

Synopsis of Revised Changes to DCA's Minimum Standards for Local Comprehensive Planning

Draft rules at <http://www.dca.ga.gov/development/PlanningQualityGrowth/PAGES/Legal.asp#DEPARTMENTAL>



The Georgia Planning Act (O.C.G.A. 50-8-2, et seq.), passed by the General Assembly in 1989, charged the Georgia Department of Community Affairs with administering the State's comprehensive planning and developments of regional impact programs. That legislation assigned DCA the responsibility of creating and maintaining administrative rules to govern the day-to-day conduct of the programs created in the Act. Earlier this year the General Assembly amended to Georgia Planning Act's provisions for local comprehensive planning and developments of regional impact.

The amendments included several revisions that streamline processes and enhance flexibility for local governments and regional commissions in the exercise of their responsibilities. DCA's administrative procedures must be amended to allow the State's cities, counties and regional commissions to take full advantage of this new flexibility. The table that follows illustrates the method by which the statutory changes will be implemented by amending DCA's administrative procedures.

Statutory Changes	Corresponding DCA Rules Changes
<p>OCGA 50-8-7.1(d)(3)</p> <p>" 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 development of regional impact. ... The review shall result in a public finding by the regional commission or the department, as the case may be, that the action will be in the best interest of the region and state or that it will not be in the best interest of the region and state;"</p>	<p>DCA Rules for Developments of Regional Impact</p> <ul style="list-style-type: none"> • 110-12-3-.02 shall be amended by striking subsection (5)(d), relating to the reporting of a positive or negative DRI finding. • 110-12-3-.04 shall be amended by striking subsection (4), relating to the process of issuing a negative finding, in its entirety. <p>DCA Rules for Developments of Regional Impact: Alternative Requirements—Atlanta Regional Commission</p> <ul style="list-style-type: none"> • 110-12-7-.02 is amended by striking subsection (5)(d), relating to the reporting of a positive or negative DRI finding. • 110-12-7-.02(11)(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 <u>finding DRI Report</u> before the Notice to Affected Parties and Comment Period. • 110-12-7-.04 shall be amended by striking subsection (4), relating to the process of issuing a negative finding, in its entirety.

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<p>OCGA 50-8-36 Said chapter is further amended by striking subsection (g) of Code Section 50-8-36, relating to review, comment, and recommendation regarding local plans and public meetings and hearings.</p>	<p>DCA Minimum Standards and Procedures for Local Comprehensive Planning</p> <p>110-12-1-.04(1)(j) Adoption of the Plan. Once the plan has been found by the Department to be in compliance with the Minimum Standards and Procedures, the local governing body may adopt the approved plan. In order to maintain Qualified Local Government certification, the local government must adopt the approved plan. However, the local government cannot take official action to adopt the plan until 60 days after submittal for review. If the local government fails to adopt the plan within one year after completion of the 60-day review period for the plan- <u>the submittal is approved by the Department,</u> it will be necessary to resubmit the plan for review as provided at 110-12-1-.04(1)(d).</p>
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Drafts of the proposed rules can be found on the Department's website at:
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