

Steven V. Stenger
County Executive

Saint Louis
COUNTY
PLANNING

Glenn A. Powers
Director of Planning

February 16, 2016

Saint Louis County Boundary Commission
168 North Meramec Avenue, Suite 140
Clayton, Missouri 63105

Re: Proposed Valley Park Annexation – Tree Court and Arbor Creek (BC1501)

Dear Commissioners:

This report represents Saint Louis County's analysis of the annexation proposed by the City of Valley Park of the Tree Court and Arbor Creek Annexation Area. Its submittal is in accordance with the 21 day written comment period provided by state statute. The report is a review of the proposed annexation from the perspective of Saint Louis County Government.

Based on our review of the City of Valley Park's Plan of Intent, statements made at the public hearing on January 26, 2016, and a comparison of City and County data, Saint Louis County Government is opposed to the proposed annexation.

Unincorporated residents and property owners benefit from Saint Louis County's economies of scale, service efficiencies, professional level of expertise, and lower tax rates. Saint Louis County has the proven capacity of providing excellent police and street maintenance to the area. Saint Louis County also has the regulatory controls necessary to protect environmentally sensitive land, such as the portion of the annexation area that is in the flood plain. For these reasons, it is our belief that the proposed annexation is not in the best interest of the residents and property owners in the area to be annexed.

Should the Commission require any additional information, Saint Louis County will respond to your requests in a timely fashion.

Sincerely,

Glenn A. Powers

Glenn Powers
Director of Planning

**PROPOSED ANNEXATION BY THE
CITY OF VALLEY PARK**

Tree Court and Arbor Creek

Report on BC1501
Prepared by the Saint Louis County Department of Planning
Submitted to the Saint Louis County Boundary Commission
February 16, 2016

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PLANNING

I. INTRODUCTION

A. Purpose of Report

The purpose of this report is to provide information regarding a proposed annexation of 430.15 acres of unincorporated Saint Louis County (“County”) by the City of Valley Park (“City”). This analysis is primarily based on a review of the Plan of Intent submitted to the Boundary Commission by the City in November 2015, the presentation made by the City at the January 26, 2016 Public Hearing, comments from those present at the January 26, 2016 Public Hearing, as well as a comparison of City and County data.

B. History of Boundary Change Proposals in Area

In 2010 the City successfully completed two annexations of nearby unincorporated land; a 145.7 acre area known as the Southwest Equestrian Area and a 17.98 acre area that was an unincorporated pocket completely surrounded by Valley Park.

The Tree Court and Arbor Creek Annexation Area has appeared on the Map Plans the City submitted in 2006 and 2012. The Tree Court and Arbor Creek Area has not been the subject of a previous annexation proposal by the City of Valley Park. However, the area was part of three different annexation attempts by the City of Kirkwood in 1991, 1992, and 1995.

II. GEOGRAPHIC INFORMATION

A. General Description of the Area Proposed to be Annexed

The 430.15 acre area proposed for annexation is generally bounded on the north by the south right-of-way of Big Bend Road; on the east by the city limits of Kirkwood; on the south by the center boundary line in the Meramec River; and on the west by the existing city limits of Valley Park.

Basic data for the proposed annexation area are provided in Table 1 on page 2.

B. Existing Land Use and Zoning

The proposed annexation area is comprised of 37 single-family residential properties, 96 multi-family condominiums, 29 industrial properties, one commercial property, a golf and recreation center, the Amvets Post #1, some vacant land, and the Metropolitan Saint Louis Sewer District Grand Glaize Treatment Plant.

Roads in the Peter Breen’s Estate portion of the proposed annexation area – Twin Lakes Drive, Apple Tree Drive, Spindle Lane, Westerman Road, Tree Court Lane – are generally narrow and lack curbs, sidewalks, and street lighting. However, it should be noted that these streets are private and the residents of Peter Breen’s Estates are responsible for their upkeep and maintenance. Streets in the industrial subdivision – Scarlet Oak Boulevard and Tree Court Industrial Boulevard – are public and have curbs, but lack sidewalks and street lighting. Those roads are part of the Country Road System (CRS) and would be conveyed to the City if the

proposed annexation were approved. Marshall Road is a part of the County's Arterial Road System (ARS) and maintenance would remain with Saint Louis County, even in the event of annexation. The south edge of the Big Bend Road right-of-way forms the northern boundary of the proposed annexation area, but is not subject to this proposal, and will remain under the jurisdiction of Saint Louis County.

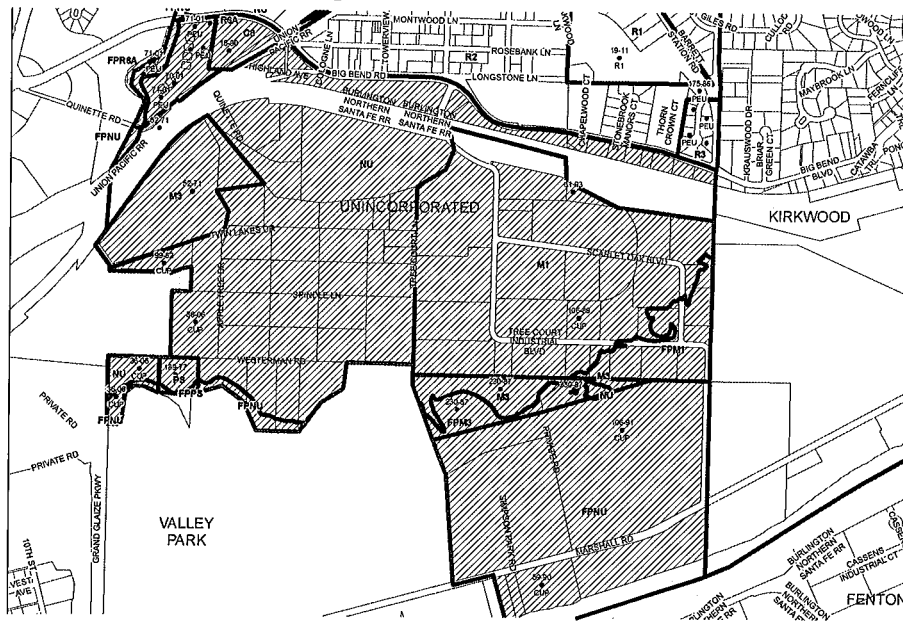
Table 1
Basic Proposed Annexation Area Data

Area ¹	430.15 Acres
Housing Units ²	133
Population ³	220
Total Assessed Value ¹	\$24,015,027
Assessed Valuation Per Capita ¹	\$109,159

Notes:

1. Data provided by the Saint Louis County Department of Planning
2. Housing unit count from field survey conducted by Saint Louis County Department of Planning in December 2015.
3. Population count from the 2010 U.S. Census.

Map 1
Proposed Annexation Area



Source: Saint Louis County Department of Planning

C. Zoning

The proposed annexation area is dominated by two zoning districts: M-1 Industrial District and NU Non-Urban District. Other zoning districts in the proposed annexation area include FPNU Flood Plain Non-Urban District, R6A 4,000 square foot Residential District, C-8 Planned Commercial District, M-3 Planned Industrial District & FPM-3 Flood Plain Planned Industrial District, PS Park and Scenic District & FPPS Flood Plain Park and Scenic District. See Map 2 on page 4 for the zoning in the area.

The annexation area can be broken into three similarly sized sections, each with a distinct land use: Peter Breen's Estate residential neighborhood, Tree Court Industrial Park, and Tree Court recreational uses. Along the northern border of the proposed annexation area, fronting onto Big Bend Road, is a fourth, smaller section with some diversity of land uses that includes the Arbor Creek Condominiums, where a significant amount of the area's population is concentrated.

Peter Breen's Estate residential neighborhood is primarily zoned NU Non-Urban District, with small areas zoned FPNU Flood Plain Non-Urban District, PS Park & Scenic District, and FPPS Flood Plain Park & Scenic District. The NU District designation encompasses areas within which rough natural topography, geological conditions, or location in relation to urbanized areas creates practical difficulties in providing and maintaining public roads, and public or private utility services and facilities. The NU District is also assigned to those areas where specific potential development patterns have not been identified or where significant non-urban uses have been established. Single-family homes on lots of three or more acres are permitted uses in the NU District, and most of the land in this section of the proposed annexation area is occupied by single-family homes on three acre lots in a secluded, semi-rural feeling neighborhood. Additionally the Metropolitan Saint Louis Sewer District Grand Glaize Treatment Plant is in the southwest corner of the neighborhood. This use is authorized via a Conditional Use Permit (C.U.P.) in the NU and FPNU Districts.

Due to the fact that a large portion of the area in proximity to the Meramec River is in the flood plain, various parcels have a FP Flood Plain designation in their zoning. FP District constitutes an "overlay" district. The FP District regulations control in the case of any conflict between the FP regulations and the regulations otherwise applicable to any property by virtue of its "underlying" zoning.

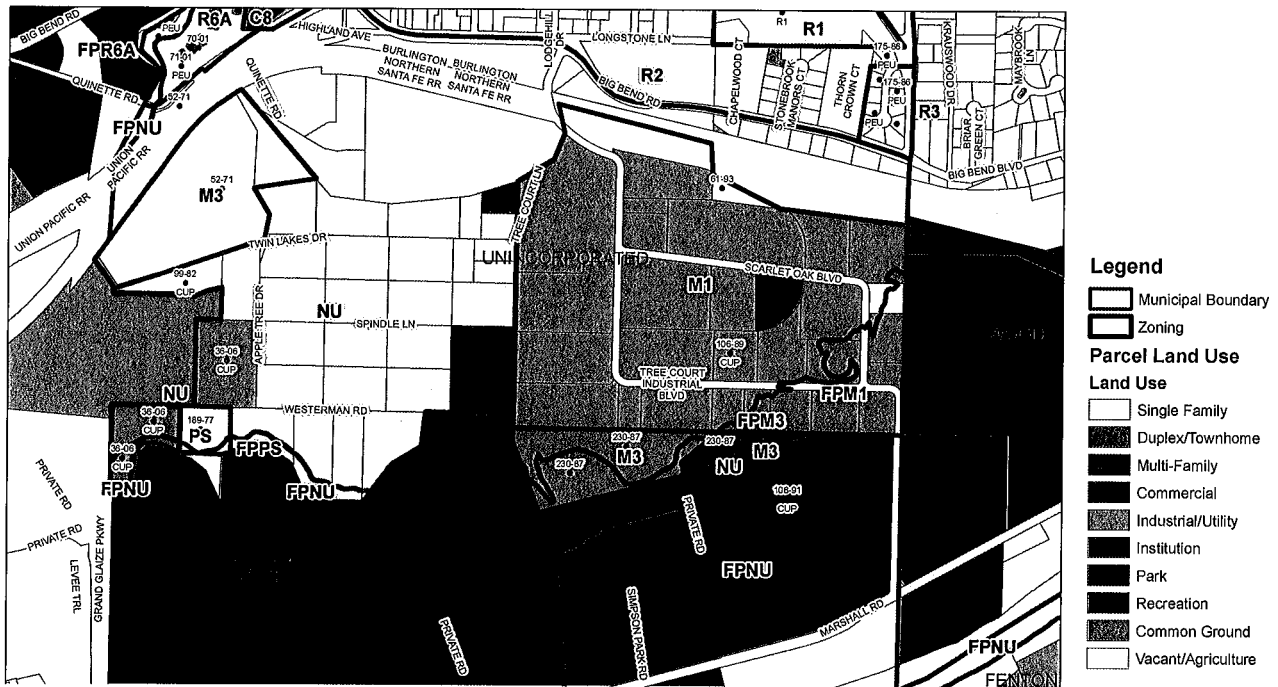
The Tree Court Industrial Park is primarily zoned M-1 Industrial District, with one parcel near the southern extent of the industrial park zoned M-3 Planned Industrial District and FPM-3 Planned Industrial District. M-1 District designation encompasses areas wherein may be achieved a satisfactory correlation of factors such as adequate transportation facilities, accessibility to dwelling areas, efficient land assembly, adequate topographic conditions, and adequate provision of public utility facilities required by industry. The Tree Court Industrial Park is a well-maintained, fully occupied area for research, office, warehouse, light manufacturing, and other light industrial uses. M-3 Planned Industrial District zoning allows the County to work with petitioners to craft site-specific development ordinances for a planned industrial development.

Between Tree Court Industrial Park and the Meramec River is a large recreational area, which is zoned FPNU Flood Plain Non-Urban District. This recreation area is home to the Tree Court Unleashed Dog Adventure Park and the Tree Court Family Golf Center, which is authorized via conditional use permit

authorized by P.C. 106-91 Mark Adolphus. This dog park site had previously been the home of the Tree Court Swim Club/Holiday Valley Swim Club, but that facility vacated the property many years ago. Across Marshall Road is a largely wooded strip of land that fronts onto the Meramec River. The only structure on the south side of Marshall Road is the Amvets Post #1, allowed via a C.U.P. in the FPNU Flood Plain Non-Urban District via P.C. 59-90 Amvets Kirkwood #1.

The northern border of the proposed annexation area is Big Bend Road, and properties along the corridor are currently zoned NU Non-Urban District, C-8 Planned Commercial District, and R6A Residential District. This area is home to several single-family homes, the 96 unit Arbor Creek Condominiums, and Westwood Automotive Service.

Map 2
Zoning Districts in the Proposed Annexation Area



Source: Saint Louis County Department of Planning

D. Zoning Petitions in Proposed Annexation Area

With the adoption of the Saint Louis County Zoning Ordinance in 1965, much of the area was zoned NU Non-Urban District, FPNU Flood Plain Non-Urban District, and M-1 Industrial District. Over time, the area saw numerous petitions that created the zoning pattern we see today. Below is a selection of the most pertinent zoning petitions since 1965.

- P.C. 230-87 Mark Adolphus and Richard Gentry was a request for rezoning from NU Non-Urban District and FPNU Flood Plain Non-Urban District to M-1 Industrial District and FPM-1 Flood Plain M-1 District for the parcel of land on the south side of Tree Court Industrial Boulevard, west of Marshall Road. The County Council approved the site for M-3 Planned Industrial District and FPM-3 Flood Plain Planned Industrial District.
- P.C. 15-90 Joseph Mueller was a request for rezoning from NU Non-Urban District and FPNU Flood Plain Non-Urban District to C-8 Planned Commercial District and FPC-8 Flood Plain C-8 Planned Commercial District for a parcel on the south side of Big Bend Road, east of Dougherty Ferry Road, for an 18 bay automotive repair facility. The petition was approved and the Westwood Automotive Repair center now occupies the site.
- P.C. 59-90 Amvets – Kirkwood Memorial Post #1 was a request for a conditional use permit in NU Non-Urban District and FPNU Flood Plain Non-Urban District for a private lodge on a tract of land between Marshall Road and the Meramec River. The Planning Commission approved the request and the Amvets lodge is located at the site.
- P.C. 105 & 106-91 Mark Adolphus *et al.* was a request for rezoning from FPM-3 to FPNU and a request for a conditional use permit for the parcel on the northwest corner of Tree Court Industrial Boulevard and Marshall Road to permit a recreation center with golf range, mini golf, batting cages, and other lighted recreational facilities. The petitions were approved and the site is currently occupied by recreational uses.
- P.C. 70 & 71-01 McBride and Son Homes, Inc. was a request for rezoning from NU Non-Urban District and FPNU Flood Plain Non-Urban District to R6-A Residence District and FPR6-A Flood Plain R6-A Residence District with a Planned Environment Unit (P.E.U.) procedure in the R6-A Residence District and FPR6-A Residence District for a 10 acre site on the south side of Big Bend Road, east of Dougherty Ferry Road. The petitioner proposed building eight condominium structures with 96 units. The site includes a private internal drive and one access point onto Big Bend Road. This is now the Arbor Creek Condominiums.

E. Comparison of City and County Zoning

Figure 4 in the City's Plan of Intent shows the proposed zoning districts to which properties in the proposed annexation area would be reclassified.

Peter Breen's Estate residential neighborhood would change from NU Non-Urban District and FPNU Flood Plain Non-Urban District to R-1 and R-2 Residential Districts. In Valley Park, R-1 Residential District is for single-family districts with a minimum lot size of 10,000 square feet and R-2 Residential District is for single-family districts with a minimum lot size of 7,500 square feet. This zoning will extend north and include much of the area fronting onto Big Bend Road.

The map in the City's Plan of Intent lacks clarity, but the County interprets it as stating the Arbor Creek Condominiums will transfer to R-3 Residential District and the Westwood Automotive vehicle repair facility will transfer to the C-2 Commercial District. Those two properties are zoned R6A Residence District with a P.E.U. and C-8 Planned Commercial, respectively, in the County.

The Tree Court Industrial Park would change from M-1 Industrial District and FPM-1 Flood Plain M-1 Industrial District to I-1 Light Industrial District. The M-3 Planned Industrial District and FPM-3 Flood Plain Industrial District would be designated PD-I Planned Development Industrial zone. The city's zoning ordinance states that the purpose of the Planned Development District is to provide a means of achieving greater flexibility in development of land in a manner not possible in conventional zones; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to retain maximum control over both the structure and future operation of the development. This is similar in intent to the County's M-3 Planned Industrial District.

The golf facility area south of Tree Court Industrial Park would change from NU Non-Urban District and FPNU Flood Plain Non-Urban District to NU District, while the remaining land would move to I-1 Light Industrial District.

It should be noted that the City does not appear to have a Flood Plain District. Therefore, the Flood Plain designation would be removed from all properties located within the flood plain. Instead, such properties would be subject to the City's flood plain policies.

In the City, properties in the A Zones and AE Zones on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) are subject to Flood Hazard Prevention regulations of the Valley Park Zoning Ordinance. Developments in A and AE Zones must receive a floodplain development permit. Typically, new construction or substantial improvement of any structures shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.

In the County, FP Flood Plain zoning constitutes an overlay district, with FP regulations controlling in case of conflict with the underlying zoning district. New construction or grading within the floodplain areas requires an approved Flood Plain Study. Section 1008.050 - Provisions for Flood Hazard Reduction requires that new construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one foot above base flood elevation. New construction or substantial improvement of any commercial, industrial, or other non-residential structures, including manufactured homes shall have the lowest floor, including basement, elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage

of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. There are some uses that are authorized by right within the flood plain, however, they are strictly limited to open space and recreational uses.

The floodway itself is even more strictly regulated. No encroachment, including fill, new construction, substantial improvements, and other development is authorized within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood during the occurrence of the base flood discharge.

In light of recent flooding along the Meramec River, the County asserts its regulations are stronger and it has a better track record of protecting flood sensitive properties.

F. Compactness and Other Boundary Issues

By statutory definition (Missouri Revised Statutes Section 72.400), “contiguousness” refers to an area proposed for annexation in which at least 15% of its boundary is adjacent to the municipality which is proposing the annexation. Valley Park’s Plan of Intent states that the area proposed to be annexed is 53% contiguous to the existing city limits of Valley Park. Saint Louis County concedes that the proposed annexation area meets this statutory requirement.

However, the County does not believe the annexation of the proposed area by the City results in a more regular or natural boundary between the City and the County than does the current boundary. The City’s Plan of Intent states, “this annexation would incorporate a pocket of St. Louis County that is bounded on three sides by other incorporated areas.” This is not an unincorporated “pocket” and should not be described as such. The County points out that the proposed annexation area is an integral part of a significantly larger expanse of unincorporated land that is home to more than 10,000 residents, which has a significantly larger population than the City’s population of approximately 6,985 residents. The County has no difficulty in providing services to the proposed annexation area and thus refutes the City’s claim that this will create a more natural boundary between the two entities.

III. FINANCIAL IMPACTS OF PROPOSED ANNEXATION

A. Basic Information on Proposed Tax Increases by the City

The City of Valley Park levies a property tax on both residential and commercial property (\$0.4760 on residential property and \$.06360 on commercial property) and a personal property tax (\$0.5700) that are in addition to the Saint Louis County property tax and personal property tax. The City's sales tax rate is 8.113%, which is one cent higher than the unincorporated County rate of 7.113%. This rate is half a penny higher than neighboring Fenton's sales tax rate and half a penny lower than in adjacent Kirkwood. The City's one cent (1.0%) sales tax is dedicated in equal amounts to capital improvements and storm water improvements. As a "point-of-sale" sales tax city, with some "B" areas, Valley Park retains most of the tax revenues collected within its borders.

The City's utility tax rate is currently 5.0%, which is equal to the Saint Louis County rate. Both the City and the County impose an annual per-unit fee for their respective Sewer Lateral Repair programs. The City charges \$50 per year, nearly double the \$28 fee that the County charges. Additionally, the County's program has no limit on repair costs, while the City's program will only cover up to \$3,500. After reaching \$3,500, residents must cover the remaining repair costs. This can be a major expense for residents.

Table 2
City and County Tax Rates in 2015¹

Tax or Fee	City	County
City Property Tax		
Residential	\$0.4760	----
Commercial	\$0.6360	----
Personal Property	\$0.5700	----
County Property Tax		
Residential	\$0.5150	\$0.5150
Commercial	\$0.5130	\$0.5130
Personal Property	\$0.5230	\$0.5230
Sales Tax	8.113%	7.113%
Utility Tax	5.000%	5.000%
Sewer Lateral Fee ²	\$50.00	\$28.00

Notes:

1. Tax rates provided are those most commonly levied by municipalities, but may not represent all taxes and fees collected.
2. Not a tax, but collected as a part of property tax.

B. Impact on Area Residents and Property Owners

Annexation by the City of Valley Park would result in higher property tax, personal property tax, sales tax and sewer lateral fees for residents and property owners in the proposed annexation area. Utility tax, however, would not change.

As such, an owner of a condominium in the proposed annexation area with a total appraised value of \$99,000 would experience an increase in taxes and fees of approximately \$112 (excluding sales tax). The owner of a single-family home in the Peter Breen’s Estate residential neighborhood with a total appraised value of \$204,500 would experience an increase in taxes and fees of approximately \$207. According to data provided by the City of Valley Park, the total appraised values of the homes in the Peter Breen’s Estate residential neighborhood range from \$65,600 to \$304,000.

Additionally, residential rates for trash collection and recycling services would increase in the proposed annexation area by \$74.28 annually; however, yard waste service would be included. A tax rate comparison between the City of Valley Park and unincorporated Saint Louis County is provided in Table 2 on Page 8, while tax increases are shown in Table 3 below and Table 4 on Page 10.

Properties in the Tree Park Industrial Park would see substantial increases in their yearly tax outlays. According to the data in Table 5 of the City’s Plan of Intent, industrial properties in Tree Court will see a collective increase in property taxes of \$118,579. The increase in tax bills will range from \$349 to \$11,714. The City also imposes a business license fee based on the type of business and a sliding scale based on gross receipts of the business, or a square footage, or a flat fee. The City provides no estimates for income generated by the business license fee.

Table 3
Real and Percent Increase in City and County Tax Rates
in the Proposed Annexation Area, Excluding Other Taxing Jurisdictions

Tax	Current Rate	Future Rate ²	Increase
Property Tax			
Residential	\$0.5150	\$0.991	92.4%
Commercial	\$0.5130	\$1.149	124.0%
Personal Property	\$0.5230	\$1.093	109.0%
Sales Tax	7.113%	8.113%	14.1%
Sewer Lateral Fee ¹	\$28.00	\$50.00	78.6%

Notes:

1. Not a tax, but collected as a part of property tax for residential properties.
2. Future tax rates calculated by the Saint Louis County Department of Planning using the 2015 Saint Louis County Tax Rate Book and tax rates in Valley Park.

At the January 26, 2016 Public Hearing, the City's presentation slide number 15 titled *2016 Tax Rates* claimed the County's property tax rate is \$9.3226, while the City's property tax rate is \$0.4760. The City is in error. The County's property tax rate is only \$0.5130 or \$0.5150, depending on the classification (Residential, Commercial, Industrial). In making this claim, the City is confusing the County's property tax rate with total property tax rates. The total property tax rate a resident or business owner pays is calculated by combining the rates of all taxing jurisdictions to which a property is subject, including the County, City, Saint Louis Community College District, Special School District, Metropolitan Zoo and Museum District, County Library District, Valley Park Fire Protection District, Metropolitan Sewer District, Sheltered Workshop District, and the Valley Park or Parkway School District.

Property taxes are based on a rate per \$100.00 of assessed value. A property owner in Valley Park pays a city property tax in addition to the county property tax. Based on the City's residential rate of \$0.4760, an owner of a residential unit in Arbor Creek Condominiums with an appraised value of \$99,000 (which equals an assessed value of \$18,810) would pay \$89.54 in additional property taxes to the city. Based on the City's commercial rate of \$.06360, an owner of a property in the Tree Court Industrial Park with an appraised value of \$2,620,300 (which equals an assessed value of \$838,496) would pay \$5,332.83 in additional property taxes to the City. Owners of residentially zoned real property in Saint Louis County pay the county property tax rate of \$0.5150 and owners of commercially zoned real estate pay the county rate of \$0.5130 regardless of whether the property is in a city or in unincorporated Saint Louis County.

Table 4
Real and Percent Increase in Total Property Tax Rates
in the Proposed Annexation Area, By Tax Subcode¹

Subcode	Current	Future	Increase
108DD (Arbor Creek)			
Residential	\$8.2633	\$8.7393	5.8%
Commercial	\$8.5052	\$9.1412	7.5%
Personal Property	\$8.1555	\$8.7255	7.0%
132C (Breen's Estate)			
Residential	\$9.3226	\$9.7986	5.1%
Commercial	\$9.2825	\$9.9185	6.9%
Personal Property	\$9.5186	\$10.0886	6.0%
132D (Tree Court Industrial)			
Residential	\$9.3907	\$9.8867	5.3%
Commercial	\$9.3506	\$9.9866	6.8%
Personal Property	\$9.5867	\$10.1567	5.9%

Notes:

1. Future tax rates calculated by the Saint Louis County Department of Planning using the 2015 Saint Louis County Tax Rate Book and tax rates in Valley Park.

Personal property taxes are based on a rate per \$100.00 of assessed value. The City levies a personal property tax rate of \$0.570. In Valley Park, the owner of a vehicle with an assessed value of \$5,000 would pay \$28.50 in personal property taxes to the city. Owners of personal property in Saint Louis County pay the county personal property tax rate of \$0.523 regardless of whether the owner resides in a city or in unincorporated Saint Louis County.

The total sales tax rate in Valley Park is 8.113%, which is one cent higher than the sales tax rate in unincorporated Saint Louis County (7.113%). There is one commercial retail property, Westwood Automotive Service, currently within the area proposed to be annexed. Additionally, sales tax is generated by commercial and industrial uses in Tree Court Industrial Park, and those businesses will pass the higher sales tax to their customers. Valley Park is an "A" point-of-sale city, with "B" sales tax pool areas. Any annexations areas would be "B" areas.

It should be noted that when purchasing a vehicle or boat, the sales tax rate applied is based on where the purchaser lives, not on where the vehicle or boat is purchased. For example, with the purchase of a \$20,000 vehicle, a Valley Park resident would pay \$200.00 more in sales tax than a resident of unincorporated Saint Louis County. During the public hearing, the City's presentation slide number 16 titled *2016 Tax Rates Cont.* stated, "None of these [sales] taxes are expected to impact the annexation area." However that statement is factually inaccurate. The County points out that residents in the proposed annexation area will pay appreciably more tax when they purchase vehicles, boats, recreational vehicles, jet skis, *et cetera*.

Valley Park and Saint Louis County currently have the same utility tax rate of 5.0%. It should be noted that Missouri State Statute restricts Saint Louis County from raising its rate, while municipalities do not have this restriction. Rates vary across the county from 0% to 11%.

Valley Park's sewer lateral fee of \$50.00 is higher than Saint Louis County's fee of \$28.00, a difference of \$22.00 per year. And as noted above, the City has a benefit cap of \$3,500, while the County does not. This can be a significant expense if sewer lateral repair is required in the proposed annexation area. The sewer lateral fee is for residential homes.

Trash collection and recycling services are provided to unincorporated residents on a fee-for-service basis through a contract authorized by Saint Louis County. Services are provided to one- and two-family homes and multi-family dwellings with individual curbside waste collection in one of eight designated Waste Districts. The minimum level of service includes once-a-week trash removal, once- a-week recycling and twice-yearly bulk pickups. Residents in Peter Breen's Estate are located in Waste District 4, and IESI Progressive Waste Solutions is the contracted hauler for the district. Currently, the annual price of the minimum level of service is \$141.72 (\$11.81/month). A resident may add yard waste to their service at the rate of \$11.64 per month. There is a senior citizen discount (65+ head of household) of 10% available to residents.

Valley Park provides trash collection and recycling services as part of its municipal services. The current cost for Valley Park residents is \$216 annually (\$18/month) for the minimum level of service and yard waste service. As such, the annual cost for trash collection and recycling services is \$74.28 higher in the City than

C. Impact on Saint Louis County

The total annual revenue loss that County Government could experience as a result of the proposed annexation is estimated to be \$265,474. A breakdown of County revenue loss by funding source is provided in Table 5.

The County points out that during the January 26, 2016 Public Hearing, the City declared its intention to contract an additional two police officers through the County for approximately \$185,000. The City then used this amount during their presentation (see slide number 21 titled *County Will Keep Most of Its Revenue*) in an attempt to show the County stood to gain a significant increase in revenue, partially negating revenue losses from the area. However, the City did not take into account the County's cost to provide two additional officers, which includes salaries, benefits, and associated equipment costs.

Table 5
Estimated Annual County Revenue Loss from the Proposed Annexation

Tax	Dollar Loss
Sales Tax ^{1,4}	\$20,416
Utility Tax	
Residential ^{2,4}	\$13,300
Commercial ^{2,4}	\$154,776
Highway User Tax ³	\$49,879
County Road and Bridge Tax ³	\$25,216
Cigarette Tax ⁴	\$690
Cable Television Tax ³	\$1,197
TOTAL LOSS	\$265,474

Notes:

1. Estimate based on \$116 per capita less the County annexation adjustment (approximately 20%). Does not include sales tax loss from Tree Court Industrial Park.
2. Assumes average annual utility bill of \$2,000 and a 5% utility tax for residential units; non-residential estimates are based on 20% of industrial and commercial improvement value. Estimate not be accurate at a small scale, but given the concentration of commercial and industrial uses in tree Court Industrial Park, is included for analysis.
3. Estimate by the Saint Louis County Department of Transportation.
4. Estimate by the Saint Louis County Department of Planning.

D. Impact on Annexing Municipality

Table 6 compares the City's and the County's estimates of new revenues for Valley Park if the annexation is successful.

Table 6
City and County Estimates of Valley Park's New Annual Revenue

Tax Source	County Estimate	City Estimate ⁶
Sales Tax ^{1,4}	\$25,520	----
Utility Tax		
Residential ^{2,4}	\$13,300	----
Commercial ^{2,4}	\$154,776	----
Highway User Tax ³	\$6,178	----
County Road and Bridge Tax ³	\$25,216	----
Cigarette Tax ⁴	\$690	----
Cable Television Tax ³	\$1,197	----
Property Tax ⁵	\$135,342	\$135,342
TOTAL	\$362,219	\$135,342

Notes:

1. County estimate based on \$116 per capita.
2. County estimate assumes average annual utility bill of \$2,000 with utility gross receipts tax rate of 5% for residential units; commercial estimate assumes 20% of commercial, industrial, and institutional improvement value - may not be accurate at this level.
3. County estimate by the St. Louis County Department of Transportation.
4. County estimate by the St. Louis County Department of Planning.
5. City of Valley Park estimate from their Plan of Intent.
6. Estimates from Valley Park Plan of Intent.

Subsequent to the submission of their Plan of Intent, the City revised their figures upward to match the County's figures after the County had provided the City its estimate prior to the January 26, 2016 Public Hearing. (See Valley Park presentation slide number 17 titled *City Sources of Revenue*.)

The County believes the City will receive an even higher revenue amount when the business fee is collected by the City, which the County is unable to estimate.

Valley Park's Plan of Intent indicates that the proposed annexation will result in estimated expenses of \$138,518 for the City of Valley Park, which closely matched the Plan of Intent's expectation for increased revenue. The Plan of Intent states that the City will provide Street Maintenance, Building Code Enforcement, Street Lighting, Municipal Court, Planning and Zoning, Snow Removal, Residential Garbage and Recycling Collection, and Parks & Recreation. However, the plan does not specifically list which services are included in the \$138,518 estimate of expenses.

At the January 26, 2016 Public Hearing, the City presentation slide number 20 titled *City Uses of New Revenue* provided an entirely new estimated expense calculation of \$351,500, which closely matches their upwardly revised revenue numbers after receiving the County's estimates. The County was surprised to learn during the Public Hearing that the City is basing a significant portion of their new expenses (\$57,600) on maintaining Big Bend Road, which is not subject to the proposed annexation. Additionally the City indicated they expected to spend a further \$11,400 on maintaining Marshall Road, which is not being conveyed to the City in this annexation as it will remain in the County's Arterial Road System.

The Plan of Intent states that no capital improvements are planned in the proposed annexation area. However, multiple residents at the public hearing voiced expectations of new street maintenance based on conversations they had with representatives of the City of Valley Park.

E. Traffic Generation Assessment

The Plan of Intent states that the area is not subject to a Saint Louis County Assessment Trust Fund, however that is not accurate. The area is actually subject to the Big Bend-Oak-Kiefer Creek Corridor Traffic Generation Assessment Area via Ordinance No. 15,019.

IV. PROVISION OF SERVICES

A. Existing and Proposed Services

The provision of services to its residents is local government’s primary responsibility and function. Currently, Saint Louis County is the provider of a variety of municipal-type services to the proposed annexation area. If the annexation is successful, the services currently provided by Saint Louis County would be transferred to the City of Valley Park. Table 7 lists basic municipal-type services provided in the area proposed to be annexed and identifies their current and proposed provider.

Table 7
Current and Proposed Service Providers

Service	Current	Proposed
Police ¹	County Police	County Police
Fire/EMS/ALS	Valley Park FPD	Valley Park FPD
Street Maintenance ²	County	City
Parks and Recreation	County	City
Garbage Collection ³	IESI	City
Street Lighting	Property Owner	City
Planning and Zoning	County	City
Building Code Enforcement	County	City
Mechanical Permits and Inspections ¹	County	County
Residential Occupancy Permits and Inspections	County	City
Municipal Court	County	City

Notes:

1. The City of Valley Park has contracts with Saint Louis County to provide certain services, including police protection and specialized permitting and inspections.
2. 3.72 lane miles of roads on the County Road System would be transferred to Valley Park if the annexation occurs.
3. The County has contracted with IESI Progressive Waste Solutions to provide trash service through its residential trash district program. State Statute requires two year notice prior to change when annexation occurs.

B. Provision of County Services

Saint Louis County currently is able to reasonably access the area proposed to be annexed via Big Bend Road and Marshall Road. Saint Louis County provides quality efficient municipal services to the proposed annexation area and will continue to do so if the area remains unincorporated.

It should be noted that the City's Plan of Intent states this annexation, "will help fund the City's provision of fire protection services and Valley Park School District services that are already servicing the proposed annexation area." This statement is false. The fire protection district and school district are funded through separate tax jurisdictions and will see no increase through this annexation as no change to these tax jurisdictions is contemplated.

C. Saint Louis County as a Service Provider

As one of the largest providers of local services in the state of Missouri, Saint Louis County offers a full range of services to unincorporated residents (see Table 7 on page 15). In West County, Saint Louis County operates a West County Government Center staffed with more than 50 employees offering a variety of services. The area is also served by the West County (7th) Police Precinct, whose headquarters are located at 232 Vance Road. The County provides complete police services to the City of Valley Park through a contractual agreement. The Valley Park Police Headquarters is located at 320 Benton Street. Further, there are more than 30 employees from the Department of Transportation who work out of the District 4 (Southwest) Maintenance Station maintaining more than 650 lane miles of local roads. The County has other employees who work only in West County, such as inspectors from the Office of Neighborhood Preservation. West County also has 13 County park sites totaling over 6,302 acres, including Queeny Park, Lone Elk Park and the Museum of Transportation. Other services are provided by the Departments of Health, Human Services, Planning and Public Works. For example, the County Older Resident Programs (CORP) provides quality service to Saint Louis County residents age 60 and over by addressing the needs of older adults with a wide variety of programs, services and opportunities such as: transportation, home visits and telephone reassurance, home care and repair, legal assistance, information and referral, active aging, and much more.

County Police

The Saint Louis County Police Department is one of the best law enforcement units in the region and the state. It is one of only 15 agencies in the United States to receive the TRI-ARC Excellence Award, receiving triple accreditation for Law Enforcement, Public Safety Communications, and Public Safety Training Academy. Regardless of whether they are annexed by the City, this area will continue to be served by Saint Louis County Police, either through the Valley Park Precinct or the West County Precinct.

During 2015, the Saint Louis County Police received 293 calls for service in the proposed annexation area. There were six Part I crimes reported and six Part II crimes reported during the year. 50 police reports were written. The County Police note these numbers are some of the lowest over the past several years.

The Neighborhood Policing Officer (NPO) reported that there is no established Neighborhood Watch Program in the area proposed for annexation due to its small area and population. The County Police report that during 2015 they conducted special radar assignments on Big Bend Road, added special patrols to the Tree Court Industrial Park, and conducted DWI saturation patrols in the proposed annexation area. During its presentation at the January 26, 2016 Public Hearing, the City stated that this area has no patrolling by County Police, which is yet another inaccuracy.

Transportation

An estimated 3.72 lane miles of roads on the County Road System (non-arterial roads) will be transferred to the City of Valley Park if the annexation occurs. This consists of Tree Court Industrial Drive (2.04 lane miles), Scarlet Oak Boulevard (.92 lane miles), Quinette Road (.64 lane miles) and Tree Court Drive (.12 lane miles). This does not include Marshall Road, as it is part of the County's Arterial Road System, nor does it include Big Bend Road, as the proposed annexation area is bounded by Big Bend Road, but does not include it.

The annual cost of County road maintenance for the roads to be transferred to the City is \$31,136; the annual cost of snow removal is \$4,166. The Department of Transportation rates the pavement conditions of streets throughout the County with ratings from 1-10 (poorest to best). Streets in the proposed annexation area have ratings of 10, 8, and 5. Pavement condition ratings and recent improvements in the proposed annexation area are shown in Table 8 on page 18. There are currently no plans for improvements by Saint Louis County during the next three years.

The streets in the Peter Breen's Estate residential neighborhood are private and are therefore not maintained by Saint Louis County. When the neighborhood was built, homeowners wanted this arrangement as it allowed them to construct the streets to lower standards than were set forth by the County, thus reducing the cost of construction and initial home prices. At the January 26, 2016 Public Hearing, several residents of this subdivision noted they paid an assessment for street maintenance and organized neighborhood repair and clean-up days for the streets. However, these residents also noted that due to time and age, it is becoming more burdensome to keep their private streets maintained.

During the hearing, multiple residents indicated that Valley Park officials had agreed to conduct maintenance of the private streets. However, those residents comments contradict the City's Plan of Intent which states, "no private land or streets are to be accepted by the City unless road improvements mandated by the City for new development are completed and the property is dedicated to the City and the City, by ordinance, accepts dedication." Further, the Plan of Intent states, "no capital improvements are planned for the Tree Court area." The County points out there are significant inconsistencies in what was said at the Public Hearing and what is written in the City's Plan of Intent.

Further, the County questions the City's estimated road maintenance cost increases. At the January 26, 2016 Public Hearing the City's presentation slide number 13 titled *Financial Impact of Exclusion of Industrial Park* showed that the City expected road maintenance costs of \$94,000. This figure was in reference to road maintenance costs if the City continued with its annexation, but excluded the area that contains all of Scarlet

Oak Boulevard and the majority of Tree Court Industrial Drive. Big Bend Road is outside the proposed annexation area. Marshall Road is in the proposed annexation area, but is under the County's jurisdiction, with no plan to transfer control to the City. If the City's Plan of Intent is accurate in not accepting private streets, and the City excluded Tree Court Industrial Drive and Scarlet Oak Boulevard from the proposed annexation, the County is skeptical that road maintenance in the proposed annexation area would jump to \$94,000 when the County currently spends only \$31,136 on road maintenance in the proposed annexation area on the County Road System. The County's roads are well-maintained and it is difficult to justify the City's proposed expenses. The County asserts this shows it to be a much more efficient deliverer of road service.

This brings about the concern that the City is promising to use public money for the maintenance of private property as an incentive to residents of Peter Breen's Estate to vote in favor of annexation. If the City does in fact take over the maintenance of these private streets without ensuring current residents of Peter Breen's Estate pay the considerable expense of bringing the roads to public standard, then it will be the 6,985 residents of Valley Park who will be shouldering the majority of the cost.

Table 8
Pavement Condition Ratings and Improvements

Road	Rating	Improvement
Marshall Road	10	Resurfaced in 2015
Tree Court Drive	8	----
Quinette Road	5	----
Scarlet Oak Drive	5	----
Tree Court Industrial Drive	5	----

Source: Saint Louis County of Transportation

Connections to Tree Court Industrial Park

At the January 26, 2016 Public Hearing, the City stated that the most direct access out of Tree Court Industrial Park took heavy freight west along Marshall Road to Saint Louis Avenue through their community, to Missouri State Route 141 before joining up with Interstate 44, damaging their roads. The City argued this to buttress their argument in favor of annexation by stating that current businesses in unincorporated County are not paying their share for the maintenance of the local road system.

However, this is not the only route used to get out of Tree Court Industrial Park. To access the nearby Interstate 270, trucks use county maintained Big Bend Road. Interstate 270 north offers drivers access to Interstate 64 and Interstate 70. Big Bend also offers easy access to Missouri 141 and connections to Interstate 44. Even the City's Plan of Intent concedes that Tree Court Industrial Park is accessible to Big Bend Road, notably during flood events when Marshall Road is closed.

Neighborhood Preservation

The Office of Neighborhood Preservation conducts a visual inspection of all residential properties in the unincorporated areas of Saint Louis County on an annual basis. In addition, property maintenance enforcement occurs in a pro-active and complaint-based fashion.

Neighborhood Preservation conducted a sweep of the proposed annexation area roughly bounded by Marshall Road and Big Bend Boulevard on December 2, 2015.

The properties in the Tree Court Industrial Park area are in generally excellent condition. The neighboring residential properties are in generally good condition. There are some isolated piles of tree debris that would not be found in residential areas with smaller lots, but this area has a more rural feel, and these were not considered property maintenance violations.

The Office of Neighborhood Preservation has no record of any property maintenance complaints in this area in the past three years. There is one property maintenance case open for the property at 13352 Westerman Road. This is a vacant house and has been vacant for some time. In recent months, the County issued several Notices of Violation in reference to cleaning up the property. There has been progress and the County has abated all the notices except for one. The last notice of violation was written for peeling paint and the compliance date is set for May 16, 2016. No other property maintenance violations were uncovered during the December 2015 sweep.

D. Services Not Affected

The area will continue to be served by the Valley Park Fire Protection District, Parkway School District and Valley Park School District, and other independent taxing jurisdictions. The services provided by these jurisdictions and their respective tax rates would not be affected by annexation.

Regarding library services, Missouri Revised Statutes Section 182.480 provides that after October 13, 1965, any annexation by a city having within its boundaries a municipal library district shall not extend the boundaries of the municipal library district, and any annexed areas shall remain in the county library district, and the taxable property in any such annexed areas shall only be subject to taxation by the county library district and shall not be subject to taxation by the municipal library district.

V. CONCLUSION

Saint Louis County believes that the proposed annexation is not in the best interest of the residents and business owners in the area. Scrutiny of the Plan of Intent, the presentation made by the City at the January 26, 2016 Public Hearing, and other documents leads the County to strongly object to this annexation based on several of the eleven criteria stated in Missouri State Statutes as guiding annexations in Saint Louis County. Chief amongst the County's objections are the negative impacts this annexation will have on the County's financial well-being, the increase in the tax burden of residents and business owners in the proposed annexation area, the addition of a business license fee on business owners in the area, and the lack of a meaningful increase in services to warrant this tax and revenue grab. Additionally, the County does not believe this creates a more logical or reasonable boundary as the proposed annexation area is the southern tip of a much larger unincorporated area, and not a "pocket" as Valley Park declared in their Plan of Intent.

The County has the proven capacity of providing efficient services, including police and street maintenance, to the area. Significant investment was made to Marshall Road in 2015, and other public streets in the area are in adequate condition. Valley Park's Plan of Intent does not indicate road maintenance costs anticipated if this area were to be annexed. However, their January 26, 2016 presentation at the Public Hearing stated the City expects to spend \$94,000 on annexation area streets. The County believes this number is inflated, as the County only spends \$31,136 on the CRS roads in the area. If the City is accurately portraying its position that it will not accept the private streets in the Peter Breen's Estate residential neighborhood, then the City is proposing to spend nearly 160% more to perform the same road maintenance services as the County.

The City offered even more conflicting road maintenance numbers by telling residents and the Commission at the January 26, 2016 Public Hearing that they intend to spend \$56,700 maintaining Big Bend Road, which their own Plan of Intent expressly excludes from the proposed annexation area, and \$11,400 for maintaining Marshall Road, which is a part of the County's ARS and is not moving to the City's jurisdiction. The County points out that these inconsistencies prevent it, and local residents and business owners, from being fully informed to the real intentions of the City.

Saint Louis County also has the regulatory controls necessary to protect environmentally sensitive land, such as the portion of the annexation area that is in the flood plain. Saint Louis County is committed to the strict enforcement of FEMA flood plain regulations. The County Flood Damage Prevention Ordinance sets standards that are in some respects higher than FEMA for the reclamation and development of flood-prone land.

Additionally, Valley Park stated at the January 26, 2016 Public Hearing that at least one home owner of Peter Breen's Estate came to their City Council and requested the annexation. This area is in County Council District 3, which has a full time assistant to aid residents with any concerns. Additionally, residents can make concerns known to the full County Council during their weekly meeting in the county seat of Clayton. There is no known attempt by any resident of the proposed annexation area to make concerns known to their representative in County government, or contacted any County departments with issues that needed to be addressed. There is a completely unified opposition to annexation by local business owners and strong, though not unanimous, opposition to annexation by residents.

Unincorporated residents and property owners benefit from the County's economies of scale, service efficiencies, professional level of expertise, and lower tax rates. In the Plan of Intent, Valley Park states, "the proposal will serve the best interest of the County by eliminating one large unincorporated area and will potentially free up County resources to provide services to other unincorporated areas." However, this document shows the County is the better provider of services, at a lower cost, to residents. Based on these reasons, there is simply not a compelling purpose in altering service delivery and jurisdictional controls for the area by a boundary change.

This annexation proposal is unbalanced by the standards set forth in Missouri Statute. Saint Louis County is opposed to the annexation.