

[Article 3](#)
Standards for Annexation to Cities

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[3 AAC 110.090. Need](#)

(a) The territory must exhibit a reasonable need for city government. In this regard, the commission may consider relevant factors, including

(1) existing or reasonably anticipated social or economic conditions, including the extent to which residential and commercial growth of the community has occurred or is reasonably expected to occur beyond the existing boundaries of the city during the 10 years following the effective date of annexation;

(2) existing or reasonably anticipated health, safety, and general welfare conditions;

(3) existing or reasonably anticipated economic development;

(4) adequacy of existing services;

(5) extraterritorial powers available to the city to which the territory is proposed to be annexed and extraterritorial powers of nearby municipalities; and

(6) whether residents or property owners within the territory receive, or may be reasonably expected to receive, directly or indirectly, the benefit of services and facilities provided by the annexing city.

(b) Territory may not be annexed to a city if essential municipal services can be provided more efficiently and more effectively by another existing city or by an organized borough, on an areawide basis or nonareawide basis, or through a borough service area that, in the determination of the commission, was established in accordance with art. X, sec. 5, Constitution of the State of Alaska.

History: Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185

Authority: Art. X, sec. 1,

Ak Const.

Art. X, sec. 3,

Ak Const.

Art. X, sec. 5,

Ak Const.

Art. X, sec. 7,

Ak Const.

Art. X, sec. 12,

Ak Const.

[AS 29.06.040](#)

[AS 44.33.812](#)

3 AAC 110.100. Character

The territory must be compatible in character with the annexing city. In this regard, the commission may consider relevant factors, including the

- (1) land use, subdivision platting, and ownership patterns;
- (2) salability of land for residential, commercial, or industrial purposes;
- (3) population density;
- (4) cause of recent population changes;

- (5) suitability of the territory for reasonably anticipated community purposes;
- (6) existing and reasonably anticipated transportation patterns and facilities; and
- (7) natural geographical features and environmental factors.

History: Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185

Authority: Art. X, sec. 1,

Ak Const.

Art. X, sec. 7,

Ak Const.

Art. X, sec. 12,

Ak Const.

[AS 29.06.040](#)

[AS 44.33.812](#)

3 AAC 110.110. Resources

The economy within the proposed expanded boundaries of the city must include the human and financial resources necessary to provide essential municipal services on an efficient, cost-effective level. In this regard, the commission may consider relevant factors, including the

- (1) reasonably anticipated functions of the city in the territory being annexed;
- (2) reasonably anticipated new expenses of the city that would result from annexation;
- (3) actual income and the reasonably anticipated ability to generate and collect local revenue and income from the territory;
- (4) feasibility and plausibility of those aspects of the city's anticipated operating and capital budgets that would be affected by the annexation through the period extending one full fiscal year beyond the reasonably anticipated date for completion of the transition set out in [3 AAC 110.900](#);
- (5) economic base of the territory within the city after annexation;
- (6) valuations of taxable property in the territory proposed for annexation;

(7) land use in the territory proposed for annexation;

(8) existing and reasonably anticipated industrial, commercial, and resource development in the territory proposed for annexation;

(9) personal income of residents in the territory and in the city; and

(10) need for and availability of employable skilled and unskilled persons to serve the city government as a result of annexation.

History: Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185

Authority: Art. X, sec. 1,

Ak Const.

Art. X, sec. 7,

Ak Const.

Art. X, sec. 12,

Ak Const.

[AS 29.06.040](#)

[AS 44.33.812](#)

3 AAC 110.120. Population

The population within the proposed expanded boundaries of the city must be sufficiently large and stable to support the extension of city government. In this regard, the commission may consider relevant factors, including

(1) census enumerations;

(2) duration of residency;

(3) historical population patterns;

(4) seasonal population changes;

(5) age distributions;

(6) contemporary and historical public school enrollment data; and

(7) nonconfidential data from the Department of Revenue regarding applications under [AS 43.23](#) for permanent fund dividends.

History: Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185

Authority: Art. X, sec. 1,

Ak Const.

Art. X, sec. 7,

Ak Const.

Art. X, sec. 12,

Ak Const.

[AS 29.06.040](#)

[AS 44.33.812](#)

[3 AAC 110.130. Boundaries](#)

(a) The proposed expanded boundaries of the city must include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level. In this regard, the commission may consider relevant factors, including

- (1) land use and ownership patterns;
- (2) population density;
- (3) existing and reasonably anticipated transportation patterns and facilities;
- (4) natural geographical features and environmental factors; and
- (5) extraterritorial powers of cities.

(b) Absent a specific and persuasive showing to the contrary, the commission will presume that territory that is not contiguous to the annexing city, or that would create enclaves in the annexing city, does not include all land and water necessary to allow for the development of essential municipal services on an efficient, cost-effective level.

(c) To promote the limitation of community, the proposed expanded boundaries of the city

(1) must be on a scale suitable for city government and may include only that territory comprising an existing local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the effective date of annexation; and

(2) may not include entire geographical regions or large unpopulated areas, except if those boundaries are justified by the application of the standards in 3 AAC [110.090](#) - 3 AAC [110.135](#) and are otherwise suitable for city government.

(d) If a petition for annexation to a city describes boundaries overlapping the boundaries of an existing organized borough, the petition for annexation must also address and comply with the standards and procedures for either annexation of the enlarged city to the existing organized borough or detachment of the enlarged city from the existing organized borough. If a petition for annexation to a city describes boundaries overlapping the boundaries of another existing city, the petition for annexation must also address and comply with the standards and procedures for detachment of territory from a city, merger of cities, or consolidation of cities.

History: Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185

Authority: Art. X, sec. 1,

Ak Const.

Art. X, sec. 7,

Ak Const.

Art. X, sec. 12,

Ak Const.

[AS 29.06.040](#)

[AS 44.33.812](#)

3 AAC 110.135. Best interests of state

In determining whether annexation to a city is in the best interests of the state under [AS 29.06.040](#) (a), the commission may consider relevant factors, including whether annexation

(1) promotes maximum local self-government, as determined under 3 AAC [110.981](#);

(2) promotes a minimum number of local government units, as determined under 3 AAC [110.982](#) and in accordance with art. X, sec. 1, Constitution of the State of Alaska; and

(3) will relieve the state government of the responsibility of providing local services.

History: Eff. 5/19/2002, Register 162; am 1/9/2008, Register 185

Authority: Art. X, sec. 1,

Ak Const.

Art. X, sec. 5,

Ak Const.

Art. X, sec. 7,

Ak Const.

Art. X, sec. 12,

Ak Const.

[AS 29.06.040](#)

[AS 44.33.812](#)

3 AAC 110.140. Legislative review

Territory that meets the annexation standards specified in 3 AAC [110.090](#) - 3 AAC [110.135](#) may be annexed to a city by the legislative review process if the commission also determines that any one of the following circumstances exists:

(1) the territory is wholly or substantially surrounded by the annexing city;

(2) the health, safety, or general welfare of city residents is or will be endangered by conditions existing or potentially developing in the territory, and annexation will enable the city to regulate or control the detrimental effects of those conditions;

(3) the extension of city services or facilities into the territory is necessary to enable the city to provide adequate services to city residents, and it is impossible or impractical for the city to extend the facilities or services unless the territory is within the boundaries of the city;

(4) 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 tax contributions, whether these city benefits are rendered or received inside or outside the

territory, and no practical or equitable alternative method is available to offset the cost of providing these benefits;

(5) annexation of the territory will enable the city to plan and control reasonably anticipated growth or development in the territory that otherwise may adversely impact the city;

(6) repealed 5/19/2002;

(7) annexation of the territory will promote

(A) maximum local self-government, as determined under 3 AAC [110.981](#); and

(B) a minimum number of local government units, as determined under 3 AAC [110.982](#) and in accordance with art. X, sec. 1, Constitution of the State of Alaska;

(8) annexation of the territory will enhance the extent to which the existing city meets the standards for incorporation of cities, as set out in the Constitution of the State of Alaska, [AS 29.05](#), and 3 AAC [110.005](#) - 3 AAC [110.042](#), and is in the best interests of the state;

(9) the commission determines that specific policies set out in the Constitution of the State of Alaska, [AS 29.04](#), [AS 29.05](#), or [AS 29.06](#) are best served through annexation of the territory by the legislative review process, and that annexation is in the best interests of the state.

History: Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185

Authority: Art. X, sec. 1,

Ak Const.

Art. X, sec. 7,

Ak Const.

Art. X, sec. 12,

Ak Const.

[AS 29.06.040](#)

[AS 44.33.812](#)

[3 AAC 110.150. Local action](#)

Territory contiguous to the annexing city, that meets the annexation standards specified in 3 AAC [110.090](#) - 3 AAC [110.135](#) and has been approved for local action annexation by the commission, may be annexed to a city by any one of the following actions:

- (1) city ordinance if the territory is wholly owned by the annexing city;
- (2) city ordinance and a petition signed by all the voters and property owners of the territory;
- (3) approval by a majority of votes on the question cast by voters residing in
 - (A) the territory; and
 - (B) the annexing city;
- (4) repealed 1/9/2008;
- (5) repealed 1/9/2008.

History: Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185

Authority: Art. X, sec. 1,

Ak Const.

Art. X, sec. 7,

Ak Const.

Art. X, sec. 12,

Ak Const.

[AS 29.06.040](#)

[AS 44.33.812](#)

Article 4

Standards for Annexation to Boroughs

Section

[160. Relationship of interests.](#)

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[180. Resources.](#)

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[195. Best interests of state.](#)

[200. Legislative review.](#)

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[3 AAC 110.160. Relationship of interests](#)

(a) On a regional scale suitable for borough government, the social, cultural, and economic characteristics and activities of the people in the area proposed for annexation must be interrelated and integrated with the characteristics and activities of the people in the existing borough. In this regard, the commission may consider relevant factors, including the

(1) compatibility of urban and rural areas within the proposed expanded boundaries of the borough;

(2) compatibility of economic lifestyles and industrial or commercial activities within the proposed expanded boundaries of the borough;

(3) existence of customary and simple transportation and communication patterns throughout the proposed expanded boundaries of the borough; and

(4) extent and accommodation of spoken language differences throughout the proposed expanded boundaries of the borough.

(b) The communications media and the land, water, and air transportation facilities throughout the proposed expanded boundaries of the borough must allow for the level of communications and exchange necessary to develop an integrated borough government. In this regard, the commission may consider relevant factors, including

(1) transportation schedules and costs;

(2) geographical and climatic impediments;

(3) telephonic and teleconferencing facilities; and

(4) electronic media for use by the public.

(c) In determining whether communications and exchange patterns are sufficient, the commission may consider whether

(1) all communities within the proposed borough after annexation are connected to the borough seat by a public roadway, regular scheduled airline flights on at least a weekly basis, regular ferry service on at least a weekly basis, a charter flight service based in the proposed borough after annexation, other customary means of travel including boats and snow machines, or sufficient electronic media communications; and

(2) the communications and exchange patterns would adequately facilitate interrelationships and integration of the people in an expanded borough.

History: Eff. 7/31/92, Register 123; am 5/19/2002, Register 162; am 1/9/2008, Register 185

Authority: Art. X, sec. 1,

Ak Const.

Art. X, sec. 3,

Ak Const.

Art. X. sec. 12,

Ak Const.

[AS 29.06.040](#)

[AS 44.33.812](#)

3 AAC 110.170. Population

The population of the proposed borough after annexation must be sufficiently large and stable to support the resulting borough. In this regard, the commission may consider relevant factors, including

(1) census enumerations;

(2) durations of residency;

(3) historical population patterns;

(4) seasonal population changes;

(5) age distributions;

(6) contemporary and historical public school enrollment data; and

(7) nonconfidential data from the Department of Revenue regarding applications under [AS 43.23](#) for permanent fund dividends.