

RESOLUTION

Commissioner Koep offered the following resolution and moved its adoption:

WHEREAS, in accordance with M.S.A. 375.51, a Public Hearing was held regarding the adoption of an Environmental Review Ordinance for Crow Wing County, and

WHEREAS, Public Hearings were held on August 13, 1985 and August 20, 1985 and testimony was heard from concerned parties attending the Public Hearings.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners adopts the following Environmental Review Ordinance for Crow Wing County.

ORDINANCE NUMBER 1-85
CROW WING COUNTY, MINNESOTA
ENVIRONMENTAL REVIEW ORDINANCE

An Ordinance establishing regulations relating to the preparation and review of Environmental Assessment Worksheets and Environmental Impact Statements, for the unincorporated areas of the County of Crow Wing, State of Minnesota.

SECTION I. ENVIRONMENTAL REVIEW PROGRAM

The provisions for the rules of the Environmental review program, (1982) Minnesota Rules 6MCAR S 3.021 through 6MCAR S 3.056, one copy of which is on file in the Office of the County Auditor, are hereby adopted, together with the provisions of this Ordinance, as the environmental review operating procedures Crow Wing County will follow in implementing the provisions of Minnesota Statutes Chapter 116D relating to the State Environmental Policy and any rules adopted thereunder by the Minnesota Environmental Quality Board which do not conflict with the provisions of this Ordinance. All terms used in this Ordinance shall have the same meaning as the terms used in Minnesota Statutes 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 by the rules of the Crow Wing County Board shall in the manner prescribed by the Crow Wing County Zoning Administrator provide all unprivileged data or information reasonably requested by the County that the applicant has in his possession or to which he has reasonable access.

SUBDIVISION 2. Environmental Assessment Worksheet (E.A.W.)

The applicant for a permit for any action for which an Environmental Assessment Worksheet (E.A.W.) is mandated under 6MCAR S 3.038A through S 3.038DD, or, is deemed required by the Crow Wing County Board when it has been designated as the Responsible Governmental Unit (R.G.U.) by the Environmental Quality Board (E.Q.B.) through the petition process as found in 6MCAR S 3.026, shall pay all costs of preparation and review of the E.A.W., and, upon the request of and in the manner prescribed by the Crow Wing County Zoning Administrator, shall prepare a draft E.A.W. and supply all information necessary to complete that document.

SUBDIVISION 3. Environmental Impact Statement (E.I.S.)

The applicant for a permit for any action for which an Environmental Impact Statement (E.I.S.) is mandated under 6MCAR S 3.039A through S 3.039S, shall pay all costs of the scoping and the preparation of the E.I.S. until such time the final E.I.S. is deemed adequate by either the Responsible Governmental Unit (R.G.U.) or the Minnesota Environmental Quality Board (E.Q.B.).

SUBDIVISION 4.

Petitioned or mandated E.A.W.'s shall be produced and paid for by applicant prior to commencement of the review or any stage of review by the Crow Wing County Planning Commission and/or Crow Wing County Board.

SUBDIVISION 5.

When the E.I.S. is mandatory, the applicant shall deposit with the County from time to time an amount determined by the Zoning Administrator, necessary to cover such costs prior to commencement of the review or stage of the review. The applicant shall reimburse the security fund for any deficits caused if the amount actually expended or billed to the County by the consultants exceeds the security fund balance. The County shall refund any money deposited in the security fund and not expended within thirty (30) days after final action on the application. The County shall not pay interest on such security deposits.

SECTION 3. ADMINISTRATION

The Crow Wing County Zoning Administrator shall be the person responsible for the administration of the Environmental Review Program, this Ordinance, and any rules adopted by reference by this Ordinance.

SUBDIVISION 2.

The Crow Wing County Zoning Administrator shall be responsible for determining whether an action for which a permit is required is an action for which an E.A.W. or an E.I.S. is mandatory under Minnesota Rule 6MCAR 3.038 and 6MCAR 3.039, and shall make his findings known to the Crow Wing County Planning Commission and the Crow Wing County Board.

SUBDIVISION 3.

The Crow Wing County Zoning Administrator shall make a staff recommendation on all E.A.W. petition requests to the Crow Wing County Board of Commissioners.

SUBDIVISION 4.

All E.A.W.'s and E.I.S.'s shall be prepared under the supervision of the Crow Wing County Zoning Administrator, reviewed by the Crow Wing County Planning Commission for recommendation, prior to review and approval by the Crow Wing County Board.

SUBDIVISION 5.

When reviewing any E.A.W. or E.I.S., the Crow Wing County Zoning Administrator and the Crow Wing County Planning Commission may suggest design alterations which would lessen the environmental impact of this action. The Crow Wing County Board may require these design alterations to be made as a condition for issuing the permit when it finds the design alterations are necessary to lessen the environmental impact of the action.

SECTION 4. ENFORCEMENT AND PENALTY

SUBDIVISION 1.

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

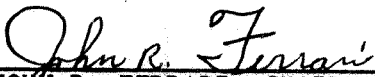
SUBDIVISION 2.

No work shall commence, and, any work in progress on any project for which environmental documents are required shall cease until the environmental review procedure established by this Ordinance is fully completed.

SUBDIVISION 3.


It is declared unlawful for any person, firm, corporation, agent, contractor, or employee of such tradesmen, to violate any of the terms and provisions of this Ordinance, regulation or other official contracts adopted by reference by the Crow Wing County Board. In the event of a violation of this Ordinance, it shall be the duty of the Crow Wing County Attorney to institute appropriate action or proceedings to prevent, abate, restrain, or prosecute such violations. All violations shall be a misdemeanor. Each day a violation continues to exist, shall constitute a separate offense.

Which resolution being seconded by Commissioner Sievek was duly adopted, all members voted "AYE".



JOHN R. FERRARI, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
CROW WING COUNTY, MINNESOTA

ATTEST:



CONRAD A. BYE, COUNTY AUDITOR
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 20th day of August, 1985.

Approved as to form and legality:

Stephen Rittke

By: 

COUNTY ATTORNEY

this 13th day of September, 1985.