

A RESOLUTION GRANTING A VARIANCE FROM WATER QUALITY TREATMENT REQUIREMENTS FOR THE 2016 GOLDEN VALLEY PAVEMENT MANAGEMENT PROGRAM

Bassett Creek Watershed Management Commission
Resolution #16-____

WHEREAS, the Bassett Creek Watershed Management Commission (“BCWMC”) received a letter from the City of Golden Valley (“City”) requesting a variance from the BCWMC water quality treatment requirements, known as the Minimal Impact Design Standards (“MIDS”) performance goals, for the 2016 Golden Valley Pavement Management Program (“Project”);

WHEREAS, the City and its consulting engineer have studied the options available to meet the MIDS treatment standards for the Project and have determined that it is not feasible to satisfy the standards as part of the Project because of the linear nature of the Project, the existence of poor soils in the Project area that are not conducive to volume reduction, and the confined right-of-way area in which the Project will be constructed;

WHEREAS, the City will construct all practical and feasible water quality best management practices available in conjunction with this Project, including reducing impervious area and installing sump manholes with SAFL baffles, but despite these efforts the Project will not meet the MIDS performance goals including the three flexible treatment options;

WHEREAS, the City can provide equivalent offsite treatment to meet the MIDS performance goals for the Project by the end of 2018; and

WHEREAS, the Board of Commissioners (“Board”) has considered the request, the standards for issuing variances in the BCWMC’s Requirements for Improvements and Development Proposals, and finds and determines as follows:

- a. The linear nature of the Project, the poor soils, and the limited area in which the Project will be constructed constitute special circumstances or conditions such that the strict application of the provisions of the standards and criteria would deprive the City of the reasonable use of its right-of-way and its ability to construct improvements;
- b. The requested variance is necessary for the preservation and enjoyment of a substantial property right of the applicant in that the City is working to improve its right-of-way for the benefit of the public;
- c. Granting the variance will not be detrimental to the public welfare or injurious to the other property in the territory of the right-of-way being improved in that the Project will be increasing safety and addressing existing surface water issues;

- d. The Project does not relate to a use in the 1% (base flood elevation, 100-year flood) floodplain set forth in Table 2-9 of the Plan;
- e. Granting the variance will not be contrary to the intent of taking all reasonable and practical steps to improve water quality within the watershed in that the City will implement all practical and feasible water quality best management practices available in conjunction with this Project, including reducing impervious area and installing sump manholes with SAFL baffles.

NOW, THEREFORE, BE IT RESOLVED, by the Board of the BCWMC that, pursuant to its variance procedure the BCWMC Requirements for Improvements and Development Proposals, the findings contained herein, and the record of this matter, it hereby grants the City a variance from the MIDS performance goals for the Project conditioned on compliance with each of the following:

- 1. The City shall implement all practical and feasible water quality best management practices, including reducing impervious area and installing sump manholes with SAFL baffles, related to the construction of the Project; and
- 2. The City shall provide equivalent offsite treatment to meet the MIDS performance goals for the Project by the end of 2018.

Adopted by the Board of Commissioners of the Bassett Creek Watershed Management Commission this 17th day of March, 2016.

Chair

Attest:

Secretary

Resolution No. _____: Offered by Commissioner _____, seconded by Commissioner _____, adopted by a vote of _____ at the regular meeting of the Board of Commissioners of Bassett Creek Watershed Management Commission on March 17, 2016.