

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

**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 provide for certain
5 reports; to remove certain limitations on actions by counties or municipalities with regard to
6 local plans; to provide for 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,~~
22 ~~human services, natural resources, the environment, vital areas, historic and cultural~~
23 ~~resources, infrastructure, land use other than zoning, recreation, transportation, and~~
24 ~~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

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

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

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

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

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

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

62 (3) The department may establish rules and procedures which require that local
63 governments submit for review any proposed action which would, based upon guidelines
64 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. A report shall be prepared and submitted to the regional
 68 commission council, including potential impacts of the proposed development of regional
 69 impact. The report shall be made available to the local governments in the region and on
 70 the website of the regional commission. Any such proposed action by a regional
 71 commission shall be submitted for review to the department. Review shall be in
 72 accordance with rules and procedures established by the department. ~~The review shall~~
 73 ~~result in a public finding by the regional commission or the department, as the case may~~
 74 ~~be, that the action will be in the best interest of the region and state or that it will not be~~
 75 ~~in the best interest of the region and state;~~

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

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

86 **SECTION 2.**

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

90 **SECTION 3.**

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