

# Developments of Regional Impact (DRI)

## Frequently Asked Questions

### 1. What is the purpose of the DRI Information Form?

DRI Form is intended to:

1. Identify basic information about the proposed project;
2. Provide this information to the Regional Commission in order for staff to determine if the project is a DRI; and
3. Provide information about the proposed project to affected parties upon which they may base their comments.

### 2. Can the host local government proceed with its development review process during the DRI process?

Yes. However, the Local government may not take final action approving the project while the DRI process is ongoing.

### 3. What happens if the local government takes final action on a DRI project prior to the completion of the DRI process or allows a development that exceeds DRI Thresholds to proceed without complying with the DRI Rules?

On the first occurrence, Regional Commission staff will meet with the local government to carefully explain the DRI process, benefits of participating and potential consequences of not participating.

If, within two years of the meeting above, a local government again fails to submit a qualifying project or wait until the DRI process is completed prior to taking final action on the project, the Regional Commission will inform the Department of Community Affairs. The Board of Community Affairs will evaluate the situation and determine an appropriate response, which may include suspension of the local government's Qualified Local Government status for a period of up to one year.

### 4. Are the materials presented in the Regional Commission's DRI Report binding on the local government?

No. The materials presented in the report are purely advisory and under no circumstance should be considered as binding or infringing upon the host jurisdiction's right to determine for itself the appropriateness of development within its boundaries.

**5. Can a DRI project be withdrawn once the DRI Review Process is underway?**

Yes. If the applicant desires to withdraw a DRI project, the local government must inform the Regional Commission in writing of the request. The Regional Commission must provide notice of this withdrawal to all affected parties.

**6. The project negotiations are taking longer than expected, is it possible to receive a Process Extension on the DRI Review Process?**

Yes. The Regional Commission's Executive Director may approve up to three 30-day extensions of the DRI process to permit negotiations, conflict resolution or similar activities related to the project. An extension may be approved only upon receiving written request, submitted at any time during the DRI process, from two or more of the following parties: (1) the applicant; (2) the host local government; or (3) any affected party. Each additional 30-day extension must be requested and approved by the Regional Commission's Executive Director separately, and notice given to the local government, the applicant and all affected parties.

**7. Is there a DRI appeals process?**

Yes. In the case of disagreement regarding the administration of the DRI process, any of the following parties may submit a written request that the Department of Community Affairs review how the DRI process was conducted: (1) the applicant, (2) the host local government; (3) the Regional Commission, or (4) any affected party. DCA will only act on appeals requested by at least two of these parties. The request for Department review may be submitted at any time during the DRI process, but no later than five (5) days after the Regional Commission transmits the DRI Report. For duly submitted requests, the Board of Community Affairs may evaluate the situation and provide recommendations to resolve any procedural discrepancies that are identified.

**8. How does the DRI Process work if a proposed development is located in more than one jurisdiction?**

If a proposed development will be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold, the local government in which the greatest acreage of the project is to be located is responsible for submitting the project to the Regional Commission as a potential DRI.