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M E M O R A N D U M

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TO: RC Executive Directors

CC: RC Planning & Government Services Directors; Rusty Haygood, DCA Deputy Commissioner; Staff of DCA's Office of Planning, Research & Geoanalytics; File

DATE: December 10, 2025

SUBJECT: Interpretive Guidance for Implementation of Amended DRI Rules

Good afternoon,

As you are all no doubt aware, DCA's board adopted the proposed amendments to the rules underpinning the Developments of Regional Impact program across the state. Since that time, DCA staff have been working to bring to completion the necessary modifications to the online DRI tracking/reporting system and DCA's website. Our I.T. team reports that the system will be set to include the new, additional development types when the **rules become effective on December 15, 2025**. To facilitate the gathering of information regarding the new development types, there will be a few modifications to the questions asked on the DRI Information Form (Part 1 and Part 2) that's used by the local government to request a DRI determination from the RC. We are hopefully optimistic that this shift will occur seamlessly, but, as anyone who's attempted to implement an I.T.-related project will likely say, we won't be confident until the project is actually complete.

To address several of the questions we've received since the DCA Board's action on November 20, and to assist in implementing the amended rules, we thought it worthwhile to equip your teams with some informational points and interpretive guidance regarding the DRI process and the recently adopted amendments to the DRI Rules. We've cc'd the planning directors on this message, but we encourage you to forward it along to all parties you believe would benefit. Most of this is covered in the rules (and has been, even in previous iterations), but we hope that explaining it a bit, here, may be helpful.

- **Projects not considered DRIs under previous rules which are considered DRIs under the amended rules.** Projects that were not considered DRIs under the previous iteration of the DRI Rules could be determined to be DRIs under the amended rules, IF a subsequent triggering event (as described in the Rules) occurs subsequent to the effective date of the amended Rules. E.g.: An 800,000 sq ft technological facility sought a rezoning from their host government in July 2025. The rezoning did not trigger a DRI at that time because there was no applicable development type for this type of facility in

the DRI Rules. In January 2026, the developer seeks a land disturbance permit from the host government. Based upon the DRI Rules in place at the time of this triggering event, the host government shall submit the project for the RC's DRI determination, and the project could be determined to be a DRI by the RC.

- **Multi-Phased projects.** All foreseen phases of a project shall be submitted for the RC's DRI determination at the outset of the process and all information available related to all phases shall be provided to facilitate the DRI process. The RC will base its determination upon the totality of project information available at the time the DRI Information Form is filed. As provided in the Rules, the RC could determine that a project is a DRI but that sufficiently specific information will not be available to conduct the process until some future step in the development process at which time the DRI process shall be re-initiated.
- **Multi-phased/Multi-parcel/Multi-Structure developments.** The entirety of the (re)development project shall be assessed when making the decision to submit a project into the DRI process and the RC shall base its determination upon plans for the entirety of the planned development. E.g., a multi-parcel and/or multi-phased commercial development (a mall with out-parcels) may not generate sufficient trips to cross the trip generation threshold from any individual parcel or structure; however, the entirety of the project, assessed as a whole, could cross the threshold. Or, a series of structures or parcels to be used for data centers may not cross an applicable threshold, individually, but, assessed as a whole, could cross the threshold.
- **Project Changes.** As explained in the DRI Rules, a project initially determined not to be a DRI may subsequently initiate the DRI process if the project's dynamics (e.g., an initially unplanned or unassessed phase, or a modification to the number of residential units or building square footages, etc.) takes the development across an applicable threshold when the development is assessed as a whole. When the threshold is crossed, the entirety of the development is reviewed as a DRI, not solely the changed/new element of the project (even if the phases are separated by years).
- **Completing the DRI Information Form.** Remember, only an authorized representative of the host government shall complete and submit the DRI Information Form. The host local government is responsible for ensuring the proper completion of the form, including accurate and timely provision of all required information. This responsibility may not be delegated to the developer/owner of the proposed project. The local government assumes all risk/responsibility related to delegating responsibility for filing the DRI accurately and completely.
- **Cross-border, cross-tier DRIs.** When a development crosses county lines and as a result, the proposed project is located in more than one DRI Tier, the DRI determination shall be based upon the tier for the county where the majority of the project acreage is located following the same rationale used under the Rules to determine which local government and regional commission is responsible for handling the DRI

- for cross-border proposals. (Should there be intergovernmental and/or interregional disagreement on this matter, DCA will provide guidance to the specific RCs to assist if such assistance is requested.)
- **Local noncompliance.** When a local government fails to properly follow the process, the RC must meet with the local government as provided by the Rules. Documentation of a meeting held specifically to address this issue must be provided to DCA (this can include an agenda of the meeting with a sign-in sheet; and/or a letter from the RC to the host government reiterating the matters that were discussed, the identities of those present, and the ramifications of future noncompliance; and/or other documentation as deemed appropriate by the Department upon consultation with the RC). A subsequent instance of noncompliance within the timeframe specified in the Rules must be communicated to DCA by the RC for consideration and potential corrective action by the Department's Board—this is *not* optional.
- **The thresholds table.** The Thresholds Table has (finally) been alphabetized. Except as specified, here, the thresholds haven't substantively changed:
    - A trip-generation metric has been added to the "commercial" development type. Note that fueling stations and convenience stores (other than truck stops) are generally commercial in nature and, should they cross the threshold, would be DRIs.
    - The threshold for "truck stops" has been increased to avoid including fueling stations and convenience stores that include a smaller number of diesel fixtures attached to the gasoline pump-stands provided to the general driving public rather than those intended for use primarily in support of interstate truck transportation.
    - New development types and appurtenant thresholds were added for "solar power generation facilities" and "technological facilities (including data centers)". Note that the definition of "technological facilities" is broad enough to include "crypto farming/mining" and other novel activities that may be created in the future.
    - The "Notice Only" tier has been removed from the ARC-specific rules at the RC's request. The ARC reported that this tier was very rarely used and created unnecessary procedural burden.
- **Redevelopment.** Factors to consider when determining if a redevelopment project is a DRI and warrants regional review have been realigned to provide greater clarity and more closely correspond to those associated with "project specificity" and "project changes". However, note that the factors to consider (as in the other sections) includes but is not limited to the criteria provided in the Rules. As provided by the Rules, an RC may apply *additional,* unspecified criteria that it deems appropriate when making these determinations, so long as such criteria are adopted and implemented by the RC in a manner that is consistent for all similar developments.
- **Affected Parties for Comment.** The definition of affected parties (from which comment must be sought on DRIs) has been broadened to more specifically include subsidiary entities of local, state, and federal agencies. Examples are provided that include local and regional authorities and regional water councils. DCA is aware that the regional water councils across the state are currently operating at various levels of activity. DCA will collaborate with EPD's watershed protection branch in an attempt to ascertain initial

contact information for those entities; afterward, however, the RCs should endeavor to maintain up-to-date contact information for these and the other affected parties. Note that we have clarified that, as appropriate, local, regional, and state entities in neighboring states may be considered affected parties.

- **Solar Power Generation.** The definition of a "solar power generation facility" was specifically written to avoid including facilities constructed primarily for on-site consumption. However, in determining if some other threshold has been crossed, there is no reason why the solar power generating aspects of the development would not be considered in making such a determination. E.g., Consider in the metropolitan tier, an industrial development consisting of 300 acres of manufacturing activity developed in concert with an adjoining 150 acres of solar power generation used to power the manufacturing plant. This would be an industrial development consisting of 450 acres and, as such, should be determined to be a DRI.
- **Wastewater Treatment.** Note that, at RC request, the definition for wastewater treatment facilities has been clarified to explicitly exclude home-owner septic tanks and include large-scale land-application and spray fields.

Guidance provided within this informational document is advisory in nature and shall not be binding, final, or dispositive upon the Department in making any future determinations. The DRI Rules may from time to time be revised by the Department pursuant to the Administrative Procedure Act. The Department is the final authority for interpretation of these rules.