

LOCAL
BOUNDARY
COMMISSION
REPORT



Official Business

Alaska State Legislature

Senate

Office of the Secretary

Pouch V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

TO: Senator Vic Fischer
Chairman
State Affairs Committee

FROM: Peggy Mulligan *Peggy Mulligan*
Secretary of the Senate

DATE: January 22, 1981

The attached report by the Local Boundary Commission pursuant to AS 29.68.010 has been referred to your committee.

Enc.

STATE OF ALASKA

JAY S. HAMMOID, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811

January 21, 1981

The Honorable Jalmar Kerttula
President
Alaska Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Kerttula:

Attached hereto is the Report to the First Session of the Twelfth Legislature by the Local Boundary Commission. The report contains recommendations for changes to the boundaries of three municipalities which, pursuant to Article X, Section 12 of the State Constitution and AS 29.68.010, are to be presented to the Legislature. These recommended boundary changes become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

Sincerely,

Lee McAnerney
Lee McAnerney
Commissioner

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

REPORT TO THE FIRST SESSION OF
THE TWELFTH LEGISLATURE

JANUARY 21, 1981

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**SUMMARY OF ACTIVITIES OF THE LOCAL BOUNDARY COMMISSION
DURING THE CALENDAR YEAR 1980**

During the past year, the Local Boundary Commission dealt with petitions concerning the following matters:

- 1. Detachment of the approximate 3,125 square mile Salcha Voting Precinct from the Fairbanks North Star Borough.**
- 2. Annexation of approximately 0.05 square miles to the City of St. Mary's.**
- 3. Annexation of approximately 4.20 square miles to the City of King Cove.**
- 4. Annexation of approximately 235.65 square miles to the City of Nome.**
- 5. Incorporation of the City of Tri Valley as a city of the second class, comprising an area of approximately 0.99 square miles.**
- 6. Annexation of approximately 20.50 square miles to the City of Emmonak.**

The action of the Local Boundary Commission with regard to items two, three and four above, requires review by the Legislature. A boundary change recommendation and individual summary of the activities associated with each of these three petitions begins on page 8 of this report. Article X, Section 12 of the State Constitution and AS 29.68.010 provide that

boundary changes recommended in this report shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

A synopsis of the activities associated with the three petitions which do not require Legislative review follows immediately:

- PROPOSED DETACHMENT OF THE SALCHA VOTING PRECINCT FROM THE FAIRBANKS NORTH STAR BOROUGH - On December 12, 1979 the petition for detachment, signed by 184 qualified individuals, was submitted to the Department of Community and Regional Affairs. Eight days later, the Department determined the petition to be acceptable in form and content.

At the time the petition was submitted, no standards had been established to judge a borough detachment proposal. Such standards were subsequently developed and were approved by the Local Boundary Commission on August 18, 1980. The Commissioner of the Department of Community and Regional Affairs adopted the standards as regulations on September 2, 1980. These standards, along with substantial

revisions to other regulations concerning Commission matters, were then submitted to the Department of Law for review and approval required by AS 44.62.060. At this date, the regulations are still under review by the Department of Law. Notwithstanding, the standards established to that degree were used to reach a decision in the Salcha matter.

On September 26, 1980 the Local Boundary Commission held, with prescribed notice, a public hearing on this matter in the Salcha Elementary School. After supplemental information was obtained, the Commission held a meeting on October 27, 1980 in the Fairbanks North Star Borough Assembly Chambers, at which time it decided to reject the petition.

While the Commission was sympathetic to certain concerns expressed by the petitioners, it was determined that the proposed action failed to meet the standards for detachment. Particularly significant in this matter was the fact that a small group of people (seven-tenths of 1% of the population of the Borough) attempted to detach a large area (40% of the Borough). In addition, the detachment would have had severe adverse financial consequences for the Borough through detachment of nearly 20% of its taxable property.

Beyond rejecting the detachment petition, in an effort to deal with the heart of this matter, the Commission has requested that the Borough develop and implement a plan to address the concerns of the Salcha area residents.

Specific suggestions made by the Commission in this regard include review of existing property taxing practices and improvement of communication with, and representation of, the outlying areas of the Borough.

Since no boundary change was recommended by the Commission in this instance, Legislative review is not necessary.

PROPOSED INCORPORATION OF THE CITY OF TRI VALLEY - On March 18, 1980 the incorporation petition for this community, near Healy, was submitted containing the signatures of 29 qualified individuals. On July 22, 1980, the Department of Community and Regional Affairs determined the petition to be acceptable in form and content. On August 19, 1980 the Department held, with prescribed notice, the public informational meeting at the Tri Valley School as required by AS 29.18.070. On September 27, 1980 the five members of the Commission conducted a physical inspection of the territory proposed for incorporation and held a public hearing on the matter, with prescribed notice, in the Tri Valley School. Immediately following the public hearing,

the Commission rendered its decision to reject the petition for incorporation.

The petition was rejected as the Commission determined that the proposal failed to meet the necessary standards prescribed in AS 29.18.011. Specifically, the boundaries proposed did not include all areas necessary to provide municipal services on an efficient scale. Further, the economy of the community did not include the human and financial resources necessary to provide local services.

Legislative review is not necessary in matters of incorporation.

ANNEXATION OF APPROXIMATELY 20.50 SQUARE MILES TO THE CITY

OF EMMONAK - On August 18, 1980, the City of Emmonak submitted its petition for annexation by election of residents of the territory. The petition was determined to be acceptable in form and content by the Department of Community and Regional Affairs on September 18, 1980.

On October 20, 1980 the Commission conducted a review limited to a determination that the annexation would not be inimical to the interests of the State or any municipality, and that the area of territory proposed for annexation is

not so disproportionate to the population as to warrant adjustment of the proposed boundaries or rejection of the petition.

On October 27, 1980 the Commission approved the petition. In late December the annexation proposal was put before the voters, but was rejected.

Even if the voters had approved the annexation measure, legislative review is not required for this type of annexation.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER ONE TO THE FIRST
SESSION OF THE TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION OF TERRITORY
TO THE CITY OF ST. MARY'S

WHEREAS, on August 9, 1979, the City of St. Mary's submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") pursuant to the provisions of 19 AAC 15.010 - .130 requesting the annexation of Lots 1A and 1B of Block 1 in Tract A and all of Tract B, USS #5507, Andreafsky Townsite; and

WHEREAS, on October 4, 1979, the Department determined the petition to be acceptable in form and content; and

WHEREAS, for compelling reasons, the Commission elected to exercise its authority under the provisions of 19 AAC 15.070(e) to treat the petition as a legislative review annexation proposal; and

WHEREAS the Commission conducted a physical inspection of the territory proposed for annexation and held a public hearing on the matter, with prescribed notice, in the St. Mary's City Council Chambers on November 15, 1979; and

WHEREAS a majority of the testimony presented at the hearing as well as written materials received subsequent to the hearing, including materials from representatives of the City of St. Mary's and the Andreafsky Townsite Council, indicated that the interests of the State, the City of St. Mary's and the Andreafsky Townsite would best be served through annexation of the entire Andreafsky Townsite; and

WHEREAS the Commission held, with prescribed notice, a meeting to render a decision on the petition for annexation February 29, 1980;

NOW, THEREFORE, based upon the petition of the City of St. Mary's, the investigation and report of the Department, the physical inspection of the territory by the Commission, and the information obtained from the public hearing, the Commission recommends that the following described territory be annexed to the City of St. Mary's:

Beginning at a point which is Corner No. 2 of U.S. Survey No. 2984 in Section 27, T23N, R76W, Seward Meridian, proceed on a bearing approximately N 110° W a distance of 5,800 feet more or less to the NW Corner of N.A. No. F031704, thence N 180° W along the west boundary of N.A. No. F031704 and beyond to the north bank of the Andreafsky River a distance of 4,250 feet more or less, thence north and east along the Meander of the north bank of the Andreafsky River to the Meander Corner, Corner No. 1 of U.S. Survey No. 2984 a distance of 7,600 feet more or less, thence N 21° 27' W along the west boundary of U.S. Survey No. 2984 to the point beginning a distance of 2,700 feet, more or less and containing 374 acres, more or less, situated in the Second Judicial District, State of Alaska.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER TWO TO THE FIRST
SESSION OF THE TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION OF TERRITORY
TO THE CITY OF KING COVE

WHEREAS, on August 21, 1980, the City of King Cove submitted a petition for legislative review to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, requesting the annexation of approximately 4.2 square miles of territory; and

WHEREAS, on September 8, 1980, the Department determined the petition to be acceptable in form and content; and

WHEREAS, on September 28, 1980 the Commission conducted a physical inspection of the territory proposed for annexation and held a public hearing on the matter, with prescribed notice, in the King Cove School Library; and

WHEREAS, on October 27, 1980 the Commission held, with prescribed notice, a meeting to render a decision on the petition for annexation;

NOW, THEREFORE, based upon the City of King Cove's petition, the investigation and the report of the Department, the physical inspection of the territory by three members of the Commission, and the information obtained from the public hearing, the Commission recommends that the following described territory be annexed to the City of King Cove:

Beginning at the protracted NW corner of the SE 1/4 of Section 16, T59S, R86W, Seward Meridian; thence east to the line of mean high water of King Cove Lagoon; thence meandering northeasterly along the line of mean high water of King Cove Lagoon to the point of intersection with the west boundary of Section 11, T59S, R86W, S.M.; thence north to the protracted NW corner of Section 11, T59S, R86W, S.M.; thence east to the protracted NE corner of Section 11, T59S, R86W, S.M.; thence south to the protracted SE corner of Section 26, T59S, R86W, S.M.; thence west to the protracted SW corner of the SE 1/4 of Section 28, T59S, R86W, S.M.; thence north to the line of mean high water of King Cove; thence meandering northeasterly along the line of mean high water of King Cove to the point of intersection with the north boundary of Section 28, T59S, R86W, S.M.; thence west to the protracted SW corner of the SE 1/4 of Section 21, T59S, R86W, S.M.; thence north to the protracted NW corner of the SE 1/4 of Section 16, T59S, R86W S.M., the point of beginning; excepting those lands identified as Bureau of Land Management Serial no. AA 2612, an Indian Allotment Application, lying within protracted Sections 15 and 16, T59S, R86W, S.M.; and excepting the area now comprising the City of King Cove, which is described as follows: The area bounded by the King Cove's shoreline and latitude 55° 03' 06" north to the south; by the King Cove Lagoon shoreline and latitude 55° 04' 06" north to the north; by longitude 162° 19' 48" west to the west; and by longitude 162° 18' 06" west to the east, and commonly known as the King Cove Village Site; containing 6.5 square miles, more or less, situated in the Third Judicial District, State of Alaska.

STATE OF ALASKA
LOCAL BOUNDARY COMMISSION

RECOMMENDATION NUMBER THREE TO THE FIRST
SESSION OF THE TWELFTH LEGISLATURE

RECOMMENDATION FOR THE ANNEXATION OF TERRITORY
TO THE CITY OF NOME

WHEREAS, on July 14, 1980 the City of Nome submitted a petition to the Local Boundary Commission (hereinafter "Commission") through the Department of Community and Regional Affairs (hereinafter "Department") in accordance with applicable laws and regulations of the State of Alaska, requesting the annexation of approximately 235.65 square miles; and

WHEREAS, on July 25, 1980 the Department determined the petition to be acceptable in form and content; and

WHEREAS, on November 21, 1980 the Commission conducted a physical inspection of the area proposed for annexation and held a public hearing on the matter, with prescribed notice, in the Nome City Council Chambers; and

WHEREAS, on December 11, 1980 the Commission held, with prescribed notice, a meeting to render a decision on the petition for annexation;

NOW, THEREFORE, based upon the extensive briefings of the Petitioner and the Respondents, the investigation and the report as amended by the Department, the physical inspection of the territory by two members of the Commission, and the information obtained from the public hearing, the Commission recommends that the following described territory be annexed to the City of Nome:

Beginning at the protracted NW corner of Section 11, T11S, R34W, Kateel River Meridian; thence east to the protracted NE corner of Section 7, T11S, R33W, K.R.M.; thence south to the protracted SE corner of Section 31, T11S, R33W, K.R.M.; thence continuing south along the same line to a point 4,000 feet seaward of the mean high tide line of Norton Sound; thence meandering northwesterly along a line 4,000 feet seaward of and paralleling the mean high tide line of Norton Sound to a point due south of the protracted SW corner of the SE 1/4 of the SE 1/4 of Section 28, T11S, R34W, K.R.M.; thence north to the protracted NW corner of the NE 1/4 of the NE 1/4 of Section 21, T11S, R34W, K.R.M.; thence east to the protracted SE corner of Section 15, T11S, R34W, K.R.M.; thence north to the protracted NW corner of Section 11, T11S, R34W, K.R.M., the point of beginning; excepting the area now comprising the City of Nome; containing 17.83 square miles, more or less, situated in the Second Judicial District, State of Alaska.