Standard Site Certificate Process

```
Applicant submits a
Notice of Intent (NOI)
```

See OAR 345-020-0011 (Contents of a Notice of Intent)

Land Use: The NOI must include a statement indicating whether the applicant intends to seek land use approval from the local government (Path A) or from the Council (Path B).

```
ODOE gives public notice.
Applicant distributes NOI to reviewing
agencies.
```

```
Public information meeting (optional)
```

```
ODOE issues a Project Order
```

```
Applicant submits a Preliminary Application
```

See OAR 345-021-0000 (General Requirements) and OAR 345-021-0010 (Contents of an Application)

Land Use: Applicant must make a final choice of Path A or Path B.

```
Applicant distributes the Preliminary
Application to the reviewing agencies
```

```
ODOE determines when the application is
complete.  Applicant submits an
Application Supplement.
```

Applicant responds to ODOE's requests for additional information (RAI). Reviewing agencies provide completeness comments.

Appeal under Path A: If the local government's land use decision comes <u>before the applicant submits an NOI</u>, then appeal is first to LUBA. If the local government's land use decision comes <u>after the applicant submits an NOI</u>, then judicial review is through appeal of the site certificate decision.

```
ODOE issues public notice of filing.
Applicant distributes the Application
Supplement to reviewing agencies.
```

Reviewing agencies give substantive comments to ODOE

```
ODOE issues the Draft Proposed
Order and notice of public hearing
```

```
Public hearing
```

```
Council meeting: review of the Draft
Proposed Order
```

Party status: To be eligible to become a party to the contested case, a person must appear in person or in writing at the public hearing. Any issue that may be the basis for a contested case must be raised by the close of the record of the hearing. (ORS 469.370)

```
ODOE issues the Proposed Order and
notice of contested case
```

```
Contested case proceeding
```

```
Hearing Officer issues a Proposed
Contested Case Order
```

```
Council meeting:
decision on site
certificate
```

Appeal: Any party to the contested case proceeding may appeal the Council's decision by filing a petition for review in the Supreme Court within 60 days after service of the final order (ORS 469.403).

```
No appeal filed
```

```
Appeal filed
```

```
Supreme Court
decision
```

```
Decision
is final
```

```
Affirmed
```

```
Reversed
(remanded to the Council)
```