



Baldwin County Commission

Legislation Details (With Text)

File #: 22-0211 **Version:** 1
Type: Public Hearings **Status:** Agenda Ready
File created: 11/4/2021 **In control:** Baldwin County Commission Regular
On agenda: 11/16/2021 **Final action:**
Title: *Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County

Indexes:

Attachments: 1. Resolution #2022-016, 2. Exhibit A - Land Disturbance PC PROOF OF PUBLICATION, 3. Exhibit B - Land Disturbance Ordinance (DRAFT), 4. PC Meeting Minutes (Proposed Land Disturbance Ordinance), 5. PC Meeting Voting Sheet (Proposed Land Disturbance Ordinance), 6. Hydric Potential Map, 7. *Addendum Attachment-Exhibit A - Land Disturbance CC PROOF OF PUBLICATION, 8. *Resolution 2022-016-SIGNED.pdf

Date	Ver.	Action By	Action	Result
11/16/2021	1	Baldwin County Commission Regular	Approved	Pass

Meeting Type: BCC Regular Meeting

Meeting Date: 11/16/2021

Item Status: New

From: Matthew Brown, Planning Director

Submitted by: DJ Hart, Planning Technician

ITEM TITLE

*Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County

STAFF RECOMMENDATION

Take the following actions:

1) Adopt Resolution # 2022-016, which establishes the new Land Disturbance Ordinance for Flood Prone Areas or Territories With Probable Exposure to Flooding in Unincorporated Baldwin County, Alabama, designed to help control filling, grading, dredging, and similar land disturbance activities which may increase flood damage or erosion, by applying the land disturbance requirements of the Baldwin County Zoning Ordinance within areas displayed on a new Hydric Potential Map. Effective date of this ordinance to be December 1, 2021.

2) Approve a \$25.00 permit fee for issuance of this permit.

BACKGROUND INFORMATION

Previous Commission action/date: N/A

Background: Proof of publication for BCC Public Hearing forthcoming.

In 1971, Alabama Legislature passed an Act (now Section 11-19-1 et.seq.) that authorized County Commissions to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry as it relates to land use activities in flood prone areas. The proposed ordinance would only regulate land use as it relates to land disturbances and ensure proper erosion control measures are installed in flood prone areas.

The new ordinance would require individuals proposing land disturbance activities within the area shown on the attached map to obtain a land disturbance permit from the Baldwin County Planning and Zoning Department. Sections 13.12 and 18.6 of the Zoning Ordinance will apply to these areas.

The Alabama Attorney General has previously advised that an ordinance regulating land use under this section can apply to “flood prone and limited non-flood prone areas which are adjacent thereto and necessary to accomplish the purposes and provisions of the statute...”

Planning and Zoning Staff has created a “Hydric Potential Map” which includes hydric soils, potential wetlands, US Fish and Wildlife wetlands, and the FEMA flood hazard areas (AE and VE zones). The areas shown on the attached map represent the areas that will be impacted by the new Land Disturbance Ordinance

FINANCIAL IMPACT

Total cost of recommendation: There will be a cost associated with staff time required to process these permits, perform random site checks, and carry out enforcement actions when a violation occurs. Some of these costs will be offset by the proposed \$25.00 Land Disturbance Fee. Staff would like to monitor costs/workload impacts of this ordinance through the next 6 months and report back to the Commission on resource impacts.

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?
N/A

Reviewed/approved by: Reviewed by Finley Reeves on behalf of Brad Hicks, County Attorney, October 12, 2021.

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: Forthcoming from staff.

FOLLOW UP IMPLEMENTATION

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

Individual(s) responsible for follow up: N/A

Action required (list contact persons/addresses if documents are to be mailed or emailed):
N/A

Additional instructions/notes: N/A