

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5191 SCRA LOCAL BOUNDARY COMMISSION

763




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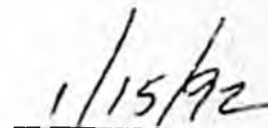


CERTIFICATION

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1987-1988

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SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

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SCR 21/SJR 28

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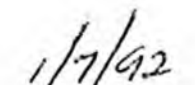


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Signature of Camera Operator



Date

Local
Boundary
Commission

No 90

STATE OF ALASKA 1987 LEGISLATIVE SESSION

FISCAL NOTE SENATE

BILL VERSION: SCR 20

PUBLISH DATE: 3/4/87

REQUEST: MC

Revision Date: _____

Title: DISAPPROVING DILLINGHAM ANNEXATION

Agency Affected: Community & Regional Affairs

BRU: _____

Sponsor: Community & Regional Affairs Committee

Requestor: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS :

[Empty box for analysis]

Prepared by: McKIE CAMPBELL Phone: 465-3818

Division: STAFF - SENATE C&RA COMMITTEE Date: 3/4/87

Approved by: CHAIRMAN [Signature] Date: _____

Agency: SENATE C&RA COMMITTEE

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

*
* DELIVER TO: LIOCSSC *
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* ORIGINAL *
* SENT: 03/03/87 TIME: 15:34 *
* FROM: LIOCANC *
* SUBJECT: ANCHORAGE PARTICIPANT LIST #1 *
* PRINT DATE: 03/03/87 TIME: 15:34 *
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*** ANCHORAGE PARTICIPANT LIST ***

THE FOLLOWING PEOPLE ARE STANDING BY TO PARTICIPATE IN TODAY'S
HOUSE AND SENATE C + RA COMMITTEE TELECONFERENCE:

TO TESTIFY:

- 1.)
- 2.) 0000000000
- 3.)
- 4.)

TO OBSERVE:

- 1.) DAN BOCKHORST ←
- 2.) CAROL AFERCLERA
- 3.)

EQM

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: JEFFREY B. LABAHN
TITLE: CITY MANAGER, CITY OF DILLINGHAM
ADDRESS: BOX 889
CITY: DILLINGHAM, ALASKA ZIP: 99576
PHONE: 842-5211

BILL NO:

SUBJECT: DILLINGHAM ANNEXATION PETITION
MESSAGE: THE DILLINGHAM CITY COUNCIL HAS MADE A DECISION TO WITHDRAW THE REFERENCED ANNEXATION PETITION EFFECTIVE FEBRUARY 24, 1987. IT IS THE POSITION OF THE COUNCIL THAT THE PETITION, AS AMENDED BY THE LOCAL BOUNDARY COMMISSION, CANNOT BE SUPPORTED. THE CITY RESPECTFULLY REQUESTS A VETO OF THIS DECISION BY RESOLUTION.

POMID: 06093229
DATE: 02/27/87
TIME: 09:32:29
LIONAME: DILLINGHAM LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	SZYMANSKI
SPRINGER	ZHAROFF
ZAHACKI	

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**STATE OF ALASKA
LOCAL BOUNDARY COMMISSION**

**Robert Eder, Chairman
Josephine Anderson
Bert Greist
David Hanson
Charles Bettisworth**



**Report
to the
First Session
of the
Fifteenth Legislature**

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I. PREFACE

Each year the Local Boundary Commission submits a report to the Legislature. The report submitted to the First Session of the Fifteenth Legislature provides information concerning the powers and duties of the Local Boundary Commission and describes the activities of the commission during 1986.

Additionally, the report includes formal recommendations to the Legislature for five annexations to cities. Pursuant to Article X 512 of the State Constitution, AS 44.47.567(b)(2), and AS 29.06.040, the recommendations for annexation contained in this report take effect forty-five days from this date or at the end of the Session, whichever is earlier, unless disapproved by a concurrent resolution of the Senate and House.

Each year the commission meets with the Senate and House Committees on Community and Regional Affairs Committees to discuss our annual report. We look forward to meeting with those Committees at the convenience of the members.

Sincerely,

A handwritten signature in black ink, appearing to read "C.B. Bettisworth", with a long, sweeping flourish extending to the right.

C.B. Bettisworth
Acting Chairman

II. BACKGROUND

ROLE OF THE LOCAL BOUNDARY COMMISSION

The Local Boundary Commission is responsible for acting upon petitions for the formation, restructuring and dissolution of municipal governments in Alaska. In addition, the commission acts upon petitions for the modification of jurisdictional boundaries of those municipal governments. Specifically, the commission deals with petitions for the following:

1. Incorporation of cities and boroughs;
2. Annexation to cities, boroughs and unified municipalities;
3. Detachment from cities, boroughs and unified municipalities;
4. Consolidation of cities, boroughs and unified municipalities;
5. Merger of cities, boroughs and unified municipalities;
6. Dissolution of cities, boroughs and unified municipalities.

COMPOSITION OF THE COMMISSION

The Local Boundary Commission is comprised of five members. Commission members are appointed by the Governor "on the basis of interest in public affairs, good judgment, knowledge and ability in the field [AS 39.05.060(b)]". One member is appointed from each of the four Judicial Districts of the state. The fifth member, who serves as chairman of the commission, is appointed at-large. Members of the commission serve without compensation. Commission members serve five year overlapping terms.

The current members of the commission are:

- Robert Eder, Chairman, serving at-large (current term expires January 31, 1987);
- Charles Bettisworth, Vice Chairman, serving from the Fourth Judicial District (current term expires January 31, 1990);
- Josephine Anderson, serving from the First Judicial District (current term expires January 31, 1991);
- Bert Greist, serving from the Second Judicial District (current term expires January 31, 1989);
- David Hanson, serving from the Third Judicial District (current term expires January 31, 1988).

TECHNICAL AND ADMINISTRATIVE SUPPORT TO THE COMMISSION

The Alaska Department of Community and Regional Affairs, Division of Municipal and Regional Assistance, provides technical and administrative support to the commission. Such support includes the following principal responsibilities:

- Providing technical assistance to prospective petitioners who wish to bring actions before the Local Boundary Commission.
- Reviewing the form and content of petitions which have been filed with the commission to determine compliance with applicable laws and regulations.
- Analyzing proposed actions and preparing formal written reports and recommendations to the Local Boundary Commission.
- Preparing and maintaining formal records of all proceedings of the commission and otherwise providing technical and administrative support to the commission.

SYNOPSIS OF PROCEDURES

The following provides a brief summary of the procedures and different types of actions which may be brought before the commission. -Details concerning the procedures may be obtained by reviewing the statutes and administrative regulations referenced in the synopsis.

Formation of Municipal Governments:

City and borough governments are incorporated under the provisions of state laws and administrative regulations. The Local Boundary Commission must judge each incorporation proposal using standards established in state laws and regulations.

Examples of standards for incorporation of cities include suitable size and stability of population, an economy which includes the human and financial resources necessary to provide municipal services, and a need for local government. Examples of standards for incorporation of boroughs include a socially, culturally and economically interrelated and integrated population; jurisdictional boundaries which conform to natural geography; an economy which includes the human and financial resources necessary to provide municipal services; and transportation facilities which allow the communication and exchange necessary for the development of integrated borough government.

If the commission approves a petition for the incorporation of a municipal government, the State Division of Elections conducts an election on the proposed incorporation. A majority vote of residents within the territory proposed for incorporation must approve the proposed incorporation before it may be effected.

Further information concerning the procedures and standards which govern the incorporation of a city or borough may be obtained by referring to the statutes and regulations listed below:

- ° Standards for incorporation of a city -
AS 29.05.010-020 and 19 AAC 10.010-030
- ° Standards for incorporation of a borough -
AS 29.05.030 and 19 AAC 10.160-180
- ° Procedures for incorporation of cities and boroughs -
AS 29.05.060 and 19 AAC 10.325-440

Municipal Boundary Changes:

Delegates to the State Constitutional Convention recognized that the establishment and revision of local government boundaries should primarily be the responsibility of the state. To carry out this responsibility, the delegates provided in Article X § 12 of the State Constitution that:

A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change 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. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.

The Local Boundary Commission examines proposed annexations and detachments using standards established by administrative regulations.

Examples of standards for annexation include whether the territory proposed for annexation is totally surrounded by the municipality; whether the territory is owned by the municipality; whether the territory is urban in character; whether the territory is in need of municipal services; whether there is a likelihood that future growth and development will occur in the territory; whether the health, welfare and safety of residents is endangered by developments in the territory; whether annexation of the territory is necessary to extend adequate service to residents within the existing boundaries; whether residents or property owners in the territory receive or expect to receive municipal services without commensurate tax contributions.

Standards for detachment include a determination that the proposed detachment is in the best interests of the state, the territory proposed for detachment and the municipality affected.

Annexations and detachments may be accomplished through either of two general processes: the "Local Action process" or the "Legislative Review process". Each of these processes is explained below:

Local Action

Municipal boundary changes carried out under the Local Action process require approval of both the Local Boundary Commission and a majority of the property owners and/or voters in the affected territory. There are four distinct methods by which municipal boundary changes may be effected under the Local Action process. The following is a discussion of these methods:

1. Annexation or Detachment by Election

A petition may be presented to the commission for the annexation or detachment of an area to be subject to an election. If the commission approves the petition, the

action does not take effect unless the proposed boundary change is approved by a majority vote of the residents of the territory affected.

2. Annexation of Municipally-owned Property

Property which is owned by a municipality and which adjoins its present boundaries may be annexed by ordinance of the municipality. The annexation becomes effective with the approval of the Local Boundary Commission.

3. Annexation of Property Owned Upon Petition by All of the Resident Registered Voters and Property Owners

An area adjoining a municipality may be annexed if all of the property owners and all of the registered voters who reside within the territory petition the governing body for the boundary change. The annexation becomes effective through the adoption of an ordinance by the governing body of the municipality and the approval of the Local Boundary Commission.

4. Step Annexation

An annexation petition may seek annexation to take effect gradually over a period of time not to exceed five years. If the commission approves a petition for step annexation, the proposed annexation must also be approved by both the legislature and a majority of the voters in the affected area. The step annexation process has yet to be used in Alaska.

Legislative Review

This process requires approval from the Local Boundary Commission and the legislature. Legislative action is initiated by the submission of a formal recommendation for the boundary change to the legislature during the first ten days of a regular session. That recommendation is then subject to legislative veto within 45 days from the date it is submitted. If not rejected by the legislature during the 45 day review period, the boundary change becomes effective.

The legislative review process is typically used where circumstances do not lend themselves to the initiation of municipal boundary changes through the local action process. Such circumstances may include the following:

- ° It would be impractical to seek annexation of such territory through the local action process. For example, territory proposed for annexation may be uninhabited and may be owned

by a substantial number of individuals, several of whom may be unknown. Thus, the matter could not be decided at an election nor would it be practical to obtain the approval of each of the property owners.

- ° The interests of certain parties may not be adequately protected through the local action process. For example, one resident could seek the annexation or detachment under the local action election method of his/her property consisting of a quarter-acre, and could seek the simultaneous annexation or detachment of an adjacent unpopulated 160 acre parcel of land. Such circumstances would likely be considered unfair to the owner(s) of the adjacent 160 acres. Thus, the commission could compel consideration of the proposed municipal boundary change through the legislative review method.
- ° There is a compelling public need for a boundary change, but there is uncertainty whether a majority of residents in the territory affected would support the proposed boundary change.

This last circumstance is, unquestionably, the most controversial of those surrounding municipal boundary changes. However, as was addressed earlier, the provisions of Article X § 12 of the State Constitution were established to accommodate this very situation.

Deliberation of the Alaska Supreme Court regarding the constitutional principle associated with Article X § 12 of the State Constitution are worthy of mention here. In Fairview Public Utility Dist. No. 1 v. City of Anchorage, 368 P.2d 540 (Alaska 1962), the Supreme Court stated that, "An examination of the relevant minutes of [the constitutional proceedings] shows clearly the concept that was in mind when the local boundary commission was being considered: that local political decisions do not usually create proper boundaries and that boundaries should be established at the state level." Id. at 543. The court concluded, "The subject of ... municipal boundaries is legitimately the concern of the state as a whole, and not just that of the local community." Id. at 546.

Further information concerning the procedures and standards which govern the annexation and detachment of territory to a municipality may be obtained by referring

to the statutes and regulations listed below:

- ° Standards for annexation to cities -
19 AAC 10.065-090
- ° Standards for detachment from cities and unified municipalities -
19 AAC 10.95-120
- ° Standards for annexation to organized boroughs -
19 AAC 10.185-220
- ° Standards for detachment from organized boroughs
19 AAC 10.225-250
- ° Procedures for boundary changes by Local Action -
AS 29.06.040(c), AS 44.47.567(a)(4), 19 AAC
10.630-730 and 19 AAC 10.735-790
- ° Procedures for boundary changes by Legislative
Review -
Article X § 12 of the State Constitution,
AS 44.47.567(b)(2), AS 29.06.040(b) and
19 AAC 10.450-620

Dissolution of Municipal Governments:

The Local Boundary Commission examines proposed dissolutions of municipal governments using standards and procedures established by law and administrative regulations.

Standards for the dissolution of municipal governments include whether the municipality is free of debt, whether it still meets the standards for incorporation or whether the municipality still exercises municipal powers.

If the proposed dissolution of a municipality is approved by the Local Boundary Commission, it may not be effected unless approved by a vote of the residents of the municipality or by the Legislature, depending on the particular process used.

Further information concerning the procedures and standards which govern the dissolution of a municipality may be obtained by referring to the statutes and regulations listed below:

- ° Standards for dissolution of a city -
AS 29.06.470 and 19 AAC 10.130-150
- ° Standards for dissolution of a borough -
19 AAC 10.260-280
- ° Procedures for dissolution of a municipality -
AS 29.06.450-530

Consolidation or Merger of Municipal Governments

The Local Boundary Commission examines proposals for consolidation of municipalities (the creation of a new

municipality from the union of two or more existing municipalities) and for the merger of municipalities (the absorption of one municipality by another existing municipality) using standards and procedures established by law and administrative regulations.

The standard for the merger or consolidation of municipalities is whether the successor municipality meets the standards for incorporation.

Further information concerning the procedures and standards which govern the consolidation or merger of municipalities may be obtained by referring to the statutes and regulations listed below:

- ° Standards for merger of municipalities -
19 AAC 10.290-300
- ° Standards for consolidation of municipalities -
19 AAC 10.310-320
- ° Procedures for merger or consolidation -
AS 29.06.090-170 and 19 AAC 10.800-810

III. EXECUTIVE SUMMARY OF ACTIVITIES OF THE LOCAL
BOUNDARY COMMISSION DURING CALENDAR YEAR 1986

The following is a summary of the petitions for municipal incorporation, dissolution and boundary change brought before the commission in calendar year 1986.

MUNICIPAL INCORPORATIONS

Northwest Arctic Borough (Election District 22)

A petition for incorporation of a first class borough signed by 751 residents of the NANA region was filed on January 6, 1986. The area proposed for incorporation encompassed approximately 36,000 square miles including approximately 3,298 square miles detached from the North Slope Borough.

The borough includes eleven permanent communities with the largest, Kotzebue, serving as the regional center. The population of the Northwest Arctic Borough is estimated to total 6,110.

The commission conducted a public hearing on the petition in Kotzebue on March 14, 1986. After carefully considering public testimony and research material on the matter, the commission approved the petition on the basis that the standards for borough incorporation had been met.

On May 20, 1986, an election was held and a majority of voters in the region approved incorporation of the Northwest Arctic Borough.

On June 2, 1986, the Northwest Arctic Borough became the first Alaska borough to incorporate since 1972.

Big Lake (Election District 16)

On October 21, 1986, residents of the community of Big Lake submitted a petition for incorporation of Big Lake as a second class city. The petition reflects a resident population of the proposed city as 2,278 and proposed boundaries encompassing approximately 149.75 square miles. Local Boundary Commission staff conducted an informational meeting in the community on January 8, 1987 and the Local Boundary Commission will conduct a public hearing on the petition in March, 1987.

MUNICIPAL DISSOLUTIONS

Cities of Akiachak, Atmautluak and Kasigluk (Election District 25)

A number of residents and local elected officials of certain cities within the state have expressed an interest in dissolving their city governments. The factor motivating this interest is an apparent disenchantment with

the state and its political subdivisions which has caused a desire to return to "traditional ways", including "tribal governance" in these communities.

Only one formal dissolution attempt has been made to date. In 1984, certain residents of the City of Akiachak initiated a petition for the dissolution of their city. The matter was brought before the Alaska Local Boundary Commission twice (once upon reconsideration) in 1985. The petition for the dissolution of Akiachak was initially denied principally because the commission determined that Akiachak failed to meet the standard set out in AS 29.06.470(a) and 19 AAC 10.130(a), i.e., that the petitioners had failed to establish that the city was free of debt, or that each of its creditors had been satisfied with a method of repayment. When the petition was again brought before the commission, it was rejected on the basis of 19 AAC 10.130(a)(3), i.e. from the commission's view Akiachak still met minimum standards for incorporation of a city.

After the second rejection of the petition by the commission, the petitioners appealed the commission's decision to the state superior court. Briefs in the matter have yet to be filed.

In addition to Akiachak, certain residents or elected officials of at least nine other cities have expressed varying degrees of interest in dissolution. Most of these communities are merely examining the consequences of and procedures for dissolution. However, the city councils of both Atmautluak and Kasigluk have followed the action of the Akiachak City Council by resigning en masse. Thus, we now have three city governments which have effectively been abandoned by the local elected officials.

Residents of the City of Atmautluak distributed a document, dated July 23, 1986, indicating that the entire Atmautluak City Council resigned effective that date. A resolution submitted with the document states that the "Atmautluak Traditional Government" is now the only entity with the right to govern its sovereign tribal members..."

In October, a similar resolution was received from residents of the City of Kasigluk. Therefore, a total of three municipal governments have been declared dissolved by a number of individuals including elected municipal officials. However, it is noteworthy that of the three municipalities, only Akiachak residents pursued the formal process for municipal dissolution established in state law and administrative regulation.

In our report to the Legislature covering 1985 activities,

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; approximately 12 acres. The
under provisions of the process
a majority of the registered voters
the area proposed for annexation. The proposed
annexation was rejected by resident registered voters in
the territory proposed for annexation at an election
conducted August 26, 1986.

City of Fairbanks (Election District 20)

The Local Boundary Commission approved a petition submitted
by the City of Fairbanks for annexation of approximately
140 acres described as the Alaska Gold property. The
boundary change was initiated at the request of the sole
owner of the property. The annexation was originally
submitted under provisions of the Legislative review
process but was amended and is now being effected under the
local action process. The commission approved the petition
on August 2, 1986, with the effective date of the boundary
change set for January 15, 1987.

City of Fairbanks (Election District 20)

At the direction of the Superior Court, the Local Boundary
Commission on August 28 reconsidered a 1984 petition
submitted by the City of Fairbanks for the annexation of
117 acres bounded by Peger, Davis and Hill Roads and
reaffirmed its 1984 approval of the boundary change.

City of Kodiak (Election District 27)

The Local Boundary Commission approved a petition for
annexation by election of an area identified as the Mission
Lakes Subdivision and the unsurveyed portion of Mission
Lake, totalling approximately 81.3 acres (0.1271 square
miles). The matter was rejected by the resident voters of
the territory proposed for annexation on May 6, 1986.

City of Kodiak (Election District 27)

The Local Boundary Commission approved a petition for
annexation by election of an area identified as the Von
Scheele right of way, totalling approximately 0.10 acres at
the request of all of the property owners and resident
registered voters in the territory proposed for annexation.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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In October, a similar resolution was received from residents of the City of Kasigluk. Therefore, a total of three municipal governments have been declared dissolved by a number of individuals including elected municipal officials. However, it is noteworthy that of the three municipalities, only Akiachak residents pursued the formal process for municipal dissolution established in state law and administrative regulation.

In our report to the Legislature covering 1985 activities,

we expressed the desire that the major public policy issues surrounding municipal dissolution be addressed by the Legislature and the Governor. Events of the past year illustrate that the situation and its ramifications upon the Alaska local government structure have become even more a matter for concern.

BOUNDARY CHANGES - LOCAL ACTION

City of Fairbanks (Election District 20)

The Local Boundary Commission approved the petition of the City of Fairbanks for the annexation of the Riverside Park Subdivision, comprising approximately 12 acres. The petition was submitted under provisions of the process requiring approval of a majority of the registered voters within the area proposed for annexation. The proposed annexation was rejected by resident registered voters in the territory proposed for annexation at an election conducted August 26, 1986.

City of Fairbanks (Election District 20)

The Local Boundary Commission approved a petition submitted by the City of Fairbanks for annexation of approximately 140 acres described as the Alaska Gold property. The boundary change was initiated at the request of the sole owner of the property. The annexation was originally submitted under provisions of the Legislative review process but was amended and is now being effected under the local action process. The commission approved the petition on August 2, 1986, with the effective date of the boundary change set for January 15, 1987.

City of Fairbanks (Election District 20)

At the direction of the Superior Court, the Local Boundary Commission on August 28 reconsidered a 1984 petition submitted by the City of Fairbanks for the annexation of 117 acres bounded by Peger, Davis and Hill Roads and reaffirmed its 1984 approval of the boundary change.

City of Kodiak (Election District 27)

The Local Boundary Commission approved a petition for annexation by election of an area identified as the Mission Lakes Subdivision and the unsurveyed portion of Mission Lake, totalling approximately 81.3 acres (0.1271 square miles). The matter was rejected by the resident voters of the territory proposed for annexation on May 6, 1986.

City of Kodiak (Election District 27)

The Local Boundary Commission approved a petition for annexation by election of an area identified as the Von Scheele right of way, totalling approximately 0.10 acres at the request of all of the property owners and resident registered voters in the territory proposed for annexation.

City of Noorvik (Election District 22)

The Local Boundary Commission approved the petition of the City of Noorvik for the annexation of 891.9 acres of territory. This annexation was approved by a majority of resident registered voters in the territory proposed for annexation at an October 21 election.

City of Soldotna (Election District 5)

The Local Boundary Commission approved the petition for the annexation of approximately 4.2 acres of uninhabited commercial property at the request of the sole property owner of the territory proposed for annexation.

City of Wasilla (Election District 16)

The Local Boundary Commission approved a petition by the City of Wasilla for annexation of approximately 143 acres owned by the Museum of Alaska Transportation and Industry at the request of the sole property owner in the territory proposed for annexation.



City of Clark's Point (Election District 26)

The City of Clark's Point petitioned for annexation of approximately 242 square miles of territory. After a public hearing and careful analysis of the petition, the Local Boundary Commission determined that the proposed annexation failed to satisfy the applicable requirements of state statute and regulation regarding annexation of contiguous territory to a city. Accordingly, the petition was rejected by the commission.

*Shan N.
Regulatory Standards*

City of Dillingham (Election District 26)

The City of Dillingham submitted a petition for annexation of approximately 918.25 square miles. After a public hearing and careful analysis of the petition, the Local Boundary Commission determined that the proposed annexation did not, in its entirety, satisfy the applicable requirements of state statute and regulation regarding annexation of contiguous territory to a city. However the commission did conclude that an area comprised of approximately 40 square miles northwest of the city did satisfy the requirements for annexation of contiguous territory. Accordingly, the commission amended the petition to request annexation of the referenced 40 square miles. Details of the territory proposed for annexation, including a map of area involved and the commission's findings of fact and statement of decision, are contained in the formal recommendation for the annexation of this territory found in Section IV of this report.

*Dan Boe Khor
Smollerava
Alexander
Bouschawis
a list.*

City of Fairbanks (Election District 20)

The Local Boundary Commission approved the petition of the

*Robert Camp
Coyhill
Bumitt*

City of Fairbanks for the annexation of an area described as the Fairbanks North Star Borough Old Richardson Highway Service Area, totalling approximately 164 acres. Details of the territory proposed for annexation, including a map of area involved and the commission's findings of fact and statement of decision, are contained in the formal recommendation for the annexation of this territory found in Section V of this report.

City of Fairbanks (Election District 20)

*Fairbanks
Borough
Legislative*

The Local Boundary Commission approved the petition of the City of Fairbanks for the annexation of the area described as the eastern portion of the Fairbanks Industrial Park, comprised of 21 acres. The annexation petition was originally submitted under provisions of the process under which a boundary change may be effected by ordinance if the annexation is requested by all of the property owners and resident registered voters in the territory. The petition was subsequently amended and submitted under provisions of the Legislative review process. Details of the territory proposed for annexation, including a map of area involved and the commission's findings of fact and statement of decision, are contained in the formal recommendation for the annexation of this territory found in Section VI of this report.

City of Kodiak (Election District 27)

2 hours

The Local Boundary Commission approved the petition of the City of Kodiak for the annexation Tract S-4A, USS 3218, comprising approximately 8.58 acres. Details of the territory proposed for annexation, including a map of area involved and the commission's findings of fact and statement of decision, are contained in the formal recommendation for the annexation of this territory found in Section VII of this report.

City of Nenana (Election District 17)

The City of Nenana submitted a petition for annexation of 316,879 acres (approximately 495.12 square miles) described as "West Nenana or "the Totchaket Region." However, immediately prior to the commission's scheduled hearing on the proposed boundary change, the petition was withdrawn by the City of Nenana.

City of Pelican (Election District 3)

Chair

The Local Boundary Commission approved the petition of the City of Pelican for the annexation of an area totalling approximately 268 acres. Details of the territory proposed for annexation, including a map of area involved and the commission's findings of fact and statement of decision, are contained in the formal recommendation for the annexation of this territory found in Section VIII of this report.

North Slope Borough Detachment (Election District 22)

In 1985, a petition was filed for detachment of approximately 3,298 square miles from the North Slope Borough. The petition was initiated in order to provide an adequate tax base for the Northwest Arctic Borough. After a series of public hearings, the Local Boundary Commission approved the detachment. The detachment was made contingent upon incorporation of the Northwest Arctic Borough. The petition was approved by the Second Session of the Fourteenth Legislature. The boundary change was effected on June, 2 1986, the date of the Northwest Arctic Borough's incorporation. Even though this detachment action was addressed by the last session of the legislature, it is referenced in this report because the commission's action and the detachment itself occurred in calendar year 1986.

Three law suits were filed by the North Slope Borough in the context of the detachment. The litigation consisted of the following actions:

1. North Slope Borough v. State (No. 2 BA-85-187 CIV) alleged violation by the Department of Community and Regional Affairs of the State Open Meeting Act in the development of the petition for detachment.
2. North Slope Borough v. State (No. 2 BA-85-200 CIV) alleged that Assistant Attorney General Jon Rubini had a conflict of interest in serving both the department and the Local Boundary Commission. The suit alleged that the detachment proceedings were "tainted" by alleged conflicts of Jon Rubini and commission member Bert Greist.
3. North Slope Borough v. Local Boundary Commission sought to reverse the decision of the commission to approve the detachment on the grounds of violation of due process and other alleged improprieties.

Each of the suits was eventually withdrawn by the North Slope Borough.

City of Unalaska (Election District 26)

In 1985, the City of Unalaska petitioned for the annexation of much of Unalaska Island and surrounding territories totalling approximately 1,294 square miles. After carefully applying the standards for annexation to cities, the commission determined that only a portion of the requested territory should be annexed to the City. In January, 1986, the commission approved the annexation of approximately 162.8 square miles. The petition subsequently received the tacit approval of the Second Session of the Fourteenth Legislature. Even though this annexation action has been completed, it is referenced in this report because the commission's action occurred in calendar year 1986.

IV. RECOMMENDATION FOR THE ANNEXATION OF TERRITORY TO THE
CITY OF DILLINGHAM

IN THE MATTER OF THE PETITION)
FOR ANNEXATION OF TERRITORY TO)
THE CITY OF DILLINGHAM, ALASKA)

SUMMARY OF ACTIVITIES

In accordance with 19 AAC 10.490(a)(4), the City Council of Dillingham passed a resolution on April 24, 1986 authorizing the filing of a petition for annexation of 918.25 square miles of territory under the provisions of AS 29.06.040(b). On May 1, 1986, the Department of Community and Regional Affairs received the authorized petition. Under 19 AAC 10.530, the city published notice of the filing of its petition on June 27 and July 4, 1986, in the Bristol Bay Times.

On April 23, 1986, the City of Clark's Point submitted a petition for annexation of area included within the territory proposed for annexation by the City of Dillingham. It was accepted by the department in terms of form and content and was subsequently transmitted to the Local Boundary Commission (LBC) with the department's report and recommendation. This presented a novel problem for the LBC in that it was now having to consider competing annexation requests.

On May 25, the department received a letter from the Clark's Point Native Corporation formed under ANCSA (Saguyak Incorporated) "protesting" the Dillingham annexation and supporting the Clark's Point annexation. On June 12, 1986 the department received a letter from the Dillingham Native Corporation formed under ANCSA (Choggiung Limited) objecting to "certain portions, if not all, of this annexation". On July 24, the department received a letter from the Secretary for the City Council of Manokotak opposing the petition from the City of Dillingham.

On October 4, 1986, a public hearing was conducted by the LBC in Dillingham and one in Clark's Point. At that time the City of Dillingham presented a revised boundary request to the LBC. It reduced the territory proposed for annexation by approximately one-half. However, the city testified that the original boundaries of the proposed annexation were justified, though the city redrew the boundaries to accommodate landowners in the area.

At this point it became apparent that the submission of competing annexation requests was motivated by the desire of each city to obtain the revenue generated by raw fish taxes. This revenue would be available to them only through annexation of at least a portion of Nushagak Bay. The LBC requested the two cities to examine the conflict and on November 10, 1986, present it with any proposed compromise in terms of boundaries

or agreements for the sharing of revenues and municipal services. Work sessions were held between the councils of the respective cities, and staff from the Department of Community and Regional Affairs participated in a meeting held on October 24. -Ultimately the two cities were unable to come to an agreeable solution to the conflict. On November 6, 1986, the City Council of Dillingham passed Resolution #86-66. This resolution requested the LBC judge the competing annexation petitions on their own merits.

On November 3, 1986 the Bristol Bay Native Corporation submitted a letter to the department regarding the proposed annexation from Dillingham. Although the letter states that the corporation takes no position on the City of Dillingham's annexation petition, it raised several issues of concern, many of which were reflected in the department's report and recommendation to the LBC.

On November 4, 1986, Marie Luckhurst submitted to the department a letter and an accompanying "protest petition" signed by approximately 70 landowners in the area proposed for annexation. This petition argued that the respective landowners believed the area failed to warrant annexation. In response to this, Mr. John Pearson, Council member of the City of Dillingham, submitted a letter rebutting the arguments presented by the protest petitioners. This was received by the department on November 21, 1986. On that same day another letter suggesting the City of Dillingham drop the annexation proposal was received by the department. The letter was submitted by William P. Johnson and it questioned the revised western boundaries of the annexation area. It noted that "the city council pulled back the boundaries sufficiently to exclude all city council and immediate family members who staked land within the state open to entry area".

The Alaska Attorney General's Office was requested to provide advice on how the LBC should handle two proposals for annexation where the proposals overlap in the area to be annexed. On November 13, 1986, the Attorney General advised the Department of Community and Regional Affairs that the common law doctrine of "prior jurisdiction" should be applied in this instance. This requires the LBC to consider and act upon the petition submitted first, in this case, that from the City of Clark's Point. A decisional session of the LBC was conducted on November 22, at which time the LBC considered and acted upon the proposed annexation request from the City of Clark's Point and subsequently considered and acted upon the proposed annexation request from the City of Dillingham.

PROFILE OF PROPOSED ANNEXATION

The area originally proposed for annexation is located generally to the northwest, west and south of the existing municipal boundaries of the City of Dillingham. It includes waterways of Nushagak Bay and lands south and west of the City

of Aleknagik and east of the City of Manokotak. In the course of the boundary's southeastern traverse it borders the existing corporate limits of the City of Clark's Point. The western territory includes Nunavaugaluk Lake, headwaters of the Snake River.

The area is rural in nature. Onshore areas are inhabited on a seasonal basis by local and non-local residents for purposes of subsistence and commercial fisheries activities. There are an unspecified number of fish camps and set net sites in the territory. The permanent population of the area is estimated at 75.

The petitioner has asserted that the area proposed for annexation is in need of municipal services which the city can provide more efficiently than another municipality. This contention is based upon the belief that seasonal and permanent residents of the area require and already utilize city services to the extent that annexation of the waterways and land areas are warranted. The petitioner also believes that current and anticipated development in the area requires control and regulation which the city will provide. Additionally, the petitioner feels that the health, welfare or well-being of city residents are endangered by conditions existing in the area proposed for annexation, and that annexation will enable the city to remove or relieve these conditions. The City of Dillingham further desires to enhance its revenues by receipt of the raw fish taxes available from floating processors within the territory proposed for annexation. It is felt by the city that these additional revenues will offset the anticipated decline in state and federal assistance.

At its November 22 decisional meeting, the LBC approved an approximate 40 square mile area for annexation to the City of Dillingham. It is referred to as "the identified 40 square mile area northwest of the City of Dillingham" in the remainder of this recommendation.

FINDINGS OF FACT

In arriving at its findings, the LBC has considered documents and evidence including, but not limited to: the petition for annexation, accompanying brief, revised boundary request and City of Dillingham Resolution #86-66 all from the City of Dillingham; the report and recommendation of the Department of Community and Regional Affairs; the letters of non-support from Saguyak Corporation, Choggiung Limited, Bristol Bay Native Corporation, City Secretary of Manokotak, Marie Luckhurst, and William Johnson; the letter of support from John Pearson; and oral testimony provided at the October 4, 1986, public hearing. As listed below, findings of fact are not necessarily limited to the standards provided in state regulations.

1. THE CONTIGUOUS TERRITORY IS NOT TOTALLY SURROUNDED BY THE CITY'S BOUNDARIES [19 AAC 10.070(1)].

2. THE LAND IN THE TERRITORY IS NOT WHOLLY OWNED BY THE CITY [19 AAC 10.070(2)].

3. WITH THE EXCEPTION OF THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM, THE TERRITORY IS NOT URBAN IN CHARACTER [19 AAC 10.070(3)].

The area proposed for annexation is largely uninhabited. There is a significant, though relatively small section currently developed. This development is residential and consists of approximately 75 people adjacent to the Aleknagik Lake Road. They reside in single and multiple family dwellings. The majority of these residents are located in four subdivisions, portions of which are within the city limits and portions of which are outside the city limits but within the territory proposed for annexation. These are known as Ahklun View Estates, Ahklun View Estates North, Ahklun Subdivision III and Lars D. Nelson Subdivision.

The ratios of permanent residents to each square mile within the original and revised areas proposed for annexation do not approximate that of the annexing city. The settlement patterns of the city suggest that only the residents located north of the city along the Aleknagik Lake Road, particularly those in the above noted subdivisions, are indeed located there as a result of natural growth of the city beyond its legal boundaries. With the exception of this inhabited area, the territory proposed for annexation is not generally close to the population center of the city. Again, with the exception of the area adjacent to the Aleknagik Lake Road, the territory proposed for annexation is not accessible to a major land transportation route. With the exception of the property in this same area, the territory is not served nor can it be served in the immediate future by public services and utilities (e.g. water, sewer, electricity and telephone). Thus, the factors which collectively identify urban territory apply to only that portion of the identified 40 square mile area northwest of the City of Dillingham.

4. WITH THE EXCEPTION OF THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM, THE TERRITORY IS NOT IN NEED OF MUNICIPAL SERVICES TO THE EXTENT THAT ANNEXATION OF THE TERRITORY IS WARRANTED [19 AAC 10.070(4)].

The City of Dillingham has made a number of city services available to the seasonal and permanent residents of the area proposed for annexation. These services include operation and maintenance of the sanitary landfill, provision of police and fire protection, emergency medical and education services. The permanent residents of the identified 40 square mile area northwest of the current city boundaries avail themselves of these services on a year-round basis. The seasonal processors and their crews may, on occasion, receive some of these services three months of the year. The critical issue is the relative degree to which these services are required. With the

exception of the identified 40 square mile area northwest of the current boundaries of the city, it has not been demonstrated that these services are required to the extent that annexation is warranted.

5. WITH THE EXCEPTION OF THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM, THE DEGREE OF LIKELIHOOD THAT FUTURE GROWTH AND DEVELOPMENT WILL OCCUR WITHIN THE TERRITORY IS INSUFFICIENT TO WARRANT ANNEXATION [19 AAC 10.070(5)].

Given the settlement patterns occurring from usual urban growth, it appears likely that the identified 40 square mile territory northwest of the current boundaries of the city will experience additional settlement. Additionally, the state "Open to Entry" land disposal within the area to the northwest of the current city boundaries has been subdivided. This is an area generally accessible by road and these facts collectively demonstrate there is adequate potential for development in this area to warrant annexation.

For areas within the territory proposed for annexation other than those noted above, the "development" referenced by the petitioner consists of the floating processors who anchor within the waters of Nushagak Bay. While recognizing that floating processors represent "development", they do not constitute the type of development applied in this standard. The development suggested here is of one impacting a community on a permanent, constant and year-round basis.

6. THE HEALTH, WELFARE OR SAFETY OF CITY RESIDENTS ARE NOT ENDANGERED BY CONDITIONS EXISTING OR DEVELOPING IN THE TERRITORY [19 AAC 10.070(6)].

The petitioner presented no evidence to confirm that there are conditions in the area recommended for annexation which endanger the city residents. It has been suggested that residents along the north end of the Aleknagik Lake Road who dispose of their solid waste at an unauthorized gravel pit present a danger to the health, welfare or safety of city residents, the nearest of whom is ten miles away. This has not been demonstrated. Nor has it been demonstrated that the health, welfare or safety of city residents is endangered by the floating processors who may discharge refuse in the waters of Nushagak Bay. It is observed that, for the most part, these same processors burn their garbage onboard or dispose of it at the Clark's Point sanitary landfill. No conditions have been presented to demonstrate that annexation of the territory is warranted based on this standard.

7. THE EXTENSION INTO THE TERRITORY OF CITY SERVICES OR FACILITIES IS NOT NECESSARY TO ENABLE THE CITY TO PROVIDE ADEQUATE SERVICE TO CITY RESIDENTS NOR IS IT IMPOSSIBLE OR IMPRACTICAL FOR THE CITY TO EXTEND THE FACILITIES OR SERVICES UNLESS THE TERRITORY IS WITHIN THE CITY'S BOUNDARIES [19 AAC 10.070(7)].

The petitioner presented no evidence which satisfies the application of this standard.

8. WITH THE EXCEPTION THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM, RESIDENTS OR PROPERTY OWNERS WITHIN THE TERRITORY DO NOT RECEIVE OR ARE NOT REASONABLY EXPECTED TO RECEIVE, DIRECTLY OR INDIRECTLY, THE BENEFIT OF CITY GOVERNMENT WITHOUT COMMENSURATE PROPERTY TAX CONTRIBUTIONS, TO THE EXTENT THAT ANNEXATION OF THE TERRITORY IS WARRANTED [19 AAC 10.070(8)].

The seasonal residents of the area do occasionally receive the type of city services referenced in this standard, (services provided by the city's general fund, e.g. fire, solid waste disposal, emergency medical services). It should be noted that although property taxes assist in funding some of these services, in many cases additional revenues could be obtained through user fees. This notwithstanding, when the services are rendered, they are not rendered to the degree or frequency that justifies annexation of the entire territory under this standard. However, the permanent residents of the identified 40 square mile area northwest of the City of Dillingham do receive these city services to the degree and frequency to warrant annexation of that area.

9. THE ANNEXATION IS NOT OTHERWISE NECESSARY TO ACCOMPLISH A VALID PUBLIC PURPOSE.

No evidence was presented to identify accomplishment of a valid public purpose through the annexation.

10. THE ANNEXING CITY HAS DEMONSTRATED THAT IT IS CAPABLE OF AND WILLING TO EXTEND FULL MUNICIPAL SERVICES TO THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM IMMEDIATELY UPON ANNEXATION.

The City of Dillingham has demonstrated that it is capable of and willing to extend full municipal services to the area approved for annexation immediately upon annexation.

11. ANNEXATION OF THE WATER AREAS SOUGHT BY THE CITIES OF CLARK'S POINT AND DILLINGHAM WOULD ULTIMATELY REDUCE THE INCENTIVES FOR THE FORMATION OF A BOROUGH IN THE AREA.

If either the City of Clark's Point or the City of Dillingham annexed any of the waterways as proposed, that city can expect to receive increased raw fish taxes. This would not only allow the city to obtain additional revenues without the encouragement to pursue borough formation, but it would constrain the area in terms of a potential revenue base for any future borough. The ultimate result would be a disincentive for borough formation.

12. IN THE PRESENT SITUATION, THE PROBLEMS EXPRESSED BY THE CITIES OF CLARK'S POINT AND DILLINGHAM ARE DEFINITELY REGIONAL IN NATURE.

Clearly, the problems of service delivery, revenue enhancement, public health and welfare threats, and management of "development" are shared by these two cities located fifteen miles apart. The cities claim these problems are largely generated by an industry upon which they both share an economic dependence. With these concerns in mind, the door must remain open for these regional problems to be addressed by a regional form of government. Approval of this annexation would discourage this from occurring.

13. THE STATUTES AND REGULATIONS ESTABLISHING STANDARDS FOR INCORPORATION OF CITIES AND BOROUGHES SHOULD BE CONSIDERED IN THIS ANNEXATION PROPOSAL. WHEN DOING SO, THEY DO NOT SUPPORT THE ANNEXATION AS ORIGINALLY PROPOSED.

The statutes speak to "a community" when addressing city incorporation and "an area" when addressing borough incorporation. The definition of the word "community" as provided in Black's Law Dictionary is a "neighborhood" compared to the definition of the word "area" as "a territory, a region". The instant situation speaks to local boundary actions motivated by problems affecting a territory of people, not a community of people. Clearly a city is not the appropriate vehicle to adequately address problems that are of regional concern.

14. USE OF A METHOD OTHER THAN LEGISLATIVE REVIEW FOR ANNEXATION OF THE IDENTIFIED 40 SQUARE MILE AREA NORTHWEST OF THE CITY OF DILLINGHAM WOULD HAVE BEEN INAPPROPRIATE.

In accordance with 19 AAC 10.600, the LBC has considered alternative methods of annexation. For the reasons stated below, the legislative review method is the most appropriate.

The four alternative processes are not viable for the following reasons.

Local Action/Election - The process of local election by the voters residing within the territory proposed for annexation is impractical because the voters within the area proposed for annexation have not initiated the action and there are no indications they want to do so, or will do so.

Additionally, this process is inappropriate because it fails to adequately protect the interests of all property owners of the area. The size of the territory proposed for annexation is 918.25 square miles and the number of permanent residents is estimated at 75. However, the number of registered voters within the area is estimated to be only 35 based upon the percentage of resident registered voters statewide. The ratio of resident voters to the size of the area is disproportionately large. With such a disparity between the size of the area proposed for annexation and the number of voters residing within the area, the interests of non-resident property owners appear to be inadequately represented. This

local action/election method was not designed for use in situations where there is such disparity in size of the territory and number of voters deciding the question.

Local Action/Municipally owned property - The process of annexation through local ordinance of the adjoining city if the territory proposed for annexation is solely and entirely owned by the adjoining city is unavailable because the City of Dillingham does not own the territory proposed for annexation.

Local Action/100% of Voters and Property Owners - The process of annexation through local ordinance of the adjoining city if all property owners and registered voters within the area petition the city council for annexation is impractical because these individuals have not petitioned the city for annexation of territory and there is no indication they want or are willing to do so.

Step Annexation - The process of local election and legislative review with graduated extension of services is inappropriate because the disparity in size of the territory and number of residents makes local election an unfair and inappropriate method of annexation.

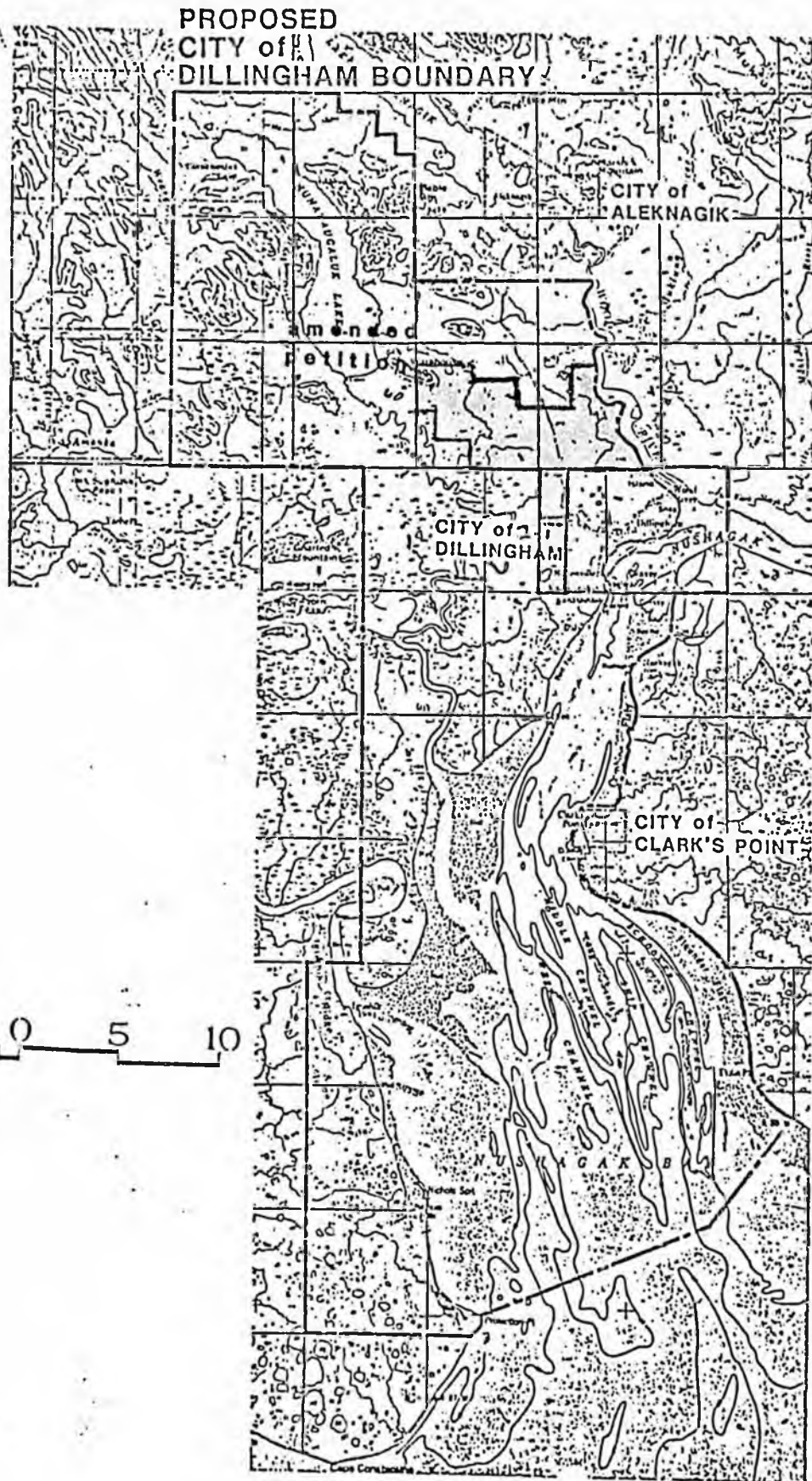
CONCLUSIONS AND ORDER

The proposed annexation of approximately 918.25 square miles of territory to the City of Dillingham does not, in its entirety, satisfy the applicable requirements of state statute and regulation regarding annexation of contiguous territory to a city. There is an approximate 40 square mile area northwest of the city which has been found to satisfy the requirements for annexation of contiguous territory.

The Local Boundary Commission hereby respectfully submits its recommendation to the First Session of the Fifteenth Legislature for the annexation of the territory described below and shown on the map on the subsequent page:

Beginning at the northwest corner of Section 7, Township 12 South, Range 56 West, Seward Meridian (S.M.); thence south to the southwest corner of Section 18, Township 12 South, Range 56 West, S.M.; thence east to the southeast corner of Section 18, Township 12 South, Range 56 West, S.M.; thence south to the southwest corner of the northwest one-quarter of Section 29, Township 12 South, Range 56 West, S.M.; thence east to the southeast corner of the northeast one-quarter of Section 28, Township 12 South, Range 56 West, S.M.; thence south to the southwest corner of Section 34, Township 12 South, Range 56 West, S.M.; thence east to the northwest corner of Section 3, Township 13 South, Range 56 West, S.M.; thence south to the southwest corner of Section 34, Township 13 South, Range 56 West, S.M.; thence east to a point at 158 degrees 35 minutes West Longitude; thence due south to a point at 59 degrees 00 minutes North.

Latitude; thence east to a point on the line of mean low water of Nushagak Bay; thence northerly and easterly along the mean low water line of Nushagak Bay and the Nushagak River to the mean low water line on the right bank of the Wood River; thence northerly along the mean low water line on the right bank of the Wood River to a point on the northern section line of Section 9, Township 12 South, Range 55 West, S.M.; thence west to the northwest corner of Section 9, Township 12 South, Range 55 West, S.M.; thence south to the southwest corner of Section 16, Township 12 South, Range 55 West, S.M.; thence west to the northwest corner of Section 24, Township 12 South, Range 56 West, S.M.; thence north to the northeast corner of Section 14 Township 12 South, Range 56 West, S.M.; thence west to the northwest corner of Section 15, Township 12 South, Range 56 West, S.M.; thence north to the northeast corner of Section 9, Township 12 South, Range 56 West, S.M., thence west to the northwest corner of Section 7, Township 12 South, Range 56 West, S.M.; the point of beginning, excluding the territory presently within the boundaries of the City of Dillingham.



CITY of DILLINGHAM
 EXISTING & PROPOSED BOUNDARY

V. RECOMMENDATION FOR THE ANNEXATION OF THE OLD RICHARDSON
HIGHWAY SERVICE AREA TO THE CITY OF FAIRBANKS

IN THE MATTER OF THE ANNEXATION)
OF THE FAIRBANKS NORTH STAR)
BOROUGH (FNSB) OLD RICHARDSON)
HIGHWAY SERVICE AREA AND FNSB)
TAX LOTS 2401 AND 2405,)
COLLECTIVELY COMPRISING)
APPROXIMATELY 164 ACRES,)
TO THE CITY OF FAIRBANKS)

INTRODUCTION

On January 13, 1986, the Fairbanks City Council adopted Ordinance Number 4500 authorizing the submission of a petition for annexation of the subject territory comprising approximately 164 acres. Mr. Ashbach, the owner of Tax Lots 2401 and 2405, testified at the hearing leading to the adoption of the ordinance in opposition to the annexation proposal. As a consequence of the concerns expressed by Mr. Ashbach, the ordinance was amended to include provisions allowing his two lots to be "excluded from the petition if requested in writing from the owners after due consideration".

On February 27, the Assembly of the Fairbanks North Star Borough adopted Ordinance No 86-010, which excluded Mr. Ashbach's property from the Old Richardson Sewer and Water Service Area. On April 18, Gregory and Ronalee Ashbach made a written request to the City of Fairbanks for the exclusion of their property from the annexation proposal. On April 24, the Department of Community and Regional Affairs received a petition amendment from the City of Fairbanks providing for the exclusion of these two lots.

No opposing briefs were filed in this matter. However, in addition to the opposition by the Ashbachs, another property owner indicated opposition to the proposed annexation in responding to a December, 1985 questionnaire sent by the City of Fairbanks to property owners within the territory.

The Department of Community and Regional Affairs issued its written report and recommendation to the commission concerning this matter on June 30, 1986. The Local Boundary Commission conducted a duly-noticed public hearing on the proposed annexation beginning at 1:00 p.m. August 2, 1986 in the Fairbanks City Council Chambers. Following the hearing, the commission approved the petition. This document represents the formal basis for the decision reached by the commission.

FINDINGS OF FACT

Upon due consideration of the complete record relating to these

proceedings, the Local Boundary Commission made the following findings of fact.

1. ALL METHODS FOR ANNEXATION OTHER THAN THE LEGISLATIVE REVIEW METHOD ARE UNAVAILABLE OR INAPPROPRIATE FOR USE IN THIS INSTANCE.

The commission finds that the method of annexation proposed by the petitioner (legislative review) is the most appropriate method. The four alternative processes for annexation are not viable for the reasons stated in the following discussion.

The alternative of annexation by local action-election is considered inappropriate because the property under consideration is largely inhabited by renters. Owners of certain parcels of property in the area initiated the annexation proposal by approaching the City of Fairbanks and expressing their desire to receive municipal services, such as fire protection. The proposed boundary change would presumably be of greater direct interest to property owners than to renters. If the petition were placed before voters residing within the territory, a significant proportion of property owners would not be eligible to vote on the proposed annexation.

The alternative of annexation through ordinance of the adjoining city if the territory proposed for annexation is solely and entirely owned by the adjoining city is unavailable because the City of Fairbanks does not own the territory proposed for annexation.

The alternative of annexation through ordinance of the adjoining city if all property owners and registered voters within the area petition the city council for annexation is unavailable because all owners of property and registered voters within the area are not favorably disposed to annexation by the City of Fairbanks. Additionally, it is difficult to envision a significant level of interest, much less formal public support, from each and every one of the estimated 62 renters who may or may not be registered to vote in the area proposed for annexation. This process for annexing territory is more practically followed when there are relatively few residents and property owners involved.

The alternative providing for graduated extension of services over a period of time not to exceed five years (step annexation) is inappropriate because the property under consideration will receive the extension of full municipal services upon annexation in conformance with 19 AAC 10.840(9). Additionally, step annexation is not desirable because the vast majority of owners of property within the area do not reside in the area and would be consequently precluded from voting in the election.

2. THE CITY OF FAIRBANKS HAS DEMONSTRATED TO THE SATISFACTION OF THE LOCAL BOUNDARY COMMISSION THAT IT IS CAPABLE OF AND

WILLING TO EXTEND FULL MUNICIPAL SERVICES TO THE AREA PROPOSED FOR ANNEXATION IMMEDIATELY UPON ANNEXATION.

In this case "full municipal services" does not include water and sewer services. The Administrative Code [19 AAC 10.840(9)] defines the term as follows: "full municipal services means all of the services that a municipality is providing to its residents with revenues raised from the municipality's general mill levy or sales or use taxes". The Fairbanks Municipal Utility System (FMUS) is supported by user fees and is not supported by the municipality's general mill levy or sales or use taxes. The area already receives emergency medical services provided by the City of Fairbanks through of a contractual arrangement with the Fairbanks North Star Borough. Property owners, residents and transients in the area will immediately enjoy the benefit of police and fire protection upon annexation. They will also enjoy the benefits of road maintenance of secondary streets (major arterials will be state maintained) and garbage collection from the City. The services of the FMUS water and sewer utilities are scheduled to be extended to at least a portion of the area as the installation of water and sewer mains progress. The City of Fairbanks applied on February 10, 1986, to the Alaska Public Utilities Commission for authority to serve this area. The entire area may not enjoy water and sewer utility services until such time as funding sources are acquired to supplement the \$650,000 appropriation to be utilized for the project.

A review of the other services available to this area from the city reveals that the annexing city is unquestionably capable of providing full municipal services. The city's willingness to do so is evidenced in its petition and past practices. Therefore, the commission found that this standard established by 19 AAC 10.080 is met.

3. THE TERRITORY IS NOT TOTALLY SURROUNDED BY THE CITY'S BOUNDARIES.

The territory proposed for annexation is bordered on three sides by the existing boundaries of the City of Fairbanks. Satisfaction of the standard for annexation set out in 19 AAC 10.070(a)(1) requires that an area be totally surrounded by the boundaries of the annexing municipality. In this instance, the area is not. The commission accordingly determined that this standard is not met.

4. THE LAND IN THE TERRITORY IS NOT WHOLLY OWNED BY THE CITY.

The land in the territory proposed for annexation is not wholly owned by the city. Satisfaction of the standard for annexation set out in 19 AAC 10.070(a)(2) requires that the territory proposed for annexation be wholly owned by the annexing municipality. The commission accordingly found that this standard is not met.

5. THE TERRITORY IS URBAN IN CHARACTER.

In determining whether territory is urban in character for purposes of this standard, 19 AAC 10.070(d) requires consideration of the following:

- ° whether the property is platted or held for sale for residential or commercial purposes (status of development);
- ° whether the population density of the territory approximates that of the annexing city;
- ° whether the population of the territory stems primarily from actual growth of the city beyond its legal boundaries;
- ° whether the property is valuable primarily by reason of its suitability for prospective urban purposes.

Status of Development

The area is zoned as a mixture of commercial and industrial. The area is primarily utilized for a mixture of retail, service and industrial purposes. A partial listing of businesses located within the area includes Alaska Battery Shop, the Frontier Lodge, Columbia Mobile Homes, Persinger Marine, the Sunset Inn, Greer Tank and Welding, the Fairbanks Auction Company, the International Book Store and Massage Parlor and Alaska Cleaners. Attachment 4 of the city's brief which accompanied its petition stated that owners of 24 of the 34 parcels (some individuals own several parcels) within the area have indicated that they favored annexation. This represented approximately 71% of the property included in the proposed annexation. Bertha Costello, a resident of California and owner of one undeveloped lot in the area proposed for annexation, indicated in her response to the December, 1985 questionnaire from the city that she was opposed to the annexation.

Most, if not all, of the individuals residing within the area are renters and presumably have less direct financial interest in whether the area is annexed by the City of Fairbanks than owners of property within the area. However, renters could expect to benefit from City of Fairbanks police, fire and emergency medical services subsequent to annexation.

Population Densities

The population density of the territory within the existing boundaries of the City of Fairbanks is approximately 826 persons per square mile or 1.29 persons per acre. The residential population of the area proposed for annexation is estimated by the petitioner to total 62, resulting in a population density of roughly 0.38 persons per acre. The

population density of the area proposed for annexation is approximately 30% of that within the City of Fairbanks. Several of the permanent residents of the area live in six apartments above the Alaska Cleaners. Other occupants of the area are residents of the Frontier Lodge. However, due to the fact that the area is primarily devoted to commercial and industrial purposes, the relatively low residential population density of the area is not reflective of the level of development and activity in the area.

The average assessed valuation of land, buildings and other real property within the territory proposed for annexation is \$111,106 per acre. By comparison, the assessed value of real property within the city's current boundaries (containing 32.8 square miles) is \$1,028,480,900, which equals \$48,994 per acre. Thus, the assessed value per acre of real property within the area proposed for annexation is 2.27 times greater than in the present boundaries of the city.

Population Due to Growth from City

The area proposed for annexation is contiguous to the existing City of Fairbanks boundaries. Most of the development in the area is commercial and industrial in nature. At least a portion of the purchases of goods and services from businesses within the territory is made by residents and property owners residing within the existing boundaries of the City of Fairbanks. While it is difficult to numerically equate population growth in the area with growth of the population of the city, it is also difficult to envision significant development and population growth in the area proposed for annexation in the absence of the City of Fairbanks.

Prospective Urban Purposes

Information provided to the commission indicates that motivation for the proposed annexation stemmed from a desire on the part of certain property owners within the territory to receive certain services, notably water, sewer, police and fire protection. This fact, coupled with construction of the South Fairbanks Expressway and potential for development stemming, in part, from altered vehicle traffic patterns through the area, makes the area suitable for prospective urban purposes from the perspective of service provision. For example, appropriate expansion of the area served by the municipal water and sewer utility (FMUS) results in long term savings to the municipal utility by virtue of economies of scale. At the same time, installation of municipal fire hydrants in the area contributes to a reduction in operating expenses of businesses within the area as a result of lower fire insurance rates. If the area is annexed, the City of Fairbanks would also realize enhanced revenues from sales and property taxes generated by the area.

On the basis of current assessed values and the City of Fairbanks' 2.8 mill real property tax rate, real property taxes

payable to the City of Fairbanks from property owners in the area would total approximately \$51,020 per year if the proposed annexation is effected.

On the basis of the available data relevant to the standard, the commission concludes that the area proposed for annexation is urban in character. Accordingly, the commission found that this standard is met.

6. THE TERRITORY IS IN NEED OF MUNICIPAL SERVICES WHICH THE CITY CAN PROVIDE MORE EFFICIENTLY THAN ANOTHER MUNICIPALITY.

The Fairbanks North Star Borough exercises the powers of planning, zoning, parks, recreation, taxation, education, animal control, library, air quality control, solid waste, civil defense, flood control, fireworks control, day care assistance and transportation on an areawide basis. Road, sewer, water, fire protection and street lights are provided on a service area basis. The only service area powers exercised by the Borough within the area proposed for annexation are water and sewer service. In fact, information available to the commission indicates that the primary reason the service area was formed was to obtain a legislative appropriation for extension of water and sewer service. Accordingly, in 1985 the Fairbanks North Star Borough was granted a legislative appropriation in the amount of \$650,000 for the purpose of defraying costs of constructing a water and sewer system in the area proposed for annexation. The water and sewer mains are specifically designed to connect with the existing systems of the City of Fairbanks. The petitioner has indicated that owners of various parcels within the area have maintained that they favor annexation of the area to the City of Fairbanks to facilitate the extension of city fire protection and city water and sewer utility service to the area. This has been corroborated by owners of property within the area. The City of Fairbanks Municipal Code requires recipients of municipal utility services to consent to annexation as a condition of extending utility service.

Construction of the South Fairbanks Expressway will require moving several septic systems within the area proposed for annexation. As a consequence, it would maximize cost efficiency to effect the extension of sewer and water mains in conjunction with that project.

At this time, the City of Fairbanks is extending emergency medical service to the area on an extraterritorial basis. The current arrangement for provision of EMS services to the area is less than optimal, according to the City of Fairbanks Fire Chief. Since the area is not within the present City of Fairbanks municipal boundaries, the equipment and personnel which can respond to EMS calls is strictly limited. For example, when an EMS call is received from within the city limits, municipal EMS staff are often supported by staff and vehicles of the Fairbanks Fire Department. Due to liability

concerns and limitations inherent in the contractual arrangement between the city and borough for provision of EMS in the area proposed for annexation, the level of support to EMS staff responding to emergencies in the area proposed for annexation is reduced.

The Fairbanks North Star Borough provides fire protection strictly on a service area basis and the area proposed for annexation is not within an existing fire service area. The city has indicated that the area currently receives no regular fire protection at this time, to the extent that it does not even enjoy the protection of a local volunteer fire department. As a consequence, the ISO (fire insurance rating) is at a level 10. The petitioner's representative has indicated that after annexation to the City of Fairbanks and subsequent installation of fire hydrants, the area's ISO rating will drop to a level 2. Such ratings are the basis for setting rates for fire insurance premiums. A basic factor in determining ISO ratings is proximity of an insured structure to fire hydrants. Generally, fire hydrants must be within 1,000 feet of the insured structure in order for a property owner to benefit from a lower fire service base rate.

The City of Fairbanks' water distribution system is designed to provide adequate flow to be utilized for fire fighting and to provide adequate flow for fire sprinkler systems. The size of the mains required for fire flow is substantially larger than what is required for domestic use. The city's favorable fire insurance rating is to a large extent due to the capability of the water system to provide an adequate quantity of water for fire fighting.

Since the Teamster Mall alone is valued at approximately \$8,000,000, and the total value of real property in the area is assessed at \$18,221,356, improvement of the ISO rating would result in significant savings to property owners within the area proposed for annexation.

While much of the road maintenance within the area is now and would continue to be provided by the State of Alaska, snow plowing and other basic road maintenance of secondary roadways would be rendered by the City of Fairbanks if the annexation is effected.

The data considered in the preceding analysis led the commission to conclude that the territory is in need of municipal services which the city can provide more efficiently than another municipality.

7. THERE IS A REASONABLE LIKELIHOOD THAT FUTURE GROWTH AND DEVELOPMENT WILL OCCUR WITHIN THE TERRITORY AND THAT ANNEXATION OF THE TERRITORY WILL ENABLE THE CITY TO PLAN FOR AND CONTROL THAT DEVELOPMENT.

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* ORIGINAL

* SENT: 03/03/87 TIME: 15:37

* FROM: LIOC DLG

* SUBJECT: H & S COMM & REG AFFAIRS TAC

* PRINT DATE: 03/03/87 TIME: 15:45
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MAIL #1

DILLINGHAM NOW HAS 9 FOR THE TAC. 5, SO FAR TO TESTIFY

1. MARY ELLEN KISLEY DARLING ✓
2. JOHN PEARSON ✓
3. THOMAS TILDEN ✓
4. CHOW TAYLOR ✓
5. JEFFREY LABAHN - City Manager

OBSERVE FOR NOW - MAY TESTIFY LATER

1. GARY GALLAGHER
2. MARIE LUCKHURST
3. V I BRASWELL
4. ROSLYN GALLAGHER

ANNA MAY

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* ORIGINAL

* SENT: 03/03/87 TIME: 15:41

* FROM: LIOC DLG

* SUBJECT: H & S COMM & REG AFFAIRS TAC

* PRINT DATE: 03/03/87 TIME: 15:45
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MAIL #2

DILLINGHAM OBSERVER

5. BRUCE BALTAR

Plan
Bruckhart

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: MICHAEL REES

TITLE:

ADDRESS: 2136 EAST 37TH ST. #C

CITY: ANCHORAGE, ALASKA

ZIP: 99508

PHONE: 786-3410

BILL NO: SB 18

SUBJECT: ANCHORAGE COASTAL WILDLIFE REFUGE

MESSAGE: I URGE YOU TO SUPPORT SB 18, CREATING ANCHORAGE'S COASTAL WILDLIFE REFUGE (POTTERS MARSH). SB 18 WOULD PROVIDE ADDITIONAL PROTECTION TO THIS KEY WILDLIFE AREA AT ANCHORAGE'S BACKDOOR.

POMID: 03124151

DATE: 04/23/87

TIME: 12:41:51

LIONAME: ANCHORAGE LIO

COPIES: SENATOR

FAIKS

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: NANCY TANKERSLEY

TITLE:

ADDRESS: 13021 MOUNTAIN PLACE

CITY: ANCHORAGE

ZIP: 99516

PHONE: 345-6997

BILL NO: SB 18

SUBJECT: ANCHORAGE COASTAL WILDLIFE REFUGE

MESSAGE: PLEASE HELP PASS SB 18, ESTABLISHING AN ANCHORAGE COASTAL WILDLIFE REFUGE BY BRINGING IT TO THE FLOOR FOR A VOTE. NOW KNOWN AS POTTER REFUGE, IT HAS TREMENDOUS SUPPORT OF LOCAL COMMUNITY AND TOURISTS AND IS A TERRIFIC LOCAL RESOURCE. PLEASE HELP US PROTECT IT.

POMID: 03091419

DATE: 04/29/87

TIME: 09:14:19

LIONAME: ANCHORAGE LIO

COPIES: SENATORS

BINKLEY

BENNETT

FAIKS

The perception of high development potential is based upon the following factors:

- ° Development is underway on the South Fairbanks Expressway, also known as the 30th Avenue Bypass. This project is designed to increase the efficiency of motor vehicle traffic flow through the Fairbanks area. The first phase of the two phase project involves the Parks Highway to Peger Road. The first phase has been completed.

The second phase consists of road widening and extension of the portion of the Parks highway between Peger Road and the Richardson Highway. Work on the second phase is expected to begin in 1986 and is scheduled to be completed in 1988. In its present state, 30th Avenue is described as a relatively low volume local road. The South Fairbanks Expressway project will have a significant impact on traffic patterns in the area proposed for annexation. For example, the Old Richardson Highway will become a frontage road.

According to Charles P. Rees, President of the South Fairbanks Business Association, contingent upon access to the Richardson Highway, certain parcels within the area between the Old and New Richardson Highways will tend to become extremely attractive for commercial purposes due to the projected heavy traffic flow through the area. For example, one of the streets within the area, Easy Street, has been designated to be accessed by an off ramp. \$500,000 was appropriated by the Second Session of the Fourteenth Legislature to fund this improvement.

Consequently, while the resident population of the area may not increase significantly in the near future, the proximity of the area to the major traffic arterials is expected to continue to make it highly attractive for commercial and industrial development, particularly commercial development.

- ° According to Mr. Rees and the petitioner's representative, the natural course of commercial, light industrial and retail development is to the south and east of the existing boundaries of the City of Fairbanks. Residential development is expected to occur toward the north and west of the currently developed areas within the municipal boundaries. This projection is based, in part, by the direction of the prevailing winds during the winter months. "Ice fog" generated by temperature inversions is a normal occurrence during the winter, and residential development in the Greater Fairbanks area tends to reflect a popular preference to live in areas where the problem is not likely to be as acute as it is in the southern portion of the greater

Fairbanks community and the area south of the existing municipal boundaries.

On the basis of the preceding factors, the commission concludes that there is a reasonable likelihood that future growth and development will occur within the territory and that annexation will enable the city to better plan for and control that development. While the Fairbanks North Star Borough has the responsibility for planning, platting and zoning, annexation would permit the City of Fairbanks to facilitate orderly extension of sewer and water utility service in the area. The city's role in controlling development in the area would be in terms of its regulatory powers, such as building code enforcement and police services.

Based primarily upon this consideration, the commission found that this standard is met.

8. THE HEALTH, WELFARE OR SAFETY OF CITY RESIDENTS IS ENDANGERED BY CONDITIONS EXISTING OR DEVELOPING IN THE TERRITORY AND ANNEXATION WILL ENABLE THE CITY TO REMOVE OR RELIEVE THESE CONDITIONS.

To the extent that the volume of motor vehicle traffic will increase in the area, a higher level of public safety services is likely to be required in the area. Since the area proposed to be annexed is viewed as likely to be heavily utilized by residents of the City of Fairbanks as they travel the 30th Avenue Expressway, conditions existing or developing in the area may be considered relevant to this standard. The City of Fairbanks currently provides emergency medical services to the area through a cooperative agreement with the Fairbanks North Star Borough. According to the City of Fairbanks Fire Department, the cooperative arrangement has been in effect since early 1986.

In its capacity of providing emergency medical services to the area under provisions of the current cooperative agreement, city staff confront a logistical problem stemming from limitations upon the degree of equipment and personnel which can be devoted to emergencies in the area.

It is the understanding of the commission that when there is a request for emergency medical services from within the municipal boundaries of the City of Fairbanks, personnel are often supported by a fire department engine company or a rescue company. Due to liability problems which arise when services are provided outside the municipal boundaries, only an ambulance crew can respond to emergency medical services calls from the area proposed for annexation.

Fairbanks residents shopping, conducting business or driving through the area could also expect to benefit from improved availability of police protection under the auspices of the City of Fairbanks. Currently, the area receives police

protection from the Alaska State Troopers. The Fairbanks Detachment of the Alaska State Troopers has limited staff and regional public safety responsibilities. The City of Fairbanks could devote more time to patrolling the area and monitoring traffic within it. This will presumably assume greater importance at such time as traffic flow through the area increases as a consequence of completion of the South Fairbanks Expressway. Since residents of the City of Fairbanks will undoubtedly utilize the expressway, their health and welfare and safety could occasionally be impacted by a lack of frequent traffic patrols in the area proposed for annexation if the proposed annexation does not occur. Through annexation, the area would be under the jurisdiction of both the State Troopers and the Fairbanks Police Department. This would result in an improved level of service, according to the Alaska State Troopers.

Based upon the aforementioned considerations, the commission found that this standard is met.

9. THE EXTENSION INTO THE TERRITORY OF CITY SERVICES OR FACILITIES IS NOT NECESSARY TO ENABLE THE CITY TO PROVIDE ADEQUATE SERVICE TO CITY RESIDENTS.

The commission is unaware of any circumstance which indicates that the proposed annexation is necessary to enable the city to provide service to residents within the existing boundaries of the city. Accordingly, the commission found that this standard is not met.

10. RESIDENTS OR PROPERTY OWNERS WITHIN THE TERRITORY RECEIVE OR MAY BE REASONABLY EXPECTED TO RECEIVE, DIRECTLY OR INDIRECTLY, THE BENEFIT OF CITY GOVERNMENT WITHOUT COMMENSURATE PROPERTY TAX CONTRIBUTIONS, WHETHER CITY SERVICES ARE RENDERED OR RECEIVED INSIDE OR OUTSIDE THE CITY.

The area proposed for annexation currently receives emergency medical service from the City of Fairbanks on an extraterritorial basis.

In addition, residents of the area presumably enjoy a range of municipal services from the City of Fairbanks due to the proximity of the area to the city and the observation that residents of the area either work in or travel through the City of Fairbanks on a frequent basis. Examples of City of Fairbanks municipal services considered in this context might include, but not be limited to, the use of streets maintained by the City of Fairbanks, occasional benefits of Fairbanks municipal water and police protection.

Therefore, the commission concluded that this standard has been met.

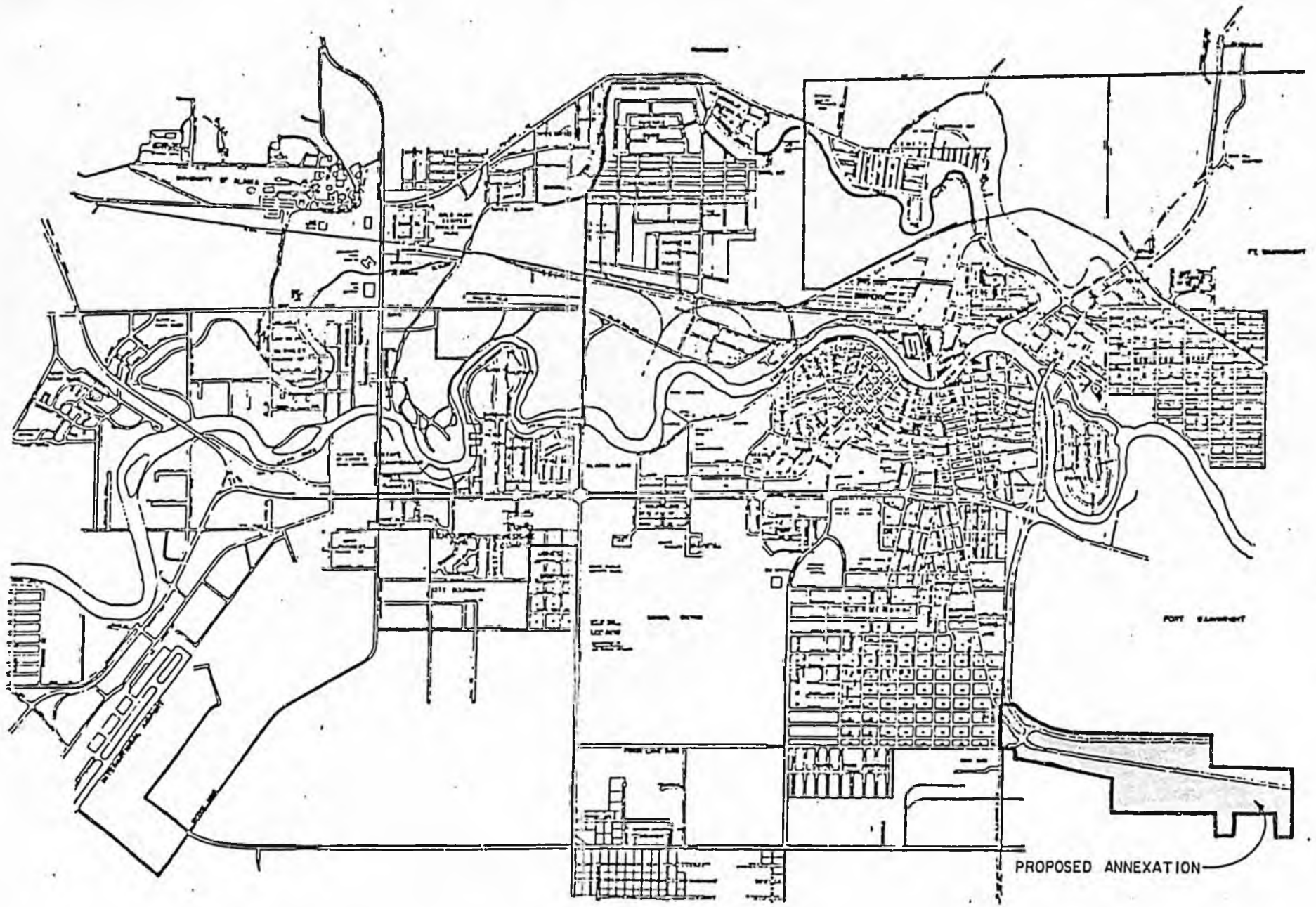
11. THE ANNEXATION IS NOT OTHERWISE NECESSARY TO ACCOMPLISH A VALID PUBLIC PURPOSE.

At this time, the commission is unaware of any other public purpose served by the proposed annexation.

CONCLUSIONS AND ORDER

Based upon the foregoing findings of fact, the Local Boundary Commission concludes that the annexation of the Fairbanks North Star Borough Old Richardson Highway Service Area and Fairbanks North Star Borough Tax lots 2401 and 2405 to the City of Fairbanks is warranted and that the legislative review process is the most appropriate method of annexation. The commission concludes that Mr. Ashbach's property (Fairbanks North Star Borough tax lots 2401 and 2405) is indistinguishable from the adjacent territory proposed for annexation in terms of the application of standards for annexation. The commission was aware of Mr. Ashbach's desire to remain outside the boundaries of the City of Fairbanks, but determined that the request that his property be excluded from the proposed annexation is not consistent with the best interests of the state, the City of Fairbanks, the Fairbanks North Star Borough and other parties. Therefore, the Local Boundary Commission hereby approves, without modification, the petition of the City of Fairbanks as originally submitted (i.e. including FNSB Tax Lots 2401 and 2405).

The Local Boundary Commission hereby respectfully submits its recommendation to the First Session of the Fifteenth Legislature for the annexation of the Fairbanks North Star Borough Old Richardson Highway Service area and tax lots 2401 and 2405, collectively comprising approximately 164 acres as identified in the referenced petition of the City of Fairbanks and shown on the map following this page.



PROPOSED ANNEXATION

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VI. RECOMMENDATION FOR THE ANNEXATION OF THE FAIRBANKS
INDUSTRIAL PARK TO THE CITY OF FAIRBANKS

IN THE MATTER OF THE ANNEXATION)
OF THE EASTERN PORTION OF THE)
FAIRBANKS INDUSTRIAL PARK,)
CONSISTING OF 21 ACRES,)
TO THE CITY OF FAIRBANKS)
_____)

A petition for annexation of the eastern portion of the Fairbanks Industrial Park, comprising 21 acres, was initiated by the City of Fairbanks in February, 1986. The particular process used by the city to initiate the annexation required that all of the property owners and registered voters within the area agree to the annexation.

During the course of the proceedings, two of the property owners who had initially agreed to the annexation decided they no longer wanted to be annexed. The reason expressed by those two individuals was that they would not receive the reduction in insurance premiums that they had expected at the time they agreed to the annexation.

Normally, individuals would not have been allowed to withdraw from such annexation proceedings. However, in this instance the property owned by one of the individuals was owned in partnership with another individual. No record exists of the partner ever having formally agreed to the annexation. Thus, the annexation was technically precluded under the process initially employed by the City of Fairbanks.

As a consequence, the City of Fairbanks requested that annexation be undertaken using an the legislative review process. The request of the city was considered by the commission when it met in Fairbanks on August 2.

Despite having given extensive public notice of the meeting, including notice to each individual property owner in the eastern portion of the Industrial Park, none of the property owners were present to testify at the hearing. Accordingly, the Local Boundary Commission decided to keep the record open for written comments prior to acting on the petition.

The commission directed that a summary of the testimony provided at the August 2 meeting by its staff and the City of Fairbanks be provided to all property owners. The commission allowed all property owners a 30 days notification period that the process adopted for the annexation had been altered and invited interested parties to submit any written comments supporting or opposing the proposed annexation.

On November 22, the commission again met to consider

information relevant to the proposed annexation of the Fairbanks Industrial Park.

At the November 22 meeting, the commission formally determined that the proposed annexation is of "compelling public importance" in accordance with the provisions of 19/AAC/10.645(b).

The commission made this determination on the basis of several factors, including the demonstrated need for fire protection in the area proposed for annexation and the near unanimous desire for annexation reflected in the record on the part of local property owners.

Additionally, the commission determined that alternative methods of annexation are not considered appropriate, practical or available.

The commission also determined that the area met standards for annexation to a sufficient degree to warrant annexation. The specific standards for annexation which the commission felt were satisfied in this matter were:

- the territory is urban in character;
- the territory is in need of municipal services which the city can best provide.
- the health, welfare and safety of residents in the area proposed for annexation were endangered by conditions in the area (lack of fire protection);
- future growth and development are expected to occur in the area, particularly as a result of the construction of the Geist Road Overpass construction.

In the context of making its determination, the commission considered testimony from Wm. Ronald Smith, Deputy City Attorney for the City of Fairbanks, who provided historical details concerning the annexation proposal. He also provided details concerning fire protection to the area. Mr. Smith indicated that even though some property owners would not be within 1,000 feet of a fire hydrant (thus, not qualifying for significant insurance rate reductions) they would receive substantial benefits from city services (notably fire protection using tankers, and police protection).

In his testimony, Mr. Smith informed the commission of plans by the city for the extension of water utility service to the area. He also made the following points in his testimony:

- that the city would extend full municipal services to the area upon annexation; (note "full municipal services" as defined by regulations (19 AAC 10.840(9) does not include utilities such as water

- ° that businesses in the southern portion of the territory proposed for annexation would receive substantial reductions in their insurance premiums;
- ° that the area needs city services.

CONCLUSIONS AND ORDER

On the basis of the aforementioned considerations, the Local Boundary Commission approved, without modification, the petition for annexation of the eastern portion of the Fairbanks Industrial Park, consisting of 21 acres, to the City of Fairbanks.

The Local Boundary Commission hereby respectfully submits its recommendation to the First Session of the Fifteenth Legislature for the annexation of the eastern portion of the Fairbanks Industrial Park as identified in the referenced petition of the City of Fairbanks and shown on the map on the following page.

VII. RECOMMENDATION FOR THE ANNEXATION
OF TRACT S-4A TO THE CITY OF KODIAK

IN THE MATTER OF THE PETITION)
FOR ANNEXATION TO THE CITY OF)
KODIAK, ALASKA OF 8.58 ACRES)
DESCRIBED AS TRACT S-4A, U.S.)
SURVEY 3218)

INTRODUCTION

On March 28, 1986, the City of Kodiak petitioned for the annexation of Tract S-4A, USS 3218, comprising approximately 8.58 acres. The area proposed for annexation is contiguous to the City of Kodiak's boundaries on six of its seven sides.

The area proposed for annexation is within the Kodiak Island Borough Service District 1 (providing water, sewer and road services) and Fire Protection Area No. 1.

The Local Boundary Commission conducted a hearing on this matter for June 28, 1986 beginning at 7:30 p.m. in the Kodiak Island Borough Assembly Chambers.

FINDINGS OF FACT

Based upon the March 28, 1986 petition of the City of Kodiak, the May 3, 1986 letter from Kodiak City Clerk Marcella Dalke providing information to supplement the petition, the June 3, 1986 report and recommendation on this matter by the Department of Community and Regional Affairs, and the information obtained from the June 28, 1986 hearing by the Local Boundary Commission, the commission made the following findings of fact.

1. ALL METHODS FOR ANNEXATION OTHER THAN THE LEGISLATIVE REVIEW METHOD ARE UNAVAILABLE OR INAPPROPRIATE FOR USE IN THIS INSTANCE.

The alternative of annexation by local action-election was unavailable because the territory proposed for annexation is uninhabited and therefore contains no individuals qualified to vote upon the question of annexation.

The alternative of annexation through ordinance of the adjoining city if the territory proposed for annexation is owned by the adjoining city was unavailable because the City of Kodiak does not own the territory proposed for annexation.

The alternative providing for graduated extension of services over a period of time not to exceed five years (step annexation) is inappropriate because the property under consideration will receive the extension of full municipal services immediately upon annexation. Additionally, step

annexation (which requires referendum approval) was unavailable because the territory proposed for annexation is uninhabited and therefore holds no voters to vote upon the question of annexation.

The alternative of annexation through ordinance of the adjoining city if all property owners and registered voters within the area petition the city council for annexation is unavailable because the property owners did not petition and are apparently unwilling to petition the City of Kodiak for annexation of the property. Notwithstanding, the commission feels that there are compelling public reasons why this property should be annexed. Thus, the legislative review method is appropriate in this instance.

2. THE ANNEXING CITY DEMONSTRATES TO THE SATISFACTION OF THE LOCAL BOUNDARY COMMISSION THAT IT IS CAPABLE OF AND WILLING TO EXTEND FULL MUNICIPAL SERVICES TO THE AREA PROPOSED FOR ANNEXATION IMMEDIATELY UPON ANNEXATION.

A review of the services available to this area from the city reveals that the City of Kodiak is unquestionably capable of providing full municipal services as defined by 19 AAC 10.340(9). The city's willingness to do so is evidenced in its petition. Thus, the commission finds that this standard established by 19 AAC 10.080 is met.

3. THE CONTIGUOUS TERRITORY IS NOT TOTALLY SURROUNDED BY THE CITY'S BOUNDARIES.

The area proposed for annexation is contiguous to the City of Kodiak's boundaries on six of its seven sides. Therefore, the territory proposed for annexation is not totally surrounded by the boundaries of the City of Kodiak.

4. THE TERRITORY IS URBAN IN CHARACTER.

The territory in question is presently zoned for industrial purposes (which permits business development), implying that the community and municipal officials have made a determination that this area is to be urbanized at some point.

A proposal has been developed for the construction on the site of a 45,250 square foot grocery store and an additional 54,380 square feet of mall space to accommodate 22 to 25 retail outlets. Although it is not certain that the proposal will be implemented, it appears likely that this or some other significant commercial development will occur on the property.

The population density of the territory within the existing boundaries of the City of Kodiak is approximately 1,207 persons per square mile. By comparison, the area proposed for annexation is currently uninhabited.

Notwithstanding the absence of population within the area

proposed for annexation, the commission finds that the area proposed for annexation is urban in character. This finding is based upon the property's zoning classification and the potential for the large scale commercial development.

5. THE TERRITORY IS IN NEED OF MUNICIPAL SERVICES WHICH THE CITY OF KODIAK CAN PROVIDE MORE EFFICIENTLY THAN THE KODIAK ISLAND BOROUGH.

In determining whether the territory is in need of municipal services which the city can provide more efficiently than the borough, the following factors were considered:

- ° Current and anticipated range of services provided by the city and the borough;
- ° Comparison of insurance rates for the city and the borough;
- ° Comparison of tax rates for the city and the borough;
- ° Efficiency of the city and the borough in providing services.

Range of services provided by the City and the Borough

The Kodiak Island Borough exercises the powers of education, planning & zoning, health, and taxation on an areawide basis. On a nonareawide basis, the borough provides parks and recreation services. On a service area basis, the borough provides water and sewer utilities, fire protection and road maintenance. The area proposed for annexation receives all of these services.

Emergency medical service is provided by the city to residents within its boundaries. The Kodiak Island Borough annually contributes toward the provision of ambulance service to residents located on the road system yet outside the city limits. A hospital located within the corporate boundaries of the City of Kodiak is owned and operated by the borough on an areawide basis.

Although available, no water and sewer services are provided to this property by the borough. The prospective property owner has requested city water and sewer services since the city's utility lines are immediately available to the property and can adequately accommodate the projected demands of the shopping mall. In contrast, the borough's nearest line is approximately 200 feet away in a subdivision adjacent to the territory proposed for annexation. The borough is constrained from immediately providing water and sewer service because of the necessity to obtain an easement to cross private property to extend the service lines to the area proposed for annexation.

Fire protection is provided by the borough through a volunteer fire department headed by a professional fire chief. The

borough fire station servicing this tract of land is located approximately 1.4 miles away. Alternatively, the city fire station serving the property is located approximately 1.9 miles away. Conflicting information was presented at the hearing concerning which of the two departments could best serve the area proposed for annexation. Thus, the commission was unable to reach a conclusion concerning this particular aspect of the question of service delivery. However, the lack of a determination by the commission in this respect does not preclude the commission from determining, overall, whether the relevant standard for annexation has been met.

The property fronts two public roads both within the limits of the City of Kodiak and neither of which is maintained by the borough. One road is under state maintenance and the other is presently under construction and will be maintained by the city when construction is completed.

Police protection outside the city is not provided by the borough. Rather, it is currently provided by the four state troopers serving the Kodiak Island Borough. Two troopers serve the road system outside the city limits. One trooper serves the villages within the borough and one trooper functions strictly as supervisor/administrator. By contrast, the City of Kodiak operates a police department of 28 (including support staff) with officers on duty 24 hours/day. Since the property fronts streets regularly patrolled by city police, it receives the benefit of police surveillance.

The borough does not operate garbage collection service. The city leases land from the borough for operation and maintenance of a sanitary landfill. The city contracts with a private firm for management of the site as well as the mandatory garbage collection within city limits. However, the borough is contemplating the assumption of areawide powers for garbage collection and disposal.

The city owns and operates a library for which the borough annually contributes funds. The borough leases a library facility in Chiniak to a non-profit organization and contributes annually to all communities within the borough to support library services.

The city exercises animal control services within its boundaries. The borough assembly is currently contemplating the adoption of an ordinance which would permit the borough to exercise animal control on a nonareawide basis.

The borough and city enforce the Uniform Building Code (UBC) almost identically. They have both adopted the UBC and administer its enforcement with only minor differences. For structures of the size of the proposed mall and grocery store, the city requires a plan check by the International Conference of Building Officials (ICBO). The borough does not. Additionally, the city requires separate permits (with separate

fees and applications) for electrical and plumbing installations.

In summary, the proposed annexation can be characterized in terms of those services affected and those services unaffected by annexation.

Non-affected services:

If annexed to the City of Kodiak, the area would continue to receive planning and zoning, tax assessment, tax collection, education and health services from the borough.

Affected services:

If annexed, the site will receive fire protection, parks and recreation, emergency medical, library, road maintenance and water and sewer utility services from the city rather than the borough. The property would receive newly acquired city services consisting of mandatory garbage collection, museum, teen center, city airport and animal control service. Additionally, police protection would be provided by city police rather than state troopers.

Insurance rates for the City of Kodiak and the Kodiak Island Borough

According to 1985 figures, the insurance classification for the City of Kodiak is an ISO rating of 4.

According to the Kodiak Island Borough, its fire department has not been established long enough to receive an ISO rating. In the absence of a rating, the ISO classification for properties which receive a minimum level of service is a 9. The area of proposed annexation falls within this class and would thus be rated at a 9. However, it was indicated to the commission that an informal projection of the rating for the fire protection area is 4 or 5. The borough fire chief expected the classification to be provided during 1986.

Tax rates for the City of Kodiak and the Kodiak Island Borough

The property proposed for annexation is currently subject to a 3.75 mill areawide tax levy and a 1.75 mill service district tax levy. This service district levy is broken into 0.25 mills for road service and 1.50 for fire protection. Thus, the total property tax levy is 5.50 mills.

If the property is annexed by the City of Kodiak, it would be subject to two property tax levies. The Kodiak Island Borough would maintain the areawide levy of 3.75 mills, but the 1.75 mill service district tax levy would be replaced by the 2.0 mill tax levied by the city. The total property tax levy under annexation would be 5.75 mills. This is an increase of 0.25 mills.

The borough taxes personal property. However, the city exempts personal property within its boundaries from taxation, including taxation by the borough, as permitted by AS 29.45.050(b). The Kodiak Island Borough does not levy a sales or use tax. The City of Kodiak levies a 5% sales tax.

Efficiency of the City of Kodiak and the Kodiak Island Borough in providing services

Reviewing the range of services provided by the borough in comparison to the range of services to be provided by the city, it is apparent that the city can service the area of proposed annexation to a greater degree than the borough. The significance of this fact is somewhat diminished by the projected increase of 0.25 mills in property tax and 5% sales tax which would be levied and collected if the territory is annexed by the city. However, the finding is that the territory is in need of municipal services which the City of Kodiak can provide more efficiently than the Kodiak Island Borough.

6. ALTHOUGH FUTURE GROWTH AND DEVELOPMENT WILL OCCUR WITHIN THE TERRITORY PROPOSED FOR ANNEXATION, THE COMMISSION FOUND NO EVIDENCE THAT ANNEXATION OF THE TERRITORY WILL ENABLE THE CITY TO PLAN FOR AND CONTROL THAT DEVELOPMENT.

Because the borough is responsible for planning, platting and zoning of all territory within its boundaries and because both the city and the borough enforce essentially the same building code, the annexation will not directly affect the city's ability to plan for and control development.

7. THE HEALTH, WELFARE OR SAFETY OF CITY RESIDENTS IS NOT ENDANGERED BY CONDITIONS EXISTING OR DEVELOPING IN THE TERRITORY.

No evidence was provided to the commission indicating that conditions are developing in the territory proposed for annexation which endanger the health, welfare or safety of city residents.

8. THE EXTENSION INTO THE TERRITORY OF CITY SERVICES OR FACILITIES IS NOT NECESSARY TO ENABLE THE CITY TO PROVIDE ADEQUATE SERVICE TO CITY RESIDENTS.

The commission is unaware of any circumstance which indicates that the proposed annexation is necessary to enable the City of Kodiak to provide service to residents within the existing boundaries of the city.

9. THE TERRITORY PROPOSED FOR ANNEXATION RECEIVES OR MAY BE REASONABLY EXPECTED TO RECEIVE, DIRECTLY OR INDIRECTLY, THE BENEFIT OF CITY GOVERNMENT WITHOUT COMMENSURATE PROPERTY TAX CONTRIBUTIONS, WHETHER CITY SERVICES ARE RENDERED OR RECEIVED INSIDE OR OUTSIDE THE CITY.

Because the city operates the only water and sewer lines in the immediate vicinity of the property, application has been made for provision of these services. If this occurs without annexation, the city contends that the property will receive city services, yet the owner will pay no property tax to the city by virtue of the property's location outside the City. However, the commission found that these services are provided entirely through user fees. Thus, property taxes play no part in the provision of water and sewer to this area.

Because the area proposed for annexation fronts streets patrolled by city police, it is reasonable to expect that the property is, to a degree, receiving the benefits of police protection while remaining outside the jurisdiction of the city. Additionally, because the area fronts a street to be maintained by the city, it will indirectly receive the benefits of that city service.

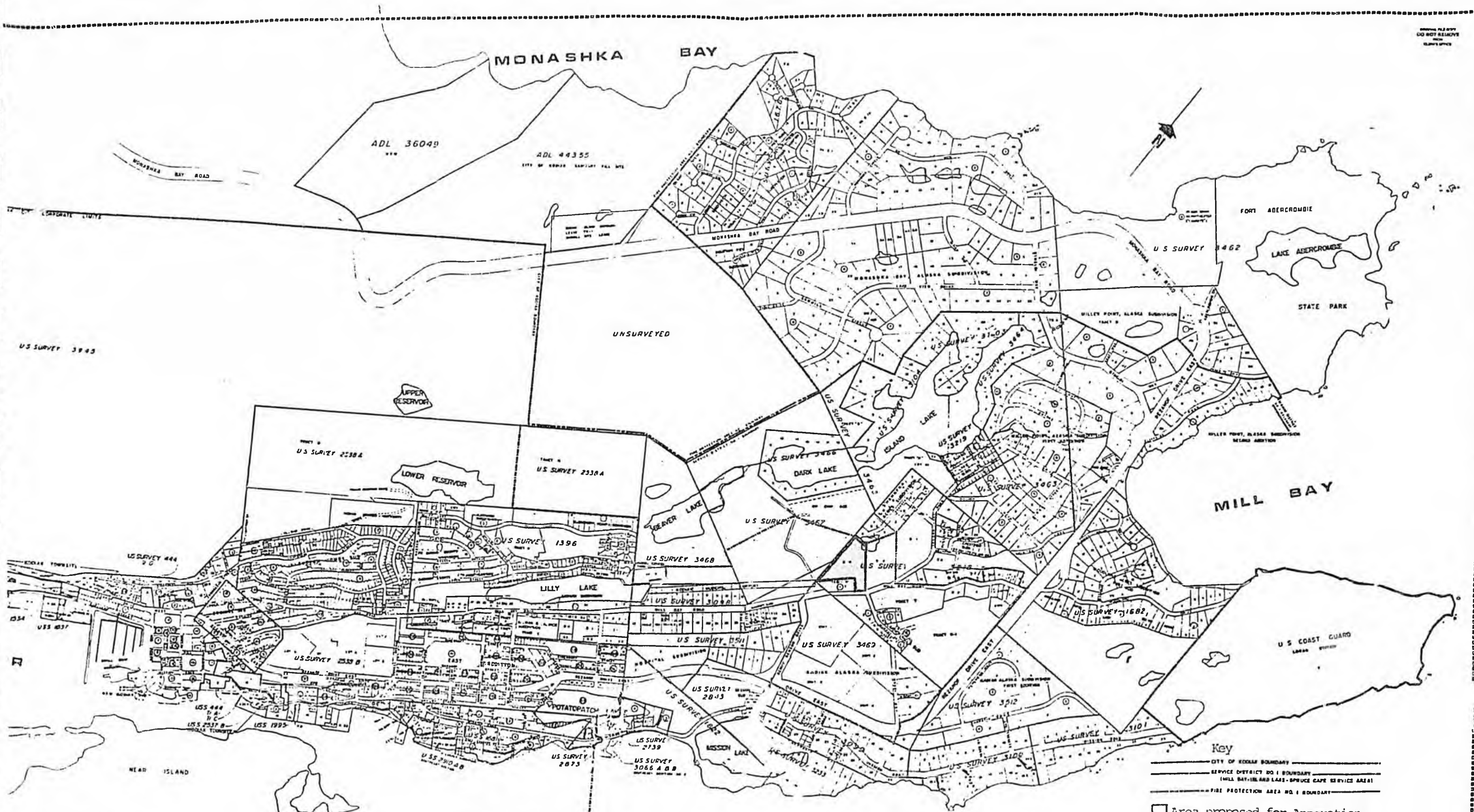
10. THE ANNEXATION IS NOT OTHERWISE NECESSARY TO ACCOMPLISH A VALID PUBLIC PURPOSE.

The commission is unaware of additional public purposes to be accomplished by the annexation.

CONCLUSIONS AND ORDER

Based upon the foregoing findings of fact, the Local Boundary Commission concludes that the annexation of Tract S-4A, USS 3218 to the City of Kodiak is warranted and that the legislative review process is the most appropriate method of annexation. Accordingly, the Local Boundary Commission respectfully submits to the First Session of the Fifteenth Legislature its recommendation for the annexation of 8.58 acres described as Tract S-4A, U.S. Survey 3218 and shown on the map on the following page.

SHOWING PLZ 8700
DO NOT RESOLVE
AND
CLARIFY OFFICE



KODIAK ISLAND BOROUGH

PREPARED BY
BOROUGH ENGINEERING DEPARTMENT

Base Map No 2

VIII. RECOMMENDATION FOR THE ANNEXATION
APPROXIMATELY 268 ACRES TO THE CITY OF PELICAN

IN THE MATTER OF THE PETITION)
FOR ANNEXATION BY THE CITY OF)
PELICAN, ALASKA OF)
APPROXIMATELY 268 ACRES OF)
TERRITORY COMPRISED OF THREE)
SEPARATE TRACTS, JUNEAU)
RECORDING DISTRICT, STATE OF)
ALASKA)

SUMMARY OF ACTIVITIES

On July 28, 1986, the Pelican City Council adopted Resolution Number 1986-10 authorizing the submission of a petition for annexation of the subject territory. The petitioner chose to pursue annexation under provisions of the legislative review process, which requires tacit approval of the legislature [AS 29.06.040(b)].

On August 1, 1986, the department received the City of Pelican's petition. The petition was reviewed and the department notified the City of Pelican on August 8, 1986, that the form and content of the petition were found to be in substantial compliance with applicable laws and regulations.

The City of Pelican has fulfilled the requirement for public notice of the filing of the petition by publishing notice in the Juneau Empire and posting such a notice in several prominent public locations, including the Pelican City Hall. Prior to fulfilling the requirements for notice of filing and petition, the petitioner took steps to enhance public awareness regarding the proposed annexation and to solicit public comments regarding the proposed annexation. According to the petitioner, "many public meetings addressing this subject have been held in the past 2 years and the public is informed and aware of proceedings in this matter."

A duly noticed public meeting on the proposed boundary change was conducted by department staff on June 10, 1986. Eight individuals residing in Pelican or within the territory proposed for annexation offered testimony at the meeting.

No briefs in opposition to the proposed annexation were filed with the department.

On November 22, 1986, the commission met to consider, among other things, the merits of the proposed annexation. After hearing testimony from a total of six interested parties and after thorough deliberation, the commission voted unanimously to approve the petition as submitted.

PROFILE OF PROPOSED ANNEXATION

The territory proposed for annexation consists of several parcels of land in three separate tracts. Tract #1 is located within the northwest portion of that area presently within the existing municipal boundaries and is comprised of approximately 0.359 acres. It is surrounded on all sides by property within the existing municipal boundaries of the City of Pelican.

Tract #2 is located northwest of the existing municipal boundaries of the City of Pelican and is comprised of approximately 6.081 acres. It consists of a landfill site of approximately 4.893 acres owned by the City of Pelican. Tract #2 also includes an access road to the site, which comprises the remainder of the area (approximately 1.188 acres).

Tract #3 is located to the east and south of the existing municipal boundaries of the City of Pelican and is comprised of approximately 262 acres. Of the area included within tract #3, approximately 226 acres are land and the remaining 36 acres are submerged lands. Individual parcels within tract #3 include a five acre federal power withdrawal and a dam and reservoir site consisting of approximately 17 acres and several privately held parcels. Tract #3 is notable in that it contains, according to Robert Kean, (of Kean and Associates, a consulting and surveying firm which recently surveyed the area) approximately 20.9 acres of privately-owned property. This is the only significant amount of privately-owned land within the proposed annexation.

FINDINGS OF FACT

1. THE AREA PROPOSED FOR ANNEXATION IS URBAN IN CHARACTER [19 AAC 10.070(a)(3)].

A significant portion of the territory proposed for annexation is urban in character. This is evidenced by the fact that significant portions of the area have been developed for residential purposes and that a portion of the area proposed for annexation is utilized as a municipal sanitary landfill.

In consideration of this standard, the commission also noted that the population density of that portion of the territory generally referred to as "Pelican Flats" approximates that of the annexing city.

2. A PORTION OF THE AREA PROPOSED FOR ANNEXATION IS OWNED BY THE CITY OF PELICAN [19 AAC 10.070(a)(2)].

Ownership of that portion of the tract #2 within the territory proposed for annexation which is utilized as a municipal landfill has been conveyed to the City of Pelican by the Alaska Department of Natural Resources.

3. A PORTION OF THE AREA PROPOSED FOR ANNEXATION IS TOTALLY SURROUNDED BY THE CITY'S BOUNDARIES [19 AAC 10.070(a)(1)].

The area described as tract #1 (comprised of approximately 0.359 acres) is located within the northwest boundaries of that area presently within the existing municipal boundaries. It is totally surrounded by territory within the existing municipal boundaries of the City of Pelican.

4. THE TERRITORY IS IN NEED OF MUNICIPAL SERVICES WHICH THE CITY OF PELICAN CAN PROVIDE MORE EFFICIENTLY THAN ANOTHER MUNICIPALITY [19 AAC 10.070(a) (4)].

Residents and property owners within the area are in need of municipal services which the city can provide more efficiently than another municipality. These services include education, fire protection, trash collection, health clinic, municipal library, small boat harbor, public safety (police), snow removal, community center and street maintenance. These services can be most efficiently provided by the City of Pelican. The level of delivery of several of the services, such as fire protection, may be limited to portions of the territory to those times when low tide permits vehicular access to the area.

5. THERE IS A REASONABLE LIKELIHOOD THAT FUTURE GROWTH AND DEVELOPMENT WILL OCCUR WITHIN THE TERRITORY PROPOSED FOR ANNEXATION AND THAT ANNEXATION WILL ENABLE THE CITY TO PLAN FOR AND CONTROL THAT DEVELOPMENT [19 AAC 10.070(a) (5)].

The commission concluded that there is reasonable likelihood that future growth and development will occur within the territory and that annexation will enable the city to better plan for and control that development. Annexation would permit the City of Pelican to facilitate orderly extension of municipal services to the area. The city's role in controlling development in the area would be in terms of its regulatory powers, such as code enforcement, police services and planning, platting and zoning.

6. RESIDENTS OR PROPERTY OWNERS WITHIN THE TERRITORY PROPOSED FOR ANNEXATION RECEIVE OR MAY REASONABLY BE EXPECTED TO RECEIVE CITY SERVICES WITHOUT COMMENSURATE PROPERTY TAX CONTRIBUTIONS [19 AAC 10.070(a) (8)].

Residents of Pelican Flats enjoy, without commensurate property tax contributions, virtually all of the municipal services which are available to residents of the City of Pelican. This is regarded as a primary factor relevant to the proposed annexation of tract #3.

7. THE HEALTH, WELFARE OR SAFETY OF CITY RESIDENTS IS NOT ENDANGERED BY CONDITIONS EXISTING OR DEVELOPING WITHIN THE TERRITORY [19 AAC 10.070(a) (6)].

There appears to be no significant threat to the health or safety of residents of Pelican as a consequence of conditions existing or developing in the area proposed for annexation. From the perspective of the welfare of residents of the City of Pelican, it may be argued that the provision of municipal services to non-residents, (those individuals living or owning property on Pelican Flats who do not pay municipal property taxes) adversely affects the welfare of residents of the city. However, the commission determined that this consideration is more relevant to other standards, specifically 19 AAC 10.070(a)(8).

8. THE ANNEXATION IS OTHERWISE NECESSARY TO ACCOMPLISH A VALID PUBLIC PURPOSE [19 AAC 10.070(a)(9)].

The annexation would serve other public purposes, such as supporting the City of Pelican's efforts to protect the Pelican watershed located in tract #3. The boundaries of tract #3 largely follow aliquot parts of a section.

9. THE LEGISLATIVE REVIEW METHOD OF ANNEXATION IS THE MOST APPROPRIATE METHOD OF ANNEXATION OF THE SUBJECT TERRITORY.

Since there is no petition containing the signature of 100% of the property owners and registered voters residing in the territory proposed for annexation, local action annexation without an election is not possible. Since most of the registered voters residing in the territory proposed for annexation appear to oppose annexation at this time, local action annexation through election is not possible. Step annexation likewise requires a vote by residents and is not possible in the absence of support by a majority of voters in the area proposed for annexation. While a portion of the territory proposed for annexation is municipally owned, it is impractical to provide for separate annexation proceedings for that area. Thus, the only available, practical and appropriate method of annexation is the legislative review process.

10 THE ANNEXING CITY DEMONSTRATES THAT IT IS CAPABLE OF AND WILLING TO EXTEND FULL MUNICIPAL SERVICES TO THE AREA PROPOSED FOR ANNEXATION IMMEDIATELY UPON ANNEXATION, EXCEPT IN THOSE SITUATIONS WHERE PROVISION OF SUCH SERVICES IS IMPOSSIBLE BECAUSE OF A LACK OF NECESSARY FACILITIES [19 AAC 10.080(a)(1)].

This contention is made in the petition and the commission's investigation has resulted in the same conclusion. The petitioner has satisfied the commission that the City of Pelican will provide full municipal services to the area within a reasonable time, should the proposed annexation be effected.

CONCLUSIONS AND ORDER

The proposed annexation of approximately 268 acres of territory to the City of Pelican, Juneau Recording District, State of Alaska as described in the petition for annexation submitted by

TRACT #2

TRANSFER APPLICATION
DATED 10-15-11 FOR
CITY OF PELICAN
8 AC.

TRACT #1

LOT 104
TO BE ADDED
38 AC.

U.S. SURVEY
2861 ABB

SEC 19 SEC 20

LISIANSKI

INLET

TONGASS NATIONAL FOREST

PROPOSED ANNEXATION BOUNDARY

FOREST SERVICE MULTIPURPOSED MANAGEMENT
APPROXIMATELY 17 ACRES

POWER PROJECT
WITHDRAWAL 1221
APPROXIMATELY 8 ACRES

CHICHAGOF

TOTAL LAND AREA: 187.4 AC. ±

ISLAND

TRACT #3

NATIVE PLACE OF PHELLEY RESIDENCE IMPROVEMENT APPLICATION 84-2104
REJECTED AND URGED APPEAL

PROPOSED ANNEXATION BOUNDARY

LEGEND

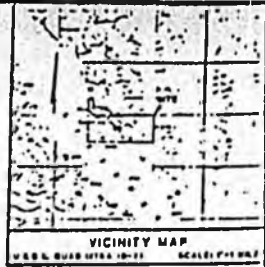
ACCREDITED OR PULL AREAS



W.D.P. 88-128
SCALE: 1"=200'
DRAWN: A.M.
CHECKED: A.T.S.
DATE: 1/1/11

REAR & ASSOCIATES
616 HODGE DRIVE
ANCHORAGE, AK 99504

PROPOSED ANNEXATION
CITY OF PELICAN
CORPORATE BOUNDARY



VICINITY MAP
U.S.G.S. QUAD 1004 10-11 SCALE: 1"=1/2 MI

17 16
SECTION 20 21

55

the City of Pelican meets standards for annexation to a degree sufficient to warrant inclusion of the subject territory within the municipal boundaries of the City of Pelican.

The Local Boundary Commission respectfully submits to the First Session of the Fifteenth Legislature its recommendation for the annexation of of 268 acres to the City of Pelican as referenced in the petition of the City of Pelican and shown on the map on the following page.

SAT MONDAY - SAT 12

Pillington
28th

Article 2. Annexation and Detachment.**Section**

40. Local boundary commission

50. Annexation of military reservations

Section

60. Application

Effective date of article. — Section 90, ch. 74, SLA 1985 provides: "This Act takes effect January 1, 1986."

Sec. 29.06.040. Local boundary commission. (a) The Local Boundary Commission may consider any proposed municipal boundary change. It may reject the proposed change, accept the proposed change, or alter the boundaries and accept the proposal as altered. A Local Boundary Commission decision under this subsection may be appealed under the Administrative Procedure Act (AS 44.62).

(b) The Local Boundary Commission may present a proposed municipal boundary change to the legislature during the first 10 days of a regular session. The change becomes effective 45 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.

(c) In addition to the regulations governing annexation by local action adopted under AS 44.47.567, the Local Boundary Commission shall establish procedures for annexation and detachment of territory by municipalities by local action. The procedures established under this subsection include a provision that

(1) a proposed annexation and detachment must be approved by a majority of votes on the question cast by voters residing in the area proposed to be annexed or detached;

(2) municipally owned property adjoining the municipality may be annexed by ordinance without voter approval; and

(3) an area adjoining the municipality may be annexed by ordinance without an election if all property owners and voters in the area petition the governing body.

(d) A boundary change effected under (a) and (b) of this section prevails over a boundary change initiated by local action, without regard to priority in time. (§ 5 ch 74 SLA 1985)

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

Kie

NAME: ROSLYN GALLAGHER

TITLE:

ADDRESS: T12S,R56W, SEWARD MERIDIAN. BOX 65

CITY: ALEKNAGIK, ALASKA

ZIP: 99555

PHONE: N/A-

BILL NO:

SUBJECT: UNORGANIZED BOROUGH ASSEMBLY

MESSAGE: ANNEXATION 40 SQ. MI. AREA NORTHWEST OF DILLINGHAM, WAREHOUSE MT. O.T.E. AREA 9051: LOCAL BOUNDARY COMMISSION FACTS-ITEMS 10 AND 14 MISREPRESENTED. WE CALL OUR UNORGANIZED BOROUGH ASSEMBLY (STATE LEGISLATURE) INTO SESSION. (CONSTITUTIONAL ARTICLE X, SEC. 6, SEC. 12, ARTICLE VIII, SEC. 1) RIGHT TO DECIDE BE PEOPLE'S, NOT AGENCY'S.

POMID: 06102022

DATE: 02/06/87

TIME: 10:20:22

LIONAME: DILLINGHAM LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

ADAMS	BARNE	ABOOD
BOUCHER	BOYER	BENNETT
BROWN	CATO	BINKLEY
COLLINS	COTTEN	COGHILL
DAVIDSON	DAVIS	DUNCAN
DONLEY	ELLIS	ELIASON
FRANK	FURNACE	FAHRENKAMP
GOLL	GRUENBERG	FAIKS
GRUSSENDORF	HANLEY	FISCHER
HERRMANN	HOFFMAN	HALFORD
HUDSON	KOPONEN	HEMSLEY
LARSON	MARTIN	JONES
MENARD	MILLER	JOSEPHSON
NAVARRE	PEARCE	KELLY
PETTYJOHN	PHILLIPS	KERTTULA
POURCHOT	RIEGER	RODEY
SHULTZ	SPRINGER	SZYMANSKI
SUND	SWACKHAMMER	UEHLING
TAYLOR	ULIEK	ZHAROFF
WALLIS	ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: DOROTHY M. FLENSBURG
 TITLE:
 ADDRESS: BOX 43
 CITY: DILLINGHAM ALASKA ZIP: 99576
 PHONE: N/A-
 BILL NO:
 SUBJECT: CITY OF DILLINGHAM ANNEXATION PROPOSAL
 MESSAGE: FOR THE RECORD, I AM OPPOSED TO THE PROPOSAL FOR ANNEXATION
 PUT FORTH BY THE CITY OF DILLINGHAM.

POMID: 06160118
 DATE: 02/11/87
 TIME: 16:01:18
 LIONAME: DILLINGHAM LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	SZYMANSKI
SPRINGER	ZHAROFF
ZAWACKI	ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: MARIO FERRARO
 TITLE:
 ADDRESS:
 CITY: DILLINGHAM, ALASKA ZIP: 99576
 PHONE: N/A-
 BILL NO:
 SUBJECT: DILLINGHAM'S ANNEXATION PROPOSAL
 MESSAGE: WOULD LIKE TO VOICE MY OPPOSITION TO THE CITY OF DILLINGHAM'S
 PROPOSAL FOR ANNEXATION.

POMID: 06160259
 DATE: 02/11/87
 TIME: 16:02:59
 LIONAME: DILLINGHAM LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	SZYMANSKI
SPRINGER	ZHAROFF
ZAWACKI	ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: DOROTHY WILSON
TITLE:
ADDRESS: BOX 142
CITY: DILLINGHAM, ALASKA
PHONE: N/A-
BILL NO:
SUBJECT: CITY OF DILLINGHAM ANNEXATION
MESSAGE: I OPPOSE THE CITY OF DILLINGHAM'S ANNEXATION PROPOSAL.

ZIP: 99576

MC

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: CHARLES WILSON
TITLE:
ADDRESS: BOX 142
CITY: DILLINGHAM, ALASKA
PHONE: N/A-
BILL NO:
SUBJECT: CITY OF DILLINGHAM ANNEXATION
MESSAGE: AM OPPOSED TO THE CITY OF DILLINGHAM'S PROPOSAL FOR ANNEXATION.

ZIP: 99576

POMID: 06155750
DATE: 02/11/87
TIME: 15:57:50
LIONAME: DILLINGHAM LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	SZYMANSKI
SPRINGER	ZHAROFF
ZAWACKI	ZHAROFF

POMID: 06155957
DATE: 02/11/87
TIME: 15:59:57
LIONAME: DILLINGHAM LIO

COPIES: REPRESENTATIVES SENATORS

CATO	HALFORD
COLLINS	KELLY
HERRMANN	SZYMANSKI
SPRINGER	ZHAROFF
ZAWACKI	ZHAROFF