



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: September 16, 2024

Re: Annexation Agreement Modification Request – Ordinance #024934 (Report)

Executive Summary

The Community Development Department has received a request from the Boone County Fire Protection District (hereafter the District) seeking Council authorization to modify the terms of a February 2022 annexation agreement (Ord. # 024934) associated with the construction of a new District fire station at the intersection of S. Bethel Church Road and Route K. The annexation agreement was required given the new fire station would be connected to public sewer facilities governed by an approved sewer territory agreement between the City and the Boone County Regional Sewer District (BCRSD).

The specific provision that the District seeks to have modified is found within Paragraph 5 of the annexation agreement which requires that a 5-foot sidewalk be constructed along the S. Bethel Church Road frontage of the new fire station lot. The District desires to remove the sidewalk requirement in this location in its entirety at this time; however, notes in the attached correspondence that should there be a future “broader” initiative to extend sidewalk or other infrastructure improvements (i.e. S. Bethel Church reconstruction) that they would be willing to participate at that time.

The request has been precipitated by revisions to the final site development plan and building permit for the property (being administered by Boone County Resource Management) and would assist in reducing site development impacts associated with excessive grading and tree canopy loss along the western portions of the development site and the frontage of S. Bethel Church Road. The District's correspondence also estimates that approval of the modification would reduce overall project costs from between \$60,000 to \$225,000 which could be reallocated to other essential aspects of the new station's construction.

The purpose of this report is to obtain direction from the Council on whether there is interest in modifying the existing annexation agreement terms. If so, staff will prepare necessary revisions to the annexation agreement, obtain consent to those changes from the District, and present an ordinance modifying the current agreement with new terms. If no interest is shown to modify the agreement, staff will continue its coordination with Boone County Resource Management to ensure that the obligated sidewalk is installed as required by the current terms of the annexation agreement.

Discussion

The Boone County Fire Protection District (hereafter the District) is seeking Council authorization to modify an existing annexation agreement (Ordinance # 024934) relating to



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property that the District is seeking to develop a new fire station upon. The parcel in question is located at the southern terminus of S. Bethel Church Road and Route K. The specific provision of the annexation agreement that is sought to be removed in its entirety is found within Paragraph 5 and pertains to the requirement that a 5-foot sidewalk be constructed along the fire station parcel's S. Bethel Church Road frontage.

This requirement is found within a paragraph of the City's standard annexation agreement that often addresses subdivision development requirements viewed as being necessary to ensure the seamless integration of parcels presently within the unincorporated Boone County that are anticipated to become part of the City's corporate limits in the near term. Other city regulatory requirements often within paragraph include street lighting, landscaping and tree preservation.

It should be noted that the final plat associated with the District's property was reviewed and approved pursuant to the regulatory provisions of Boone County. Such delegation is standard operating practice for properties that are subject to annexation agreements and ensure efficiency in the allocation of resources (i.e. personnel) and regulatory compliance by placing review responsibilities upon the jurisdiction that will ultimately issue site development and building permits.

The purpose of the provisions of Paragraph 5 of the City's annexation agreement are to address the regulatory differences between the two governmental bodies. An annexation agreement provides authorization for the agreement signatory to connect to the city's sanitary sewer system and obligates that signatory to the terms of the agreement. Failure to comply with those terms of the agreement are grounds for disconnection to the public sewer. A Boone County building permit cannot be issued without securing approval to connect to a public sewer or obtaining an on-site system permit.

The District's acceptance of the terms of the February 2022 annexation agreement and the provisions of Paragraph 5 were based on the "conceptual" design (see attached graphic) of the proposed new fire station. Since that time, the District has refined the site development plan (see attached "Actual" graphic) for the new fire station. The principal difference between the two site plans is the elimination of the driveway connection to S. Bethel Church Road. As a result of this revision, the desire to reduce overall site grading, and limit tree removal along the S. Bethel Church frontage of the site the modification to the agreement is sought.

While the immediate loss of an installed sidewalk along the S. Bethel Church Road frontage would be considered a deviation from the City's standard practices, the points raised in the attached correspondence with respect to the sidewalk's immediate necessity and utility warrant consideration. Furthermore, the District has stated its willingness to participate in a broader imitative involving S. Bethel Church Road to ensure that the sidewalk presently required would be installed in the future in coordination with other improvements. Modification to current provisions of Paragraph 5 to relieve the District of the immediate



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obligation for sidewalk construction could be replaced with provisions requiring participation for such construction at a future date at the request of the City.

Finally, it is worth noting that the more significant sidewalk installation contained within the February 2022 annexation agreement remains unchanged. The District is committed to building the required 8-foot pedway along their parcel's Route K frontage. Installation of this sidewalk improvement is more significant than the installation of sidewalk along S. Bethel Church Road given the volume of traffic along the respective roadways. Neither roadway is maintained by the City.

Prior to staff preparing any amendments to the existing February 2022 annexation agreement between direction and authorization is sought. If desired, staff will prepare necessary revisions, obtain District consent to those changes, and present an ordinance modifying the current agreement with new terms. If not desired, staff will coordinate with Boone County Resource Management to ensure the 5-foot sidewalk along S. Bethel Church Road is installed per the annexation agreement.

Correspondence and graphics from the Boone County Fire Protection District are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated.

Long-Term Impact: None anticipated.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Environmental Management, Tertiary Impact: Inter-Governmental Cooperation

Legislative History

Date	Action
02/21/22	Approved annexation agreement between City and Boone County Fire Protection District. (Ord. 024934)

Suggested Council Action

Direct staff to prepare revisions to the annexation agreement authorized by Ord. 024934 with respect to required installation of sidewalk along S. Bethel Church Road.