

Senate Bill 104

By: Senators Ginn of the 47th, Jeffares of the 17th, Albers of the 56th, Carter of the 42nd, Miller of the 49th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the  
2 Department of Community Affairs, so as to revise the minimum elements addressed and  
3 included in comprehensive plans of local governments; to remove the requirement for certain  
4 findings with regard to projects of regional importance or impact; to remove certain  
5 limitations on actions by counties or municipalities with regard to local plans; to provide for  
6 related matters; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department  
10 of Community Affairs, is amended by revising subsections (b) and (d) of Code  
11 Section 50-8-7.1, relating to general powers and duties, as follows:

12 "(b) The department shall establish in accordance with the provisions of Code Section  
13 50-8-7.2 minimum standards and procedures for coordinated and comprehensive planning,  
14 including standards and procedures for preparation of plans, for implementation of plans,  
15 and for participation in the coordinated and comprehensive planning process. The  
16 department shall undertake and carry out such activities as may be specified by law. Such  
17 activities may include, but shall not be limited to, the following:

18 (1) As part of such minimum standards and procedures, the department shall establish  
19 minimum elements which shall be addressed and included in comprehensive plans of  
20 local governments which are prepared as part of the coordinated and comprehensive  
21 planning process. ~~These elements shall include, but shall not be limited to, housing,~~  
~~human services, natural resources, the environment, vital areas, historic and cultural~~  
~~resources, infrastructure, land use other than zoning, recreation, transportation, and~~  
~~economic development;~~

25 (2) The department shall establish minimum standards and procedures which shall be  
26 used by local governments in developing, preparing, and implementing their  
27 comprehensive plans. The department shall incorporate the minimum standards and

procedures with respect to natural resources, the environment, and vital areas of the state established and administered by the Department of Natural Resources pursuant to Code Section 12-2-8. In establishing such minimum standards and procedures, the department shall be authorized to differentiate among local governments and among regions based upon factors which the department determines merit differentiation, such as total population, density of population, geographic features, the size of tax base, the type and character of services furnished by local governments, the size of budget, and other factors;

(3) The department shall develop planning procedures with respect to regionally important resources, for planning with respect to developments of regional impact, and for encouraging interjurisdictional cooperation among local governments. The department shall determine, in its judgment and for each region, what shall constitute developments of regional impact. Such determinations by the department shall be made for each region after receiving any necessary information from the regional commission for the region, from local governments within the region, and from others within the region. The department's determinations shall be publicly promulgated, using such means as the commissioner may determine, so that all local governments within a region will receive notice of the department's determinations affecting that region; and

(4) The department shall establish and shall promulgate procedures for obtaining input from, and participation by, local governments and the public in establishing, amending, and updating from time to time the minimum standards and procedures."

"(d) The department shall undertake and carry out such activities as may be necessary to mediate, or otherwise assist in resolving, conflicts. Such activities may include, but shall not be limited to, the following:

(1) The department may establish such procedures and guidelines for mediation or other forms of resolving conflicts as the commissioner may deem necessary. The procedures and guidelines shall specify the times within which steps in the mediation or other form of conflict resolution shall take place and shall provide that such times shall not exceed, in the aggregate, 90 days from the date on which mediation or other conflict resolution begins. The department shall promulgate and make public all such procedures and guidelines;

(2) The department may act to mediate or otherwise assist in resolving conflicts upon written request from any regional commission or local government or may act, without any such request, on its own initiative;

(3) The department may establish rules and procedures which require that local governments submit for review any proposed action which would, based upon guidelines which the department may establish, affect regionally important resources or further any

65 development of regional impact. Any such proposed action by a local government (other  
66 than a regional commission) shall be submitted for review to the local government's  
67 regional commission. Any such proposed action by a regional commission shall be  
68 submitted for review to the department. Review shall be in accordance with rules and  
69 procedures established by the department. ~~The review shall result in a public finding by  
70 the regional commission or the department, as the case may be, that the action will be in  
71 the best interest of the region and state or that it will not be in the best interest of the  
72 region and state;~~

73 (4) Any conflict which remains after review pursuant to the procedures established under  
74 paragraph (3) of this subsection shall be submitted to mediation or such other form of  
75 resolving conflicts as the commissioner may deem necessary; and

76 (5) The department may decline to certify a local government as a qualified local  
77 government or may take or recommend action which would reduce state or other funding  
78 for a regional commission if such local government or regional commission, as the case  
79 may be, is a party to a conflict but fails to participate in the department's mediation or  
80 other means of resolving conflicts in a manner which, in the judgment of the department  
81 and a majority of the Board of Community Affairs, reflects a good faith effort to resolve  
82 the conflict."

83 **SECTION 2.**

84 Said chapter is further amended by striking subsection (g) of Code Section 50-8-36, relating  
85 to review, comment, and recommendation regarding local plans and public meetings and  
86 hearings.

87 **SECTION 3.**

88 All laws and parts of laws in conflict with this Act are repealed.