

## WADENA COUNTY ORDINANCE #5

### AN ORDINANCE RELATING TO THE PREPARATION AND REVIEW OF ENVIRONMENTAL ASSESSMENT WORKSHEET, ENVIRONMENTAL IMPACT STATEMENTS, AND OTHER ENVIRONMENTAL DOCUMENTS.

#### THE COUNTY BOARD OF WADENA ORDAINS:

#### **SECTION 1. ENVIRONMENTAL REVIEW PROGRAM.**

The provisions of the rules for the Environmental Review Program, 6MCAR 3.021 to 3.047, two copies of which are on file in the office of the County Auditor are hereby adopted, together with the other provisions of this Ordinance, as the environmental review operating procedures this County 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.

#### **SECTION 2. COST OF PREPARATION AND REVIEW**

*Subd. 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 County Board shall supply in the manner prescribed by Wadena 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.

*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 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 Zoning Administrator shall prepare a draft EAW and supply all information necessary to complete that document.

*Subd. 3.* Environmental Impact Statement. The County 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, two copies of which is on file in the office of the County Auditor unless the applicant and the County Board provide otherwise by a written agreement.

*Subd. 4.* Payment of costs. No permit for an actin for which an EAW or EIS is required shall be issued until all costs or 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 permit or permits and the County Board 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 and 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 6MCAR 3.402.

#### **SECTION 3. ADMINISTRATION.**

Subd. 1. The 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.

Subd. 2. The 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 6MCAR 3.024. The Zoning Administrator shall also determine those proposed actions for which an optional EAW may be required under the provisions of the ordinance and shall notify the Planning Commission and the County Board of these proposed actions.

Subd. 3. All EAW's and EIS's shall be prepared under the supervision of the Zoning Administrator reviewed by the Planning Commission and reviewed and approved by the County Board.

Subd. 4. When reviewing an EAW or EIS, the 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 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. 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 6MCAR 3.025 that an action is major and has potential for significant environmental effects.

#### **SECTION 4. OPTIONAL EAW.**

The County Board may, upon recommendation by the 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:

- 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?

#### **SECTION 5. ENFORCEMENT AND PENALTY.**

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

Subd. 2. Any person who violates any provision of this Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be punished therefore as provided by Minnesota Law. Each day that the violation is permitted to exist constitutes a separate offense.

Subd. 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.

#### **SECTION 6. EFFECTIVE DATE.**

This Ordinance becomes effective from from and after its passage and publication.

Adopted by the County Board this 4th day of April 1978.