

## **Criteria and Procedures for Alternative, Region-Specific Rules for Developments of Regional Impact**

The Georgia Planning Act authorizes the Board of Community Affairs (“Board”) to establish and, from time to time, amend rules and procedures that require Local Governments to submit actions that further projects which, based upon guidelines established by the Department, are Developments of Regional Impact (“DRIs”), for review by their Regional Commission (RC). In establishing such standards and procedures, the department is authorized to differentiate among local governments and among regions based upon factors which the Department determines merit differentiation.

In furtherance of this responsibility, the Board of the Department of Community Affairs has adopted rules for handling Developments of Regional Impact (DCA Rules, Chapter 110-12-3). Those rules articulate a general standard which was made applicable to every local government and region across Georgia upon the effective date of the Rules. Contained in the Rules, however, are provisions which allow RCs to draft alternative standards specific to the local governments in their territories and propose them for adoption by the Board.

Pursuant to these Rules, Regional Commissions should use the following criteria and procedures for drafting alternative DRI standards and procedure for consideration by DCA:

### A. Procedures

1. Any RC may propose modification to: DRI thresholds [110-12-3-.05(2)]; reviewable development types [110-12-3-.05(2), 110-12-3-.06(2)]; and, DRI communication procedures (110-12-3-.02).
2. In drafting alternative standards and procedures, the RC may differentiate among local governments and among development types based upon factors which the RC determines merit differentiation, such as: total population; density of population; geographic features of the development site, community, and/or region; the size of tax base; the type and character of services furnished by local governments; the proximity of the development a development site or community to Regionally Important Resources; commonly observed effects of specific development types; and, other factors identified by the RC.
3. Prior to submitting proposed alternative DRI standards to the Department, the RC shall undertake and execute the Administrative Procedure Act (APA) process (O.C.G.A. §50-13-1, et seq.) for soliciting public input on the proposed alternative standards. Prior to initiating the process, the RC shall notify the Department of its anticipated timeline.
4. At a minimum, the parties notified for comment during the APA process shall include each city and county government in the RC’s region, each county abutting the RC’s region and each city located in these counties, each RC abutting the RC’s region, the Georgia Regional Transportation

Authority (if any part of the RC's region falls under GRTA's jurisdiction), the Georgia Department of Natural Resources, the Georgia Department of Transportation, and the Department of Community Affairs.

5. Once the APA input process has concluded, the RC shall compile and provide to the Department:
  - a. documentation of the APA process;
  - b. any formal oral comments received;
  - c. all written comments received;
  - d. details of the reasons an RC is seeking alternative DRI standards, to include a comparative analysis as to why the alternative standards better serve the needs of the region and its constituent communities;
  - e. explanation of how the rules will be promulgated and implemented; and,
  - f. detailed presentation of the specific changes proposed, i.e., the text of the proposed alternative DRI standards.
6. Department staff will review the above material and provide, within 30 days, any recommendations for improving the proposed alternative DRI standards. If the Department determines that the APA process has been conducted in a flawed manner, it may ask the RC to conduct the APA process again or otherwise remediate the situation.
7. Once the Department has provided recommendations, and these have been addressed, the RC Council may act to approve the alternative DRI standards and submit these to DCA. The proposed alternatives must be approved by a majority of the quorum of the RC Council.
8. The RC shall provide evidence of the RC Council's approval to DCA as soon as practical following this action. Once this evidence is received by DCA, adoption of the alternative DRI standards will be placed on the agenda for the next regularly scheduled DCA Board meeting.
9. The DCA Board may act to:
  - a. Adopt the proposed alternatives without amendments;
  - b. Adopt alternatives with amendments;
  - c. Direct DCA staff and the RC to coordinate in modifying and subsequently resubmitting the proposal (returning to B.5, above); or,
  - d. Reject the proposed alternatives; or,
  - e. The chairman may, at his discretion, appoint a subcommittee of at least three Board members to examine the proposed alternatives and the process employed in creating them and

make a recommendation to the full Board at a subsequent meeting.

NOTE: Adoption of alternative standards shall not constitute a delegation to any RC of the Department's authority for making or interpreting the DRI rules.

## B. Criteria

In evaluating whether or not to approve alternative DRI standards proposed by and RC, DCA shall consider the following factors:

- Evidence that the proposed alternative DRI standards reflect a general consensus of local governments in the region.
- Input from bordering RCs, bordering cities and counties, potentially affected state or federal agencies.
- Consistency of the proposed alternatives with the spirit and purpose of the DRI Rules.
- Affect on workability of the DRI program across the state.
- Impact on the quality of the DRI process within the region proposing the alternative standards.

Effective Date: July 1, 2012