



# Baldwin County Commission

## Legislation Text

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**File #:** 21-0702, **Version:** 1

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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 4/6/2021

**Item Status:** New

**From:** Matthew Brown, Interim Planning and Zoning Director

**Submitted by:** Matthew Brown, Interim Planning and Zoning Director

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### **ITEM TITLE**

Town of Elberta - Termination of Planning Jurisdiction Agreement

### **STAFF RECOMMENDATION**

Discuss request from the Town of Elberta to terminate the Planning Jurisdiction Agreement between the Town of Elberta and the Baldwin County Commission and thereby withdraw the Town's exercise of planning jurisdiction to exclusively within the Town's corporate limits.

### **BACKGROUND INFORMATION**

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

#### **Background:**

In early February, a representative of the Town of Elberta initiated a meeting with Planning and Zoning staff to discuss the Town's Extraterritorial Jurisdiction (ETJ) boundaries and the possibility of reducing or terminating the Elberta ETJ.

On February 17, 2021, Caryn Woerner contacted Planning and Zoning staff to notify them that Elberta Town Council had voted to "return the ETJ outside our corporate limits to the county in its entirety."

The current agreement between the County and Town was established in 1992 (attached). Paragraph seven (7) of the agreement states:

*This agreement shall become effective upon the last date signed below and shall continue in force and effect until such time as it is mutually abolished by the COMMISSION and the MUNICIPALITY, or determined by proper authority to be invalid or inconsistent with State law.*

A color map of the current Elberta ETJ is attached.

According to data provided by the Town of Elberta, the Town's Planning Commission has heard six

(6) ETJ subdivision cases in the past twelve months. If the current agreement is rescinded, the Baldwin County Planning Commission will begin to hear these cases.

Currently, Baldwin County only performs an administrative review of ETJ subdivision cases.

### **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?**  
N/A

**Reviewed/approved by:** N/A

**Additional comments:** N/A

### **ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** N/A

**If the proof of publication affidavit is not attached, list the reason:** N/A

### **FOLLOW UP IMPLEMENTATION**

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

**Individual(s) responsible for follow up:** N/A - for discussion only.

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**  
N/A - for discussion only.

**Additional instructions/notes:** N/A - for discussion only.