

Local Boundary Commission Regulations Municipal Boundary Changes

Article 7

Standards for Detachment from Cities

3 AAC 110.257 – 3 AAC 110.265

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Section

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3 AAC 110.257. Standards for detachment from cities

In accordance with AS 29.06.040(a), the commission may approve a proposal for detachment from a city only if the commission determines that the proposal

- (1) meets applicable standards under the Constitution of the State of Alaska;
- (2) meets standards in 3 AAC 110.257 - 3 AAC 110.260 and 3 AAC 110.900 - 3 AAC 110.970; and
- (3) is in the best interests of the state.

History: Eff. 1/9/2008, Register 185

Authority:

Art. X, sec. 1, Ak Const.

AS 29.06.040

Art. X, sec. 7, Ak Const.

AS 44.33.812

Art. X, sec. 12, Ak Const.

3 AAC 110.260. Best interests of state

(a) In determining whether detachment from a city is in the best interests of the state under AS 29.06.040, the commission may consider relevant factors, including

- (1) the health, safety, and general welfare of the proposed remnant city and the territory after detachment;
- (2) the ability of the proposed remnant city to efficiently and effectively provide reasonably necessary facilities and services after detachment;
- (3) the reasonably anticipated potential for, and impact of, future population growth or economic development that will require local government regulation in the territory after detachment;
- (4) the historical pattern of providing to the territory municipal services that have been, or should be, supported by tax levies in the territory;
- (5) the historical pattern of cooperation and shared commitment between the people of the proposed remnant city and the people of the territory;
- (6) the extent to which detachment might enhance or diminish the ability of the proposed remnant city to meet the standards for incorporation of cities, as set out in the Constitution of the State of Alaska, AS 29.05, 3 AAC 110.005 - 3 AAC 110.042, and 3 AAC 110.900 - 3 AAC 110.970;
- (7) the extent to which a transition plan of a previous annexation has been implemented and is effective;
- (8) the effect of the proposed detachment on the long-term stability of the finances of the proposed remnant city, other municipalities, and the state;
- (9) whether the proposed detachment 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;
- (10) whether the territory's requirements for local government services will be adequately met following detachment;
 - (11) contemporary and historical public school enrollment data; and
 - (12) nonconfidential data from the Department of Revenue regarding applications under AS 43.23 for permanent fund dividends.
- (b) If, to fulfill the requirements of (a)(10) of this section, the petitioner has proposed, or the commission requires, incorporation of the territory into a new municipality, the commission may condition the approval of the detachment upon voter approval of the incorporation.
 - (c) Absent a specific and persuasive showing to the contrary, the commission will presume that territory proposed for detachment that would create noncontiguous parts of the city or enclaves within the city does not meet the standards for detachment.
 - (d) Absent a specific and persuasive showing to the contrary, the commission will presume that territory proposed for detachment from a city in an unorganized borough is a diminution of maximum local self-government and does not meet the standards for detachment.
 - (e) In order to promote a minimum number of local government units in accordance with art. X, sec. 1, Constitution of the State of Alaska, a petition for detachment that also seeks to incorporate a new city must propose that the new city will encompass a substantially larger population and territory than the population and territory proposed for detachment.

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.	AS 29.06.040
Art. X, sec. 7, Ak Const.	AS 44.33.812
Art. X, sec. 12, Ak Const.	

3 AAC 110.263. Legislative review

Territory that meets the detachment standards specified in 3 AAC 110.257 – 3 AAC 110.260 may detach from a city by the legislative review process if the commission also determines that any one of the following circumstances exists:

- (1) the health, safety, or general welfare of city residents is or will be endangered by conditions existing or potentially developing in the territory, and detachment will enable the city to regulate or control the detrimental effects of those conditions;
- (2) it is impossible or impractical for the city to extend facilities or services to the territory;
- (3) residents or property owners within the territory have not received, and do not reasonably expect to receive, directly or indirectly, the benefit of city government without significant additional tax contributions;
- (4) 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 detachment of the territory by the legislative review process, and that detachment is in the best interests of the state.

History: Eff. 1/9/2008, Register 185

Authority:

Art. X, sec. 1, Ak Const.	AS 29.06.040
Art. X, sec. 7, Ak Const.	AS 44.33.812
Art. X, sec. 12, Ak Const.	

3 AAC 110.265. Local action

Territory that meets the detachment standards specified in 3 AAC 110.257 – 3 AAC 110.260 and has been approved for local action detachment by the commission may be detached from a city upon approval by a majority of voters residing in the territory voting on the question at an election.

History: Eff. 1/9/2008, Register 185

Authority:

Art. X, sec. 1, Ak Const.	AS 29.06.040
Art. X, sec. 7, Ak Const.	AS 44.33.812
Art. X, sec. 12, Ak Const.	