



# Baldwin County Commission

## Legislation Text

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File #: 22-0168, Version: 1

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**Meeting Type:** BCC Regular Meeting  
**Meeting Date:** 11/16/2021  
**Item Status:** New  
**From:** Matthew Brown, Planning Director  
**Submitted by:** Matthew Brown, Planning Director

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### **ITEM TITLE**

Planning Jurisdiction Agreement with the Town of Elberta

### **STAFF RECOMMENDATION**

Adopt Resolution #2022-019 which approves the Planning Jurisdiction Agreement between the Baldwin County Commission, the Town of Elberta, and the Planning Commission of the Town of Elberta, governing the regulation of subdivisions outside the City's corporate limits but within the municipal planning jurisdiction.

### **BACKGROUND INFORMATION**

**Previous Commission action/date:** N/A

#### **Background:**

The Governor signed Act No. 2021-297 (SB107) into law on April 27, 2021. The Act became effective 90 days following the Governor's signature, on July 26, 2021. While Act No. 2021-297 amended several different sections of Alabama's Code, this item focuses on the amendments to §11-52-30 which authorize the County and the municipalities to enter into agreements that establish which entity is responsible for the review and approval of subdivisions within the municipal planning jurisdiction, outside the municipal corporate limits.

Legal Counsel for Baldwin County, Hope Hicks, has negotiated a Planning Jurisdiction Agreement with the Town of Elberta. The Agreement grants the responsibility for the review and approval of subdivisions within the boundaries of the municipal planning jurisdiction, but outside the corporate limits, exclusively to the Baldwin County Commission.

This continues the practice that existed within the Elberta Municipal Planning Jurisdiction prior to the effective date of Act No. 2021-297.

Upon approval, Planning and Zoning staff will advertise and record the agreement in accordance with the requirements of the statute.

**FINANCIAL IMPACT**

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?**  
N/A

**LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**  
Yes.

**Reviewed/approved by:** Hope Hicks, County Legal Counsel

**Additional comments:** N/A

**ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** Yes

**If the proof of publication affidavit is not attached, list the reason:** Advertising will take place after Commission approval.

**FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** N/A

**Individual(s) responsible for follow up:** Administration Staff and Planning and Zoning Staff

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**  
Commission Administration staff - Send a copy of the signed agreement to:

Town of Elberta  
Caryn H. Woerner  
Town Clerk/Administrator  
Post Office Box 277  
Elberta, Alabama 36530

Commission Administration staff - Update the following BCAP Libraries:  
Resolution, Planning Jurisdiction and Contracts

Planning and Zoning Staff - Publish in Local Paper and Update Planning Jurisdiction Layer in GIS and Associated Maps

**Additional instructions/notes:** N/A