

**GREATER LOWNDES COUNTY**  
**INTERGOVERNMENTAL AGREEMENT**  
**BY JOINT ORDINANCE TO ESTABLISH A PROCESS**  
**TO RESOLVE LAND USE DISPUTES RESULTING**  
**FROM ANNEXATION**

**WHEREAS**, the governing authorities of Lowndes County, Valdosta, Hahira, Lake Park, Dasher and Remerton, acting under the authority of the Georgia Planning Act, have adopted a joint countywide comprehensive plan, known and designated as the 2010 Greater Lowndes County Comprehensive Plan, and

**WHEREAS**, the 2010 Greater Lowndes County Comprehensive Plan, as duly amended, was developed jointly and includes a single future land use plan for the unincorporated and incorporated areas of the county; and

**WHEREAS**, all of these governments, excluding the City of Remerton, have formed a joint countywide planning advisory commission (Greater Lowndes Planning Commission) to assist the respective member governments in their local planning, plan implementation, and land use regulatory programs; and

**WHEREAS**, Chapter 70 of Title 36, O.C.G.A., as amended, requires that each county in the state and certain municipalities located in said counties as defined by said code section agree upon and adopt a joint resolution establishing a procedure for negotiating the land use classification in those instances where land in the unincorporated areas of a county is proposed for annexation by one of the specified municipalities and also to provide a method for resolution of any resulting dispute concerning the land use classification which might arise in connection with the proposed annexation;

**NOW, THEREFORE**, the premises considered and in compliance with the requirements of the Georgia Service Delivery Strategy Act, the Board of Commissioners of Lowndes County and the Mayor and Councils of the Cities of Valdosta, Hahira, Lake Park, Dasher, and Remerton do hereby resolve and ordain as follows:

1.

Prior to taking any action on any proposed annexation into a municipality of land located in the unincorporated areas of the County, the municipality shall serve notice on the County government of the

proposed annexation. The notice shall include, but not be limited to: (1) the name of the owner of the property or the owner's designated representative; (2) the location of the property; (3) the size of the property to be annexed, (4) the proposed land use or zoning classification of the property following annexation, (5) a plat of the property proposed for annexation showing the adjoining streets and specifying their traffic bearing classification, and (6) the current zoning classification of all property adjacent to the property proposed for annexation.

Simultaneously with service upon the County, a copy of said notice, together with all exhibits and attachments, shall be served upon the Greater Lowndes Planning Commission for its review and recommendations. The Planning Commission shall process said notice following the established procedure and within the time sequence and constraints for applications for rezoning of County territory. Lowndes County and the municipalities recognize the caretaker role for the Comprehensive Plan rests with the Greater Lowndes Planning Commission and agree that the Planning Commission's recommendation(s) will be given full and complete consideration in the annexation dispute resolution process. The Planning Commission's recommendation shall then be transmitted, in accordance with established agenda procedures, to the Board of Commissioners for its next regular meeting at which time the matter shall be voted upon. A copy of said recommendation shall also be delivered to the municipality proposing said annexation.

2.

The County will then make its written response to the annexation request either (1) stating the County has no objection to the land use classification of the property or (2) stating its objection to the proposed land use classification.

In the event the County has no objection to the proposed land use classification of the property or fails to respond, the municipality shall be free to proceed with the annexation and designating the land use classification of the property without further involvement of the County. In the event the County has bona fide land use classification objections ("objections") to the municipality's proposed land use classification,

its objections shall address the following matters:

- (a). The existing land use pattern;
- (b). the possible creation of an isolated district unrelated to adjacent and nearby districts;
- (c). the existing population density pattern and the possible increase of the load on public facilities;
- (d). whether changed or changing conditions make the passage of the proposed amendment reasonable;
- (e). whether the proposed change will adversely influence existing conditions in the neighborhood or the community at large;
- (f). potential impacts on the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplains, air quality, and water quality and quantity;
- (g). the costs required of the public in providing, improving, increasing or maintaining public utilities, schools, streets and public safety necessities when considering the proposed change;
- (h). whether the proposed change will be a deterrent to the value or improvement of development of adjacent or nearby property in accordance with existing regulations;
- (I). whether the proposed change is out of scale with the needs of the neighborhood or Lowndes County.
- (j). whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public; and
- (k). the extent to which the zoning decision is consistent with the adopted local Comprehensive Plan as determined by the Planning Commission.

The response shall also contain any stipulations or conditions of zoning to the proposed land use classification which would satisfy the County's objections.

3.

If the County's response to the municipality states objections to the proposed land use classification, the municipality will respond to the County within fifteen (15) business days, either (1) agreeing with the County, whereupon the proposed annexation will be abandoned; (2) agreeing to implement the County's stipulations and conditions in satisfaction of the County's objections; (3) initiating a mediation process to explore all possible compromises.

In the event the municipality initiates mediation, the attorneys for the respective bodies will confer and agree upon a mediator and a mediation schedule. The municipality and the County agree to share equally all costs associated with the mediation.

In the event no resolution results from the mediation, the municipality may proceed to seek a declaratory judgment in court.

4.

All notices, responses and notices of hearing required to be exchanged between the parties shall also be simultaneously served upon the property owner or the owner's designated representative.

5.

In the event the Georgia Supreme Court, or any other court having final adjudication of the issue, declares O.C.G.A. § 36-36-11, or any subpart thereof, unconstitutional and void, this interlocal agreement shall be terminated by operation of law effective the date of the final decision of the court.

**SO ORDAINED AND RESOLVED** on the dates set opposite the signatures of the respective governing authorities.

