

CHAPTER 150: GENERAL PROVISIONS

Section

Preparation and Review of Environmental Documents

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PREPARATION AND REVIEW OF ENVIRONMENTAL DOCUMENTS

§ 150.01 ENVIRONMENTAL REVIEW PROGRAM; PROVISIONS ADOPTED BY REFERENCE.

The provisions of the rules for the Environmental Review Program, Minn. Rules, Chapter 4410, as amended from time to time, are hereby adopted, together with the other provisions of this subchapter, as the environmental review operating procedures this city will follow in implementing the provisions of M.S. Chapter 116D, as amended from time to time, relating to the Environmental Review Program and any rules adopted thereunder by the state Environmental Review Program and any rules adopted thereunder by the state Environmental Quality Board. All terms used in this subchapter shall have the same meaning as the terms used in M.S. Chapter 116D and the rules adopted thereunder, as amended from time to time. (Ord. 180, passed 2-16-78)

§ 150.02 PREPARATION AND REVIEW; COSTS.

(A) *Information to be provided.* The applicant for a permit for any action for which environmental documents are required either by state law or rules or by the City Council shall supply in the manner prescribed by the City Engineer all unprivileged data or information reasonably requested by the city that the applicant has in his or her possession or to which he or she has reasonable access.

(B) *Environmental assessment worksheets.* The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required either by state laws or rules or by the City Council, shall pay all costs of preparation and review of the EAW, and, upon the request of and in the manner prescribed by the City Engineer, shall prepare a draft EAW and supply all information necessary to complete that document.

(C) *Environmental impact statement.* The city and the applicant for a permit for any action for which an environmental impact statement (EIS) is required shall comply with the provisions of the Rules Governing Assessment of Costs for Environmental Impact Statements, one copy of which is on file in the office of the City Manager-Clerk, unless the applicant and the City Council provide otherwise by a written agreement.

(D) *Payment of costs.* No permit for an action for which an EAW or an EIS is required shall be issued until all costs of preparation and review which are to be paid by the applicant are paid, and all information required is supplied, and until the environmental review process has been completed as provided in this subchapter and the rules adopted by reference by this subchapter, and pursuant to any written agreement entered into by the applicant for the permit or permits and the City Council under the provisions of division (E) below.

(E) *Agreements concerning cost of preparation and review.* The applicant for a permit for any action for which an EAW or EIS is required and the City Council may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in Minn. Rules, parts 4410.6000 to 4410.6500, as amended from time to time.

(Ord. 180, passed 2-16-78)

§ 150.03 ADMINISTRATION.

(A) The City Engineer shall be the person responsible for the administration of the Environmental Review Program, this subchapter, and the rules adopted by reference by this subchapter. In the absence of the City Engineer, or the vacancy of that office, the City Manager-Clerk shall perform all duties and functions of the Engineer under this subchapter.

(B) The City Engineer shall be responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under Minn. Rules, parts 4410.4300 to 4410.4600, as may be amended from time to time. The Engineer shall also determine those proposed actions for which an optional EAW may be required under the provisions of this subchapter and shall notify the Planning Commission and the City Council of these proposed actions.

(C) All EAWs and EISs shall be prepared under the supervision of the Engineer, reviewed by the Planning Commission, and reviewed and approved by the City Council.

(D) When receiving an EAW or EIS, the Engineer and the Planning Commission may suggest design alterations that would lessen the environmental impact of the action. The City Council may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the action.

(E) After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the City Council whether or not it should require the preparation of an EIS. The City Council shall require an EIS when it finds under Minn. Rules, part 4410.2000, as may be amended from time to time, that an action is major and has potential for significant environmental effects.

(Ord. 180, passed 2-16-78)

§ 150.04 OPTIONAL EAW; GUIDELINES FOR REQUIREMENT.

(A) The City Council may, upon recommendation by the City Engineer, require that an optional EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects.

(B) The following guidelines shall also be considered in determining whether an optional EAW shall be required:

(1) Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?

(2) Is the action likely to have disruptive effects such as generating traffic and noise?

(3) Are there public questions or controversy concerning the environmental effects of the proposed actions?

(Ord. 180, passed 2-16-78)

§ 150.05 COMPLIANCE REQUIRED; VIOLATIONS.

(A) No permit shall be issued for a project for which environmental documents are required, until the entire environmental review procedures established by this subchapter are completed.

(B) Any person, firm, or corporation violating any of the provisions of the code shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in § 10.99.

(C) No work shall commence, and any work in progress on any project for which environmental documents are required shall cease, until the environmental review procedures established by this subchapter are fully complied with.

(Ord. 180, passed 2-16-78) Penalty, see § 10.99