

**RULES OF
GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

**110-20-1
REGIONAL ECONOMIC ASSISTANCE PROJECTS**

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110-20-1-.01 Purpose.

The purpose of Regional Economic Assistance Projects (REAP) is to provide a mechanism for local and state governments and the private sector to cooperate on large-scale tourism-related projects with multiple uses that will create jobs and enhance the local tax base. Regional Economic Assistance Projects will assist in producing growth and development, particularly in rural areas, resulting in additional local tax revenue and providing high-caliber employment opportunities in the tourism and hospitality industries. Additional benefits include sound project development, consistent governmental review and approval, responsible project implementation, and project monitoring and reporting. Upon meeting the requirements of the statute and these Rules, including local government endorsement and certification by the Georgia Department of Community Affairs, a developer of a certified REAP project may apply to the Georgia Department of Revenue for a state license for the sale of malt beverages, wine, or distilled spirits by the drink for consumption on the premises only. Pursuant to O.C.G.A. section 50-8-195, REAP shall be administered by the Georgia Department of Community Affairs (hereafter referred to as the Department).

Authority O.C.G.A. Secs. 50-8-3, 50-8-11, 50-8-195.

110-20-1-.02 Definitions.

- (1) **Adjacent facility** means any facility adjoining a project that meets the requirements of a subparagraph of paragraph (3) of subsection (c) of Code Section 50-8-191 which is not met by the project and that is the subject of a reciprocal use agreement executed by the project developer and the owner or operator of the adjacent facility.
- (2) **Adjoining** means having a common boundary, directly abutting, or directly abutting but for being separated by any road or road right of way, creek, river, lake, park, or other easements.
- (3) **Certification of Compliance** means a determination by the Commissioner that the project meets all criteria to be designated a Regional Economic Assistance Project.

- (4) **Commercial** boat marina means a commercially operated boat docking facility, containing at least 300 boat slips and a facility within the marina that provides food service.
- (5) **Commissioner** means the Commissioner of the Georgia Department of Community Affairs.
- (6) **Developer** means an individual or organization that manages the development or maintenance of a project and is duly authorized to act as a representative of the project in a capacity such as a general partner, owner, or officer.
- (7) **Full-service restaurant** means a restaurant that regularly serves two or more meals on each day it is open for business and is open for business at least six days weekly. A full-service restaurant is not disqualified because of seasonal closings or other temporary closings such as renovations or vacations.
- (8) **Improvements** means existing or planned buildings or facilities and any planned additions, expansions, or rehabilitation of any buildings or facilities.
- (9) **Notice of Noncompliance** means a notice from the Commissioner that the Georgia Department of Community Affairs has determined that the project has failed to comply with all requirements for designation as a Regional Economic Assistance Project.
- (10) **Project** means all proposed and any existing property, improvements and facilities included in the original development plan as delineated in the map submitted pursuant to O.C.G.A. section 50-8-191(b)(2) and section 110-20-1-.05(4) of these Rules, including any adjacent facilities.
- (11) **Public access** means generally accessible to the public for use on a daily basis.
- (12) **Reciprocal use agreement** means a written agreement between the REAP project developer and the owner or operator of an adjacent facility specifying the reciprocal rights, privileges and usage granted to each others' patrons, guests, customers, owners, operators and managers, in addition to any other mutual duties, covenants or obligations between the project developer and the owner or operator of an adjacent facility.
- (13) **Regional Economic Assistance Project or REAP** means a project, including any adjacent facility covered by a reciprocal use agreement, which meets the criteria specified in Code Section 50-8-191 and which receives a Certification of Compliance from the Commissioner. The facilities of a REAP that meet the criteria of O.C.G.A. section 50-8-191(c)(3) and section 110-20-1-.04(1)(c) of these Rules, excluding residential units, must have public access.
- (14) **Regulation 18-hole golf course** means a golf course consisting of 18 holes with a minimum length of 5,500 yards, a minimum par of 69, and that has received a USGA rating.

(15) **State-operated facility or authority** means a facility that provides tourism, recreational or hospitality services or products to the general public.

(16) **Substantial portion** means greater than 50 per cent (50%) of the square footage of an improvement.

Authority O.C.G.A. Secs. 50-8-3, 50-8-11, 50-8-195.

110-20-1.03 Eligible Applicants.

(1) Eligible applicants for REAP designation are developers of projects as those terms are defined in sections 110-20-1-.02(6) and (10) of these Rules.

(2) Applicants must first submit an application to the municipal corporation or county in which the project will be located, as specified in O.C.G.A. section 50-8-191(a) and section 110-20-1-.05(6) of these Rules. Upon approval of the project by resolution of the proper local government, the applicant must submit an application to the Department, with supporting documentation from the local government, in a format prescribed by the Department. Applications may be submitted in writing to the Department at:

Georgia Department of Community Affairs
Attn: Regional Economic Assistance Projects
Business & Financial Assistance Division
60 Executive Park South, NE
Atlanta, Georgia 30329-2231

Authority O.C.G.A. Secs. 50-8-3, 50-8-11, 50-8-195.

110-20-1.04 Eligible Projects.

(1) In order to receive REAP certification, a project, in combination with any adjacent facility included by a reciprocal use agreement, must (a) be not less than 250 acres in size or located on or adjacent to a lake of not less than 2,500 acres in size, (b) where required, have zoning which is appropriate to the planned uses and plans which are consistent with other land use regulations, and (c) provide for at least three of the following criteria: (i) one or more regulation 18-hole golf courses, with a clubhouse providing food service, (ii) a commercial boat marina with at least 300 boat slips and a facility providing food service, (iii) a full-service restaurant with minimum seating for 75 or more persons, (iv) at least 100 residential units, (v) at least 200 rooms for overnight stays, (vi) conference facilities with capacity for 150 participants, or (vii) be located in a county in which a state-operated facility or authority provides services or products, or both, to the general public.

(2) A project that does not include an adjacent facility subject to a reciprocal use agreement need only meet two of the criteria listed in O.C.G.A. section 50-8-191(c)(3) and in section 110-20-1-.04(1)(c) of these Rules

(3) Upon determination by the Commissioner that the project will confer substantial benefits upon the local jurisdiction, application of not more than one of the criteria set forth in Code section 50-8-191 and these rules may be waived. If an applicant wishes to request a waiver of one of the criteria, a written request for the waiver and an explanation of the

need for the waiver and the substantial public benefits to be achieved by the project must accompany the application.

Authority O.C.G.A. Secs. 50-8-3, 50-8-11, 50-8-195.

110-20-1-.05 Application Content.

- (1) The following rules are designed to assist applicants in submitting complete REAP applications that meet the intent of the program.
- (2) All applications shall attach a detailed description of the project, showing the scope and design of the project. Project descriptions shall describe the entire project, the interested and participating parties (whether public or private) and the manner and extent of their participation, and shall contain a statement regarding public access to and use of the project. The project description shall also indicate where the project is located, the size of the project (in acres), a brief history of the project, and the potential impacts on the region where it is located. The description shall also identify the developer and describe his or her role in the project. Additional information should include a summary property management plan that outlines a plan for the renting and merchandising of the project, the operation and maintenance of the project and what party(s) will be responsible for the financial and day-to-day management of the project.
- (3) For projects that contain adjacent facilities, the reciprocal use agreement(s) shall be included as attachments to the application.
- (4) All applications shall attach three copies of a map of the project, which map shall include all adjacent facilities. Such map shall be prepared in accordance with the following minimum standards and specifications:
 - (a) Material.
 - (i) A licensed professional surveyor shall survey and map the project area or use local tax maps and revise them to include such other information as required by these Rules. The resulting maps or plats submitted to the Department shall be a good legible copy, such as a blue, white, or other commercial print reproduced from an original;
 - (ii) The map shall be compiled at a scale of no less than one inch equals four hundred feet (1 inch = 400 feet) and drawn on 17-inch by 22-inch paper if the project is between 250 acres and 1000 acres. If the project is greater than 1000 acres, the map shall be drawn on 24-inch by 36-inch paper (or in a substantially similar manner);
 - (iii) The minimum line widths shall be 0.013 inches and letter or character heights delineated on such map shall have a minimum height of 0.080 inches (or in a substantially similar manner).

- (b) Content.
 - (i) The map shall display the boundaries of the project, including all adjacent facilities, and shall clearly demonstrate the location of the project in relation to all adjacent facilities;
 - (ii) The map shall display and identify any local government boundaries within the map extent. Such boundaries shall be uniquely symbolized (i.e. type and thickness) and all jurisdictions shall be identified;
 - (iii) The map shall display the zoning of all properties displayed (where applicable);
 - (iv) The map shall contain a legend that clearly identifies all facilities and buildings contained within the project boundaries, including all adjacent facilities, that currently are or may be in the future a facility as described in O.C.G.A. section 50-8-191(c)(3) or a facility for which the developer will or may apply for a license from the Department of Revenue;
 - (v) The map shall display the coordinates of four or more surveyed map registration points along the boundary of the property. Such coordinates shall be expressed in latitude/longitude (degrees-minutes-seconds or decimal degrees) or as U.S. Survey feet and decimals of a foot using the Georgia (State Plane) Coordinate System of 1985. The horizontal map accuracy of each map registration point shall not be more than plus or minus one foot (+/- 1.0'). The map registration points should be evenly spaced (imprecisely) along the boundary of the property. The demarcation of the points shall be a tick mark (crosshairs).
- (c) Caption. The map shall have a title or name which shall be contained in the caption, and the caption shall also provide the minimum following information:
 - (i) The county or municipal corporation, land district and land lot, and if applicable, lake name;
 - (ii) The date of map preparation;
 - (iii) The scale, stated and shown graphically;
 - (iv) The name, address, and telephone number of the developer;
 - (v) The name, address, telephone number, and license number of the surveyor;
 - (vi) The map shall display an area measurement of the project property (in acres). If applicable, separate measurements shall be provided for land and lake areas.

- (5) All applications shall attach a comprehensive economic and development impact study. Such a study should show both the short- and long-term benefits to be derived from the project including, if applicable, numbers and types of jobs to be retained and/or created; impact on the state, regional and community tax base; private sector investment; impact on infrastructure (including water, sewer and transportation); and usage estimates for the project. The study should include information sufficient to establish a baseline measurement of the current conditions of the community with respect to the expected benefits and how the project will improve the relevant conditions. It should also indicate how the impacts will be measured. The study should describe the project's relationship to local and regional economic development goals and objectives identified through local and regional comprehensive plans. If recent studies or evaluations of the county or regional economy lend support to the feasibility or reasonableness of the project, the application should reference these materials and enclose a copy along with the application.
- (6) All applications must include a resolution from the local government indicating that the project appears to meet the criteria set out in the Statute (specifically, O.C.G.A. section 50-8-191(c)) and approving the project and submission of the application to the Department for review and possible certification. The local government shall also certify in its resolution that the project complies with all applicable land-use, environmental and other applicable local laws and regulations as well as any special requirements involving redevelopment areas. The resolution shall also certify that the project does not conflict with the government's comprehensive plan and service delivery strategy. Finally, the local government shall certify that the project is at least 250 acres in size or located on or adjacent to a lake at least 2,500 acres in size, and that any applicable residential units or facilities providing overnight stays comply with any local ordinances or regulations affecting such structures.
- (7) For purposes of the Statute and these rules, "residential units" and "rooms for overnight stays" are mutually exclusive.
- (8) All applicants must certify in their applications that no applicable state laws, rules, regulations or local ordinances shall be violated in carrying out the project and that the applicant is in compliance with such laws, rules, regulations or ordinances. Applicants must also certify that they are authorized under laws of the state to carry out the projects and activities contained in the application.
- (9) All applications shall include a project schedule, which shall include the date planned for completion of all phases of the project and any adjacent facility(s).
- (10) All applications shall contain a complete list of all facilities, buildings and improvements contained within the project boundaries (as set forth on the map prepared pursuant to section 110-20-1-.05(4) of these Rules), that currently are or may be in the future a facility as described in O.C.G.A. section 50-8-191(c)(3) or a facility for which the developer will or may apply for a license from the Department of Revenue. The list should correspond to the legend incorporated in the project map and should specifically identify and designate the improvements which were considered in determining the local government to which the initial REAP application was made pursuant to O.C.G.A.

section 50-8-191(a). Applicants with projects to be located within more than one local government's boundaries must certify that all or a substantial portion of the conference facility, marina, restaurant and clubhouse improvements are located within the boundaries of the local government to which the applicant submitted its initial application and clearly indicate where the local government boundaries are relative to those improvements.

- (11) The information provided by applicants and developers to the Department regarding its projects under REAP, whether in the application process or in other reporting requirements, shall not be exempted from disclosure under the Georgia Open Records Act, O.C.G.A. section 50-18-72(b).

Authority O.C.G.A. Secs. 50-8-3, 50-8-11, 50-8-195.

110-20-1.06 Application Fee.

A nonrefundable application and processing fee of \$5,000 is required with each application. Applicants should include a check for such amount, made out to the Georgia Department of Community Affairs, with its application.

Authority O.C.G.A. Secs. 50-8-3, 50-8-11, 50-8-195.

110-20-1.07 Review of Applications.

All applications received from eligible applicants will be reviewed to determine whether a project meets the REAP criteria and complies with these Rules. In making such a determination, the following factors will be considered:

- (1) Each application will be reviewed based upon an analysis of the project's relationship to the overall objectives of the REAP Statute and its compliance with the REAP criteria and the Department's Rules.
- (2) In its review of applications, the Department may, at its discretion, consult with other individuals or agencies as appropriate for the purpose of receiving information and/or advice.
- (3) The criteria listed in these Rules are designed to assist the Department in making its decision and to provide prospective applicants with guidance as to the factors that their applications need to address in order to meet the criteria for designation as a Regional Economic Assistance Project. Additional factors may be considered as the Department deems necessary. Any decision which the Commissioner or the Department makes, and any action or inaction by the Commissioner or the Department, in administering, managing, and operating REAP shall be final and conclusive and shall not be subject to review.
- (4) After approval and resolution by the local government, the applicant shall submit the application in writing to the Department. Within five days of the receipt of the application, the Department shall notify the applicant of whether the application is complete, and if not complete, the Department shall request any additional information or supporting documentation that may be needed for its review. The Department reserves the right to request any and all additional information it deems necessary to the proper evaluation of proposed projects.

- (5) Forty-five (45) days from the date of notification regarding the completeness of the application, the Department shall issue an opinion regarding the project. This notice shall either be in the form of a Certification of Compliance or a Notice of Noncompliance. In the event the Department requests additional information or documentation from an applicant after it determines the application is complete, it may, at its discretion, extend the 45-day evaluation period up to 15 days. The Department shall forward all Certifications of Compliance to the Georgia Department of Revenue, Department of Natural Resources, Department of Industry, Trade and Tourism, Department of Transportation, Department of Labor, and the Georgia Environmental Facilities Authority.

Authority O.C.G.A. Secs. 50-8-3, 50-8-11, 50-8-195.

110-20-1.08 Developers' Reporting Requirements.

- (1) After receipt of a Certificate of Compliance, applicants must submit annual progress reports to the Department for five years or until the minimum REAP program criteria (as set forth in O.C.G.A. section 50-8-191(c)(3)) have been met, whichever is longer. A processing and monitoring fee of \$750 is required with each annual report for the first five years after an applicant receives a Certificate of Compliance. Upon failure to submit a timely and acceptable annual report, the Department shall revoke the applicant's Certificate of Compliance and shall notify the Department of Revenue, and other applicable state agencies, of the same.
- (2) The annual progress reports should indicate that the REAP requirements contained in the statute and rules are being met. The reports shall include a description of any changes or additions to the project; the status of private investment; job creation (or loss); updated construction schedule; and the project's impact on local tax base, land use control, and infrastructure (water, sewer, and transportation). The report should compare the status of these factors to the projections and baseline data presented in the initial REAP application. The annual reports shall be in a format prescribed by the Department.
- (3) After an applicant has submitted annual reports for five years or until the minimum REAP criteria (as set forth in O.C.G.A. section 50-8-191(c)(3)) have been met (whichever is longer), the applicant will then be required to submit an abbreviated annual report to the Department, which report shall be in a format prescribed by the Department. The annual reporting fee to be submitted with the abbreviated annual reports shall be \$500.
- (4) Developers of REAP projects that have received a Certificate of Compliance must submit to the Department within three (3) years of receiving the Certificate a certification that all of the elements of the project that met the criteria of paragraph (3) of O.C.G.A. section 50-8-191(c) are complete and operational. If those elements are not complete within three years, the developer must report to the Department, in its third annual report, the status of the project, the expected completion date, and reasons why the elements are not completed. The Department reserves the right to notify the Department of Revenue of the developer's failure to comply with the REAP criteria if the developer has not completed the elements within three years and has not provided evidence of its good faith efforts to complete the project.

Authority O.C.G.A. Secs. 50-8-3, 50-8-11, 50-8-195.

110-20-1-.09 Amendment of Certification.

- (1) If, at any time after a developer has received a Certificate of Compliance, the developer adds a facility(s) to a project (either inside or outside the boundaries of the original REAP project as defined by the map included in the initial REAP application pursuant to section 110-20-1-.05(4) of these Rules), and that new facility(s) would have changed the local government to which the developer would have applied for project approval under O.C.G.A. section 50-8-191(a) had the new facility(s) been included in the original REAP project, then the developer must apply to the new local government which must approve the addition of the new facility(s) to the project pursuant to O.C.G.A. section 50-8-191(e). Upon approval of the addition by the new local government, the developer shall submit such approval to the Department with a map that meets the requirements of section 110-20-1-.05(4) of these Rules. The Department shall review the local government's resolution and map in the same manner as the original application.
- (2) If, at any time after a developer has received a Certificate of Compliance, the developer either expands or contracts the border of the project (as the project was delineated in the map submitted with the initial REAP application), then the developer must submit to the Department a map showing the new boundaries of the project. Such map shall comply with the requirements of section 110-20-1-.05(4) of these Rules.
- (3) If the ownership of a REAP project changes, then the new owner(s) must notify the Department of the change and of any other changes to the project, such as those listed in sections 110-20-1-.09(1) and (2). The new owner(s) must also supply a correct and current name, address and phone number.

Authority O.C.G.A. Secs. 50-8-3, 50-8-11, 50-8-195.

110-20-1-.10 Reapplication.

If an applicant receives a Notice of Noncompliance and submits to the Department a notice of intent to reapply within 90 days of the date of the Notice of Noncompliance, then the applicant may reapply for REAP certification without paying an additional application fee, if the reapplication is submitted to the appropriate local government within six months of the date of the Notice of Noncompliance. Thereafter, an applicant must pay a \$5,000 application fee for each additional application submitted.

Authority O.C.G.A. Secs. 50-8-3, 50-8-11, 50-8-195.