

Introduced By: Mayor Cleworth
Introduced: April 25, 2011

RESOLUTION NO. 4470

**A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A PETITION
TO THE LOCAL BOUNDARY COMMISSION FOR THE DETACHMENT
FROM THE CITY OF THE OPEN SKIES COMMERCIAL PARK
SUBDIVISION, LOCATED AT THE INTERSECTION OF BADGER
ROAD AND THE OLD RICHARDSON HIGHWAY**

WHEREAS, in 1973, the State of Alaska approved annexation of Fort Wainwright into the City of Fairbanks; and

WHEREAS, Fort Wainwright includes land situated east of Badger Road; and

WHEREAS, tracts of land situated east of Badger Road have been transferred from military ownership; and

WHEREAS, parcels described as Lots 1 & 2, US Survey 11793, located at the intersection of Badger and Holmes Road, were transferred to the Fairbanks North Star Borough for use as a solid waste refuse collection site. The City consented to the detachment of these lots from the territory of the City of Fairbanks; and

WHEREAS, land described as Open Skies Commercial Park Subdivision, situated at the corner of Badger Road and the Old Richardson Highway, was transferred from military ownership and is now privately owned; and


WHEREAS, while it is the policy of the City Council of the City of Fairbanks that Fort Wainwright is an essential part of the City, detachment of territory that has been transferred from military ownership such as Open Skies Commercial Park Subdivision is appropriate under the regulatory standards adopted by the Local Boundary Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA as follows:

Section 1. The City Council authorizes the City Mayor to prepare and submit a Petition for Detachment of Open Skies Commercial Park Subdivision, Fairbanks Recording District, via the local option method in which the affirmative vote of a majority of eligible voters will be required. In the event that the local option method is not available due to no eligible

voters residing in the territory to be detached, the legislative review method of Detachment is authorized. All costs, including staff time, are to be paid by the owner of the land requesting Detachment.

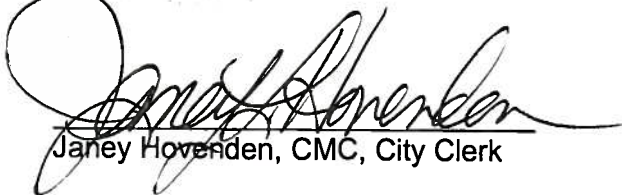
Section 2. That the effective date of this Resolution shall be the 30th day of April 2011.



Jerry Cleworth,
City Mayor

AYES: Gatewood, Roberts, Matherly, Stiver
NAYS: Bratcher
ABSTAIN:
ABSENT: Eberhart
ADOPTED: April 25, 2011

ATTEST:



Janey Hovenden, CMC, City Clerk

APPROVED AS TO FORM:

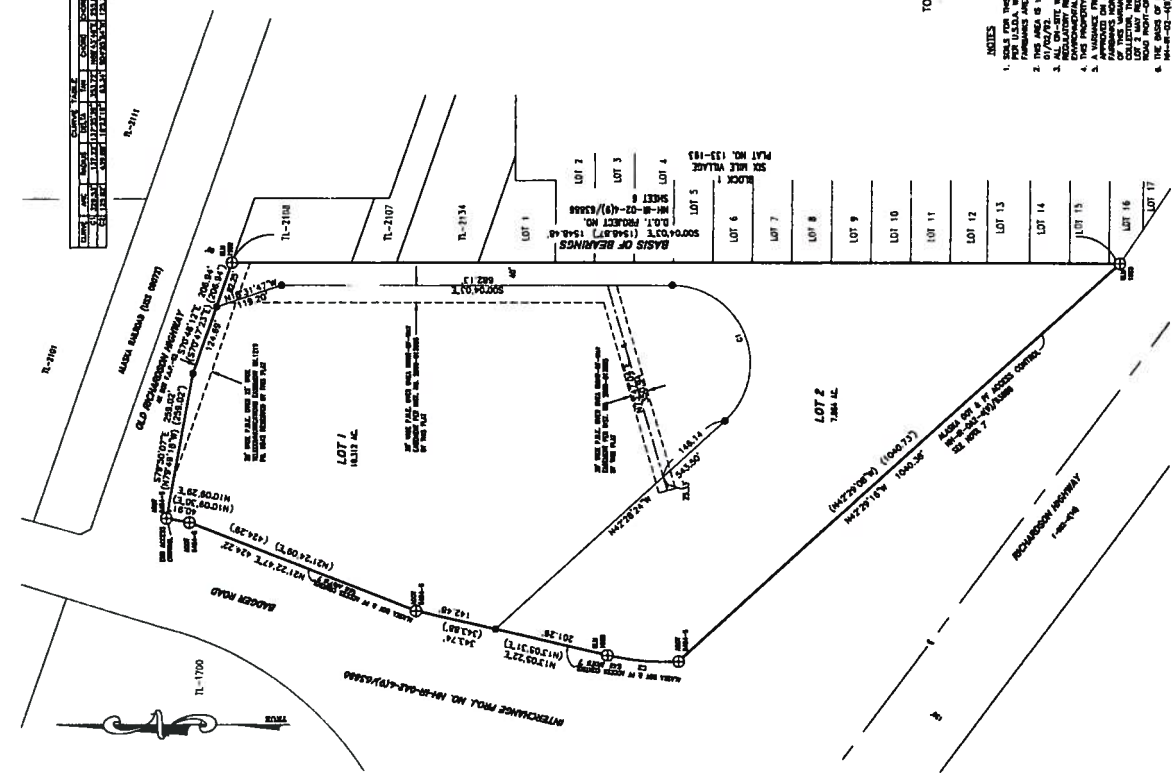


Paul J. Ewers, City Attorney

LEGEND

- ⊕ PRIMARY MOVEMENT FOUND, STAMPED AS NOTED.
- 5/8" x 3/4" REBAR WITH A 1/2" ALUM. CAP. SET.
- RECORD INFORMATION
- P.U.E. PUBLIC UTILITY EASEMENT
- F.A.D. FAIRBANKS RECORDING DISTRICT

CLASS	TYPE	DATE
1	RECORD	10/27/09
2	RECORD	10/27/09
3	RECORD	10/27/09
4	RECORD	10/27/09
5	RECORD	10/27/09
6	RECORD	10/27/09
7	RECORD	10/27/09
8	RECORD	10/27/09
9	RECORD	10/27/09
10	RECORD	10/27/09
11	RECORD	10/27/09
12	RECORD	10/27/09
13	RECORD	10/27/09
14	RECORD	10/27/09
15	RECORD	10/27/09
16	RECORD	10/27/09
17	RECORD	10/27/09



AREA SUMMARY

LOT 1 = 10,312 AC.
 LOT 2 = 7,864 AC.
 TOTAL AREA = 17,976 AC.

- NOTES**
- THE SUBDIVISION AND BEARING SURVEY ARE DONE IN ACCORDANCE WITH THE SURVEYING ACTS, ALASKA (AS 18.05.010 - 18.05.050).
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.010.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.020.
 - A VARIANCE FROM THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.010, IS REQUIRED FOR THE CONSTRUCTION OF THE SUBDIVISION.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.030.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.040.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.050.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.060.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.070.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.080.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.090.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.100.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.110.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.120.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.130.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.140.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.150.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.160.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.170.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.180.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.190.
 - THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF FAIRBANKS, ALASKA, ZONING ORDINANCE, CHAPTER 17.05.200.

CERTIFICATE OF APPROVAL BY THE PLATTING AUTHORITY

I, HENRY CERRY, THIS SUBDIVISION PLAN HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF CHAPTER 17.05, TITLE 18, R.S., FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES, AND THAT SAID PLAN HAS BEEN APPROVED.



- UTILITY EASEMENTS**
- FOR THE CITY OF FAIRBANKS, ALASKA, UTILITIES DEPARTMENT.
 - FOR THE CITY OF FAIRBANKS, ALASKA, UTILITIES DEPARTMENT.
 - FOR THE CITY OF FAIRBANKS, ALASKA, UTILITIES DEPARTMENT.
 - FOR THE CITY OF FAIRBANKS, ALASKA, UTILITIES DEPARTMENT.

CERTIFICATE OF PAYMENT OF TAXES

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED TAX COLLECTOR FOR THE FAIRBANKS NORTH STAR BOROUGH, DO HEREBY CERTIFY THAT THE TAXES DUE TO THE BOROUGH ON THE FOLLOWING DESCRIBED PROPERTY IS PAID TO ME BY THE OWNER OF SAID PROPERTY, TO-WIT:

OPEN SKIES, LLC
 12345 MAIN ST.
 FAIRBANKS, ALASKA 99701

DATE: AUGUST 23, 2009

CERTIFICATE OF L.L.C. OWNERSHIP, DEDICATION AND COMPLIANCE

I, HENRY CERRY, THIS OPEN SKIES, LLC, IS THE OWNER OF THE OPEN SKIES, LLC, COMMERCIAL PARK, FAIRBANKS, ALASKA, AND I HEREBY CERTIFY THAT SAID OPEN SKIES, LLC, IS IN COMPLIANCE WITH THE STANDARDS ESTABLISHED IN TITLE 17, SUBDIVISION, FAIRBANKS NORTH STAR BOROUGH CODE.

DATE: AUGUST 23, 2009

OPEN SKIES, LLC
 12345 MAIN ST.
 FAIRBANKS, ALASKA 99701

HENRY CERRY
 12345 MAIN ST.
 FAIRBANKS, ALASKA 99701

STATE OF ALASKA
 COUNTY OF FAIRBANKS
 I, HENRY CERRY, THIS OPEN SKIES, LLC, IS THE OWNER OF THE OPEN SKIES, LLC, COMMERCIAL PARK, FAIRBANKS, ALASKA, AND I HEREBY CERTIFY THAT SAID OPEN SKIES, LLC, IS IN COMPLIANCE WITH THE STANDARDS ESTABLISHED IN TITLE 17, SUBDIVISION, FAIRBANKS NORTH STAR BOROUGH CODE.

DATE: AUGUST 23, 2009

OPEN SKIES, LLC
 12345 MAIN ST.
 FAIRBANKS, ALASKA 99701

REGISTERED PROFESSIONAL SURVEYOR
 HENRY CERRY
 12345 MAIN ST.
 FAIRBANKS, ALASKA 99701



CERTIFICATE OF REGISTERED LAND SURVEYOR

I, HENRY CERRY, A PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE SUBDIVISION PLAN HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF CHAPTER 17.05, TITLE 18, R.S., FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES, AND THAT SAID PLAN HAS BEEN APPROVED.

DATE: 8-23-09

SCALE: 1" = 100'

OPEN SKIES COMMERCIAL PARK

FAIRBANKS, ALASKA

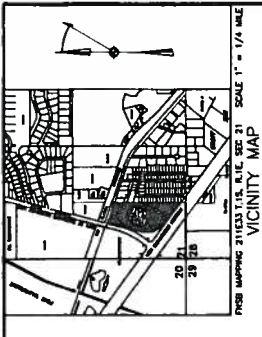
SECTION 21, T18S, R18E, FAIRBANKS NORTH STAR BOROUGH, ALASKA

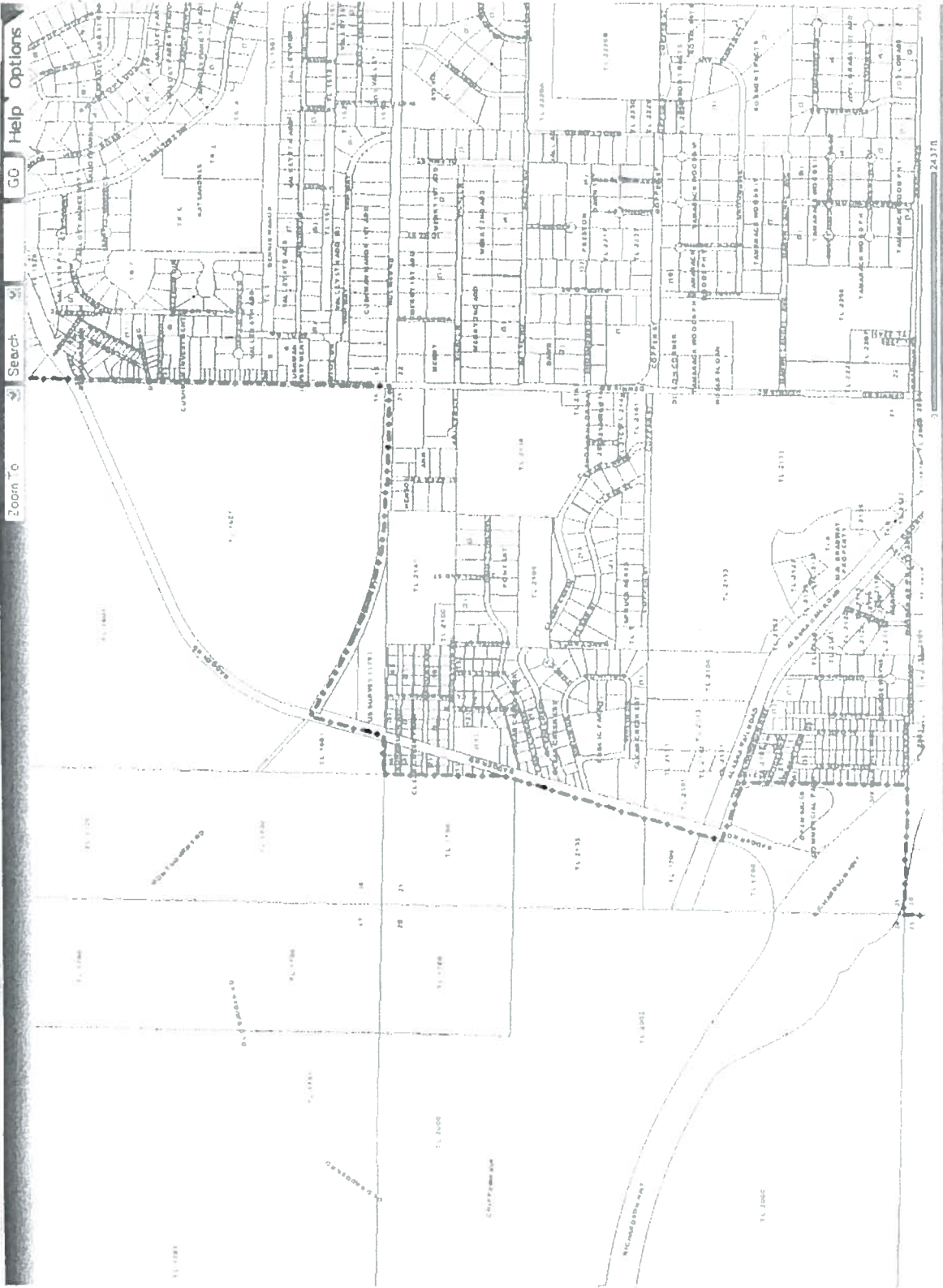
2009-85

DATE: AUG 23, 2009

FAIRBANKS RECORDING DISTRICT

SCALE: 1" = 100'





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Municipal Government

Detachment from a City Government

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"Detachment" from a city means to shrink the corporate boundaries of the city by the removal of territory formerly within its control. There are two methods available to detach territory from a city. One involves an election among the voters in the territory proposed for detachment (AS 29.06.040(c)(1)). The other involves legislative review (Article X, Section 12, Alaska Constitution.)

The detachment process requires a big commitment of time and other resources. Before any decision is made to begin work on detachment, a lot of thought should be given to the need for detachment, the method to use, and the likelihood of success. This topic provides a brief overview of basic detachment information, however, this is a complex matter that cannot be covered completely in this brief overview. This overview provides information and links to applicable law and staff available to provide assistance and answer questions on detachment.

Frequently Asked Questions [Back to Top](#)

Who can initiate a detachment petition?

A petition for detachment may be initiated by:

- a city;
- a borough;
- a regional educational attendance area;
- a coastal resource service area;
- at least 10% of the resident registered voters of a city, borough, regional educational attendance area, or coastal resource service area;
- at least 25% of the resident registered voters of the area proposed for detachment;
- the state legislature;
- the Commissioner of the Department of Commerce, Community, and Economic Development (Commerce);
- a party designated by the Local Boundary Commission.

Are disagreements with the city government a basis for detachment?

Occasionally, a petitioner is motivated by disagreements with the city over policy issues, land use regulation, tax rates, apparent differences between levels of service and taxes or fees, or similar issues. Such disagreements are not a basis for detachment. Detachment is not intended to be a means to settle group or individual disagreements with local governments. Detachments rarely occur. A proposal to detach territory will be granted only if it meets all applicable standards established in law.

Who can provide information regarding detachment from cities?

Commerce's Local Boundary Commission (LBC) staff are available to provide technical assistance, petition forms, and sample detachment materials to potential petitioners and to other interested parties.

If an individual, group, or organization does not want detachment, does the state assist them as well?

Yes. Commerce's LBC staff are available to provide technical assistance and sample materials to those who may wish to oppose a detachment proposal. Interested parties may file a responsive brief. This allows any interested party to be identified as a "respondent" in the detachment proceeding. Being identified as a respondent results in a higher level of notice about action on the detachment and provides certain procedural rights at the Local Boundary Commission's public hearing.

Can a petition be changed after it is filed?

The petition may be changed by the petitioner. The LBC can also change it or add conditions to a proposal following a public hearing. Ideally, however, with careful planning and consultation before filing a petition, changes can be avoided. Changing a petition may, under certain circumstances, cause delays in the process.

How long does it take to detach?

It typically takes several months (in some cases a year or more depending on the local effort) to prepare a proper petition. Petitioners are encouraged to work closely with LBC staff in developing a petition. The process for review of the proposal by the LBC depends, in part, on other actions the Commission is working on. There are many procedural steps required by law that take time to complete. In general, plan for it to take one year or longer from the filing of a petition until final action.

Narrative [Back to Top](#)

Detachment Through Election by Voters in the Territory Proposed for Detachment. Territory may be detached, upon approval by the Local Boundary Commission, if an election is held and a majority of the voters living in the territory to be detached vote to approve it. To pass, the proposition must be approved by a majority of those voting on the question.

Detachment by Legislative Review. Territory may be detached without approval by the voters or property owners under the legislative review process. Such proposals require approval by the Local Boundary Commission as well as review and tacit approval by the State legislature under Article X, Section 12 of Alaska's constitution. Tacit approval means the action is approved unless specific action is taken to deny the action within a set period of time. Legislative review is initiated when the LBC files a recommendation for the detachment with the legislature. Such recommendations may be filed only during the first 10 days of a regular session of the legislature. The recommendation is rejected only if the legislature adopts a concurrent resolution to deny the action within 45 days of the date that it was filed. Otherwise, the proposal is tacitly approved by the legislature.

Additional Resources [Back to Top](#)

Internet links:

- Department of Community and Economic Development (Commerce), Local Boundary Commission (LBC) Staff
- Alaska Municipal League
- Alaska Legislature "Folio Infobase" - The Current Alaska Statutes
- Alaska Legislature "Folio Infobase" - The Alaska Administrative Code
- Alaska Department of Law
- Alaska Constitution

Applicable Laws [Back to Top](#)

Alaska Constitution - Article X

- Section 1. Purpose and Construction, local self-government, local government units.
- Section 7. Cities.
- Section 12. Boundaries, authority for tacit legislative approval, authority for LBC to establish procedures for boundary adjustment.
- Section 14. Agency to advise and assist local governments.

Alaska Statutes (See Current Alaska Statutes)

- AS 29.06.040. Local Boundary Commission.
- AS 44.33.810. Local Boundary Commission, appointment.
- AS 44.33.812. Powers and Duties.
- AS 44.33.814. Meetings and Hearings.
- AS 44.33.816. Minutes and Records.
- AS 44.33.818. Notice of Public Hearings.
- AS 44.33.820. Quorum.
- AS 44.33.822. Boundary Change, majority vote.
- AS 44.33.824. Expenses.
- AS 44.33.826. Hearings on boundary changes.
- AS 44.33.828. When boundary changes take effect.

Alaska Regulations (See The Alaska Administrative Code)

- 3 AAC 110.260. Best interest finding, factors considered in determining best interest.
- 3 AAC 110.400. Applicability.
- 3 AAC 110.410. Petitioners, authorized petitioners, signature requirements.
- 3 AAC 110.420. Petition, form, supporting brief, exhibits.
- 3 AAC 110.430. Consolidation of petitions.
- 3 AAC 110.440. Technical review of petitions, Commerce review, deficient petition.
- 3 AAC 110.450. Notice of petition, time limit and method for providing notice.
- 3 AAC 110.460. Service of petition, recipients and method of delivery, availability of all petition documents for public review.
- 3 AAC 110.470. Proof of notice and service.
- 3 AAC 110.480. Responsive briefs and written comments, filing with Commerce, affidavit of delivery to petitioner.
- 3 AAC 110.490. Reply brief, filing with Commerce, affidavit of delivery to respondent.
- 3 AAC 110.500. Limitations on advocacy, adherence to regulations, commission contact with interested parties.
- 3 AAC 110.510. Informational sessions, Commerce determination of adequate public information sessions, affidavit.
- 3 AAC 110.520. Departmental public meetings, notice, affidavit of posting, presiding officer, meeting summary, postponement, relocation.
- 3 AAC 110.530. Departmental report, draft review and comment.
- 3 AAC 110.540. Amendments and withdrawal, time limit, petition signatures, notice, service.
- 3 AAC 110.550. Commission public hearing, notice, public service announcement, postponement, relocation.
- 3 AAC 110.560. Commission hearing procedures, presiding officer, commission quorum, limit on comments, witnesses, sworn testimony, timely submission of documents.
- 3 AAC 110.570. Decisional meeting, time limit, commission quorum, change to comply with law, minutes, statement of considerations, decision, affidavit.
- 3 AAC 110.580. Reconsideration, time limit, denial or acceptance of request.
- 3 AAC 110.600. Local action/local option elections, election by director of elections under AS 15, election by municipality.
- 3 AAC 110.610. Legislative review, amendment to consider as local action/option procedure, legislative review of commission decision.
- 3 AAC 110.620. Judicial review, appeal and judicial review in accordance with Administrative Procedure Act.
- 3 AAC 110.630. Effective date and certification, Voting Rights Act approval, certification of election, legislative review deadline, certificate of change, recordation.
- 3 AAC 110.640. Scheduling, chairperson order setting/ amending schedule, timeline, postponement.
- 3 AAC 110.650. Resubmittals and reversals, denial of previous similar petition, request for reversal of decision.
- 3 AAC 110.660. Purpose of procedural regulations; relaxation or suspension of procedural regulation, commission discretion, guidelines.
- 3 AAC 110.900. Transition, submission of transition plan; assumption of powers, duties, responsibilities, assets, and liabilities; time limit on execution of plan; approved agreement.
- 3 AAC 110.910. Statement of non-discrimination.
- 3 AAC 110.920. Determination of community, factors considered in determining whether the term community applies.
- 3 AAC 110.970. Determination of essential city or borough services, guidelines.
- 3 AAC 110.980. Determination of best interests of the state, guidelines.
- 3 AAC 110.990. Definitions.

Revised 3/24/03

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PRINTING NOTE TO USER:

Print this page.

Alaska Statutes

Sec. 29.06.040. Municipal boundary changes.

(a) The Local Boundary Commission may consider any proposed municipal boundary change. The commission may amend the proposed change and may impose conditions on the proposed change. If the commission determines that the proposed change, as amended or conditioned if appropriate, meets applicable standards under the state constitution and commission regulations and is in the best interests of the state, it may accept the proposed change. Otherwise, it shall reject the proposed change. A Local Boundary Commission decision under this subsection may be appealed under AS 44.62 (Administrative Procedure Act).

(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 44.33.812 , the Local Boundary Commission shall establish procedures for annexation and detachment of territory by municipalities by local action. The procedures established under this subsection must include a provision that

- (1) a proposed annexation must be approved by a majority of votes on the question cast by voters residing in the annexing municipality;
- (2) a proposed annexation or 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;
- (3) municipally owned property adjoining the municipality may be annexed by ordinance without voter approval; and
- (4) 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.

Alaska Administrative Code

Article 7 Standards for Detachment from Cities

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.

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.

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.

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.