

Before the Boundary Commission, St. Louis County, Missouri

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) File No. BC0403
In re: Proposal of the City of Wildwood)
) St. Paul Road Area
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**SUMMARY OF DECISION
PROPOSAL FOR ANNEXATION OF ST. PAUL ROAD AREA
CITY OF WILDWOOD, MISSOURI**

INTRODUCTION

On the 21st day of June 2004 the City of Wildwood (the "City") deposited its Official Submittal (the "Proposal") with the St. Louis County Boundary Commission (the "Commission") in which the City proposed to annex an area of property currently within the boundaries of St. Louis County, Missouri, and which was not within the jurisdiction of any municipality, township, village or other incorporated entity. The area is located along the current southeastern boundary of the City and includes approximately 417 acres. The City refers to the area as the St. Paul Road Area (the "Area") and the Commission has adopted this designation. In response to the completeness review performed by the Commission staff, the City submitted a revised Plan of Intent on July 1, 2004. As revised, the Commission deemed the Proposal complete.

On August 24, 2004, pursuant to Order of the Commission and statutory public notice, the Commission held a public hearing on the Proposal at the Ridge Meadows Elementary School, 777 Ridge Road, Ellisville, Missouri 63021. At the public hearing, the City was permitted to present evidence in addition to the Proposal and representatives of the St. Louis County government were permitted to present evidence in response to the Proposal. Public comment was received from anyone in attendance wishing to speak. During the public hearing, members of the public were also notified by the Commission Chairman that they, as well as others not in attendance at the public hearing, could submit written comments to the Commission within 21 days following the date of the public hearing. Written comments from the public were received following the hearing. St. Louis County government also provided additional, detailed, written comments on the Proposal in the form of a written report dated September 14, 2004 (the "Report").

The Commission makes the following findings based upon: (1) the Official Submittal by the City; (2) information provided by the City at the public hearing; (3) information presented by St. Louis County government at the public hearing and in its subsequent written report; (4) the public comment received by the Commission at the hearing and (5) the written comments received within 21 days after the hearing, including the Report.

GEOGRAPHIC

The City submits that the Area contains approximately 417 acres and that the City can meet the needs of the Area in terms of efficiency, effectiveness and comprehensiveness of services. The Area is located adjacent to the existing southeastern boundary of the City and has a significant contiguous boundary with the City. The City also shares many of the same characteristics of the Area, including land-use patterns, infrastructure types and environmental assets. For example, the City and the Area share difficult terrain, shallow soils, extensive drainage networks and significant treed areas. These physical characteristics have led to a similar development pattern, which is primarily rural in nature, defined by a low-density residential development pattern on lots greater than three (3) acres, with some lots being much larger than three (3) acres. Because of the similarity in the development pattern, the service needs for the Area are similar to existing property within the City and planning services in the City have been tailored to address and protect the rural development pattern that is shared by the City and the Area.

The City has a substantial reserve balance and the Area, which is primarily residential in nature, will provide a greater level of revenues to the City than the expenditures that will be needed to deliver a minimum level of services. The services to be provided to the Area will include all services currently provided to existing City residents and property located within the existing boundaries of the City. A legal description of the Area was included at page 38 of the Proposal and is attached to this Summary of Decision as Exhibit A. A map of the proposed annexation area was attached as Attachment C to the proposal, and a copy of the map is attached to this Summary of Decision as Exhibit B.

The Area is partially bounded on the east by St. Paul Road, although certain parcels to the east of St. Paul Road are included in the Area at the northeastern and southeastern portions of the Area. The City submits that the proposed boundaries, including property on both sides of St. Paul Road will enable the City to provide services to the entire annexation area without requiring the entities providing services to leave the city limits of the City.

The Area consists of eighty-three (83) total properties, the largest of which is eighty-four acres in size. The smallest is .2 acres. St. Paul Road provides access between Ridge Road to the south and Kiefer Creek Road to the north. The City submitted evidence that in connection with its original incorporation, it complied with the St. Louis County Boundary Commission requirements to establish a logical layout and leave no unincorporated pockets. The City submits, and the Commission so finds, that the present request does not affect existing or natural neighborhoods. The annexation of the Area will preserve the existing or natural neighborhoods and the only subdivision in the area, Sheffield Forest Subdivision, is not split.

Pursuant to information contained within the Proposal, and not disputed by St. Louis County, the Area has a population of 176 according to the 2000 Census and a land area of

416.92 acres. There are 71 dwelling units within the Area. There are 1.8 miles of public streets and 1.4 miles of private streets within the Area. The City as a whole has 42, 880 acres and 154 miles of public streets and 150 miles of private streets. The City is 36% contiguous to the Area, with common boundary of 7,733 lineal feet. The Commission finds the Area is compact to the existing City boundaries and that there are no natural or man-made barriers to provision of service to the Area by the City.

The Area includes a portion of an area proposed for annexation by the City of Ellisville. The City demonstrated that it contacted representatives of the City of Ellisville to discuss the overlap and the desire of the residents in the Area, including the overlap area. The Commission finds that the population of the overlap area is a greater proportion of the City's population than it is of the City of Ellisville's population and therefore pursuant to the provisions of section 72.405.10, notes that it may defer action on the Ellisville proposal until after the election on the annexation of the Area by the City. The Commission's determination that it is appropriate to approve the City Proposal is based, in part, on its finding that approving the City Proposal will give the greatest number of voters an opportunity to vote on an annexation proposal and on the understanding that the Commission may vote to defer action on the Ellisville proposal or that the Commission may disapprove the Ellisville proposal.

FINANCIAL

The City presented evidence of the financial impacts and benefits the proposed transfer would have on four different populations to determine the impact of the proposed annexation. The areas considered were the Area, the City, the area adjoining the Area and St. Louis County. The City established that it collects no real property or personal property tax on individual households and levies the same five (5) percent gross receipt tax rate as St. Louis County. The City is a "pool participant" and distribution of sales-tax revenues is premised on the population of the community, which will lead to an increase in sales-tax revenues for the City. Evidence presented by the City demonstrates that the sales tax will increase from 6.075% to 6.575%, which includes the City's Local Option Tax and a Capital Improvement Tax. The Report concludes that the annexation by the City would have a minimal financial impact on residents and property owners in the annexation area.

The City does not have a specific capital improvement program for the area to be annexed because it is not currently part of the City. The City does have a Capital Improvements Program for the upcoming five-year period, which is updated annually to address potential needs. The Capital Improvements Program addresses needs in the rural and suburbanized areas of the City and addresses replacement of aging bridges and construction of multiple use trails for both City residents and visitors. A major emphasis of the City is resurfacing rural roadways in the community, like St. Paul Road, and a concrete slab replacement program in traditional subdivisions. These programs will be extended to the Area if the annexation is approved. The Capital Improvements Program is funded by a one-half (1/2) cent Capital Improvements Sales Tax which generated approximately \$1,800,000 in 2003. In addition, General Revenue Funds are utilized to

complement funds generated by the Capital Improvement Sales Tax. The City also seeks grants through a number of federal and state programs for infrastructure purposes. In 2004 the City, through the three (3) funding sources described above, budgeted \$8.2 million for roadway improvements, bridge reconstruction, park development, capital maintenance and capital improvements.

The City calculates that the County will lose approximately \$31,000 from the Area, which represents a reduction of .0097% from the total county budget of \$320,000,000. The Report indicates that the total annual revenue loss is estimated to be \$42,966. Based on the foregoing, the Commission concurs in the City's conclusion that the proposed annexation will not cause an extraordinary effect on the distribution of tax revenues for St. Louis County.

The City imposes development impact fees as part of certain developments, which fees are determined by an assessment calculation based on the number of parking spaces provided as part of any new development. The rate schedule applied is identical to the schedule imposed by St. Louis County. The Area is within the Big Bend-Oak-Kiefer Creek Corridor Traffic Generation Assessment Fund Area. With the incorporation of the City, the City continued to collect trust fund assessments from new developments approved within the City's boundaries while assessing its own assessments for other projects that have followed under the City's review authority. The assessments collected by the City, regardless if the project was originally approved by St. Louis County and whether it is in an assigned trust fund area of St. Louis County, have been retained for use in Wildwood. The City would anticipate and will request the County to either transfer funds collected in the annexation area to the City, or spend the funds in the annexation area to benefit the development to which the specific fees were accepted. The Report acknowledges this request and does not indicate that the County objects to the request.

Based on existing agreements with St. Louis County with regard to managing subdivision escrows, the City does not believe there will be any impact on existing escrows currently being held by St. Louis County. St. Louis County records do not reflect that there are any current escrow accounts in the Area.

The City contends, and the Commission so finds, that in light of the formula for distribution of taxes, particularly sales taxes, the impact on the respective areas in terms of their tax bases and the ability to raise revenue will be minimal.

SERVICES

The City contends that, with no increase in fees or costs, it can improve the level of local government services to the Area. Presently, municipal services are provided through a combination of in-house professionals and contracts with other providers. The City contends that this arrangement allows it to select the best service providers at the lowest cost and to respond quickly to the needs of its residents. The City stated that it intends to provide a full range of services to the Area. The City provided information on the major

services it currently provides, which include police services, contracted through St. Louis County, fire protection and emergency services, which are currently provided by the Metro West Fire Protection District, trash collection contracted through a sole provider, Onyx Services, municipal planning, including code enforcement, long-range planning, current planning and subdivision review, parks and recreation, public works and the city's web page which provides public information to residents. All of these services would be available to residents of the Area.

The City has concluded, and the Commission so finds, that there are no barriers to providing effective delivery of services to the Area. The City has agreed that it will accept all responsibilities associated with the proposed annexation of the Area within six (6) months following the date of the election, or at any earlier date as allowed by law.

With regard to zoning and land use, the City contends that annexation of the Area will result in institutionalization of the NU and Non-Urban District designation currently applied by St. Louis County. St. Louis County has considered this designation as a "holding pattern" with development decisions premised on specific requests submitted for particular properties. The City utilizes its Master Plan to determine the appropriateness of development proposals. The Plan, which was adopted in 1996, currently designates all property in the City in one of five (5) categories for future use. The Plan designates approximately sixty (60) percent of the City as Non-Urban Residential, which the City contends promotes the use of property for single-family detached dwellings on individual lots of three (3) acres or greater in size. The City contends that the major difference between St. Louis County's land use and development philosophies and the City's is the commitment of the City Council and the community toward adhering to the goals and objectives of the Master Plan. The City further contends that by adhering to the City's goals and objectives, residents and property owners are guaranteed a certain level of consistency and assurance of what may happen when adjoining properties are considered for future development. The City contends the Plan creates protections for the environment when development does occur, thereby retaining the character of the area and reducing or eliminating impacts on adjoining properties. The Plan will, according to the City, maintain the St. Paul Road Area as a rural community that is representative of the Area's terrain, level of infrastructure, and quality-of-life, which the residents allegedly have sought and want to retain.

Given the characteristics of the Area, the City believes the Non-Urban Residence Area designation is appropriate for these collected properties. That designation will, according to the City, retain the current land-use pattern of St. Louis County's NU Non-Urban District zoning, but will give the St. Louis County designation true status as an appropriate zoning and land-use pattern rather than as merely a holding category. The retention of the Non-Urban development patterns and land-use will remain almost identical to that currently existing in the Area, that is single-family detached dwellings on individual lots.

The City does not anticipate any non-conformities being created in the Area by a change in jurisdiction. At the time of incorporation, the City assumed all of St. Louis County's

zoning District designations and tailored the City's code to limit the number of nonconformities it would deal with in taking over the land-use applications in this Area. Therefore, no significant non-conformities are anticipated in the Area by the proposed change in jurisdiction. The Report indicates the County concurs in this finding.

The City submitted that it has several ordinances which may differ from other areas in the St. Louis Metropolitan Area and that these ordinances would be applicable within the Area. The ordinances include a Grading Code, Natural Resource Protection Standards and Tree Preservation and Restoration Code. These codes would be applied, along with architectural guidelines for all structures and buildings outside the City's Town Center, which are not single-family detached dwellings. The City also has an established lighting code which is intended to ensure appropriate lighting for safety and visibility while controlling trespass, nuisance glare and loss of night sky. These sections of the City's Zoning Code will also apply within the Area.

There is one prospective development in review or under construction in the Area, which is a development by McBride and Sons, Inc. The final steps in the zoning and subdivision process have not been completed with regard to this development, that is, approval of a Site Development Plan, Improvement Plan approval and Record Plat(s) approval. The City acknowledged that this development was very controversial and created concerns for many of the surrounding property owners. The City did indicate that it has a well-documented record of accommodating permitting required in connection with construction projects and while noting that zoning is a legislative decision, the City also noted that at the time of incorporation it accepted St. Louis County's Planned Environment Unit ordinances for residential developments that had been approved at the time of incorporation and worked within the confines of those ordinances to improve the design of the ordinances. The City contends that given its history in issuing thousands of building permits for developments authorized by a predecessor jurisdiction, it should be assumed that it will continue to apply zoning, construction, and development regulations in the Area consistent with all applicable law.

If the annexation is approved, the City does not believe significant growth will occur in the Area within a three-year time following approval of the annexation due to limited infrastructure, difficult topography and the existing land-use pattern. Other than the McBride and Sons, Inc. proposal, no other new developments have been identified in the Area.

DECISION

At a public meeting of the Commission on January 25, 2005, with required statutory notice having been given, the Commission reviewed and discussed the Proposal, and the additional information presented by all interested parties. Following discussion of the foregoing, and after each Commissioner had been provided the opportunity to express their respective thoughts concerning the Proposal, a motion was made to approve the Proposal as a Boundary Change—Annexation, with details of the motion, seconding of the motion, and vote of the Commissioners set forth in the approved minutes of the

Commission from that meeting. The vote of the Commissioners was eight (8) in the affirmative, and two (2) in the negative, with one Commissioner having been absent. Pursuant to the Rules of the Commission, the motion carried and the Proposal was approved.

Pursuant to the foregoing vote, the Commission determines that it is in the best interest of the City, the Area, and unincorporated territories affected by the Proposal, and of those areas of St. Louis County next to the Area. In consideration of the best interest test required by applicable statutes and the rules adopted by the Commission, it is the opinion of the majority of the Commission members that the Proposal should be approved as a Boundary Change—Annexation. An election shall be held, based on the request of the City, at the General municipal election to be held on Tuesday, June 7, 2005. Based on all of the circumstances, including the Proposal and the evidence presented to the Commission, the Commission has determined that approval of the Proposal is appropriate and justified by all of the factors available to the Commission for its consideration.

NOW THEREFORE, as of Tuesday, January 25, 2005, the Proposal shall be, and hereby is APPROVED, as a Boundary Change—Annexation. The Commission finds that the annexation proposed by Proposal BC0403 shall be submitted for approval and the annexation of the territory set forth in the legal description of the Proposal shall take effect only after approval by a separate majority of the voters in the City and the Area at the general municipal election to be held on Tuesday, June 7, 2005. If approved by the voters, the annexation will be effective as of January 1, 2006.

ATTEST:

BOUNDARY COMMISSION,
ST. LOUIS COUNTY, MISSOURI


Matthew Armstrong, Chairman

14 February 2005
Date