

**Rules of
Georgia Department of Community Affairs**

**Chapter 110-12-4
Regionally Important Resources
(Effective Date: July 1, 2009)**

TABLE OF CONTENTS

110-12-4-.01	Purpose & Overview
110-12-4-.02	Designation of Regionally Important Resources
110-12-4-.03	Definitions

**CHAPTER 110-12-4-.01
PURPOSE & OVERVIEW**

110-12-4-.01 Purpose & Overview

(1) General. The Georgia Planning Act authorizes the Department of Community Affairs (the Department) to establish specific rules and procedures for the identification of Regionally Important Resources, development of a plan for protection and management of these resources, and for review of activities potentially impacting these resources. These specific rules and procedures are provided herein and are applicable to all local governments and Regional Commissions in the State. The intent of these rules and procedures is: (1) enhanced focus on protection and management of important natural and cultural resources throughout the state; (2) careful consideration of, and planning for, impacts of new development on these important resources; and (3) improved local, regional and state level coordination in protecting and managing of these important resources.

(2) Overview. The rules require that:

(a) Regional Commissions involve regional stakeholders in a comprehensive effort to identify the important natural and cultural resources in the region.

(b) Regional Commissions prepare a comprehensive *Regional Resource Plan* for protection and management of the identified resources. This plan must include the following components: (1) a *Regionally Important Resource Map* for the region that includes all of the important natural and cultural resources and attempts to link these to form a continuous regional green infrastructure network; (2) *Guidance for Appropriate Development Practices* that should be utilized by

developers for designing new developments to be located within one mile of Regionally Important Resources; and (3) *General Policies and Protection Measures* that should be utilized by local governments in making decisions that affect Regionally Important Resources. (Specific requirements for this plan are covered in more detail in section 110-12-4-.02(2).)

(c) The *Regional Resource Plan* is submitted for review and comment by the Department and other affected parties before it is formally adopted and implemented by the Regional Commission. (Specific procedures for this review are covered in more detail in section 110-12-4-.02(3).)

(d) The *Regional Resource Plan* is utilized in subsequent development of the Regional Plan and is actively promulgated by the Regional Commission in an effort to coordinate activities and planning of local governments, land trusts and conservation or environmental protection groups active in the region, and state agencies toward protection and management of the identified Regionally Important Resources. (Specific requirements for promulgating the plan are covered in more detail in section 110-12-4-.02(4).)

(3) Changes and Interpretation. These rules and regulations may from time to time be revised by the Department pursuant to the *Administrative Procedure Act*. The Department is the final authority for interpretation of these rules.

CHAPTER 110-12-4-.02 DESIGNATION OF REGIONALLY IMPORTANT RESOURCES

110-12-4-.02 Designation of Regionally Important Resources

(1) Regionally Important Resource Nominations. The Regional Commission must seek nominations from individuals, interested organizations (such as land trusts, conservation or environmental protection groups active in the region), local governments and governmental agencies for important natural or cultural resources located within the region. These nominations will be considered by the Regional Commission in developing the Regional Important Resources Map for the region (see section 110-12-4-.02(2)(a)2. below). All nominations must include:

(a) A narrative of the resource's value and vulnerability which addresses the regional importance of the resource and indicates the degree to which the resource is threatened or endangered.

(b) A map of the recommended resource boundaries that also identifies any municipal or county boundaries falling within the proposed resource boundaries.

(2) Preparation of the Regional Resource Plan. The Regional Commission shall prepare a *Regional Resource Plan* for protection and management of the important natural and cultural resources located within the region. The Regional Commission shall seek advice from affected

local governments and stakeholders at appropriate points during development of the *Regional Resource Plan*. This plan must include the following components.

(a) Regionally Important Resources Map. Include a detailed map of the recommended resource boundaries that includes all of the important natural or cultural resources in the region. A written description of the methodology utilized to determine the boundaries must be included. This map will also be used in preparation of the Projected Development Patterns Map as specified in the Regional Planning Requirements, DCA Rules Chapter 110-12-6-.03. All resources mapped on the Regionally Important Resources Map shall also automatically be considered as Areas Requiring Special Attention (ARSAs) as specified in the Regional Planning Requirements, DCA Rules Chapter 110-12-6-.03. Use the following guidelines in creating this map:

1. Begin by mapping all resources identified by the Georgia Department of Natural Resources as State Vital Areas. This includes Coastal Marshes, Salt Marshes, Tidal Wetlands and resources covered by the *Environmental Planning Criteria* (see definition at section 110-12-4-.03). For the resources covered by the *Environmental Planning Criteria*, map only the critical protection areas as provided in the *Criteria* (e.g., required buffer zones, jurisdictional wetlands, high pollution susceptibility groundwater recharge areas, etc.).
2. Evaluate the value and vulnerability of all resources nominated by regional stakeholders as provided at section 110-12-4-.02(1). All of these resources that the Regional Commission determines have sufficient value and vulnerability to be considered regionally important should be added to the above map.
3. Add any natural or cultural resource areas in the region that are already preserved (such as state parks, wildlife management areas, conservation easements, etc.) to the above map.
4. Add other natural or cultural resources that were not nominated, but that the Regional Commission determines should be included, to the above map. In determining other resources to be added to the *Regionally Important Resources Map*, the Regional Commission must consider the resource identification work of state agencies and environmental protection organizations identified in the *Protection Resources Listing* maintained by the Department. This listing includes such resources as the GA Land Conservation Plan, GA Wildlife Action Plan, and the GA Statewide Comprehensive Outdoor Recreation Plan (SCORP).
5. Include linkages between resources mapped above to form, to the maximum feasible extent, a continuous regional green infrastructure network (see definition in Chapter 110-12-4-.03).

(b) Guidance for Appropriate Development Practices. The *Regional Resource Plan* must include a listing of best practices to be considered by developers for designing new developments to be located within one mile of any area included on the *Regionally Important Resource Map* above. This listing will also be used by the Regional Commission for reviewing Developments of Regional Impact (DRI) located within one mile of any area included on the *Regionally Important Resource Map*. This list must include standards for development within

Regionally Important Resource areas specific enough to enable DRIs to be reviewed for consistency with these standards.

(c) General Policies and Protection Measures. The *Regional Resource Plan* must include a list of *General Policies and Protection Measures* recommended for appropriate management of the areas included on the *Regionally Important Resources Map*. At a minimum, this list should include recommended local government policies and ordinances intended primarily as guidance for local governments in planning or decision-making that affects the Regionally Important Resource area. But the Regional Commission will also utilize the *General Policies and Protection Measures* for:

1. Reviewing local comprehensive plans for consistency with regional plans as provided in the Local Planning Requirements, Chapter 110-12-1-.08.

2. Encouraging local governments and other actors in the region to adopt protection measures, policies, and enhancement activities that will promote protection of these areas included on the *Regionally Important Resource Map*, as provided at section 110-12-4-.02(4).

(3) Transmittal and Review of the Regional Resource Plan. Upon completion, the Regional Commission must submit its *Regional Resource Plan* to the Department for review. The *Regional Resource Plan* must be transmitted prior to the deadline specified in the *Schedule for Regional Planning* maintained by the Department.

(a) Regional Hearing. A regional hearing must be held once the *Regional Resource Plan* has been drafted and made available for public review, but prior to its transmittal to the Department for review. The purpose of this hearing is to brief the regional stakeholders on the contents of the *Regional Resource Plan* and provide an opportunity for stakeholders to make final suggestions, additions or revisions. Once stakeholder comments have been addressed, the *Regional Resource Plan* must be transmitted to the Department by resolution of the Council.

(b) Completeness Check. The Department shall determine whether the *Regional Resource Plan* is complete, within 7 days of its receipt. A *Regional Resource Plan* that does not meet the standard for completeness (as determined by the Department) shall be deemed incomplete and shall not be accepted for further review by the Department. The Department shall notify the Regional Commission of its findings regarding the completeness of the submittal and identify items that must be submitted, if any, prior to further processing.

(c) Notification of Interested Parties. Once the Department has determined that the *Regional Resource Plan* is complete, it shall immediately notify any affected parties of the availability of the *Regional Resource Plan* for review and comment, providing the name of the Regional Commission, the general nature of the *Regional Resource Plan*, and a deadline by which comments must be received.

(d) Review of the Regional Resource Plan. The Department shall review the *Regional Resource Plan* for its adequacy at addressing the planning requirements and for thoroughness in identifying Regionally Important Resources and a region-wide green infrastructure network. The

Department may also offer advisory comments for improving the *Regional Resource Plan* for consideration by the Regional Commission.

(e) Final Report of Findings and Recommendations. Within 60 days after certification of the completeness of the *Regional Resource Plan*, the Department must transmit a final report of its findings and recommendations to the Regional Commission. The report will include:

1. Comments submitted by interested parties that reviewed the *Regional Resource Plan*;
2. The Department's findings and recommendations resulting from its review of the *Regional Resource Plan*.

(f) Alternative Dispute Resolution. Alternative dispute resolution of conflicts relating to the *Regional Resource Plan* may be initiated in accordance with the *Rules for Alternative Dispute Resolution* adopted by the Board of Community Affairs.

(g) Adoption of the Regional Resource Plan. Once the *Regional Resource Plan* has been found by the Department to be in compliance with requirements, the Council may adopt the *Regional Resource Plan* with or without incorporating any recommendations for improvement included in the Department's report of findings and recommendations. In order to maintain eligibility for state funding, the Regional Commission must adopt the *Regional Resource Plan* prior to the deadline specified in the *Schedule for Regional Planning* maintained by the Department.

(h) Notification of Adoption. Within 7 days of adoption of a *Regional Resource Plan*, the Regional Commission shall notify the Department that the plan has been adopted by the Council.

(i) Certification. Once notified by the Regional Commission of adoption of a *Regional Resource Plan*, the Department may issue a letter certifying this Regional Commission as eligible for state funding. To retain this certification, a Regional Commission must remain in compliance with the requirements outlined in these requirements and O.C.G.A. 50-8-2(a)(18).

(4) Promulgating the Regional Resource Plan. Once adopted, the *Regional Resource Plan* must be promulgated within the region by the Regional Commission as follows:

(a) Consult with all local governments in the region to encourage them to:

1. Include the areas on the *Regionally Important Resource Map* as conservation areas in their local comprehensive plan;
2. Adopt protection measures, policies, and enhancement activities that will promote protection of these areas; and

(b) Consult with all land trusts and conservation or environmental protection groups active in the region to encourage them to coordinate their activities to foster protection of the areas identified on the *Regionally Important Resources Map*.

(c) Following initial contact by DCA, the Regional Commission must consult with staff of the Governors Land Conservation Council, the Department of Natural Resources, and other appropriate state agencies to encourage them to coordinate their activities with the *Regional Resource Plan*. (For example, the Governor's Land Conservation Council could be encouraged to give higher priority for funding to the areas identified on the *Regionally Important Resources Map*.)

CHAPTER 110-12-4-.03 DEFINITIONS

110-12-4-.03 Definitions.

(1) For the purpose of these rules, the following words will have the meaning as contained herein unless the context does not permit such meaning. Terms not defined in these rules but defined in O.C.G.A. 50-8-1 et seq., will have the meanings contained therein. Terms not defined in these rules, or in O.C.G.A. 50-8-1 et seq., will have ascribed to them the ordinary accepted meanings such as the context may imply.

(a) 'Affected Parties' means: 1) any local governments located inside the region; 2) any local, state, or federal agencies including the Department that have interest in protection and management of Regionally Important Resources; (3) the host Regional Commission as well as Regional Commission s that are contiguous to the region or that are likely to be affected by the Regional Resource Plan; and 3) any private or non-profit sector organizations that have interest in protection and management of Regionally Important Resources and that are active in the region. This term should be liberally construed to ensure that all potentially affected local governments, public agencies, private or non-profit organizations are included.

(b) 'Council' means the Board of Directors of a Regional Commission.

(c) 'Days' means calendar days.

(d) 'Department' means the Department of Community Affairs.

(e) 'Development of Regional Impact' means any project that exceeds the minimum thresholds established by the Department.

(f) 'Environmental Planning Criteria' means the 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 O.C.G.A. 12-2-8, including, but not limited to, criteria for the protection of water supply watersheds, groundwater recharge areas, wetlands, protected mountains and protected river corridors.

(g) ‘Green Infrastructure Network’ means a strategically planned and managed network of wilderness, parks, greenways, conservation easements, and working lands with conservation value that benefits wildlife and people, supports native species, maintains natural ecological processes, sustains air and water resources, links urban settings to rural ones, and contributes to the health and quality of life for the communities and citizens sharing this network. The network should encompass a wide range of elements, including: natural areas - such as wetlands, woodlands, waterways, and wildlife habitat; public and private conservation lands - such as nature preserves, wildlife corridors, greenways, and parks; and public and private working lands of conservation value - such as forests, farms, and ranches. It should also incorporate outdoor recreation and trail networks.

(h) ‘Interjurisdictional’ means among two or more local governments or Regional Commissions

(i) ‘Local Government’ means any county, municipality, consolidated government or other political subdivision of the state.

(j) ‘Qualified Local Government’ means a county or municipality that:

- Adopts and maintains a comprehensive plan in conformity with the local planning requirements;
- Establishes regulations consistent with its comprehensive plan and with the local planning requirements; and
- Does not fail to participate in the Department's mediation or other means of resolving conflicts in a manner in which, in the judgment of the Department, reflects a good faith effort to resolve any conflict.

(k) ‘Region’ means the territorial area within the boundaries of operation of an Regional Commission.

(l) ‘Regional Commission’ means any commission established under O.C.G.A. 50-8-32 (effective July 1, 2009).

(m) ‘Regionally Important Resource’ means any natural or cultural resource area identified for protection by an Regional Commission following the minimum requirements established by the Department.

(n) ‘Regional Resource Plan’ means a plan for management and protection of the Regionally Important Resources in the region. It includes the following components: (1) a *Regionally Important Resource Map* for the region; (2) *Guidance for Appropriate Development Practices* that should be utilized by developers for designing new developments to be located within one mile of Regionally Important Resources; and (3) *General Policies and Protection Measures* that should be utilized by local governments in making decisions that affect Regionally Important Resources.

(o) ‘State Planning Recommendations’ means the supplemental guidance provided by the Department to assist local governments and Regional Commissions in preparing and implementing local and regional plans.