



Synopsis of Revised Changes to DCA’s Rules for Developments of Regional Impact

Draft rules at <http://www.dca.ga.gov/development/PlanningQualityGrowth/programs/regionalimpact.asp>



The Georgia Planning Act, passed by the General Assembly in 1989, charged the Georgia Department of Community Affairs with administering the State's comprehensive planning program.¹ That legislation assigned the agency the responsibility of creating and maintaining administrative rules to govern the day-to-day conduct of the programs created in the Act.

In late 2010, recognizing the recent changes in business and development climate affecting communities across the state, the Department began exploring the potential need to revise its rules. At the encouragement of the Governor and the General Assembly, the Board of Community Affairs established a task force to research and recommend specific revisions to Department's rules, including those for Developments of Regional Impact (DRIs).²

As noted in the existing rules for Developments of Regional Impact, the intent of the DRI program is to:

1. Enhance focus on quality growth in planning and executing major development projects throughout the state;
2. Ensure careful consideration of, and planning for, impacts of major development projects on local public infrastructure and services; and,
3. Improve local, regional and state-level communication about new growth in the state.³

In reviewing the DRI Rules, the task force focused its efforts on six central themes:

- Streamlining the process;
- Providing regional flexibility in the administration of the program.
- Minimizing the emphasis of the Regional Commissions' positive/negative DRI finding;
- Reinstating the program's regional perspective;
- Ensuring that the program provides worthwhile assistance to local governments when desired; and,
- Focusing the program on communication among all parties involved in the DRI process.

What follows is a brief overview of the changes the task force has recommended for the “DRI Rules”.

PROPOSED REVISIONS	PAGE
<p>Chapter 110-12-3-.01 The “Purpose & Overview” is a preface to the main body of the Rules. It provides an introduction to the rules and general information about the conduct of the DRI program. The proposed revisions enhance the rules' focus on interjurisdictional communication and providing useful assistance to the jurisdiction that will be host to a major new development.</p>	1-2
<p>Chapter 110-12-3-.02 The rules currently at 110-12-3-.02, “Determining if a Project Qualifies for Review”, are to be combined with those currently at 110-12-3-.07, “Development Thresholds”, and</p>	2-5

¹ O.C.G.A. 50-8-2, et seq.

² Rules of the Georgia Department of Community Affairs Chapter 110-12-3

³ Rules of the Georgia Department of Community Affairs Chapter 110-12-3-.01(1)

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<p>presented at 110-12-3-.05. The rules currently at 110-12-3-.03 will be moved to 110-12-3-.02 and revised.</p> <p>The name of this chapter will change from "DRI Review Procedures" to "DRI Communication Procedures". Additional revisions occur throughout the chapter.</p> <ul style="list-style-type: none"> • The mandatory project review conducted by the regional commission is focused on the potential region-wide effects of new major developments. Any in-depth review of potential local effects is to be conducted only upon the request of the host jurisdiction. • The regional commissions' reviews of DRIs and the resulting findings are de-emphasized. The primary role of the regional commission is to be an information conduit between the host government and affected parties. • The process is simplified with fewer steps for the applicant/host government to take during the review. • Mandatory meetings are removed from the process. If the regional commission finds it necessary, it may choose to host them. • Parties involved in the DRI process may ask the Department to settle disagreements regarding process administration. This role is solely focused on resolving procedural discrepancies, not disputes regarding findings, recommendations, etc. arising out of the DRI process. 	
<p>Chapter 110-12-3-.03</p> <p>The rules currently at 110-12-3-.03, will be moved to 110-12-3-.02 and revised. The rules currently at 110-12-3-.04, "Local Government Responsibilities", will be moved to 110-12-3-.03 and revised.</p> <p>The proposed revisions further emphasize that all local development review processes leading up to but not including final approval of a proposed major development can occur concurrently with the DRI process.</p> <p>Additional flexibility is provided to the regional commissions in determining how to resolve local compliance issues.</p>	6-7
<p>Chapter 110-12-3-.04</p> <p>The rules currently at 110-12-3-.04, will be moved to 110-12-3-.03 and revised. The rules currently at 110-12-3-.05, "Regional Commission Responsibilities", will be moved to 110-12-3-.04 and revised.</p> <p>The existing language allowing regional commissions to develop and implement region-specific DRI requirements is clarified. Specific requirements are presented that must be applied to any such alternative DRI requirements developed by the regional commissions.</p>	7-8
<p>Chapter 110-12-3-.05</p> <p>The rules currently at 110-12-3-.02, "Determining if a Project Qualifies for Review", are to be combined with the "Thresholds Table" currently at 110-12-3-.07, "Development Thresholds". They will be presented at 110-12-3-.05, renamed "Determining if a Project is a DRI" and revised.</p> <p>The current DRI rules rely on a population tier scheme that is unique among state</p>	8-11



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<p>programs. The proposed revisions seek to reduce complexity and increase programmatic consistency by adopting the categories used for many other DCA planning programs, the "Minimum Standards and Procedures for Local Comprehensive Planning", DCA Rules, 110-12-1.</p>	
<p>Chapter 110-12-3-.06 The "Definitions" section presented here is expanded to include the "Definitions for Types of Development" previously incorporated into 110-12-3-.07, "Development Thresholds".</p>	7
<p>Chapter 110-12-3-.07 This section is eliminated. Material previously included here, the "Thresholds Table" and "Definitions for Types of Development", have been moved to 110-12-3-.02, "Determining if a Project is a DRI", and 110-12-3-.06, "Definitions", respectively.</p>	8