

*Charlie A. Dooley*  
*County Executive*



*Glenn A. Powers*  
*Director of Planning*

September 7, 2004

St. Louis County Boundary Commission  
168 North Meramec Avenue – Suite 140  
Clayton, Missouri 63105

Re: St. Louis County comments regarding petitioned annexation proposed by the City of Florissant (BC 0408 - Area 6).

Dear Members:

On behalf of St. Louis County Government the Department of Planning would like to take this opportunity to convey our comments regarding the petitioned annexation proposed by the City of Florissant for Area 6.

#### **Compactness and Other Boundary Issues**

The proposed annexation area is not compact. Florissant's Plan of Intent indicates that the area proposed to be annexed is only 24.8 percent contiguous to the City. While adding the Chapel View Subdivision and the First Christian Church property to Florissant would result in a more logical boundary for the City, the addition of the Willow Creek Subdivision and other properties farther to the north and east would result in an irregular extension of the City limits into unincorporated area. North of the church property, unincorporated St Louis County would surround the area proposed to be annexed on three sides. To further illustrate this point, if a theoretical boundary line were drawn at the northern property line of the church, the portion of Area 6 north of the church is only approximately 14.5 percent contiguous to the City, below the 15 percent minimum required by State statute.

The proposed boundary north of Greenway Chase Drive is even more nebulous. The contemplated geographic configuration would result in a rather strange penetration into unincorporated territory, to an area beyond the City's normal service routes. The proposed boundary would also negatively impact the delivery of County services. County service providers would be forced to traverse streets in Florissant to access the large surrounding unincorporated area.

An extension of the City's boundary into this area could be used as a reason for future annexations by Florissant. They could state the desirability of improving irregular boundaries caused by this annexation if it is approved as now proposed.

Patterson Road. As illustrated on the accompanying map, the St. Louis County Department of Highways and Traffic reports that the existing City limits of Florissant is along the northern right-of-way line of Patterson Road. The annexation proposal only extends to the centerline of the road. Thus, if the proposal is approved the legal description and map should be corrected to include the entire right-of-way of Patterson Road, southwest of Wiethaupt Road, to avoid an unincorporated road segment.

### **Zoning and Land Use**

It should be noted that land north and east of the Willow Creek Estates Subdivision was included with the approved zoning petition and subsequent ordinance that allows the residential subdivision and the property in question to be developed under the County's Mixed Use Development District (MXD) regulations. The currently vacant property is permitted to be developed with commercial land uses. The City of Florissant does not have this district in their Zoning Ordinance.

It is also noted that the Wedgwood Club is a recreation facility affiliated with the Wedgwood Subdivision. The proposed annexation would place the facility in another jurisdiction since the Wedgwood Subdivision is located in unincorporated St. Louis County.

### **Finances and Services Proposed for Area**

Citizen comments at the August 17, 2004 Boundary Commission public hearing indicated a need for a significant amount of street and sidewalk improvements in Area 6. Florissant's Plan of Intent indicates that only \$49,000 is slated for these capital improvement projects for the first three years following the proposed annexation of the area.

The Plan of Intent indicates that Florissant's overall city expenditures will outpace revenues by over \$5 million in each the three fiscal years following the proposed annexation. Thus, it is a legitimate question to ask what the source of a purportedly large, albeit undetermined, amount of capital improvement funds needed for Area 6 will be when the entire City seems to be facing such a substantial budget shortfall. Will other areas of the existing City be forced to endure a postponement of their capital improvements to accommodate the needs of the newly annexed area? Will Florissant have to increase taxes to cover their annual budget shortfall? Is this annexation in the best interest of current City residents?

Subdivision Common Ground. It was noted at the August 17<sup>th</sup> public hearing that Florissant would assume responsibility for mowing subdivision common ground in the

area proposed to be annexed. It should be noted that there are legal issues regarding the use of public funds for private benefit that need to be resolved regarding Florissant's ability to assume this responsibility on non-publicly owned land. At best, if the City did assume this duty, it would have to charge the residents of the subdivision for the service. Thus, the amount of savings on a resident's subdivision assessment is questionable since the City cannot provide its service for free.

Sewer Lateral Services. The County currently offers a sewer lateral repair program, as does Florissant. However, there are differences. Currently, residents in both jurisdictions pay a \$28 annual fee. The fee amount is scheduled to increase to \$50 per year in Florissant starting in 2005. In addition, there is a \$5,000 cap on the maximum amount that Florissant will pay for a repair. The County program does not have a limit.

### **Tax Impact on Area Residents**

If the area were annexed by Florissant, there would be some changes to the tax rates affecting residents of the area.

The current Florissant utility tax rate is 3 percent, while the unincorporated St. Louis County rate is 5 percent. The City of Florissant had a utility tax rate of 7 percent as recently as 1996. While State Statute restricts St. Louis County from raising its rate, municipalities do not face this same limitation.

After annexation, sales tax on any purchases made within the area to be annexed will increase from 6.075 to 6.825 percent. Thus, sales tax on the purchase of a \$20,000 vehicle will increase by \$150. (without a trade-in).

One tax would not change. The City of Florissant currently does not impose a municipal property tax within its jurisdiction. Thus, the current property tax rate for this area will remain the same. However, it should be noted that as recently as 1997 Florissant imposed a municipal tax rate of \$0.08 per \$100 of Assessed Valuation on real and personal property.

### **Financial Impact on St. Louis County**

The total annual revenue loss that County Government could experience as a result of the proposed annexation is estimated to be \$190,092. A breakdown of County revenue loss by funding source is provided in the following table.

<b>ANNUAL COUNTY REVENUE LOSS FROM THE PROPOSED ANNEXATION</b>	
	<b>Annexation Area</b>
Sales Tax <sup>1</sup>	\$80,040
Utility Tax <sup>2</sup>	27,004
C.A.R.T. <sup>3</sup>	22,867
County Road and Bridge <sup>3</sup>	8,222
Cigarette Tax <sup>4</sup>	3,297
Cable T.V. Tax <sup>5</sup>	2,106
Fees and Fines <sup>6</sup>	46,556
<b>TOTAL</b>	<b>190,092</b>

- <sup>1</sup> Based on \$118 per capita less annexation adjustment of \$26 per capita.
- <sup>2</sup> Assumes average annual utility bill of \$2,000 and a 5% utility tax.
- <sup>3</sup> Estimate by St. Louis County Department of Highways and Traffic.
- <sup>4</sup> Based on \$3.79 per capita.
- <sup>5</sup> St. Louis County calculates (Housing Units x .5) x (Annual Average Cost of Cable) x .03 = \_\_\_\_\_
- <sup>6</sup> Estimates by St. Louis County Police Department and Department of Public Works.

The total annual estimated revenue loss from this area alone is not significant in light of County government’s overall operating budget. However, the cumulative revenue losses experienced from previous annexations and anticipated losses if other annexation proposals currently pending before the Boundary Commission are approved are substantial. Thus, approval of this proposal will have some negative impact on the provision of services to citizens of St. Louis County.

**Petitions**

St. Louis County recognizes that over 75 percent of the registered voters of Area 6 have indicated their desire to be part of Florissant with their signatures on the petition. The 369 certified signatures on the petition represent 78 percent of the registered voters of the area or fourteen over the total required for 75 percent.

St. Louis County typically does not oppose petitioned annexations when residents of the affected area collect signatures from their neighbors without coercion or inappropriate pressure. In contrast with the recent Florissant Area 2a and 9 petitioned annexation processes, St. Louis County did not receive any complaints regarding the manner in which petition signatures were collected in Area 6.

The dilemma faced by County government in this instance is its willingness to continue to provide municipal type services to the area while recognizing the desire of a substantial majority of the citizens of the area to become part of Florissant with the legitimate collection of signatures through the petitioned annexation process. The difficulties encountered regarding the legitimacy in the manner in which petitioned signatures were collected in other areas suggests that a future modification of the State statute governing the process would be appropriate. There should at least be a limit on the population of an area where a petitioned annexation would be permitted.

### **Conclusion**

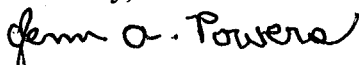
St. Louis County does not question the legitimacy of the petition collection process for Area 6. However, the County does not believe that the boundaries of the proposal, as currently contemplated, will result in a more regular or natural boundary between the City and County. In fact, the resulting boundary will be oddly configured, confusing, and will not contribute to the efficient delivery of both City and County services in this area.

Thus, the boundaries of the current proposal should be amended. It is recommended that, if the Boundary Commission approves this request, the most logical boundary of the annexation area would be the northern property line of the First Christian Church. However, if the Commission wishes to extend the annexation area to include the Willow Creek Estates Subdivision, the most logical boundary would then be the south right-of-way line of Greenway Chase Drive.

St. Louis County also questions whether the proposed annexation will be in the best interests of current Florissant residents. The purported significant capital improvement demands of the area proposed to be annexed could drain resources needed to provide improvements in the existing limits of a City that is obviously facing the necessity of substantial borrowing from its reserve funds in future years.

The Department of Planning will be happy to provide any additional information the Commission may require concerning this matter.

Sincerely,



Glenn A. Powers  
Director of Planning

GAP/LJG

cc: Honorable Robert Lowery, Mayor of Florissant

BROWN  
ELEMENTARY  
SCHOOL

(UNINCORPORATED)

HAZELWOOD  
SCHOOL DISTRICT  
ADMINISTRATIVE  
OFFICES

HAZELWOOD CENTRAL  
HIGH SCHOOL

(UNINCORPORATED)

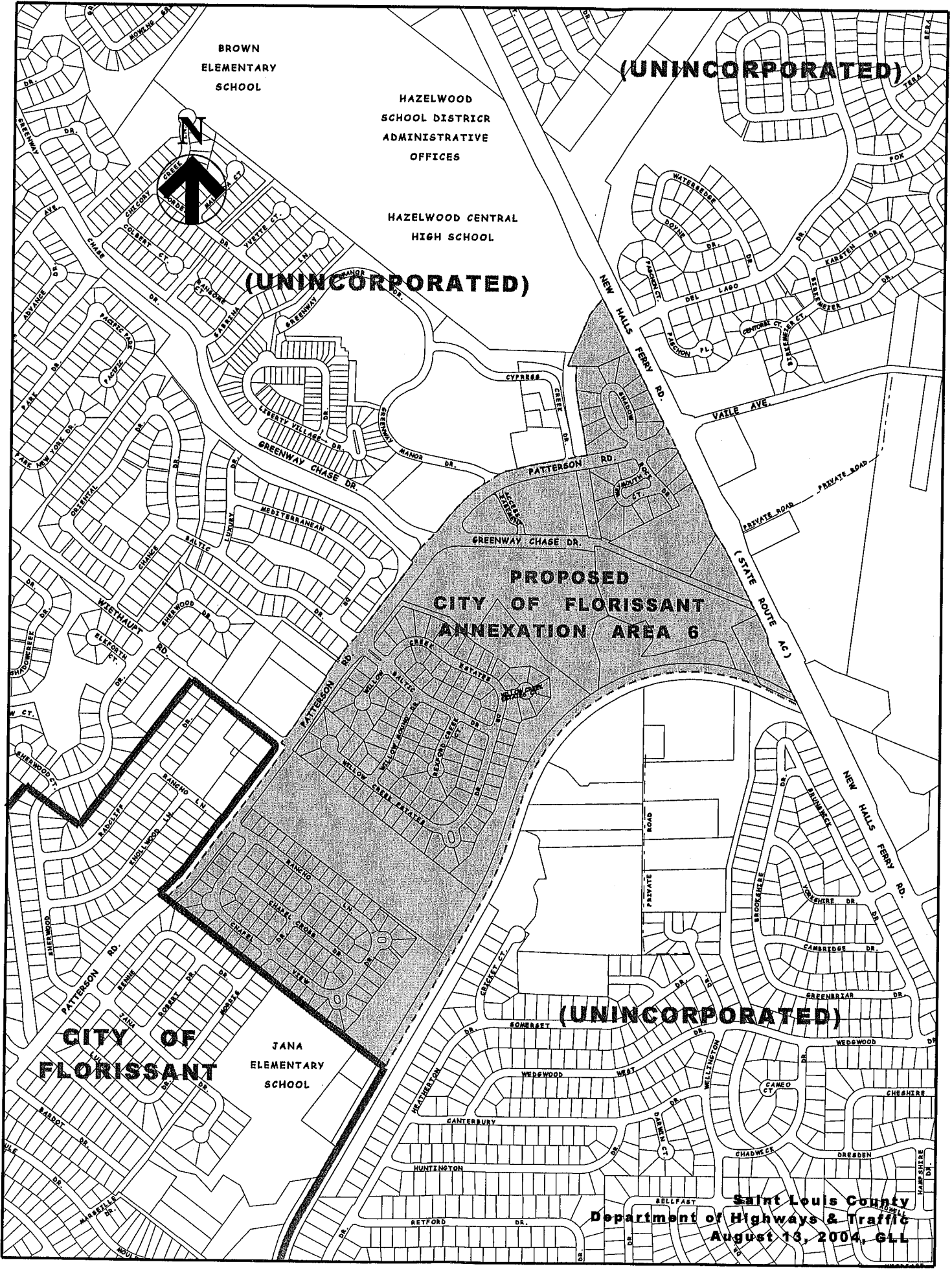
PROPOSED  
CITY OF FLORISSANT  
ANNEXATION AREA 6

(UNINCORPORATED)

CITY OF  
FLORISSANT

JANA  
ELEMENTARY  
SCHOOL

Saint Louis County  
Department of Highways & Traffic  
August 13, 2004, GLL





Charlie A. Dooley  
County Executive

Saint Louis  
**COUNTY**  
**PLANNING**

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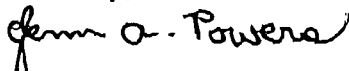
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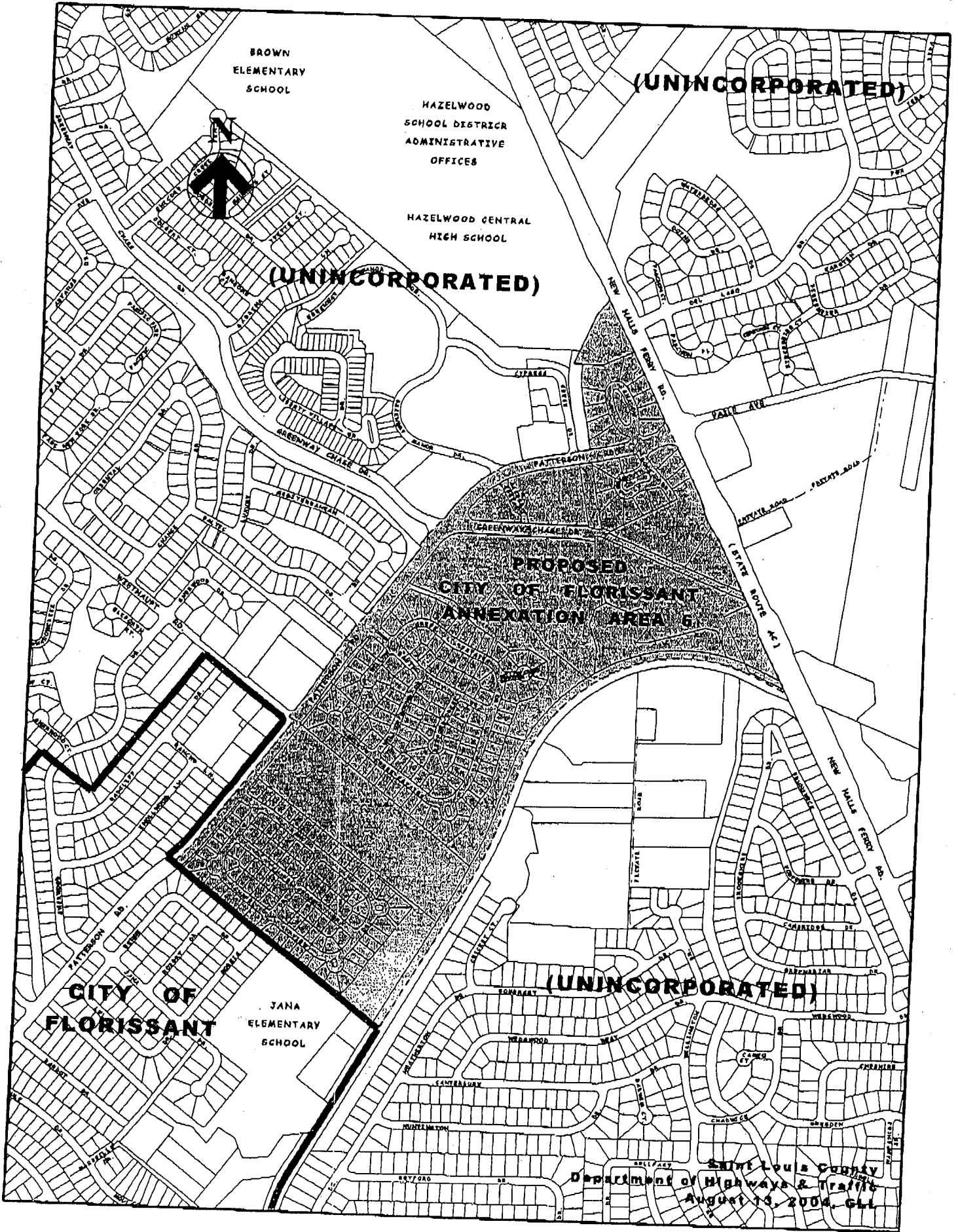
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cc: Honorable Robert Lowery, Mayor of Florissant



St. Louis County  
 Department of Highways & Traffic  
 August 10, 2004 GLL