

## Proposed Changes to Document Known as DRI Regulations Rev 12-2

**Name change:** After some thought, it was determined that this document is really a statement of procedures to be followed during the DRI process and not really regulations, which are generally understood as more restrictive, so we are advocating for that name change. Please note, Items that have been adjusted since the previous version was sent out are denoted by \*

**3.2.b Concurrence:** This section describes the concurrence process which was not mentioned in the previous version.

**3.2.d Non-Substantive Modifications:** This new section is designed to expedite approval of less significant modifications.

**3.3 Other Preliminary Procedural Matters:** This is a new section entirely. Some parts state current practice, some common sense.

**\*5.1 d.2 Pre-Hearing Meetings:** This is a new provision designed to make it clear that MVC DRI policies in effect at the time of the request for Modification apply (and not the policy in effect at the time of the original DRI filing).

**5.3.d.3 Continued Public Hearing to Allow Submission of Additional Evidence:** Revised to allow for a 60-day extension of time (as distinct from the previous 6 month continuance) to ensure the proceedings move forward with diligence.

**5.4 Meeting(s) of the LUPC Held Between Sessions of the Public Hearing:** New section stating current practice.

**5.5 Applicant Offers:** New section stating current practice.

**5.6 b & c:** New sections stating current practice on re-opening written record and re-opening public hearing.

**5.7 Voting to bypass LUPC and go to deliberation and decision:** Previously required 2/3 vote to pass. Bylaws, however, require all votes (except for changing bylaws) to be simple majority.

**6.4 Deliberation:** States current practice.

**6.5 Conditions of an Approval:** States current practice.

**6.6 Voting on a Decision:** Adds current straw vote practice

**6.8 Written Decision:** This provision is new. It requires that there be a quorum, comprising at least 9 members who voted on the original decision, to be present to approve the written decision (by a majority of that quorum). Previously we had allowed members who were not eligible to vote on the written decision to make up any quorum shortfall, but not vote.

**6.10 Special Provisions Applicable to Modifications:** This section is new, bringing together all modification considerations into one section.

**\*6.10.a Considerations for Deliberation of a Modification:** The first sentence states current practice. The second sentence clarifies applicable DRI policies (see above at section 5.1.d.2). The third sentence clarifies that the Commission may attach conditions consistent with those policies then in effect.

**6.10.b Considerations for Deliberation of a Modification:** This section adds a new requirement that new conditions may not attach to modifications for which there was no public hearing. The balance of the section states current practice.

**6.11 Post-Decision Activities:** New section stating current practice.

**7.1 Withdrawal of DRI Application:** Added 2-year waiting period before re-application is permitted.

**7.2 Refiling of a Denied DRI Application:** Added 2-year waiting period before re-application is permitted.

**\*7.3 Application of DRI Approval and Extension of a DRI Decision:** Re-wrote and added to end of section a provision regarding applicable policies (see above at section 5.1.d.2)

**8.0 Quorum and Voting:** This *section* is new but includes details previously included in other sections, and from the bylaws.

**9.0 LUPC:** New section stating current practice of LUPC.

**Removed current section on Rescission of DRI.** The proposed procedures would not include a provision for rescission.