



Baldwin County Commission

Legislation Text

File #: 21-1365, **Version:** 1

Meeting Type: BCC Regular Meeting

Meeting Date: 9/21/2021

Item Status: Addendum

From: Wayne Dyess, County Administrator; Hope Hicks, County Legal Counsel

Submitted by: Anu Gary, Administrative Services Manager

ITEM TITLE

Correspondence to Town of Elberta Regarding Planning Jurisdiction

STAFF RECOMMENDATION

Authorize the Chairman to execute correspondence to the Town of Elberta, informing the Town that pursuant to §11-52-30, Code of Alabama, the Baldwin County Commission will continue to exercise review authority over all subdivisions outside the corporate limits of the Town of Elberta that do not lie within the planning jurisdiction or corporate limits of another municipality.

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.

County Legal Counsel, Hope Hicks, has informed the Commission that the Town of Elberta's Planning Commission has not agreed to the proposed Planning Jurisdiction Agreement with Baldwin County. Ms. Hicks recommends that the Commission send correspondence to the Town of Elberta informing the Town that pursuant to §11-52-30, Code of Alabama, the Baldwin County Commission will continue to exercise review authority over all subdivisions outside the corporate limits of the Town of Elberta that do not lie within the planning jurisdiction or corporate limits of another municipality.

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):
County Commission Office - Send correspondence to:

The Honorable Jim Hamby
Mayor
Town of Elberta
P. O. Box 277
Elberta, Alabama 36530

Cc: Hope Hicks
Matthew Brown
Buford King
Celena Boykin
Eddie Harper

Senior Planner - Update Planning Jurisdiction Layer in GIS and Associated Maps

Additional instructions/notes: N/A