



SCOTT COUNTY ENVIRONMENTAL SERVICES

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220
(952) 496-8475 • Fax (952) 496-8496 • Web www.scottcountymn.gov

November 6, 2018

Mr. Sam Paske
Assistant General Manager, MCES
390 Robert Street North
Saint Paul, MN 55101-1805

Re: Responses to Metropolitan Council Comments on the Scott County Water Resources Plan

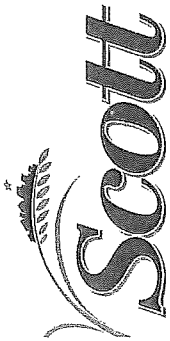
Dear Mr. Paske:

Thank you for reviewing and commenting on the draft Scott County Water Resources Plan. The attached table provides responses to your comments. These responses were also provided to each of the Watershed Management Organizations for their consideration.

Sincerely:

Paul Nelson
Environmental Services Program Manager
Scott County

Cc: Brad Davis, Planning Manager
Melissa Bokman, Senior Water Resources Planner
Joe Mulcahy, MCES Water Resources Assessment



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Agency	Comment	County Response	Change Made
Metropolitan Council	The plan is consistent with Council policies and the Council's <i>Water Resources Policy Plan</i> ; however, we do have two general comments on the plan: (see following table rows for the general comments)	Thank you. See following table rows for responses to the two general comments.	See following table rows.
Metropolitan Council	The plan has adopted the goals, policies, and priorities, of the Scott WMO plan by reference. These goals and issues are good, but very high level. A more detailed breakdown of the possible actions required in the unincorporated areas would improve the plan.	The County has adopted the goals, policies, and priorities of the Scott WMO. The County did not, however, adopt the exact same implementation Strategies (i.e., actions) as the Scott WMO. These strategies or actions as intended by the County are described in detail in Section 3 of the Plan, with Section 4 going into detail for the other three watershed organizations. Sections 5 and 6 then provide detail on implementation and Administration of the plan. The combination represents a significant amount of County specific detail (e.g., a total of 42 pages of detail) on actions the County intends in the unincorporated area.	No change made.
Metropolitan Council	A table of capital improvements projects extending through 2022, is included in Section 3. However, the plan extends through 2028. While it may not be possible to include an accurate capital improvements plan extending through this date, identification of possible future projects, even if no funding is currently available, may make such projects more likely to be funded should grants or other financing become available.	We are aware of this. However, as pointed out in the plan: 1) the County CIP is updated annually and thus there is a process for adding capital improvements; 2) Scott County is completely covered by Watershed Organizations and they typically lead capital type water resource projects; 3) the County Plan applies to the unincorporated areas of the county where we currently do not operate a Storm Water Utility; and 4) the Scott WMO is not a separate unit of government from the county and it also has a CIP schedule/table in its Plan.	No change made.



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November 6, 2018

Ms. Linda Loomis, Administrator
Lower Minnesota River Watershed District
112 East 5th Street, Suite 102
Chaska, MN 55318
E-mail: lowermnriverwd.org

Transmittal by E-mail

Re: Request for Board of Managers Consideration of Scott County Water Resources Plan

Dear Ms. Loomis:

With this transmittal I am requesting to be on the November agenda for Board of Managers consideration for approval of the Scott County Water Resources Plan. We are in receipt of Lower Minnesota River Watershed District (LMRWD) review of the Scott County 2040 Comprehensive Plan, of which the Water Plan is an appendix. This review was completed by Young Environmental Consulting Group, LLC largely focusing on County ordinances, providing two recommendations. These recommendations are related to County ordinances which will be the next step following adoption of the Comprehensive and Water Plans by the County Board. Thus, we feel the Water Plan is ready for consideration of approval by the LMRWD Board of Managers. This was confirmed with you by separate e-mail on October 31, 2018. To help you with this agenda item I have compiled the attached table which responds to Metropolitan Council comments we received on the Water Plan (I know the LMRWD is required to consider their comments in your decision) as well as your two suggestions.

Sincerely:

Paul Nelson
Environmental Services Program Manager
Scott County

Cc: Brad Davis, Planning Manager
Melissa Bokman, Senior Water Resources Planner



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Metropolitan Council	<p>The plan is consistent with Council policies and the Council's <i>Water Resources Policy Plan</i>; however, we do have two general comments on the plan: (see following table rows for the general comments)</p>	<p>Thank you. See following table rows for responses to the two general comments.</p>	<p>See following table rows.</p>
Metropolitan Council	<p>The plan has adopted the goals, policies, and priorities, of the Scott WMO plan by reference. These goals and issues are good, but very high level. A more detailed breakdown of the possible actions required in the unincorporated areas would improve the plan.</p>	<p>The County has adopted the goals, policies, and priorities of the Scott WMO. The County did not, however, adopt the exact same implementation Strategies (i.e., actions) as the Scott WMO. These strategies or action as intended by the County are described in detail in Section 3 of the Plan, with Section 4 going into detail for the other three watershed organizations. Sections 5 and 6 then provide detail on Implementation and Administration of the plan. The combination represents a significant amount of County specific detail (e.g., a total of 42 pages of detail) on actions the County intends in the unincorporated area.</p>	<p>No change made.</p>
Metropolitan Council	<p>A table of capital improvements projects extending through 2022, is included in Section 3. However, the plan extends through 2028. While it may not be possible to include an accurate capital improvements plan extending through this date, identification of possible future projects, even if no funding is currently available, may make such projects more likely to be funded should grants or other financing become available.</p>	<p>We are aware of this. However, as pointed out in the plan: 1) the County CIP is updated annually and thus there is a process for adding capital improvements; 2) Scott County is completely covered by Watershed Organizations and they typically lead capital type water resource projects; 3) the County Plan applies to the unincorporated areas of the county where we currently do not operate a Storm Water Utility; and 4) the Scott WMO is not a separate unit of government from the county and it also has a CIP schedule/table in its Plan.</p>	<p>No change made.</p>



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Lower Minnesota River Watershed District	Suggest – In Section 6-B2 of Scott County Zoning Ordinance No. 3, include a standard that restricts infiltration practices within 50 feet of a septic tank or drain field.	We will consider adding this to the ordinance for use within the LMRWD boundary.	No change made at this time. Changes will be considered with ordinance updates scheduled following Plan approval and adoption.
Lower Minnesota River Watershed District	Suggest – In Section 6-B2.1.b of Scott County Zoning Ordinance No.3 includes a duration of 20 hours with the 2-, 10-, and 100-year recurrence interval.	Section 6-B2.1.b of Scott County Zoning Ordinance No. 3 is actually silent concerning duration. Section 6-B2.2.d where details are provided specifies 24-hr duration. Our experience is that this is the generally accepted duration for this type of standard, and we've never heard of using 20-hours. However, we are open to discussing with the LMRWD and to considering adding to the ordinance for use within the LMRWD boundary. Our preference however, is to use the same duration across all areas covered by the county ordinance.	No change made at this time. Changes will be considered with ordinance updates scheduled following Plan approval and adoption.



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November 2, 2018

Ms. Diane Lynch, Administrator
Prior Lake – Spring Lake Watershed District
4646 Dakota Street SE
Prior Lake, MN 55372
E-mail: dlynch@plslwd.org

Transmittal by E-mail

Re: Responses to District Comments on the draft Scott County Water Resources Management Plan

Dear Ms. Lynch:

Thank you for commenting on the draft Scott County Water Resources Management Plan. We have reviewed your comments, prepared responses, and are prepared to make changes as noted in the table below. Note this table also includes our responses to Metropolitan Council's comments. We know that the District is required to consider the Council's comments in making your decision. We hope that the changes we've agreed to will create a Plan that is acceptable to the District such that you can move forward with considering approval at your November meeting. Once the District and other Watershed Organizations have approved the plan we will take to the County Board for adoption. Please call me at 952-496-8054 if you have any questions.

Sincerely:

Paul Nelson
Environmental Services Program Manager
Scott County



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Metropolitan Council	<p>The plan is consistent with Council policies and the Council's <i>Water Resources Policy Plan</i>; however, we do have two general comments on the plan: (see following table rows for the general comments)</p>	<p>Thank you. See following table rows for responses to the two general comments.</p>	<p>See following table rows.</p>
Metropolitan Council	<p>The plan has adopted the goals, policies, and priorities, of the Scott WMO plan by reference. These goals and issues are good, but very high level. A more detailed breakdown of the possible actions required in the unincorporated areas would improve the plan.</p>	<p>The County has adopted the goals, policies, and priorities of the Scott WMO. The County did not, however, adopt the exact same implementation Strategies (i.e., actions) as the Scott WMO. These strategies or action as intended by the County are described in detail in Section 3 of the Plan, with Section 4 going into detail for the other three watershed organizations. Sections 5 and 6 then provide detail on Implementation and Administration of the plan. The combination represents a significant amount of County specific detail (e.g., a total of 42 pages of detail) on actions the County intends in the unincorporated area.</p>	<p>No change made.</p>
Metropolitan Council	<p>A table of capital improvements projects extending through 2022, is included in Section 3. However, the plan extends through 2028. While it may not be possible to include an accurate capital improvements plan extending through this date, identification of possible future projects, even if no funding is currently available, may make such projects more likely to be funded should grants</p>	<p>We are aware of this. However, as pointed out in the plan: 1) the County CIP is updated annually and thus there is a process for adding capital improvements; 2) Scott County is completely covered by Watershed Organizations and they typically lead capital type water resource projects; 3) the County Plan applies to the unincorporated areas of the county where we currently do not operate a Storm Water Utility; and 4) the Scott WMO is not a separate unit of government from the county and it also has a CIP schedule/table in its Plan.</p>	<p>No change made.</p>



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Prior Lake - Spring Lake Watershed District	<p>or other financing become available.</p> <p>Page ES-2 (9). The Memorandum of Understanding between Scott County and the Prior Lake - Spring Lake Watershed District has expired and needs to be updated. It is a Memorandum of Agreement and it expired in 2013, when the District amended its WRMP (attached)</p>	<p>We will add this language to the Executive Summary.</p>	<p>The following sentence will be added to the Executive Summary page ES-2. <u>"The Memorandum of Understanding between Scott County and the Prior Lake - Spring Lake Watershed District has expired and needs to be updated. It expired in 2013, when the District amended its Water Resources Management Plan."</u></p>
Prior Lake - Spring Lake Watershed District	<p>Please provide a link to the District's home page instead of the Plan, since it will soon be out-of-date. https://www.plslwd.org</p>	<p>Ok</p>	<p>Will change the link from the Plan to the District's home page.</p>
Prior Lake - Spring Lake Watershed District	<p>Page 1-8 (18). "Figure 1.5 Impaired Waters n Scott County." It is unclear if the figure identifies Pike Lake as impaired for nutrients.</p>	<p>Pike Lake is not in the area covered by the County Plan. However, we understand this could create confusion. We will see if we can modify the figure, but the GIS coverages used come from the MPCA.</p>	<p>Will attempt to modify figure.</p>
Prior Lake - Spring Lake Watershed District	<p>Page 3-2 (31) Capital Improvement. "The County would also like to complete...schedule." Please expand upon what is envisioned here: i.e., retrofits to address parking lot runoff?</p>	<p>Yes our interest is related to improving the quality of runoff from the parking lot.</p>	<p>Sentence in question will be revised to read: "The County would also like to complete some water quality related improvements to improve the water quality of runoff from the parking lot at the Public Works Facility in Spring Lake Township, but has not been able to identify practical or reasonable retrofits and does not have a schedule."</p>
Prior Lake - Spring Lake Watershed District	<p>Page 3-13 (42). Standards. "The PLSLWD...county" This seems to be an editorial and is not</p>	<p>We think it is appropriate to state that we <i>plan</i> to be consistent and have some expectations on our part, in our Plan to that effect. That said, we will change the</p>	<p>The paragraph will be modified to read: "The PLSLWD is working on an amendment to its Plan to adopt new Rules, or will be considering new Rules with its next</p>



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<p>Prior Lake - Spring Lake Watershed District</p>	<p>appropriate in a Plan.</p> <p>Page 4-7 (51). "A Total Maximum Daily Load (TMDL) study...2011" This bullet should be expanded to note that a site-specific standard of 60 micrograms/liter was approved by the EPA on 07/19/16.</p>	<p>language slightly and eliminate the sentence where we state we have concerns.</p> <p>We will add this information.</p>	<p>plan update. The County desires and plans to maintain equivalency with the PLSLWD Rules/Standards, and to only have one permitting program in order to minimize redundancy. To this end, the County will engage with the PLSLWD to facilitate this outcome. However, the County cannot commit to adopting the PLSLWD Rules/Standards until it has a chance to review the PLSLWD Rules/Standards are finalized. <u>The County has some concerns with the current proposal. Revisions by the PLSLWD, particularly the inconsistency of the proposed Rules with the approaches of the other watersheds in the county.</u> The County will try to modify ordinances to stay consistent within 180 days of any update or amendment provided need for the change is demonstrated, <u>and</u> the changes are reasonable, <u>and</u> they are similar to those adopted by the other watershed organizations in the county."</p> <p>Sentence in question will be modified to read: "A Total Maximum Daily Load (TMDL) study addressing the nutrient impairment was completed and approved for Spring Lake in 2011 based on a site-specific standard of <u>60 micrograms/liter</u> as approved by the USEPA July 19, 2016."</p>



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<p>Prior Lake - Spring Lake Watershed District</p>	<p>Page 4-9 (53). PLSLWD LWP Requirements. 9)"Application of drainage standards with new or re-development in the County." To clarify with respect to drainage, the District is specifically interested in how the County regulates drainage of surface waters, obstruction or redirection of natural flow of runoff, and alteration of a drainage system established under Minnesota Statutes, Chapter 103E. This clarification may result in eliminating the need for Footnote 4.</p>	<p>Based on the clarification provided we believe that we have provided the necessary descriptions. We do, however, want to include information that the county is not responsible for general "drainage" of private land or of Public Waters. Thus, we have retained a modified footnote.</p>	<p>Footnote will be modified to read: "The County is unclear about what is being asked with respect to responsibility for drainage, and has answered the requirement with respect to regulating new or redevelopment. Responsibilities for drainage in general is different. The County acts as the Drainage Authority with respect to public ditches (CD 13 in the PLSLWD) and the county maintains these ditches to maintain the original design on the behalf of benefited parties. The County also maintains drainage provided by its infrastructure (i.e., roads and parks). However, the County is not responsible for drainage in general or drainage of private ditches or Public Waters. This aspect of drainage is the responsibility of the private land owners, the DNR as the agency with responsibility for Public Waters, or the PLSLWD as the local watershed authority."</p>
<p>Prior Lake - Spring Lake Watershed District</p>	<p>Page 4-12 (56). "Because of this change, the combined result will... and it's engineer in 2012/2013." This is an invalid conclusion. While the EOR memo contained in Appendix B indicates a 61 ac-ft volume reduction based on the (then current) rule of 1/2 inch, the County's 1-inch standard applies only when 1-acre or more of new impervious surface is created. The memo also notes that then existing standard affords a small measure of</p>	<p>The 1,500 to 3,000 goal of the District from the 2004 Volume Study was based on mitigating the impact from anticipated development. The Comp Plan at that time had much of the area south of Spring Lake developing at urban densities. This changed with subsequent Comp Plans, such that 2030 Comp Plans had more of the area in Spring Lake Township guided for large lot Rural Residential development as an end land use. This was done in part because of the findings of the 2004 PLSLWD Volume Study, the choice of the City of Prior Lake to grow the west rather than south, and the choice of the Township and the County to embrace lower densities. Thus, it is invalid to compare the estimates from the 2012/2013 work by the District and its engineer (which used the 2030 Com Plan) to the goal</p>	<p>Sentence referenced by the District will be deleted.</p>



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	<p>overall volume control storage of 1,500-3,000 ac-ft sought by the District per the results of the District's volume study. It is recommended this paragraph be revised to be more general and not refer to the documents in Appendix B.</p>	<p>numbers from 2004, and say that the 61 ac-ft is small. It is also invalid to compare because the 2012/2013 analysis would be relative to single events which the 2004 goals were cumulative for multiple events over a period of time. That said, we acknowledge the point made about the County standard only applying when 1-acre or more of impervious surface is created. However, the County still wants to make the point that land use as guided for Rural Residential as proposed in our 2030 and draft 2040 Comp Plans will improve runoff and water quality, but agree that we can eliminate the last sentence.</p>	
<p>Prior Lake - Spring Lake Watershed District</p>	<p>Page 4-13 (57) "The County also eliminated use of its septic system...21 lbs/yr." Please provide background on determination of this estimate so that District can facilitate tracking toward the TMDL.</p>	<p>These numbers are provided to the MPCA annually as part of the County's NPDES MS4 reporting. We will provide the District this information under separate cover, but suggest the PLSLWD request this information from the MPCA, and that way it could get the cumulative estimates from all MS4 permitted entities involved from just one source.</p>	<p>Requested information will be provided under separate cover.</p>
<p>Prior Lake - Spring Lake Watershed District</p>	<p>"The PLSLWD (appendix B) estimated an 18 pound reduction to downstream water bodies...estimation by the PLSLWD." It is recommended this paragraph be revised to be more general and not refer to the documents in Appendix B.</p>	<p>The County strongly feels it is important to reference this finding and acknowledge that how land use is currently guided in the unincorporated area will improve water quality over time.</p>	<p>No change made.</p>
<p>Prior Lake - Spring Lake Watershed District</p>	<p>Page 4-14 (58). County Ditch 13. "However, funding the County holds...improvements." It is unlikely the District will explore flood reduction and water</p>	<p>The County can only use the ditch assessment funding it holds for purposes for which it was collected (i.e., to maintain the benefits of the ditch). If a ditch improvement is agreed to by the benefited land owners, then some of those funds could be used. As for</p>	<p>The following sentence will be added to the end of the paragraph referenced. <u>The County will consider assisting with an improvement project depending on the amount, type and extent of public benefit created.</u></p>



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Prior Lake - Spring Lake Watershed District	<p>quality improvement along Ditch 13 within the timeframe of the PLSLWD 2020-2029 WRMP. Is the County willing to participate financially with other sources of funding?</p>	<p>other funds the County could consider contributing funds provided there is a public benefit. However, if the benefit is only local or is not associated with county infrastructure the county may defer to the PLSLWD. The PLSLWD has the same or similar authorities for ad velorum levy, Special Assessment, bonding, or establishing a Storm Water Utility. Given that the County and the PLSLWD have the same underlying tax payers for a project of local benefit, the county would expect local funding to be provided by the PLSLWD. The County would be more likely to support a joint project with local benefit with technical staffing support in areas where the county could augment PLSLWD staff skills (i.e., property acquisition, construction supervision, permitting, and Environmental Review, etc.). This would, however, be dependent on staff availability. Thank you.</p>	<p>The MOA will be added as either as part of an appendix or as its own appendix.</p>



Scott

Scott Watershed Management Organization

200 Fourth Avenue West

Shakopee, MN 55379-1220

952-496-8054 Fax 952-496-8496

www.co.scott.mn.us

September 26, 2018

Paul Nelson
Scott County Natural Resources Manager
200 Fourth Ave. West
Shakopee, MN 55379

Subject: Scott County Water Plan Review

Dear Mr. Nelson,

I have completed a review of the Scott County Local Water Plan. The plan is very well written and appears to address all the items required in Minnesota Statute 103B and Minnesota Rule 8410. Thank you for the opportunity to review the Plan and I have no further comments.

Sincerely,

Ryan Holzer
Scott Watershed Management Organization



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November 7, 2018

 COPY

Vermillion River Watershed
Attn: Mark Ryan
14955 Galaxie Avenue
Apple Valley, MN 55124

Re: Responses to Vermillion River Watershed Joint Powers Organization on the Scott County Water Resources Plan.

Dear Mr. Ryan:

Thank you for reviewing and commenting on the draft Scott County Water Resources Plan 2018 – 2028. Since Met Council's comments need to be considered in your approval, the attached table provides responses to your comments as well as Met Council's comments on our Plan.

Staff feels the Scott County Water Resources Plan is ready for consideration of approval by the Vermillion River Watershed Joint Powers Organization Board. I will submit a Request for Board Action at the December 6, 2018 meeting.

Sincerely,



Melissa Bokman
Sr. Water Resources Planner, Scott County

Cc: Paul Nelson, Environmental Services Program Manager
Brad Davis, Planning Manager
Mark Zabel, VRWJPO Administrator



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<p>Vermillion River Watershed Joint Powers Organization</p>	<p>On page 3-13, under the Standards section, the text indicates that: <i>"The County desires to maintain consistency with the Standards/requirements of the watershed organizations in the county and MS4 requirements. To this end, the County has had its ordinances reviewed by the SWMO, the Prior Lake-Spring Lake Watershed District, and the Vermillion River Watershed Joint Powers Organizations. These watershed Organizations found the County's ordinances to be equivalent with the standards in their plans but made no changes to standards that should affect the equivalency findings."</i> The VRWJPO did make minor changes to the VRWJPO Standards during redevelopment of the Vermillion River Watershed Management Plan update in 2016. Generally, the changes were small, for erosion and sediment control (Section 7), the VRWJPO added new thresholds for site plan review and creation of an erosion and sediment control plan that appear to be more stringent than the Scott County ordinance. The VRWJPO believes that if there are any changes required to meet the Standards, these can be updated with any applicable ordinance amendments for Scott County.</p>	<p>We will amend the paragraph cited to note that minor changes were made by the VRWJPO during their amendment regarding erosion and sediment control thresholds, and will coordinate with the VRWJPO when updating applicable ordinances. That said we asked for specifics from the VRWJPO regarding these changes, and received clarification that it had to do with the adoption of a 5,000 SF threshold for requiring erosion and sediment control. We feel our zoning ordinance has triggers that are similar. There are several triggers that require, at a minimum, an erosion control plan as per our ordinance which include: any structure being built with a foundation (excludes decks or other structures on posts), any ground disturbance over 10,000 square feet, the movement of more than 10 cubic yards in the shoreland district and agricultural activities where over 500 cubic yards or more are either imported or exported. Thus, we have smaller triggers in shoreland areas where risk is greater and with building permits, and slightly larger in other lower risk areas.</p>	<p>Paragraph amended to read. "The County desires to maintain consistency with the Standards/requirements of the watershed organizations in the county and MS4 requirements. To this end, the County has had its ordinances reviewed by the SWMO, the Prior Lake-Spring Lake Watershed District, and the Vermillion River Watershed Joint Powers Organizations. These watershed Organizations found the County's ordinances to be equivalent with the standards in their plans but made no changes to standards that should affect the equivalency findings. <u>The exception is the Vermillion River Watershed Organization which adopted a new threshold for site plan review and creation of erosion and sediment control plans that appears to be more stringent than the Scott County ordinance in some cases. Based on discussions the VRWJPO believes that if there are any changes required to meet the Standards, these can be updated with any applicable ordinance amendments for Scott County.</u>"</p>



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<p>Metropolitan Council</p>	<p>The plan has adopted the goals, policies, and priorities, of the Scott WMO plan by reference. These goals and issues are good, but very high level. A more detailed breakdown of the possible actions required in the incorporated areas would improve the plan.</p>	<p>The County has adopted the goals, policies, and priorities of the Scott WMO. The County did not, however, adopt the exact same implementation Strategies (i.e., actions) as the Scott WMO. These strategies or action as intended by the County are described in detail in Section 3 of the Plan, with Section 4 going into detail for the other three watershed organizations. Sections 5 and 6 then provide detail on Implementation and Administration of the plan. The combination represents a significant amount of County specific detail (e.g., a total of 42 pages of detail) on actions the County intends in the unincorporated area.</p>	<p>No change made.</p>
<p>Metropolitan Council</p>	<p>A table of capital improvements projects extending through 2022, is included in Section 3. However, the plan extends through 2028. While it may not be possible to include an accurate capital improvements plan extending through this date, identification of possible future projects, even if no funding is currently available, may make such projects more likely to be funded should grants or other financing become available.</p>	<p>We are aware of this. However, as pointed out in the plan: 1) the County CIP is updated annually and thus there is a process for adding capital improvements; 2) Scott County is completely covered by Watershed Organizations and they typically lead capital type water resource projects; 3) the County Plan applies to the unincorporated areas of the county where we currently do not operate a Storm Water Utility (where capital type projects would be more likely); and 4) the Scott WMO is not a separate unit of government from the county and it also has a CIP schedule/table in its Plan.</p>	<p>No change made.</p>