

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-045-0

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING CHAPTER 2, ARTICLE VII, OF THE  
DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE  
POWERS AND DUTIES OF THE PLANNING COMMISSION.

BY COUNCILOR STAUBER:

The city of Duluth does ordain:

Section 1. That Chapter 2, Article VII, of the Duluth City Code, 1959, as amended, relating to some of the powers and duties of the planning commission is hereby repealed in its entirety.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:

\_\_\_\_\_  
Attorney

PLNG/ATTY MAL:dma 8/30/2010

STATEMENT OF PURPOSE: This ordinance repeals those provisions of Chapter 2 providing for additional duties of the planning commission. With the enactment of the Unified Development Chapter, most, but not all, of the duties of the planning commission have been provided for in the UDC.

Passage of this ordinance would result in a significant change in planning commission duties. It eliminates the authority of the planning commission to perform the duties of the regulating governmental unit (RGU) for purposes of the Minnesota Environmental Procedures Act (MEPA). The RGU is responsible for performing the regulatory functions associated with environmental assessment worksheets and environmental impact statements for projects subject to MEPA. If this ordinance is repealed, the council will become the RGU unless it authorizes a commission or the administration to perform this function. The RGU is responsible for conducting all such regulatory functions under MEPA within the mandatory time periods provided for in the regulations. These functions include, but are not limited to, conducting all public hearings, determining whether an EIS is required, conducting all EIS scoping processes and decisions, and determining the adequacy of an EIS. The planning commission has performed the duties of the RGU for many years and that practice was codified in 2008.

Article VII currently provides as follows:

Article VII. Planning.

*Editor's note. Ordinance No. 1809, relating to the planning department of the city, has been partly superseded by the provisions of Article II of this Chapter. Such ordinances establishing the planning division and the city planning commission have not been set out herein, but may be found on file in the office of the city clerk.*

Sec. 2-41. Powers and duties.

In addition to the powers and duties granted to the planning commission by this Code, by the ordinances of the city of Duluth and by the laws of the state of Minnesota, the planning commission shall serve as the responsible governmental unit and conduct environmental reviews pursuant to Minnesota Statutes Chapter 116D and the applicable state regulations. (Ord. No. 9939, 10-13-2008, § 1.)