



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 20, 2023

Re: 5550 W. Gillespie Bridge Road – Annexation Agreement Authorization (Case #268-2023)

Executive Summary

Approval of the attached resolution will authorize the City Manager to enter into an annexation agreement with the property owner of 5550 W. Gillespie Bridge Road in lieu of a “direct” annexation of property. The subject site contains 3.65-acres and is contiguous with City’s corporate boundary along its southern property line with the Longview Subdivision. The subject lot is improved with a single-family dwelling and shop building that is served by a compromised on-site septic system that, per Boone County regulations, cannot be repaired for its continued operation given the site’s proximity to city sewer. The annexation agreement allows resolution of the existing wastewater issue for the existing home and shop while allowing deferral of other infrastructure improvements unless and until development occurs.

The request to utilize the annexation agreement process in lieu of the standard annexation procedure was precipitated following the formal permanent zoning and annexation applications. As part of that review, the City’s Fire Department identified a deficiency in the parcels access to a code compliant fire hydrant within 600-feet of the property. Correcting this deficiency would require an approximate 700-foot water main extension at an estimated cost of \$60,000.

Given this expense and other practical difficulties, the applicant is seeking authorization to be allowed to use the annexation agreement procedure to permit the connection of the property to City sewer. In 2020, a similar request (R36-20) was considered by Council and after consideration of the facts was permitted to enter into a “contiguous parcel annexation agreement” which was approved via Ordinance # 024192.

Discussion

Crockett Engineering Consultants (agent), on behalf of Faye Nowell (owner), are seeking Council authorization to allow the property located at 5550 W. Gillespie Bridge Road to connect to the city’s sanitary sewer system via an annexation agreement instead of the typically required “direct” annexation of property contiguous to the City’s municipal limits. The subject property is a 3.65-acre survey tract that lies east of the Perche Creek on the south side of W. Gillespie Bridge Road approximately 760-feet west of Louisville Drive. The property is presently improved with a single-family dwelling and shop building and is served by a compromised on-site septic system.

The applicant’s agent has submitted the attached correspondence outlining the owner’s request to enter into an annexation agreement in lieu of a “direct” annexation. This request



City of Columbia

701 East Broadway, Columbia, Missouri 65201

was precipitated by the owner's desire to connect to the city's sanitary sewer service within the Longview subdivision to the south. The owner has a pending sale's contract on the property and as part of a property inspection the on-site septic system was determined to be compromised. As a condition of the sale, the compromised septic must be resolved; however, per Health Department regulations the septic cannot be repaired for its continued operation due to the parcel's proximity to public sewer and it failing to meet a "cost-benefit" analysis.

The applicant has made the necessary financial arrangements and coordinated with adjacent property owners to acquire the necessary easements to construct the new sewer main and lateral improvements to connect the subject property to the city's sanitary sewer. However, as part of the formal review of the requested annexation it was determined that the subject site's access to a city-code compliant fire hydrant with sufficient water flow rate was not possible. To address this deficiency, the applicant would be required to extend a public water main located southeast of the subject site approximately 700-feet at an estimated expense of \$60,000.

If installed, the extension would ensure the subject property is within 600-feet of an accessible fire hydrant with city fire flow rates. The extension would also benefit the property to east which is outside the corporate limits and served by an on-site waste system which may experience a similar failure as the subject property necessitating its future annexation at no expense to that owner. As stated in the application's correspondence, the cost of this required extension may result in the loss of the owner's sale of the property and do nothing to resolve the failed on-site septic issue of the subject site.

Pursuant to Policy Resolution 115-97A, any property seeking to connect to the City's sanitary system must enter into either an annexation agreement (when property is non-contiguous) or directly annex (when the parcel is contiguous) into the city's municipal limits. This request represents the second known attempt since 1997 to permit a contiguous property to utilize the annexation agreement process. The purpose for requiring annexation is to ensure an orderly pattern of growth and manage impacts to the City's municipal services.

The circumstances associated with the applicant's request are almost identical to those arising in 2020 when the Council permitted the execution of an annexation agreement involving property at 3805 Cherry Bark Court (Ord. # 024192). Prior to obtaining Council approval of the annexation agreement, the subject property as a condition of annexation was being required to install a waterline to serve the site to meet fire code requirements. The installed line would pass-by 3 existing developed lots. The underlying concern with permitting a "direct" annexation was that the City would accept responsibility to provide fire protection to a home within its jurisdiction which it could not, given existing city fire-fighting apparatus.

As a result of this concern and after acknowledgment that the Boone County Fire Protection District's apparatus being better suited to serve 3805 Cherry Bark Court, the Council agreed to allow the property to be connect to city sewer via the annexation agreement.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Correspondence from the Boone County Fire Protection District (attached) indicates that they are capable and willing to continue to provide as they have since the 1980's, fire protection services to the subject property should it be allowed to connect to city sewer. It is further worth noting that the subject property receives only electric service from the City. Water is supplied by Consolidated Water and trash collection is private. The annexation agreement would allow the property to connect to public sewer, thereby resolving the current comprised on-site system. Furthermore, the property owner would be subject to all applicable city connection and monthly billing charges associated with a parcel receiving city service, but located outside the corporate limits. Monthly billing charges are approximately 1.5 times the standard rate charged to residents within the corporate limits.

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 without a public sewer connection, 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, a future property owner will not be relieved of having to annex the parcel into the City's corporate limits. Rather the annexation would be delayed until such time as the City determines it appropriate to complete the annexation procedure. In the interim, the City will collect fees for the maintenance of its public sewer system in a manner commensurate with any other property that is non-contiguous, but served by city services.

Locator maps and applicant correspondence are attached.

Fiscal Impact

Short-Term Impact: None anticipated. Any costs associated with relocation or extension of public utilities to be borne by the applicant.

Long-Term Impact: Potential impacts may include additional public infrastructure maintenance (i.e. sewer) and solid waste collection cost. Given the parcel would remain in Boone County jurisdiction, public safety costs will not be incurred by the City until final annexation of the property occurs. Potential long-term impacts may or may not be off-set by increased property tax collections or user-fees.

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: Infrastructure, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Not Applicable



City of Columbia

701 East Broadway, Columbia, Missouri 65201

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 5550 W. Gillespie Bridge Road as permitted under City Policy Resolution #115-97A.