

**RULES  
OF  
GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

**CHAPTER 110-12-7  
Developments of Regional Impact:  
Alternative Requirements—Atlanta Regional Commission**

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**CHAPTER 110-12-7-.01  
PURPOSE AND OVERVIEW**

**110-12-7-.01 Purpose & Overview.**

**(1) General.** These rules become effective March 1, 2014. The Georgia Planning Act authorizes the Department of Community Affairs (the Department) to establish the specific thresholds, rules, and procedures for the identification of and communication about Developments of Regional Impact (DRI) that are provided in these rules. These rules are applicable to all local governments and Regional Commissions in the State. The intent of the DRI rules is: improved local, regional and state level communication about new growth in the state. Communication of this nature will aid in maximizing the positive benefits of new development projects while minimizing their adverse effects. The end result should improve development outcomes for the host jurisdiction, neighboring jurisdictions, the region, and the state. The DRI rules are also intended to coordinate, streamline, and provide consistency with the Georgia Regional Transportation Authority's (GRTA) required review and approval of state and federal expenditures required to create land transportation services and access to DRIs located within GRTA's jurisdictional area pursuant to O.C.G.A. 50-32-14. The effective date of these rules is March 1, 2013.

**(2) Overview.** The rules require that:

**(a)** Local governments considering action on any development project that may meet or exceed the thresholds specified in section 110-12-7-.05(1)(a) must submit the project to their Regional Commission for determination of whether it is a DRI.

**(b)** If the Regional Commission determines that the project is a DRI, the project must be handled in accordance with the procedures in Chapter 110-12-7-.02 DRI Communication Procedures.

The local government may not take final action approving the project while the DRI process is ongoing. See section 110-12-7-.03(4) for actions that the local government may take while the DRI process is underway.

(c) The Regional Commission will manage the distribution of information about the project to neighboring jurisdictions, potentially affected parties, and State entities and will coordinate a process guaranteeing those jurisdictions, parties, and entities an opportunity to provide official comment upon projects that may impact them.

(d) Upon the request of the host jurisdiction, the Regional Commission may evaluate the development project for its local impacts, economic benefits, potential effects on neighboring jurisdictions, consistency with quality growth principles and/or considerations identified in the Regional Commission's Regional Plan.

(e) At the completion of the DRI process, which shall not last more than 30 calendar days (unless process extensions are taken as provided for in section 110-12-7-.02(10)(c)), the Regional Commission will assemble a report including comments received from neighboring jurisdictions, potentially affected parties, and State entities along with the results of any analysis it may have been requested to conduct pursuant to section (d), above, including any recommendations for maximizing potential positive outcomes and economic benefits, reducing potential adverse interjurisdictional impacts and other suggestions for improvement of the project. The local government is encouraged to consider the contents of the DRI report in making its decisions related to the project.

**(3) Changes and Interpretation.** These rules and regulations 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.

Statutory Authority, O.C.G.A. 50-8-7.1(b)

## **CHAPTER 110-12-7-.02 DRI COMMUNICATION PROCEDURES**

### **110-12-7-.02 DRI Communication Procedures.**

**(1) Request for Action.** Whenever a local government is considering action (see 110-12-7-.03(1) on a development project that may meet or exceed the DRI thresholds for that development type, the local government must contact the Regional Commission Review Coordinator to schedule a Pre-Review Meeting. The local government may do so via email, fax, or written letter.

**(2) Pre-Review Meeting.** Within 5 days of host local government contact, the Regional Commission will schedule a pre-review meeting to be held within 10 days of first contact, unless requested otherwise by the host local government, the applicant, or other affected party. Invitations to the pre-review meeting must be extended to the host local government, the

applicant, and all affected parties. The purpose of the pre-review meeting is to explain the DRI review process, discuss project related issues, determine if the project is a candidate for expedited review, per items outlined in section 110-12-7-.02 (1) (b), and determine additional information required of the applicant regarding the proposed project. \*If it can be determined at this stage that the development proposal does not warrant regional review, the Regional Commission may make that determination and terminate the review process.\* Additionally, the host local government may proceed with its development review process during the DRI process steps specified below, provided that it does not take final official action approving a project until the DRI process is completed and it has had adequate time to consider the Regional Commission's DRI report (see section 110-12-7-.03 (4) for more details).

**(3) DRI Determination.** Within 5 days of the Pre-review meeting, the Regional Commission must evaluate whether the project is a DRI. The Regional Commission's determination of whether the project is a DRI shall be made in consultation with the host local government and considering the guidelines provided in section 110-12-7-.05(1). The Regional Commission must then issue notice to the local government, applicant, GRTA (if the local government is located within GRTA's jurisdiction) and the Department using the DRI website, stating whether or not the project has been designated as a DRI. If applicable, the Regional Commission must also provide GRTA with a copy of all information submitted by the local government pertaining to the proposed development. GRTA will then review the project concurrently with the Regional Commission in accordance with GRTA's Principles and Procedures adopted pursuant to O.C.G.A §50-32-1 et seq. If the Regional Commission determines the project is not a DRI, the process is terminated.

**(4) Submittal of DRI Information Form and Additional Information.** Provided the pre-review meeting does not result in an expedited review, the applicant must provide the host local government with all information necessary to complete the DCA DRI Information Form. When completed, the host local government must electronically submit the DRI Information Form to the Regional Commission, GRTA (if the local government is located within GRTA's jurisdiction), and the Department using the DCA DRI website. The applicant must also gather all additional information identified at the pre-review meeting and submit this information to the Regional Commission and to GRTA (if the local government is located within GRTA's jurisdiction) in order to ensure that the impacts of the proposed project can be identified. The applicant has 90 days from the date of the pre-review meeting to submit all additional information or the DRI will be considered withdrawn by the Regional Commission.

**(5) Notice to Affected Parties and Comment Period.** Within 5 days of receiving all additional requested information, the Regional Commission will provide a DRI information packet for review and comment to all affected parties. This packet shall include a project summary, a copy of the DRI Information Form, and any additional information the Regional Commission may have obtained regarding the project. The DRI information packet will also include a notice stating, at a minimum, the following:

- The beginning and end dates of a 15-day period during which the Regional Commission will accept comments for inclusion in the DRI report to be delivered to the host jurisdiction;
- The manner in which affected parties should submit comments; and,

- A list of all of the jurisdictions and affected parties receiving the notice.

**(6) DRI Report.** Within 5 days of the conclusion of the 15-day comment period, unless an extension is granted, the Regional Commission must assemble a DRI report containing the following components. The materials presented in the DRI report are purely advisory and under no circumstances should be considered as binding or infringing upon the host jurisdiction's right to determine for itself the appropriateness of development within its boundaries.

**(a) Comments from Affected Parties.** The Regional Commission must include all of the comments received from affected parties in the DRI report.

**(b) Regional Commission Comments.** The report must also include the Regional Commission's assessment of any likely interjurisdictional impacts resulting from the proposed development and how the project relates to the policies, programs, and projects articulated in the Regional Plan and Regional Resource Plan.

**(c) Evaluation and Recommendations.** If applicable, the DRI report shall also include the products of any evaluation and analysis which may have been completed by the Regional Commission pursuant to section 110-12-7-.02(11)(a). The Regional Commission may, depending on its assessment of the local government's need for advice and assistance, include recommendations or offer technical assistance to the local government for addressing impacts of the proposed development. Furthermore, the Regional Commission may provide in-depth recommendations or offer technical assistance to other affected parties relative to mitigating potential impacts of the proposed project.

**(7) Notification Requirements.** The DRI report must be transmitted to the local government, the applicant, the Department and all affected parties not more than 20 days the Notice to Affected Parties (unless process extensions are taken as provided for in section 110-12-7-.02(11)(d)). Transmittal of the DRI report officially completes the DRI process.

**(8) Local Government Action.** After the DRI process is completed, the submitting local government may proceed with whatever final official action(s) it deems appropriate regarding the proposed project, but it is encouraged to take the materials presented in the DRI report into consideration when rendering its decision.

**(9) Withdrawal of DRI.** If, at any time during the DRI process, an applicant desires to withdraw a DRI project from the process, 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.

**(10) Alternative Dispute Resolution.** Alternative dispute resolution of conflicts relating to the Developments of Regional Impact may be initiated in accordance with the Rules for Alternative Dispute Resolution (DCA Rules 110-12-5) adopted by the Board of Community Affairs.

**(11) Optional Activities.**

**(a) Evaluation and Recommendations.** Upon request by the host jurisdiction, the Regional Commission may evaluate the development project for potential positive and negative outcomes. The Commission may provide recommendations intended to maximize the potential positive effects and economic benefits, minimize the project’s local impacts and impacts upon neighboring jurisdictions, or otherwise further quality growth principles and/or the goals of the regional plan. The extent of this evaluation and recommendations shall be whatever the Regional Commission deems appropriate, but in no circumstance shall it delay the completion of the DRI process. The Regional Commission, in attempting to facilitate this optional activity, shall not compel the host government or applicant to provide information regarding the project beyond that routinely collected in the course of the DRI process.

**(b) Expedited Review.** The Regional Commission may choose to complete the DRI review process early under the following circumstances. However, the Regional Commission must not issue its finding before the Notice to Affected Parties and Comment Period.

1. **Livable Centers Initiative (LCI).** A development MAY be eligible for expedited review if it meets at least one of the following:
  - The development is located within an LCI community and the project is “consistent” with the LCI plan; and
  - LCI community in “good standing;” and
  - Local government has adopted LCI and incorporated into comprehensive plan; and
  - ARC and local government staff agree on consistency; or
  
2. **Transit Oriented Development.** A development MAY be eligible for expedited review if it is located within ¼ mile of an existing rail transit station or stop, and:
  - Consistent with local government TOD zoning; and,
  - Consistent with Regional Plan, UGPM, Regional Development Guide, local TOD guidelines or MARTA TOD Guidelines; and,
  - Parking is limited to no more than minimum required by local government; or,
  
3. **Limited Trip Generation.** A development MAY be eligible for expedited review if the land uses within the proposed DRI are such that no more than one thousand (1,000) gross daily trips will be generated by the DRI.

**(c) Consultations.** If, at any point during the DRI Communications Procedures covered in this chapter, it appears to the Regional Commission that the outcomes of the process would be improved by more direct communication, the Regional Commission may at its own discretion bring the local government, the applicant, and the affected parties together to discuss the development proposal, the DRI process, any comments received, or results of any evaluation conducted by the Regional Commission.

**(d) Process Extensions.** 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.

**(e) Appeals.** In case of disagreement regarding the administration of DRI process, any of the following parties may submit a written request that the Department review how the DRI process was conducted: (1) the applicant, (2) the host local government, (3) the Regional Commission, or (4) any affected party. The Department 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 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.

Statutory Authority, O.C.G.A. 50-8-7.1(b)

## **CHAPTER 110-12-7-.03 LOCAL GOVERNMENT RESPONSIBILITIES**

### **110-12-7-.03 Local Government Responsibilities.**

**(1)** The local government must follow the applicable procedures identified under DRI Communication Procedures detailed in Chapter 110-12-7-.02 when: 1) an applicant (developer, builder, or landowner who is proposing the new development) requests some type of local government action related to a proposed development project, such as, but not limited to, a request for rezoning, annexation, zoning variance, building or land disturbance permit, hookup to a water or sewer system, master or site plan approval, acceptance of a public street, signing off on a subdivision plat, comprehensive plan amendment, or entering into a contract; and 2) it appears that the proposed development may meet or exceed the applicable DRI thresholds.

**(2)** When a local government proposes a project that may meet or exceed the DRI thresholds, the local government becomes the applicant and must submit the project to the Regional Commission as a potential DRI.

**(3)** 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.

**(4)** *The host local government may proceed with its development review process during the DRI process, provided that it does not take final official action approving a project until the DRI process is completed and the local government has had adequate time to consider the Regional Commission's DRI report.* It is intended that the DRI process should take place simultaneously with local development review procedures in order to minimize administrative delay for review and approval of large developments. Examples of local development review activities that may

take place during the DRI process include, but are not limited to, preliminary staff administrative functions, project evaluation/assessment, community participation meetings and hearings, site visits, and planning commission meetings to discuss, but not vote on, the proposed local action that triggered the DRI process.

(5) Failure of a local government to submit a project that exceeds the applicable DRI thresholds to the Regional Commission for determination of whether it qualifies as a DRI or to wait until the DRI process is completed before taking final action will result in the following corrective course of action:

(a) On the first occurrence, the Regional Commission staff will meet with the local government to carefully explain the DRI process, benefits of participating in this process, and possible consequences of not participating.

(b) If, within two years of the meeting above, a local government again fails to submit a qualifying project or to wait until the DRI process is completed prior to taking final action on the project, the Regional Commission will inform the Department. 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 1 year.

Statutory Authority, O.C.G.A. 50-8-7.1(b)

## **CHAPTER 110-12-7-.04 REGIONAL COMMISSION RESPONSIBILITIES**

### **110-12-7-.04 Regional Commission Responsibilities.**

(1) *Each Regional Commission is encouraged to establish alternative DRI requirements, specifically tailored to the needs of their region, which may be either more restrictive or less restrictive than those promulgated by the Department in these rules. These alternative requirements may include: 1) alternative DRI thresholds; 2) alternative set of reviewable development types qualifying for DRI review; 3) Amendments to the DRI Communication Procedures.* These alternative DRI requirements may apply to the entire region or to specific Areas Requiring Special Attention or Regionally Important Resources that are identified in the Regional Commission's Regional Plan. The alternative requirements must be developed and approved as follows:

- The Regional Commission must first solicit input about desired alternative DRI requirements from the local governments in its region and any potentially affected parties.
- The proposed alternative DRI requirements must be approved by a majority of the Regional Commission's Council and subsequently submitted to the Department for consideration.
- The Board of Community Affairs must adopt a resolution approving the alternative DRI requirements for that Regional Commission.

(2) Whenever a development is submitted to a Regional Commission for DRI determination by one of its constituent local governments, the Regional Commission must undertake the DRI Communication Procedures identified in Chapter 110-12-7-.02. As appropriate or where duly requested, the Regional Commission may also undertake any of the optional activities identified in section 110-12-7-.02(10).

(3) Whenever, within 60 days of local final action on a project, it comes to the Regional Commission's attention that a local government has taken final action upon a project designated as a DRI prior to the completion of the DRI process, or has allowed a development that exceeds DRI thresholds to proceed without complying with DRI Communication Procedures, the Regional Commission must:

(a) Hold a meeting with the local government to carefully explain the DRI process, benefits of participating in this process, and possible consequences of not participating.

(b) If, within two years of the meeting above, a local government again fails to submit a qualifying project or to wait until the DRI process is completed prior to taking final action on the project, the Regional Commission will inform the Department. 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 1 year.

Statutory Authority, O.C.G.A. 50-8-7.1(b)

## **CHAPTER 110-12-7-.05 DETERMINING IF A PROJECT IS A DRI**

### **110-12-7-.05 Determining if a Project is a DRI.**

(1) Regional Commissions must use the following criteria to determine if a development project is a DRI. The determination of the Regional Commission is final; however, a determination by the Regional Commission that a project is not a DRI as herein defined will not affect GRTA's authority pursuant to O.C.G.A. 50-32-14.

#### **(a) Meets or Exceeds DRI Thresholds.**

1. The table below identifies the minimum DRI thresholds for each type of development and for two distinct planning tiers within the state. These population tiers are: (1) Metropolitan Areas, which include counties with population of 50,000 or more as defined by the most recent decennial U.S. Census; and (2) Non-Metropolitan Areas which include the remaining counties within the state. A map delineating these tiers is available from the Department. Regional Commissions and local governments within each county must utilize the appropriate thresholds associated with their population tier, unless the Regional Commission has adopted alternative

thresholds for its region as provided in section 110-12-7-04(1). Proposed developments that do not equal or exceed these thresholds are not subject to the DRI Communication Procedures.

**2. Thresholds Table. See ARC alternative threshold table.**

| <b>Developments of Regional Impact Development Thresholds</b> |  |   |   |   |   |
|---|--|---|---|---|---|
| <b>Type of Development</b>                                    | <b>Notification Only</b>   | <b>Rural and Developing Rural</b>   | <b>Maturing Neighborhoods, Established Suburbs, Developing Suburbs, and other places not mentioned in this table</b>                            | <b>Regional Centers, and Regional Employment Corridors</b>  | <b>Region Core</b>  |
| (1) Office  | 400,000 gross square feet  | 400,000 gross square feet   | 500,000 gross square feet   | 600,000 gross square feet   | 700,000 gross square feet   |
| (2) Commercial  | Greater than 300,000 gross square feet   | 300,000 gross square feet   | 400,000 gross square feet   | 500,000 gross square feet   | 600,000 gross square feet   |
| (3) Wholesale & Distribution                                  | Greater than 500,000 gross square feet   | 500,000 gross square feet   | 500,000 gross square feet   | 500,000 gross square feet   | 500,000 gross square feet   |
| (4) Hospitals and Health Care Facilities                      | Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day   | 300 new beds  | 400 new beds  | 500 new beds  | 600 new beds  |
| (5) Housing   | Greater than 400 new lots or units   | 400 new lots or units   | 500 new lots or units   | 600 new lots or units   | 700 new lots or units   |
| (6) Industrial  | Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres  | 500,000 SF or 1600 workers  |
| (7) Hotels  | Greater than 400 rooms   | 400 rooms   | 500 rooms   | 600 rooms   | 700 rooms   |
| (8) Mixed Use   | Gross square feet of 400,000 or more (with residential units calculated at either 1800 square feet per unit or, if applicable, the minimum square footage allowed by local development regulations); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein | 400,000 gross square feet (with residential units calculated at 1800 square feet per unit, or the minimum allowed by the host local government) | 500,000 gross square feet (with residential units calculated at 1500 square feet per unit, or the minimum allowed by the host local government) | 600,000 gross square feet (with residential units calculated at 1000 square feet per unit, or the minimum allowed by the host local government) | 700,000 gross square feet (with residential units calculated at 1000 square feet per unit, or the minimum allowed by the host local government) |
|   | All new airports,  | New airports and  | New airports and runway   | New airports and runway   | New airports and runway   |

|  |   |   |   |   |   |
|--|---|---|---|---|---|
| (9) Airports                                       | runways and runway extensions   | runway extensions of 500 ft. or more  | extensions of 500 ft. or more   | extensions of 500 ft. or more   | extensions of 500 ft. or more   |
| (10) Attractions & Recreational Facilities         | Greater than 1,500 parking spaces or a seating capacity of more than 6,000  | 1,500, seating capacity of 6,000+   | 1,500, seating capacity of 6,000+   | 1,500, seating capacity of 6,000+   | 1,500, seating capacity of 6,000+   |
| (11) Post-Secondary School                         | New school with a capacity of more than 2,400 students; or expansion by at least 25 percent of capacity   | New school with 2,400 students or expansion of at least 25%   | New school with 2,400 students or expansion of at least 25%   | New school with 2,400 students or expansion of at least 25%   | New school with 2,400 students or expansion of at least 25%   |
| (12) Waste Handling Facilities                     | New facility or expansion of use of an existing facility by 50 percent or more  | New facility within 1 mile of public facility (airport, school, reservoir, river, etc.), otherwise, notification only | New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only | New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only | New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only |
| (13) Quarries, Asphalt & Cement Plants             | New facility or expansion of existing facility by more than 50 percent  | New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only   | New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only | New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only | New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only |
| (14) Wastewater Treatment Facilities               | New major conventional treatment facility or expansion of existing facility by more than 50 percent; or community septic treatment facilities exceeding 150,000 gallons per day or serving a development project that meets or exceeds an applicable threshold as identified herein | Notification only (MNGWPD)  | Notification only (MNGWPD)  | Notification only (MNGWPD)  | Notification only (MNGWPD)  |
| (15) Petroleum Storage Facilities                  | Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels  | 50,000 barrels if within 1,000 ft. of water supply  | 50,000 barrels if within 1,000 ft. of water supply  | 50,000 barrels if within 1,000 ft. of water supply  | 50,000 barrels if within 1,000 ft. of water supply  |
| (16) Water Supply Intakes/Public Wells/Reservoirs/ | New Facilities  | Notification only (MNGWPD)  | Notification only (MNGWPD)  | Notification only (MNGWPD)  | Notification only (MNGWPD)  |

|   |  |  |  |  |  |
|---|--|--|--|--|--|
| Treatment Facilities  |  |  |  |  |  |
| (17) Intermodal Terminals   | New Facilities   | New facilities   | New facilities   | New facilities   | New facilities   |
| (18) Truck Stops  | A new facility with more than three (3) diesel fuel pumps, or containing a half acre of truck parking or 10 truck parking spaces | 10 or more diesel fuel pumps or 20 or more truck parking spaces                | 10 or more diesel fuel pumps or 20 or more truck parking spaces                | 10 or more diesel fuel pumps or 20 or more truck parking spaces                | 10 or more diesel fuel pumps or 20 or more truck parking spaces                |
| (19) Correctional/Detention Facilities  | Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day   | Greater than 300 new beds; or generating more than 375 peak hour vehicle trips | Greater than 300 new beds; or generating more than 375 peak hour vehicle trips | Greater than 300 new beds; or generating more than 375 peak hour vehicle trips | Greater than 300 new beds; or generating more than 375 peak hour vehicle trips |
| (20) Any other development types not identified above (includes parking facilities) | 1000 parking spaces or, if available, more than 5,000 daily trips generated  | 1000 spaces or 5,000 daily trips   |

3. When it is not easily determined whether a project equals or exceeds the applicable DRI threshold, the Regional Commission must consider the following factors in making its determination:

- **Speculative Developments.** If final development type is difficult to determine because project tenants have not yet been identified, use the thresholds for the highest intensity development type allowed by current land use regulations. If there are no such local development regulations, estimate the likely type and scale of development based on the real estate market potential of the project site.
- **Multi-phased Developments.** Applicants shall submit all phases of the project at inception of the project, rather than submitting each phase one at a time. However, if the applicant seeks local government approvals for smaller phases individually, the determination of whether the project is in fact a multi-phased development should be based on considerations as to whether a master plan has been prepared for the overall project or whether any approvals have been sought for the entire project as a unit. If the multi-phased nature of the project cannot be established in advance, whenever a phase is submitted for approval that, when combined with all previously approved phases of the project built during the past five years, cumulatively equals or exceeds the applicable DRI threshold, the proposed new phase, plus any incomplete portions of the project must be submitted as a DRI.
- **Multiple Land Parcels.** If parts of the project are located on separate land parcels, the decision whether the project is a single (perhaps multi-phased) development, or actually separate projects should be based on such considerations as whether the

separate parcels are owned by the same entity, whether a master plan has been prepared for the overall project, or whether any approvals have been sought for the overall project as a unit.

**(b) Project Specificity.** Frequently, proposed development projects are submitted for a DRI determination before project specifics are available, such as at the time of an initial rezoning of a large tract of land, establishment of an industrial park, etc. In such cases, the Regional Commission must make a determination of whether the project should proceed through the DRI process presently and/or should be resubmitted when project specifics become available. In making this determination, the Regional Commission must consider factors including, but not limited to:

1. Whether the potential for project impacts is likely to change substantially once project specifics are clarified.
2. The benefit of an earlier notification to affected parties, in terms of need to plan infrastructure expansions well in advance of development, or act otherwise to mitigate potential interjurisdictional impacts.

**(c) Project Changes.** The Regional Commission may determine that a previously submitted DRI is nevertheless subject to another round of comment by affected parties if the project changes are substantial enough to warrant this. Such determination should be made after consultation with the host government and affected parties. Examples of project changes that may lead a Regional Commission to determine that an additional comment opportunity is warranted include but are not limited to: substantial increase of project size or substantial change in the mix of uses (based on the applicable measures used for the DRI thresholds). In making this determination, the Regional Commission must consider such factors as:

1. Whether the potential for project impacts will change substantially for the altered project.
2. Whether significant time has passed since the previous DRI process (thus increasing likelihood that the views of affected parties on the project have changed).

**(d) Redevelopment.** Proposed redevelopments that meet or exceed a DRI threshold must be considered a new DRI, even if the previous development on the site was processed as a DRI. The replacement of structures with new structures housing the same use and basic configuration may be considered when determining if a redevelopment has met or exceeded a DRI threshold.

**(e) Notification Only and Critical Regional Issues.** Proposed developments that meet or exceed the base DCA DRI threshold but fall below the tiered ARC thresholds, are not subject to DRI review, unless the Executive Director identifies a critical regional issue. If no critical regional issue is identified, then the Regional Commission will contact potentially affected parties notifying them that the development is not a DRI and include relevant project information. If the Executive Director identifies a critical regional issue, then the DRI is subject to DRI review. Additionally, if a development meets or exceeds a tiered ARC

threshold, the Executive Director may determine that DRI review is not warranted. Examples of critical regional issues include, but are not limited to:

- 1) The proposed development is located adjacent to or within 1 mile of the limits of a neighboring jurisdiction; or
- 2) Major transportation infrastructure will be needed to accommodate the new development (interchange improvements, bridge replacement, road widening of 2 or more lanes, etc.); or
- 3) The proposed development is located within 1 mile of a public facility (airport, school, reservoir, river, etc.).

Examples of issues that may lead to a determination that developments which meet or exceed the tiered ARC thresholds include, but are not limited to:

- 1) The proposed development is not located adjacent to or within 1 mile of the limits of a neighboring jurisdiction; or
- 2) Major transportation infrastructure will not be needed to accommodate the new development (interchange improvements, bridge replacement, road widening of 2 or more lanes, etc.); or
- 3) The proposed development is not located within 1 mile of a public facility (airport, school, reservoir, river, etc.), and;
- 4) Neighboring jurisdictions, affected agencies, and ARC do not identify a critical regional issue or impact. If a development proposal that crosses a DRI threshold is determined not to require DRI review, ARC staff will notify all potentially affected parties of the determination and include relevant project information.

Statutory Authority, O.C.G.A. 50-8-7.1(b)

## **CHAPTER 110-12-7-.06 DEFINITIONS**

### **110-12-7-.06 Definitions.**

**(1)** For the purpose of these rules, the following words will have the meaning as contained herein unless the context does not permit such meaning. Terms not defined in these rules but defined in O.C.G.A. 50-8-1 et seq., will have the meanings contained therein. Terms not defined in these rules, or in O.C.G.A. 50-8-1 et seq., will have ascribed to them the ordinary accepted meanings such as the context may imply.

**(a)** ‘Affected Parties’ means: 1) any local governments within geographic proximity that may be impacted by a DRI project located outside of its jurisdictional limits; and 2) any local, state, or federal agencies including the Department that could potentially have concern about a project’s impact on regional systems and resources; 3) Georgia Regional Transportation Authority, if the proposed project is located within GRTA’s jurisdiction; and 4) the host Regional Commission

plus any Regional Commission within geographic proximity that could potentially have concern about a project's impact on regional systems and resources. This term should be liberally construed to ensure that all potentially affected local governments, public agencies, or Regional Commissions are included in the DRI Communication Procedures.

**(b)** 'Council' means the Board of Directors of a Regional Commission as per O.C.G.A. 50-8-32.

**(c)** 'Days' means calendar days.

**(d)** 'Department' means the Department of Community Affairs.

**(e)** "Final Action" means a vote by the governing authority of the host local government that is considering action on a proposed project.

**(f)** 'Georgia Regional Transportation Authority (GRTA)' means the authority created by O.C.G.A. 50-32-1 et seq.

**(g)** 'GRTA's Jurisdictional Area' means counties that are under the jurisdiction of the Georgia Regional Transportation Authority.

**(h)** 'Gross Square Footage' means areas of each floor of a building, measured from the exterior faces of the exterior walls or from the centerline of a wall separating two buildings. The gross square footage measurement is exclusive of areas of unfinished basements, unfinished cellars, unfinished attics, attached or detached garages, space used for off street parking or loading, breezeways, enclosed or unenclosed porches and accessory structures.

**(i)** 'Incomplete Portion of the Project' means any part of a development project that is not completed to the point of being ready for occupancy or, if applicable, the final certificate of occupancy has not yet been issued by the local government.

**(j)** 'Interjurisdictional' means among two or more local governments or Regional Commissions.

**(k)** 'Local Government' means any county, municipality, consolidated government or other political subdivision of the state.

**(l)** 'Metropolitan' means all local governments located within counties with a population of 50,000 persons or more, according to the most recent U.S. Census.

**(m)** 'Non-metropolitan' means all local governments within counties with a population less than 50,000 persons according to the most recent U.S. Census.

**(n)** 'Project' means any proposed development outlined in section 110-12-7-.05(1) above.

**(o)** 'Redevelopment' means new construction, possibly including clearing or rehabilitation of existing structures, on a site that was previously developed.

**(p)** 'Regional Commission' means a regional commission established under O.C.G.A. 50-8-32.

(q) 'Regionally Important Resource' means any natural or cultural resource area identified for protection by an Regional Commission following the minimum requirements established by the Department.

(r) 'Regional Plan' means the comprehensive plan for a region prepared by the Regional Commission in accordance with the requirements established by the Department.

(s) 'Regional Resource Plan' means a plan for management and protection of the Regionally Important Resources in the region, developed by the Regional Commission following the procedures established by the Department.

(t) 'Threshold' means a level of development beyond which a project is likely to affect areas or regions outside the boundaries of the local government in which the project occurs.

**(2) Definitions for Types of Development.** The following definitions must be used to identify the types of development that qualify for the development thresholds listed in the thresholds table above.

(a) 'Airports' means land areas and related facilities that are maintained for the landing and takeoff of aircraft and for receiving and discharging passengers and/or cargo.

(b) 'Attractions & Recreational Facilities' means an establishment or set of establishments that provide leisure time recreational or entertainment activities occurring in either an indoor or outdoor setting.

(c) 'Commercial' means activities within land areas that are predominantly associated with the sale of goods and/or services.

(d) 'Hospitals and Health Care Facilities' means a structure, or set of structures, primarily intended to provide health care services for human in-patient medical or surgical care for the sick and injured.

(e) 'Hotels' means establishments that provide temporary lodging and may also provide food and beverage service, entertainment, and/or convention services.

(f) 'Housing' means land areas used predominantly for residential purposes, including one family, two family, and multiple family dwellings.

(g) 'Industrial' means activities within land areas predominantly connected with manufacturing, assembly, processing or storage of products.

(h) 'Mixed Use' means a type of development that is comprised of multiple land uses (e.g. commercial, residential, office, etc.) which may also include multiple density and intensity of each use.

**(i)** ‘Office’ means a building(s) wherein services are performed involving predominantly administrative, professional, or clerical operations.

**(j)** ‘Petroleum Storage Facilities’ means facilities used to store gasoline, motor fuel, or other petroleum products.

**(k)** ‘Post-Secondary Schools’ means the facilities (buildings, open space, dormitories, recreational facilities, and parking) of public and private vocational and technical schools, and colleges and universities.

**(l)** ‘Quarries, Asphalt & Cement Plants’ Quarries means an open excavation used for obtaining building stone, slate, or limestone. The terms ‘Asphalt’ and ‘Cement Plants’ are self-explanatory. This includes ready-mix concrete plants.

**(m)** ‘Truck Stops’ means an establishment that provides fuel, parking, and related goods and services to primarily support interstate truck transportation. Such facilities do not include convenience stores that have the primary purpose of selling goods and services to support the traveling public.

**(n)** ‘Intermodal Terminals’ means an area and building where the mode of transportation for cargo or freight changes and where the cargo and freight may be broken down or aggregated in smaller or larger loads for transfer to other land based vehicles. Such terminals do not include airports or seaports or facilities primarily intended for the transfer of people from passenger rail to other modes.

**(o)** ‘Waste Handling Facilities’ means structures or systems designed for the collection, processing or disposal of municipal solid waste, construction and demolition debris, or hazardous waste. This does not include junk yards, scrap metal yards, or recycling facilities for non-municipal solid waste materials.

**(p)** ‘Wastewater Treatment Facilities’ means structures or systems designed for the treatment of sewage. This definition does not include septic tanks.

**(q)** ‘Wholesale and Distribution’ means activities within land areas that are predominantly associated with the receipt, storage, and distribution of goods, products, cargo and materials.

**(r)** ‘Water Supply Intakes/Public Wells/Reservoirs/Treatment’ means facilities constructed, excavated, drilled, dug or impounded that are used for the supply or pre-consumption purification of potable water for general public consumption.

Statutory Authority, O.C.G.A. 50-8-7.1(b)