

**4410.3700 MODEL ORDINANCE.**

Subpart 1. **Application.** The model ordinance set out in subpart 3 may be utilized by any local governmental unit that adopts the ordinance in lieu of parts 4410.1000 to 4410.3100 for projects that qualify for review under the ordinance.

Subp. 2. **Notice.** If a local governmental unit adopts the ordinance exactly as set out in subpart 3 it shall be effective without prior approval by the EQB. A copy of the adopted ordinance shall be forwarded to the EQB. Notice of adoption of the ordinance shall be made in the EQB Monitor.

Subp. 3. **Model ordinance.**

AN ORDINANCE RELATING TO THE PREPARATION AND  
REVIEW OF ENVIRONMENTAL ANALYSIS

The (county board) (town board) (city council) (watershed board) of  
\_\_\_\_\_ ordains:

Section 1. Application. This ordinance shall apply to all projects that:

A. are consistent with any applicable comprehensive plan; and

B. do not require a state permit; and

C. the (board) (council) determines that, because of the nature or location of the project, the project may have the potential for significant environmental effects; or

D. are listed in a mandatory EAW or EIS category of the state environmental review program, Minnesota Rules, parts 4410.4300 and 4410.4400, one copy of which is on file with the (county auditor) (town clerk) (city clerk) (watershed district board of managers).

This ordinance shall not apply to projects which are exempted from environmental review by Minnesota Rules, part 4410.4600 or to projects which the (board) (council) determines are so complex or have potential environmental effects which are so significant that review should be completed under the state environmental review program, Minnesota Rules, parts 4410.0200 to 4410.6500.

Section 2. Preparation. Prior to or together with any application for a permit or other form of approval for a project, the proposer of the project shall prepare an analysis of the project's environmental effects, reasonable alternatives to the project and measures for mitigating the adverse environmental effects. The analysis should not exceed 25 pages in length. The (board) (council) shall review the information in the analysis and determine the adequacy of the document. The (board) (council) shall use the standards of the state's environmental review program rules in its determination of adequacy. If the

(board) (council) determines the document is inadequate, it shall return the document to the proposer to correct the inadequacies.

Section 3. Review. Upon filing the analysis with the (board) (council), the (board) (council) shall publish notice in a newspaper of general circulation in the (county) (city) (town) (district) that the analysis is available for review. A copy of the analysis shall be provided to any person upon request. A copy of the analysis shall also be provided to every local governmental unit within which the proposed project would be located and to the EQB. The EQB shall publish notice of the availability of the analysis in the EQB Monitor.

Comments on the analysis shall be submitted to the (board) (council) within 30 days following the publication of the notice of availability in the EQB Monitor. The (board) (council) may hold a public meeting to receive comments on the analysis if it determines that a meeting is necessary or useful. The meeting may be combined with any other meeting or hearing for a permit or other approval for the project. Public notice of the meeting to receive comments on the analysis shall be provided at least ten days before the meeting.

Section 4. Decision. In issuing any permits or granting any other required approvals for a project subject to review under this ordinance, the (board) (council) shall consider the analysis and the comments received on it. The (board) (council) shall, whenever practicable and consistent with other laws, require that mitigation measures identified in the analysis be incorporated in the project's design and construction.

**Statutory Authority:** *MS s 116D.04*

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