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CITIZENS FILE SUIT TO PROTECT ROCK BRIDGE MEMORIAL STATE PARK
Developers Are Proceeding Under Illegal City Ordinance

On June 6, 2014, Great Rivers Environmental Law Center and Elkin Kistner filed suit on behalf of two residents of Columbia, MO, and the Friends of Rock Bridge Memorial State Park, to stop developers from proceeding with the Parkside Estates Development, which threatens the water quality in Rock Bridge Memorial State Park. The plaintiffs allege that the City of Columbia illegally granted preliminary plat approval because the ordinance granting it contained five subjects in violation of Missouri law which allows ordinances to contain only one subject.

In September, 2013, the City Council of the City of Columbia passed a bill which became Ordinance 21788, annexing new land into the City of Columbia, zoning it, granting variances from sidewalks, and requiring stormwater controls, all in the same ordinance. After that Bill became Ordinance, the City granted a Land Disturbance Permit to Southside Trail Estates, LLC, allowing it to begin construction of the Parkside Estates Development, a new development which would be located adjacent to Rock Bridge Memorial State Park.

The City Council had concerns about stormwater run-off, and did not grant final plat approval when the issue was voted on at the Council meeting on April 21, 2014.

Ken Midkiff, a resident of Columbia and one of the plaintiffs, said, "Construction has to stop. The land disturbance activities have already caused mud to fill the creek in Rock Bridge State Park. The developers are proceeding under an illegal ordinance and should not be allowed to continue."

"The law is clear that ordinances can contain only one subject," said Kathleen Henry, attorney at Great Rivers Environmental Law Center. "The ordinance passed in September, 2013, is clearly illegal," said Elkin Kistner.

The lawsuit asks the trial court to issue an injunction stopping all development, and to issue a judgment declaring the September ordinance to be illegal.

Great Rivers is a nonprofit public interest environmental law firm in St. Louis that provides free and reduced-fee legal services to those working to protect the environment and public health. Its web address is: www.greatriverslaw.org.

Elkin Kistner is an attorney at Bick & Kistner, P.C., 101 So. Hanley, St. Louis, MO 63105.