

ATTACHMENT 2: Summary of Draft Rule Changes

Overview of Draft Changes for Phase 1 of the Application Process Review

Note: The chart does not include minor changes, e.g., the numerous required renumbering done as a result of moving language around.

Note: If a change involves two divisions, e.g., language was moved from Division 21 to 15, it appears twice on this chart, once under each division.

Type	Modification	Reason
DIVISION 15		
Moved	Moved entire “Procedures for the Conduct of Contested Cases” section from near the beginning of 345-015 to near the end of the division.	Moved to later in Division 15 to reflect the timing of contested cases occurring later in the siting process.
Added	Added “Sending notice by mail or email to the land management agency . . .” to various notice of intent sections throughout OAR 345.	The Council approved this addition as part of the Protected Areas rulemaking, but deferred the rule change since R211 was set to be opened.
Moved	Moved 345-020-0016(2) (“The Department must issue public notice . . . of any amendment . . .”) to 345-015-0110(4)	Consolidating references to department / staff responsibilities into Division 15.
Deleted / Moved	Deleted 345-020-0040 (“Distribution of a Notice of Intent”), while moving some portions to 345-015-0120.	Consolidating references to department / staff responsibilities into Division 15.
Added	Created 345-015-01XX – Appointment of Special Advisory Groups	Showing conformity with ORS 469.480 – note that additional language to further clarify this rule is pending.
Modified	Conformed 345-015-0120(3) to 015-0110(2)(f) by adding “time” and removing “agenda” to Agency Memorandum of NOI.	Modified language for internal consistency.
Modified	Modified 345-015-0120(5) by changing duty from applicant to the Department (who ensures applicant distributes printed NOI).	Conforming division 15 language to Staff centered purpose.
Deleted	Removed “described in OAR 345-015-0130” from OAR 345-015-0130(2)	Removed reference as redundant.
Modified	Removed “send” and modified to “issue” in 345-015-0160(1)	Updated to conform to guiding language used in ORS 469.330.
Moved	Moved Rule 345-021-0050(7) (“Consolidating references to department / staff responsibilities into Division 15. . .”) into its own section: 345-015-XXXX	Consolidating references to department / staff responsibilities into Division 15. Created a new rule out of this language to create uniformity in the various stages of the siting process.

Moved / Modified	Merged 345-021-0050 into 345-015-0180, both of which reference the agency memorandum on the preliminary application. Will require future rewrite to make this merge successful.	Consolidating references to department / staff responsibilities into Division 15.
Deleted	Removed “in coordination with the applicant” in the new OAR 345-015-0180(2)	This language was deleted to conform with standard practice.
Deleted	“Until the Department determines the application to be complete, it is a preliminary application” from 345-015-0190	Removed because this language is stated in 345-015-0180 now and there is no need to repeat it in 0190.
Modified	Changed 345-015-0190(9) -- now 345-015-0190(7) -- (“After a determination that an application is complete, the applicant must submit additional information” to “After a determination that an application is complete, if the Department identifies a need for additional information . . .”) to place the subject before the verb.	Modified for clarity.
Moved / New Section	Moved 345-015-0190 (7)-(8) to their own section now called “345-015-XXX - Public Notice of Complete Application for Site Certificate”	Created this new section to create internal consistency between the various phases of the siting process.
Added	Created “345-015-XXX - Informational Meeting on a Complete Application.”	Created this new section to create internal consistency between the various phases of the siting process.
Deleted	Deleted “described in OAR 345-015-0130”	Removed reference as redundant / unnecessary.
Moved / Modified	Combined 345-021-0055 and 345-015-0200 into a new section called “Distribution of a Complete Application and Notice Thereof”	Consolidating references to department / staff responsibilities into Division 15.
Deleted	Removed “under OAR 345-021-0055”	Removed as redundant / unnecessary
Modified	Changed heading for 345-015-0220: “Public Hearing on the Draft Proposed Order” to add “and Notice Thereof”	Add language for clarity
Deleted	Removed 345-015-0230(5), which reads: “After the conclusion of the contested case proceeding, the Council will take final action on the site certificate application, as described in OAR 345-015-0085.”	Removed as redundant.
New (not yet drafted)	At the end of Division 15 consider inserting a summary of the various notice requirements for different stages of the siting process.	Helpful for quick reference to determine notice requirements.

DIVISION 20		
Moved	Moved 345-020-0011(4) (“The applicant must submit, to the Department . . .”) to 345-020-0006(3).	Moved this language to the section on “Submission of a Notice of Intent” because it refers to the submission process of an NOI, not the substantive content.
Moved	Moved 345-020-0016(2) (“The Department must issue public notice . . . of any amendment . . .”) to 345-015-0110(4)	Consolidating references to department / staff responsibilities into Division 15.
	Deleted the majority of 345-020-0040 (“Distribution of a Notice of Intent”), while moving some portions to 345-015-0120.	Consolidating references to department / staff responsibilities into Division 15.
DIVISION 21		
Moved / Modified	Combined 345-021-0055 and 345-015-0200 into a new section called “Distribution of a Complete Application and Notice Thereof”	Consolidating references to department / staff responsibilities into Division 15.
Moved	Moved Rule 345-021-0050(7) (“Consolidating references to department / staff responsibilities into Division 15. . .”) into its own section: 345-015-XXXX	Consolidating references to department / staff responsibilities into Division 15. Created a new rule out of this language to create uniformity in the various stages of the siting process.
Moved / Modified	Merged 345-021-0050 into 345-015-0180, both of which reference the agency memorandum on the preliminary application. Will require future rewrite to make this merge successful.	Consolidating references to department / staff responsibilities into Division 15.
Moved	Moved language from 345-021-0080 and placed it into 022-XXXX.	Moved this language out of Division 22 because this language represents a source of requirements applicants have to meet.
DIVISION 22		
Moved	Moved language from 345-021-0080 and placed it into 022-XXXX.	Moved this language out of Division 22 because this language represents a source of requirements applicants have to meet.