

Ordinance #8

ARTICLE 1. Purpose

An Ordinance relating to the preparation and review of environmental assessment worksheets, environmental impact statements, and other environmental documents.

The provisions of the Rules For The Environmental Review Program, GMCAR 3.021 to 3.047, one copy of which is on file at the Planning and Zoning office, Court House, Two Harbors, Minnesota, are hereby adopted, together with the other provisions of this ordinance, as the environmental review operating procedures Lake 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.

ARTICLE 2. Definitions

All terms used in this ordinance shall have the same meaning as the terms used in Ch. 116D and the rules thereunder.

ARTICLE 3. Cost Allocations

Section 3.1 Information to be provided.

The applicant for a permit for any action for which environmental documents are required shall supply all unprivileged information required in the manner prescribed.

A. Environmental Assessment Worksheets

Unless otherwise agreed to, the permit applicant for any action requiring an Environmental Assessment Worksheet (EAW) shall pay all costs of preparation and review of the EAW, and shall prepare that EAW to the satisfaction of the Planning and Zoning Director of Lake County.

B. Environmental Impact Statements

Lake County and the applicant shall comply with the Rules Governing Assessment of Costs for Environmental Impact Statements, (EIS) one copy of which is on file at the Planning and Zoning office unless the applicant and County agree in writing to a different arrangement:

Section 3.2 Payment of Costs

No permit for an action for which an EAW or an EIS is required shall be issued until (1) the applicant has paid all costs of preparation and review unless other arrangements have been mutually agreed upon prior to preparation, in accordance with section 3.3 of this ordinance, (2) all information required is supplied, and (3) the environmental review process has been completed as provided in this ordinance, by reference or by separate agreement with the County Board.

Section 3.3 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 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 3.042.

ARTICLE 4. Administration

Section 4.1 General

The Planning and Zoning Director of Lake County shall be responsible for the overall administration of this program.

Section 4.2 Determinations

The Planning and Zoning Director of Lake County shall be responsible for determining whether EAW action is mandatory as provided in 6MCAR 3.024 or optional.

Section 4.3 Supervision

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

Section 4.4 Alterations

When reviewing an EAW or EIS, the Planning and Zoning Director 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 they may lessen the environmental impact of the action.

Section 4.5 Review

After an EAW is prepared, the Planning Commission shall review the EAW and forward it to the County Board with their recommendation as to 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.

ARTICLE 5. Optional EAW

The County Board may, upon recommendation by the Planning and Zoning Director and Planning Commission 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? (ie, State Parks).
- 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?

ARTICLE 6. Enforcement and Penalty

Section 6. Permit Issuance Prohibited

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.

Section 6.2 Penalty

Any person who violates any provision of this ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$500 or imprisonment for 90 days or both. Each day that the violation is permitted to exist constitutes a separate offense.

Section 6.3 Activities to Cease

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.

ARTICLE 7. Effective Date

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

Adopted by the Lake County Board of Commissioners this

10th day of May 19 78.

Edwin W. Harrison
County Board Chairman

Attest:

Mel Roy Peterson
Auditor

Notice of Intent Published in Lake County News Chronicle on the 14th day of April, 19 78.

DOC. NO. 101352

DOC. NO. 13,829

OFFICE OF COUNTY RECORDER

STATE OF MINNESOTA, } ss.
COUNTY OF LAKE

I hereby certify that the within instru-
ment was filed for record in this office on

the 14th day of June 19 78 A.D.

at 9:30 o'clock

P. M., and was duly recorded in

book 7 of Recorder's page 255

By Robert D. Miller
County Recorder

Deputy

OFFICE OF REGISTRAR OF TITLES

STATE OF MINNESOTA, } ss.
County of Lake

I hereby certify that the within
instrument was filed in this office at

the 14th day of June 19 78

at 9:30 A. M. and was duly

registered in Book _____ of Register

of Titles page _____

By Robert D. Miller
Registrar of Titles

Deputy