



Baldwin County Commission

Legislation Text

File #: 21-1257, **Version:** 1

Meeting Type: BCC Regular Meeting

Meeting Date: 9/7/2021

Item Status: New

From: Wayne Dyess, County Administrator; Matthew Brown, Planning Director

Submitted by: Matthew Brown, Planning Director

ITEM TITLE

Proposed Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County - Permission to Advertise for Public Hearing

STAFF RECOMMENDATION

Discuss a new proposed land disturbance ordinance that would 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; and if willing to proceed, take the following action:

Authorize the Planning and Zoning Department to advertise for public hearing related to the proposed Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County.

BACKGROUND INFORMATION

Previous Commission action/date: N/A

Background:

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 & VE zones). The areas shown on the attached map represent the areas that will be impacted by the proposed Land Disturbance Ordinance.

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: Currently under review by Brad Hicks, County Attorney

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: Baldwin County Planning and Zoning Department

Action required (list contact persons/addresses if documents are to be mailed or emailed):
Planning and Zoning Staff will advertise for a public hearing before the Baldwin County Planning Commission to be followed by a public hearing before the County Commission.

Additional instructions/notes: N/A