



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 2, 2020

Re: 3805 Cherry Bark Court – Annexation Agreement Authorization (Case #50-2020)

Executive Summary

Approval of the attached resolution will authorize the City Manager to enter into an annexation agreement with the property owners of 3805 Cherry Bark Court in lieu of the typically required “direct” annexation of property contiguous to the City’s corporate boundary. The subject lot is presently vacant and is proposed to be improved with a single-family dwelling that is connected to public sewer. Pursuant to Policy Resolution #115-97A prior to a property connecting to the City’s sanitary sewer system it must either enter into an annexation agreement or annex into the City’s corporate limits.

Discussion

Haden & Colbert (agent), on behalf of Dan Summers and Sylvia Greer (owners), are seeking Council authorization to allow their property located at 3805 Cherry Bark Court to connect to the city’s sanitary sewer service via an annexation agreement instead of the typically required “direct” annexation applicable to property contiguous to the City’s municipal boundary. The subject property is the last remaining undeveloped lot within the Country Woods Subdivision Plat 1 (recorded in 1977) and has its entire south boundary adjoining the City’s corporate limits.

Policy Resolution #115-97A includes criteria that specifies that parcels seeking to obtain City sanitary service are either required to annex when contiguous to the city boundary or enter into an annexation agreement when they are non-contiguous. Given that these requirements are contained within a Council Policy Resolution it has been determined, by the Law Department, that the applicant’s request to seek authorization to utilize the “annexation agreement” provision verses the standard practice of requiring “direct” annexation is possible should Council find specific and unique conditions inherent to the subject property that justify the deviation.

The principal issue driving the applicants request to obtain authorization to utilize the annexation agreement provision is associated with the desire to reduce expenses related to extending a 6-inch water main to the site in order to bring the lot into compliance with the City’s fire flow requirements of 800 GPM (gallon per minute) and other city-related Fire Code improvements. The applicant has provided the attached correspondence that offers the specific and unique conditions associated with the subject property that they believe illustrate why authorization to allow use of the annexation agreement provision of the Policy Resolution verses a “direct” annexation are warranted.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

The subject parcel is the last lot within an existing 1977 County-approved subdivision that has been fully built out with public infrastructure. Water is supplied to the subject lot and those within the surrounding three county-approved subdivisions by Consolidated Water District No. 1. The subject lot and the 3 adjoining lots located on Cherry Bark Court are served by a 2-inch water line that is sufficient to support domestic water flow only and there is no fire hydrant along the street. Cul de sac lots within the adjoining subdivisions are similarly served by 2-inch water lines. Non-cul de sac lots within the surrounding subdivisions are served by 4-inch water lines.

The sizes of the installed water lines were the accepted standard at the time of platting and there were no fire flow requirements in place for County development. While fire flow requirements have now been adopted for **newly platted** County subdivisions, City staff has been informed by County Building Officials that a county building permit would be issued to the subject lot irrespective of its ability to meet the current fire flow requirements since no new platting is being proposed.

It should be further noted that fire protection services to the subject lot and the surrounding developments is currently provided by the Boone County Fire Protection District. Following either annexation or approval of an annexation agreement this service provision will not change. The current service provision acknowledges the fire flow deficiency that presently exists.

Sewer service to the developed lots within Country Woods Subdivision Plat 1 and 2 as well as the adjoining two county subdivisions is provided by the City of Columbia via a "bulk" sewer agreement approved prior to adoption of Policy Resolution #115-97A. It should be noted that among the three subdivisions two contiguous parcels were required to annex into the city and two non-contiguous parcels were required to enter into annexation agreements pursuant to the requirements of Policy Resolution #115-97A. At the time of these actions the issues of water supply deficiencies were not identified as impediments to new construction.

The subject lot and the remaining lots within the adjoining three county subdivisions are served by Boone Electric Cooperative for electrical service.

Following review of the submitted correspondence, evaluation of the existing utilities available to the property, Boone County permitting standards, and the public health benefits that would be compromised if the subject property were not permitted to connect to the City's sanitary sewer, staff believes the parcel has a unique set of conditions associated with it that support the applicant's request.

If authorized to enter into an annexation agreement, the applicant will not be relieved of having to annex the parcel into the City's corporate limits. Rather the annexation would be delayed to allow the new single family dwelling to be constructed following all Boone County development standards. A provision requiring that the applicant complete the annexation process within 60 days after receiving a certificate of occupancy from Boone County is proposed to be included in the annexation agreement. This provision is proposed



to ensure that the newly improved lot would otherwise comply with the “direct” annexation requirement imposed upon the other two lots within the adjoining subdivisions which were contiguous with the municipal boundary.

Locator maps and applicant correspondence are attached.

Fiscal Impact

Short-Term Impact: None. All infrastructure extension will be at developer's expense.

Long-Term Impact: Long-term impact would include infrastructure maintenance and public service provision (i.e. trash collection). Such increased costs may be offset by increased property taxes and user fees.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

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

Suggested Council Action

Authorize City staff to prepare an annexation agreement to permit the provision of sanitary sewer to property addressed as 3805 Cherry Bark Court as permitted under City Policy Resolution #115-97A.