

**City Code
Chapter 22**

Planning

- Article 1. General Conditions, §§ 22-1--22-15**
- Article 2. Planning Commission, §§ 22-16--22-30**
- Article 3. Environmental Review, §§ 22-31--22-35**

Article 1. General Conditions

Secs. 22-1--22-15. Reserved. (Code of 2001)

Article 2. Planning Commission

Secs. 22-16--22-30. Reserved. (Code 1966; Ord. No. 483, 9-8-81; Ord. No. 610, 12-13-94; Code of 2001)

Article 3. Environmental Review

Sec. 22-31. Environmental Review Program.

(1) The provisions of the rules for the Environmental Review Program, Minnesota Rules, Chapter 4410 are hereby adopted together with the provisions of this Article as the environmental review operating procedures the 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.

(2) All terms used in this Article shall have the same meaning as the terms used in Chapter 116D and the rules adopted thereunder.

(3) The terms of this Article shall extend to rules adopted thereunder. (Ord. No. 409, 1-10-78; Code of 2001)

Sec. 22-32. Cost of Preparation and Review.

The terms of this Section shall apply to situations where information is required by the State or by the City.

(1) **Information to be Provided.** The applicant for a permit for any action for which environmental documents are required shall supply all requested unprivileged data or information in the applicant's possession or reasonably accessible to the applicant. The information shall be provided in a form as prescribed by the City. The provision of this Subsection shall apply to documents required either by State law or by the rules of the City.

(2) **Environmental Assessment Worksheets.** The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required shall pay all costs of preparation and review of the EAW and, upon the request of and in the manner prescribed by the City, shall prepare a draft EAW and supply all information necessary to complete that document. The provision of this Subsection shall apply to worksheets required either by State law or by the rules of the City Council.

(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 unless the applicant and the City Council provide otherwise by a written agreement. A copy of the Rules Governing Assessment of Costs shall be on file with the City.

(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, all information required is supplied, and until the environmental review process has been completed as provided in this Article pursuant to any written agreement entered into by the applicant and the City Council under the provision of Section 22-32(5)

(5) **Agreements Concerning Cost of Preparation and Review.** When an EAW or EIS is required, the City Council may enter into a written agreement with the applicant for a different division of the costs of preparation and review than is provided in Minnesota Rules, Parts 4410.6100 through 4410.6500. (Ord. No. 409, 1-10-78; Code of 2001)

Sec. 22-33. Administration.

(1) The Community Development Director shall be responsible for administration of the environmental review program, this Article, and the rules adopted by reference by this Article.

(2) The Community Development Director shall be responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under Minnesota Rules, Part 4410.1000, Subpart 2. The Community Development Director shall also determine those proposed actions for which an optional EAW may be required under the provisions of this Article. The Director shall notify the Planning Commission and the City Council of these proposed actions.

(3) All EAW's and EIS's shall be prepared under the supervision of the Community Development Director, reviewed by the Planning Commission, and approved by the City Council.

(4) When reviewing an EAW or EIS, the Community Development Director and the Planning Commission may suggest 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.

(5) 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 Minnesota Rules, Part 4410.1700 that an action is major and has potential for significant environmental effects. (Ord. No. 409, 1-10-78; Code of 2001)

Sec. 22-34. Optional EAW.

The City Council may 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 guidelines specified in this Section 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?

(4) Is the action consistent with the comprehensive plan of the City? (Ord. No. 409, 1-10-78; Code of 2001)

Sec. 22-35. Enforcement and Penalty.

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

(2) A person who violates any provision of this Article shall be guilty of a misdemeanor. Each day that the violation is permitted to exist shall constitute a separate offense.

(3) No work shall commence and any work in progress on any project for which environmental documents are required shall cease until in full compliance with the environmental review procedures established by this Article. (Ord. No. 409, 1-10-78; Code of 2001)

Editor's Notes
City Code-Chapter 22
Planning

This Chapter has been renumbered to be consistent with the numbering system used throughout the Code:

The first division within a Section is numbered “(1)” followed by “(2)”, etc.

The next division of a Section is numbered with an “A” followed by “B”, etc.

As with all other parts of the codification, the language in this Chapter has been simplified and made general neutral.

Margaret A. Egan
Finance Director/City Clerk
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