

A Citizen's Guide: Environmental Review & Local Government Decision-Making

The Environmental Quality Board (EQB) draws together the Governor's Office, five citizens and the heads of 9 state agencies in order to develop policy, create long-range plans and review proposed projects that would significantly influence Minnesota's environment. The Board staff is housed in the State and Community Services Division of the Department of Administration.

University of Minnesota undergraduate student April Loeding and a team of EQB staff members, including Gregg Downing, Jon Larsen and John Wells, prepared this document to simplify and streamline public understanding of the environmental review process. Heidi Johnson at the Department of Administration provided assistance in the graphic design work of the publication. Dr. Terrence Cooper, a Morse-Alumni Distinguished Professor with the Department of Soil, Water and Climate at the University of Minnesota, served as the supervising faculty member for this project.

This document was prepared as a result of an undergraduate research assistantship provided by the Center for Urban and Regional Affairs (CURA) New Initiatives Program. CURA is an applied research and technical assistance center at the University of Minnesota that connects faculty and students with nonprofit organizations, ethnic and racial minority groups, businesses, rural towns, inner-city neighborhoods, suburban communities, local governments, and public institutions in Minnesota.

This document is not intended as a substitute for Environmental Quality Board rules and should be used in conjunction with the rule provision parts 4410.1000 to 4410.1700. Copies of the rules are available from Minnesota's Bookstore, www.minnesotasbookstore.com, 651-297-3000 or 800-657-3757, or at the Revisor of Statutes homepage at www.revisor.leg.state.mn.us. Further information about the environmental review process is available in the Guide to Minnesota Environmental Review Rules, also located on the EQB website. Upon request, this document will be made available in an alternate format, such as Braille, large print or audiotape. For TTY, contact Minnesota Relay Service at 800-282-5077 and ask for the Minnesota Environmental Quality Board.

Updates and corrections to this document and all its accompanying links, forms, or examples will be posted on the EQB homepage at <http://www.eqb.state.mn.us/review.html>.

December 2005

For additional information, contact:

ENVIRONMENTAL QUALITY BOARD



Environmental Review Program
300 Centennial Office Building
658 Cedar St.
St. Paul, MN 55155
651-757-2873
web site: www.eqb.state.mn.us
E-mail: env.review@state.mn.us

This document is available as a PDF document on the Environmental Quality Board's Internet site at www.eqb.state.mn.us.



Environmental Review and Local Government Decision-Making

Introduction	4
Overview – Cities, Townships and Counties	4
Community Development Procedures and Environmental Review	4
Local Government Glossary	7
Additional Information	9



Objectives

By the end of this document you will learn:

- The typical procedures many communities have in place for evaluating proposed development projects.
- The roles that the local government clerk, zoning administrator, attorney, engineer, planning commission and council/board play in environmental review.
- Where to find more information about land use planning techniques, policies and procedures.

Introduction

The purpose of this section is to provide you with more information about how local governments operate on a day-to-day basis. On occasion, citizens may be concerned about an environmental review-related project, but they have never been involved with land use decisions in their communities or have never attended city council meetings. In these cases, everything appears confusing and citizens are unsure about who to talk to or what to do. The next few pages are designed to provide some basic information about how local governments conduct the community planning and development processes.

While this information is being provided to you as a resource, it is important to know that the Environmental Quality Board (EQB) has no jurisdiction over local government planning and community development. The primary role of the EQB is to advise organizations on the proper procedures for environmental review and to monitor the effectiveness of the process in general. While you are encouraged to contact the EQB on matters related to environmental review, the EQB is not the proper forum for reporting poor community development procedures or practices.

Overview – Cities, Townships, and Counties

The Minnesota Constitution provides for the creation, organization, administration, consolidation, division and dissolution of local government units and their functions.

The term “local government” applies to counties, towns (townships), cities and special purpose districts such as school districts, soil and water conservation districts, hospital districts, regional development commissions and the Metropolitan Council. While local governments have a great deal of authority to oversee activities that take place under their jurisdiction, they are also subject to the laws, permits

and rules of the state and federal government.

City governments provide services in communities that have been intensively developed for residential, commercial, industrial and governmental purposes. Township governments provide services in areas of agricultural, open space and rural residential uses. Counties are mainly administrative arms of the state government and were primarily created to carry out certain mandates, such as providing welfare services and a corrections system. All three of these forms of local government manage land use planning activities and zoning in areas under their jurisdiction.

In environmental review, cities, townships, counties and certain joint powers organizations can be named the responsible governmental unit (RGU) for a project. Other forms of local government, such as school districts, cannot be the RGU for environmental review.

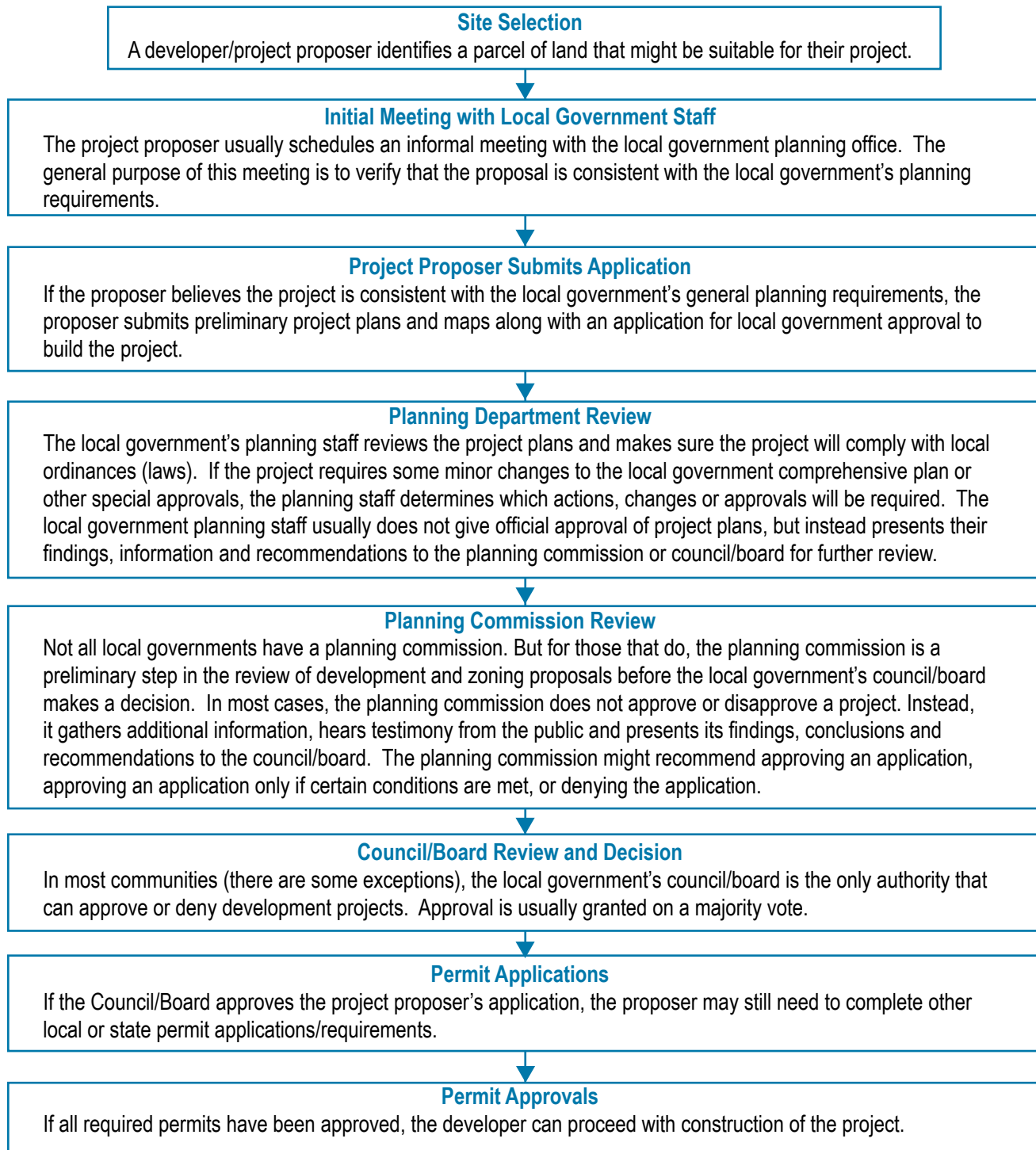
Community Development Procedures and Environmental Review

What are the normal procedures that project proposers follow when they want to build in my community when there is no environmental review?

While every local government is different, many cities, townships and counties have established standard procedures for new development or new construction projects. In many communities, project proposers typically go through the basic steps listed on the next page. This information is designed to provide you with a background on a typical community planning process, it is not meant as an authoritative guide. If you are interested in learning about how development takes place in your community, you should talk with your local government’s staff members.



Typical Community Development Process (No Environmental Review)





How does environmental review fit into the typical community planning and development process?

Environmental review must be completed before any project approvals can be given or permits issued. If a project is large enough to require mandatory environmental review, then local government planning staff well-versed in the environmental review rules will inform the developer of these requirements during the initial staff meeting. If a citizen petition is filed and the project has proceeded through some of the community's approval steps, the approval process is suspended until all requirements of the environmental review program have been met. In many local governments, the environmental review decisions are made by the organization's governing authority, such as the council or board.

Who is involved in planning and environmental review in my local government?

If you are concerned about environmental review of a project, it is important that you understand the different roles local government employees and elected officials play in your community. The following list provides a brief description of common local government positions, but you should contact your own local government or review its web site to learn more about its normal staffing and operating procedures.

Council/Board Members – Many cities will refer to the governing body of local government as the *Council* (as in city council), but townships and counties often use the term *Board* (as in township board or county board). Most local governments in Minnesota have a council or board, but the authority and responsibilities of these individuals varies from one community to another. In general, a local government council/board consists of five to seven members who have been elected by local residents. The council/board is responsible for setting the overall direction of a community's future and often passes ordinances and sets administrative policy. Council/board members also vote on major proposals and activities that take place within the community. In most local governments, the council/board is responsible for making decisions regarding the environmental review process, such as ordering an EAW, denying a petition, requiring an EIS, etc.

Clerk – As a community's population grows, the local government often hires staff persons for performing a variety of administrative functions. In many local governments, the clerk is the first administrative officer and is responsible for:

- Maintenance of official local government documents, resolutions, ordinances and records
- Filing documents with the proper officials and offices

- Answering questions from the public regarding ordinances and official actions
- Administering local government licenses and permits in accordance with city codes and policies and state laws
- Coordinating the local government council/board meeting agendas, meeting agenda packets and meeting minutes

The clerk often plays an important administrative and informational role during the environmental review process. If you are filing a citizen petition for environmental review, you will typically interact with the local government clerk to get additional information about a project and/or to receive copies of any project applications that have been filed. If you submit a comment letter to a local government RGU regarding a recently prepared environmental review document (EAW, EIS, etc.), you are typically submitting your comments to the local government's clerk. The clerk is responsible for assuring that your comments are filed and forwarded to an appropriate staff person for a response.

Attorney – Every local government has an attorney. Sometimes, the attorney is not a full-time staff member but is someone who is hired as a consultant on an as-needed basis. The attorney provides legal guidance and drafts and reviews contracts, ordinances, resolutions and other legal documents for elected officials and local government staff officials. The attorney also represents the local government's legal interests in judicial and administrative matters.

In local governments that are unfamiliar with the environmental review process, the attorney may be actively involved in the process to ensure that environmental review rules are followed correctly. In cases where citizens or organizations challenge an RGU's decision regarding an environmental review document, the local government's attorney will be involved in presenting the RGU's case before the court.

Zoning Administrator – The zoning ordinance is supervised by a government official usually designated as the zoning administrator (although this person can have other names such as planner, planning administrator, etc.). The zoning administrator reviews and processes requests for zoning changes, conditional use permits, variances and subdivision applications. The zoning administrator also analyzes project proposals and prepares reports for the planning commission or local government council/board. Many cities, counties and townships have a full-time zoning administrator on staff, but this may not always be the case in smaller local governments. These smaller communities may instead choose to hire a



Environmental Review and Local Government Decision-Making

consulting firm when the need for planning/zoning expertise arises. In many local governments, the zoning administrator is responsible for overseeing and coordinating the environmental review process from start to finish.

Planning Commission – Many local governments, though not all, have established a planning commission. The planning commission serves as a preliminary step in the review of zoning and development proposals. Project proposals will often go before the planning commission for review before consideration by the local government's council/board. The planning commission often provides recommendations to the council/board on all proposed developments, annexations, zoning changes, special uses and variances. The planning commission makes its recommendations based on information gathered through on-site reviews, public hearings and local ordinance review. The planning commission thoroughly investigates new development proposals and provides the council/board with insight and information that will guide their decision on approving or denying a new project in the community.

Engineer – Like the clerk position, the need for engineering services grows as the community's population increases. Some local governments hire a staff engineer, while other communities contract with an engineering consulting firm. The engineer is responsible for many aspects of planning, project design and inspections, and a wide variety of municipal engineering projects including streets, water mains and distribution systems, storm and sanitary sewers, pumping stations and related water and sewer facilities. An engineer may review environmental review documents and project proposals to ensure that the projects are designed appropriately for the current infrastructure capabilities of the community.

How can I get more involved in land use planning and environmental planning in my community?

One of the best things you can do is to start regularly attending local government council/board and planning commission meetings. This will help you get a better understanding of how your local government operates on a daily basis, as well as the policies and interests of your elected and appointed officials. By attending regular meetings, you will also be able to stay informed about new developments in your community.

There are also many other methods for getting involved. You

can see if your community has a regular newsletter or E-mail distribution list, or you can see if there is some kind of bulletin board on their web site that you can look at on a regular basis. You can also get involved in local committees or citizen groups in order to advocate more effectively for issues that are important to you. You may even want to consider becoming a member of your local park board, planning commission or council/board.

Environmental review occurs very late in a community's development process. Long before a project proposal is presented and environmental review documents are prepared, the stage is often already set for how a community will grow and develop. The best time to have input and discussion in your community's land use decisions is when a comprehensive plan is being prepared/updated or when new ordinances are being considered for approval. Through regular, cooperative work with your local government officials, you may be able to design procedures and ordinances that can accomplish more for your community's environmental protection than the information/analysis that is a part of the environmental review process.

Local Government Glossary

If you are a novice to local government planning and activities, you may not know what is meant by the terms such as resolution, ordinance and comprehensive plan. The pages that follow include a detailed explanation of common terms you might read or hear during a meeting of a local government planning commission or council/board.

What are the differences between motions, resolutions and ordinances?

The differences between motions, resolutions, and ordinances are a common source of confusion for citizens. All of these terms reflect a particular type of action taken by a governing body. Unfortunately, while each has a specific purpose and legal impact, Minnesota Statutes fail to provide any official definitions to distinguish what is meant by each term. The following information is intended to assist you in understanding their purpose and legal significance.

Motion – A motion is considered the formal mode in which a member of a city, township or county board or council proposes a measure for consideration and action. In other words, a motion is simply the manner in which approval of an action is sought. A motion is usually made by a person



stating “I move that . . .” A motion may be used to simply acknowledge a directive, such as approving the minutes of the meeting, or to seek adoption of a resolution or ordinance.

Resolution – A resolution is a formal expression of the opinion or will of a governing body. Resolutions are generally used by local government councils/boards to express a particular position, to make an appointment or designation, or to adopt a policy that is administrative and not legislative in nature. Common examples of resolutions include recognizing the special efforts of a group of volunteers or adopting a policy about how the community will handle a particular duty.

In environmental review, the Council/Board uses a resolution to make a decision regarding an environmental review document.

Ordinance – An ordinance is the local government equivalent of a law or statute. In other words, ordinances are the formal regulations created by a council/board to govern the community. Ordinances are generally enforceable by criminal prosecution or by civil actions, such as a court order or injunction. Animal control and nuisance controls are common issues governed through ordinances.

What is a comprehensive plan?

Many, though not all, communities in Minnesota have a comprehensive plan. The comprehensive plan states the goals, policies and standards which guide a city, township or county in its growth and development. The comprehensive plan is the primary planning document for a community and is the plan on which all related ordinances are based, including zoning ordinances and subdivision regulations. It may be rather simple or quite sophisticated. The comprehensive plan must be developed in a public process permitting citizen input. When adopted by the governing body, the comprehensive plan is the legal framework for official land use controls.

The comprehensive plan usually includes text and a map. The text may provide background information on how policy decisions were reached and why certain policies were established. The map identifies the proposed areas of land use, street systems, utilities, parks, schools, etc.

The comprehensive planning process considers and reviews all aspects of a community’s land and sets policies for new development or redevelopment opportunities. The comprehensive plan attempts to identify a community’s needs and desires and then establishes the basic framework to accomplish its goals.

What is a zoning ordinance?

The comprehensive plan and the zoning ordinance are interrelated planning tools. The comprehensive plan is a planning document, while the zoning ordinance typically translates the comprehensive plan into a legally enforceable ordinance. The zoning ordinance provides the local government with the legal authority to regulate the way land under its jurisdiction may be used.

Many local governments, though not all, have enacted a zoning ordinance. The zoning ordinance regulates the types of buildings and facilities that are permitted and how property can be developed within a particular zoning district. Some examples of zoning districts are agriculture, single family residential, office and business. The zoning ordinance often dictates building and land use requirements for each district, such as building height, minimum lot area, setback lines, off-street parking, landscaping, signage and other related considerations.

Zoning is one of the most important tools for promoting orderly community development. By predetermining the placement of certain types of land uses through the comprehensive plan, zoning code and possibly a subdivision code, a municipality is trying to avoid potential land use conflicts, traffic problems and safety hazards. At the very least, a good zoning ordinance should contain a definition of the types of zoning districts, a list of permitted and conditional uses for each district, a statement of all procedures and general conditions that will be considered by the council/board when it makes zoning-related decisions.

What are subdivision regulations?

Subdivision regulations govern the division and development of land. They help establish procedures for dividing a land area into streets, blocks, buildable lots and open spaces. Standards are set for lot and street design, drainage, park dedication, improvement requirements and similar concerns. Subdivision regulations can be included as part of a zoning ordinance, or they can be adopted as a stand-alone ordinance.



Additional Information

Where can I go to find out more about local government planning and administrative procedures?

The following is a list of resources and organizations that can help you learn more about local government planning and administrative procedures.

Note: The Minnesota Environmental Quality Board has provided links below to other web sites that are not under the authority of the EQB. These links are provided for convenience of reference only and are not intended as an endorsement by the EQB.

Association of Minnesota Counties (AMC)

The AMC is a voluntary statewide organization that assists the state's 87 counties and works closely with the legislative and administrative branches of state government in assuring that legislation and policies favorable to counties are enacted. In addition, the AMC provides educational programs, training, research and communications for county officials. More information about the history and demographics of Minnesota's counties can be found on the site.

AMC web site: <http://www.mncounties.org/>

Link to more info on MN counties: http://www.mncounties.org/About_Counties/about_counties.htm

Minnesota Association of Townships (MAT)

The Minnesota Association of Townships is a voluntary membership organization representing 1,784 of Minnesota's organized townships and nearly 9,000 elected township officers. More information about township governance and operating procedures can be found in its "Information Library" web page.

MAT web site: <http://www.mntownships.org>

League of Minnesota Cities (LMC)

The LMC represents more than 800 Minnesota cities. More information about local government operating procedures and governance can be found by reading the LMC "Handbook."

LMC web site: <http://www.lmnc.org>

Link to Handbook: <http://www.lmnc.org/library/handbook.cfm>

Lincoln Land Policy Institute, Online Education Center

There are two online courses that may be of interest to you - "Planning Fundamentals" and "Planning Fundamentals: Concepts in Land Use." No fees are charged for access to these courses, but registration in the Lincoln Education Online (LEO) system is required.

Link to LEO: <http://www.lincolneducationonline.org/>

Northstar Chapter of the Sierra Club

The Sierra Club is one of America's oldest and largest and grassroots environmental organizations. A general planning overview and links to additional publications/resources on community development methods and procedures are on the web page titled "Citizens' Guide to Local Land Use Planning." You can also search by county or city and learn more about the community development process for local governments in the seven-county Twin Cities Metro area.

Northstar Chapter web site: <http://northstar.sierraclub.org/>

Link to Citizens' Guide to Local Land Use Planning: <http://northstar.sierraclub.org/land>

Review

The local government employees and elected officials typically involved in the environmental review process are the clerk, council/board members, zoning administrator, attorney, planning commission members and the engineer.

Some ways you can get more involved in your community's local government include regularly attending meetings, signing up for a newsletter, checking the local government's web site, participating in committees or citizens' groups, or seeking an elected or appointed public office.

Long before a project proposal is presented or an environmental review document is prepared, the stage is often already set for how a community will grow and develop. The best time to affect your community's land use decisions is when it is preparing or updating its comprehensive plan, or when it is considering new land use and zoning ordinances.