

ST. LOUIS COUNTY, MISSOURI

BUZZ WESTFALL, COUNTY EXECUTIVE

**DEPARTMENT OF PLANNING
GLENN A. POWERS, ACTING DIRECTOR**

January 28, 1997

Boundary Commission, St. Louis County
1516 South Brentwood Boulevard, Suite 101
St. Louis, Missouri 63144

Re: Proposed Ferguson Annexation (BC 9616 - Northeast Annexation Area)

Dear Commissioners:

St. Louis County Government is pleased to submit its analysis of the annexation proposed by the City of Ferguson. This report is a review of the proposed annexation from the perspective of St. Louis County Government. It is intended as an objective analysis of this proposal that will serve as a guide to the Boundary Commission in its deliberations. Should this proposal be placed on the ballot, this report will also provide a source of information to assist citizens in making a decision at the polls. The final section of our report includes a summary of issues organized by the Boundary Commission review factors outlined in RSMo 72.403.

Should the Commission require information in addition to what is contained in this report, we will make every effort to respond to your request in a timely manner.

Sincerely,

Glenn A. Powers, Acting Director
Department of Planning

GAP/SF/dlv
(bnd\ferguson.96)



ANALYSIS OF PROPOSED FERGUSON ANNEXATION

NORTHEAST ANNEXATION AREA

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I. INTRODUCTION

A. Purpose

The purpose of this report is to provide information regarding a proposed annexation of 1,045 acres (1.65 square miles) of unincorporated St. Louis County by the City of Ferguson. This analysis is primarily based on a review of the Plan of Intent and accompanying documents submitted to the Boundary Commission by the City of Ferguson.

B. History of Previous Annexation Proposals Affecting Area

Portions of this area were the subject of three prior annexation attempts. The first attempt was in 1986. The City of Ferguson attempted to acquire 365 acres that mainly encompasses the western half of this current proposal. The proposal was withdrawn by court action in April 1986, and eventually failed in the election of November 1986. The City of Florissant also attempted to annex a similar portion in 1988. This area extended further north to Parker Road. This attempt failed in the election in August 1988. Finally, the City of Black Jack attempted to annex a 3,942 acre area that includes the eastern portion of the current proposal. This attempt failed in the election in November 1990.

II. AREA PROPOSED TO BE ANNEXED

A. General Description

The 1,045 acre area proposed for annexation is primarily located to the immediate north of the current city limits. It borders the eastern limits of the City of Florissant, and extends northeasterly to the city limits of Black Jack, and follows Old Halls Ferry Road southward to Interstate 270, and includes the western portion of Hathaway Manor subdivision and Capitol Hill subdivision, located to the east and south of the current city limits, respectively. Basic data for the area are provided in the following table.

TABLE 1

BASIC ANNEXATION AREA DATA	
Area ¹	1,045 acres (1.65 sq. miles)
Population ²	4,019
Dwelling Units (1996) ¹	1,872
Total Assessed Valuation ³	\$49,679,399
Assessed Valuation Per Capita ¹	\$12,361
St. Louis County Assessed Valuation Per Capita ¹	\$13,019

Sources: ¹ St. Louis County Department of Planning
² 1990 U.S. Census
³ St. Louis County Departments of Revenue and Planning, December, 1996

B. Land Use and Zoning

The northeast annexation area comprises multiple zoning districts, which are depicted on the attached zoning map. The residential districts include a R-2 15,000 square foot Residence District located in the western portion of the area and a R-3 10,000 square foot Residential District south of Pohlman Road. Directly south of this district is a R-6A 4,000 square foot Residence District. The northeastern portion of the area is designated R-3 10,000 square foot Residence District. Adjacent to this district on the south is an R-6 2,000 square foot Residence District which is adjoined by a R-7 1,750 square foot Residence District. There is also a small R-2 15,000 square foot Residence District that fronts New Halls Ferry Road. On the southern portion of the area, west of New Halls Ferry Road, is a R-6 2,000 square foot Residence District that abuts Dunn Road. This district is adjoined to the northwest by an R-7 1,750 square foot Residence District. The area south of Interstate 270 is zoned R-4 7,500 square foot Residential District on the east of Old Halls Ferry Road and R-2 15,000 square foot Residence District to the west of Old Halls Ferry Road.

The commercial districts primarily front the major thoroughfares. The parcels along the west side of West Florissant Avenue are zoned C-8 Planned Commercial District. The commercial districts between West Florissant Avenue and New Halls Ferry Road are zoned C-8 Planned Commercial District, C-2 Shopping District, C-3 Shopping District, C-6 Office and Research Service District. There is one parcel zoned C-8 and one parcel zoned C-2 along the east side of New Halls Ferry Road north of the intersection with West Florissant Avenue. This commercial districts in the eastern portion are primarily C-8 districts interspersed with two C-3 Shopping Districts. One is located on the south side of Netherton Drive and the other is at the intersection of Dunn Road

and New Halls Ferry Road. This area also is composed of Flood Plain Districts; one borders the southeastern portion of the area, and the other is located to the west of New Halls Ferry Road.

The land use reflects the zoning in the annexation area. Single family residential uses are found in the southeastern portion of the area as well as the northern portion of the area. Multi-family developments, Brighton, Sugarpine and Wellington Arms, are located primarily adjoining Dunn Road. The commercial uses are found fronting the major thoroughfares: Old Halls Ferry Road; Dunn Road; New Halls Ferry Road; and West Florissant Avenue. There are two park open space areas: One is the Little Creek Wildlife Area in the western portion and the other is in the northern portion of the proposed area. There are a few public uses interspersed throughout the area. The most notable public use is North County Vocational School in the western portion of the area.

C. Comparison of City and County Zoning

According to the Plan of Intent, the City of Ferguson proposes to zone the annexation area consistent with the current County zoning. However, there are no zoning districts in the Ferguson zoning ordinance that are comparable to the FP Flood Plain and C-6 Office and Research Service Districts. The City indicates that the zoning proposed for those areas currently zoned FP is comparable to the underlying zoning of those areas. The proposed zoning for all areas currently zoned C-6 is Ferguson's C-1 General Commercial District, which includes offices as a permitted use.

According to the plan of intent, no nonconforming uses will be created as a result of the proposed zoning changes. However, some lots will become nonconforming because they will be smaller than the minimum lot requirements in the Ferguson zoning districts. These lots will become lots of record and may be used for any permitted use in the zoning district. The plan also indicates that there may be some buildings that will become nonconforming. The city states that this nonconforming status will not hinder the use of such buildings and those buildings may be enlarged provided that any expansion complies with other zoning regulations as to setbacks and height limitations.

III. THE ANNEXING CITY: FINANCIAL BACKGROUND

A. Revenue

The City's fiscal year 1996 property tax rate is \$.60 per \$100 of assessed real estate and personal property value. The City's utility tax rate is currently 6 percent. This rate is higher than St. Louis County's utility tax rate of 5 percent. Ferguson is a point of sale tax city, meaning that it receives sales tax revenue based on retail sales within its borders rather than on a per capita basis. The following table illustrates the major sources of General Fund revenues for the City.

TABLE 2

SOURCES OF GENERAL FUND REVENUES		
Sources	1996 (Actual)	Percent of Total Budget
Sales Tax	\$2,967,704	36.3
Utility Tax	1,624,254	19.9
Gasoline Tax	531,627	6.5
Cigarette Tax	103,868	1.3
County Road Funds	162,556	2.0
Property Tax	588,704	7.2
Licenses and Permits	299,429	3.7
Charges for Services	902,206	11.0
Other	996,245	12.2
TOTALS	8,176,593	100.0

Source: City of Ferguson Financial Statements for fiscal year ended June 30, 1996.

Sales tax receipts and gross receipts taxes on utilities account for the largest share (nearly 60 percent combined) of the City's General Fund revenues. Other income sources (which include interest income and miscellaneous taxes and charges) and charges for services are the next two largest revenue categories contributing to the General Fund.

B. Expenditures

The City's major services and expenditures by category are presented in the following table.

TABLE 3

GENERAL FUND EXPENDITURES		
Sources	1996 (Actual)	Percent of Total
General Government	\$1,053,904	14.4
Highways and Streets	892,217	12.2
Public Safety	4,457,041	61.1
Sanitation	718,749	9.8
Community Development	177,933	2.4
TOTALS	\$7,299,894	100.0

Source: City of Ferguson Financial Statements for fiscal year ended June 30, 1996.

More than half (61.1 percent) of the City's General fund revenues are spent on public safety, which includes protective inspections, the police department, the fire department, and civil preparedness. The next two largest expenditure categories are general government (14.4 percent) and highways and streets (12.2 percent). Approximately one-tenth (9.8 percent) of the budget is used for sanitation, while community development contributes 2.4 percent to General Fund expenditures.

C. Summary of Finances

A summary of Ferguson's financial position is presented in the table below.

TABLE 4

SUMMARY OF FINANCES	
	Actual 1996¹
Revenues ²	\$11,748,670
Operating Expenditures	8,370,632
Excess of Revenues Over (Under) Operating Expenditures	2,378,038
Capital Expenditures	1,339,578
Excess of Revenues Over (Under) Total Expenditures	(797,586)
Fund Balance	\$3,320,182
Bonded Indebtedness	\$ - 0 -

Notes: ¹ Ferguson's Fiscal Year is July 1 to June 30.
² Includes General Fund and other revenues.

Source: City of Ferguson, Financial Statements for fiscal year ended June 30, 1996.

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, St. Louis County is the provider of a variety of municipal-type services to the annexation area. If the annexation election is successful, some of the current services provided

by St. Louis County would be transferred to the City of Ferguson. The following table lists basic municipal-type services provided in the area proposed to be annexed and identifies their current and proposed provider.

TABLE 5

SERVICES		
Service	Current Provider	Proposed Provider
Police Protection	St. Louis County	City of Ferguson
Fire Protection/EMS/ALS	Black Jack, Florissant Valley, Moline FPD	Black Jack, Florissant Valley, Moline FPD
Streets	St. Louis County	St. Louis County, City of Ferguson ¹
Sidewalk Improvement and Repair	St. Louis County	City of Ferguson
Parks and Recreation	St. Louis County	St. Louis County, City of Ferguson
Refuse Collection	Private Haulers	City of Ferguson
Street Lighting	Property Owner	City of Ferguson
Planning, Zoning, and Subdivision Regulations	St. Louis County	City of Ferguson
Building Code, Mechanical Permits and Inspections ²	St. Louis County	City of Ferguson, St. Louis County
Residential Occupancy Permits and Inspections ³	St. Louis County	City of Ferguson
Health Services - Rodent Control, Mosquito Fogging, Animal Control	St. Louis County	St. Louis County, City of Ferguson ⁴
Municipal Court	St. Louis County	City of Ferguson

- ¹ Some 10.56 miles of roads on the County Road System would be transferred to Ferguson if the annexation occurs. However, maintenance of 1.82 miles of Arterial Roads will remain a County responsibility.
- ² Ferguson contracts with St. Louis County to issue permits or enforce codes relating to weights and measures.
- ³ While no residential occupancy permits and associated inspections program exist in this area, residents could petition the County Council to authorize a Property Conservation District in their area. Furthermore the Capitol Hill subdivision is part of the Atwater Terrace/Chambers Park/Capitol Hill Property Conservation District that was adopted and approved on January 9, 1997.
- ⁴ While the City of Ferguson would assume responsibility for mosquito fogging, St. Louis County would continue to provide certain rodent and animal control services even if the area is annexed by the City.

The residents in the annexation already benefit from services from nearby county facilities. There are two police substations located at 9992 Halls Ferry Road and a satellite station at the Mercantile Bank at 2885 Netherton. The Government Center- North is at 1827 Dunn Road. Residents can participate in health and human services programs at these centers. The satellite offices also house public works inspectors. Municipal and family court proceedings are also held at these locations. Furthermore, the Highways and Traffic Department District 1 Garage is located on 4045 Seven Hills. There are also two nearby health facilities, an animal control center at 4100 Seven Hills Drive and the North Central Health Center, located at 6150 Natural Bridge Road.

Police Services

There is some concern that the City of Ferguson has underestimated the resources required to maintain the current level of service delivery in the annexation area. In 1995, the city of Ferguson reported 1,298 Part I crimes to the State of Missouri, which are the most serious crimes. In 1996, the proposed annexation area had approximately 693 Part I crimes. The annexation area would increase Ferguson's Part I crimes by 53 percent. This is a major increase in serious crime and will have significant impact on the Ferguson Police Department's ability to provide service. Due to the fact that the annexation area is comprised of a large portion of commercial use, there is a higher rate of crime as a result. The St. Louis County Police Department routinely responds to calls for service requiring 8 to 10 officers. Furthermore, as a recent example, on January 1st of this year St. Louis County dispatched 23 officers to a disturbance call within the annexation area. The Ferguson Police Department does not have the personnel to respond to calls of this type without relying on the assistance of neighboring jurisdictions. Although the city has planned the addition of 7 officers, they have made no provision for additional support personnel, such as

investigators, records clerks or dispatchers. Based on their Plan of Intent for the annexation, the Ferguson Police Department will not be prepared to match the level of service currently provided by the St. Louis County Police Department.

B. Services Not Affected

The area is serviced by the Black Jack, Florissant Valley, and Moline Fire Protection Districts, which are independent taxing jurisdictions that will not be affected by annexation. The St. Louis County Water Company and the Metropolitan St. Louis Sewer District will continue to provide water and sewer services, respectively. The area will continue to be served by the Ferguson-Florissant, Hazelwood, and Riverview Gardens School Districts and the St. Louis County Library system. These services would not be affected by annexation.

V. IMPACTS OF PROPOSED ANNEXATION

A. Impact on Area Residents, Property Owners, and Businesses

The fire protection district where one resides determines what tax impact the residents will experience. Residents will either experience a slight tax increase of either \$19 or \$37 if they live in the Black Jack or the Moline Fire Protection Districts, respectively. Residents who live in the Florissant Fire Protection District will experience a slight decrease of \$51 if the annexation occurs.

Residents will pay additional property taxes to Ferguson, however, the city would assume the tax payments to the three fire protection districts in the proposed area. This arrangement is in

accordance with Chapter 72, Section 72.418 of the Missouri Revised Statutes.

An explanation of how the tax impacts were derived is as follows: The Ferguson property tax rate is \$.61 per \$100 of assessed value. A residential property owner in the annexation area with a \$78,400 home with an assessed valuation of \$14,900 would pay an additional \$91 per year. The \$.61 tax rate is also applicable to personal property. Assuming \$4,000 of personal property, a typical resident would pay an additional \$24 per year in taxes.

The City's utility tax rate is 6 percent, which is higher than St. Louis County's utility tax rate of 5 percent. These higher tax rates will result in an increase in utility taxes of \$20 per year for the typical single family household. Together with additional property and personal property taxes, a typical single family homeowner would pay \$135 more per year in taxes to the City of Ferguson if the annexation is successful.

Ferguson has levied two additional sales taxes a $\frac{1}{4}$ cent local option sales tax and a $\frac{1}{2}$ cent capital improvement sales tax. These taxes can have impacts on both merchants and residents. For merchants, a consumer would now pay a slightly higher price to purchase their goods. For consumers, the impact is difficult to quantify since people shop in a variety of locations, paying different sales tax rates. Probably the most dramatic effect is with an automobile purchase. Sales taxes are based on the residence of the purchasers for automobiles. For a \$15,000 car, a resident of the annexation area would now pay \$112 more in sales taxes.

However, the residents in the area are currently paying the Black Jack, Florissant and Moline Fire Protection Districts .78, .66 and 1.25 per \$100 of assessed value, respectively. A resident with

an assessed valuation of \$14,900 would be paying approximately \$116 annually in the Black Jack District, \$98 in the Florissant Valley District and \$186 in the Moline Fire Protection District, which Ferguson would pay if the annexation occurs.

Any business located in the annexation area would also be subject to the City's \$.60 tax rate on real and personal property and the additional one percent tax paid in utility usage over the current five percent charged by St. Louis County. The City also imposes additional merchants, manufacturers, and other business license fees in addition to a standard \$5 business license fee and a tax paid on merchant's and manufacturer's equipment, paid to St. Louis County by businesses in both unincorporated and incorporated St. Louis County.

B. 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 \$816,891. Not reflected in these figures is growth in revenue from recent, current, and future development in the areas. A breakdown of County revenue loss by funding source is provided in the following table.

TABLE 6

ANNUAL COUNTY REVENUE LOSS FROM THE PROPOSED ANNEXATION	
	Annexation Area
Sales Tax ¹	\$297,406
Utility Tax ²	315,307
C.A.R.T. ³	121,336
County Road and Bridge ³	52,163
Cigarette Tax ⁴	17,201
Cable T.V. Tax ⁵	13,478
TOTAL	\$816,891

¹ Based on \$108.51 per capita, less annexation adjustment estimated at \$34.00 per capita.

² Assumes average annual utility bill of \$2,000 and a 5% utility tax.

³ Estimate by St. Louis County Department of Highways and Traffic.

⁴ Based on \$4.28 per capita.

⁵ St. Louis County calculates (Housing Units x .5) x (Annual Average Cost of Cable) x .03 = _____

C. Impact on Annexing Municipality

The following table compares the City's and the County's estimates of new revenues for Ferguson if the annexation is successful.

TABLE 7

CITY AND COUNTY ESTIMATE OF FERGUSON'S NEW ANNUAL REVENUES		
Source	County Estimated Amount	City Estimated Amount⁹
Sales Tax ¹	436,102	592,191
Utility Gross Receipts Tax ²	378,368	243,590
State Road Aid (Gasoline and motor vehicle) ³	145,850	124,980
County Road and Bridge ⁴	52,163	58,265
Cigarette Tax ⁵	18,809	17,121
Property Tax ⁶	303,044	332,941
Cable T.V. Tax ⁷	13,478	No Estimate Given
Miscellaneous taxes/permits/ licenses/fees ⁸	698,525	698,525
TOTALS	\$2,046,339	\$2,067,613

- ¹ The County estimate reflects a 1% sales tax based on \$108.51 per capita.
- ² Assumes average annual utility bill of \$2,000 and Ferguson utility gross receipts tax rate of 6%.
- ³ State Road Aid includes: gasoline tax, gasoline tax increase, motor vehicle sales tax, and auto license fees. Estimate based on \$36.29 per capita.
- ⁴ Rate is \$1.05 per \$100 assessed valuation.
- ⁵ Estimate based on \$4.68 per capita.
- ⁶ Ferguson property tax rate is \$.60 per \$100 on both real and

- personal property.
- ⁷ St. Louis County calculates (Housing units x .50) x (Annual Average Cost of Cable) x .03 = _____.
- ⁸ City of Ferguson estimate.
- ⁹ Estimates from Ferguson Plan of Intent. The City did not note formulas used to calculate estimated revenues.

The County estimates that Ferguson will receive nearly \$2,016,339 from the area if annexed; the City's Plan of Intent estimates revenues of some \$2,067,613. While the City does not provide a separate breakdown for cable TV tax receipts and the various estimates by each tax differ, the total City and County estimates are relatively close.

The Plan of Intent provides estimates on how the revenue generated from the area would be spent. The City's estimates are shown in the following table.

TABLE 8

CITY ESTIMATE OF EXPENDITURES FOR THE AREA	
Service	Estimates for Expenditures
Police	\$342,955
Fire (payments to the District)	464,179
Public Works (including streets)	181,232
Parks and Recreation	4,500
Administration	37,832
Capital Improvement	181,985
TOTAL	\$1,212,683

The City of Ferguson estimates that it will receive \$2,067,613 in new annual revenues from the proposed area, if annexed. The City also anticipates spending \$1,212,683 to provide the previously mentioned services to the annexed area, thus creating a \$854,930 excess after

factoring all the revenues and expenditures provided in the City's Plan of Intent. The County estimates of new revenue are somewhat lower, \$2,046,339. There will still be a sizeable excess of \$833,656.

VI. COMPACTNESS AND OTHER BOUNDARY ISSUES

According to the Plan of Intent, the area proposed to be annexed is a minimum of 15 percent contiguous to the City of Ferguson.

Currently, the City of Ferguson is entirely south of Interstate 270. However, there are three direct street connections from the existing Ferguson boundary, which would provide access to the residential districts located in the northeastern portion of the proposed area. There are some access concerns with the western section of the annexation area. There is no direct access to the vocational school nor to the residential area from the City. The vocational school can only be accessed via the City of Florissant. The nearest access to Summer Run and its offshoots is either West Florissant Avenue or Washington and Elizabeth Avenue, which are somewhat distant from this area. This condition is more pronounced in an emergency. The area of greater concern is the southeastern portion, which is more remote from Ferguson. The only access to this area is via Halls Ferry Road. Furthermore, the City of Dellwood would be situated between the current Ferguson boundary and the southeast portion. This configuration poses questions whether Ferguson can deliver services to residents efficiently. Another service delivery obstacle is posed by splitting the Hathaway Manor subdivision, which creates a more fragmented approach to this area. Although the drainage ditch forms a natural boundary, there are still two through streets.

There would be only several properties receiving services east of Halls Ferry Road, which is a state-maintained road. A similar condition exists with the cul-de-sacs east of Halls Ferry Road. The fact that there are also likely to be indentures for the subdivision further complicates services delivery for the residents. One case where this condition would apply is for refuse collection. The majority of the subdivision would have private contractors while a strip would eventually have service from the city of Ferguson.

A map was drawn from the legal description submitted to the Boundary Commission and the County Clerk. There would be several pockets created according to the map, which is included as an attachment. One is in the northeast corner, bordering Derhake Road. The other is a parcel that is contiguous with the city limits of Black Jack on Old Halls Ferry Road. The third contains several parcels in the Capitol Hill subdivision. The city should be required to modify their annexation plan to eliminate these pockets.

VII. ANALYSIS OF ADDITIONAL ISSUES

Road Improvements. Future road improvements in the area could be adversely impacted if the annexation is successful and the City does not make provisions for the continuance of the Bluff-New Halls Ferry Road Corridor Traffic Generation Assessment Road Trust Fund administered by St. Louis County. Funds from the trust are used for the implementation of road improvements identified on the Highway System Plan. Specifically, the area proposed for annexation is impacted by planned improvements to Old Halls Ferry Road to increase to five lanes and Old Halls Ferry Road at Redman Avenue is targeted for sidewalk and additional intersection improvements.

Quality of Services. The City of Ferguson provides a full range of municipal services.- It is reasonable to assume that Ferguson could provide normal municipal services to the area, except as noted with respect to police services. Likewise, it should be noted that St. Louis County provides quality efficient municipal services to the proposed annexation area and will continue to do so if desired by the voters of the area.

VIII. SUMMARY OF ISSUES BY BOUNDARY COMMISSION FACTOR

Factor 1 Impact

The fire protection district where one resides determines what the impact the residents will experience. Residents will either experience a slight tax increase of either \$19 or \$37 if they live in the Black Jack or the Moline Fire Protection Districts, respectively. Residents who live in the Florissant Fire Protection Districts will experience a slight decrease of \$51, if the annexation occurs. Residents will pay additional property taxes to Ferguson, however, the city would assume the tax payments to the three fire protection districts in the proposed area. This arrangement is in accordance with Article III, Section 5 of the Boundary Commission, St. Louis County Rules.

An explanation of how the tax impacts were derived is as follows: The Ferguson property tax rate is \$.61 per \$100 of assessed value. A residential property owner in the annexation area with a \$78,400 home with an assessed valuation of \$14,900 would pay an additional \$91 per year. The \$.61 tax rate is also applicable to personal property. Assuming \$4,000 of personal property, a typical resident would pay an additional \$24 per year in taxes.

The City's utility tax rate is 6 percent, which is higher than St. Louis County's utility tax rate of 5 percent. These higher tax rates will result in an increase in utility taxes of \$20 per year for the typical single family household. Together with additional property and personal property taxes, a typical single family homeowner would pay \$135 more per year in taxes to the City of Ferguson if the annexation is successful.

However, the residents in the area are currently paying the Black Jack, Florissant and Moline Fire Protection Districts .78, .66 and 1.25 per \$100 of assessed value, respectively. A resident with an assessed valuation of \$14,900 would be paying approximately \$116 annually in the Black Jack District, \$98 in the Florissant Valley District and \$186 in the Moline Fire Protection District, which Ferguson would pay if the annexation occurs.

Factor 2 Legal Description

A map was drawn from the legal description submitted to the Boundary Commission and the County Clerk. There would be several pockets created according to the map. One is in the northeast corner, bordering Derhake Road. The other is a parcel that is contiguous with the city limits of Black Jack on Old Halls Ferry Road. The third contains several parcels in the Capitol Hill subdivision. The city should be required to modify their annexation plan to eliminate these pockets.

Factor 3 Orderly Incorporation in the County

No comment.

Factor 4 Services

The primary services that St. Louis County would relinquish to the City of Ferguson include police protection, street maintenance, street lighting and snow removal, planning and zoning, community development, economic development and mosquito fogging. First, in order to maintain the existing service level of police protection, the city is considering hiring seven additional police officers and purchasing two squad cars. Ferguson also anticipates hiring one extra street maintenance worker, purchasing an additional truck, one snow plow and one spreader to accommodate the increase in demand for services for the miles added to the road network. A communications repeater station is anticipated to be installed halfway between the city's garage facility and the outer limit of the annexed areas to meet the service needs. There are also additional anticipated costs which include capital improvements, senior citizen transportation services, and code enforcement.

The Capitol Hill subdivision is part of a proposed property conservation district that was approved. These districts are created to maintain the quality of housing in neighborhoods with older housing stock. An occupancy permit is the mechanism whereby the housing maintenance code is enforced. When there is a change in occupancy or ownership of a property, or when there is a complaint regarding a property, an inspector will examine the interior and exterior of the property for structural soundness as well as safety issues.

If annexed, residents would experience a change in trash collection services. Currently, residents in unincorporated St. Louis County normally contract for trash service by household or through their subdivisions. The residents would assume services from Ferguson's trash hauler after an initial two year period that is legislatively mandated.

It should also be noted that St. Louis County provides quality efficient municipal services to the proposed annexation area and will continue to do so if desired by the voters of the area.

Factor 5 Schedule of Service Delivery

No comment.

Factor 6 Sources of Revenue

No comment.

Factor 7 Sources of Revenue

The City of Ferguson estimates that it will receive \$2,067,613 in new annual revenues from the proposed area, if annexed. The City also anticipates spending \$1,212,683 to provide the previously mentioned services to the annexed area, thus creating a \$854,930 excess after factoring all the revenues and expenditures provided in the City's Plan of Intent. The County estimates of new revenue are somewhat lower, \$2,046,339. There will still be a sizeable excess of \$833,656.

Factor 8 Extraordinary Effects on Tax Distribution

The total annual revenue loss that County Government could experience as a result of the proposed annexation is estimated to be \$ 816,891.

Furthermore, the northeast annexation area is encompassed by the New Halls Ferry Road Corridor Traffic Generation Assessment Road Trust Fund established by St. Louis County Ordinance which was approved September 28, 1992. Funds from the trust fund are used for the implementation of road improvements identified on the Highway System Plan. Specifically the area proposed for annexation is impacted by planned improvements on Old Halls Ferry Road, which is targeted to become a five lane road. Also, Old Halls Ferry Road at Redman Avenue is targeted for sidewalk improvements in 1997 and additional intersection improvements for 1998.

Factor 9 Zoning

According to the Plan of Intent, no nonconforming uses will be created as a result of the proposed zoning changes. However, some lots will become nonconforming because they will be smaller than the minimum lot requirements in the Ferguson zoning districts. These lots will become lots of record and may be used for any permitted use in the zoning district. The plan also indicates that there may be some buildings that will become nonconforming. The city states that this nonconforming status will not hinder the use of such buildings and those buildings may be enlarged provided that any expansion complies with other zoning regulations as to setbacks and height limitations.

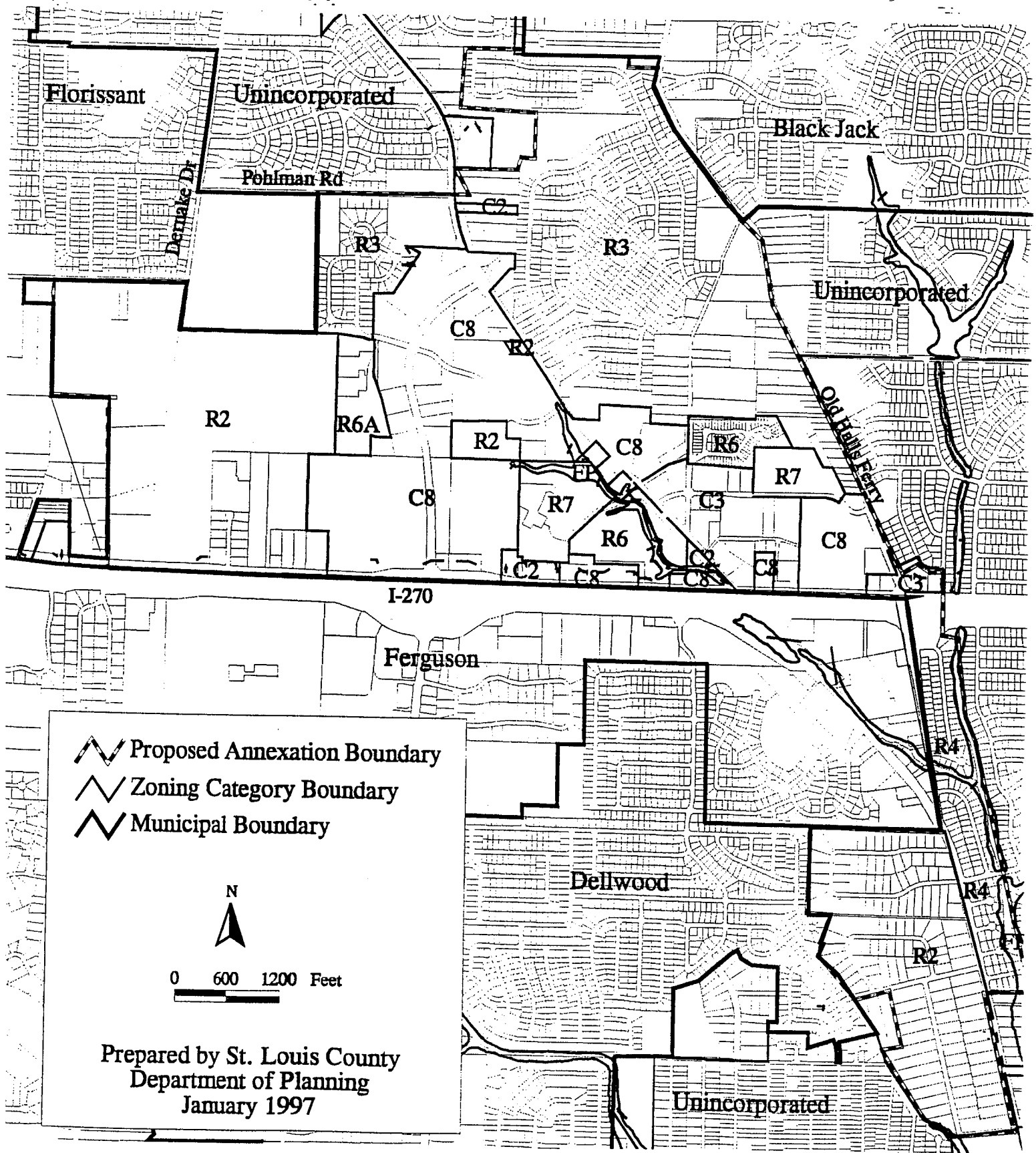
Factor 10 Compactness

The majority of the proposed area will be divided by Interstate 270. However, there are three direct street connections from the existing Ferguson boundary, which would provide access to the residential districts located in the northeastern portion of the proposed area. There are some access concerns with the western section of the annexation area. There is no direct access to the vocational school nor to the residential area from the city. This condition is more pronounced in an emergency. The area of greater concern is the southeastern portion, which is more remote. The only access to this area is via Halls Ferry Road. Furthermore, the City of Dellwood would be situated between the current boundary and the southeast portion. This configuration poses questions whether Ferguson can deliver services to residents efficiently.

Factor 11 Effective Date of Annexation

No comment.

Zoning Categories Proposed Annexation Area City of Ferguson, Missouri



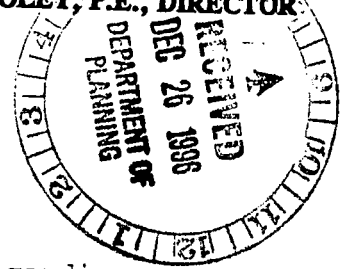
APPENDIX

CORRESPONDENCE FROM OTHER COUNTY DEPARTMENTS



ST. LOUIS COUNTY, MISSOURI
BUZZ WESTFALL, COUNTY EXECUTIVE
DEPARTMENT OF HIGHWAYS AND TRAFFIC
J. MICHAEL DOOLEY, P.E., DIRECTOR

December 20, 1996



MEMORANDUM: Ms. Sheryl Foster-Gadkari
Comprehensive Planning Division

Subject: Boundary Commission Information Request Regarding
City of Ferguson (Northeast Annexation Area)

Reference is made to your memo dated December 6, 1996, wherein you requested information concerning the above subject.

Enclosed is a table entitled "Proposed Annexations within St. Louis County". The data is intended to aid in evaluating impact on County Government and the City's ability to continue uninterrupted service on the affected roadways.

CITY OF FERGUSON

The proposed northeast annexation is encompassed by the New Halls Ferry Road Corridor Traffic Generation Assessment Road Trust Fund established by St. Louis County Ordinance which was approved September 28, 1992.

The annexation area is served by Old Halls Ferry Road and West Florissant Avenue which is a part of the St. Louis County Arterial Road System along with Pohlman Avenue and Mehl Avenue, a part of the County Road System. New Halls Ferry Road also serves the area and is a Missouri Department of Transportation road.

Old Halls Ferry Road, north of New Halls Ferry Road, presently has an A.W.T. of 12,610 while West Florissant Road, north of Interstate 270, has an A.W.T. of 32,490. Pohlman Avenue and Mehl Avenue have an A.W.T. of 3,498 and 5,940 respectively. Please note that Old Halls Ferry Road is targeted for five lanes in accordance with the St. Louis County Highway System Plan, attached for reference. This plan was developed to show improvement requirements to existing roads and new roads deemed necessary for future growth of the County. Also, Old Halls Ferry Road at Redman Avenue is targeted for sidewalk improvements in 1997 and additional intersection improvements for 1998.

Further, it is not clear from the memo if annexation limits include all of Old Halls Ferry right-of-way between I-270 and Mehl Avenue and between New Halls Ferry Road to I-270.

The annexation limits may need to be expanded along the south side of Derhake Road to include two parcels of property which would be an isolated pocket of unincorporated County.

As the area proposed for annexation is impacted by possible improvements to Old Halls Ferry Road, we expect the trust fund may provide the financing necessary to complete these improvements.

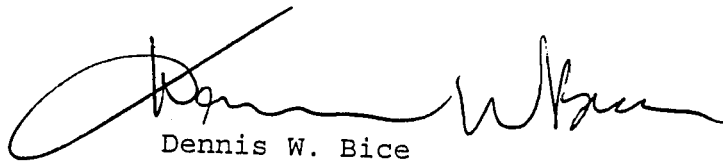
Subject: Boundary Commission Information Request Regarding
City of Ferguson (Northeast Annexation Area)

MEMORANDUM: Ms. Sheryl Foster-Gadkari

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DEPARTMENT OF HIGHWAYS AND TRAFFIC'S RECOMMENDATIONS:

Since the continuation of the New Halls Ferry Road Corridor Traffic Generation Assessment Road Trust Fund and implementation of the Highway System Plan are integral in meeting the needs of area residents and in traveling public for road improvements as development progresses in the area to be annexed by the City of Ferguson, the Department of Highways and Traffic recommends that the Boundary Commission make the subject proposal contingent upon the City amending its Plan of Intent to make provisions for the continuance of the Traffic Generation Assessment Road Trust Fund administered by St. Louis County and the implementation of the Highway System Plan following annexation by the City.



Dennis W. Bice
Community Liaison Supervisor

DWB/kth
Attachments

cc: Mr. J. Michael Dooley, P.E., Director
✓ Mr. Glenn Powers, Acting Director, Department of Planning
Mr. John A. Ross, St. Louis County Counselor

75.00 Traffic Generation Assessment and Trust Fund

Traffic generation assessments are imposed on certain new developments to finance the costs of roadway improvements that are necessary to relieve the impact of new development traffic.

Traffic generation assessments are used for infrastructure road improvements and may include lane widenings, geometric improvements, traffic signal facilities, bridges, overlays, purchase of off-site right-of-way, etc., on County and State roads.

1. Application - In unincorporated St. Louis County, current traffic generation assessment (TGA) is only assessed on individual projects on which roadway improvement conditions are established in the zoning ordinance approved by the County Council, i.e. rezoned/amended MXD, PEU, C-8, and M-3 zonings. The ordinance conditions may or may not spell out specifically what infrastructure road improvements are to be accomplished with the TGA. Where no specific development ordinance is required, improvements are provided pursuant to the Subdivision Ordinance and/or Miscellaneous Regulations of the Zoning Ordinance for single lot development.
2. Rates - The traffic generation assessment is based upon the traffic generation and calculated by a dollar amount per measurable unit, typically per parking space or loading space. The dollar amount per parking space is based upon the average daily and peak hour traffic. The number of required parking and loading spaces is determined by The St. Louis County Zoning Ordinance. Refer to 75.10-1 for rates. On January first of each year, these rates are increased to account for inflation in construction costs. The Department uses the percent change for the construction cost index for the St. Louis Area, from December of a given year to December of the following year, as published in the Engineering News Record to determine what the rate increase should be. Refer to 75.20-1 for annual change of construction cost index.
3. General Conditions - Right-of-way dedication requirements along State and County roads will not be credited towards the developer's traffic generation assessment contribution except where right-of-way widening requirements of an existing public roadway exceed a width of twenty (20) feet as provided in Section 1005.180 of the Subdivision Ordinance. In cases where excessive right-of-way widening is required, the developer is given credit commensurate with the market value of the property prior to development. The cost of allowable portions of the improvements shall be credited towards the developer's traffic generation assessment contribution. Any remaining portion of the traffic generation assessment contribution will be applied to existing infrastructure road

improvements to relieve the impact of development generated traffic and may include but not be limited to lane widenings, geometric improvements, traffic signal facilities, bridges, etc., on County and State roads as may or may not be specified in the Ordinance conditions.

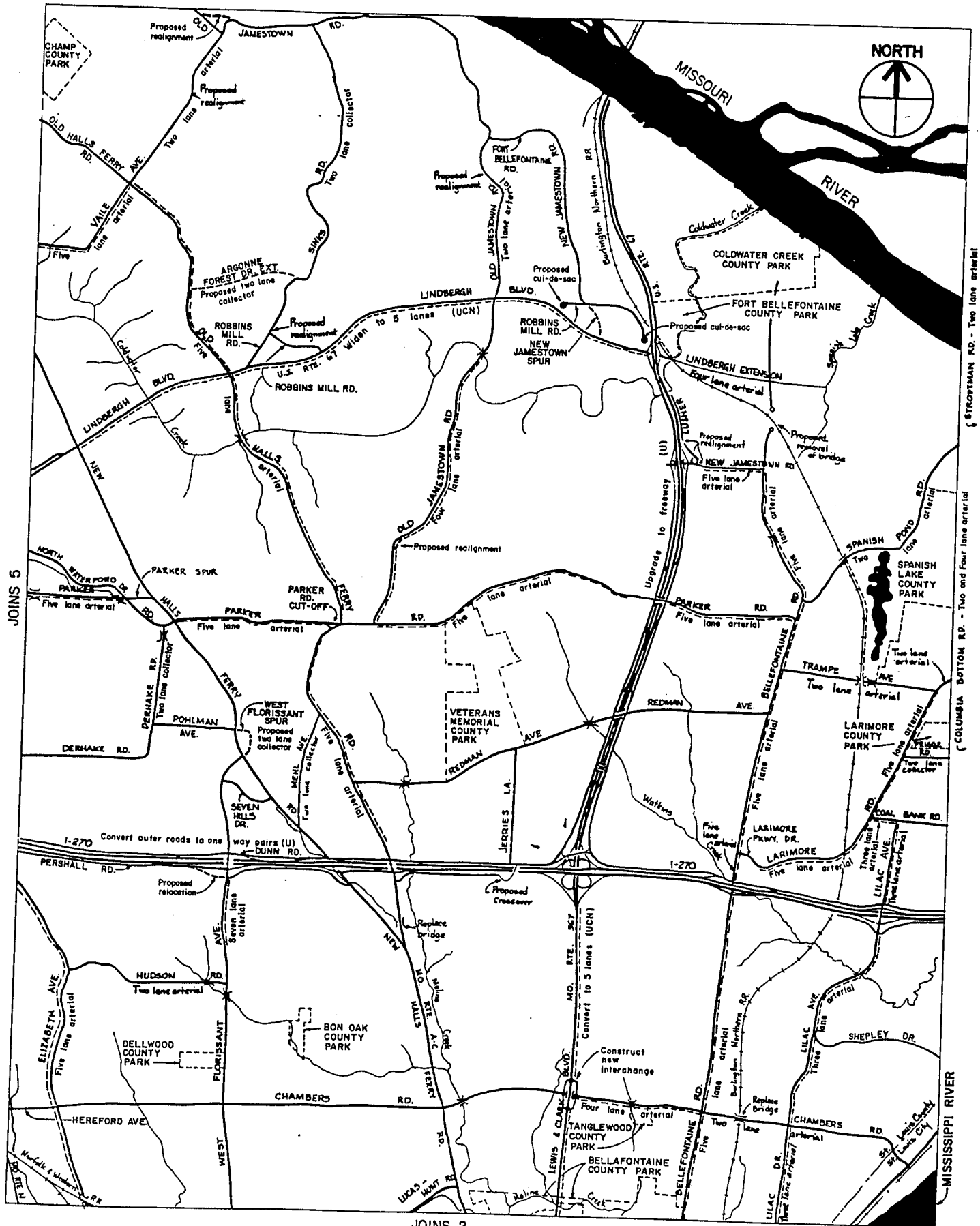
The developer's total obligation for road improvements shall not exceed the traffic generation assessment contribution except when improvements are considered mandatory for the safety of the travelling public as included in the Ordinance conditions. If the road improvements exceed the traffic generation assessment contribution and are not mandatory for the safety of the travelling public, the Department will prioritize the road improvement requirements such that the total cost of road improvements do not exceed the traffic generation assessment contribution.

4. Method of Payment and Creditable Items - Traffic generation assessment contribution and/or credits for roadway improvement shall be deposited with St. Louis County through standard escrow procedure prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution and/or credits for roadway improvements through standard escrow procedure prior to issuance of building permits for each phase of development. Any remaining portion of the traffic generation assessment contribution shall be deposited with St. Louis County in the form of a cash escrow.

Credit for road improvements is given for off-site road improvements to County and State roads including, but not limited to: pavement, aggregate subbase, grading, rock excavation, stormwater improvements, bridges, traffic signals, channelization islands, stabilized shoulder adjacent to State roadways, off-site replacement of existing sidewalk or construction of new sidewalk adjacent to County roadways when necessitated by road improvement requirements, right-of-way in excess of that allowed by Section 1005.180 of The St. Louis County Subdivision Ordinance, and relocation or adjustment of utilities on private easement when payment is required, unless the relocation or adjustment is due solely to on-site development requirements. In addition, credit is given for interior road improvements which exceed collector road requirements of a sixty (60) foot right-of-way and thirty-nine (39) foot pavement. The engineer shall submit a construction cost estimate of these creditable items based upon the Department's current Schedule of Unit Prices (refer to Section 73.00) when applicable, or rates for items not found on the Schedule of Unit Prices based on recent contract unit prices shall be submitted for review and approval to the Department during the construction plan review phase. The approved amount of creditable items is forwarded to the

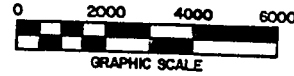
Department of Public Works for their use in issuance of building permits. Building permits may be issued up to the amount of credit the developer has received for road improvements, and after that, the developer must deposit cash escrow for remaining building permits. Should the developer desire to proceed with building permits prior to approval of the estimate for creditable items, the developer may deposit cash escrow for building permits, and receive a credit for subsequent building permits for that development and or a refund when the amount of creditable items has been approved or at the completion of the development.

5. As a Guide - The traffic generation assessment is used as a reference or guide for determining the extent of roadway improvement requirements on developments not associated with a Zoning Ordinance establishing development conditions, except when improvements are considered mandatory for the safety of the traveling public.
6. Within Incorporated St. Louis County - Within incorporated St. Louis County, requirement of the traffic generation assessment is within the jurisdiction of the municipality involved. Most municipalities do not impose a traffic generation assessment as such. However, where a new development, redevelopment, or addition to an existing development is proposed along one of the County Arterial Roads within a municipality, jurisdiction of access to these roadways is under the control of St. Louis County Government. In this case, a developer may be required to provide a traffic study for his proposed facility and roadway improvements to the arterial roads are imposed (which may be adjacent to or off-site of the development) to relieve the impact of traffic generated by that development. Improvements by developments located along an arterial road in a municipality are limited to the maximum amount that would be imposed on a developer in the unincorporated County for the same type development, except when improvements are considered mandatory for the safety of the traveling public.
7. Trust Fund - Trust Fund Areas were formulated in parts of unincorporated St. Louis County where significant roadway infrastructure needs were determined. These areas are legally defined for the purpose of using all of the trust fund contribution from each development within a Trust Area for all the roadway needs within that area. A listing of major roadway trust funds in unincorporated St. Louis County follows:



ST. LOUIS COUNTY HIGHWAY SYSTEM PLAN
 PREPARED BY THE DEPARTMENT OF PLANNING AND
 THE DEPARTMENT OF HIGHWAYS AND TRAFFIC
 AUGUST 25, 1987, REV. 3-14-89, 12-20-89, 9-5-90
 9-5-90

80.00-3



TRUST FUNDS AND TRAFFIC GENERATION ASSESSMENT

Trust fund areas are geographic areas of unincorporated St. Louis County established by legislation. The purpose of the trust fund is to collect traffic generation assessments from development originating within the area and to thus provide a funding mechanism to allow improvement of the road system necessitated by the additional traffic generated by development.

The Traffic Generation Assessment is based on ordinance required parking spaces which relate directly to traffic generated. The monetary assessment placed on each parking space is based on trip generated values taken from the Trip Generation Handbook published by the Institute of Transportation Engineers. Parking spaces for commercial development are charged more than office development because the trip generation for the commercial development is far greater than for the office development. The intent of the assessment is to allow a developer to determine up front his anticipated road improvement costs and to arrive at an equitable contribution for road improvements from each category of development.

In dealing with the development of previously zoned property and rezoning without ordinance conditions, we use the Traffic Generation Assessment to arrive at an equivalent value of road improvements associated with development. Unless there is a safety hazard to the traveling public, such as inadequate sight distance which must be corrected, the developer can again determine his/her maximum road improvements cost.

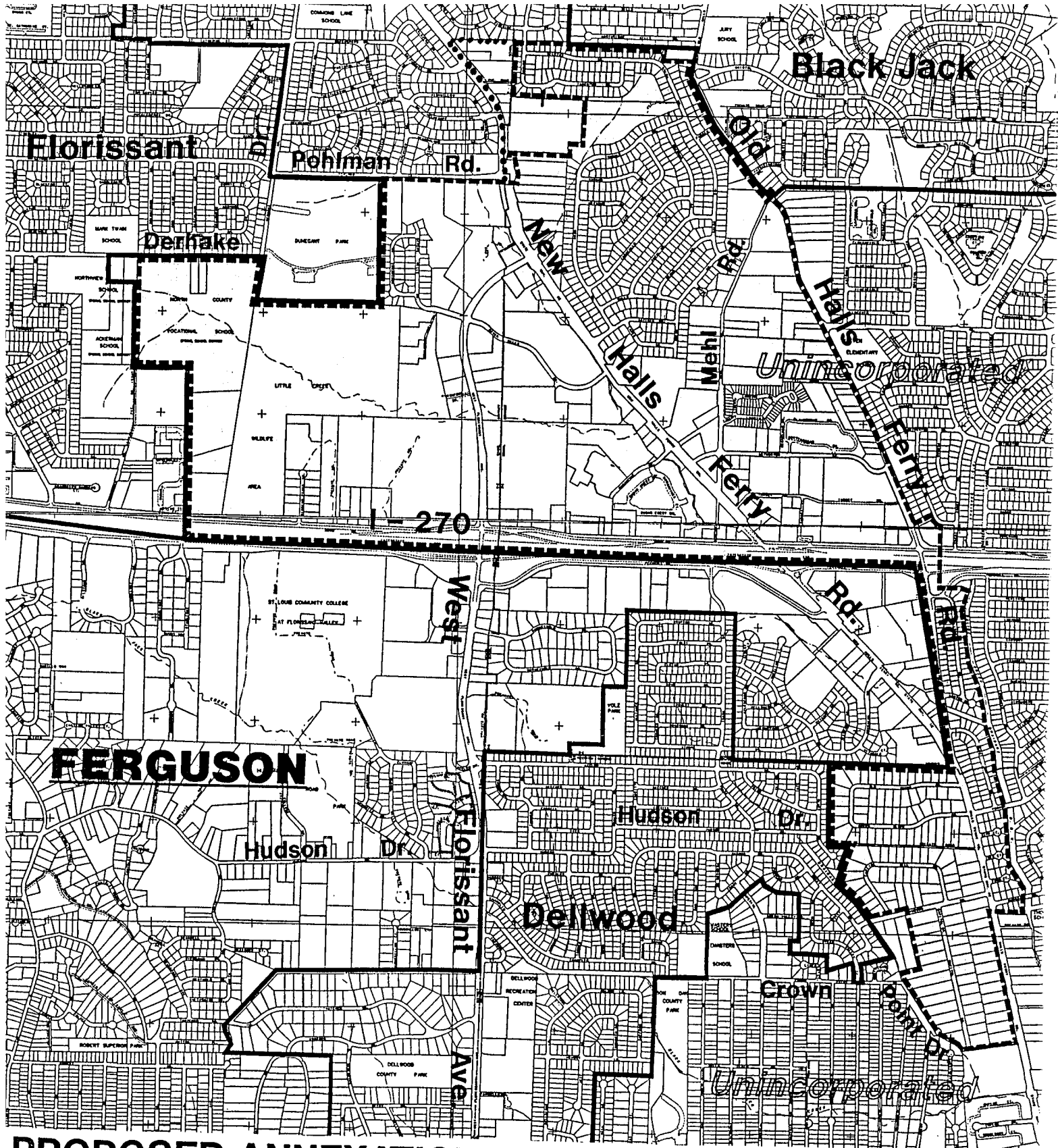
The developer is given credit toward the Traffic Generation Assessment for off-site road improvements required of the development. Utility relocations and sidewalks are not creditable items. The value of the road improvement is based on materials quantities taken from approved roadway plans multiplied by the Subdivision Escrow Prices determined by the Department of Planning. If the value of the required road improvements is less than the Traffic Generation Assessment, the developer is required to provide a cash escrow equal to the difference at the time his building permit is issued. This cash amount is placed in the TGA trust fund established for that particular area.

Deposits in the TGA trust fund accounts are used for road improvements in the trust fund area based on priorities and needs. They can also be used to reimburse a developer for road improvement costs which we determine are mandatory and in excess of the Traffic Generation Assessment amount.

For additional details of the above requirements, refer to the attached Traffic Generation Assessment Determination Chart and Section 75.00 of the Department's Design Criteria Book.

ANNEXATIONS


Traffic Generation Assessment contributions are one of several methods this Department has of financing roadway improvements. They are not sufficient for major widenings for long distances but they do allow for lane additions, improved intersection geometrics, signalization and other improvements that help relieve congestion. If municipalities, through annexations, do not impose the TGA on development and adopt St. Louis County's Trust Funds which are established in these areas, they are permitting additional traffic to be generated to the arterial roads and other access roads without providing any supplemental method of funding road improvements associated with this further development and its increased traffic. They are requiring St. Louis County to fund these needed road improvements with other sources of revenue usually requiring additional taxation. This continues to be a burden to the residents of the municipalities, as well as unincorporated St. Louis County, while permitting the particular municipality to attract additional development and generate additional revenues from that development. The developers are relieved of development costs which can be directly attributed to the additional traffic they generate.

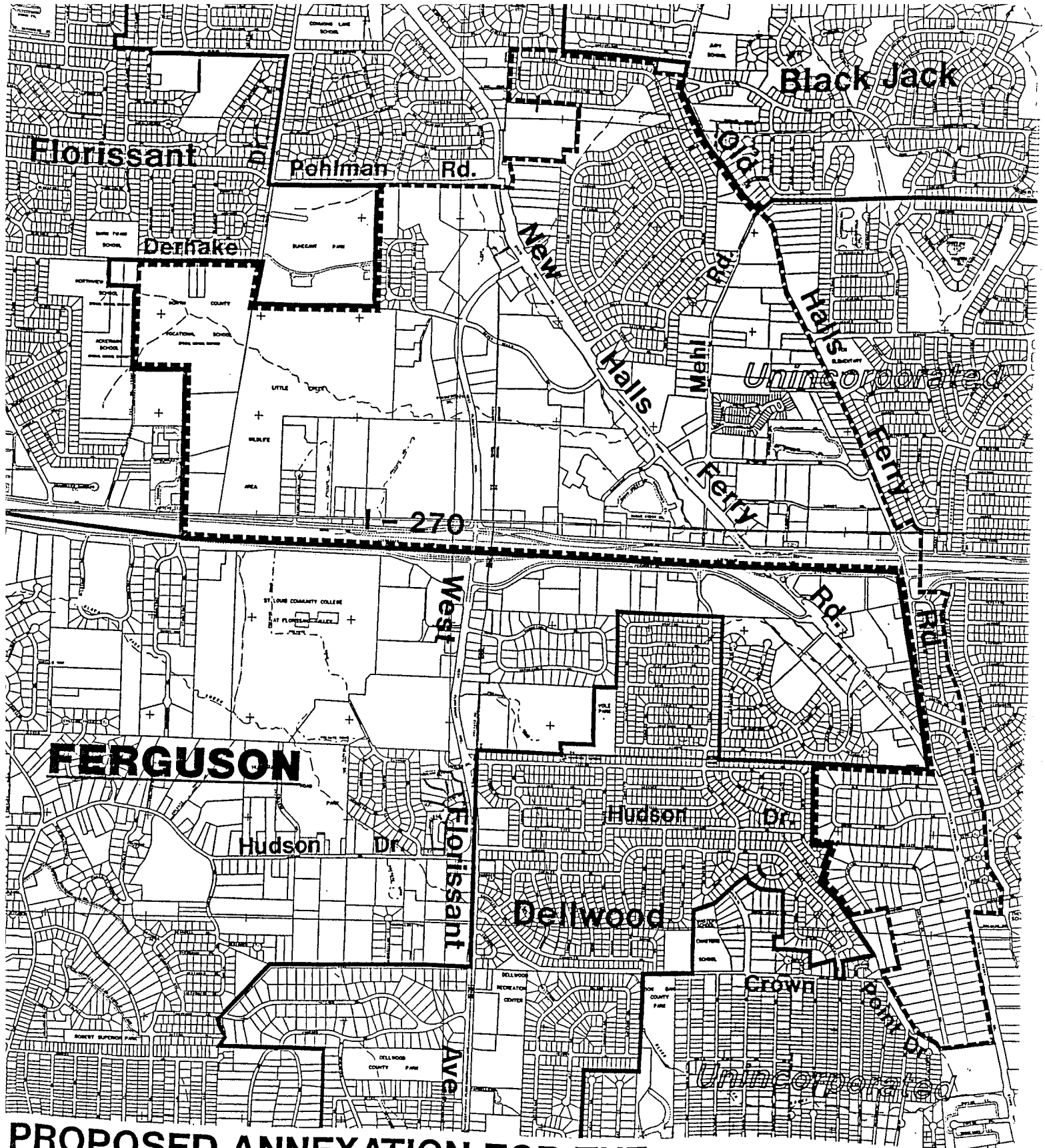


PROPOSED ANNEXATION FOR THE CITY OF FERGUSON, MISSOURI

- Existing City Limits
- - - - Proposed Annexation

TOTAL ACREAGE: 1,044.61 Acres
 = 1.63 Sq. Mi.



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 Prepared by St. Louis County
 Department of Planning
 December 1996

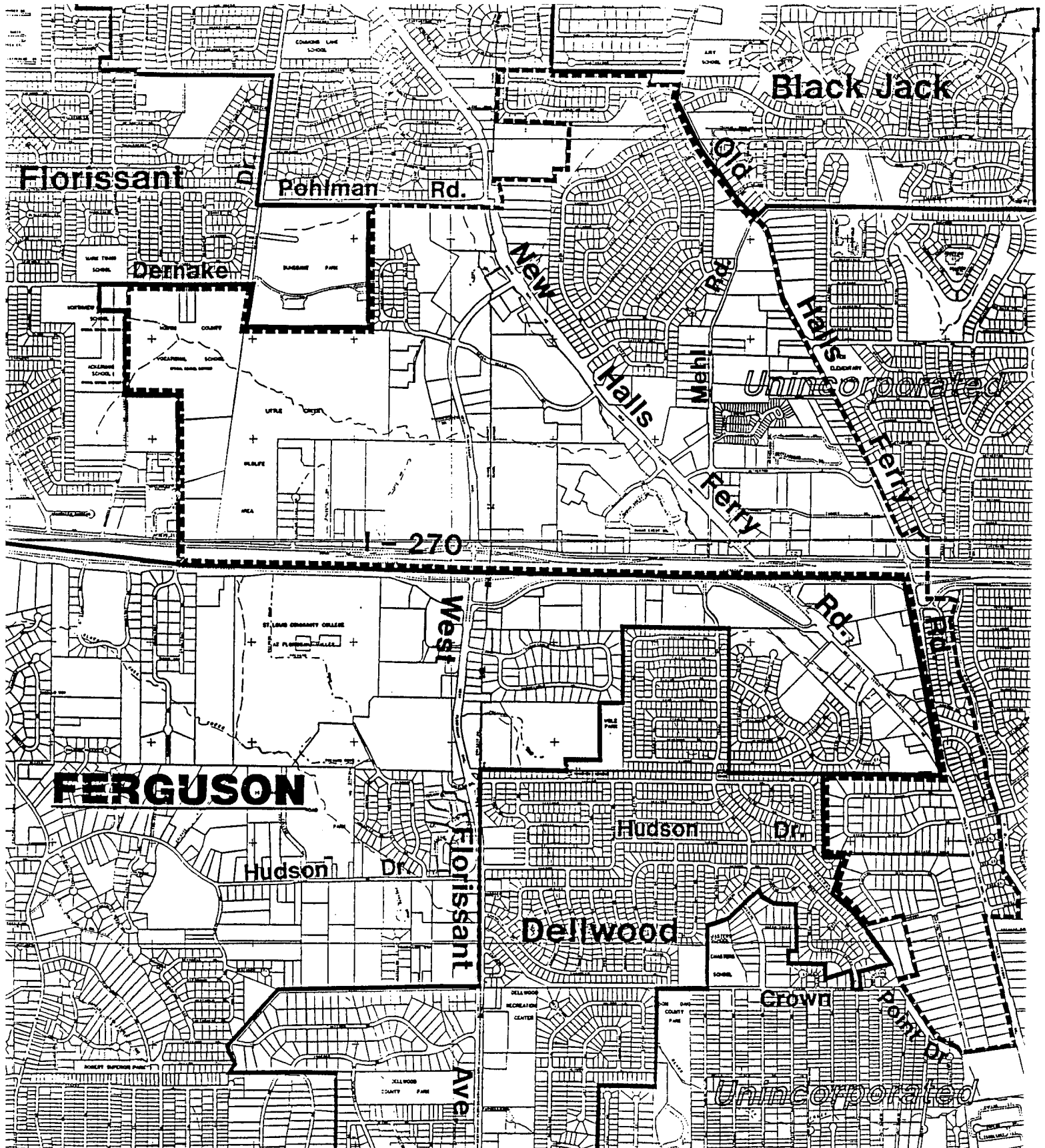


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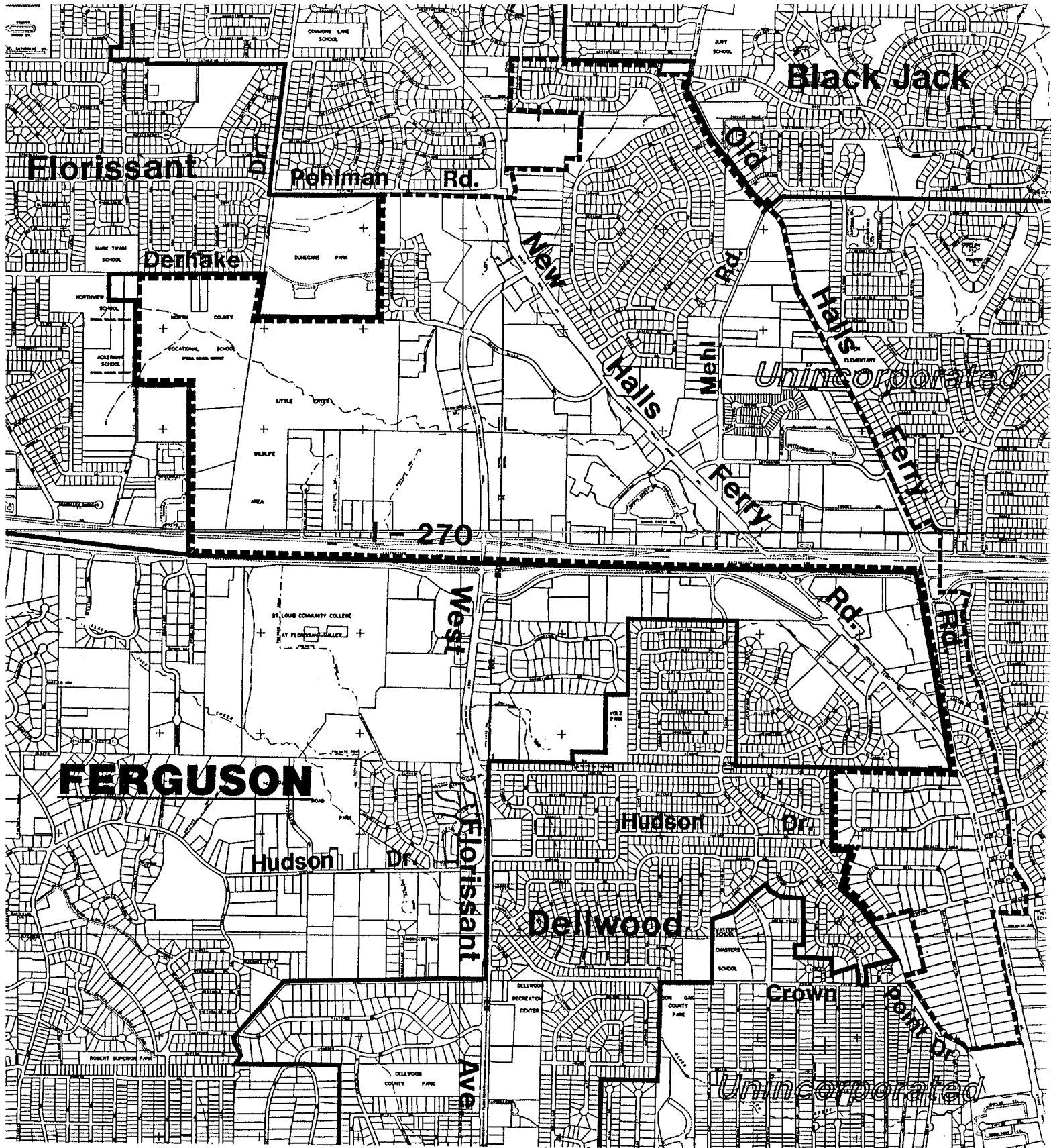


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