

SECTION 19 ENVIRONMENTAL REVIEW PROGRAM

SUBDIVISION 1. ADOPTION BY REFERENCE OF STATE REGULATIONS

The provisions of the rules for the Environmental Review Program, MN Rules Chapter 4410, are hereby adopted, together with the other provisions of this Ordinance, as the environmental review operating procedures Murray County will follow in implementing the provisions of Minnesota Statutes Chapter 116 D 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.

SUBDIVISION 2. COST OF PREPARATION AND REVIEW

1. Information to be provided. The applicant for a Zoning Certificate for any action for which environmental documents are required either by state law or rules by the County Board shall supply in the manner prescribed by the Murray County Zoning Administrator all unprivileged data or information reasonably requested by the County that the applicant has in his possession or to which he has reasonable access.
2. Environmental Assessment Worksheets. The applicant for a Zoning Certificate for any action for which an environmental assessment worksheet (EAW) is required either by state law or rules or by the County Board shall pay all costs of preparation and review of the EAW, and upon the request of and in the manner prescribed by the County Zoning Administrator shall prepare a draft EAW and supply all information necessary to complete that document.
3. Environmental Impact Statement. The County and the applicant for a Zoning Certificate 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, MN Rules Chapter 4410.6000-6500, unless the applicant and the County Board provide otherwise by a written agreement.
4. Payment of Costs. No Zoning Certificate 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 Ordinance and the rules adopted by reference by this Ordinance, and pursuant to any written agreement entered into by the applicant for the Zoning Certificate or Certificates and the County Board under the provisions of Paragraph 5 of this Subdivision.
5. Agreements Concerning Cost of Preparation and Review. The applicants for a Zoning Certificate for any action for which an EAW or EIS is required and the County Board may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in MN Rules Chapter 4410.6410.

SUBDIVISION 3. ADMINISTRATION

1. The County Zoning Administrator shall be the person responsible for the administration of the Environmental Review Program, this Ordinance, and the rules adopted by reference by this Ordinance.
2. The County Zoning Administrator shall be responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under MN Rules Chapter 4410. The Zoning Administrator shall also determine those proposed actions for which an optional EAW may be required under the provisions of this Ordinance and shall notify the Planning Commission and the County Board of these proposed actions.
3. All EAW's and EIS's shall be prepared under the supervision of the County Zoning Administrator and the Planning Commission and reviewed and approved by the County Board.
4. When reviewing an EAW or EIS, the County Zoning Administrator and the Planning Commission may suggest design alterations which would lessen the environmental impact of the action. The County Board may require these design alterations to be made a condition for issuing the Zoning Certificate 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 County Board whether or not it should require the preparation of an EIS. The County Board shall require an EIS when it finds under MN Rules Chapter 4410, that an action is major and has potential for significant environmental effects.

SUBDIVISION 4. OPTIONAL ENVIRONMENTAL WORKSHEET

The County Board may, upon recommendation by the County Zoning Administrator, 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:

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 environment?

SUBDIVISION 5. ENFORCEMENT AND PENALTY

1. No Zoning Certificate shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Ordinance are completed.
2. Any person who violates any provision of this Ordinance shall be guilty of a full misdemeanor and, upon conviction thereof, shall be subject to a fine and/or imprisonment as provided by law. Each day that a 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 the environmental review procedures established by this Ordinance are fully complied with.