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Northeast Community Council Resolution 2016-02
A Resolution Concerning Timely Public Involvement for Planning and Zoning

Resolution Two:

The North-East community council hereby resolves that it is necessary for the common good of all our citizens, and thus the Municipality of Anchorage that full, transparent, and timely public involvement be required whenever new codes, standards, or regulations or changes to Municipality codes, standards, regulations and all other Municipality directives are planned or proposed. We recognize that there may be extremely rare occasions where immediate action must be taken by the Municipality through action by the assembly and Mayor to address highly critical issues involving public health and safety and infrastructure.

To ensure that full, effective, transparent, and timely public involvement occurs, we believe that the attached requirements need to be codified, made mandatory, and not be subject to departmental or assembly member waiver when changes to the aforementioned Municipality codes, regulations and all other Municipality directives are planned or proposed, except under true and critical emergency situations. These requirements also apply to all actions taken by the Planning and Zoning Commission.

Attachment to Resolution Two

1. A clear, plain-language version of both the current municipal code directive, or similar regulatory requirement (and when needed for clarity any referenced code sections) and of the proposed change(s) must be made available and is provided for review without cost to any and all affected citizens of Anchorage, and to the community councils that represent them. The materials must be provided with sufficient time to allow for effective review and comment by all parties concerned, and for presentation at, and collection of comments from scheduled community council meetings. Plain language means that the material be easily understood by any citizen possessing a basic Alaskan high school education. As required by Federal Law, affected individuals who do not speak English, or who have disabilities that interfere with reading or accessing this material must also be accommodated upon request

Note: In the case of P&Z issues, a complete copy of the package submitted to the P&Z, but not converted to plain language, must also be provided upon request for review. These packages often contain extensive technical information that is not germane to the review process by other than experts in the subject matter. A plain language description of the existing zoning, including limitations and exclusions, the proposed changes, and any identified or addressed effects, both short and long term, on the property, nearby properties, and the local community must be provided.

2. Sufficient time for review should mean that a minimum of four weeks notice before comments are due from the time the materials reach the hands of the citizenry. In the case of community councils, sufficient time means a period of no less than five weeks from the time the materials reach the hands of the affected community council president or executive committee. This is because community council meetings typically occur on a monthly basis, and sufficient time is required for the members of the community to receive notice that the issue will be presented at the next scheduled meeting. These time requirements do not greatly differ from similar requirements currently established by the Municipality for filings that must reach a function prior a certain number of days prior to a scheduled, often monthly, meeting.

3. When little or no input is received from the citizenry, the function responsible for processing the action shall be required to determine if effective and comprehensive community outreach did in fact occur (example: whether or not it was sent out, and if sent out whether or not it was actually received). In cases where effective community outreach did not occur, the community involvement process should be required to be re-accomplished, and the rest of the review process appropriately delayed. In the case of community councils, the affected community councils must be individually contacted directly to ascertain that the community council both received the notifications and materials in a timely manner. One of four community council responses must be formally documented by the processing agency:

a. The community council recommended approval or disapproval of the proposal, and if so did the community council provide documentation of this action, and if they provided any comments or other inputs does the processing agency have these in their possession.

b. The community council received and acted on, but neither recommended approval or disapproval of the proposal, and if so did the community council provide documentation of this action, and if they provided any comments or other inputs does the processing agency have these in their possession.

c. The community council did not receive notice of, or the materials necessary to respond to the proposal. This is a red flag that should be elevated to the chief of the function responsible for processing the proposal, and if possible request an emergency review by the affected council. Where the failure in communication is due to errors or omissions on the Municipalities part, it should be appropriate to delay the proposal until proper review has been accomplished. When the failure has occurred at the community council end, this shall also be documented, but shall not be a reason for delay unless so determined by the processing agency.

d. The community council was non-responsive, and repeated efforts to obtain one of the three above-listed responses from the council were fruitless. In this case the Municipality Federation of Community Councils should be contacted and advised of which community councils were non-responsive.

4. Clear justification for agency actions taken after the review and comment phase that do not reflect the expressed will of the community (based on public testimony, public comments, and community council inputs for example) must automatically require a detailed justification for the difference. This must be compiled and provided to those who gave inputs to the process, and be a plain-language document with full justification/reasoning supporting the final decision, and full justification/reasoning for overriding the will of the community.

5. When assembly or Mayoral actions, including vetos, override agency actions or recommendations, or when agency actions that do not reflect the expressed will of the community are approved, we believe that the complete justification for the override action be compiled and provided as in number 4, above. This will serve to provide feedback to the citizens and community councils on the responsiveness of the Municipality and our elected officials to citizen inputs and concerns, and to "close the loop" for the community interaction process.

6. A more comprehensive and clearer guideline for including the citizens of Anchorage, and their Community Councils is needed. To this end the following are recommended:

For the purpose of determining what citizens or communities will be affected the following guidelines are recommended. They are slightly more inclusive than what appears to be currently required, and are designed to better reflect neighborhoods and areas where there is less-dense population, such as some areas of the Hillside and Eagle River/Chugach.

a. For General Municipal Regulations - all community councils and all citizens and potentially affected property owners.

b. For localized issues, including specific zoning and land use concerns: Community councils representing any citizens or property owners listed below.

Properties and people living within one city block (660 feet) of the area of concern. Where there is a contiguous property segment involved, such as an area bounded by streets, (but not alleys) the entire segment shall be considered to be within the city block determination.

Where properties are widely spaced, the area for inclusion will be based on a minimum coverage of five contiguous properties, or 1/2 mile, whichever is greater, in any direction, and will include properties separated by local roadways. Contiguous properties and the 1/2 mile distance shall not require notifications where there is a wide natural or man-made barriers such as railroad right-of-ways, ridges and other natural barriers, major highways, or large bodies of water including significant streams or rivers.

c. For actions affecting roadways and roadway access: Community councils representing and citizens and property owners listed below:

All people and properties on or having direct access to the roadway for a minimum of 1/2 mile in either direction, or to the point of intersection of the roadway with a higher-rated roadway in either direction, whichever is greater. The 1/2 mile minimum does not apply to sections of roadways intersecting or ending at main arterial streets or highways. It includes all people and properties that use (or that may be required to use) the affected roadway section for access to their properties or domiciles.

d. If there is a question as to whether a property or citizen should be included they shall be included.

This resolution is approved on a vote of 12 yeas, 0 neas, and 3 abstentions

On this 17th day of March, 2016



President – Rick Irwin



Secretary – Stu Grenier

