

BELTRAMI COUNTY ORDINANCE

NO. 14 ENVIRONMENTAL REVIEW ORDINANCE

Dated: July 23, 1985
Effective: July 23, 1985
Recorded: July 31, 1985
MF#290548

BOARD OF COUNTY COMMISSIONERS
BELTRAMI COUNTY, MINNESOTA

Date July 23, 1985

Resolution No. _____

Motion by Commissioner Slincy Seconded by Commissioner Wentworth

The Board continued discussion with the Assistant County Attorney Alan Felix on the Environmental Review Ordinance. On motion of Slincy, seconded by Wentworth and unanimously carried, the Board adopted the Beltrami County Environmental Review Ordinance as attached.

YES		NO
Benson _____ X		Benson _____
Slincy _____ X		Slincy _____
Glidden _____ X		Glidden _____
Tolman _____ X		Tolman _____
Wentworth _____ X		Wentworth _____

State of Minnesota)
)ss
County of Beltrami)

I, Ruth Edevold, Executive Secretary for the County of Beltrami, State of Minnesota do hereby certify that I have compared the foregoing copy of a Motion with the original minutes of the proceedings of the Board of County Commissioners, Beltrami County, Minnesota at their session held on the 23rd day of July 1985 now on file in my office, and have found the same to be a true and correct copy thereof.

Ruth Edevold

BELTRAMI COUNTY ENVIRONMENTAL REVIEW ORDINANCE

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

The County Board of Beltrami County, Minnesota, ordains:

Section 1 ENVIRONMENTAL REVIEW PROGRAM:

The provisions of the rules for the Environmental Review Program, Minnesota Rules 4410.0200 to 4410.7800, one copy of which is 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:

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 County Board shall supply in the manner prescribed by the Beltrami County Planning and Zoning Director all unprivileged data or information reasonably requested by the County that the applicant has in his/her possession or to which he/she has reasonable access.

Subdivision 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 Planning and Zoning Director shall prepare a draft EAW and supply all information necessary to complete that document.

Subdivision 3 ENVIRONMENTAL IMPACT STATEMENT^a

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 Minnesota Rules Governing Assessment of Costs for Environmental Impact Statements, one copy 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.

Subdivision 4 AGREEMENTS CONCERNING COST OF PREPARATION AND REVIEW:^b

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 Minnesota Rule 4410.6100.

Subdivision 5 PAYMENT OF COSTS:^c

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 ordinance, and pursuant to any written agreement entered into by the applicant for the permit or permits and the County Board under the provision.

Comments - abc: Subdivision 4 of this ordinance and Minnesota Rule 4410.6100 authorize the County to make a written agreement with the applicant as to a different division of the costs for the preparation and review of an EIS than is provided by M.S. 116D.045. Failure of the applicant to enter into a written agreement with the County detailing his/her costs of preparing the EIS and any other payments or information as required in Subdivision 5 of this ordinance shall be grounds for the County to deny a permit for the applicant's proposed project.

Section 3 ADMINISTRATION

Subdivision 1:

The Planning and Zoning Director shall be the person responsible for the administration of the Environmental Review Program, this ordinance, and the rules adopted by reference by this ordinance.

Subdivision 2:

The Planning and Zoning 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 Rule 4410.4300. The Planning and Zoning Director shall also determine those proposed actions for which an optional EAW may be required under the provisions of the ordinance and Minnesota Rule 4410.4500 and shall notify the Planning Commission and the County Board of these proposed actions.

Subdivision 3:

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

Subdivision 4:

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 the design alterations are necessary to lessen the environmental impact of the action.

Subdivision 5:

After an EAW is prepared, the Planning and Zoning Commission shall review the EAW and recommend to the County Board whether or not it should require the preparation of an EIS. The County shall require an EIS when it finds under Minnesota Rule 4410.2000 that an action is major and has potential for significant environmental effects.

Section 4 OPTIONAL EAW:

The County Board of Commissioners 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 affects. 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 affects such as generating traffic and noise?
- c. Are there public questions or controversy concerning the environmental affects of the proposed actions?

Section 5 ENFORCEMENT AND PENALTY:

Subdivision 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.

Subdivision 2:

Any person who violates any provision of this ordinance is guilty of a misdemeanor. Each day that the violation is permitted to exist constitutes a separate offense.


Subdivision 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 and after its passage and publication.

Adopted by the County Board this 23rd day of July, 1985.



Tom Tolman, Chairman
Beltrami County Board of Commissioners