MINNEHAHA CREEK WATERSHED DISTRICT

MINUTES OF THE
COMPREHENSIVE PLAN POLICY ADVISORY COMMITTEE

December 15, 2015

COMMITTEE MEMBERS PRESENT


OTHERS PRESENT

Lois Eberhart, Technical Advisory Committee Liaison; Larry Blackstad, District Consultant; Sean Walther, Senior Planner for City of St. Louis Park; Michael Schroeder, Assistant Superintendent of Planning for Minneapolis Parks and Recreation Board; Sherry Davis White, MCWD Board President; Lars Erdahl, District Administrator; Becky Christopher, Lead Planner and Project Manager; James Wisker, Director of Planning and Projects; Anna Brown, Planner and Project Manager; Matthew Cook, Planning Assistant.

COMMITTEE MEETING

President White called the meeting to order. She reminded the group that the primary objective of the 2017 Plan and role of the Committee is to improve the District’s implementation model. One thing that the District believes is key to this effort is improving the integration of land-use and water planning. She added that this is the central theme of the Balanced Urban Ecology policy that was adopted by the MCWD Board in 2014 and distributed to the Committee for review.

President White reviewed the agenda, which included a presentation on the topic of integrating land-use and water planning, an overview of the two-track approach as a model to improve integration, examples from guest speakers about how the approach is currently being used, and discussion by the Committee.

Integration of Land-Use and Water Planning

Mr. Wisker reiterated that a primary goal of the District’s Comprehensive Plan update process is to develop a framework that continues to meaningfully integrate the District’s work with that of other public and private sector partners. The District is seeking the Committee’s help in developing this framework. To provide context for the Committee’s discussion, Mr. Wisker stated that he would provide a presentation of the following:

1. History of why watershed districts were established
2. Pitfalls of the MN watershed management framework
3. The District’s evolution in policy and planning
1. History of watershed districts

Mr. Wisker began by examining why the state legislature created a watershed management framework. Given that water runs across the landscape before entering surface waters, he stated, changes on the land affect hydrologic processes and water quality. For this reason, land-use is extremely important in managing watershed issues. In addition, water does not follow political boundaries, so the effects of land-use on water in one city will be felt downstream in another city.

Furthermore, the legislature recognized that city governments have an inherent conflict of interest concerning water management. While cities exert land-use control and have an interest in resource protection, they are also concerned with economic development, investment in infrastructure, tax base enhancement, and not disappointing voters interested in maximizing economic activity on the land.

For these reasons, the legislature passed the Watershed Act of 1955 to insulate water from land-use conflict of interest and manage on a hydrologic basis across political boundaries. Mr. Wisker read from MN Statute Ch. 103D.201: “Watershed District Purposes: To conserve the natural resources of the state by land-use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare…”. Mr. Wisker stated that, while a great deal of good work has been accomplished under this framework to protect and improve water resources, it also created some challenges.

2. Pitfalls of the MN watershed management framework

Mr. Wisker noted that when dividing government into separate units, the mission and authority ought to be divided without creating inefficiencies, coordination costs, conflict, or duplication of efforts. It is also critical that the government units retain the means to integrate their work so as not to create “silos”. He stated that, while watershed districts were created for good reasons, this teasing apart of land-use and water management left only weak connections between the two. He noted that State legislation called for integration, but did not provide the means or a framework by which to do so.

Mr. Wisker stated that this disconnect between land-use and water planning has been called out as an issue in multiple studies over the past decade:

- 2007 – The Office of the Legislative Auditor released Evaluation Report on Watershed Management, asserting that water resource condition is driven by land-use. The report found that efforts to manage water quality are most effective when coordinated with land-use planning.

- 2009 – The Minnesota Environmental Initiative completed the Land and Water Policy Project, which found that land-use and water planning are compartmentalized at all levels, residing under separate bodies of jurisdiction and regulation.
2011 – A Hennepin County Water Governance Project concluded that the interaction
between technically based watershed management and the political world of the built
environment was complicated, requiring significant effort to coordinate.

2013 – The Minnesota Pollution Control Agency published a report to the legislature,
Water Regulation and Governance Evaluation, which found that “opportunities to address
water-land-use connections have waned in recent decades,” and that state water
management goals can only be achieved with strong links to land-use. Moreover,
watershed district plans were criticized for their “focus on engineering solutions, rather
than land-use driven issues or trends”.

Mr. Wisker then highlighted a few key reasons why integration between land-use and water
planning has been lacking:

A. Desychronized Planning
B. Cultural Differences
C. Reliance on Regulation

A. Desychronized Planning

First, Mr. Wisker stated that the planning framework laid out in MN Rule 8410 is based on a
10-year cycle. He listed the required steps under this 10-year model as follows:

- Gather data
- Diagnose issues
- Set goals
- Engage public
- Plan action
- Adopt plan
- Implement

Mr. Wisker added that while the 10-year plans of watershed districts are being written and
carried out, land-use is changing constantly; and as the landscape evolves, the plan becomes
increasingly obsolete. He explained that this mechanistic, static planning structure results in a
fundamental lack of synchronization between land-use change and watershed plans. Mr.
Wisker asserted that in order to be successful in this setting, watershed districts must be
responsive. This requires knowledge of the local landscape and strategies to adapt and
respond in real time to development.

B. Cultural Differences

Mr. Wisker attributed another reason for the historic disconnect between planning spheres to
cultural differences. He presented Scott Campbell’s “Planner’s Triangle” diagram,
illustrating the differences and conflicts that exist between economic, environmental, and
social justice planning spheres. He noted that Campbell and others recognized that these planning spheres and their respective organizations have different rules, procedures, norms, knowledge and language. Given the institutional inertia this creates, he noted that Planners tend to stay in their silos.

C. Reliance on Regulation

Finally, Mr. Wisker noted that these weak linkages to land-use planning and the inability to respond in real time has led to reliance on regulation as a safety net to protect against development. This has reinforced the cultural typecast of watershed staff as technicians and regulators acting as a barrier to development. He stated that, while a regulatory approach to water resource management is critical to establish baseline standards and thresholds, regulation typically only serves to minimize degradation and impact. Therefore strict reliance on regulation will result in missed opportunities for environmental improvement that could be achieved through truly integrating the planning of these various systems.

3. The District’s evolution in policy and planning

Mr. Wisker highlighted a few policy milestones from recent MCWD history that have moved the organization toward improved integration:

- October 2009 – The Board of Managers directed staff to create a partnership framework modeled after Hennepin Community Works which acknowledged the ability of natural systems to underpin a local sense of identity, creating economic and social value. The Hennepin County model utilized the power of convening public and private sector partners by “building bridges for effective planning and implementation” to align investment around planned improvements to generate broad community value.

- 2010 and 2011 – Louis Smith presented his white paper Watershed Partnerships, commissioned by the MCWD and others, highlighting the value and strategy behind partnerships to advance watershed initiatives through collaborative and integrated planning.

- May 2013 – At the Board retreat, the Managers requested that a policy framework be developed to “institutionalize” the District’s goal of, “integrating our work into the plans and work of others” by “expressing a commitment to complement the efforts of cities and private development,” and by “moving away from regulatory focused relationships.”

- September 2013 – The Planning and Policy Committee discussed again the value of partnerships, and that while partnerships had been enjoyed under the 2007 Plan, it had been structured as a TMDL for local municipalities and was immediately followed by four years of rulemaking, solidifying the District’s reputation as a regulatory agency. The Committee discussed that bolstering the philosophy of partnerships and integration with land-use may establish a central theme for the 2017 Plan, also citing the power of
convening multi-jurisdictional partnerships within focused geographies to align authority, mission and investment for large-scale implementation and community benefit.

- March 2014 – The Board adopted the Balanced Urban Ecology policy as “a statement of the MCWD’s fundamental philosophy and way of doing business,” to “guide the development of the District’s update to its Comprehensive Plan,” and to operationalize the policy in the District’s “planning processes”. The policy emphasized the interdependence of the natural and built environments, the need for integrated planning, the value of disciplined focus, and the importance of flexibility and bold, creative thinking.

Mr. Wisker restated that the central theme of the District’s Plan was to improve the District’s ability to integrate its work with its partners. He asserted that the District does not want to be viewed as regulator, grant agency, or capital funding source, but as a valued partner. Mr. Wisker noted that when involved early in planning processes, the District has a proven track record of adding economic, social, and environmental benefit. He concluded by adding that the District is seeking the help of the advisory committee members to find new ways to be involved in partnership with their work.

Ms. Acomb stated that because cities are responsible for managing more than just natural resources, more frequent communication by the District with city councils would be helpful in fostering collaboration. She suggested that the District present a report of its work and goals to councils annually.

Ms. Whalen asked how the Board of Water and Soil Resources (BWSR) has received the idea of a shorter-term Capital Improvement Plan (CIP) to allow the District to be more flexible and responsive. Ms. Christopher responded that BWSR approved a plan amendment for the Minnehaha Creek Subwatershed that provided the type of flexibility the District is seeking, so they are confident they will be able to satisfy the requirements. Ms. Whalen added that she liked the District’s approach of integrating with its partners, noting that such an approach could serve as an effective model for other watershed districts.

Ms. McMillan stated that she thought the direction the District is heading – towards integrated planning – is a great direction. She referred to her time on the District’s Citizen Advisory Committee, recalling the difficulty of developing and implementing a CIP. She suggested a template of questions the District could send out to city staff annually concerning activity that the District may be interested in collaborating in. Ms. McMillan noted that, through such a scheduled process, city staff can consult with their respective city council before responding to District staff.

Mr. Wisker noted that the District does distribute its CIP to cities and other partners annually, with a request for comment. Ms. Christopher also referenced the meetings that the District conducts with city staff as part of the annual reporting process adding that the District is hoping to make sure these existing annual connections are more meaningful and that the connection is
being made with the correct people – namely land-use planners and council members. She explained that these meetings are typically attended by city water resource staff or engineers and that she would welcome ideas on how to involve land-use decision makers in this process.

Mr. Stewart noted that the District was likely the thought leader for watershed practices in Minnesota. With this in mind, he asked if the District was looking for good examples on a national scale. Mr. Wisker replied that Minnesota is unique in that there are no other states with the same model of watershed management. Nevertheless, he continued, the District was looking for positive and innovative examples of water planning and management at a national level.

Two-Track Approach

Ms. Christopher began to outline the context and philosophy behind the District’s two-track approach. She reiterated the challenges of implementing the District’s 2007 Comprehensive Plan in that it was overly prescriptive, static, and it spread District resources too thin by trying to give equal attention to all parts of the watershed. In contrast to this model, Ms. Christopher described how the District began to take a new approach with its work in the Minnehaha Creek Greenway. The District found success in this area by developing a deeper understanding of the goals and plans of the cities, private businesses, and other entities and integrating its work in ways that complement and support those goals. One thing that made this approach possible was focus. By dedicated sustained and concentrated effort in the area, the District was able to more effectively develop relationships and learn about needs and opportunities on the landscape. Another key to the District’s success was the flexibility and creativity of the Board and staff working in the area. She noted that the philosophy behind the successes of this approach was memorialized in the District’s Balanced Urban Ecology policy in early 2014.

Ms. Christopher explained that the model for the “focus” track of the two-track approach was informed by the District’s success in the Greenway. Through sustained focus of resources and staff time, the District is able to meaningfully engage its partners, integrating the District’s work with theirs. She stated that the “focus” track would be utilized in high-need areas of the watershed where the issues to be addressed are complex and require heightened collaboration. In these “focal geographies,” Ms. Christopher explained, the District plans to act as the convener, bringing together cities, businesses, and other agencies to coordinate investment and implementation.

She then explained that, in addition to playing the role of convener in these focal areas, the District seeks to improve integration with land-use planning watershed-wide through the “responsive” track. By developing processes and strategies to improve coordination with cities and the development community, the District aims to remain responsive to needs and opportunities as they arise. Ms. Christopher noted that there are a number of ways in which partners can leverage the District’s resources including capital project implementation, cost share grants, technical assistance, and program support in areas such as education and permitting.

Ms. Christopher stated that the District is already largely operating under this two-track approach and the goal is to structure the new Plan in a way that supports and continues to improve on this
model. She then introduced Sean Walther with the City of St. Louis Park and Michael Schroder with the Minneapolis Park and Recreation Board who came to provide examples of how the approach is currently working.

Mr. Walther then offered the perspective of St. Louis Park in the District’s focal geography of the Minnehaha Creek Greenway. He described the District’s work with the cities of St. Louis Park and Hopkins, Japs-Olson Company, Knollwood Mall, Park Methodist Hospital, and Southwest Light Rail Transit. Mr. Walther noted that the benefits of the projects satisfied desires for the City, District, private businesses, and area residents. He added that the District helped the City to see Minnehaha Creek as an amenity instead of a barrier to development and expansion. Mr. Walther stated through their work together, the City has grown to appreciate the District as a valuable partner.

Ms. McMillan expressed that she was impressed with the District’s creativity as shown in Mr. Walther’s presentation.

Mr. Schroeder then presented a summary of the partnership between the Minneapolis Parks and Recreation Board (MPRB) and the District concerning Meadowbrook Golf Course. He stated that the District helped the MPRB to understand the boundaries and opportunities of repairing the flood damage to the course. Mr. Schroeder noted that the creek, currently an unattractive ditch cutting through the course, would be restored to become a valuable amenity thanks to the District’s involvement in restructuring the course. Mr. Schroeder concluded saying that the District has been a collaborative partner to the MPRB, rather than a reactive regulator.

Ms. Whalen asked District staff how much the projects in the Minnehaha Creek Greenway contributed towards the load reductions required under the state TMDL for Lake Hiawatha. Mr. Wisker responded that the projects in total are estimated to achieve a third of the total reduction needed, treating around 550 acres of stormwater. He added that the District adopted a policy that was incorporated into the TMDL that provides for the distribution of load reduction credit from District projects across all cities in the subwatershed.

Ms. Whalen suggested that the District’s 2017 Plan should be goal-specific rather than project-specific. She asked District staff if having the support of cities would assist the District in proposing a goal-specific plan to BWSR. Mr. Wisker responded that city support would most certainly be helpful in advancing this approach.

Ms. Christopher briefly highlighted a number of other recent examples of work the District has done which serve as examples of the “responsive” track. These include capital improvement projects, cost share grants, technical assistance resulting in land restoration and preservation, and programmatic support in areas of education, permitting, and aquatic invasive species management. She noted that all of the examples were things that were not specifically identified in the Comprehensive Plan but rather arose out of coordination with cities and landowners to explore opportunities.
Mr. Wisker stated that the District is seeking the Committee’s support for the spirit and concept of the approach. He added that the next step would be to work with BWSR to develop the framework and procedures to support the approach which would be brought back for Committee review.

Ms. Whalen stated that the District should seek to be more flexible with the parties it regulates. If a city or developer, she elaborated, cannot accommodate stormwater facilities or wetland restoration onsite, the District should allow the applicant to mitigate elsewhere. Mr. Wisker concurred, and referenced the District’s Regional Stormwater Treatment policy and examples where it has been used in the Minnehaha Creek Greenway.

Ms. Musich referred back to Mr. Wisker’s statement that regulation does not tend to generate improvement. Ms. Musich suggested that rules could be rewritten to require improvement of resources. Mr. Wisker responded that, generally, regulation alone will not produce the degree of improvement that is needed. He stated that the Permitting Department at the District is taking a two-pronged approach. Mr. Wisker explained that the first prong will provide baseline protection through efficient administration of the rules, and the second prong will focus on partnership development and looking for opportunities for greater resource benefit.

Mr. Johnson offered his experience with the District’s flexibility, citing recent examples where the District has made projects possible which were important to the city. He thanked District staff for their efforts.

Ms. McMillan shared that she has found residents and developers are confused about the District’s role and when the District should be involved. She has heard from her staff that the District does not wish to be involved until after preliminary plat. Mr. Wisker stated that the District does want to be involved before preliminary plat, but cannot realistically provide that level of input for every permit. In order to prioritize effectively, he continued, the District and partner cities could establish Memorandums of Understanding to set mutual goals and methods for co-planning.

Ms. Whalen suggested that District staff have work sessions with city engineers to ensure clear understanding of the District’s role. Ms. Yearwood suggested that District staff map out what applicants can and cannot do, generally, to provide clearer guidance.

Ms. Whalen noted that District staff connection with city staff was at least as important as connection with city councils, since council members turn over more frequently than staff. Mr. Wisker concurred, noting that the Technical Advisory Committee, made up of city staff, would be instrumental in mapping out the specifics of a collaborative framework.

Mr. Wisker noted that the Committee seemed to generally be in support of the District’s approach. Ms. McMillan affirmed, highlighting the District’s work on the recent Long Lake Wastewater Treatment Pond Restoration as a posterchild for the District’s Balanced Urban Ecology policy. She explained that the District helped turn what was a sewage treatment pond into an amenity, through vegetation and streambank restoration and the resulting boost in
wildlife presence. Ms. McMillan added that she sees many residents using the trails and that they view the project as a park. Mr. Wisker stated that this project is a great example of how the District goes beyond a purely technical approach, instead coming up with innovative solutions that add value to the community and connect people with the water resources.

The Committee discussed potential dates for the next meeting. The meeting adjourned at 12:05 p.m.

Respectfully submitted,

Matthew Cook
Planning Assistant