

Fairview Community Council Resolution 2015-05

A Resolution Concerning Marijuana Establishment Applications for Special Land Use Permits

WHEREAS, the production, manufacture and distribution of cannabis products for commercial purposes will be legalized under Alaska State law, effective February 24, 2016; and

WHEREAS, under regulations proposed by the Marijuana Control Board (3 AAC 306.025), applicants for a marijuana establishment are required to provide notice to any community council in the area of the proposed licensed premises; and

WHEREAS, under regulations by the Marijuana Control Board (3 AAC 306.025), upon the receipt of a completed application for a marijuana establishment, the "director" "shall immediately provide written notice" to any community council in the area of the proposed licensed premises; and

WHEREAS, under regulations by the Marijuana Control Board (3 AAC 306.060), local governments are allowed 60 days to protest an application for a marijuana establishment license; and

WHEREAS, under proposed Anchorage Assembly ordinance AO. 2015-0119, community councils are required to be noticed in the event of an application for a Marijuana - Special Land Use Permit; and

WHEREAS, under proposed Anchorage Assembly ordinance AO. 2015-0119, persons interested in applying for a Marijuana - Special Land Use Permit are required to hold a "community meeting" prior to submitting an application for said permit; and

WHEREAS, Anchorage Municipal Code Chapter 21.03.020 C.2.b. states "The applicant shall use as its first choice the community council(s) meeting of the project area as the community meeting when the community council(s) meeting is available;" and

WHEREAS, Anchorage Municipal Code Chapter 21.03.020 H. states that community councils are to be noticed prior to the public hearing on a special land use permit but does not specify when such notification must occur; and

WHEREAS, general membership meetings of the Fairview Community Council Meetings are scheduled monthly; and

WHEREAS, the Fairview Community Council monthly meeting cycle may not allow sufficient time to effectively deliberate Marijuana Establishment Special Land Use Permit applications prior to public hearings on said applications; and

WHEREAS, even if adequate notice was provided and there was sufficient deliberation, under Article VII. H of the Fairview Community Council bylaws, a resolution could not be voted upon until the next regularly-scheduled general membership meeting; and

WHEREAS, the Fairview Community Council is anticipating a wave of permit application notices.

THEREFORE, BE IT RESOLVED THAT all proposed Marijuana Establishment Special Land Use Permit applications are hereby opposed by the Fairview Community Council, UNLESS notice of the proposed permit is provided by the Marijuana Establishment Special Land Use Permit applicant to the Fairview Community Council Executive Board by email at eboard@fairviewcommunity.org, AND the Fairview Community Council does not object to the permit application through the processes set forth below; and

BE IT FURTHER RESOLVED THAT the Fairview Community Council shall make every effort to work closely with applicants and potential applicants to ensure the smooth implementation of application review; and

BE IT FURTHER RESOLVED THAT the Fairview Community Council under the direction of the president or a majority of the Executive Board or Council assembled may establish from time to time an ad hoc Marijuana Establishment Special Land Use Permit Application Review Committee; and


BE IT FURTHER RESOLVED THAT the Council delegates to that committee the authority to respond on behalf of the Fairview Community Council as well as the responsibility to report on its actions to the body of the Fairview Community Council at the next general membership meeting; and

BE IT FURTHER RESOLVED THAT the committee has the authority to communicate the position of the Council to the germane Municipal and State entities relating to Marijuana Business Permitting; and

BE IT FURTHER RESOLVED THAT should the determinations of the Committee be disputed, there will be ample time to bring a motion to the body and present that motion to the Anchorage Assembly or the Marijuana Control Board under their review periods.

This resolution is approved on a vote of 16 yeas, 1 neas, and 1 abstentions.

On this 16th day of January, 2016



President



Executive Board Member