



**Wednesday, March 10, 2021 | 1:30 p.m.**  
**ARC Board Meeting**

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Phone Conference ID: 561 175 269#

The meeting agenda with all presentations and references can be found at: [www.atlantaregional.org/board](http://www.atlantaregional.org/board)

- I.** Welcome and Pledge of Allegiance *Kerry Armstrong, Chair*
- II.** Oath of Office to New Board Members: Chairman Lee Hearn, Fayette County
- III.** Chairman’s Comments
  - PlanFirst Award
  - Housing Committee
- IV.** Consent Agenda *Kerry Armstrong, Chair*
  - A. February 10, 2021 Meeting Summary
  - B. Treasurer’s Report – February & March 2021
- V.** Action Items *Kerry Armstrong, Chair*
  - A. 2021 Officers and Committee Appointments
  - B. Issue Summary and Draft Resolution for TIP Amendment # 2 *Kerry Armstrong*  
*John Orr, Managing Director, Transportation Access and Mobility*
  - C. Issue Summary and Draft Resolution for the Regional Development Plan (RDP) *Mark Mathews, Chair, CRC*  
*Jared Lombard, Community Development Group, ARC*
  - D. Issue Summary and Draft Resolution for Approval of Metropolitan River Protection Act (MRPA) Fee Structure and Other Changes *Mark Mathews, Chair, CRC*  
*Katherine Zitsch, Managing Director, Natural Resources Group*
- VI.** Discussion/Information Items *Kerry Armstrong, Chair*
  - A. Briefing on Water Issues – Supreme Court Update *Mark Mathews, Chair, CRC*  
*Katherine Zitsch, Managing Director, Natural Resources Group*
  - B. Center for Strategic Relations Update *Eric Dial, Chair, SRSC*  
*Malika Reed Wilkins, Senior Director, Center for Strategic Relations*
  - C. Workforce Regional Collaboration *Eric Dial, Co-Chair ARWDB*  
*Rob LeBeau, Manager, Workforce Solutions Group*  
*John Helton, Executive Director, Atlanta CareerRise*
  - D. Legislative Update *Eric Dial, Chair, SRSC*  
*John Bayalis, Manager, Intergovernmental Affairs*
- VII.** Executive Director’s Report and Announcements *Doug Hooker, Executive Director*
- VIII.** Adjourn

**Next Committee Day:**

4<sup>th</sup> Wednesday, March 24, Advisory Committee on Aging & ARWDB

2<sup>nd</sup> Wednesday, April 8, 2021 (TBD)

**Next Board Meeting: Wednesday, May 12, 2021 at 1:30 p.m.**



Atlanta Regional Commission



# Governance Committee Summary

**February 10, 2021**

## **Treasurer's Report**

ARC Board Treasurer Bob Reeves presented the December Treasurer's report. The estimated fund balance as of Dec. 31, 2020 was \$5,472,373.

- [Treasurer's report presentation](#)

## **Area Plan on Aging Update and Additional Funding**

The Governance Committee approved an update to the Area Plan on Aging, year two of the four-year 2021-2024 plan. The committee also approved the application for additional funding that may become available, such as federal COVID relief programs.

- [Presentation](#): FY22 Update to the Area Plan on Aging and FY22 Funding Request
- [Resolution](#)

## **Transportation Improvement Program – First Read**

The committee approved a first read of a regular update to the regional Transportation Improvement Program, which allocates funding for transportation projects across the region.

- [Presentation](#)

### **CSR Update: ARC Strategic Communications Plan, State of Region recap, Annual Partners**

Malika Reed Wilkins, Senior Director of the Center for Strategic Relations, presented on several key topics. She provided an update on ongoing efforts to develop an ARC strategic communications plan, which aims to position ARC as the region's most-trusted source for the data, tools, and resources to address the region's challenges. She also provided a recap of the successful 2020 State of the Region breakfast, our first-ever virtual SORB. And she informed the committee of the agency's 2021 Annual Strategic Partners: Georgia Power, Uber, and Delta Air Lines.

- [Presentation](#)

## ARC GOVERNANCE MEETING ATTENDANCE: FEB, 2021

Armstrong, Kerry	Present
Arnold, Julie Keeton	Present
Burnette, Dennis	Present
Clarkson, Eric	NOT PRESENT
Day, Joy	Present
Dial, Eric	NOT Present
Mathews, Mark	Present
Reeves, Bob	Present
Robinson, Rochelle	NOT PRESENT
Turner, Jeff	Present
DOUG HOOKER - Executive Director	<i>Any questions? Contact: Charissa White-Fulks</i>



## MEMORANDUM

**DATE:** February 10, 2021  
**TO:** Atlanta Regional Commission  
**FROM:** Bob Reeves, Treasurer  
**SUBJECT:** Treasurer's Report

Attached is the summary of total governmental fund type revenues, expenditures and change in fund balance through **January 31, 2021**. Total governmental fund revenues, expenditures and change in fund balance may be summarized as follows:

Fund Balance at 1/1/21 (estimate)		\$5,472,373
Add: Revenues and Transfers in	\$1,432,320	
Total Expenditures	<u>1,423,638</u>	
Revenue over (under) Expenditures	8,682	
Net Increase, (Decrease) in Fund Balance		<u>8,682</u>
Estimated Fund Balance at 12/31/2021		\$5,481,055

Attachment

ATLANTA REGIONAL COMMISSION			
Treasurer's Report			
Revenues and Expenditures			
January 31, 2021			
			% Y-T-D
	Budget	Y-T-D	to Budget
Fund Balance as of 1/1/2021 (est)	\$5,472,373	\$5,472,373	
Revenues:			
Regional Appropriations	5,183,200	217,243	4.2%
Interest Income	45,000	449	1.0%
Special Revenue Fund Income	89,260,157	1,065,262	1.2%
Local Match	4,469,869	149,367	3.3%
Enterprise Income	866,500	-	0.0%
Miscellaneous Income	150,000	-	0.0%
<b>TOTAL</b>	<b>\$99,974,726</b>	<b>\$1,432,320</b>	<b>1.4%</b>
Expenses:			
Salaries and Benefits	26,932,741	1,008,159	3.7%
Contracts	20,982,370	53,453	0.3%
Equipment	576,918	30,450	5.3%
Miscellaneous Operating	3,701,338	19,809	0.5%
Travel	388,044	566	0.1%
Rent and Related	1,898,303	117,357	6.2%
Other Computer Expenses	1,242,690	184,487	14.8%
Sub-Grants/Participant Payments	45,604,918	9,357	0.0%
Other Expenses	-	-	0.0%
Over/(Under) Indirect Recovery	(1,383,554)	-	0.0%
<b>TOTAL</b>	<b>\$99,943,768</b>	<b>1,423,638</b>	<b>1.4%</b>
Excess (Deficiency) of Revenues			
Over (Under) Expenses	30,958	8,682	
Estimated Fund Balance:			
December 31, 2021	\$ 5,503,331	\$5,481,055	



## MEMORANDUM

**DATE:** March 10, 2021  
**TO:** Atlanta Regional Commission  
**FROM:** Bob Reeves, Treasurer  
**SUBJECT:** Treasurer's Report

Attached is the summary of total governmental fund type revenues, expenditures and change in fund balance through **February 28, 2021**. Total governmental fund revenues, expenditures and change in fund balance may be summarized as follows:

Fund Balance at 1/1/21 (estimate)		\$5,472,373
Add: Revenues and Transfers in	\$4,422,800	
Total Expenditures	<u>4,397,679</u>	
Revenue over (under) Expenditures	25,121	
Net Increase, (Decrease) in Fund Balance		<u>25,121</u>
Estimated Fund Balance at 12/31/2021		\$5,497,494

Revenues and Expenditures			
February 28, 2021			
			% Y-T-D
	Budget	Y-T-D	to Budget
Fund Balance as of 1/1/2021 (est)	\$5,472,373	\$5,472,373	
Revenues:			
Regional Appropriations	5,183,200	539,871	10.4%
Interest Income	45,000	744	1.7%
Special Revenue Fund Income	89,260,157	3,638,731	4.1%
Local Match	4,469,869	243,404	5.4%
Enterprise Income	866,500	50	0.0%
Miscellaneous Income	150,000	-	0.0%
<b>TOTAL</b>	<b>\$99,974,726</b>	<b>\$4,422,800</b>	<b>4.4%</b>
Expenses:			
Salaries and Benefits	26,932,741	2,958,566	11.0%
Contracts	20,982,370	284,625	1.4%
Equipment	576,918	30,450	5.3%
Miscellaneous Operating	3,701,338	71,703	1.9%
Travel	388,044	1,272	0.3%
Rent and Related	1,898,303	413,788	21.8%
Other Computer Expenses	1,242,690	184,487	14.8%
Sub-Grants/Participant Payments	45,604,918	452,788	1.0%
Other Expenses	-	-	0.0%
Over/(Under) Indirect Recovery	(1,383,554)	-	0.0%
<b>TOTAL</b>	<b>\$99,943,768</b>	<b>4,397,679</b>	<b>4.4%</b>
Excess (Deficiency) of Revenues			
Over (Under) Expenses	30,958	25,121	
Estimated Fund Balance:			
December 31, 2021	\$ 5,503,331	\$5,497,494	

**ATLANTA REGIONAL COMMISSION – 2021 OFFICERS, COMMITTEES & GOVERNANCE SUB-COMMITTEES\***

<b>2021 COMMISSION OFFICERS – 4</b>	
<b>Kerry Armstrong, <i>Chair</i></b> <b>Rochelle Robinson, <i>Vice Chair</i></b>	<b>Romona Jackson Jones, <i>Secretary</i></b> <b>Bob Reeves, <i>Treasurer</i></b>

<b>*GOVERNANCE COMMITTEE – 16</b>		
<b>Kerry Armstrong, <i>Chair</i></b> <b>Rochelle Robinson, <i>Vice Chair</i></b> <b>Romona Jackson Jones, <i>Secretary</i></b> <b>Bob Reeves, <i>Treasurer</i></b>	<b>Julie K. Arnold</b> <b>Dennis Burnette</b> <b>Eric Clarkson</b> <b>Joy Day</b> <b>Eric Dial</b> <b>Nicole Hendrickson</b>	<b>Harry Johnston</b> <b>Mark Mathews</b> <b>Mike Mason</b> <b>Felicia Moore</b> <b>Oz Nesbitt</b> <b>Jeff Turner</b>

<b>*BUDGET and AUDIT REVIEW SUB-COMMITTEE (BARS) – 6</b>		
<b>Bob Reeves, <i>Chair</i></b> <b>Kerry Armstrong</b>	<b>Dennis Burnette</b> <b>Eric Clarkson</b>	<b>Oz Nesbitt</b> <b>Mike Mason</b>

<b>*ETHICS SUB-COMMITTEE – 4</b>	
<b>Romona Jackson Jones, <i>Chair (ARC Secretary)</i></b> <b>Tread Davis (DCA Representative)</b>	<b>Jeff Turner (County Commission Chair)</b> <b>Rochelle Robinson (Mayor)</b>

<b>*PENSION BOARD OF TRUSTEES SUB-COMMITTEE – 4</b>		
<b>Kerry Armstrong, <i>Chair</i></b> Doug Hooker	<b>Felicia Moore</b>	<b>Bob Reeves</b>

<b>*STRATEGIC RELATIONS SUB-COMMITTEE (SRS) – 8</b>		
<b>Eric Dial, <i>Chair</i></b> Vacant, <i>Vice Chair</i> <b>Julie K. Arnold</b> Kali Boatright	<b>Angelia O’Neal</b> <b>Bob Reeves</b>	<b>Vince Williams</b> Betty Willis

<b>ADVISORY COMMITTEE ON AGING (ACA) – 9</b>		
<b>Romona Jackson Jones, <i>Co-Chair</i></b> <b>Julie K. Arnold</b> Susan Bentley <b>Deane Bonner</b>	<b>Liane Levetan</b> <b>Bob Reeves</b>	<b>Lois Ricci</b> <b>Richard Sylvia</b> Herman Weil

<b>ATLANTA REGIONAL WORKFORCE DEVELOPMENT BOARD – 19</b>		
<b>Randy Hayes, <i>Co-Chair</i></b> <b>Eric Dial, <i>Co-Chair</i></b> Sonia Carruthers Mandy Chapman Robert Duffield Itohowo Ekanemesang Margie Ensley	<b>Adam Forrand</b> <b>Joseph Henning</b> <b>Lee Hunter</b> <b>James Jackson, III</b> <b>Chuck Little</b> <b>Lindsay Martin</b> <b>Angelia O’Neal</b>	<b>Trey Ragsdale</b> <b>Stephanie Rooks</b> <b>Stephen Schultheis</b> <b>Aundra Walthall</b> <b>Steven Wilson</b>

**ATLANTA REGIONAL COMMISSION – 2021 OFFICERS, COMMITTEES & GOVERNANCE SUB-COMMITTEES\***

<b>COMMUNITY RESOURCES COMMITTEE (CRC) – 18</b>		
<b>Felicia Moore, Chair</b> <b>Ollie Clemons</b> Milton Dortch Vanessa Fleisch *Rob Garcia Patti Garrett Liz Hausmann * <b>Nicole Love Hendrickson</b>	<b>Steve Hutchison</b> <b>Mickey McGuire</b> John O’Callaghan Tammy Palmgren Narendar Reddy <b>Rochelle Robinson</b>	Otis Threatt <b>Jeff Turner</b> Doreen Williams <b>Vince Williams</b> <i>*Housing Sub-Committee Members –  Co-Chair, Nicole Love Hendrickson  Co-Chair, Rob Garcia</i>

<b>TRANSPORTATION and AIR QUALITY (TAQC) – 37</b>		
* <b>Mark Mathews, Chair, CD 14</b> * <b>Mike Mason, Vice Chair, Peachtree Corners</b> <b>Kerry Armstrong, ARC Chair</b> Marcello Banes, <i>Newton</i> <b>Keisha Lance Bottoms, Atlanta</b> Rudy Bowen, <i>STB</i> Dave Carmichael, <i>Paulding</i> <b>Greg Cantrell, CD 8</b> * <b>Eric Clarkson, MAMA</b> <b>Lisa Cupid, Cobb</b> <b>Tread Davis, Jr., DCA</b> * <b>Eric Dial, Tyrone</b> <b>Vince Evans, Conyers</b>	Gwen Flowers-Taylor, <i>Spalding</i> *Pat Graham, <i>Barrow</i> <b>Carlotta Harrell, Henry</b> <b>Lee Hearn, Fayette</b> <b>Nicole Hendrickson, Gwinnett</b> * <b>Harry Johnston, Cherokee</b> <b>Romona Jackson Jones, Douglas</b> <b>Liane Levetan, CD 7</b> *Martha Martin, <i>GRTA</i> Rey Martinez, <i>Loganville</i> Rich McDonald, <i>GADNR</i> *Jannine Miller, <i>GDOT</i> Cindy Mills, <i>Forsyth</i>	<b>Oz Nesbitt, Rockdale</b> <b>Rusty Paul, Sandy Springs</b> <b>Robb Pitts, Fulton</b> Paul Poole, <i>Coweta</i> Paul Radford, <i>The ATL</i> * <b>Rochelle Robinson, Douglasville</b> Rita Scott, <i>MARTA</i> David Thompson, <i>Walton</i> <b>Michael Thurmond, DeKalb</b> * <b>Jeff Turner, Clayton</b> <b>Vince Williams, Union City</b> <i>*TAQC Policy Sub-Committee Members – Chair, Mike Mason</i>

*TAQC Representing the 20-County Region*

<b>URBAN AREA SECURITY INITIATIVE (UASI) – Senior Policy Group (SPG) – 7</b>		
<b>Keisha Lance Bottoms, Chair, City of Atlanta</b> <b>Lisa Cupid, Cobb</b> <b>Nicole Love Hendrickson, Gwinnett</b>	<b>Robb Pitts, Fulton</b> <b>Michael Thurmond, DeKalb</b>	<b>Jeff Turner, Clayton</b> <b>Kerry Armstrong, Ex Officio</b>



**DATE:** March 5, 2021

**ISSUE SUMMARY:      **FY 2020-2025 Transportation Improvement Program (TIP) Amendment #2****

**FROM:**            Kerry Armstrong, Transportation & Air Quality Committee

**IMPORTANCE:**

TIP Amendment #2 was developed to:

1. include the programming of new funding recommendations from the 2019 TIP solicitation, and
2. address project cost estimate and programmatic changes that are of a time sensitive nature or cannot be handled administratively.

For additional information on the amendment: [www.atlantaregional.org/amendment](http://www.atlantaregional.org/amendment)

Regarding the required conformity determination for the TIP amendment:

1. ARC determined that the changes reflected in Amendment #2 do not require a new technical evaluation for conformity. ARC provided this information to the adjacent Cartersville-Bartow MPO and Gainesville-Hall MPO.
2. Prior to the formal public comment period, ARC received concurrence as required through the Interagency Consultation process that the conformity determination for Amendment #2 does not necessitate a new regional emissions analysis.

Pursuant to the ARC Community Engagement Plan, a 20-day public comment period was conducted from January 14, 2021 to February 11, 2021. Comments received, and responses to those comments, were provided to TCC, TAQC and the ARC Board prior to action being taken.

**ACTION REQUIRED:** ARC approval



**A RESOLUTION ADOPTING:**

**FY 2020-2025 Transportation Improvement Program (TIP) Amendment #2**

**WHEREAS**, the Atlanta Regional Commission is the designated Metropolitan Planning Organization (MPO) for transportation planning in Atlanta Metropolitan Transportation Planning Area which includes all or parts of twenty counties; and

**WHEREAS**, Fixing America's Surface Transportation (FAST Act) and the Clean Air Act (CAA) Amendments of 1990 require the MPO to develop and adopt a long-range Regional Transportation Plan (RTP) and short-range Transportation Improvement Program (TIP) that conforms with the applicable State Implementation Plan (SIP) for air quality; and

**WHEREAS**, a conformity determination was made on The Atlanta Region's Plan RTP Update/FY 2020-2025 TIP on February 18, 2020, by the US Department of Transportation in consultation with the US Environmental Protection Agency, which determined based on The Atlanta Region's Plan Conformity Determination Report, that The Atlanta Region's Plan RTP Update and FY 2020-2025 TIP conform to the requirements of the Clean Air Act under 40 CFR Part 93 for the 8 hour ozone 2015 standard (7 county nonattainment area), 2008 standard (15 county maintenance area) and 1997 standard ( 20 county partial maintenance area); and

**WHEREAS**, ARC did not perform a technical evaluation as no changes to the scope or schedule of any non-exempt status project was proposed in Amendment #2; and

**WHEREAS**, ARC did notify the Cartersville-Bartow MPO and Gainesville Hall MPO, that such a technical evaluation would be performed for the entire maintenance area and would include necessary changes in that region as well; and

**WHEREAS**, prior to releasing the amendment for a formal public comment period, ARC received concurrence through the Interagency Consultation process that Amendment #2 consists of changes that required a new technical evaluation for conformity, and

**WHEREAS**, Amendment #2 to the Atlanta Region's Plan RTP Update/FY 2020-2025 TIP was developed consistently with the requirements of 23 CFR 450.316 and in adherence with the participation processes and guidelines outlined in the ARC Community Engagement Plan as follows:

- Notice of such an amendment was published in a legal organ for a 20-day public comment period from January 14, 2021 to February 11, 2021.

*For approval by TCC on 3/5; TAQC on 3/10 and ARC Board on 3/10*

- Interested parties were provided the opportunity to comment on the amendment through the ARC website; and
- Results of this public comment period were provided to the Transportation Coordinating Committee, the Transportation & Air Quality Committee and the ARC Board for consideration.

**NOW, THEREFORE, BE IT RESOLVED** that the Atlanta Regional Commission adopts the Amendment #2 to The Atlanta Region's Plan RTP Update/FY 2020-2025 TIP, as defined above; and

**BE IT FURTHER RESOLVED** that the Commission authorizes staff, with approval of the Chair of the Atlanta Regional Commission, to make non-substantive technical corrections to the final documents as necessary; and

**BE IT FURTHER RESOLVED** that the Commission directs the staff to continue the regular reporting on The Atlanta Region's Plan management and implementation.



**ISSUE SUMMARY: Regional Development Plan**

Action Date: 3/10/2021

**FROM:** Mark Mathews, Chair, Community Resources Committee

**IMPORTANCE:** The Atlanta Region’s Plan is the agency-wide comprehensive plan to “win the future” through an emphasis on world class infrastructure, support for a competitive economy, and establishing healthy livable communities.

ARC developed The Atlanta Region’s Plan, the regional unified plan that encompasses both the Regional Development Plan (RDP) and the Regional Transportation Plan) and has sought comprehensive approaches to accommodate economic and population growth sustainably in the Atlanta Region over the next 25 years.

The RDP component of The Atlanta Region’s Plan is required to be updated every 5 years and with community engagement happening concurrently with the RTP, ARC staff prepared an update to the RDP adopted in 2016.

Pursuant to the State Standards and Procedures for Regional Planning the following plan documents were submitted Georgia DCA for review and comment. The Atlanta Region’s Plan-Regional Development Plan, which includes Regional Resource Plan, Regional Work Program, and Local Government Implementation. This includes seeking comments from state and local governments.

**ACTIONS REQUIRED:** ARC Board adoption

**A RESOLUTION BY THE ATLANTA REGIONAL COMMISSION  
ADOPTING,**

**The Atlanta Region's Plan-Regional Development Plan**

**WHEREAS**, since 1952 the Atlanta Regional Commission has developed and adopted regional plans for the Atlanta region; and

**WHEREAS**, these plans include the Regional Development Plan for the ten county area; and the Regional Transportation Plan (RTP) and associated Transportation Improvement Program (TIP) for the eighteen county area, and

**WHEREAS**, the Regional Development Plan must be prepared pursuant to the Georgia Planning Act of 1989 and consistent with minimum standards developed by the Georgia Department of Community Affairs (DCA); and

**WHEREAS**, in 2017, Georgia DCA adopted revisions to Chapter 110-12-6, Standards and Procedures for Regional Planning, "Regional Planning Requirements"; and

**WHEREAS**, ARC developed a regional unified plan and strategic vision for The Atlanta Region's Plan and has sought comprehensive approaches to accommodate economic and population growth sustainably in the Atlanta region during the next 30 years; and

**WHEREAS**, ARC seeks to conserve and protect critical environmental and historic resources, rural landscapes, critical habitats, greenspaces, water supply, water quality, air quality and other environmental features while meeting the overall regional needs to manage growth sustainably; and

**WHEREAS**, The Atlanta Region's Plan is the agency-wide comprehensive plan to "win the future" through an emphasis on world class infrastructure, support for a competitive economy, and establishing healthy, livable communities; and

**WHEREAS**, The Atlanta Region's Plan has incorporated and unified both regional and local growth policy as outlined in Local Government Comprehensive Plans; and

**WHEREAS**, ARC submitted to Georgia DCA , The Atlanta Region's Plan-Regional Development Plan, which includes Regional Resource Plan, Regional Work Program, and Local Government Implementation, sections under state rules under Regional Planning Requirements; and

**WHEREAS**, Georgia DCA has reviewed The Atlanta Region's Plan-Regional Development Plan documents submitted for review and determined they satisfactorily meet the Minimum Standards and Procedures for Regional Planning.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission adopts The Atlanta Region's Plan-Regional Development Plan. ARC staff are directed to continue implementation of The Atlanta Region's Plan including requirements outlined in the Minimum Standards and Procedures for Regional Planning.

**BE IT FURTHER RESOLVED** that the Commission authorizes staff, with approval of the Chair of the Atlanta Regional Commission, to make non-substantive technical corrections to the final document as necessary; and

**BE IT FURTHER RESOLVED** that the Commission directs the staff to report regularly on the above actions and commits itself to address policy issues raised in a timely manner to further the implementation of **The Atlanta Region's Plan**.



**DATE:** 03/10/2021

**ISSUE SUMMARY: ARC METROPOLITAN RIVER PROTECTION ACT RULES AND REGULATIONS AMENDMENT TO UPDATE REVIEW FEES AND ADD VULNERABILITY CATEGORY REEVALUATION FEES**

**FROM:** Mark Mathews, CRC Chairman

**IMPORTANCE:** The Metropolitan River Protection Act authorizes ARC to collect fees for reviews conducted under the Act. The current review fee schedule, which is part of ARC's Metropolitan River Protection Act Rules and Regulations, has not been updated since 1985 and now covers only 10-15% of current costs. To increase these fees, the Board needs to approve them as an amendment to the Rules and Regulations. This amendment would update the fees to defray about 50% of costs, consistent with the approach taken when the fees were last increased in 1985. The increase would occur over two years starting in July 2021. Starting in 2023, fees would be automatically adjusted annually based on the US Bureau of Labor Statistics' Employment Cost Index. Also, because staff is increasingly reevaluating vulnerability categories, as provided in the Chattahoochee Corridor Plan, this amendment also includes fees for such evaluations, which can be applied to review fees if a review is submitted within three years of the reevaluation.

**ACTION REQUIRED:** Approve the resolution amending the Metropolitan River Protection Act Rules and Regulations to update review fees and add vulnerability category reevaluation fees as detailed in the fee schedule included in the packets, as well as related edits to the Rules and Regulations to reflect changes in ARC's governance and committee structures.

**RESOLUTION BY THE ATLANTA REGIONAL COMMISSION  
AMENDING THE COMMISSION’S RULES AND REGULATIONS PERTAINING TO  
THE METROPOLITAN RIVER PROTECTION ACT TO REVISE THE FEES FOR  
METROPOLITAN RIVER PROTECTION ACT REVIEWS AND VULNERABILITY  
CATEGORY REEVALUATIONS**

**WHEREAS**, Georgia Code 12-5-440, et seq. (also known as the Metropolitan River Protection Act and hereinafter referred to as the “Act”), in Subsection (3) of Section 12-5-443 requires the Commission to “make such Rules and Regulations as may be necessary to implement the purposes of (the Act);” and

**WHEREAS**, the Commission has adopted, and from time to time revised, Rules and Regulations to administer the Act, the most recent amendments having been approved on May 28, 2003 and taken effect on the same day; and

**WHEREAS**, Georgia Code 12-5-440, et seq. in Subsection (4) of Section 12-5-443 allows the Commission to “Charge a reasonable fee to each applicant for review of any application for a certificate, which fee shall be sufficient to defray all or any portion of the administrative costs of review of the application by the commission”; and

**WHEREAS**, the fees charged by the Commission for Metropolitan River Protection Act reviews were last updated in 1985; and

**WHEREAS**, the goal in 1985 in setting fees was to defray between 50% and 75% of ARC costs; and

**WHEREAS**, the 1985 fee structure currently covers approximately 10-15% of the Commission’s costs; and

**WHEREAS**, MRPA fees are currently charged when a development application is submitted to the Commission for full review; and

**WHEREAS**, Commission staff increasingly reevaluate mapped vulnerability categories based on new site condition information as provided for in Part 2.A.1 of the Chattahoochee Corridor Plan; and

**WHEREAS**, the current Rules and Regulations do not provide for fees for vulnerability category reevaluations; and

**WHEREAS**, the Commission now desires to update review fees to defray a portion of the current costs of reviews as was done in 1985; and

**WHEREAS**, the Commission further desires to add a smaller fee for vulnerability category reevaluation, to be credited against review fees if a full review is submitted within 3 years of the reevaluation because any resulting changes from reevaluations are part of the application review; and

**WHEREAS**, fee increases and the new fees will be phased in over two years starting in July 2021; and

**WHEREAS**, this update will provide for annual automatic fee increases based on Bureau of Labor Statistics' Employment Cost Index starting in 2023;

**WHEREAS**, all other applicable language in the Rules and Regulations will be amended to reflect these changes;

**WHEREAS**, proposed revisions to the Rules and Regulations were discussed with the affected local governments in the Chattahoochee River Corridor and public notice was posted as required under the Rules and Regulations; and

**WHEREAS**, the Rules and Regulations also include edits to reflect ARC's current governance and committee structures, which have been revised since the last time these Rules and Regulations were updated.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Subsection (3) of Georgia Code Section 12-5-443, the Commission hereby amends its Rules and Regulations pertaining to the Metropolitan River Protection Act in substantially the same form as the revisions made available for public comment.

**BE IT FURTHER RESOLVED**, that these amendments shall take effect on July 1, 2021.

**ATLANTA REGIONAL COMMISSION**  
**METROPOLITAN RIVER PROTECTION ACT**  
**RULES AND REGULATIONS**

These Rules and Regulations are adopted by the Atlanta Regional Commission pursuant to the Metropolitan River Protection Act. They repeal and replace all earlier versions. All applications for certificates under the Act received by the Atlanta Regional Commission on or after July 1, 2021 ~~April 23, 2003~~ shall be reviewed according to these Rules and Regulations.

I. Definition of Certain Terms Used in These Rules and Regulations

- A. The terms “applicant,” “board,” “certificate,” “Commission,” “director,” “flood plain,” “governing authority,” “impoundment,” “land-disturbing activity,” “major stream,” “owner,” “person,” “political subdivision,” “public notice,” “stream corridor,” “tributary,” and “watercourse” shall have the same meaning as the definitions in subsections (1), (3), (5), (5.1), (6), (7), (8), (9), (10), (11), (12), (13), (15), (17), (16), (18) and (19) of Official Code of Georgia Annotated (“Code”) Section 12-5-441.
- B. ~~Reserved. For the Atlanta Region, the term “Center” shall mean the Atlanta Regional Commission (the “Commission”), which is the regional development center identified in subsection (4) of Code Section 12-5-441.~~
- C. The term “Chattahoochee Corridor Plan” or the term “Plan” in this document, shall mean the comprehensive plan, as defined in subsection (14) of Code Section 12-5-441, and consists of the following documents adopted by the Atlanta Regional Commission (the “Commission”), copies of which are on file at the offices of the Commission:
1. A document entitled Chattahoochee Corridor Plan, as last amended by the Commission on September 23, 1998; and
  2. A set of twenty-three (23) maps entitled “Land Vulnerability” as amended by the Commission on June 22, 1983, and pertaining to that portion of the stream corridor between Buford Dam and the Atlanta Water Intake Facility located near Peachtree Creek; and
  3. A set of twenty-four (24) maps entitled “Land Vulnerability” adopted by the Commission on September 23, 1998, and pertaining to that portion of the stream corridor between the Atlanta Water Intake Facility located near Peachtree Creek and the downstream limits of the Atlanta Region.

All have been certified by the Commission’s Director and transmitted to the local governing authorities in the stream corridor in the Atlanta Region.

- D. The term “Atlanta Region” shall mean the “area” defined in Code Section 50-8-80 which currently includes the following counties: Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry and Rockdale.

- E. The term “days” shall mean calendar days except where otherwise specified.
- F. The term “description of such land” shall mean a legal description and/or surveyed boundaries, including all easements, of the area under review and the area under review shall coincide with the legal description and/or surveyed boundaries.
- G. The term “vegetation plan” shall mean a plan showing the location, extent, and types of existing vegetation or clusters of vegetation. At a minimum, the information shall include the following vegetation types, if present: barren land, open fields, pines, mixed pines and hardwoods, and hardwoods.
- H. The term “site plan” shall mean a plan to scale showing the location of each structure and the location of all impervious surfaces.
- I. The term “impervious surface” is defined in the Plan.
- J. The term “clearing” is defined in the Plan.
- K. The term “substantial change” shall mean any deviation from a certified land or water use when such deviation:
  - (a) requires the issuance by the local governing authority or its authorized agent of an additional written instrument, other than a letter of clarification, which has the effect of amending the original certificate; or
  - (b) has the effect of increasing the amount of land disturbance or impervious surface in any vulnerability category from the amount previously certified, except:
    - (1) that a transfer of pre-existing or certified land disturbance from a more restrictive vulnerability category to a less restrictive vulnerability category on a one-square-foot for one-square-foot basis shall not constitute a substantial change. In the case of a transfer above, the aggregate amount of pre-existing or certified land disturbance and impervious surface in all categories on the pre-existing property or certified review area will not increase, and
    - (2) applications previously certified under current Plan standards and approved for less than the maximum amounts of land disturbance and impervious surface allowed in any category on the total certified area may be increased to the allowed maximums for all previously certified categories if the applications remain consistent with all other applicable terms and standards; or
  - (c) is a change in the nature or type of land use (including but not limited to a change that requires rezoning) or an increase in the intensity of use.

- L. The term “single-family detached residential use” shall mean a building designed for, or occupied exclusively by, one family as a residence, on a lot containing not more than one such principal building per lot.
- M. The term “application for a certificate” shall mean any information required for a complete application and the application form used by the Commission to initiate a review under the Metropolitan River Protection Act as that form may be amended from time to time by the Commission’s Director.
- N. The term “approved erosion control plan” shall mean a plan approved under the requirements of the Georgia Erosion and Sedimentation Act of 1975, as amended.
- O. The term “flowing stream” shall mean any stream that is portrayed on the most current United States Geologic Survey 7.5 minute quadrangle for the affected area.
- P. The term “all flowing streams in the drainage basin of any tributary” shall mean all flowing streams within the drainage basin of any flowing stream within the Atlanta Region which enters the watercourse within the stream corridor.
- Q. The term “stream buffer zone” shall mean that land which extends for a distance of fifty (50) horizontal feet from the bank of the watercourse or thirty-five (35) horizontal feet from the banks of all other flowing streams within the Atlanta Region within the stream corridor.
- R. The term “land disturbance” shall mean land-disturbing activity.
- S. The term “Chattahoochee Corridor” shall have the same meaning as “stream corridor” in subsection (17) of Code Section 12-5-441.
- T. Land designated as “Chattahoochee River flood plain” shall mean the natural land surface that was below the one hundred- (100-) year flood elevations shown in the Flood Profiles of the most recent floodplain study for the Chattahoochee River approved by the United States Federal Emergency Management Agency for each Corridor jurisdiction.
- U. Land designated as “standard project flood plain” shall mean the natural land surface that was below the 500-year flood elevations shown in the Flood Profiles of the most recent floodplain study for the Chattahoochee River approved by the United States Federal Emergency Management Agency for each Corridor jurisdiction.

- V. The term “flood plain elevation” means the elevation, in feet above mean sea level or other specified units and data, below which any surface or volume is subject to being flooded with a probable frequency of at least once every one hundred (100) years, as shown in the one hundred- (100-) year flood elevation profiles shown in the Flood Profiles of the most recent floodplain study for the Chattahoochee River approved by the United States Federal Emergency Management Agency for each Corridor jurisdiction.
- W. The term “flood hazard zone” appears on the Commission’s Land Vulnerability Maps pertaining to that portion of the stream corridor between Buford Dam and the Atlanta Water Intake Facility located near Peachtree Creek but it has no further significance in these Rules and Regulations.
- X. The term “single-family detached dwelling” shall mean a building designed for, or occupied exclusively by, one family as a residence, on a lot containing not more than one such principal building per lot.
- Y. The term “single-family detached residential subdivision” shall mean a subdivision, or portion thereof, designated exclusively for residences consisting of single-family detached dwellings.
- Z. The term “vulnerability category reevaluation” shall mean a reevaluation using the identical methodology, but in greater detail than, the land vulnerability analyses described in pages 22 through 35 of the 1972 Atlanta Regional Commission document entitled Chattahoochee Corridor Study or in pages 71 through -87 of the River Corridor Protection Section of the 1998 Chattahoochee River from Peachtree Creek to West Point Lake Corridor Plan Study.

II. Revision of the Commission’s Chattahoochee Corridor Plan

- A. Prior to any future revision of the Chattahoochee Corridor Plan, the Commission shall do the following:
  - 1. Consult with interest groups in the Chattahoochee Corridor;
  - 2. Consult with and seek the assistance of the staff of each local governing authority where the land to be affected lies;
  - 3. Hold a public hearing on the proposed revision in each county in which any land to be affected lies;
  - 4. Cause notice of the time and place of each such public hearing to be published once a week for two weeks prior to the hearing(s) in one or more newspapers of general circulation in each county in which land to be affected lies; and
  - 5. Adopt the revision at a regular or special meeting of the Commission.

B. Copies of the Plan currently in effect shall be reasonably available for public inspection during normal business hours at the offices of the Commission.

III. Revision of the Commission's Rules and Regulations

A. Prior to any future revision of the Commission's Rules and Regulations pursuant to the Chattahoochee Corridor Plan and the Metropolitan Protection Act, the Commission shall do the following:

1. Consult with and seek the assistance of the staff of each local governing authority where the land to be affected lies;
2. Cause notice of the proposed revision to be published at least once in one or more newspapers of general circulation in each county in which any land to be affected lies; and
3. Adopt the revision at a regular or special meeting of the Commission.

B. Copies of the Rules and Regulations currently in effect shall be reasonably available for public inspection during normal business hours at the offices of the Commission.

C. Copies of the Rules and Regulations currently in effect shall be provided to the Georgia Senate Natural Resources Committee and the Georgia House of Representatives Natural Resources and Environment Committee.

IV. Commission Fees and Processes for Vulnerability Category Reevaluation and for Review of Any Application for a Certificate under the Metropolitan River Protection Act

A. Any owner may discuss with Commission staff whether a vulnerability category reevaluation may be helpful for land where an initial land vulnerability category analysis may not have been performed or otherwise may be incomplete, inaccurate, or in insufficient detail. The vulnerability category reevaluation must include all of the land under consideration for a review except that any portion of such land in the 100-year flood plain of the Chattahoochee River cannot be reevaluated. Owner shall provide a description of such land and, if applicable, the 100-year Chattahoochee River flood plain elevation. If Commission staff determines that a vulnerability category reevaluation is reasonably likely to result in changes to land vulnerability categories, then:

1. The owner may (a) decide to hire a qualified consultant at owner's cost to perform a vulnerability category reevaluation, which will be subject to further Commission staff review and concurrence to ensure the appropriate methodologies were used. If the owner hires a qualified consultant, no fee is due the commission for confirmation of the vulnerability category reevaluation. Or, (b) ask Commission staff to perform the vulnerability category reevaluation by submitting a vulnerability category reevaluation request letter and making payment to the Commission of the vulnerability category reevaluation fee for the current year listed in Appendix A. The Commission is authorized to charge a

vulnerability category reevaluation fee under Subsection (4) of Code Section 12-5-443 because any resulting changes from reevaluations are part of the application review.

2. If Commission staff are requested to complete the vulnerability category reevaluation, upon payment of the applicable fee, Commission staff will respond to the vulnerability category reevaluation request letter with a plan and schedule for completing the reevaluation.
3. Once a vulnerability category reevaluation is complete, a new review of an application for a certificate will be required to apply the reevaluated land vulnerability categories to the land. If the owner submits an application for a new review based on the reevaluation within three years, then any vulnerability category reevaluation fee paid to the Commission will be credited against the fee for the review.

B. As authorized in Subsection (4) of Code Section 12-5-443, the Commission charges the following fees for the current year listed in Appendix A for review of an application for a certificate based on the schedule listed in Appendix A.:

<u>IN ACRES</u>		
<u>More Than</u>	<u>But Not More Than</u>	<u>Fee</u>
<u>0</u>	<u>5</u>	<u>\$ 500</u>
<u>5</u>	<u>25</u>	<u>\$2,000</u>
<u>25</u>	<u>50</u>	<u>\$6,000</u>
<u>50</u>	<u>Unlimited</u>	<u>\$7,500</u>

~~Except that a single family detached dwelling or an addition to such a dwelling will be charged a \$250 fee for review of an application for a certificate.~~

BC. The vulnerability category reevaluation fees and review fees initially listed in Appendix A will be valid for applications received from July 1, 2021 to June 30, 2023, based upon the applicable fee schedule. For the year starting July 1, 2023 and ending June 30, 2024 and for each year thereafter, the fees shall be cumulatively escalated by the Bureau of Labor Statistics' Employment Cost Index, State and Local Government Workers, Public Administration or an equivalent successor index if that index is no longer produced. These fees will be escalated based on the index available as of the first Friday of June each year and shall be rounded to the nearest \$10 increment. The Commission staff shall annually update the fee schedule in Appendix A in accordance with these provisions and make it available on the Commission's website or other publicly accessible location. A copy of each prior year's fee schedule shall be retained in the Commission's records. The escalated fee schedule shall become effective (1) for all applications for review received by any local governing authority on or after July 1 and (2) for any reevaluation requests received by the Commission on or after July 1.

D. A cashier's check, ~~or~~ money order (no cash or personal checks will be accepted), or other electronic payment method (as may be offered by the Commission) in the

appropriate amount payable to “Atlanta Regional Commission” by the applicant or the applicant’s agent shall be included when the application is transmitted to the Commission by the local governing authority or when the vulnerability category reevaluation request letter is submitted by the owner.

- CE. The Commission shall deposit the check or money order to its account as soon as the vulnerability category reevaluation or review is initiated.
- DF. If an application for a certificate is withdrawn from review under Section V.I. of these Rules and Regulations, the Commission shall not refund the fee. Similarly, there will be no refunds of vulnerability category reevaluation fees.
- EG. Any subsequent or new vulnerability category reevaluation or review of an application shall require payment of a fee as if no previous review had been initiated subject to any credit provided for under Section IV(A)(3) of these Rules and Regulations.
- FH. If a public agency is the applicant, a fee shall not be required.

V. Commission Review of Application for Certificates under the Metropolitan River Protection Act

- A. The Commission shall review an application for a certificate upon the written request of the chief elected official of the governing authority of the political subdivision involved, or upon the request of the official’s designee, or upon the written request of the applicant with the written consent of the chief elected official of the governing authority or the official’s designee.
- B. Any application for a certificate shall include such detailed information on the proposed land or water use as the governing authority shall reasonably request and as required by the Plan and the Commission’s Rules and Regulations adopted pursuant to the Metropolitan River Protection Act.
- C. The applicant, with the concurrence of the local governing authority, may select either the Phased Review process or the Single Step Review process for single-family detached residential subdivisions. For any other land-disturbing activity, the Single Step Review process must be used. The information required for each is as follows:
  - 1. Single-Step Applications

Single-step applications shall include the following information together with information required by the local governing authority:

    - a. A description of such land in the application and any additional land in the project;
    - b. The name, mailing address and daytime telephone number of the owner of record of the land in the application;

- c. The owner of record's written consent to the review of the land in the application if the owner is not the applicant; provided that where obtaining such written consent is impractical, then, in lieu of such consent, evidence that such owner or owners have been notified in writing in a timely fashion may be submitted. Such evidence may consist of a copy of the notice together with proof that the same was sent by certified mail or other method providing proof of receipt;
- d. The name, mailing address and daytime telephone number of the applicant or the applicant's designee, if the designee is to act for the applicant in the review;
- e. A narrative description of the proposed land or water use(s);
- f. A vegetation plan;
- g. A site plan;
- h. A check or money order as described in Section IV of these Rules and Regulations;
- i. An approved erosion control plan;
- j. A plan or plans showing: the location of all easements, rights-of-way, utilities, drainage structures and boundaries of lots or other sub-areas; the location and extent of the floodplain and of each vulnerability category of land; the topography of the land;
- k. A table listing the amount of land-disturbing activity and impervious surface to be permitted in each vulnerability category in each lot, road right-of-way, or other subarea of the land included in the application. The areas of land-disturbing activity shall include all areas required and approved by the responsible local official for the construction of septic tanks, septic tank drainfields, sewers, drainage structures and other infrastructure; for the storage of equipment and materials; and for all other proposed land-disturbing activity;
- l. Reserved;
- m. A land-disturbance plan showing the existing topography at no greater than 5-foot contour intervals, and the location, extent and type of all land-disturbing activity. The land-disturbance plan shall include a plan and time schedule for erosion and sedimentation control which shall first be reviewed and approved by the local government official or office responsible for erosion and/or drainage control, who shall be identified on the land-disturbance plan. If the land-disturbance plan includes septic tank construction, the plans for such construction, including drain field

siting, shall first be reviewed, approved and signed by the local government official or office responsible for septic tank approval;

- n. A grading plan showing all movement of earth about, onto or off of the land included in the application;
  - o. If the applicant proposes adjustments pursuant to Part 2.A.3.c. of the Plan, then the application shall also include such additional information as the Commission's Director may reasonably require;
  - p. If an applicant proposes any additional impervious surface(s) to that which already exist(s) on the land included in the application, then the application shall also include an as-built drawing showing all existing impervious surfaces and their locations and affixed with the stamp of an engineer, surveyor, landscape architect or other professional registered in the State of Georgia and authorized to perform such work.
2. Phased Applications for Single-Family Detached Residential Subdivisions Only
- a. For purposes of Commission review, Step 1 of a phased or two-step application (for single-family detached residential subdivisions only) shall include all of the information required by the local governing authority and all of the information required in Section V.C.1. of these Rules and Regulations, except the information required in Section V.C.1.g. (site plan for each lot), Section V.C.1.m. (land-disturbance plan for each lot) and Section V.C.1.n. (grading plan for each lot) of these Rules and Regulations. Instead of the site, land-disturbance and grading plans, the application shall include a concept plan showing the approximate size, location and type of all structures and impervious surfaces;
  - b. For purposes of subsequent review by the local governing authority (for lot-by-lot/unit-by-unit review within a single-family detached residential subdivision which has been legally certified following a Step 1 review by the Commission), Step 2 of a two-step application (i.e., each lot) shall include the information required in Sections V.C.1.g. (site plan), V.C.1.m. (land-disturbance plan) and V.C.1.n. (grading plan) of these Rules and Regulations and any other such information as the local governing authority may require;
  - c. The local governing authority may issue a Step 2 certificate without further review by the Commission only if the Step 2 application is fully consistent with the material submitted to the Commission for review in Step 1. Any other Step 2 application not fully consistent with the material previously submitted in Step 1 will be treated as a substantial change pursuant to Section VIII.B. of these Rules and Regulations. Within ten (10) days after issuance of a Step 2 certificate, the local governing authority shall send to the Commission a copy of the

certificate, the Step 2 application and all information included with the Step 2 application.

- D. If the application and accompanying information are determined by the Commission's Director not to be complete, the Commission's Director shall return the application and accompanying information to the submitter with an explanation as to why the Commission's Director considers them not to be complete. An information copy will be sent to the applicant.
- E. If the application and accompanying information are determined by the Commission's Director to be complete:
1. The Commission's Director will acknowledge receipt of the review to the chief elected official of the submitting (or consenting) governing authority. An information copy will be sent to the applicant and to the owner.
  2. The application and accompanying information shall become a pending review file and shall be reasonably available for public inspection during normal business hours at the offices of the Commission.
  3. The Commission's Director shall immediately initiate staff review of the application for a certificate and the other required information to determine whether or not there appear to be inconsistencies between the Plan and the proposed land-disturbing activity. The Commission's Director may conduct an independent investigation in making such determination.
- F. Within ten (10) days after initiation of staff review pursuant to Section V.E.3 of these Rules and Regulations, the Commission's Director shall make one of the following preliminary findings and transmit the preliminary finding in writing to the chief elected official of the submitting (or consenting) local governing authority (with an information copy to the applicant and to the owner), potentially affected public agencies, as determined by the Commission's Director, and afford those so notified opportunity to review and comment on the application and preliminary finding. For comments, if any, from those so notified to be considered by the Commission's Director, the comments must be received in writing by the Commission's Director within ten (10) calendar days following transmittal of such notice. The possible preliminary findings are:
1. The Commission's Director may find that there appear to be no inconsistencies between the Plan and the proposed land-disturbing activity.
  2. The Commission's Director may find that the proposed land-disturbing activity appears to comply with Part 1.B.9. of the Plan and that, while apparently not consistent with the Plan in all respects, the proposed land-disturbing activity appears to provide a level of land and water resource protection equivalent to an application consistent with the Plan.

3. The Commission's Director may find that there appear to be inconsistencies between the Plan and the proposed land-disturbing activity proposed by the application and, if the proposed land-disturbing activity appears to comply with Part 1.B.9. of the Plan, that the proposed land-disturbing activity does not appear to provide a level of land and water resource protection equivalent to an application consistent with the Plan. In this case, the Commission's Director may:
  - a. Recommend modification of the application in such manner as to be consistent with the Plan; or
  - b. If the proposed land-disturbing activity complies with Part 1.B.9. of the Plan, recommend modification of the application in such manner that the application as so modified, while not consistent with the Plan in all respects, will provide a level of land and water protection equivalent to an application consistent with the Plan.
- G. Within ten (10) calendar days after making a preliminary finding pursuant to Section V.F. of these Rules and Regulations, and after consideration of comments received, if any, pursuant to Section V.F. of these Rules and Regulations, the Commission's Director shall make one of the following findings and transmit the finding in writing to the chief elected official of the submitting (or consenting) local governing authority (with an information copy to the applicant and to the owner):
  1. The Commission's Director may find on behalf of the Commission that there are no inconsistencies between the Plan and the proposed land-disturbing activity.
  2. The Commission's Director may find on behalf of the Commission that the proposed land-disturbing activity complies with Part 1.B.9. of the Plan and that, while not consistent with the Plan in all respects, the proposed land-disturbing activity appears to provide a level of land and water resource protection equivalent to an application consistent with the Plan.
  3. The Commission's Director may find on behalf of the Commission that there appear to be inconsistencies between the Plan and the land-disturbing activity proposed by the application and, if the proposed land-disturbing activity appears to comply with Part 1.B.9. of the Plan, that the proposed land-disturbing activity does not appear to provide a level of land and water protection equivalent to an application consistent with the Plan. In the case of Finding Nos. 1 and 2, the review shall be complete and no further action by the Commission shall be required.

- H. In the case of Finding No. 3 in Section V.G. of these Rules and Regulations:
1. The Commission's Director shall work with the local governing authority's designee within ten (10) calendar days following such finding to seek the applicant's agreement to modify the application:
    - a. So that it will be consistent with the Plan, or
    - b. So that, while not consistent with the Plan in all respects, the proposed land-disturbing activity will provide a level of land and water protection equivalent to an application consistent with the Plan. This option is available only if the proposed land-disturbing activity complies with Part I.B.9. of the Plan.
  2. If the local governing authority's designee obtains the applicant's agreement in writing to modify the application pursuant to Section V.H.1. of these Rules and Regulations and provides a copy of said agreement to the Commission, the review shall be complete and no further action by the Commission shall be required.
  3. If the local governing authority's designee is unable to obtain the applicant's agreement in writing to modify the application pursuant to Section V.H.1. of these Rules and Regulations, the application shall be placed on the agenda of the next regular or special meeting of the Commission following notice to the local governing authority, the applicant and the owner, and consideration by the appropriate standing committee of the Commission. At such meeting, the Commission shall make one of the following findings:
    - a. The Commission may find that there are no inconsistencies between the Plan and the proposed land-disturbing activity.
    - b. The Commission may find that the proposed land-disturbing activity complies with Part I.B.9. of the Plan and that, while not consistent with the Plan in all respects, the proposed land-disturbing activity will provide a level of land and water resource protection equivalent to an application consistent with the Plan.
    - c. The Commission may find that there are inconsistencies between the Plan and the land-disturbing activity proposed by the application and, if the proposed land-disturbing activity complies with Part I.B.9. of the Plan, that the proposed land-disturbing activity does not provide a level of land and water resource protection equivalent to an application consistent with the Plan. In this case, pursuant to Code Section 12-5-445 the Commission may:

- i. Recommend modification of the application in such manner as to be consistent with the Plan; or
- ii. If the proposed land-disturbing activity complied with Part I.B.9. of the Plan, recommend modification of the application in such manner that the application as so modified, while not consistent with the Plan in all respects, will provide a level of land and water resource protection equivalent to an application consistent with the Plan.

The Commission may make such other findings and/or recommendations as it deems appropriate pursuant to Code Section 50-8-94.

- I. An application may be withdrawn from Commission review by the written request of the chief elected official of the submitting (or consenting) governing authority or by the official's designee or by the applicant or the applicant's agent through the local governing authority at any time prior to final action under Section V. of these Rules and Regulations.
- J. Should the local governing authority request that the Commission reconsider its recommendation at a public hearing, the Commission shall hold such hearing within thirty (30) calendar days after receipt by the Commission's Director of the request in writing from the local governing authority. Notice stating the time and place of the public hearing shall be mailed at least five (5) calendar days prior to the hearing to the local governing authority, notified agencies, the applicant and the owner. Notice of the hearing shall be published one time at least five (5) calendar days in advance in a newspaper of general circulation in the county in which the affected land lies. The Commission shall make its final determination with respect to such recommendations within thirty (30) calendar days after such public hearing and the Commission's Director shall promptly transmit the final determination to the chief elected official of the submitting local governing authority, notified agencies, the applicant and the owner.

VI. Buffer Areas of All Flowing Streams in the Drainage Basin of any Tributary

- A. Within thirty (30) days following adoption or subsequent amendment pursuant to Subsection (a) of Code Section 12-5-453 by each local governing authority of an ordinance or regulations governing use of all land which is in the drainage basin of any tributary, each governing authority shall provide the Commission with a copy of its ordinance or regulations.
- B. Pursuant to Subsection (b) of Code Section 12-5-453, the Commission shall review these ordinances and/or regulations to ensure that they include the following minimum standards established in Subsection (a) of Code Section 12-5-453:

1. Buffer areas of adequate width along all flowing streams in the drainage basin of any tributary, in which areas there will be no land-disturbing activity; and
2. Soil erosion and sediment control regulations consistent with the Erosion and Sedimentation Act of 1975, as amended (Chapter 7 of Title 12 of the Official Code of Georgia Annotated).

In conducting its review the Commission shall consult with the appropriate Soil and Water Conservation Authorities.

- C. In order for the Commission to comply with Subsection (b) of Code Section 12-5-453, beginning January 1, 1984, each local governing authority shall provide the Commission with a copy of its enforcement actions, if any.
- D. For those lands brought under the jurisdiction of the Metropolitan River Protection Act as of July 1, 1998, in order for the Commission to comply with Subsection (b) of Code Section 12-5-453, beginning March 1, 1999, each affected local governing authority shall provide the Commission with a copy of its enforcement actions, if any.
- E. Copies of these ordinances and/or regulations and enforcement actions shall be reasonably available for public inspection during normal business hours at the offices of the Commission.
- F. If a governing authority apparently fails to adopt a required ordinance or regulation or adopts an ordinance or regulation which does not appear to include the above minimum standards or apparently fails to enforce its ordinance or regulation, as required by Subsection (b) of Code Section 12-5-453, the Commission's Director shall give written notice to the governing authority of the Commission's Director's intent to recommend that the Commission request that the Director of the Environmental Protection Division of the Georgia Department of Natural Resources undertake enforcement of erosion and sediment control regulations in the affected drainage basin(s).

The governing authority so notified shall have thirty (30) calendar days from the date of the Commission's Director's notification to remedy the apparent deficiency or demonstrate that no deficiency exists and provide written documentation of such action or contention to the Commission.

If within thirty (30) calendar days the governing authority so notified does not demonstrate to the Commission's Director's satisfaction that no deficiency exists or that it has adopted, amended or enforced the ordinance or regulation as required, the Commission's Director shall recommend that the Commission request the Director of the Environmental Protection Division of the Georgia Department of Natural Resources to assume enforcement of erosion and sediment control regulations in the affected drainage basin(s).

VII. Land-Disturbing Activity Without a Certificate or in Violation of a Certificate or the Act

- A. If the Commission's Director has reason to believe that any person may be carrying out any land-disturbing activity in or on the stream corridor without a certificate or in violation of the terms and conditions of a certificate issued pursuant to the Metropolitan River Protection Act, or in any respect in violation of the Metropolitan River Protection Act, the Commission's Director shall so notify the chief elected official of the local governing authority of the political subdivision in which such activity is believed to be taking place and shall consult with the local governing authority staff or the official's designee to recommend appropriate action(s) to remedy the apparent violation. In order to expedite the investigation, the Commission's Director's notification to the governing authority shall be by telephone followed by a hand-delivered letter with a copy to the Director of the Environmental Protection Division of the Georgia Department of Natural Resources. The Commission's Director's letter shall so state if the apparent violation may require immediate enforcement action.
- B. If the Commission's Director's notification and letter to the local governing authority states that immediate enforcement action may be required, the governing authority so notified shall inform the Commission in writing, within three (3) working days of receipt of the Commission's Director's letter, of any enforcement action initiated to secure cessation of the apparent violation. The local governing authority shall send a copy of its response to the Director of the Environmental Protection Division of the Georgia Department of Natural Resources.
- C. If the Commission's Director has not received a response, in writing, within three (3) working days as required above, the Commission's Director shall so notify the Director of the Environmental Protection Division of the Georgia Department of Natural Resources, who has the authority under the Act to employ appropriate enforcement actions.

VIII. Other

- A. Any proposal which is excepted or exempted from the provisions of the Act pursuant to Code Section 12-5-451 or 12-5-454, but which meets the criteria set forth in the Commission's February 23, 1972 or March 27, 1985 resolution (i.e., any plan or proposal that involves governmental action, expenditure of public funds, use of public property or the exercise of franchise rights granted by any public body and which potentially affects the area within the Chattahoochee River Corridor) shall be submitted to the Commission for review as an Area Plan pursuant to Code Section 50-8-94.
- B. The determination as to whether or not any change in a proposed land or water use is a "substantial change" shall be made by the local governing authority in accord with Code Section 12-5-444 as further supplemented by these Rules and Regulations. In making this determination, the local governing authority shall consult with the Commission. When a determination of no substantial change is made, the local governing authority

shall notify the Commission within thirty (30) days of such determination by providing copies of the revisions to allow consistency of records. The Commission shall review any amended or new application for a certificate in accord with these Rules and Regulations.

- C. If a certificate is issued by the local governing authority pursuant to Code Section 12-5-444 following review by the Commission pursuant to these Rules and Regulations, then any future written instrument related to the same land-disturbing activity covered by the original certificate need not be reviewed by the Commission unless such written instrument authorizes a substantial change as defined herein.
- D. Where an applicant proposes to undertake a land-disturbing activity with respect to any pre-existing land or water use or project for which the issuance of a certificate was not previously required, such use or project shall be treated as though a certificate previously had been issued with respect thereto. The local governing authority shall determine whether or not the proposed land-disturbing activity constitutes a “substantial change” with respect to the pre-existing use or project pursuant to Section I.K.(b) of these Rules and Regulations. If the proposed land-disturbing activity will not constitute a “substantial change,” then the application shall not require review by the Commission. If, however, the proposed land-disturbing activity will constitute a “substantial change” with respect to the pre-existing use or project, then a certificate must be issued in accordance with the Act. In those cases where a certificate is required, the application shall be reviewed based upon the entire use or project or land-disturbing activity without regard to the fact that the issuance of a certificate was not required with respect to the pre-existing use or project. For purposes of this rule, the phrase “pre-existing land or water use or project” means a land or water use or project that existed the day before the Act became applicable to the site.
- E. Any legal action instituted by the Commission to enforce provisions of the Act shall have prior approval in accordance with the by the Commission’s Executive Committee pursuant to Article VII., Section 13.G.3.(e) of the Commission’s Bylaws.
- F. The Commission’s Director will provide to the Commission a monthly list of all certificate application reviews which were active during the thirty (30) calendar days prior to the date of the report.
- G. Prior to the beginning of any land-disturbing activity, such activity shall be clearly and accurately demarcated, wherever it is proposed, with stakes, ribbons or other appropriate means. The location and extent of all authorized land-disturbing activity shall be similarly demarcated for so long as any land-disturbing activity continues.
- H. Prior to initiation of any land disturbance pursuant to a certificate, the owner or applicant shall file or cause to be filed, by affidavit or otherwise, a copy of the certificate on the real estate records of the Clerk of the Superior Court of the county in which the affected land lies.

- I. A copy of the approved land-disturbance plan shall be present on the site whenever land-disturbing activity is in progress.
  - J. The ~~Commission's Environment and Land Use Governance~~ Committee is authorized to act on reviews of certificates or Area Plans within the Chattahoochee Corridor which would normally require Commission action during months when the Board of the Commission does not regularly meet ~~December~~.
  - K. Severability. In the event any part, section, subsection, sentence, clause or phrase of these Rules and Regulations shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other parts, sections, subsections, sentences, clauses or phrases of these Rules and Regulations, which shall remain in full force and effect, as if the part, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The Commission hereby declares that it would have passed the remaining parts of these Rules and Regulations if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.
- IX. Local governing authorities in the stream corridor are encouraged to do the following:
- A. Transmit promptly to the Commission copies of all ordinances or regulations and amendments, if any, adopted pursuant to the Act.
  - B. Transmit promptly to the Commission copies of all certificates issued pursuant to the Act.
  - C. Prior to occupancy, certify that the land or water use has been undertaken as certified.
  - D. Record the listing of permitted land-disturbing activity, by vulnerability category and, where applicable, by lot, required by Section V.C.1.k. of these Rules and Regulations as an official part of each preliminary and final plat.

**Appendix A – 2021/22**  
**Commission Fees for Metropolitan River Protection Act**  
**Vulnerability Category Reevaluations and Reviews**  
**Applicable from July 1, 2021 to June 30, 2022**

**VULNERABILITY CATEGORY REEVALUATION FEES.**

<u>IN ACRES</u>		
<u>More Than</u>	<u>But Not More Than</u>	<u>Fee</u>
<u>0</u>	<u>5</u>	<u>\$ 460</u>
<u>5</u>	<u>25</u>	<u>\$1,850</u>
<u>25</u>	<u>50</u>	<u>\$5,550</u>
<u>50</u>	<u>Unlimited</u>	<u>\$6,940</u>

Except that (1) a single-family detached dwelling or an addition to such a dwelling will be charged a \$230 fee for performing a vulnerability category reevaluation regardless of acreage and (2) no fee is required for a vulnerability category reevaluation submitted by a public agency.

**REVIEW FEES.**

<u>IN ACRES</u>		
<u>More Than</u>	<u>But Not More Than</u>	<u>Fee</u>
<u>0</u>	<u>5</u>	<u>\$ 920</u>
<u>5</u>	<u>25</u>	<u>\$ 3,700</u>
<u>25</u>	<u>50</u>	<u>\$11,100</u>
<u>50</u>	<u>Unlimited</u>	<u>\$13,880</u>

Except that (1) a single-family detached dwelling or an addition to such a dwelling will be charged a \$460 fee for review of an application for a certificate regardless of acreage and (2) no fee is required for a review submitted by a public agency.

**\*ALL FEES MUSH BE PAID TO THE COMMISSION USING A CASHIER’S CHECK, MONEY ORDER, OR OTHER ELECTRONIC PAYMENT METHOD (AS MAY BE OFFERED BY THE COMMISSION). NO CASH OR PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED.**

**Appendix A – 2022/23**  
**Commission Fees for Metropolitan River Protection Act**  
**Vulnerability Category Reevaluations and Reviews**  
**Applicable from July 1, 2022 to June 30, 2023**

**VULNERABILITY CATEGORY REEVALUATION FEES.**

<u>IN ACRES</u>		
<u>More Than</u>	<u>But Not More Than</u>	<u>Fee</u>
0	5	\$ 680
5	25	\$ 2,700
25	50	\$ 8,100
50	Unlimited	\$10,130

Except that (1) a single-family detached dwelling or an addition to such a dwelling will be charged a \$340 fee for performing a vulnerability category reevaluation regardless of acreage and (2) no fee is required for a vulnerability category reevaluation submitted by a public agency.

**REVIEW FEES.**

<u>IN ACRES</u>		
<u>More Than</u>	<u>But Not More Than</u>	<u>Fee</u>
0	5	\$ 1,350
5	25	\$ 5,400
25	50	\$16,200
50	Unlimited	\$20,250

Except that (1) a single-family detached dwelling or an addition to such a dwelling will be charged a \$680 fee for review of an application for a certificate regardless of acreage and (2) no fee is required for a review submitted by a public agency.

**\*ALL FEES MUSH BE PAID TO THE COMMISSION USING A CASHIER’S CHECK, MONEY ORDER, OR OTHER ELECTRONIC PAYMENT METHOD (AS MAY BE OFFERED BY THE COMMISSION). NO CASH OR PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED.**

John Helton

***Executive Director***

John Helton assumed leadership of CareerRise in June 2019, most recently currently serving as the Chief Executive Officer and Executive Director for CobbWorks, Inc. and WorkSource Cobb. Since its founding in 2000, Helton has led the organization in its growth from start-up to a staff of 35, along with providing significant leadership in workforce development at the local and national levels, including his current role as the President of the Southeastern Employment & Training Association (SETA). Prior to that, Helton was Deputy Director of Cobb County's Department of Family and Children Services. He holds a BS in Public and Social Services from Kennesaw State University and is a certified Senior Professional in Human Services.