

October 20, 2017

Written Testimony in Opposition to Annexation and Rezoning Requests by Fred Overton Development, Inc. & Andrews et al — Public Hearing (Case #17-172)

**Comments Provided by:
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The request for annexation and rezoning of 17 and 37 acres into the City of Columbia as R-1 and A, respectively, should be denied for the following reasons:

1. Insufficiency of floodplain and floodway designations

- FEMA defines Special Flood Hazard Areas as “the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood.” Moderate flood hazard areas are defined as “the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood.”
<https://www.fema.gov/flood-zones>
- The 100-year floodplain as mapped is based on historic probability and does not accurately define the actual extent of flooding in any one year or that has occurred repeatedly in this area.
- All but the very western edge of the 17-acre Overton Development property has often flooded.
- The casual reference to flooding “two or three days in the spring and two or three days in the fall”, as repeated during commission testimony, admits the routine frequency of flooding but diminishes the impact of multiple days’ lack of access to/from Columbia across Perche Creek in any given year and fails to acknowledge major, but less frequent, flooding.
- The fact that Gillespie Bridge Road has flooded 11 times over the last three years, as reported, does not speak to the long-term and widespread floods of 1993 and 1995, which left many area residents of Coats Lane to rely on access and exit by boat for 2-4 weeks.
- The 1993 and 1995 floods covered virtually all of the two tracts of land in question and prevented anyone living west of Perche Creek from access to/from Columbia via Gillespie Bridge Road for an approximate six weeks combined.
- The County permanently keeps two sets of mobile flood barriers on Gillespie Bridge Road so that they are ready for placement during flooding. This speaks to the frequency of flooding in this area.
- A list of road closures of Gillespie Bridge Road maintained by the county since 2009 shows 23 closures between 2009-2017 for a total of all or a portion of 65 days.
- There is apparently no county record of road closures prior to 2009, but having lived on Coats Lane for the last 40 years including during the 1993 and 1995 floods, I know that Gillespie Bridge Road was closed for nearly

a month in 1993 and two weeks in 1995, with subsequent substantial flooding and road closures occurring between 1995 and 2009.

- It bears repeating that flooding by virtually any amount closes Gillespie Bridge Road, preventing immediate access to Columbia for anyone living west of Perche Creek.

2. Increased likelihood of flood events

- FEMA floodplain maps do not take into account the erratic effect and heightened impact of weather events on the increasing potential, frequency, or extent of flooding.
- The area in question is affected both by periodic rainfall amounts which flow into Perche Creek as well as occasional back-flooding of the Missouri River. The former typically results in a 1-4 day closure of Gillespie Bridge Road; the latter can result in multiple weeks' closure, as occurred in 1993 and 1995.
- Given the increased potential for extreme and erratic weather conditions, it is likely that flooding events in this area will increase.

3. Prohibitive future costs to the City associated with proposed annexation and development

- Gillespie Bridge Road provides the only immediate access route to Columbia for residents west of Perche Creek.
- The road west of Perche Creek was raised and resurfaced after 2000. County maintenance records show that parts of the Gillespie Bridge Road were overlaid in 2005, chip sealed in 2009, milled and shoulders overlaid in 2012, concrete panels replaced in 2013, and shoulders chip sealed along with abutment modification and hydro-demolition of the bridge in 2015. The road continues to flood multiple times per year at variable depths and for variable lengths of time, contributing to the need for ongoing repair.
- During flood events, current residents on the western end of Gillespie Bridge Road beyond Coats Lane enter and exit via Hwy UU to I-70. During flood events, Coats Lane residents enter and exit either through McBaine to Hwy K or through Huntsdale to I-70. This is an inconvenience that rural residents accept.
- if annexed, city residents and imposed city ordinances would demand flood mitigation measures be taken by the City to enable emergency response access to the development in question.
- The cost of rebuilding Gillespie Bridge and Road above flooding—by an estimated required 8-10 feet—would be prohibitive.
- It would require raising the road level from mid-bluff above Perche Creek on the east side to mid-hill beyond Coats Lane on the west side.
- Rebuilding Perche Creek Bridge and Road above potential flood stage would be of limited benefit, only accommodating residents of the proposed and adjacent developments west of Perche Creek on Gillespie Bridge Road. Flooding across Coats Lane, south of the intersection with Gillespie Bridge Road, would prevent Coats Lane residents' from access to Gillespie Bridge Road regardless of its elevation.

4. Implications of the Floodplain Management Ordinance

- A stated purpose of the County's ordinance is to "protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard."
- Despite their reasonable abrogation of liability, it is the county's—and city's—responsibility to protect unknowing potential homebuyers from purchasing homes in an area in which flooding is highly likely.
- The allowance for floodplain variances to be granted in this area would violate at least three of the ordinance's stated criteria, including: (1) "the susceptibility of the proposed facility and its contents to flood damage and effect of such damage on the individual owner"; (2) "the safety of access to the property in times of flood for ordinary and emergency vehicles"; and (3) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets, and bridges."
- The ordinance further states in part that "variances shall only be issued upon (a) showing a good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety" or "extraordinary public expense..."
- Allowing through floodplain variance for the finished floor elevation of any home built to be only two feet above the base flood elevation for the area would be doing a serious injustice to future home owners, given the known history of flood waters rising far above the base flood elevation in this area and the likely increase of erratic flood events in the future.

5. Location of proposed development outside the Urban Service Area

- The Urban Service Area constitutes a well-reasoned rationale for limiting urban sprawl and encouraging infill development.
- Perche Creek is a natural barrier to residential development. It is not an arbitrary limit to residential sprawl.

6. Manipulation of contiguity requirement for annexation to the City

- The Andrews property lies fully in the floodway. It floods multiple times per year. There is no potential for nor can residential development legally be allowed. The only rational zoning of this land is as rural agricultural land, a designation that does not support annexation into the City.
- The only reason for the request to annex this 37-acres is to enable annexation of the 17-acre Overton Development property through a contiguous link to the City.

7. Private profit an insufficient reason for annexation

- The City is under no obligation to facilitate the private development of land, especially in the absence of public benefit.

- When there is no compelling reason, other than private profit, for the voluntary annexation of flood-prone land, such annexation is irresponsible.
- It should not be the intent of City Council to maximize developer profit at the expense of current residents.
- Were Columbia to be landlocked with multiple natural barriers to development, there would be a rational argument to annex land west of Perche Creek for purposes of City expansion. That is not the case in this instance.

8. Columbia's quality of life enhanced by its immediate proximity to rural Boone County

- Much of the enjoyment and quality of life of our urban center is derived from our proximity to nature, wildlife, and the beauty of rural Boone County.
- To unnecessarily push urban sprawl west of Perche Creek would detract from the quality of life that the City seeks to preserve.

Conclusion:

There is no compelling reason for the voluntary annexation of the two proposed parcels to the City of Columbia. The land in question routinely floods; it has been periodically flooded for weeks at a time. The frequency and severity of flood events is likely to increase.

Gillespie Bridge Road is the immediate access route to Columbia. Any flooding event involving Perche Creek forces closure of Gillespie Bridge Road, requiring a detour west on Gillespie Bridge Road, then north on Rte. UU, and east on I-70. Such annexation and development will cause the City to incur huge costs associated with raising Perche Creek Bridge and Road in order to ensure unrestricted access of safety/emergency personnel to the area during flooding.

The expansion of Columbia's city limits is not immediately restricted in any direction with the exception of Gillespie Bridge Road, west of Perche Creek. There are ample, unrestricted opportunities for City expansion in all other directions—north, east, and south.

Given the circumstances—the frequency of flooding, the infrastructure costs associated with road elevation to allow for emergency access, the limited value such road elevation would have to other surrounding residents, the inadvisability of increasing residential density in a flood-prone area, and its location outside the Urban Service Area—the request to annex and rezone the two properties should be denied.