



Date: September 3, 2024

To: Dr. Kimberly J. Sowell, County Manager

Through: Maurice Jones, Deputy County Manager

From: Sara M. Young, AICP, City-County Planning Director

Subject: County Commissioners Input on Annexations

Summary

During the May 6, 2024, Board of County Commissioners work session, the topic of county input on annexations was raised, with a request to explore changing the previously established process. The topic was placed on the June 5, 2024, Joint City-County Planning Committee (JCCPC) agenda, where several changes to the process were proposed and agreed upon. This memo serves to summarize those proposed process changes and seek the input of the full Board of County Commissioners before returning the topic to JCCPC for finalization.

Recommendation

Staff recommends that Board review and provide input on the proposed changes, in particular the new review process for annexations outside the Urban Growth Boundary.

Background

In August 2022, county residents expressed concern about annexations and their impacts in areas transitioning from a rural to a suburban development pattern. Although under N.C.G.S. 160D-201(b) counties do not have authority over land use or development matters inside municipalities, the JCCPC discussed how to more readily share information with the county about pending consolidated annexations. As a result, Planning staff began providing a summary of newly submitted consolidated annexation cases to the JCCPC at each meeting. In November 2022, at the request of county leadership, staff started sending the County Commissioners cases after they had been heard by the Planning Commission, but before they were put on a City Council agenda, so that they could provide staff with written comments to be included in the city agenda item for each case.

During the May 6, 2024, County Commissioners work session, the topic of county input on annexations was raised, with a request to explore changing the previously established process. The topic was placed on the June 5, 2024, JCCPC agenda, where several changes to the process were proposed and agreed upon as discussed below.

Issues

The city and county adopted a Comprehensive Plan that establishes an Urban Growth Boundary (UGB). The UGB is intended to be the extent of where the city will grow and annex. Land outside of the UGB is envisioned to remain rural, and in the unincorporated county jurisdiction. Since both the City Council and Board of County Commissioners have agreed, by adoption of the Plan, as to what portions of Durham County will eventually be annexed, the suggestion was made to focus the county’s attention on any annexation petitions outside the UGB, as those would run counter to maintaining the rural character of those areas as identified in the Plan. Based on that JCCPC discussion in June, there was consensus on the following changes in process:

1. The pending consolidated annexation cases report to the JCCPC will be discontinued.
2. Planning staff will no longer send the County Commissioners emails seeking comments on consolidated annexation cases that are ready for City Council consideration.
3. Annexation requests that are outside the UGB will be presented to the County Commissioners at their work session meetings before they are acted upon by the City Council. Planning staff proposes that this presentation be made after the case has been heard by the Planning Commission, so that the Board can see those comments. Staff and the applicants will attend those meetings to share information about the proposal and answer Commissioner questions. These presentations will be informational only and will not be public hearings. Although the public may speak during the public comment portion of the work session, the Commissioners should not take case related comments during these informational presentations. Planning staff will ensure that the City Council is aware of the Board's discussion on the case by providing one of the following: written comments provided by Commissioners and included in the City Council agenda item, a summary of the comments with applicant responses provided by the applicant, or a link to the meeting recording with the timestamp for the item in the staff report so that Council members can review the full discussion.

Once staff receive the Board's input on the proposed process changes, they will be presented back to the JCCPC for finalization and then shared with both elected bodies via a summary memo.