

Section 510 Environmental Review Program

510.01. Environmental review program. The provisions of the rules for the Environmental Review Program, 6MCAR 3.021 to 3.047, one copy of which is on file in the office of the clerk, are hereby adopted, together with the other provisions of this section, as the environmental review operating procedures this city will follow in implementing the provisions of Minnesota Statutes, chapter 116D relating to the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board. All terms used in this ordinance shall have the same meaning as the terms used in chapter 116D and the rules adopted thereunder.

510.03 Cost of preparation and review. Subdivision 1. 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 council shall supply in the manner prescribed by the manager all unprivileged data or information reasonably requested by the city that the applicant has in his possession or to which he has reasonable access.

Subd. 2. Environmental assessment worksheets. The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required either by state law 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 manager shall prepare a draft EAW and supply all information necessary to complete that document.

Subd. 3. 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 clerk, unless the applicant and the council provide otherwise by a written agreement.

Subd. 4. 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 section and the rules adopted by reference by this section, and pursuant to any written agreement entered into by the applicant for the permit or permits and the council under the provision of subdivision 5.

Subd. 5. 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 6MCAR 3.042.

510.05. Administration. Subdivision 1. Duty of manager. The manager is responsible for the administration of the Environmental Review Program, and the rules adopted by reference by this section.

Subd. 2. Action required. The manager is responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under 6MCAR 3.024. The manager shall also determine those proposed actions for which an optional EAW may be required under the provisions of the section and shall notify the Planning Commission and the council of these proposed actions.

Subd. 3. Preparation. All EAE's and EIS's shall be prepared under the supervision of the manager, reviewed by the planning commission and reviewed and approved by the city council.

Subd. 4. Alterations. When reviewing an EAW or EIS, the manager and the planning commission may suggest design alterations which 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.

Subd. 5. Planning commission review. After an EAW is prepared, the planning commission shall review the EAW and recommend to the council whether or not it should require the preparation of an EIS. The council shall require an EIS when it finds under 6MCAR 3.025 that an action is major and has potential for significant environmental effects.

510.07. Optional EAW. The council may, upon recommendation by the manager, 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. The following guidelines shall also be considered in determining whether an optional EAW shall be required:

- a) is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
- b) is the action likely to have disruptive effects such as generating traffic and noise?
- c) are there public questions or controversy concerning the environmental effects of the proposed actions?

510.09 Enforcement and penalty. Subdivision 1. General rule. No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this section are completed.

Subd. 2. Compliance. No work shall commence and any work in progress on any project for which environment documents are required shall cease until the environmental review procedures established by this section are fully complied with.

Subd. 3. Violations Each day that the violation of this section is permitted to exist constitutes a separate offense.