

CHAPTER 16 PLANNING AND DEVELOPMENT

Article I Planning Commission

Article II Reimbursement of Consultant Development Fees

Article III Environmental Review Program

ARTICLE I. PLANNING COMMISSION

Sec. 16-01. Commission Established. A Planning Commission for the city is hereby established. The Commission serves as an advisory board for the City Council and City Administrator. All conclusions reached by the commission shall serve as recommendations and powers of execution shall be vested in the City Council. The Commission is subject to the City's Policy on Advisory Boards and Commissions.

Sec. 16-02. Functions and Duties of Commission. The Planning Commission shall act in an advisory capacity to the City Council and City Administrator in all matters pertaining to planning, development, and redevelopment. Specific responsibilities of the commission shall be:

- (1) To establish plans, policies, and procedures in matters relating to planning, development, and redevelopment.
- (2) To assist the City Council in developing, reviewing, and analyzing planning programs, development proposals, and redevelopment programs.
- (3) To educate the City Council on planning, development, and redevelopment issues.
- (4) To interview and review work of the planning consultant.
- (5) To assist in the collection of background data to assist the City Council to determine goals, policies, and programs for future development of the community.
- (6) To assist with the preparation and updating of the comprehensive plan.
- (7) To assist in the preparation of development controls.
- (8) To review development proposals and proposed changes to city ordinance.
- (9) To assist in preparation of a Capital Improvement Plan.
- (10) To make recommendations on proposed boundary changes.

Sec. 16-03. Composition of Commission. The Planning Commission shall consist of seven (7) regular members, appointed by the City Council.

Sec. 16-04. Repealed.

Sec. 16-05. Repealed.

Sec. 16-06. Repealed.

Sec. 16-07. Repealed.

Sec. 16-08. Repealed.

ARTICLE II. REIMBURSEMENT OF CONSULTANT DEVELOPMENT FEES

Sec. 16-09. Definitions. As used in this article:

- **Costs** means any time or expense incurred by the city for services performed by the Community Development Director, Public Works Director/City Engineer and City Attorney or any other regular staff consultants.
- **Development** means any subdivision, planned unit development, rezoning special use permit, variance, vacation, building addition, or site plan; or proposed rezoning, special use permit, variance, building addition, or change in site plan; or any amendment to a previously approved subdivision, planned unit development, rezoning, special use permit, variance, vacation, building addition, or site plan.
- **Owner** means any property owner, applicant, or duly authorized representative of a development.

Sec. 16-10. Reimbursement Required. Any owner that causes the city to incur costs on behalf of, or on account of, that owner, associated with a proposed development, shall reimburse the city for the actual costs expended by the city on behalf of, or on account of, said owner. Any development which involves only one platted residential lot, for a non-commercial purpose, located in a residential zoning district shall not be responsible for costs incurred by the city beyond the initial application fee.

Sec. 16-11. Deposit Required. The owner shall deposit with the city in escrow an amount, as determined by the City Administrator, necessary to cover the total costs associated with the proposed development prior to the performance of any such services by the city's regular staff or consultants. However, if a proposed development and the related consultant review is anticipated to span a period of time in excess of ninety (90) days, the owner will only be expected to deposit a sum, as determined by the City Administrator, necessary for the city to pay all costs for said ninety (90) days. The owner will then be expected to maintain the escrow fund at a balance equal to the original amount deposited. Any escrow shall be held in a special escrow account and shall be credited to the said subdivider, owner, or developer. Staff time and legal expenses incurred by the city in plat approval, office and field checking, setting grade and drainage requirements, general supervision, staking, inspection, installation and cost of traffic control and street signs, drafting as-built drawings and all other city staff and consultant services performed in the processing of said improvements and developments, administrative and legal expenses in examining title to the property being developed shall be charged to the aforementioned account and shall be credited to the city.

Sec. 16-12. Monthly statements of Expenditures Required. The city will provide itemized statements to the owner by the tenth day of each month showing the city's expenditures for staff and consultant services for the prior month associated with a development together with the current balance in the developer's escrow fund, and a statement, if additional funds are requested, to maintain the fund at the level established. No statement will be sent if there are no transactions during the preceding month in the escrow fund.

The city shall itemize all time, services, and materials billed to any developer's escrow account and said time, services, and materials shall be in accordance with the rules, regulations, and fees as promulgated and adopted by the City Council. The subdivider, owner, or developer making the deposit(s) in the escrow account shall, upon request, be furnished a copy of said itemized charges.

Any balance remaining in the account upon completion of all platting conditions shall be returned to the depositor by the Finance Department after all claims and charges thereto have been paid.

Sec. 16-13. Reimbursement of Escrow Fund. The owner shall reimburse the escrow fund for any deficits caused if the amount actually expended by, or billed to, the city exceeds the escrow fund balance.

Sec. 16-14. Refund of Unexpended Balance. The city shall refund any monies deposited in the escrow fund not expended for consultant fees within thirty (30) days after completion of any city consultant services associated with the development.

Sec. 16-15. Escrow Fund not to Draw Interest. The city shall not pay interest on the monies deposited in the escrow fund.

Sec. 16-16. Rates Established. The City Administrator shall establish the rates charged for the services performed by city staff or consultants.

ARTICLE III. ENVIRONMENTAL REVIEW PROGRAM

Sec. 16-17. Generally. The provisions of the rules of the Environmental Review Program, 6MCAR 3.021 to 3.048, one copy of which is on file in the office of the City Clerk, are hereby adopted, together with the other provisions of this article, as the environmental review operating procedures this city 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 article shall have the same meaning as the terms used in Chapter 116D and the rules adopted thereunder.

Sec. 16-18. Cost of Preparation and Review.

- (a) **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 City Council shall supply in the manner prescribed by the City Administrator, or representative, all unprivileged data or information reasonably requested by the city that the applicant has in their possession or to which the applicant has reasonable access.
- (b) **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 City Council, shall pay all costs of preparation and review of the EAW, and, upon the request of and in the manner prescribed by the City Administrator, or representative, shall prepare a draft EAW and supply all information necessary to adequately complete that document.
- (c) **Environmental Impact Statement.** The city 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 "Rules Governing Assessment Costs for Environmental Impact Statements", one copy of which is on file in the office of the City Clerk, unless the applicant and the City Council provide otherwise by a written agreement.
- (d) **Payment of costs.** 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 in adequate detail and until the environmental review process has been completed as provided in this article, and pursuant to any written agreements entered into by the applicant for the permit or permits and the City Council under Section 16-21(e).

- (e) **Agreements concerning cost of preparation and review.** The applicant for a permit for any action for which an EAW or EIS is required and the City Council may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in 6MCAR 3.042.

Sec. 16-19. Administration.

- (a) The City Administrator, or representative, shall be the person responsible for the administration of the environmental review program, this article, and the rules adopted by reference by this article.
- (b) The Community Development 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 6MCAR 3.024. The Community Development Director shall also determine those proposed actions for which an optional EAW may be required under the provisions of the article and shall notify the Planning Commission and the City Council of these proposed actions.
- (c) All EAWs and EISs shall be prepared under the direction of the Community Development Director, reviewed by the Planning Commission and reviewed and approved by the City Council.
- (d) When reviewing an EAW or EIS, the Community Development Director and the Planning Commission may suggest design alterations that would lessen the environmental impact of the action. The City Council 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 on the action.
- (e) After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the City Council whether or not it should require the preparation of an EIS. The City Council shall require an EIS when it finds under 6MCAR 3.025, "that an action is major and has potential for significant environmental effects", and whether the action "is of more than local significance".

Sec. 16-20. Enforcement and Penalty.

- (a) No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this article have been completed.
- (b) Any person who violates any provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for ninety (90) days or both. Each day that the violation is permitted to exist constitutes a separate offense.
- (c) 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 article are fully complied with.