



# Baldwin County Commission

## Legislation Text

---

**File #:** 22-1278, **Version:** 1

---

**Meeting Type:** BCC Regular Meeting  
**Meeting Date:** 8/2/2022  
**Item Status:** New  
**From:** Matthew Brown, Planning Director  
**Submitted by:** Matthew Brown, Planning Director

---

### **ITEM TITLE**

Planning Jurisdiction Agreement with City of Foley

### **STAFF RECOMMENDATION**

Adopt Resolution #2022-141 which approves the Planning Jurisdiction Agreement between the Baldwin County Commission, the City of Foley, and the Planning Commission of the City of Foley, governing the regulation of subdivisions outside the City's corporate limits but within the municipal planning jurisdiction.

### **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.

Legal Counsel for Baldwin County, Hope Hicks, has negotiated a Planning Jurisdiction Agreement with the City of Foley. The Agreement grants the responsibility for the regulation, review, and approval of subdivisions within an area that is less than the boundaries of the allowable municipal planning jurisdiction (more closely aligns to 1.5 miles rather than the 3 miles allowed), exclusively to the City of Foley.

The City's exclusive authority to regulate, review, and approve subdivisions will be subject to applicable state law and the requirements of §11-52-32, Code of Alabama requiring review and certification by the County Engineer and compliance with all applicable Baldwin County Zoning regulations.

This will be the first of such agreements where the City's exclusive authority will not include the

regulation of condominium developments, multiple occupancy developments, recreational vehicle parks, and manufactured home parks. The county will continue to have exclusive review authority over these development applications.

Upon approval, Planning and Zoning staff will advertise and record the agreement in accordance with the requirements of the statute.

### **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 a copy of the signed agreement to the following:

The Honorable Ralph Hellmich, Mayor  
City of Foley  
Post Office Box 1750  
Foley, Alabama 36536

cc:

Miriam Boone, MPA, AICP, CFM  
Community Development Director  
Planner/Building Official  
mboone@cityoffoley.org

Provide electronic version to P&Z via [planning@baldwincountyal.gov](mailto:planning@baldwincountyal.gov).

Commission Administration staff - Update the following BCAP Libraries:  
Resolution, Planning Jurisdiction and Contracts

Planning and Zoning Staff - Publish in Local Paper and Update Planning Jurisdiction Layer in GIS  
and Associated Maps

**Additional instructions/notes:** Administration - place in tickler for proof of publication; upload to BCAP when received.