

Changing Times, Changing Lines

A REVIEW OF CURRENT TRENDS IN
ANNEXATION AND NEW CITIES



Q & A after
presentations
Please write questions in
the chat

Panel Introduction

- Osman Ercin, AICP
- Jessica Guinn, AICP
- John McHenry, ACIP
- David Webb, AICP

Principal Planner, Hall County

dwebb@hallcounty.org

2022 Legislative Update

GPA Spring Conference
April 21, 2022

Osman Ercin, AICP



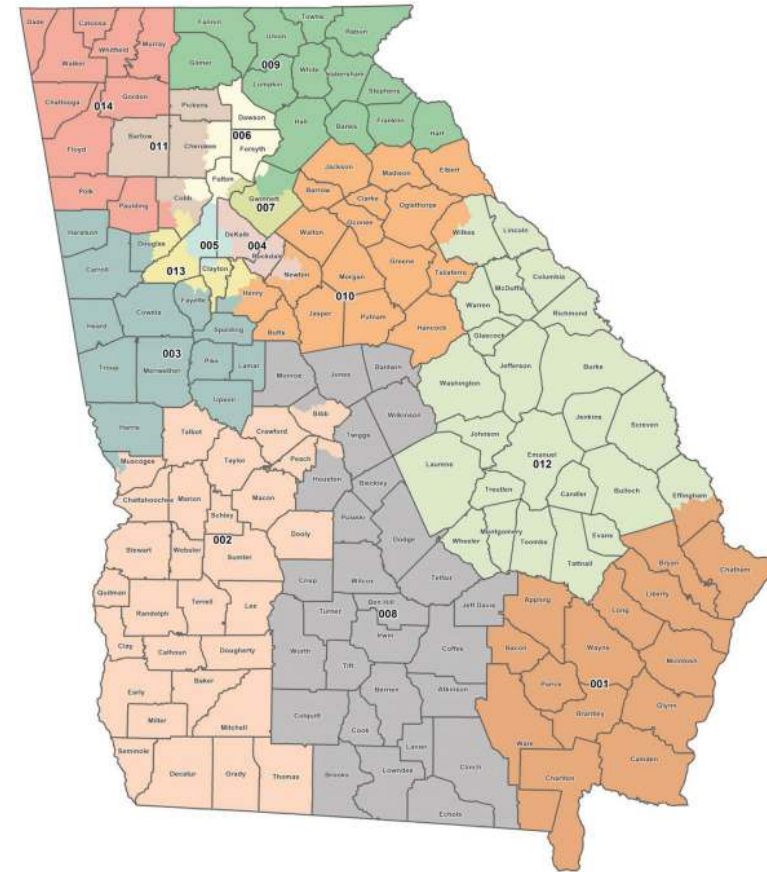
American Planning Association
Georgia Chapter

GPA Policy and Advocacy Committee

- Weekly legislative update calls while the Legislature is in session (Jan-April)
- Subcommittees set up to determine advocacy stance on legislation
- APA provides policy guides and federal legislative priorities
- Coordinate policy with partner organizations (GMA, ACCG, GA Conservancy)

156th Georgia General Assembly

- Redistricting dominates 2022 session



Proposed US House Districts

APA Legislative Priorities

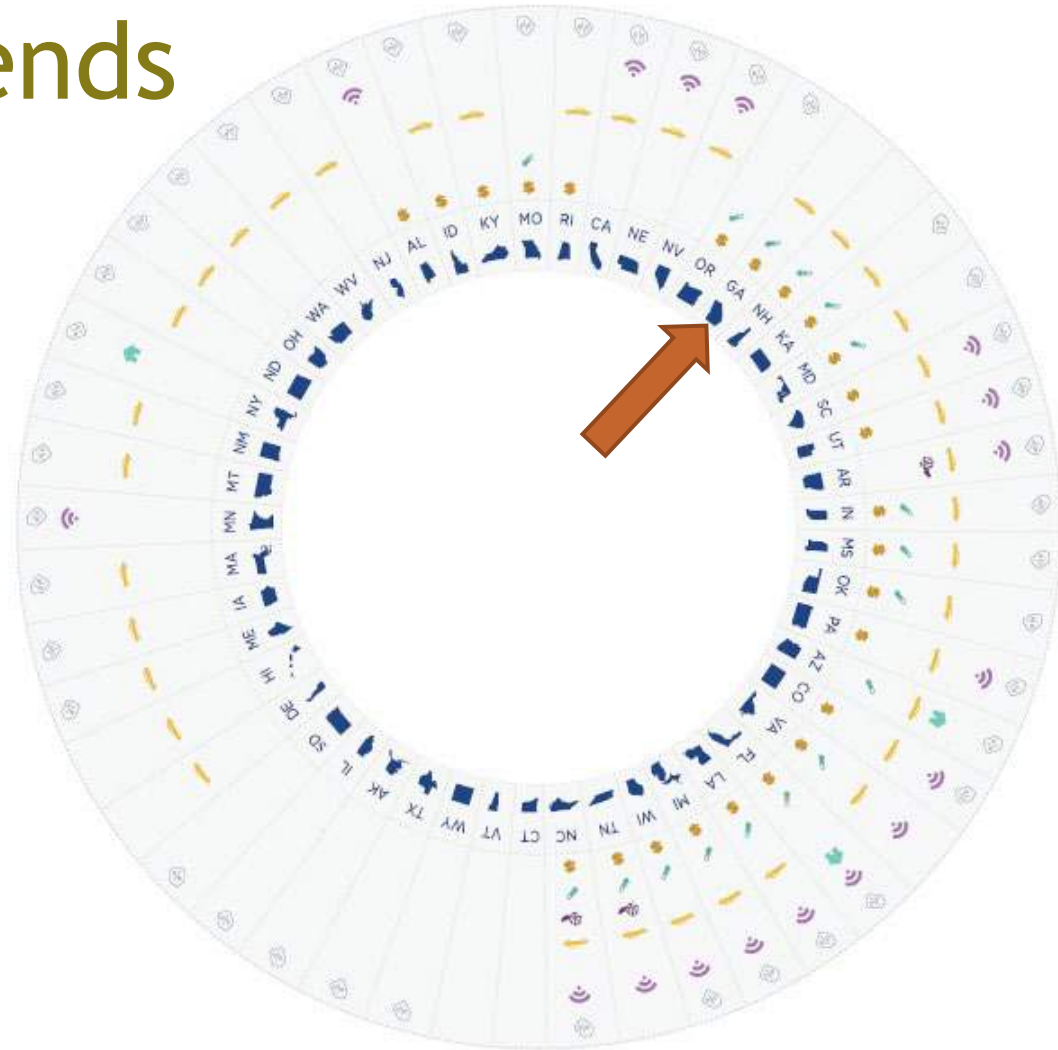
- **Zoning Reform and Housing Opportunity**
 - Federal incentives for zoning reform
 - Infrastructure / housing coordination
 - Fair and equitable housing
- **Infrastructure and Recovery Legislature Implementation**
 - Planning for infrastructure investments
 - Build Back Better infrastructure, housing, and community development provisions
 - Recovery planning
 - Broadband planning
- **Climate Change**
 - Climate performance measures
 - Smart Cities and innovation
 - Hazard mitigation

GPA Policy Positions

- Available, Affordable, and Attainable Quality Housing
- Transportation and Infrastructure
- Healthy Communities
- Fair and Equitable Governance
- Environmental Stewardship
- Local Governance in Support of Home Rule

Preemption Trends

- Public Health
- Gun Control
- Design Standards
- Tax and Expenditure Limits
- Minimum Wage
- Paid Leave
- Anti-discrimination
- Home Sharing
- Ride Sharing
- Municipal Broadband



Preemption Laws by State
National League of Cities Report, 2017



Design Standards Preemption Legislation



Georgia Legislative Updates

Housing

- HB 408 – Eviction notification – GPA support – [Failed to crossover]
- HB 317 – Regulation of short-term rental marketplaces - [Passed 2021]
- HB 844 – Preempt restrictions on purpose built single-family rental (build to rent) – [Failed to crossover]
- Study committee established on housing affordability

Homelessness

- HB 713 / SB 535 – Reducing Street Homelessness Act – GPA oppose – [Failed to crossover]
- Study committee established on unsheltered homelessness

Georgia Legislative Updates

Land Use

- HB 1150 – Freedom to Farm Act – [Passed]
- HB 1405 – Revise Zoning Procedures Law – [Passed]
- HB 1406 – Revise procedures for multi-family rezoning – GPA oppose – [Added to HB 1405]
- HB 1093 / SB 494 – Preempt local regulation of rental housing – [Failed to crossover]

Permitting

- SB 49 – Alternative plan review – GPA oppose – [Passed]
- HB 302 – Local permit fee calculations – GPA oppose – [Missed legislative deadline]

Georgia Legislative Updates

Public Health

- HB 1013 – Mental Health Parity Act – [Passed]
- SB 514 – Unmask Georgia Students Act – [Passed]
- SB 345 – Preempt vaccine passport requirements – [Passed]

Georgia Legislative Updates

Transportation

- HB 462 – Permit single county TSPLOST for transit – GPA support – [Failed to crossover]
- HB 934 – TSPLOST scheduling – [Passed]
- HB 1009 – Preempt regulation of delivery robots – [Passed]

Georgia Legislative Updates

Environment

- HB 150 / SB 102 – Preemption of energy standards in utility permitting and building codes – GPA oppose – [Passed]
- HB 355 – Georgia Carbon Sequestration Registry – [Passed 2021]
- HB 431, 432 – Environmental Justice – [Failed to Crossover]
- HB 477 – Land Conservation Tax Credit re-authorization – GPA support – [Added to HB 586 and Passed]

Georgia Legislative Updates

Governance

- HB 98 – Virtual public meetings – GPA support – [Passed 2021]
- HB 221 – School board appointments to planning commissions – GPA oppose – [Failed to crossover]
- SB 202 – Election Integrity Act – [Passed 2021]

Policy and Advocacy Committee

If you are interested in joining the Policy and Advocacy Committee contact :

Jim Summerbell, AICP - Committee Chair

Jim.Summerbell@Jacobs.com

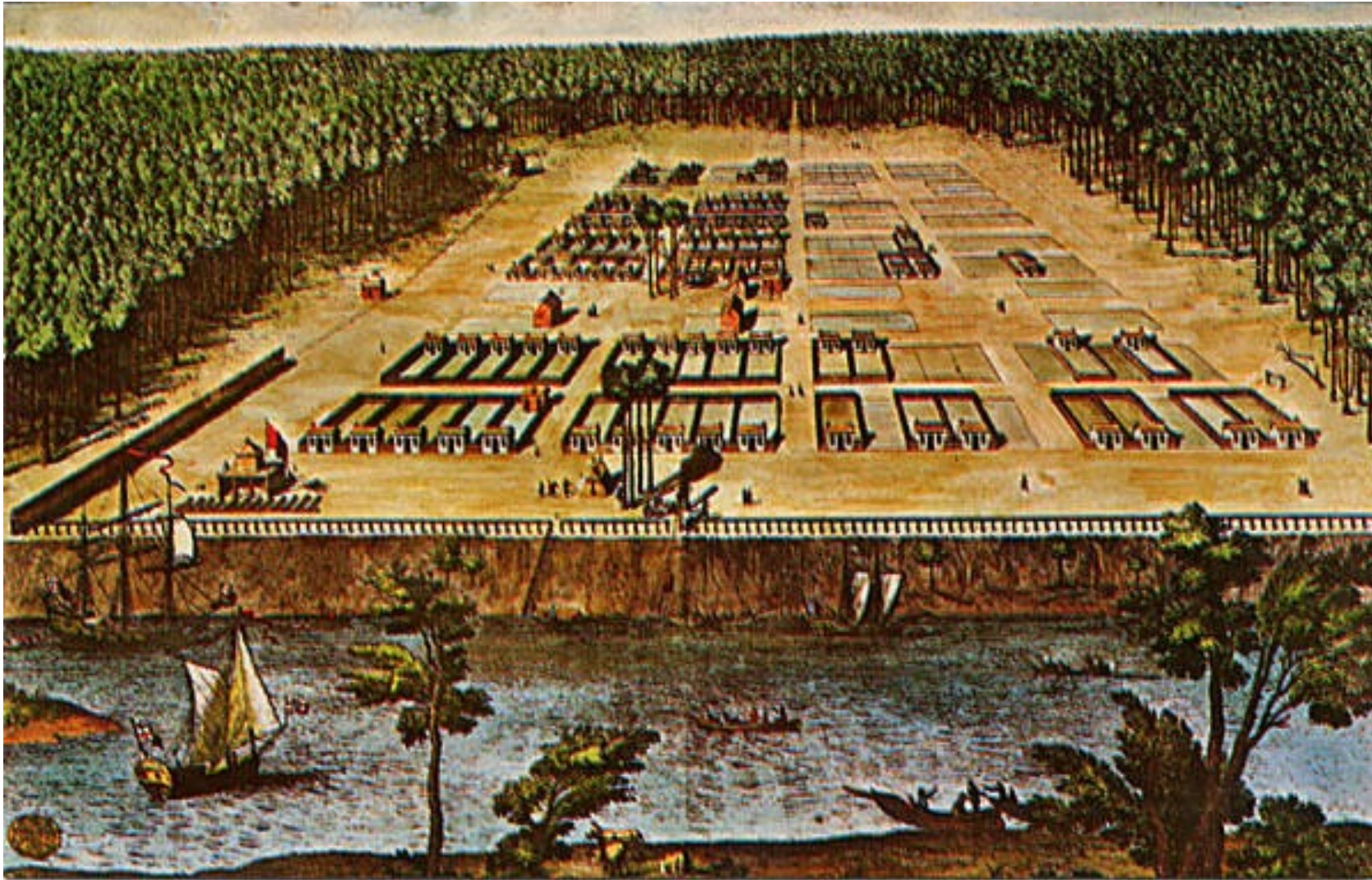
(404) 434-9047



<https://georgiaplanning.org/policy-positions>

Changing Lines- where has the state been...

- Georgia has a long history of changing political boundaries
- Many times there was a plan
- Sometimes the lines started changing without a clear end in site

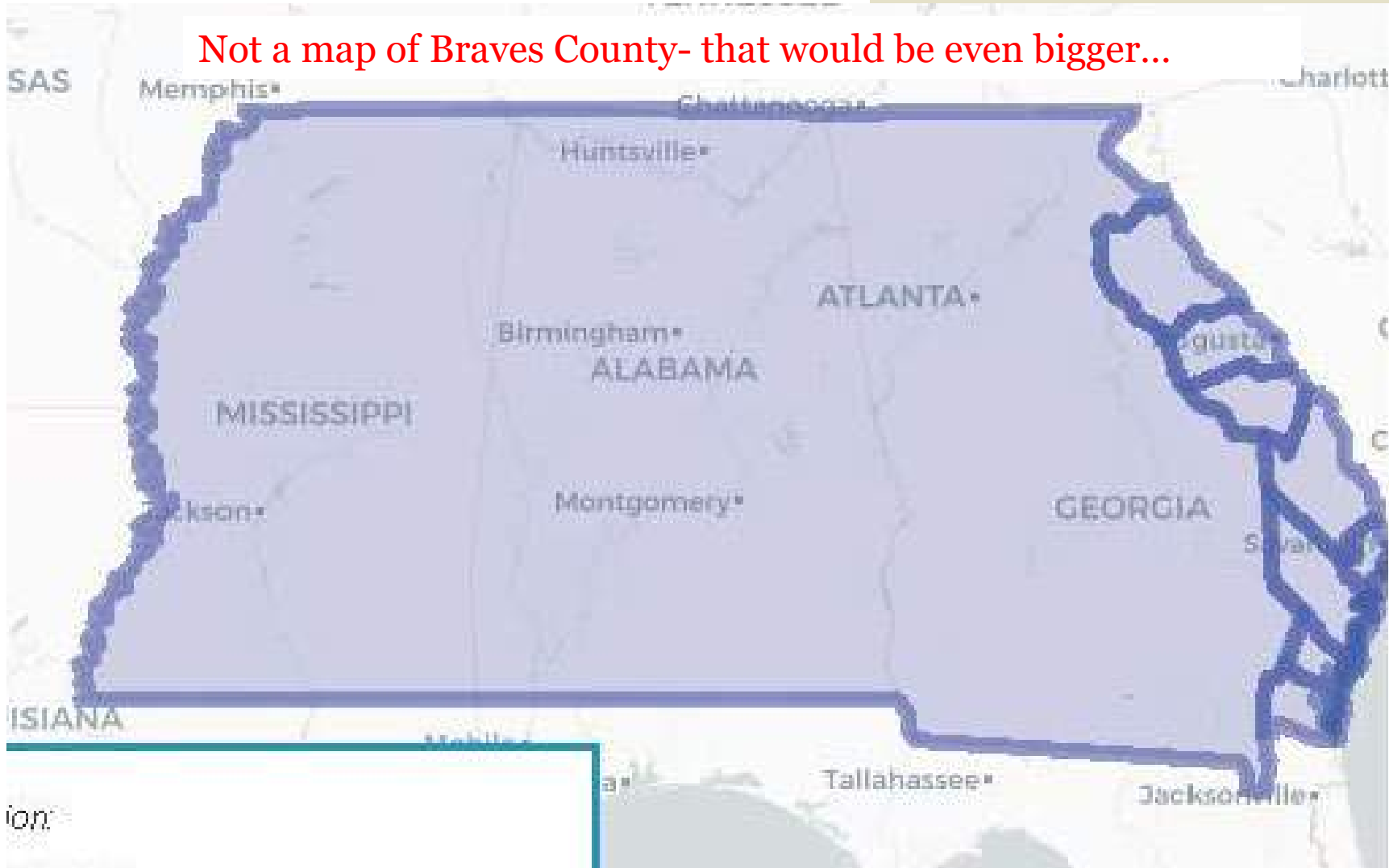


The Oglethorpe Plan, 1733
(image: vault.georgiaarchives.org)



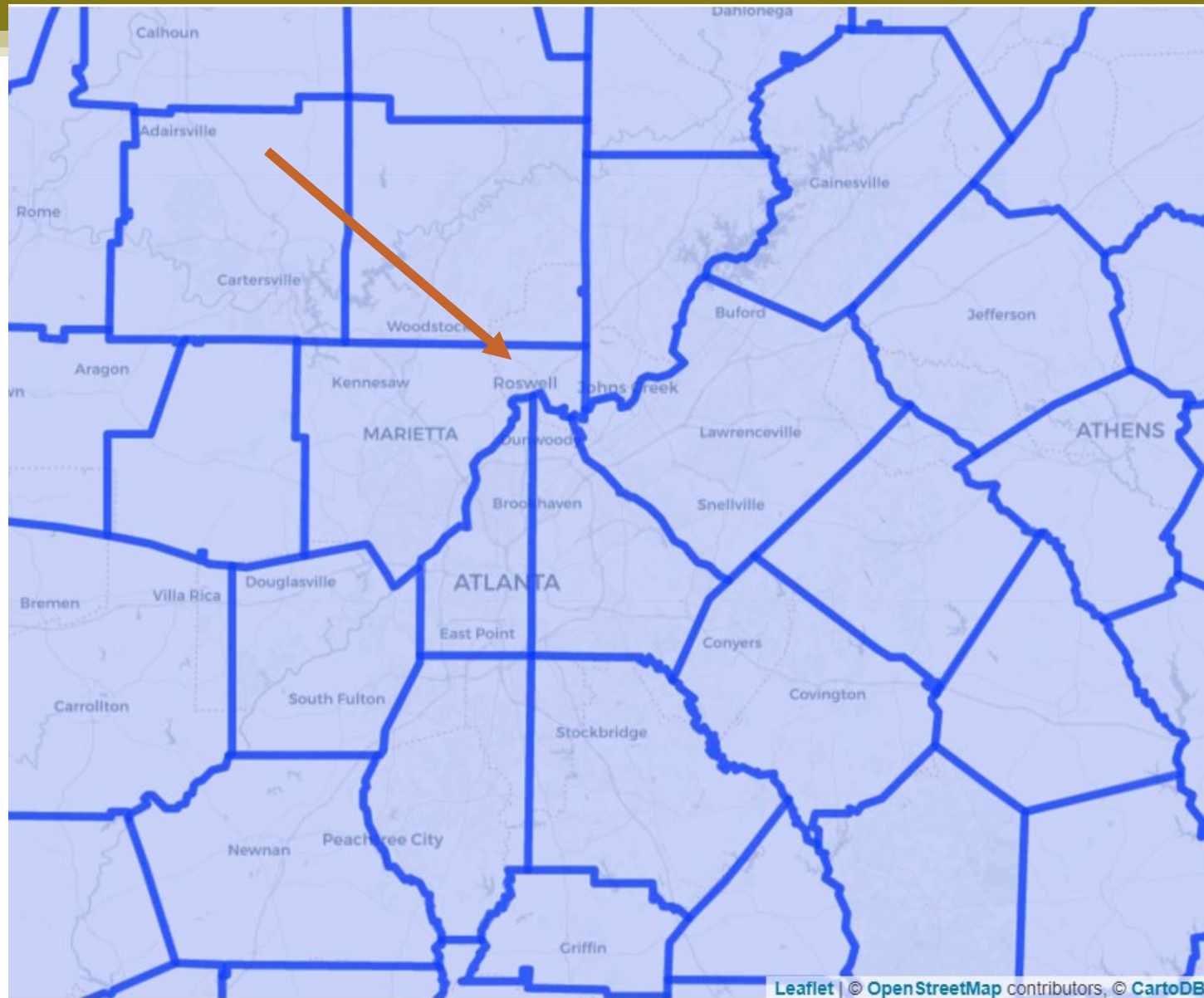
Atlanta 1877
(image: vault.georgiaarchives.org)

Not a map of Braves County- that would be even bigger...



Georgia, 1783

(image: <https://digital.newberry.org/ahcb/map/map.html#GA>)



Georgia, 1852-1856

(image: <https://digital.newberry.org/ahcb/map/map.html#GA>)

Changing Lines- where has the state been...

- Understanding the changing lines of the past helps planners today see that political lines are not static

Annexation Legislative Updates

- HB 1439- Municipal Deannexation- Failed to pass Senate
 - Would require any deannexed area to be responsible for general obligation bond debts
 - Process change proposed- applicant starts with the county with an application, not the city

Annexation Legislative Updates

- HB1461- Passed General Assembly-
 - Sent to Governor as of 4-8-2022
- There are multiple updates to the Official Code of Georgia in this bill

Changes on notices for annexation petitions

- 1.** Notice from a city to a county that an annexation request filing is now required to be transmitted within 30 days instead of 5 days
- 2.** A City now has to also notify any “impacted school system” of the proposed annexation within 30 days of receipt.
- 3.** The notice can now be via “verifiable delivery,” which includes e-mails instead of only certified mail or overnight

County Objection Procedures for Petitions

1. Any objection to the annexation by a county now has to be received by the city via “verifiable delivery” by 45 days instead of 30.
2. Even though a school system is notified of an annexation request, O.C.G.A. 36-36-113 does not authorized the schools to object. Only a county governing authority can object.
3. The parties can request a 60 day pause to allow negotiations to proceed.

Arbitration Procedures

1. DCA shall develop a list of court reporters and hearing officers (attorneys) that can be employed for arbitration cases.
2. DCA shall develop updated administrative procedures.
3. Meetings can now occur virtually or by teleconference- but still have to meet open meetings requirements.

Arbitration Procedures

4. The costs of the arbitration shall be evenly divided—changed from a 75% county-25% city split.
5. The arbitration panel has the authority to determine if a position is deemed “not valid,” one party can bear the cost of the entire process.
6. DCA now has to maintain a database of arbitration results and publish an annual report on the website of cases.

Effect of annexation arbitration panel decisions

(O.C.G.A 36-36-118)

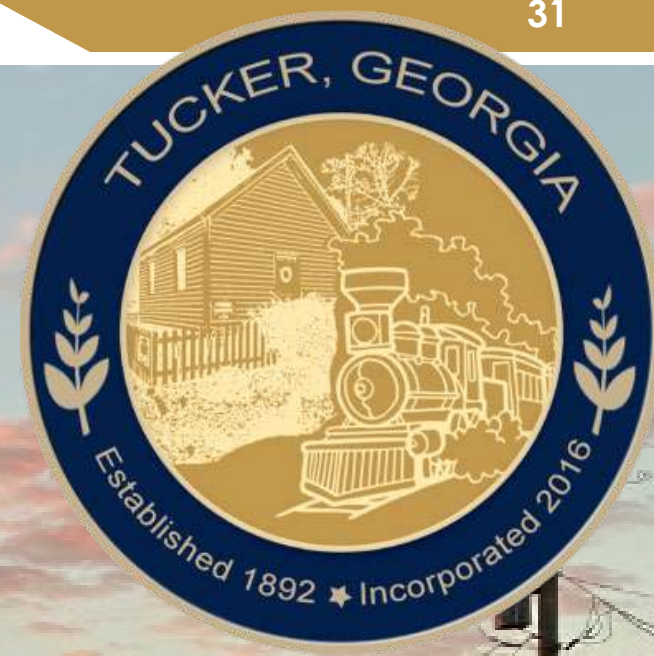
If a county initiates an objection, after the resolution of the objection either by:

- Agreement of the parties
- Ruling of an arbitration panel
- Court order

Then, the city cannot change the zoning, land use or density of the property for two years if a county files an objection (this was previously 1 year)

Changing Times, Changing Lines – Tucker on the Rise

GPA 2022 Spring Conference



John McHenry
Assistant City Manager &
Community and Economic
Development Director

Wait, I always thought Tucker was a City?

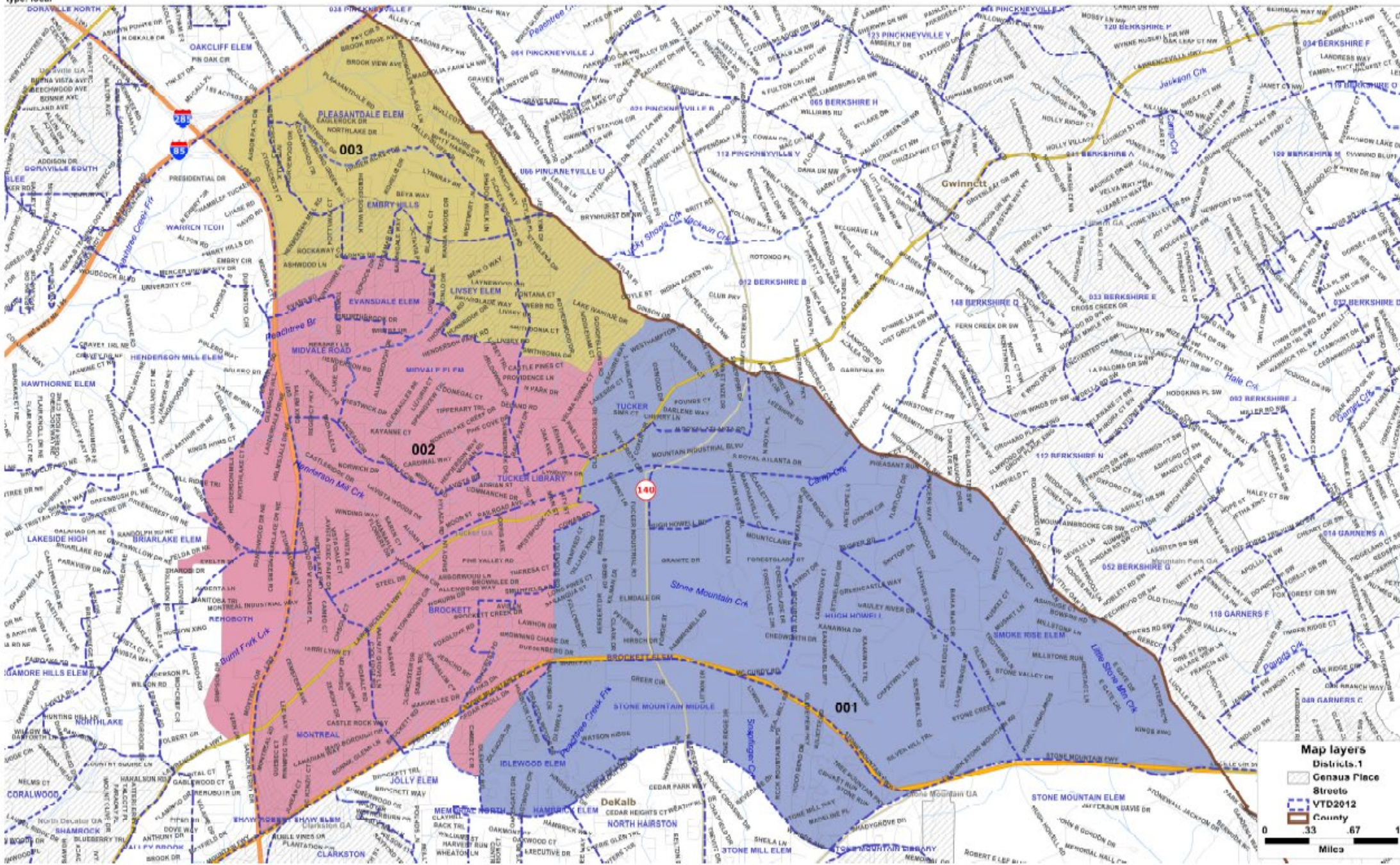


Established 1892, Incorporated 2016



- Response to adjoining cityhood movement
- Strong community activism that pre-dates Cityhood
- Tucker Business Association
- Tucker Civic Association
- Tucker Northlake CID
- Tucker-Summit CID
- Many Parks Groups

Proposed City of Tucker, Georgia



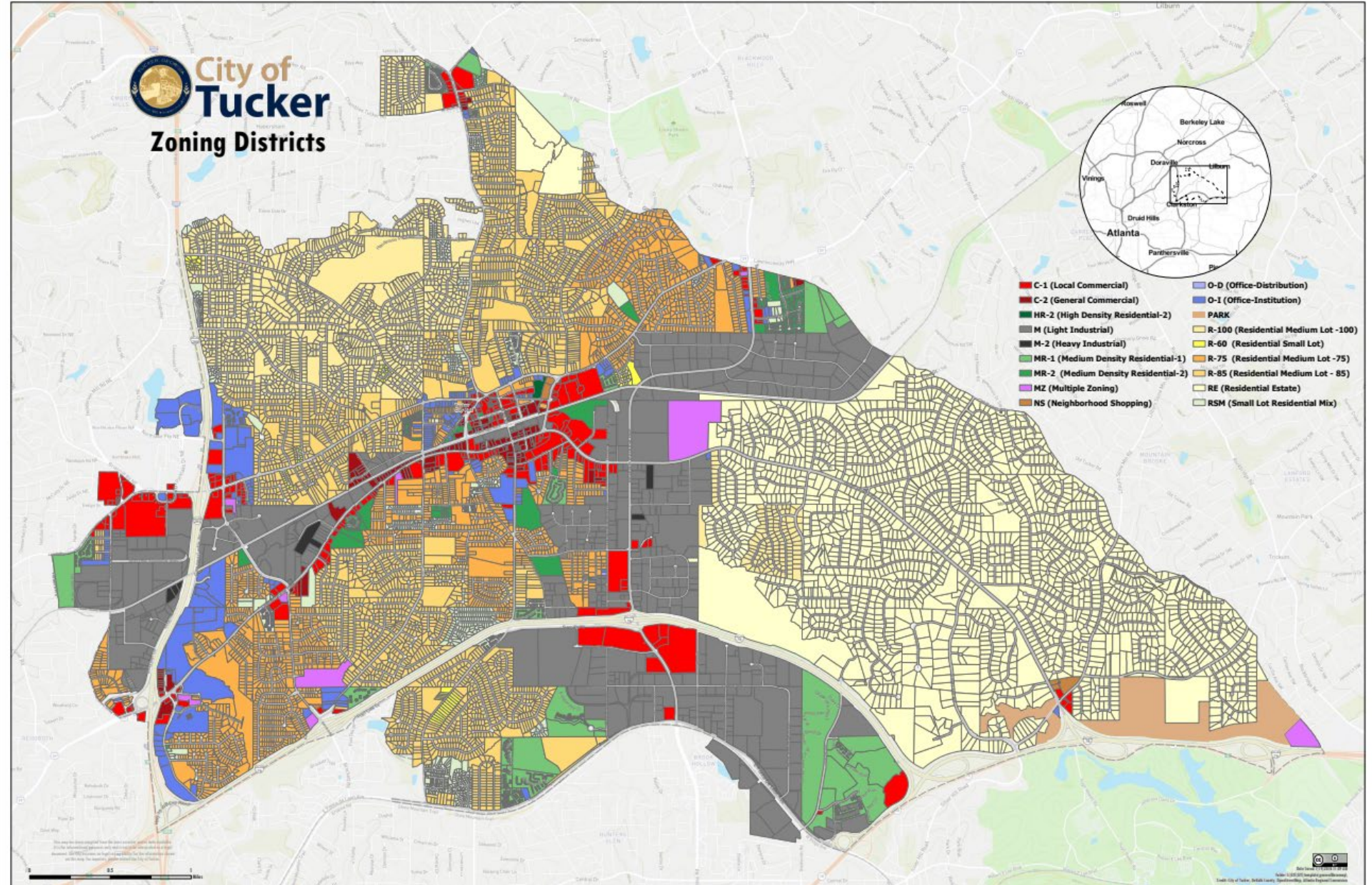
Map layers

- Districts.1
- Census Tract
- Streets
- VTD 2012
- County

0 .33 .67 1
Miles



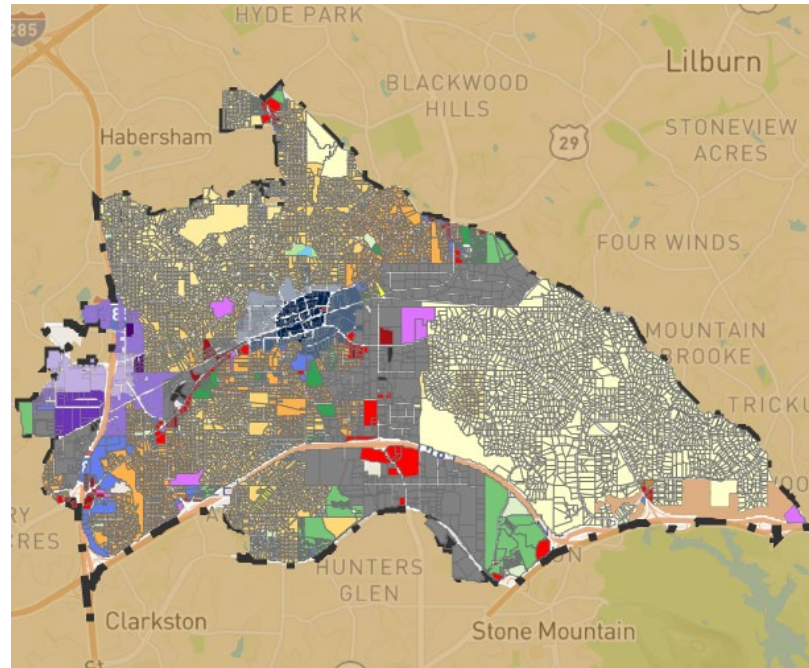
Current City Map



City Services



Parks &
Recreation



Planning &
Zoning



Code
Enforcement

Established 1892, Incorporated 2016

- March, 2015 General Assembly Approves Cityhood Vote
- November 2015 Referendum Passes
- March/April 2016 Mayor & Council Elections
- June 2016 Third Party Management Selection
- September 2016 Zoning & Code Enforcement Services Start
- November 2017 Parks & Recreation Services Start

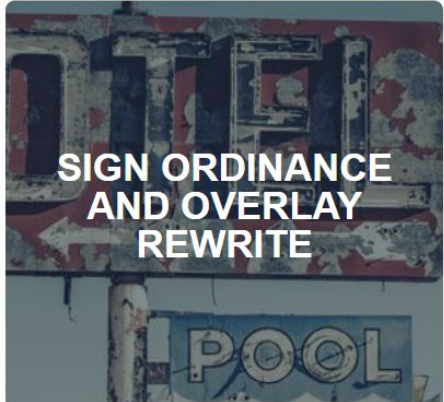
City Staffing

- March 2016 Two Contractors/Subcontractors – All Staff
 - Planning/Zoning, Building, Code Enforcement
 - Then Parks
- January 2019 City Manager First City Employee
- January 2020 Parks, City Clerk Onboarded
- July 2020 Finance, Municipal Court Staff Onboarded
- April 2022 Community Development, Communications, Engineering, IT – Contractors

Focus on Accountability & Customer Service be it staff or third party



Building on the Past, Planning for the Future



- Comprehensive Plan, 2018
- Trails, Parks, Transportation, Downtown Plans

Additional Departmental Services

- Building & Permitting
- Economic Development
- GIS
- Land Development
- Finance
- Municipal Court



Downtown Redevelopment

- New restaurants and commercial establishments
- Downtown master plan
- Tucker PATH – Trail Plan
- Art in the Alleys
- Tucker Downtown Grid Plan



Northlake - Reimagined

Renovations underway for 270,000+ SF for Emory Healthcare at Northlake Mall

Increasing office to residential



Growing, While Keeping a Sense of Place

Connecting Jobs and Opportunities

Diverse Resources

Big Plans



THANK YOU!

jmchenry@tuckerga.gov

770-530-9998

Annexation and Incorporation

What do counties need to know?

Just for
fun...

what are other
words for
annexation?



appropriation, seizure,
takeover, addition, capture,
occupation, conquest, annexing,
attachment, incorporation



The Basics: Timing

- OCGA Title 36, Chapter 36
 - City has 30 days to notify the county
 - County has 45 days from receipt of notice to issue basis of objection

Timing is
Everything



The Basics: What is objectionable?

- Creates unincorporated island
- Lacks required contiguity
- Results in “material increase in burden upon the county...”



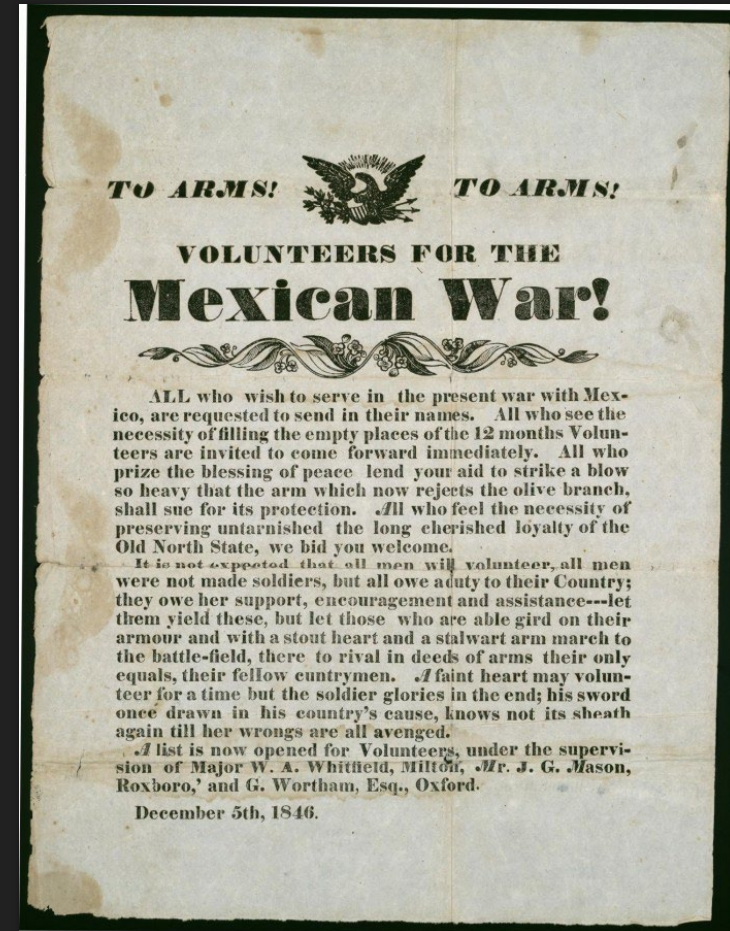
Material increase...what the???

- Related to:
 - Proposed change in zoning or land use
 - Proposed increase in density
 - Infrastructure demands related to proposed change in zoning or land use
- Substantial change in intensity or use
- Increased net cost of infrastructure/diminished value
- Substantial difference from comprehensive plan or zoning ordinance



The Basics: Dispute Resolution

- Not applicable to local acts of the General Assembly
- Arbitration Panel
- ~~County bears 75% of the cost~~ Cost is equally divided between the county and the city
- County must provide supporting evidence
- Decision within 60 days
- Good faith negotiations



The Basics: County Facilities

- Ownership
 - Typically no change...
 - No longer useable by County?
 - Annexing city must acquire
 - County adopts resolution
 - Compensation- FMV unless otherwise agreed upon
- Right-of-way
 - Both sides of road annexed- city takes ownership, control, care and maintenance
 - Other agreements

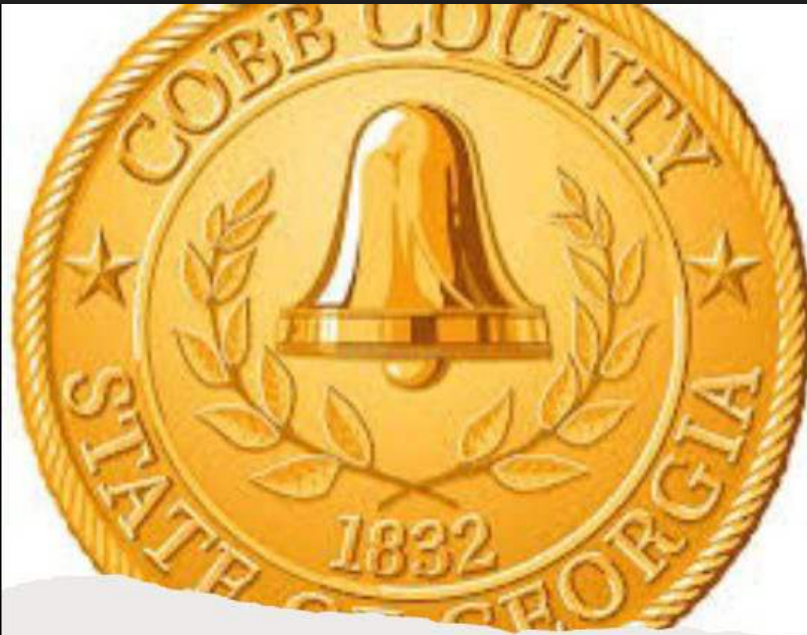


Annexation in practice

- It's not always black and white
 - Cobb County Example: HB 489 Land Use Agreements
- Call on your common sense and your planning sense
- Your elected officials rely on YOU as the expert!



Sidebar: Incorporation of new cities



Proposed Cityhood in Cobb County

All data derived from the cityhood feasibility studies



Sidebar: Incorporation of new cities

Proposed Services

PROPOSED SERVICES	CITY OF EAST COBB	CITY OF LOST MOUNTAIN	CITY OF MABLETON	CITY OF VININGS
Planning & Zoning	X	X	X	X
Code Enforcement	X	X	X	X
Sanitation		X	X	
Parks & Rec	X	X	X	X
Limited Municipal Court	X	X	X	X
Police	X			
Fire	X			
E911	X			

Bottom Line...

- It's not personal
- Counties and cities are partners
- We are all in the business of service delivery

**It's not
personal,
it's strictly
business.**

Michael Corleone, *The Godfather*



Jessica Guinn, AICP

Cobb County Community Development Agency Director

Jessica.Guinn@cobbcounty.org

Changing Times, Changing Lines

PANEL DISCUSSION AND QUESTIONS



Changing Times, Changing Lines

THANKS TO THE PANEL AND ALL
PARTICIPANTS!

