COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Wednesday, July 6, 2011	Type of Request:	Old Business

Wording for the Agenda:

Consideration of a request from Community Development Director Pete Frisina to send a letter to the Georgia Department of Community Affairs (DCA) requesting deferral of deadlines for updates of the County's Comprehensive Plan and Solid Waste Management Plan, as allowed by DCA.

Background/History/Details:

At the March 2, 2011, Board of Commissioners (BOC) Workshop, Jack Krakeel and Pete Frisina briefed the BOC on the deadline of June 30, 2012, for a major update of the local Comprehensive Plan and on Senate Bill 86 which would eliminate or modify the requirement for local plans. Similar legislation was introduced for Solid Waste Management Plans. The legislature passed both bills and transmitted to Governor Deal for signature. The Solid Waste Bill was signed. However, Senate Bill 86 was vetoed.

Governor Deal has instructed DCA to draft new planning rules and guidance to address concerns of those who had supported Senate Bill 86. County staff have reviewed the current plans and found that they are adequate for meeting local needs, so major updates are not needed at this time.

What action are you seeking from the Board of Commissioners?

Support for transmittal of the attached letter requesting approval of the deferral option for Fayette County.

If this item requires funding, please describe:

Not applicable

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, March 2, 2011
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

Workshop Minutes

Board of Commissioners
March 2, 2011
3:30 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Workshop Session on Wednesday, March 2, 2011, at 3:30 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd L. Jones, Deputy Clerk

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6. Discussion of Senate Bill 86 which relates to eliminating some statewide planning mandates.

County Administrator Jack Krakeel and Director of Community Development Pete Frisina explained Senate Bill 86 to the Board and answered the Board's questions. Mr. Krakeel explained that the Georgia State Legislature was currently in session, and it was considering Senate Bill 86 and House Bill 260 concerning a joint effort between the Association of County Commissioners of Georgia (ACCG) and the Georgia Municipal Association (GMA) about state requirements of local governments with respect to comprehensive planning as well as developments of regional impact. He reported that counties are required to provide to the State of Georgia updates to its Comprehensive Growth Management Plan, its Fire Impact Plan, and its Capital Project Plan on an annual basis. He continued that this process has been in place since approximately 1985, and that the Fayette County Planning and Zoning Department spends a considerable amount of time each year preparing the information to submit to the Georgia Department of Community Affairs (DCA). He continued that failure to submit the required plans could result in the County losing potential grant funds that may be available through the state. He explained that Senate Bill 86 and House Bill 260 are designed to eliminate the requirements on local governments to submit the information on an annual basis. He concluded that a number of Commissioners had expressed

interest to him concerning this bill, and that some had requested a letter be sent to the County's legislative delegation in Atlanta, however, it was not clear from the emails he received from the Commissioners whether or not the Board would support these bills. He said his goal was to get a consensus from the Board on this matter in order for staff to know how to proceed.

Commissioner Frady commented that he had a spoken about this item at the ARC and that the ARC, which is against the bill, is trying to meet with the GMA and ACCG, who are in favor of the bill, to try to find common ground for all three entities.

Commissioner Brown stated that if you are a lightly populated county in southwest Georgia, and as such you have limited means, and you have to draw plans each year, he could see how the regulations could be a severe problem in terms of cost, and he thought the thrust for this change was coming from the rural southern Georgia counties. He contrasted those counties with those in the metropolitan Atlanta area, and he said the annual planning should be an "absolute requirement" because of issues like transportation, quality of life, and other factors.

Mr. Frisina told the Board that having had to work on planning in Fayette County, and since the County first initiated its first plan in the early 1990s based on the Planning Act of 1989, the state's vision for comprehensive planning was it would be the centralized document for everything the county does, but it has never functioned like that. He said there are aspects of that plan that the county "compiles and turns in to the DCA just to meet the mandates", but the county does not use those documents because it does not function in that fashion. He said the chapter that is normally consulted is the Land Use and Planning chapter, but all the other chapters are almost never used. He said it was his opinion that, while planning should not completely go away, the process needed a "retrofit" because much of what the state asks of Fayette County is just work that is done and then forgotten. He was concerned that the State of Georgia had developed a "one size fits all" plan regardless of a jurisdiction's situation or size, and that it was inflexible and impractical. Discussion followed.

The Board consented to sending a letter to the County's legislative delegation tentatively supporting Senate Bill 86 as long as language is included stating the total abolishing of the statewide planning mechanisms could be dangerous to the Fayette community and that specific reforms be listed. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

9. Director of Community Development Pete Frisina will update the Board on the County's requirements to perform a Full Plan Update of the Fayette County Comprehensive Plan.

Director of Community Development Pete Frisina explained and discussed the County's requirements to perform a Full Plan Update of the Fayette County Comprehensive Plan, and he answered questions from the Board.

Mr. Frisina explained that this discussion was the first step in the County's Full Plan Update that had been previously discussed by the Board concerning Senate Bill 86. He explained that the State required a three-step process, and that what was being worked on were the first two steps: namely Community Assessment and the Community Participation Program. He explained that this work had been previously accomplished six years ago and that the County would use the same format since he did not know of anything in the County that has changed so drastically that requires a major change. He told the Board that the Community Participation Program is required by the Georgia Department of Community Affairs (DCA). He told the Board that the County would "really need to have a Steering Committee" comprised no more than ten citizens, and he explained how they would interact with the Stakeholders' Group. He further added that this plan met the minimally required standards and that the work would be required at the Atlanta Regional Commission (ARC) and the DCA for approval before the County could move to the next step. He also spoke about the Community Assessment section of the plan, and told the Board that there were only certain portions of the plan that currently needed the Board's review, and that most of the plan involved collecting and reporting various aspects of information. He then briefly spoke about "Issues and Opportunities".

Commissioner Brown said he wanted attention to be paid to the amount of SPLOST money to improve the flow of traffic congestion and ways to protect transportation corridors through zoning, as an example by limiting the number of curb cuts and accesses via parcel size, and overlay zones. Mr. Frisina suggested that the County "put something under both the land use and the transportation issues and opportunities that talks about access management plans." Discussion followed, during which time Mr. Frisina also spoke of other possible projects outlines in three other sections of the Comprehensive Plan.

The Board consented to allow staff to perform a Full Plan Update of the Fayette County Comprehensive Plan, to take the update through the Public Hearing process with the Planning Commissioner and the Board of Commissioners, and to eventually submit the "Community Agenda" to the ARC and the DCA for review and approval. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

Fayette County GEORGIA

Where Quality Is A Lifestyle

MEMORANDUM

Date: June 22, 2011

To: Fayette County Board of Commissioners

From: Pete Frisina, AICP

RE: Request for Deferral of Planning Deadlines for Updates of the Comprehensive Plan and the Solid Waste Management Plan

Since 1989, the state has required all county and municipal governments to produce local plans, with minor and major updates, under a rolling series of deadlines, in order to be designated as a Qualified Local Government. This designation is required for a local government to implement impact fees and be eligible for various state grants.

In the 2011 Session of the Georgia Sate Legislature, bills were introduced in both houses that would eliminate or greatly modify the mandatory requirements for these local plans. Two (2) bills were eventually passed and sent to the governor for signature:

- Senate Bill 157 (SB157) provided that solid waste management and reporting would be optional. Georgia Department of Community Affairs (DCA) is instructed to draft new guidance to meet the intent of the legislation. SB157 was approved on April 14, 2011, and signed by the Governor on May 11, 2011.

- Senate Bill 86 (SB86) provided for the repeal of the definition of "qualified local government," provided for comprehensive planning by local governments to be optional and eliminated the reviews of developments of regional impact. On April 14, the Senate agreed to the House substitute. On April 20, 2011, SB86 was sent to the Governor for signature. On May 13, 2011, SB86 was vetoed by Governor Deal, who instructed DCA to convene a task force to identify issues of SB86 supporters and recommend new planning rules that would address those issues.

In recognition of the dilemma that local governments would be in due to these proposed changes, DCA issued interim planning guidance. DCA provided options for (1) local governments currently involved in a plan update with substantial work completed; (2) local governments just beginning a Solid Waste Management Plan (SWMP); and (3) local governments just beginning a comprehensive plan update due in 2011 or 2012. Fayette County falls under option 3.

To accept the deferral option the local government needs to:

- Submit an update of their Short Term Work Program (STWP) by the normal plan update deadline (we do this annually for impact fees); and

- Provide a certification that the current plan has been reviewed and found that it still serves the community well, so no plan update is needed at this time.

County Administrator Jack Krakeel and I briefed you on SB86 and the schedule for a Full Plan Update of the Fayette County Comprehensive Plan at the March 2, 2011, Workshop. Fayette County was slated to begin work on a major update of its Comprehensive Plan (including review/update of our Service Delivery Strategies Report) and an update of Solid Waste Management Plan, Short Term Work Program based on an adoption deadline of June 30, 2012. I stated at the Workshop, given that the legislature was considering changes to the state planning requirements, staff would hold off working on the plans until we knew the final outcome of the proposed legislation.

Staff recommends that the County pursue the "Deferral Option." This would defer our due dates from June 30, 2012 to June 30, 2017. Please keep in mind that the County would still have the option of enacting minor amendments to the plans as is deemed necessary by the Board of Commissioners. We appreciate your consideration and approval of this request to defer the plan updates to 2017, as provided for in the DCA deferral option.

July 6, 2011

Mr. Mike Beatty, Commissioner
Georgia Dept. of Community Affairs
60 Executive Park South, NE
Atlanta, GA 303291

Re: Request for Deferral of Planning Deadlines for Major Updates of the Comprehensive Plan and the Solid Waste Management Plan

Dear Mr. Beatty:

Fayette County is due to initiate work on a major update of its Comprehensive Plan (including review/update of our Service Delivery Strategies) and a minor update of its Solid Waste Management Plan, Short Term Work Program to meet an adoption deadline of June 30, 2012. Due to legislation introduced to the state general assembly concerning state planning requirements and the interim guidance received from the Department of Community Affairs (DCA) and Atlanta Regional Commission (ARC), we are requesting approval of the deferral option as presented by DCA, for the aforementioned plan updates.

Fayette County elected officials and staff have reviewed the current Comprehensive Plan and determined that it is adequate for serving the needs of Fayette County, so a major plan update is not needed at this time. Also, we have not found any significant changes needed for the Solid Waste Management Plan at this time.

Fayette County just adopted an update to the Short Term Work Program on April 28, 2011 as a requirement of the FY 2010 Impact Fee Report. Fayette County annually reviews and amends the Short Term Work Program and Capital Improvement Element of the Comprehensive Plan as a requirement of the Impact Fee Report. The Fayette County FY 2011 Impact Fee Report is scheduled to be adopted by June 30, 2012.

We appreciate your consideration and approval of this request to defer the plan updates to June 30, 2017, as provided for in the DCA deferral option.

Sincerely,

Herb Frady, Chairman
Fayette County Board of Commissioners

Cc: Fayette County Board of Commissioners
Jack Krakeel, County Administrator
Pete Frisina, AICP
Dan Reuter, ARC