



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 18, 2024

Re: Report: Woodstock Mobile Home Park – Request to waive required annexation

Executive Summary

The attached request by Luebbert Engineering, on behalf of Oakwood Ventures, the owners of Woodstock Mobile Home Park, seeks to obtain Council approval to waive the required annexation of approximately 36.59 acres addressed as 3501 E. New Haven Road. Approval of this request would permit approximately 80 additional mobile home units to connect to the city's sanitary sewer system without meeting the requirements of Policy Resolution 115-97A relating to the extension of public sewer as well as several provisions of the UDC relating to zoning, subdivision, and utility service standards.

Pursuant to Policy Resolution 115-97A a property that is contiguous to the city corporate limits is required to apply for a "direct" annexation and assignment of permanent city zoning. The subject property is contiguous to the city's corporate limits on all sides of its acreage. Policy Resolution 115-97A also include a procedure for entering into an annexation agreement in lieu of a "direct" annexation. An annexation agreement is often used to address isolated, non-contiguous home sites upon which an on-site system has failed, or to provide larger, non-contiguous parcels with public sewer in instances where Boone County Regional Sewer District (BCRSD) services are not available.

The Council has previously granted some exceptions to the requirements of Policy Resolution 115-97A for "contiguous" properties. Such exceptions have been based on unique hardships encountered by the property owner that were triggered by the requirement to directly annex the subject property into the city. The attached correspondence from Luebbert Engineering outlines the rationale and the cost implications associated with the relief sought.

Discussion

The Community Development Department has received a request from Luebbert Engineering, on behalf of Oakwood Ventures the owners of Woodstock Mobile Home Park, seeking Council approval to waive the required annexation of approximately 36.59 acres addressed as 3501 E. New Haven Road the location of the mobile home park. The Park is currently in violation of the Department of Natural Resources (DNR) requirements associated with its on-site sanitary sewer systems and the owners desire to resolve this violation by connecting approximately 80 of the 120 existing mobile homes to the city's adjoining public sewer network. The remaining 40 homes are presently connected to the city's pubic sewer through an agreement that predates the current annexation policy (PR 115-97A).

As with any annexation into the city, the applicant is required to comply with the regulatory standards of several different sections of the City Code. The subject acreage has been



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considered in two separate “concept reviews” and the requirements associated with connecting to the city’s sewer service have been discussed at length. Based on these reviews, the scope requirements, and their associated costs, the Park owners are seeking confirmation that a “direct” annexation of the Park is necessary at this time. The attached correspondence outlines the estimated costs associated with each aspect of required compliance.

A cost of \$1,700,000 is estimated to complete the annexation process and achieve a fully compliant development. This estimated cost includes fees for the annexation application, zoning and subdivision compliance, new sidewalks, and utilities compliance (water service, for fire flows, and sanitary sewer installation). It also includes payment of connection fees at \$2,400 per mobile home unit. Recurring monthly fees would be consistent with City policy for “in city” customers.

The correspondence also includes a comparison of costs if the Park owners were permitted to enter into an annexation agreement that deferred annexation. If allowed, the estimated costs would be reduced from \$1,700,000 to \$1,369,000, a difference of \$331,000. Code-required elements that would be deferred if an annexation agreement were approved include platting, water system upgrades, sidewalks (on New Haven and Warren), and surveying (documentation of existing conditions for mobile home park zoning). The estimated \$1,369,000 includes the costs and connections fees associated with the installation of sanitary sewer facilities needed to eliminate the DNR non-compliance. The city’s standard “out of city” sanitary sewer connection fee of \$3,600 per mobile home unit would be charged and is accounted for within the \$1,369,000 estimated cost. Recurring monthly fees would be consistent with City policy for “out of city” customers.

The attached correspondence states, “while the new property owners understand the City’s reasoning for typically requiring annexation in these types of circumstances, they likewise would prefer to maintain the affordable housing that the existing park provides (especially with the vast majority of homes being owner-occupied – only the land is leased). In either circumstance, the improvements the new owners had hoped to make within the existing Woodstock Mobile Home Park represent a significant investment in our community.”

Staff acknowledges the need for retaining the affordable housing that presently exists within the Park and fully supports a solution that will resolve the DNR non-compliance associated with the acreage. It is important to note that a “direct” annexation of the subject acreage would remove the requirement that the Boone County Regional Sewer District (BCRSD) consent to the City providing public sewer to the privately served 80 units. If the applicant’s request to enter into an annexation agreement is authorized, this consent would be necessary, and no correspondence has been received indicating BCRSD is willing to allow this to occur.

While staff supports efforts to retain the affordable housing, it has concern that the city’s ability to effectively protect the public health, safety, and welfare of the Park’s residents will be compromised if a “direct” annexation is waived in lieu of an annexation agreement.



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While the Council has authorized the use of annexation agreements for contiguous properties in the past, the most recent two have involved one single-family dwelling that was immediately adjacent to public sewer, but not public water capable of flowing the city's required fire flow rate. The subject property seeking relief is not an equivalent comparison as it has a total of 120 dwellings and has immediate access to a city waterline capable of meeting the required fire flows.

Furthermore, the subject site is surrounded by the City of Columbia. Concern exists that a waiver of the required "direct" annexation would result in the creation of an "island" of unincorporated land inconsistent with the underlying purpose of the State Statute relating to annexation which is to create a compact and contiguous municipal boundary. While the annexation agreement process will obligate the Park owner at a future date to complete the annexation process, in the interim, a situation similar to that currently experienced off Scott Boulevard in the Georgetown Subdivision will remain. Such a situation may create a less than desired outcome for Park residents as well as city service providers than if the property were directly annexed into the corporate limits.

Finally, while staff understands the zoning and subdivision requirements create economic hardship upon the Park owners these requirements ensure that the Park's existing conditions are documented and become recognized as "legally non-conforming" elements of the Park and that the overall acreage achieves "legal lot" status. As a part of platting this acreage, the necessary public infrastructure (i.e. right of way and sidewalks) along the Park's frontages of Warren Drive and New Haven Road would be secured. Waiving "direct" annexation would result in these regulatory steps being delayed and may make it more difficult to facilitate future public improvements surrounding the Park.

Correspondence from Luebbert Engineering and a locator map are attached for review.

Fiscal Impact

Short-Term Impact: None. Regardless of request outcome the Park owners would be responsible for installation of all infrastructure installation/extension.

Long-Term Impact: Variable. Depending on the outcome of the request, the city will incur additional costs to treat sewage leaving the site. These costs will be off-set by connection fees of \$2,400 (annexed) or \$3,600 (annexation agreement) per dwelling unit. Recurring monthly costs will also vary based on "in-city/out-of-city" fee structure.



Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Resilient Economy, Secondary Impact: Reliable and Sustainable Infrastructure, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Infrastructure

Legislative History

| Date | Action |
|------|--------|
| N/A | N/A |

Suggested Council Action

Require “direct” annexation as stipulated by Policy Resolution 115-97A such that consent from the Boone County Regional Sewer District is not required to provide public sewer service to the approximate 80 non-served mobile homes. Such action will expedite the ability to resolve the existing sanitary sewer violation with the Missouri Department of Natural Resources and ensures public health and welfare is maintained within the Park.

If Council desires to waive or relieve the Park owners from the standard regulatory provisions triggered by a “direct” annexation, direct staff to prepared a modified annexation ordinance that either waives in whole or defers (to a date or condition certain) one or more of the following standard regulatory requirements: platting, water system upgrades, sidewalks (on New Haven and Warren), and surveying (documentation of existing conditions for mobile home park zoning). Such action would result in the Park continuing to operate outside of compliance with respect to city standards. Of the requested relief, fire protection is of greatest concern; however, such concerns may be addressed through mutual-aid agreements with the Boone County Fire Protection District.