

## 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
<b>DIVISION 15</b>		
<b>Added</b>	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.
<b>Moved</b>	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.
<b>Deleted / Moved</b>	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.
<b>Added</b>	Created 345-015-0115 – Appointment of Special Advisory Groups	Implementation of ORS 469.480 and delegating the authority to designate the Special Advisory Group members to the Department.
<b>Modified</b>	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.
<b>Modified</b>	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.
<b>Deleted</b>	Removed "described in OAR 345-015-0130" from OAR 345-015-0130(2)	Removed reference as redundant.
<b>Modified</b>	Removed "send" and modified to "issue" in 345-015-0160(1)	Updated to conform to guiding language used in ORS 469.330.
<b>Moved</b>	Moved Rule 345-021-0050(7) ("After receiving the preliminary application . . .") 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.
<b>Moved / Modified</b>	Merged 345-021-0050 into 345-015-0180, both of which reference the agency memorandum on the preliminary	Consolidating references to department / staff responsibilities into Division 15.

	application. Will require future rewrite to make this merge successful.	
<b>Deleted</b>	Removed “in coordination with the applicant” in the new OAR 345-015-0180(2)	This language was deleted to conform with standard practice.
<b>Deleted</b>	“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.
<b>Modified</b>	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.
<b>Moved / New Section</b>	Moved 345-015-0190 (7)-(8) to their own section now called “345-015-0194 - Public Notice of Complete Application for Site Certificate”	Created this new section to create internal consistency between the various phases of the siting process.
<b>Added</b>	Created “345-015-0198 - Informational Meeting on a Complete Application.”	Created this new section to create internal consistency between the various phases of the siting process.
<b>Deleted</b>	Deleted “described in OAR 345-015-0130”	Removed reference as redundant / unnecessary.
<b>Moved / Modified</b>	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.
<b>Deleted</b>	Removed “under OAR 345-021-0055”	Removed as redundant / unnecessary
<b>Modified</b>	Changed heading for 345-015-0220: “Public Hearing on the Draft Proposed Order” to add “and Notice Thereof”	Add language for clarity
<b>Deleted</b>	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.
<b>Added</b>	Added “(3) The applicant or the applicant’s representative must attend all public informational meetings described in (1)-(2).” to OAR-015-0198.	Added to make it clear that the applicant or applicant’s representative needs to attend this informational meeting.

DIVISION 20		
<b>Moved</b>	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.
<b>Moved</b>	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		
<b>Moved / Modified</b>	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.
<b>Moved</b>	Moved Rule 345-021-0050(7) (“After receiving the preliminary application”) into its own section: 345-015-0170	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.
<b>Moved / Modified</b>	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.
<b>Moved</b>	Moved language from 345-021-0080 and placed it into 022-0005.	Moved this language out of Division 22 because this language represents a source of requirements applicants have to meet.
<b>Modified</b>	Modified language found in: 345-001-0010(28)(q), 345-015-0180 (4)(b), and 345-022-0000 from “designated by the Council under ORS 469.480” to “designated by the Department under OAR 345-015-0115”	Modified rule language to reflect the addition OAR 345-015-0115, which delegates the authority to designate the SAG to the Department.
DIVISION 22		
<b>Moved</b>	Moved language from 345-021-0080 and placed it into 022-0005.	Moved this language out of Division 22 because this language represents a source of requirements applicants have to meet.