

MEMO

December 21, 2021

From: Alex Elvin

To: MVC

Re: Benefits and detriments process

A committee made up of Fred Hancock, Ted Rosbeck, Doug Sederholm, Jim Vercruysse, and Alex Elvin met on Nov. 10, 2021, to discuss ways to improve the process of reviewing benefits and detriments and writing decisions for DRIs. (This was a follow-up to the recommendations of an earlier committee that had met twice in July and presented its recommendation to the MVC on Sept. 30.) The committee recommends the following approach for post-hearing review:

1. **Post-hearing LUPC:** The main considerations in Chapter 831 (environment, persons and property, etc.), and factors in the B&D table (water quality, traffic and transportation, etc.), would be addressed at post-hearing LUPC, but staff would indicate ahead of time which factors the commission may want to consider primary or secondary, based on MVC discussions to date. This would be included in the B&D notes that are sent to commissioners prior to the post-hearing LUPC meeting.

The LUPC would come to a consensus on which factors are primary or secondary. If there is no consensus on a particular item, then it would automatically be considered primary. The LUPC would recommend to the full commission which factors are primary or secondary.

2. **Deliberation:** The MVC would take a single vote on whether to adopt the LUPC recommendation in regard to primary and secondary factors. Commissioners would then focus on the primary factors, and vote (by show of hands) on whether the project in each case should be considered a benefit, detriment, or neutral. The commission would also vote in regard to the main considerations in Chapter 831 (environment, persons and property, etc.).
3. **Written decision:** Official findings in the written decision will only relate to items where a vote was taken during deliberation. Facts from the record in regard to both primary and secondary factors may be included in the decision.

Summary

1. ***LUPC identifies primary and secondary factors for deliberation.***
2. ***MVC votes on LUPC recommendation, and on all findings.***
3. ***Statements of finding, and other facts from record, are included in written decision.***