

## Section 7

### Amendments to the Plan

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## 7.0 Amendments to the Plan

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BWSR approved this plan on August 25, 1999 and the LMRWD Board adopted it on September 14, 1999. This plan remains in effect for ten (10) years from the year it was approved and adopted, unless it is superseded by adoption and approval of a succeeding plan. All amendments to this plan must follow the procedures set forth in this section, or as required by revised laws and rules.

Amendments to the plan may be proposed by any person to the LMRWD Board of Managers, but only LMRWD may initiate the amendment process. LMRWD may amend its plan in the interim (interim plan amendment) if either minor changes are required or if problems arise that are not addressed in the plan.

In accordance with Minnesota Statutes 103B.231, Subd. 3a, BWSR developed (and occasionally revises) a priority schedule for the revision of water management plans. BWSR uses the schedule to inform WMOs of when they will be required to revise their plans. Minnesota Statutes 103B.231, Subd. 3a also states that once a WMO is notified by BWSR that a plan revision is required, the WMO has 24 months from the date of notification to submit a revised plan for review. If BWSR does not notify LMRWD that a plan revision is required and the plan expires, Minnesota Statutes 103B.231, Subd. 3a states that the existing plan, authorities, and official controls of LMRWD remain in full force and effect until a revision is approved. The same statute also allows LMRWD to submit a draft plan revision for review prior to BWSR's scheduled date. If BWSR fails to begin review of the submitted plan within 45 days of plan submittal, LMRWD may adopt and implement the plan without formal BWSR approval.

### 7.2 General Amendment Procedure

Minnesota Rules 8410.0140, Subp. 2, requires that all plan amendments must adhere to the review process listed in MN Statutes 103B.231, Subd. 11, except when the proposed amendments constitute minor amendments and:

1. LMRWD has held a public meeting to explain the amendments and published a legal notice of the meeting twice, at least seven days and fourteen days before the date of the meeting;
2. LMRWD has sent copies of the amendments to the affected local units of government, the Metropolitan Council, and the state review agencies for review and comment; and
3. BWSR has either agreed that the amendments are minor or failed to act within 45 days of receipt of the amendments.

The review process for minor plan amendments is more streamlined than the general plan amendment review process. LMRWD will also consider sending drafts of proposed amendments to all plan review authorities to receive input before establishing a hearing date or beginning the formal review process.

## **7.2 Minor Plan Amendments**

MN Rules 8410.0140, Subp.3 considers amendments to the approved capital improvement program to be minor plan amendments if the following conditions are met:

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 Statutes, section 103B.205, subdivision 3; and
2. The affected county or counties approve the capital improvement in its revised, more detailed form.

The following examples of other minor plan amendments are given in Minnesota Rules 8410.0020, Subp. 10:

“...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.”

Prior to sending a proposed minor plan amendment out for review, LMRWD will obtain BWSR's concurrence that the proposed amendment is a minor plan amendment.

## **7.3 Amendment Format**

Upon completion of the plan amendment, LMRWD will submit the plan amendment to the appropriate review authorities in a format consistent with Minnesota Rules 8410.0140, Subp. 4. 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.

## **7.4 Distribution of Amendments**

LMRWD will maintain a distribution list of everyone who receives a copy of the plan. Within 30 days of adopting an amendment, LMRWD will distribute copies of the amendment to everyone on the distribution list. As stated in Section 7.1, LMRWD will also consider sending drafts of proposed amendments to all plan review authorities to receive input before establishing a hearing date or beginning the formal review process.