

Local Boundary Commission

Statement of Decision

In the matter of the City of Soldotna Annexation Petition of 2.63 square miles.

Members

Larry Wood
Chair
Member At Large

John Harrington
Member
First Judicial District

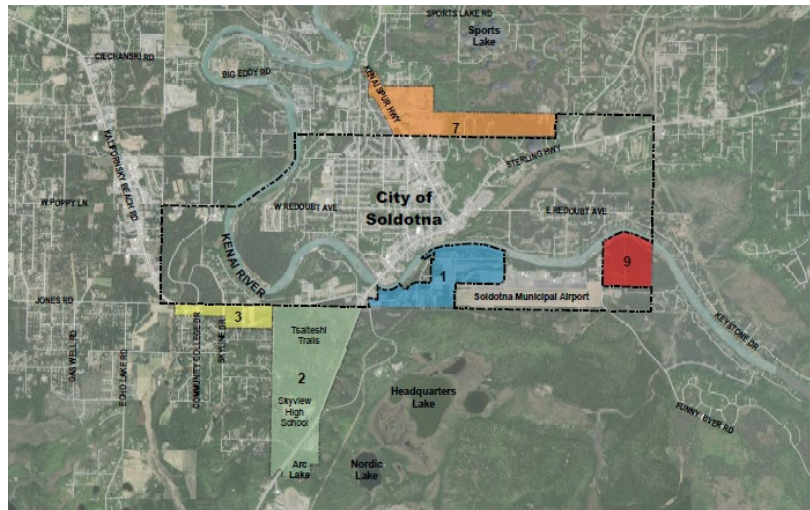
Kenny Gallahorn
Member
Second Judicial District

Richard "Clayton" Trotter
Member
Third Judicial District

Lance Roberts
Member
Fourth Judicial District

Section I Introduction

On December 2, 2019, Local Boundary Commission staff accepted for filing the City of Soldotna's petition to annex 2.63 square miles of territory by the legislative review method. The territory is comprised of the five study areas identified in the map below (study areas 1, 2, 3, 7, and 9).



Section 2 Proceedings

- **Deposit of Petition**

On August 6, 2019, the City of Soldotna¹ provided a copy of its prospective petition for the annexation of territory at the following locations:

- Soldotna City Hall
- Kenai Peninsula Borough Clerk's Office
- Soldotna Public Library
- Kenai Public Library

- **Pre-Submission Hearing**

On September 7, 2019, the City of Soldotna held a duly noticed public hearing, as required by 3 AAC 110.425. At the hearing, 95 members of the public signed in and 37 provided oral comments regarding the proposed annexation.

- **Submission and Review of Petition**

On September 26, 2019, the Soldotna City Council adopted a resolution removing Study Areas 4 and 5 from the proposed petition. The petition was submitted to LBC staff on October 31, 2019, for technical review, and was accepted for filing on December 2, 2019.

- **Posting of Notice**

On December 4, 2019, notice describing the petition and providing information related to it was posted at the following location within or near the territory proposed for annexation:

- Soldotna City Hall (interior entryway bulletin board)

On December 5, 2019, notice was posted at the following locations within or near the territory proposed for annexation:

- Soldotna City Hall (exterior entryway bulletin board)
- Soldotna Public Library
- Kenai Peninsula Borough Clerk's Office
- Kenai City Library

On December 11, 2019, Petitioner hand-delivered a copy of the notice, a complete copy of the Soldotna annexation petition, and a copy of the applicable Alaska Statutes to the City of Kenai City Manager.

On December 13, 2019, Petitioner hand-delivered a copy of the notice, a complete copy of the Soldotna annexation petition, and a copy of the applicable Alaska Statutes to the Kenai Peninsula Borough Mayor's Office.

¹ Hereafter "City," "Soldotna," or "Petitioner"

On December 18, 2019, Petitioner mailed a copy of the notice to the following:

- Kenai Peninsula Borough Road Service Area
- Central Emergency Service Area
- Central Peninsula Hospital Service Area
- North Peninsula Recreation Service Area
- Kenai Peninsula Borough School District
- Soldotna Chamber of Commerce
- Kenai Soil and Water Conservation District
- Salamatof Native Association
- University of Alaska
- Senator Peter Micciche
- Senator Gary Stevens
- Representative Benjamin Carpenter
- Representative Gary Knopp
- Representative Sarah Vance
- Alaska Department of Fish and Game
- Independent Living Center
- Kenai Peninsula Food Bank
- United States Post Office (Kenai)
- City of Kenai Library

On December 19, 2019, notice was posted at the following locations within or near the territory proposed for annexation:

- Soldotna City Hall (confirmed previously posted notices were still in place)
- Soldotna Public Library (confirmed previously posted notice was still in place and added a second notice at the site.)
- Soldotna Regional Sports Complex
- Gilman River Center
- Alaska Department of Fish and Game Soldotna Office
- Independent Living Center
- Kenai Peninsula Food Bank

On December 20, 2019, notice was posted at the following locations within or near the territory proposed for annexation:

- United States Post Office (Soldotna)
- United States Post Office (Kenai)
- City of Kenai Library (requested additional notice be placed)

• **Public Notice**

Notice of the petition was published in the Peninsula Clarion on December 5, 2019, December 13, 2019, and December 20, 2019.

On December 20, 2019, the public service announcement entitled “Public Service Announcement: Notice of Filing of a Petition with the Local Boundary Commission for Annexation by the City of Soldotna” was sent to the KSRM radio group and to KDLL to request broadcast for the following 14 days.

- **Service of Petition**

On December 5, 2019, a full set of petition documents was made available for public review at the following places:

- Soldotna City Hall
- Soldotna Public Library
- Kenai Peninsula Borough Building (Clerk’s Office)
- City of Kenai Public Library
- City of Soldotna website

- **Appointment of New Commissioners**

On January 30, 2020, Governor Mike Dunleavy appointed two new commissioners to the LBC, Mr. Richard “Clayton” Trotter, from the Third Judicial District, and Mr. Lance Roberts, from the Fourth Judicial District. On February 4, Governor Dunleavy appointed Mr. Larry Wood to the at-large seat on the LBC.

- **Deadline for Initial Comments and Response Briefs**

The notice of the petition included a deadline for receipt of written public comment by February 24, 2020. On January 29, 2020, the Local Boundary Commission suspended 3 AAC 110.700(d) that requires a comment submitted in digital format to also be submitted in hard copy to the Commission within 10 days. Local Boundary Commission staff received 21 written comments from 19 individuals. No response briefs were submitted.

- **Petitioner’s Reply Brief Filed**

On March 9, 2020, the City of Soldotna submitted a 17-page reply brief in response to the public comments.

- **Preliminary Report Distribution**

On May 11, 2020, LBC staff distributed copies of its 28-page preliminary report on Soldotna’s petition to interested parties, including the petitioner and LBC Commissioners.

- **Receiving Timely Comments on Preliminary Report**

LBC staff received a total of five written comments on its preliminary report, including a letter from Kenai Peninsula Borough Mayor Charlie Pierce. LBC staff also received two responses to the preliminary report comments from the City of Soldotna.

- **Final Report**

On July 20, 2020, LBC staff distributed copies of the 33-page final report pertaining to Soldotna's annexation petition to interested parties, including the petitioner and Commissioners. In its final report, staff concluded that the petition adequately addressed the standards for annexation, and that the legislative review method for annexation by a city was appropriate.

- **Notice of Public Hearing and Decisional Meeting**

On July 30, 2020, due to the ongoing COVID-19 pandemic and concern for public health and safety, Governor Dunleavy issued a suspension order that included the suspension of AS 44.33.826, 3 AAC 110.550(a), and 3 AAC 110.690. The Governor's order served to suspend the requirement that the Commission conduct a public hearing related to an annexation petition in the physical location of the proposed boundary change. As a result, members of the Commission did not travel to the Soldotna area for the public hearing, and did not tour the proposed annexation territory.

On Wednesday, August 4, 2020, the LBC conducted its public hearing related to the City's petition via Zoom, an online teleconference platform. Approximately 50 people logged on to the hearing and listened to its proceedings. Ten members of the public signed up in advance to testify. During the public hearing, an additional eight members of the public also testified regarding the annexation petition.

Decisional Meeting

A day after its public hearing, and in accordance with 3 AAC 110.570, the Commission conducted a duly noticed decisional meeting on Thursday, August 5, 2020, via Zoom. The Commissioners reviewed and discussed Soldotna's petition, verbal and written comments and testimony related to the petition, and considered all of the applicable standards for annexation of territory by a city.

Commissioner Harrington moved that the City's petition to annex territory by the legislative review method be approved. His motion was seconded by Commissioner Gallahorn.

Citing 3 AAC 110.610(a), Commissioner Lance Roberts moved to amend the motion to approve to include conversion of Soldotna's petition to the local option method. The motion was seconded by Commissioner Clayton Trotter. The Commission recessed into executive session to receive legal advice. After returning from executive session, the decisional meeting recessed to the call of the chair for the purpose of allowing LBC's counsel an opportunity to research legal issues raised during the course of the decisional meeting.

On August 30, 2020, the City of Soldotna submitted to LBC staff a statement in response to the pending motion to convert the petition to local option. On October 20, 2020, the LBC resumed its decisional meeting. Pursuant to 3 AAC 110.680, the LBC relaxed its procedural regulations to accept Soldotna's August 30 statement. The Commission also opened a seven-day public comment period and invited comment regarding the proposed conversion of the City's annexation petition from the legislative review method to the local action (or option) process. The Commission directed that written comments be received no later than 5:00 p.m. on October 27, 2020. The decisional meeting was then recessed until October 29, 2020.

On October 29, 2020, the Commission resumed its decisional meeting to discuss the City of Soldotna's statement, the public comments received, and the proposed conversion of the City's annexation petition.

Following discussion, Commissioner Roberts' motion to amend the motion to approve the City's petition for annexation of territory by converting it to the local option method passed in a 3-2, decision: Commissioners Roberts, Trotter and Gallahorn voted in favor of the motion and Commissioners Harrington and Wood voted against it.

The Commission then voted to approve the City's petition for annexation of territory as amended to require annexation by the local option method: Commissioners Roberts, Trotter and Gallahorn voting in favor of the amended motion, and Commissioners Harrington and Wood voting against it. The Commission set a date of November 25 to review a written decision. That date was postponed due to unforeseen circumstances involving personnel, and a new date of December 11, 2020, was set.

Section 3

Findings and Conclusions

The record in this proceeding includes the City of Soldotna's annexation petition and supporting materials, written comments received on the petition, the City of Soldotna's reply brief, the preliminary report prepared by LBC staff, comments pertaining to LBC staff's preliminary and final reports, testimony, comments, and arguments received at the LBC's August 4, 2020 public hearing, the City of Soldotna's statement regarding proposed conversion of the annexation petition to the local option process, and public comment related to the City's statement and to a pending motion to amend the petition to the local option method.

When considering a petition for annexation, Alaska law requires the LBC to determine whether the standards for annexation of territory by cities found at 3 AAC 110.090- 3 AAC 110.140 and 3 AAC 110.900- 3 AAC 110.982 have been met. The purpose of this section is to set forth the Commission's findings and conclusions with respect to the aforementioned standards. In most cases, the Commission looks to a petition respondent for counter-arguments or affirmation of claims made by a municipal petitioner proposing that territory be annexed by it. However, in this case no entity or person filed a respondent brief. The Kenai Peninsula Borough nonetheless adopted a resolution opposing the annexation petition by the legislative review method on September 4, 2018, requesting the matter be left to the voters.² Additionally, many individuals submitted comments in support of and in opposition to Soldotna's petition to annex territory.

This is the first time that the LBC has converted a legislative review petition to a local action petition pursuant to 3 AAC 110.610(a). The Commission believes that the best interests of the locality and the state are enhanced by local participation in this instance. The Commission finds that the proposed annexation meets the standards for annexation to cities as set forth in 3 AAC 110 as more fully discussed below. It also finds that conversion of the petition from legislative review to local action is appropriate

² Kenai Peninsula Borough Resolution 2018-036 was adopted on September 4, 2018. The City of Soldotna's petition for annexation was accepted for filing by the Department of Commerce, Community and Economic Development on December 2, 2019.

under 3 AAC 110.610. Accordingly, the Commission approves the City's petition for annexation of territory as amended to the local option method.

Need 3 AAC 110.090

Making a determination of need under 3 AAC 110.090 is a two-pronged analysis. First, the Commission must determine that there a reasonable need for city government in the territory to be annexed (3 AAC 110.090(a)). Next, the Commission must determine that essential municipal services cannot be provided more efficiently and effectively by another existing city or by an organized borough (3 AAC 110.090(b)).

With regard to the first prong of the analysis, the Commission agreed that most of the relevant factors outlined for consideration in 3 AAC 110.090(a) were met. However, some commissioners questioned whether the factors set forth under 3 AAC 11.090(2) and (4) had been met because all essential, and many non-essential services, such as public safety, platting and planning, and some inspection services, are already provided by the State of Alaska, the Kenai Peninsula Borough, or by private means. Further, with respect to the use of certain city facilities such as the library, docks, and parks, a majority of commissioners questioned whether the expenses generated by use of these facilities by non-city residents was not offset by sales taxes collected from non-city residents. Regardless, because a majority of the factors considered by the Commission were met, a majority of the Commission determined that a reasonable need for city government had been demonstrated.

The first prong of the analysis having been satisfied, the Commission then needed to determine whether essential city services could be provided more efficiently and more effectively by another existing city or by the organized borough. Regarding the second standard, and despite the lack of a response brief from the Kenai Peninsula Borough, the Commission believes that Resolution 2018-036, which opposes the Soldotna annexation by the legislative review method and instead requests voter approval, serves as the borough's policy statement regarding annexation. The resolution neither mentions the services currently being provided to the territory by the Borough, nor those services the City of Soldotna would assume if annexation were approved. The resolution asserted that engagement in the annexation process was low and that vocal and passionate opposition to the annexation was a powerful influence on the community at large. The Borough's resolution called for allowing all affected residents, property owners, and businesses to vote on the proposal. The Commission supports the idea, which would allow voters to decide for themselves whether the City of Soldotna can provide essential city services more efficiently than the Borough or the State of Alaska.

Character 3 AAC 110.100

Alaska law requires that a territory to be annexed to a city be compatible in character with the annexing city. Commissioner Roberts expressed his doubt that all of the territory meets the standard of character for the City of Soldotna, particularly the large rural lots. However, the majority of the commissioners, all of whom had visited Soldotna personally in the past, believed that due to the modest size of the proposed annexation, and the general landscape, it would be "splitting hairs" to say that the proposed territory did not meet the character standard. Commissioner Harrington stated definitively, "That whole area is 'Soldotna.'"

Resources 3 AAC 110.110

Alaska law requires that the economy within the proposed expanded boundaries of the city include the human and financial resources necessary to provide essential municipal services on an efficient, cost-effective level. The Commission concurs with the staff finding that the aggregate of the proposed boundary change meets the required resource standard, based on the City's financial resources and personnel available. The expense associated with the expanded territory would be modest and commensurate with Soldotna's costs to provide services in other parts of the city. The Commission commends the City of Soldotna for its fiscal efficiency, noting that Soldotna's citizens should be pleased with the city's fiscal restraint.

Population 3 AAC 110.120

Alaska law requires that, for annexation to occur, "[t]he population within the proposed expanded boundaries of the city must be sufficiently large and stable to support the extension of city government." The City of Soldotna estimates the population of the entire territory is approximately 177 residents. Two of the study areas in the territory have no residents. One of those study areas (Area 9) consists of undeveloped residential land and indicates some potential for growth. The other (Area 2), consists largely of city or borough assets. The Commission found that the population of the proposed expanded boundaries of the city is sufficiently large and stable to support the extension of city government. The Commission thus concludes that the petition meets the population standard.

Boundaries 3 AAC 110.130

3 AAC 110.130 sets forth the standards related to boundaries that the Commission must consider. First, the proposed expanded boundary of the city must include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level. The Commission finds the city is already providing essential municipal services, and the proposed annexation will not make it more difficult for the City to provide these services. Second, the proposed territory does not create enclaves, and is contiguous to the annexing city, and therefore, services can be provided in an efficient, cost-effective level. Third, the expanded boundaries proposed by Soldotna are on a scale suitable for city government. At 7.4 square miles, the city of Soldotna's current boundary makes it one of the smaller municipalities in the state from a geographic point of view, and the modest annexation of 2.63 square miles would bring the City's total boundary to 10.03 square miles, just over a third of the size of neighboring Kenai. The Commission finds the proposed expanded boundaries of the city are on a scale suitable for city government. Fourth, the Commission finds that the entirety of the territory does not contain entire geographical regions or large unpopulated areas. The two possible exceptions to this are in economic study areas two and nine, but even those areas can expect a reasonable level of service provided by the city annexation. Finally, the Commission finds that the proposed boundaries are adequately populated and do not overlap with any existing municipalities. Accordingly, based on the foregoing, the Commission concludes that the petition meets the standards in 3 AAC 110.130, and is suitable for city government.

Best Interests of the State 3 AAC 110.135

3 AAC 110.135 identifies relevant factors for the Commission's examination when making a determination whether annexation of a city is in the best interests of the State under AS

29.06.040(a). Article 10 of Alaska’s Constitution promotes maximum local government with a minimum number of local government units and prevention of duplication of tax levying jurisdictions. The Commission finds that the proposed annexation would not increase the number of local government units, as the Petitioner is simply proposing to expand an existing local government boundary without creating a new entity.

The Commission also recognizes that, per 3 AAC 110.981(8), the proposed boundary change would maximize local self-government by extending local government to portions of the borough currently not served, and providing the following local services that replace state services: law enforcement and commercial building inspection.

Further, the Commission believes the standard is enhanced when the petition is converted to the local option method, as requested by the Kenai Peninsula Borough in its 2018 resolution, thereby allowing the residents of the territory the opportunity to vote on the annexation. A vote by the residents of the territory would allow them to determine whether the territory is truly in need of the services proposed by the city. The Commission has the authority to amend the petition in such a way, per 3 AAC 110.610(a).

Maximum Local Self-Government 3 AAC 110.981

The Kenai Peninsula Borough is a second class borough, whereas the City of Soldotna is a home rule city. Annexation of the territory would promote the principles of maximum local self-government because the territory would receive the benefit of belonging to both the City and the Borough.

Legislative Review 3 AAC 110.140

For the territory to be annexed under the legislative review method, the Commission must determine that one of eight circumstances enumerated in 3 AAC 110.140 exists. During its deliberations, a majority of the members found that Areas 1 and 9 are “substantially surrounded” by the annexing city, and therefore meet the standard in paragraph (1). Further, the Commission held that the circumstances regarding the annexation of the remaining areas most aptly apply to paragraph (4), that “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.”

Four of the five Commission members agreed the standard applies, particularly for Areas 1, 3 and 7. Residents of these areas likely already pay sales tax, though businesses do not. Commissioner Roberts stated the sales tax paid by residents of the territory would easily offset the use of services.

Two of the areas in the territory (2) and (9) are virtually uninhabited either by commercial or residential interests, and therefore it is difficult to determine who or what is advantaged by annexation. One Commissioner noted that much of the undeveloped land in Areas 2 and 9 is owned by a Native Association, the Borough, the State, or by out of state property owners who “are not getting the benefits of city government.”

Transition 3 AAC 110.900

3 AAC 110.900 concerns whether the transition plan contains all the required information, and that all required actions were undertaken to prepare for a smooth transition. The Commission holds that the petition contains an adequate transition plan, and concurs with the findings in its staff’s final report that the Petitioner has included a practical plan to extend essential municipal services into the territory in the shortest practicable time after the effective date of the proposed change. The transition would not involve the transfer of assets or liabilities from one government to another, aside from road maintenance responsibilities, a matter on which the City and the Borough have previously consulted. The Commission acknowledges that 25 borough and state officials were consulted during the course of drafting the petition, as required by (e) of the standard, and the LBC will rely on the City and the Borough to execute any necessary memoranda of agreement to execute any other transitional responsibilities, as described in the petition. The Commission finds no reason to impose additional conditions on the transition other than the affirmative vote of both the majority residents of the city and residents of the territory.

Statement of Non-Discrimination 3 AAC 110.910

As provided by 3 AAC 110.910, an annexation proposal may not be approved by the Commission if the effect of the annexation would deny any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin.

The Commission finds no evidence that the effect of the proposed change denies any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin.

Determination of Essential Municipal Services 3 AAC 110.970

Essential municipal services were discussed most thoroughly under 3 AAC 110.090. The Commission agrees that the petitioner has addressed the standard. However, the Commission has converted the petition to the local option method to allow voters to decide for themselves whether the City of Soldotna can provide essential city services more efficiently than the Borough, or the State.

Determination of maximum local self-government 3 AAC 110.981

The Kenai Peninsula Borough is a second class borough, whereas the City of Soldotna is a home rule city. Annexation of the territory would promote the principles of maximum local self-government because the territory would receive the benefit of belonging to both the City and the Borough. The approval of this petition would extend city government to the territory proposed for annexation, and add approximately 177 residents to the City's population. Many of those residents benefit from city services, and contribute to the tax base, yet are not currently represented by the city government. Annexation of the territory would ensure those residents have the opportunity to participate in city government.

Minimum number of local government units 3 AAC 110.982

Alaska's constitution requires minimizing the number of local government units unless creating additional units are found to serve the best interests of the state. Annexing the territory would not increase the number of local government units. Annexation would simply change the size of the existing city. The Commission finds that this annexation petition will not create any new local government units, and therefore has met the requirement of 3 AAC 110.982.

Conclusion

The Commission heard numerous comments from the public, as well as from the Kenai Peninsula Borough, all requesting an opportunity to vote on the annexation. The City of Soldotna has successfully annexed territory four times since incorporation. Each annexation in 1984, 1986, 1993 and 2007 used the local action method to approve annexation. The Commission believes that the best interests of the state are served by allowing residents of the territory and the city to vote on the annexation. Therefore, while the petitioner meets all required standards for annexation by a city, the Commission believes the petition should be converted from legislative review to local action because the expanding of the municipal boundary is of the most concern to the local residents, who are in the best position to determine whether they need the services provided by the City of Soldotna. The Commission heard from numerous members of the public who insisted that annexation should be voted on by those most impacted by it.

Section 4 Order of the Commission

Based on the findings and conclusions set out in Section III of this Decisional Statement, the Local Boundary Commission finds that all of the relevant standards and requirements for annexation of territory by a city are satisfied by the annexation proposal filed with it by the City of Soldotna. Accordingly, the Commission hereby approves the petition of the City of Soldotna for annexation of territory by the local action process.

The City and the Kenai Peninsula Borough will hold an election regarding the City’s annexation. Per 3 AAC 110.150(3), the election must be approved by a majority of votes on the question cast by voters residing in (A) the territory; and (B) the annexing city.

Approved this 29 day of December, 2020.

Local Boundary Commission

By: *Larry D. Wood* *
Larry D. Wood, Chair
Member at Large

** Signed in my official capacity as chair. I join in a Statement of Decision.*

Attest: *Jedediah R. Smith*
Jedediah R. Smith, Staff
Local Boundary Commission

Reconsideration by the Commission

Regulation 3 AAC 110.580 titled “Reconsideration” provides as follows:

- (a) Within 18 days after a written statement of decision is mailed under 3 AAC 110.570(f), a person may file an original and five copies of a request for reconsideration of all or part of that decision, describing in detail the facts and analyses that support the request for reconsideration.
- (b) Within 30 days after a written statement of decision is mailed under 3 AAC 110.570(f), the Commission may, on its own motion, order reconsideration of all or part of that decision.
- (c) A person filing a request for reconsideration shall provide the department with a copy of the request for reconsideration and supporting materials in an electronic format, unless the department waives this requirement because the person requesting reconsideration lacks a readily accessible means or the

capability to provide items in an electronic format. A request for reconsideration must be filed with an affidavit of service of the request for reconsideration on the petitioner and each respondent by regular mail, postage prepaid, or by hand-delivery. A request for reconsideration must also be filed with an affidavit that, to the best of the affiant's knowledge, information, and belief, formed after reasonable inquiry, the request for reconsideration is founded in fact and is not submitted to harass or to cause unnecessary delay or needless expense in the cost of processing the petition.

(d) If the person filing the request for reconsideration is a group, the request must identify a representative of the group. Each request for reconsideration must provide the physical residence address and mailing address of the person filing the request for reconsideration and the telephone number, facsimile number, and electronic mail address, if any, for the person or representative of the group.

(e) The Commission will grant a request for reconsideration or, on its own motion, order reconsideration of a decision only if the Commission determines that

- (1) a substantial procedural error occurred in the original proceeding;
- (2) the original vote was based on fraud or misrepresentation;
- (3) the Commission failed to address a material issue of fact or a controlling principle of law; or
- (4) new evidence not available at the time of the hearing relating to a matter of significant public policy has become known.

(f) If the Commission does not act on a request for reconsideration within 30 days after the decision was mailed under 3 AAC 110.570(f), the request is automatically denied. If it orders reconsideration or grants a request for reconsideration within 30 days after the decision was mailed under 3 AAC 110.570(f), the Commission will allow a petitioner or respondent 10 days after the date reconsideration is ordered or the request for reconsideration is granted to file an original and five copies of a responsive brief describing in detail the facts and analyses that support or oppose the decision being reconsidered. The petitioner or respondent shall provide the department with a copy of the responsive brief in an electronic format, unless the department waives this requirement because the petitioner or respondent lacks a readily accessible means or the capability to provide items in an electronic format.

(g) Within 90 days after the department receives timely filed responsive briefs, the Commission, by means of the decisional meeting procedure set out in 3 AAC 110.570(a) - (f), will issue a decision on reconsideration. A decision on reconsideration by the Commission is final on the day that the written statement of decision is mailed, postage prepaid, to the petitioner and the respondents.

Judicial Appeal

A decision of the Local Boundary Commission may be appealed to the Superior Court under AS 44.62.560(a) and Rules of Appellate Procedure 602(a)(2). Per 3 AAC 110.570(g), this is the final decision of the Commission, unless reconsideration is timely requested or the Commission orders reconsideration. A claimant has 30 days to appeal to the Superior Court.