoff from impervious areas for new development creating more than 1 acre of new impervious area</li> <li>- 1.1 inches of runoff from new or fully reconstructed impervious areas for redevelopment creating one or more acres of new or fully redeveloped impervious area</li> <li>- 0.55 inches of runoff from new or fully reconstructed impervious areas for linear projects creating one or more acres of new or fully redeveloped impervious area (or 1.1 inches from the net increase in impervious area, whichever is greater)</li> <li>- If an applicant is unable to achieve the performance goals due to site restrictions, the MIDS flexible treatment options approach shall be used, following the MIDS design sequence flow chart.</li> </ul> <p>For all other projects, the BCWMC encourages the use of infiltration, filtration, or other abstraction of runoff from impervious areas for all development and redevelopment projects as a best practice to reduce stormwater runoff.</p>	Performance standard
Flooding and Rate Control	4.2.2-34	<p>The BCWMC will allow only those land uses in the BCWMC-established floodplain that will not be damaged by floodwaters and will not increase flooding. Allowable types of land use that are consistent with the floodplain include recreation areas, parking lots, temporary excavation and storage areas, public utility lines, agriculture, and other open spaces.</p>	Performance standard
Flooding and Rate Control	4.2.2-35	<p>The BCWMC prohibits the construction of basements in the floodplain; construction of all other infrastructure within the floodplain is subject to BCWMC review and approval.</p>	Performance standard
Flooding and Rate Control	4.2.2-36	<p>The BCWMC prohibits permanent storage piles, fences and other obstructions in the floodplain that would collect debris or restrict flood flows.</p>	Performance standard
Flooding and Rate Control	4.2.2-38	<p>The BCMWC requires that projects within the floodplain maintain no net loss in floodplain storage and no increase in flood level any point along the trunk system. The BCWMC prohibits expansion of existing non-conforming land uses within the floodplain unless they are fully flood-proofed in accordance with codes and regulations.</p>	Performance standard

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Flooding and Rate Control	4.2.2-39	The BCWMC requires member cities to maintain ordinances that are consistent with BCMWC floodplain standards. Member cities must submit ordinances to the BCWMC for review.	Required city action
Ground-water	4.2.3-48	<p>To protect groundwater quality, the BCWMC requires infiltration practices to be implemented in accordance with the following guidance for determining the feasibility of infiltration:</p> <ul style="list-style-type: none"> <li>- NPDES General Construction Stormwater Permit (2013, as amended)</li> <li>- Minimal Impact Design Standards (MIDS) Design Sequence Flow Chart (2013, as amended)</li> <li>- Minnesota Department of Health’s Evaluating Proposed Stormwater Infiltration Projects in Vulnerable Wellhead Protection Areas (MDH, 2007)</li> </ul> <p>The BCWMC recommends that infiltration practices be designed with consideration for the following guidance:</p> <ul style="list-style-type: none"> <li>- BCWMC’s Requirements for Improvements and Development Proposals (BCWMC, 2015, as revised)</li> <li>- Minnesota Pollution Control Agency’s Minnesota Stormwater Manual (<a href="http://stormwater.pca.state.mn.us/index.php/Main_Page">http://stormwater.pca.state.mn.us/index.php/Main_Page</a>)</li> </ul>	Performance standard
Ground-water	4.2.3-50	Member cities shall share groundwater elevation data, where available, with the BCWMC.	Required city action
Erosion and Sediment Control	4.2.4-51	<p>Member cities shall continue managing erosion and sediment control permitting programs and ordinances as required by their NPDES MS4 permit and the NPDES Construction Stormwater General Permit. These programs must address:</p> <ul style="list-style-type: none"> <li>- Permitting and inspection of erosion controls</li> <li>- Erosion and sediment control at individual building sites</li> <li>- Requirements and procedures for reviewing, approving, and enforcing erosion control plans</li> </ul>	Performance standard
Erosion and Sediment Control	4.2.4-54	Member cities shall perform regular erosion and sediment control inspections for projects triggering BCWMC review and subject to BCWMC erosion and sediment control standards. The member cities will annually report to the BCWMC regarding compliance with BCWMC standards as part of annual MS4 reporting or as requested by the Commission.	Required city action



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	4.2.4-55	The BCWMC requires local water management plans to describe existing and proposed city ordinances, permits, and procedures addressing erosion and sediment control.	Required city action
Erosion and Sediment Control	4.2.4-56	The BCWMC will work with member cities to evaluate end-of-pipe sediment sources and controls. Following adequate source control, the BCWMC may fund removal of end-of-pipe sediment deltas downstream of intercommunity watersheds, or facilitate collaboration among responsible parties to remove these deltas.	City/BCWMC collaboration
Streams	4.2.5-62	The member cities are responsible for funding maintenance and repairs that are primarily aesthetic improvements.	Required city action
Streams	4.2.5-64	Member cities shall maintain and enforce buffer requirements adjacent to priority streams for projects that will result in more than 200 yards of cut or fill, or more than 10,000 square feet of land disturbance. Buffer widths adjacent to priority streams must be at least 10 feet or 25 percent of the distance between the ordinary high water level and the nearest existing structure, whichever is less. Allowable land uses, and vegetative criteria for buffers are specified in the BCWMC's Requirements for Development and Redevelopment (BCWMC, 2015, as amended). Member cities may allow exemptions for public recreational facilities parallel to the shoreline (e.g. trails) up to 20 feet in width, with that width being added to the required buffer width.	Performance standard
Wetlands	4.2.6-65	The BCWMC requires member cities to inventory, classify and determine the functions and values of wetlands, either through a comprehensive wetland management plan or as required by the Wetland Conservation Act (WCA). Member cities shall maintain a database of wetland functions and values assessment results. The BCWMC encourages member cities to complete comprehensive wetland management plans as part of their local water management plan or as an implementation task identified in their local water management plan. Completed comprehensive wetland management plans shall be submitted to the BCWMC for review and comment.	Required city action

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Wetlands	4.2.6-66	The BCWMC requires member cities to develop and implement wetland protection ordinances that consider the results of wetland functions and values assessments, and are based on comprehensive wetland management plans, if available. For wetlands classified as Preserve or Manage 1, member cities shall implement standards for bounce, inundation, and runout control that are similar to BWSR guidance; member cities are encouraged to apply standards for other wetland classifications.	Performance standard
Wetlands	4.2.6-68	Member cities shall maintain and enforce buffer requirements for projects containing more than one acre of new or redeveloped impervious area. Average minimum buffer widths are required according to the MnRAM classification (or similar classification system): - An average of 75 feet and minimum of 50 feet from the edge of wetlands classified as Preserve - An average of 50 feet and minimum of 30 feet from the edge of wetlands classified as Manage 1 - An average of 25 feet and minimum of 15 feet from the edge of wetlands classified as Manage 2 or 3. Allowable land uses and vegetative criteria for buffers are specified in the BCWMC's Requirements for Development and Redevelopment (BCWMC, 2015, as amended). Member cities may allow exemptions for public recreational facilities parallel to the shoreline (e.g. trails) up to 20 feet in width, with that width being added to the required buffer width.	Performance standard
Wetlands	4.2.6-69	The member cities are required to manage wetlands in accordance with the WCA. The BCWMC will assist the member cities with managing wetlands in accordance with the WCA, as requested. The MnDOT is the LGU within its right-of-ways.	Required city action
Wetlands	4.2.6-70	The BCWMC will serve as the local governmental unit (LGU) responsible for administering the WCA for member cities, as requested (currently Medicine Lake, Robbinsdale, and St. Louis Park).	Required city action
Wetlands	4.2.6-72	The BCWMC requires that member cities annually inspect wetlands classified as Preserve for terrestrial and emergent aquatic invasive vegetation, such as buckthorn and purple loosestrife, and attempt to control or treat invasive species, where feasible.	Required city action

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Public Ditches	4.2.7-77	The BCWMC will manage abandoned or transferred public ditches that are part of the trunk system consistent with the policies of this Plan. Member cities will be responsible for management of abandoned or transferred public ditches that are not on the trunk system, but are currently part of their municipal drainage system.	Required city action
Recreation, Habitat, and Shoreland	4.2.8-80	The member cities are responsible for shoreland regulation and are required to adopt MDNR-approved shoreland ordinances, in accordance with the MDNR's priority phasing list.	Required city action
Recreation, Habitat, and Shoreland	4.2.8-85	Member cities shall consider opportunities to maintain, enhance, or provide new open spaces and/or habitat as part of wetland creation or restoration, stormwater facility construction, development, redevelopment, or other appropriate projects.	Required city action
Recreation, Habitat, and Shoreland	4.2.8-89	Member cities shall adopt State buffer and/or shoreland management requirements for public waters in incorporated areas, if and when they are promulgated.	Required city action
Admin.	4.2.10-106	The BCWMC will review local water management plans for compliance with this Plan's goals and policies.	City/BCWMC collaboration
Admin.	4.2.10-112	The BCWMC may review proposed changes to member city development regulations (e.g., zoning and subdivision ordinances) at its discretion or the request of the member cities.	City/BCWMC collaboration
Admin.	4.2.10-113	Member cities must inform the BCWMC regarding updates to city ordinances or comprehensive plans that will affect stormwater management. Stormwater management elements of the member cities' comprehensive plans must conform to the BCWMC Plan.	Required city action
Admin.	4.2.10-118	The BCWMC will assist member cities in resolving watershed management disputes, as requested. The BCWMC will follow the dispute resolution procedure described in Section 5.1.1.5 of this Plan.	City/BCWMC collaboration
Admin.	4.2.10-119	The BCWMC will maintain a Technical Advisory Committee (TAC) to promote communication and cooperation between the BCWMC and member cities. Member cities shall appoint a technical advisor to the TAC and encourage the technical advisor to attend BCMWC meetings.	Required city action
Admin.	4.2.10-120	The BCWMC will continue to rely on member cities to implement the BCWMC's policies at the time of development and redevelopment. Member cities shall inform developers and other project applicants regarding BCWMC requirements.	Performance standard

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Admin.	4.2.10-121	The BCWMC will continue to rely on member cities to issue permits. Member cities shall permit only those projects that conform to the policies and standards of the BCWMC. The BCWMC will review proposed projects after the member city has provided preliminary approval (indicating compliance with the member city’s local water management plan) and submitted a signed BCWMC application form to the BCWMC. Member cities shall not issue construction permits, or other approvals, until the BCWMC has approved the project.	Performance standard
Admin.	4.2.10-122	For CIP projects that have been ordered by the Commission, the BCWMC requires member cities to acquire and maintain easements, right-of-way, or interest in land necessary to implement and maintain projects upon order of the BCWMC (the cost of land acquisition may be eligible for Commission reimbursement, see Table 5-1).	Required city action