

Friday, June 26, 2020

Mr. Larry Wood
Chair, State of Alaska Local Boundary Commission
c/o Jedediah Smith, Local Government Specialist
550 W. 7th Ave., Ste. 1650
Anchorage, AK 99501

Dear Mr. Wood:

The City of Soldotna respectfully asks that you accept this request to supplement our earlier comments, submitted June 19, 2020. The purpose of this request is to address statements contained in a letter from Kenai Peninsula Borough Mayor Charlie Pierce that was dated June 4th, but received by LBC staff and shared with the City by LBC staff on June 24th, several days *after* the public comment deadline had passed. Thank you for your consideration.

Regarding the transfer of public safety authority from the Alaska State Troopers (AST) to the Soldotna Police Department (SPD), Mayor Pierce claims that the areas proposed for annexation are already “serviced by a combination of the Kenai and Soldotna Police and have been for some time¹.” This is incorrect. Alaska State Troopers have sole law enforcement responsibility in the annexation territory. Because the territory is adjacent to the City of Soldotna, SPD officers occasionally provide back-up assistance on high priority AST calls, as described on page 32 of the city’s Petition. This is a standard professional courtesy that reflects the cooperative working relationship between these two neighboring law enforcement agencies, but is not based on any authority or agreement on the City’s behalf to serve areas outside its jurisdiction.

Population growth is another issue raised in the Mayor’s letter. He points to the Kalifornsky Census Designated Place (CDP) as an area where growth has been overstated, and refers to a few single-year data points to support the idea that the population is fluctuating. However, the census data presented in the City’s petition is clear and the population growth it describes is well-covered². Mayor Pierce also takes specific issue with the projected population growth of ‘Area 9’ on Funny River Road, though the population figures he references actually pertain to Study Area 1, further to the west (his letter conflates the two areas and data). The City’s petition estimates two residents of Area 9, and no population growth through 2030³ (though subsequent to submitting the petition, the Kenai Peninsula Borough approved a re-plat of a large parcel in Area 9 creating ten new single-family residential lots, so we would

¹ Pierce letter, June 4, 2020, pp 1

² See City of Soldotna Petition: Figure 1. Population 1990-2018, pp 7; description of residential and commercial growth outside city limits in the last paragraph of pp 26; and Figure 4. Percent Increase in Population by Decade, pp 125.

³ City of Soldotna Petition, pp 25

expect actual population growth to exceed the City's original estimate, though not by a significant amount).

The letter states that Area 2 does not meet any of the legal criteria for annexation, because it is uninhabited (containing a trail system, water utility reservoir, and school). However, the standard set out in 3 AAC 110.040(c) is aimed at prohibiting the annexation of a vast borough-type region to a city government. All of the territory proposed in the City of Soldotna's petition, including Area 2, is compact.

Mayor Pierce also suggests that annexation of Area 7 (Kenai Spur Highway) would be supported by the Borough if a separate portion of Kalifornsky Beach Road (referred to as Area 5 in the City's public engagement process and fiscal impact study) were also included. Although we agree that the de facto Soldotna community is much larger than the 2.61 square miles of territory in the Petition, the City has chosen a conservative approach in seeking to expand its boundaries, and one that is well-supported by the process and annexation criteria.

Lastly, the Borough Mayor requests that any approval of the City of Soldotna's petition be conditioned on the City also obtaining voter approval. The legal basis for annexation by legislative review is well established, and other petitions have experienced similar opposition to this method. In its written decision approving the City of Homer annexation by legislative review in 2001, the Local Boundary Commission stated:

First, a number of those who provided written comments and testimony expressed the view that it is a basic civil and political right to vote on annexation. However, such is not the case⁴.

In reviewing annexation petitions approved by the Local Boundary Commission under the legislative review method over the past twenty years, we cannot find a single example where the LBC conditioned such approval on the local municipality also obtaining voter approval. Please see: Manokotak (2017); Gustavus (2011); Fairbanks (2009); Ketchikan Gateway Borough (2007); Palmer (2002); Homer (2001); City of Ketchikan (2000); and Aleknagik (1999)). The City of Soldotna's March 9th written comments describe in great detail the decision to pursue annexation by the legislative review method, as opposed to a local option⁵.

Thank you for your consideration of accepting these supplemental comments. We look forward to presenting to you and the Board at your upcoming public hearing in Soldotna, this August.

Sincerely,



Stephanie Queen
Soldotna City Manager

⁴ Statement of Decision, City of Homer, December 26, 2001 pp 13

⁵ City of Soldotna Response to Comments, March 9, 2020, pp 3-6