

Before the Boundary Commission, St. Louis County, Missouri

In re: Proposal of the City of Manchester

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) File No. BC9806
) Carman-Dougherty Ferry
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Summary of Decision of the Boundary Commission, St. Louis County
January 12, 1999

Summary of Facts:

The Boundary Commission, St. Louis County gathered the following facts:

On June 2, 1998 a proposal requesting a boundary change (hereinafter referred to as the "official submittal") by the City of Manchester (hereinafter referred to as the "City") was submitted to the Boundary Commission (hereinafter referred to as the "Commission") at its office, pursuant to the Rules of the Commission in effect as of December 3, 1996. The official submittal contained the information required of all proposals as found in Article III(A) of the Rules. Additionally, the official submittal contained the following information required under the Rules for boundary change requests involving the annexation of unincorporated territory to a municipality.

- A. Article III C(1) - Certification of 15% Adjacent
- B. Article III C(2) - Ordinance providing for Annexation
- C. Article IV C - Copy of Budget and Audit Report
- D. Article IV D - Statement regarding Fire Service

On July 21, 1998 a public hearing was conducted by the Commission based upon the official submittal.

In October, 1997 the City of Manchester approved a long range plan for annexation that identified the area proposed to be annexed as being within the future growth pattern of the city. The area is approximately 2.0 square miles in land area. Its addition to the City of Manchester will increase the community's land area to approximately 4.84 square miles, or a 70% growth in land area. The addition of the area to be annexed will also increase the city's population by approximately 89%, growing from 9890 to 18,703.

The area consists of predominantly single-family and multi-family residential properties. The amount of land dedicated to commercial use in the area to be annexed is insignificant in comparison to the total land area involved in the proposal. It is generally bounded on the north by the municipal boundary of the City of Manchester and Carman Road, Dougherty Ferry Road on the east, the municipal boundary of the City of Valley Park and the Village of Twin Oaks and Big Bend Road on the south and the municipal boundary of the City of Manchester on the west (Hanna Road). A map showing the location of the area proposed to be annexed is attached as Exhibit "A" and is the same map as presented in the proposal by the municipality.

BASIC ANNEXATION AREA INFORMATION DATA		
	<i>City of Manchester Declarations:</i>	<i>St. Louis County Declarations:</i>
<i>Area</i>	2.0 Square Miles (1280 acres)	2.0 Square Miles (1280 acres)
<i>Population (1990 Census)</i>	8,813	8,813
<i>Dwelling Units</i>	3,208	3,350
<i>Dwelling Units per Three Acres</i>	7.52	8.32
<i>Total Assessed Valuation</i>	\$95,107,717	\$95,107,717

INFORMATION REGARDING ANNEXATION AREA AS AN UNINCORPORATED POCKET	
Criteria	Finding
Average residential density in excess of one dwelling per three acres	The area has a residential density greater than one dwelling unit per three acres
Population of less than five thousand (5,000) people	The population of the area is greater than 5,000 people.
Accessible by public or private roadways only from incorporated jurisdictions and/or another county	Accessible from unincorporated St. Louis County.

FACTOR 1

(Impact, including but not limited to the impact on the tax base or on the ability to raise revenue)

City of Manchester Declarations:

The residents in the area proposed to be annexed will be required to pay a slightly higher property tax, but the City offered evidence that this will be entirely offset by a slightly lower utility gross receipts tax on electricity, the savings from free trash, yard waster and recycling services and street lighting on public roadways paid for by the City. At the time of submittal the city's property tax rate was \$.10/\$100 of assessed valuation, but during the time of deliberation it was reduced to \$.05/\$100 of assessed valuation.

The City of Manchester offered the following impacts:

- Area to be annexed:
 - residents will receive services from a local rather than a regional government
 - residents will have more direct input through local representation
 - residents will receive trash and yard waste pickup and curbside recycling services at no charge
 - city will pay for street lights on public roadways
 - residents will receive recreation services at reduced rates

- Proposing city:
 - sales tax based upon the number of residents will allow for a more secure revenue base
 - a more diverse population base to participate in city programs
 - additional personnel will require the city to increase its operational facilities

- Entire geographic area of county:
 - St. Louis County would lose some revenue, but realize a cost savings from no longer having to serve the area
 - the change in distribution of sales tax revenue requires “A” cities such as Manchester to share sales tax revenue with the county, lessening the impact on the county.
 - St. Louis County receives added revenue when incorporations and annexations occur, protecting them from revenue losses.

St. Louis County Declarations:

The financial impact on residents in the area to be annexed will be minimal. The estimated increase in property tax for a typical single-family residential property would be an estimated increase of \$34 annually. They also indicated the slightly lower utility tax rate on electricity in comparison to St. Louis County’s rate and free trash, recycling and yard waste services would result in an estimated financial savings for the typical single-family residential property of \$115. Additional savings would also be realized with the city’s paying for street lighting on public roadways. Businesses would be also be subject to additional business licensing fees, which are based upon gross receipts.

FACTOR 2
(Legal Description of Area)

For the legal description of the area subject to the boundary change proposal, the municipality submitted the document attached hereto as Exhibit “B” and generally described as the “Carman-Dougherty Ferry Legal Description.” This legal description was revised on November 4, 1998 pursuant to the provisions of Article VII.C.2 of the Boundary Commission Rules, to reflect adjustments made to eliminate pockets of unincorporated public rights-of-way along Big Bend and Highway 141.

FACTOR 3
(Ability to accommodate orderly incorporation in the County)

City of Manchester Declarations:

On the ability of the proposal to accommodate orderly incorporation in St. Louis County, the City of Manchester represented that the proposal would not prevent or adversely affect the orderly incorporation of St. Louis County.

FACTORS 4 and 5

(Present level of major services and proposed time schedule for delivery of services)

On the present level of major services and the proposed time schedule to provide those services, the Boundary Commission received the following evidence.

Provision of Services to Annexation Area					
Service	Service Unchanged	Service Changed			
		Present Provider	Fee	New Provider	Fee
Police Services		St. Louis County	No	Manchester	No
Fire/EMS/ALS Service	No Change				
Water Service	No Change				
Sewer Service	No Change				
Street Maintenance		St. Louis County/ MODOT	No	Manchester/ St. Louis County/MODOT	No
Utility Agreements	No Change				
Parks Service		St. Louis County	No	Manchester	No
Recreation Service		St. Louis County	No	Manchester	No
Refuse Service		Private Haulers	yes	Manchester	No
Sidewalk Maintenance		St. Louis County	No	Manchester	No
Street Lighting		Private	yes	Manchester	no
Code Administration		St. Louis County	Yes	Manchester/St. Louis County	Yes
Planning & Zoning		St. Louis County	No	Manchester	No
Municipal Court		St. Louis County	No	Manchester	No
Health Services		St. Louis County	No	Manchester/ St. Louis County	No

The city stated that all services would be provided to the area proposed to be annexed six (6) months after voter approval. As for solid waste services, the city indicated in October, 1997, pursuant to RSMo 260.247, it gave notice to the trash providers serving this area that the city intended to extend solid waste services to the residents of the area. The city stated it believed this notification satisfies the statutory provisions requiring at least a two (2) year notice to trash providers.

Approximately 87% of the street miles currently maintained by St. Louis County will be transferred to the City of Manchester, if the annexation is approved.

FACTORS 6 and 7

(Current tax rates of area and sources of revenue)

On the current tax rate of the area subject to the proposal and the sources of revenue of the area subject to the proposal, the Boundary Commission received the following evidence:

City of Manchester Declarations:

The City of Manchester indicated at the time of submittal the city's property tax rate was \$.10/\$100 of assessed valuation, but during the time of deliberation they advised the Commission is was reduced to \$.05/\$100 of assessed valuation. The property owners in the area to be annexed will continue to pay the St. Louis County rate of \$.58/\$100 of assessed valuation. The Electric Gross Receipts Tax (utility tax) would decrease from the present 5.0% to 4.5%. The gross receipts tax rate for the remaining utilities, natural gas, telephone and water, will remain the same as currently levied by St. Louis County, 5.0%.

Source of Revenue	New Revenue after Annexation Estimated	
	by Municipality	by St. Louis County
Property Tax ¹	\$0	\$0
Utility Tax	362,180	340,602
Sales Tax ²	1,071,820	974,982
Gasoline/Motor Vehicle Tax	333,490	339,829
County Road and Bridge Tax	103,360	99,863
Cigarette Tax	44,960	39,482
Cable T.V. Tax	47,850	25,560
Misc Fees and Fines	151,820	151,820
Reduction in revenue	(10,000)	0
Estimated Total New Revenue from Annexation Area	\$2,105,480	\$1,972,138
Estimated Cost of Extending Service to Area ³	\$2,105,620	\$2,105,620
Estimated Net Surplus (Deficit)	(\$140)	(\$133,482)

¹The Plan of Intent projected a property tax rate of \$0/\$100 assessed valuation

²The City of Manchester's calculation included ¼¢ and ½¢ sales taxes

³Includes estimated cost of Capital Improvements

FACTOR 8

(Extraordinary effect of the boundary change on distribution of tax resources)

Regarding the extraordinary effect the boundary change will have on the distribution of tax resources in the County, the Boundary Commission received the following evidence:

City of Manchester Declarations:

The City of Manchester did not quantify an effect the annexation would have on the distribution of tax resources in the county. They indicated the County would lose revenue from sales taxes, utility tax, road and bridge tax, etc. but these losses would be offset by savings in expenditures and will not be "extraordinary" as defined in the St. Louis County Boundary Commission Rules.

St. Louis County Declarations:

St. Louis County estimated the annual loss in gross revenue from the proposed annexation to be \$1,546,199. They offered the following analysis of gross revenue loss by funding source:

Estimated Gross Revenue Loss To St. Louis County from Carman - Dougherty Ferry Area Annexation	
Revenue Source	Amount
Sales Tax ¹	\$731,215
Utility Tax	360,425
County Road Funding (C.A.R.T.)	289,654
County Road and Bridge	99,863
Cigarette Tax	39,482
Cable T.V. Tax	25,560
TOTAL	\$1,546,199

¹Includes annexation adjustment

FACTOR 9
(Current and Proposed Zoning)

As to how the municipality proposes to zone the area proposed for annexation, the following evidence was submitted to the Boundary Commission:

City of Manchester Declarations:

The City identified five County zoning classifications contained within the proposed annexation area:

Proposed Zoning - Carman - Dougherty Ferry Area Annexation			
County Zoning Classification	Proposed Manchester Zoning Classification	Proposed Zoning Classification New or Existing	Timing for Transition
NU (Non-Urban)	R-1 (Residential)	Existing	6 mos.
R-1 (Residential)	R-1 (Residential)	Existing	6 mos.
R-2 (Residential)	R-2A (Residential)	Existing	6 mos.
R-3 (Residential)	R-3 (Residential)	Existing	6 mos.
R-4 (Residential)	R-4 (Residential)	Existing	6 mos.
R-5 (Residential)	R-5 (Residential)	Existing	6 mos.
R-6 (Residential)	R-6 (Multi-Family Residential)	New	6 mos.
R-6A (Multi-Family Residential)	R-6A (Multi-Family Residential)	Existing	6 mos.
C-8 (Planned Commercial)	PCD	Existing	6 mos.

In general, the City of Manchester identified that setback requirements vary, but any annexed parcels will be treated as non-conforming. Although some zoning districts do not match, the City proposes to change several current classifications to integrate the zoning. Development under St. Louis County's Planned Environment unit (P.E.U.) would be treated as a Manchester PRD, Planned Residential Development Zoning District. The City does not designate flood plain areas in their zoning ordinance as does St. Louis County. The City stated they follow Federal Emergency Management Association (FEMA) guidelines in those given matters. The City stated that the potential for creating non-conformities will be reduced, because the City will be adopting the majority of St. Louis County zoning classifications. Non-conformities will be grandfathered.

St. Louis County Declarations:

The county stated that there was no mention of flood plain provision in the Manchester zoning ordinance. With the many differences between the provisions of the St. Louis County and City of Manchester Zoning

Ordinances, the county stated it appeared many residential land uses have the potential for becoming non-conforming, by lot size and setback requirements.

FACTOR 10
 (Compactness of area)

As to how the proposal addresses the compactness of the area subject to proposal, the following evidence was provided the Boundary Commission:

City of Manchester Declarations:

Compactness of Area	
Criteria	City
Service delivery/access	Bounded by well traveled roadways that do not limit access to the area or the properties
Community of Interest	Residents of the proposed area consider themselves a part of the Manchester Community and many have requested to be annexed.
Natural and/or Man-Made Barriers	No natural or man-made barriers exist to deliver services.
Shared or Common Boundaries	The entire southern boundary is shared with the proposed area. It is compact in size and a natural extension of the City's boundary.

St. Louis County Declarations:

From a compactness and shape standpoint, the extension of the City of Manchester's boundaries as proposed does not round-off the City's boundary or make them compact. Although the area is accessible by street connection from the existing City of Manchester and Highway 141, the County questioned whether the City's new geographic configuration could affect efficient delivery of service.

FACTOR 11
 (When boundary change to become effective)

Regarding the effective date of the proposed boundary change, the following evidence was presented to the Commission.

City of Manchester Declarations:

The effective date of the annexation will be 6 months after voter approval.

Decision

The City of Manchester is a proposing agent as defined by §72.400(4) of the Revised Statutes of the State of Missouri and the Boundary Commission has jurisdiction over the proposal.

The boundary change sought by the municipality is an annexation governed by Chapter 72 RSMo.

Based upon the entire record, the Boundary Commission, St. Louis County, voted at an open public meeting by a roll call vote, and the proposal was **APPROVED**. Those members voting for the proposal had the following reasons:

- A. The proposal is in the best interest of the municipality.
- B. The proposal is in the best interest of the unincorporated territories affected by the proposal.
- C. The proposal is in the best interest of the areas of the county next to such proposed boundary change.

In accordance with Section 72.407 RSMo, the Boundary Commission herewith sets a vote in the City of Manchester and the area to be annexed to be held at an election on April 6, 1999. Such elections shall be held in accordance with Chapter 115 RSMo. The ballot for said separate elections shall read:

“Shall the City of Manchester annex the unincorporated territory adjacent to it as described in the legal description and map contained in the Boundary Commission’s Summary of Decision, Commission Number BC9806, of January 12, 1999? (See map and legal description posted in the polling place.)”

The annexation shall take effect six months following the certification of election results if a separate majority:

- A. of the votes cast on the question in Manchester and
 - B. of votes cast in each voting jurisdiction comprising the unincorporated area of the County
- are in favor of the boundary change.

ATTEST:



Chairperson

01-19-99

Date