



Baldwin County Commission

Legislation Text

File #: 21-0772, **Version:** 1

Meeting Type: BCC Regular Meeting

Meeting Date: 4/20/2021

Item Status: New

From: Matthew Brown, Interim Planning and Zoning Director

Submitted by: Matthew Brown, Interim Planning and Zoning Director

ITEM TITLE

Town of Elberta - Termination of Planning Jurisdiction Agreement

STAFF RECOMMENDATION

At the request of Town of Elberta, adopt Resolution #2021-069 which terminates the Agreement between the Baldwin County Commission and the Town of Elberta concerning the exercise of extraterritorial planning jurisdiction authority over subdivisions.

This Agreement, which was executed on October 2, 1992, shall be terminated effective on the latest of the following dates: adoption of the Resolution by the Commission, adoption of this Resolution by the Municipality, or April 30, 2021.

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 If the current agreement is rescinded, the Baldwin County Planning Commission will begin to hear these cases.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.

Ms. Caryn Woerner discussed the proposed changes with the Commission at the April 5, 2021, Work Session.

The proposed Resolution to terminate the Planning Jurisdiction Agreement is attached and includes the following summarized provisions:

1. The Agreement will terminate on April 30, 2021, unless the resolution is not adopted by both parties until after April 30th. In which case, the date that both parties have adopted will be the termination date.
2. The Town of Elberta will retain review authority over any subdivisions in the ETJ properly submitted to it on or before the termination date.
3. The Commission will have review authority over any subdivisions in the ETJ properly submitted to it after the termination date.
4. If an applicant has a pending subdivision application before the Town of Elberta prior to the termination date, they may withdraw that application and resubmit to the County, but will be required to complete the County's process in its entirety, including attending pre-app meetings, submitting all required applications, and paying all required fees. There will be no credit given for portions of the process completed with the Town of Elberta.

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: Approved by County Attorney Brad Hicks on April 12, 2021.

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: County Administration Staff and Planning and Zoning Staff

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

Administration staff - Send a copy of the agreement to the following for signature:

The Honorable Jim Hamby, Mayor
Town of Elberta
Post Office Box 277
Elberta, Alabama 36530

Administration staff - Update the following BCAP Libraries:
Resolutions, Planning Jurisdiction and Contracts - append to original agreement

Additional instructions/notes: N/A