

City of Woodbury- CITY CODE
Chapter 27 - ENVIRONMENTAL MANAGEMENT

DIVISION 7. ENVIRONMENTAL REVIEW

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Sec. 27-76. Purpose.

Minnesota Rules Chapter 4410 are hereby adopted, together with the provisions of this division, as the environmental review procedures that the City of Woodbury will follow in implementing the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board.

(Ord. No. 1839, § 1839.01, 3-9-2011)

Sec. 27-77. Definitions.

Unless specifically defined below, words or phrases used in this division shall be interpreted so as to give them the same meaning as they have in common usage and to give this chapter its most reasonable application. For the purpose of this division, the words "must" and "shall" are mandatory and not permissive.

Alternative Urban Areawide Review (AUAR) is an alternative form of environmental review as detailed in Minnesota Rules 4410.3610. The content and format of an AUAR is similar to that of the EAW, but provides for a level of analysis comparable to that of an EIS.

Environmental Assessment Worksheet (EAW) is a brief document which is designed to assess the environmental effects and to set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS.

Environmental Impact Statement (EIS) is a detailed written statement as required by M.S. § 116D.04, subdivision 2a used to evaluate proposed projects which have the potential for significant environmental effects.

Mitigation is:

- (1) Avoiding impacts altogether by not undertaking a certain project or parts of a project;
- (2) Minimizing impacts by limiting the degree of magnitude of a project;
- (3) Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
- (4) Reducing or eliminating impacts over time by preservation and maintenance operations during the life of the project;

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- (5) Compensating for impacts by replacing or providing substitute resources or environments; or
- (6) Reducing or avoiding impacts by implementation of pollution prevention measures.

(Ord. No. 1839, § 1839.01, 3-9-2011)

Sec. 27-78. General provisions.

- (a) No decision on granting a permit or other final approval required to commence a project may be issued until the environmental review process is completed.
- (b) Environmental reviews shall be conducted as early as practical in the processing of a development project. Time delays in the normal permit process caused by the filing and review of the EAW, EIS or AUAR shall not be considered part of the normal permit approval time requirements. Such delays shall be considered as additional required time for each required permit. The permit process for the proposed project may be continued from the point it was interrupted by the environmental review process.

(Ord. No. 1839, § 1839.01, 3-9-2011)

Sec. 27-79. Environmental assessment worksheets.

- (a) Preparation of an EAW shall be mandatory for those projects that meet or exceed the EAW thresholds contained in Minnesota Rules 4410.4300 or the EIS thresholds in Minnesota Rules 4410.4400.
- (b) A discretionary EAW may be required when it is determined that, because of the nature or location of a proposed project, the project may have the potential for significant environmental effects. The city council may require the preparation of a discretionary EAW if it is suspected that a development project may have the potential for significant environmental impact.
- (c) If the community development director determines that an EAW shall be prepared, it is at the city's sole discretion to determine the EAW preparation process. The city may choose to prepare the EAW; select a consultant to perform the work; or may allow the project proposer to prepare the EAW. The project proposer will need city approval on the selection of any consultant selected by the project proposer. The city can return an incomplete EAW submittal to the proposer, edit the EAW as necessary or request additional information from the proposer until the city accepts the EAW submittal as complete in writing.
- (d) All EAWs shall be prepared under the direction of the community development director and reviewed and approved by the city council.
- (e) The project proposer is responsible for all fees associated with the preparation of the EAW. If the city is preparing the EAW or has selected a consultant to prepare the EAW on the city's behalf, the project proposer shall agree in writing to provide an escrow of one hundred twenty-five (125) percent of the estimated cost of EAW preparation to the city for all reasonable expenses, including legal and consultants' fees, incurred in preparation and review of the EAW.
- (f) The city council shall require an EIS when it finds that a project has the potential for significant environmental effects under Minnesota Rules 4410.1700.
- (g) When reviewing an EAW, the community development director may suggest design alterations/mitigation measures that would lessen the environmental effects of the proposed project. The city council may require that these design alterations/mitigation measures, whenever feasible and consistent with other laws, be incorporated as conditions of approval or request these changes to be incorporated into the site plan to lessen the environmental effects of the proposed project.

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(Ord. No. 1839, § 1839.01, 3-9-2011)

Sec. 27-80. Environmental impact statements.

EIS documents shall be required, prepared, reviewed, financed and determined adequate in accordance with Minnesota Rules 4410.

(Ord. No. 1839, § 1839.01, 3-9-2011)

Sec. 27-81. Alternative urban areawide review.

- (a) An AUAR may be used as an alternative review document to review the anticipated cumulative environmental effects of residential, commercial, and industrial development and associated infrastructure in a particular geographic area following the guidelines in Minnesota Rules 4410.3610.
- (b) If the community development director determines that an AUAR may be prepared, the City of Woodbury will select the consultant to perform the work. All AUARs shall be prepared and reviewed according to the procedures and requirements of Minnesota Rules 4410.3610.
- (c) All AUARs shall be prepared under the direction of the community development director and reviewed and approved by the city council.
- (d) The project proposer(s) are responsible for all fees associated with the preparation and review of the AUAR including legal and consultants' fees. The City of Woodbury shall establish the payment method and process at the time an AUAR is ordered.
- (e) The final AUAR shall be adopted in accordance with Minnesota Rules 4410.3610.
- (f) The mitigation plan, developed as part of the AUAR, shall be adopted through (e) above. If any projects and associated infrastructure within the defined geographic area of the AUAR exceed the impacts assumed in the AUAR and/or do not comply with the plan for mitigation, the environmental review document and mitigation plan must be updated to be consistent with the project.

(Ord. No. 1839, § 1839.01, 3-9-2011)

Secs. 27-82—27-90. Reserved.