

6.0 VBWD Plan Review, Update and Revision

6.1 VBWD Plan Review, Approval and Adoption

The VBWD Plan was submitted for formal review to the following, in accordance with Minnesota statutes:

<p>VBWD Cities: Afton Grant Lake Elmo Mahtomedi Maplewood North St. Paul Oak Park Heights Oakdale Pine Springs St. Mary's Point White Bear Lake Woodbury</p> <p>VBWD Townships: Baytown West Lakeland</p>	<p>VBWD Counties: Ramsey County Ramsey Conservation Dist. Washington County Washington Conservation District</p>	<p>State/Regional Agencies: Metropolitan Council MN Board of Water and Soil Resources MN Dept. of Agriculture MN Dept. of Health MN Dept. of Natural Resources MN Pollution Control Agency</p>
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Prior to submitting the VBWD Plan for formal review, the VBWD solicited comments on a preliminary draft of the VBWD Plan from the above list of reviewers, plus the following:

VBWD Citizens Advisory Committee	Local legislators
July 31, 2003 Issue Identification Workshop invitees	Adjacent watershed management organizations
Minnesota Department of Transportation	Other interested citizens

After formal review of the VBWD Plan, the VBWD held a public hearing on the VBWD Plan. BWSR approved the VBWD Plan on October 26, 2005, indicating that the VBWD Plan met all the requirements of the current Minnesota laws and rules (Minnesota Statutes 103B.201 to 103B.251 and Minnesota Rules 8410). The VBWD Board formally adopted the VBWD Plan on November 10, 2005.

6.2 Plan Update

This Plan will guide VBWD activities through 2015, or until superseded by adoption and approval of a subsequent Plan. Approximately two years prior to the expiration date of this Plan (in 2013),

VBWD will begin the process of updating its Plan. The updated Plan will meet the requirements of the applicable Minnesota laws and rules.

BWSR may develop a priority schedule for the revision of watershed management plans (Minnesota Statutes 103B.231, Subd. 3a). BWSR will use the schedule to inform VBWD and other watershed management organizations in the Twin Cities metropolitan area when they will be required to revise their plans. Based on Minnesota Statutes 103B.231, the VBWD may submit a draft plan revision for review prior to BWSR's scheduled plan revision date. If BWSR fails to begin review of the submitted plan within 45 days of plan submittal, the VBWD may adopt and implement their plan without formal BWSR approval.

6.3 Plan Revisions

The VBWD may revise its Plan through an amendment prior to a Plan update if either minor changes are required or if problems arise that are not addressed in the Plan. However, this Plan, authorities, and official controls of the VBWD will remain in full force and effect until a Plan revision is approved by BWSR.

All amendments to this Plan will follow the procedures set forth in this section, or as required by Minnesota laws and rules (as revised). Plan amendments may be proposed by any person to the VBWD board, but only the VBWD Board may initiate the amendment process.

Neither a minor nor a general plan amendment will be required for the following situations:

1. The capital projects, annual activities, or studies listed in Table 7-1 are implemented at a different time than shown in the table;
2. The VBWD initiates a capital project listed in Table 7-1 and the updated cost estimate is:
 - a. \$500,000 or less, and the increase is less than \$200,000 higher than the estimated costs shown in Table 7-1 (as annually adjusted);

OR

 - b. More than \$500,000, and the increase is up to 60% higher than the estimated costs shown in Table 7-1 (as annually adjusted);

Figure 6-1 illustrates these situations.

3. Implementation of a capital project discussed in the Plan, but not listed in Table 7-1 and the estimated cost of the capital project is less than \$200,000;
4. The estimated activity/study costs are different than shown in Table 7-1;

5. The VBWD adds or deletes annual activities and/or studies to/from Table 7-1. Such additions or deletions will be proposed, discussed and adopted as part of the VBWD's annual budgeting process (see Section 7 – Implementation for more information); and
6. The proposed funding method (or combination of methods) for a capital improvement project listed in Table 7-1 is different than shown in the table (e.g. watershed-wide tax instead of subwatershed tax). In this situation, VBWD will hold a public hearing on the proposed change to the funding method.

If an amendment is needed, the VBWD will prepare plan amendments in a format consistent with Minnesota Rules 8410.0140, Subp. 4, unless a different format is approved by BWSR. The rule requires that, unless the entire document is reprinted, all amendments adopted must be printed in the form of replacement pages for the Plan, each page of which must:

1. Show deleted text as stricken and new text as underlined (for draft amendments under consideration);
2. Be renumbered as appropriate; and
3. Include the effective date of the amendment.

The VBWD will maintain a distribution list of everyone who receives a copy of the Plan. Within 30 days of adopting an amendment, the VBWD will distribute copies of the amendment to everyone on the distribution list.

6.3.1 Minor Plan Amendments

The minor plan amendment process is more streamlined than the general plan amendment process. The VBWD will consider certain changes to its approved capital improvement program (Table 7-1, “non-annual activities – capital improvements”) to be minor plan amendments if both of the following conditions are met (from Minnesota Rules 8410.0140, Subp. 3):

1. The original Plan set forth the capital improvements but not to the degree needed to meet the definition of “capital improvement program” as provided in Minnesota law (Minnesota Statutes, Section 103B.205, subdivision 3. (The VBWD deems that the capital improvements listed in Table 7-1, along with the supporting sections of this Plan describing the need for the capital improvements and the financial impact of the improvements on local units of government, meet the definition of a “capital improvement program” as given in statute.)
2. The affected county or counties approve the capital improvement in its revised, more detailed form.

A minor plan amendment will be required for the following situations:

1. When the VBWD initiates a capital project listed in Table 7-1 and the updated cost estimate is
 - a. \$500,000 or less, and the increase is more than \$200,000 higher than the estimated costs shown in Table 7-1 (as annually adjusted);

OR

- b. More than \$500,000, and the increase is more than 60% higher than the estimated costs shown in Table 7-1 (as annually adjusted).
2. Implementation of a capital project listed in Table 7-1 for which either no cost estimate is given and the estimated cost is more than \$200,000, or no funding method is listed.
3. Addition of a new policy or revision of an existing policy that will require revision of the VBWD rules and regulations.
4. Establishment of a water management district (or more than one district) to collect revenues and pay for projects initiated through MS 103B.231, MS 103D.601, 605, 611 or 730. To use this funding method, Minnesota law (MS 103D.729) requires that the watershed district prepare an amendment to its watershed management plan. The amendment must describe the area to be included in the water management district, the amount to be charged, the methods used to determine the charges, and the length of time the water management district will remain in force.

Minnesota Rules 8410.0020, Subp. 10 give the following examples of other minor plan amendments:

“...recodification of the Plan, revision of a procedure meant to streamline administration of the Plan, clarification of the intent of a policy, the inclusion of additional data not requiring interpretation, or any other action that will not adversely affect a local unit of government or diminish a water management organization’s ability to achieve its Plan’s goals or implementation program.”

By approving this Plan, BWSR agrees that the above types of plan revisions will require minor plan amendments (not general plan amendments), in conformance with Minnesota Rules 8410.0140.

The VBWD will follow the following review process for minor plan amendments:

1. The VBWD will send copies of the proposed minor plan amendment to the affected cities and townships, the Metropolitan Council, Washington and Ramsey Counties (if the amendment is a minor amendment to the VBWD capital improvement program), and the state review agencies for review and comment.

2. The VBWD will hold a public meeting to explain the amendments and publish a legal notice of the meeting twice, at least 7 days and 14 days before the date of the meeting. The VBWD will also post the notice of the public meeting on the VBWD website and mail the notices to each affected city, township and county.
3. If the proposed amendment is a minor amendment to the VBWD capital improvement program, Washington and Ramsey Counties must approve the minor amendment.

6.3.2 General Plan Amendments

If VBWD or BWSR decide that a general plan amendment is needed, the VBWD will follow the general plan amendment process described in Minnesota rules and laws (Minnesota Rules 8410.0140, Subp. 2 and Minnesota Statutes 103B.231, Subd. 11). The general plan amendment process is as follows (and is the same as the Plan review process):

1. The VBWD must submit the amendment to the VBWD cities and townships, Washington County, Ramsey County, Washington Conservation District, Ramsey Soil and Water Conservation District, the state review agencies (the DNR, MPCA, Minnesota Department of Agriculture, and MDH), the Metropolitan Council, and BWSR for a 60-day review.
2. The VBWD must respond in writing to any concerns raised by the reviewers.
3. The VBWD must hold a public hearing on the proposed amendment.
4. The VBWD must submit the revised amendment to the Metropolitan Council, the state review agencies and the BWSR for a 45-day review.
5. The VBWD must submit the final revised amendment to the BWSR for approval.

The VBWD will consider sending drafts of proposed general plan amendments to all plan review authorities to receive input before beginning the formal review process.

Examples of situations where a general plan amendment may be required include:

- Addition of a capital improvement project that is not included in Table 7-1 and the estimated project cost is more than \$200,000.
- Addition of new VBWD policies or programs that have the potential to create significant financial impacts or controversy.

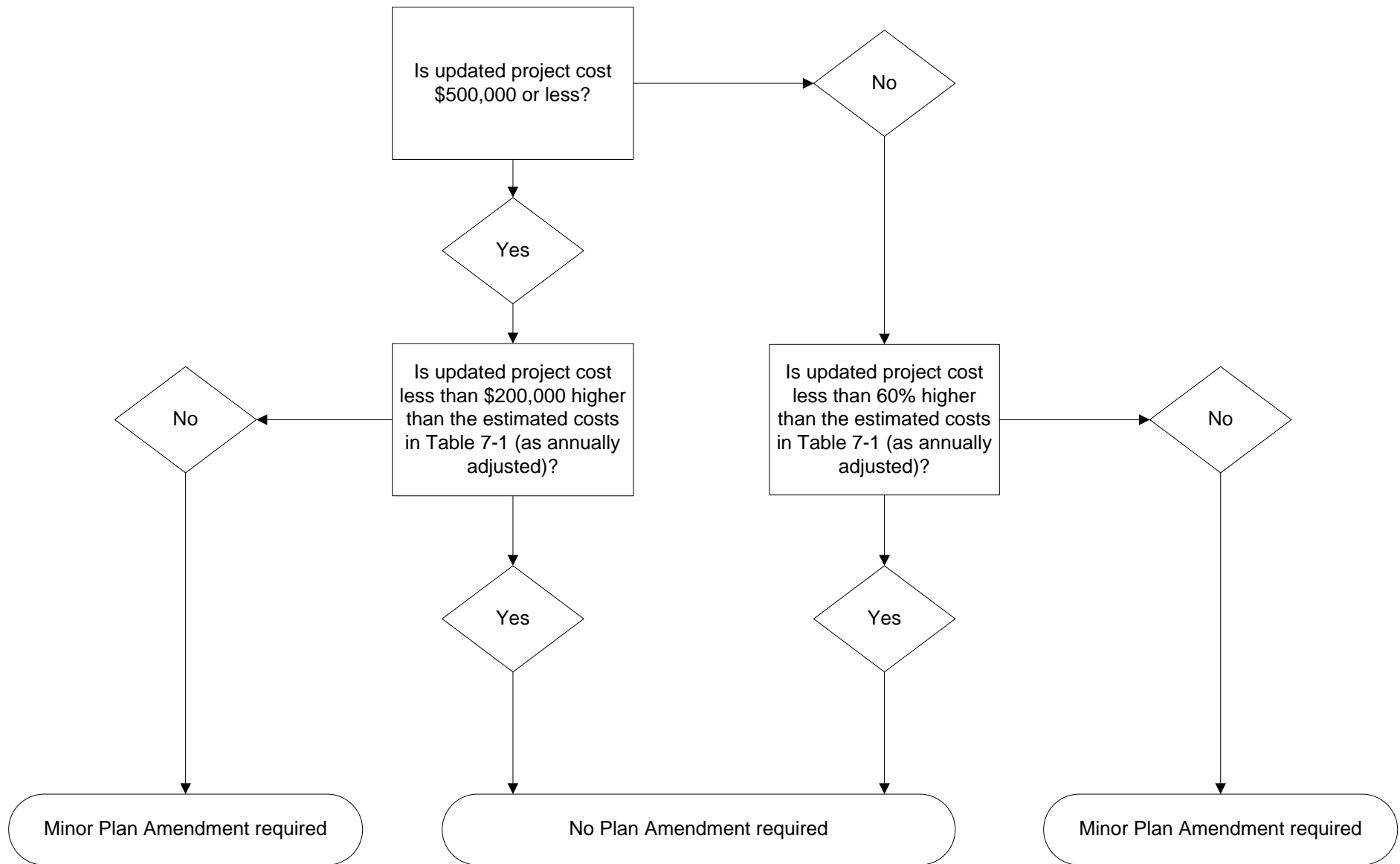


Figure 6-1. Plan Amendment Decision Process