

This is quick overview of the Community Council’s opportunities, duties and responsibilities when it comes to a proposed alcohol or marijuana license to be located within their boundaries.

Community Councils are established per Article VIII of the Anchorage Charter. This affords citizens and opportunity for maximum community involvement and self-determination. The establishment of the Councils came with negotiation rights with respect to the duties and responsibilities of the Community Council. AMC 2.40 is dedicated to Community Councils and the relationship, agreement, and duties between the Councils and the MOA.

AMC 2.40.050 lists advisory functions including receiving and reviewing notices of alcohol license applications and licensing and regulation of marijuana establishments.

In order for the MOA to comply with the requirements of the Charter and Title 2.40, the Clerk’s Office sends email notices to the Community Councils regarding all alcohol license applications, dates for comments, dates for the Assembly Meeting at which the license will be before the Assembly and options for the Council to participate (if they choose to.)

All Community Council communications received to the Clerk’s Office are included in the packet of information that goes before the Assembly with the license application. The Assembly weighs all of the information before them, included facts and finding that may come from a public hearing, and information from the Council, and decides by vote wither to protest a license or not.

I have a few handouts for you, which you probably have already seen in some form or another, but I wanted to get them all together for you.

There are a couple of flowcharts for the general processing of an alcohol license and a marijuana license with notes on the side of when Councils can expect to see communications from the Clerk’s Office.

Also is a copy of AMC 2.40.060 which goes into detail about the Council’s functions regarding MARIJUANA licenses.

There is not such a section for alcohol.

2.40.036 Community council bylaws. (regarding alcohol licenses)

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ARTICLE V: FUNCTION

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- E. Receive and review notices to the Council from Municipal departments including those noticed under municipal code:
 - 1. 2.30.120.C, Alcohol Beverage Control Board license applications;

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2.40.050 Functions.

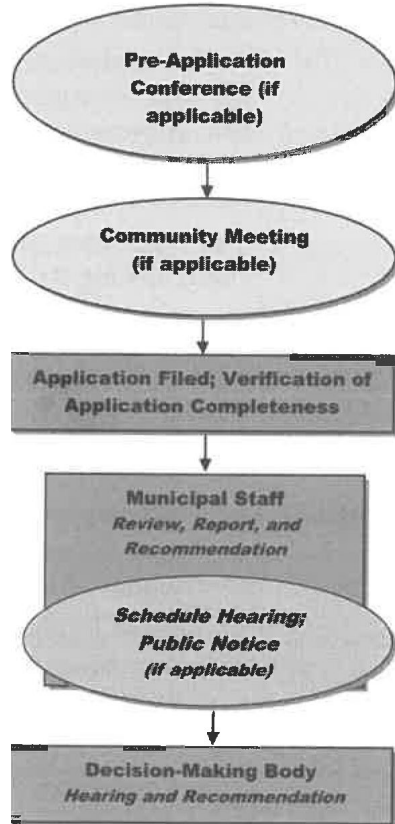
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- E. Receive and review notices to community councils from municipal departments including notice under:

1. Section 2.30.120.C. (alcohol beverage control board license applications);

21.03.020 Common procedures.

A. *Applicability.* The common procedures of this section 21.03.020 shall apply to all applications for development activity under this title unless otherwise stated.



Common Procedures

B. *Pre-application conferences.*

1. *Purpose.* The pre-application conference is an informal discussion to familiarize the applicant and the municipal staff with the applicable provisions of this title that are required to permit the proposed development.
2. *Applicability.*
 - a. *Required for new applications.* A pre-application conference is required prior to submittal of the following types of applications:
 - i. Rezoning (Map Amendments) (section 21.03.160);
 - ii. Subdivisions, except for most Abbreviated Plats (section 21.03.200);
 - iii. Conditional Uses (section 21.03.080);
 - iv. Institutional Master Plans (section 21.03.110);
 - v. Major Site Plan Review (section 21.03.180D.);

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- v. Any concerns or requirements related to the anticipated impact upon public rights-of-way and public improvements, and appropriate requirements to mitigate those impacts, including but not limited to traffic impact analyses.
 - vi. Any concerns related to neighborhood impacts, land use, landscaping concepts, and overall project design.
 - vii. Possible alternatives or modifications related to the proposed application.
 - viii. Procedures that will need to be completed to review and act on the proposed application.
- c. A checklist of discussion items indicating topics discussed at the pre-application conference shall be provided to the applicant within ten days of the conference. The checklist shall be considered proprietary information until an application has been submitted.
5. *Informal review comments not binding.* The review comments of the director are not binding upon the applicant or the municipality, but are intended to serve as a guide to the applicant in making the application and to advise the applicant in advance of the formal application of any issues which will or may subsequently be presented to the appropriate decision-making body. Because a pre-application conference precedes the actual application, some key issues relating to a specific proposal may not be apparent at the pre-application conference.
6. *Application required within six months.* After a pre-application conference has been completed, an application must be submitted within six months, unless one extension is granted by the director not to exceed an additional six months. If a complete application is not submitted within six months or an extension has not been granted, a new pre-application conference shall be required prior to submitting an application.

C. Community meetings.

1. *Purpose.* The community meeting is an informal opportunity for the developer to inform the surrounding area residents and property owners of the details of a proposed development and application, how the developer intends to meet the standards contained in this title, and to receive public comment and encourage dialogue at an early time in the review process.
2. *Applicability.*
 - a. *Types of applications.* The applicant shall hold a community meeting for any of the following types of applications.
 - i. Rezoning (zoning map amendments);
 - ii. Subdivisions, except for abbreviated plats;
 - iii. Conditional uses;
 - iv. Marijuana—Special land use permit, associated endorsements, and modifications requiring a public hearing;
 - v. Institutional master plans;
 - vi. Major site plan review;
 - vii. Public facility site selection;
 - viii. Small area implementation plan; and
 - ix. Reinvestment focus areas.
 - b. *Community councils.* 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. If an applicant chooses not to use the community council for the community meeting, the applicant shall provide a written explanation to the director outlining the reasons for this decision. The explanation shall be available to the appropriate board or commission at the time of authorization review. If the community council(s) meeting for the project area is not scheduled in a timely manner, the applicant shall organize a community meeting. If the project area spans more than one community council and the applicant chooses to attend community council meetings, the applicant shall attend the community council meetings of all applicable community councils.

3. *Timing and number of community meetings.* When required, there shall be at least one community meeting held within six months prior to the submittal of an application, unless one extension is granted by the director not to exceed an additional six months. If a complete application is not submitted within six months or an extension has not been granted, a new community meeting shall be required prior to submitting an application.
4. *Notice of community meeting.* The applicant shall provide written (mailed) notice of the community meeting in accordance with subsection H.3. below, at least 21 days prior to the community meeting. If the applicant does not use the community council meeting as the community meeting, the applicant shall provide community council notice in accordance with subsection H.6. below.
5. *Attendance at community meeting.*
 - a. If a community meeting is required, the applicant or applicant's representative shall attend the community meeting. The applicant shall be responsible for scheduling the community meeting, coordinating the community meeting, and for retaining an independent facilitator if the applicant determines one is needed.
 - b. All community meetings shall be convened at a place in the vicinity of the proposed development.
6. *Summary of community meeting.* The applicant shall prepare a written summary of the community meeting(s), which shall be submitted to the director and the affected community council(s) no later than seven days after the date of the meeting. The written summary shall be included in the departmental report. At a minimum, the written summary shall include the following information:
 - a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposals;
 - b. Content and dates of mailing, and number of mailings, including letters, meeting notices, and any other written material;
 - c. The number of people that participated in the meeting(s);
 - d. A summary of concerns, issues, and problems expressed during the meeting(s), including:
 - i. The substance of the concerns, issues, and problems;
 - ii. How the applicant has addressed or intends to address concerns, issues, and problems expressed at the meeting(s); and
 - iii. Concerns, issues, and problems the applicant is unwilling or unable to address and why.

D. *Authority to file applications.*

1. When an authorized agent files an application under this title on behalf of a property owner, the agent shall provide the municipality with written documentation that the owner of the property has authorized the filing of the application.

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2. When a review or decision-making body initiates action under this title, it does so without prejudice toward the outcome.

E. *Application contents, submittal schedule, and fees.*

1. *Form of application.* Applications required under this chapter shall be submitted on the appropriate form provided by the department and in such number as required for the individual application type.
2. *Processing fees.* Applications shall be accompanied by the fee amount established by the assembly and listed in AMCR 21.20. Fees are not subject to waivers except as specifically allowed by this title.
3. *Waivers.* The director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The director may waive such requirements where he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver. The waiver shall be made in writing and shall become a part of the case record for the application.

F. *Verification of application completeness.*

1. The director shall only initiate the review and processing of an application if such application is complete. The director shall make a determination of application completeness and notify the applicant in writing within 15 days of application filing. If the application is determined to be complete, the application shall then be processed according to this title. If an application is determined to be incomplete, the director shall provide an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected.
2. An application shall be considered complete if it is submitted in the required form, includes all mandatory information, and is accompanied by the applicable fee. A pre-application conference shall have been held, if required, pursuant to subsection 21.03.020B., pre-application conferences.
3. As a consequence for any false or misleading information submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

G. *Additional information.*

1. *Requested information.* Nothing in this section prohibits the department or the decision-making body on the application from requesting additional information deemed necessary for review, after the application is complete. Any supplemental technical reports, special studies, and/or revised application materials that are requested following the original application must be received at least 30 days prior to a public hearing. The municipality may postpone and reschedule a public hearing or approval deadline if such reports and studies are submitted less than thirty days prior to a public hearing, unless the applicable board or commission waives this time limit in a specific case for cause. Copies of such additional materials shall be delivered to all reviewers who received the original application packet.
2. *Voluntary information.* Any supplemental information, such as revised application materials, that is voluntarily submitted by the applicant, should be submitted before the departmental report is finalized. Any such information submitted after the departmental report is finalized shall cause the application to be automatically postponed to the next regular meeting in order for the department to have time to review the new information, unless the board or commission determines that the new information does not significantly alter the application.

H. **Notice.**

1. *Content of notices.* Public notice required under this chapter shall, unless otherwise specified in this title:
 - a. Identify the date, time, and place of the public hearing or community meeting, if applicable;

- b. If applicable, describe the property involved in the application by street address or by legal description and nearest cross street;
 - c. Describe the nature, scope, and purpose of the proposed action;
 - d. If applicable, indicate that interested parties may appear at the hearing or community meeting and speak on the matter; and
 - e. Indicate where additional information on the matter may be obtained.
2. *Summary of notice requirements.* The following Table 21.03-1 summarizes the notice requirements of the procedures set forth in this chapter. Unless otherwise specified in this title, procedures not listed in this table have no public notice requirements.

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
Type of Application or Procedure	Section	Notice Required			
		Written (Mailed)	Published	Posted	Community Council
Alcohol—Special Land Use Permit	21.03.040	✓	✓	✓	✓
Alcohol—Modification of a Special Land Use Permit Requiring Public Hearing	21.03.040	✓	✓	✓	✓
Appeals to Board of Adjustment	21.03.050A.	✓	✓	-	-
Appeals to ZBEA	21.03.050B.	✓	✓	-	✓
Comprehensive Plan Amendments, Substantive	21.03.070C.	-	✓	-	✓
Conditional Uses	21.03.080	✓	✓	✓	✓
Marijuana—Special Land Use Permit and associated endorsements	21.03.105	✓	✓	✓	✓
Marijuana—Modification of a special land use permit requiring public hearing	21.03.105C.	✓	✓	✓	✓
Marijuana—Variances	21.03.105C.	✓	✓	✓	✓
Master Plan, Area	21.09.030E.	✓	✓	✓	✓
Master Plan, Development	21.09.030F.	✓	✓	✓	✓
Master Plan, Institutional	21.03.110	✓	✓	✓	✓
Neighborhood or District Plans	21.03.130	-	✓	-	✓
Nonconforming Uses of Land or Structures, Replication of	21.13.030C.	✓	✓	✓	✓
Nonconforming Structures, Replication of	21.13.040D.	✓	✓	✓	✓
Public Facility Site Selection	21.03.140	✓	✓	✓	✓
Reinvestment Focus Area	21.03.116	✓	✓	✓	✓
Rezoning (Zoning Map Amendments)	21.03.160	✓	✓	✓	✓
Site Plan Review, Administrative	21.03.180C.	✓ ¹	✓	-	✓

Site Plan Review, Major	21.03.180C.	✓	✓	✓	✓
Small Area Implementation Plan	21.03.115	✓	✓	✓	✓
Street Name Alterations	21.03.185	✓	✓	-	✓
Street and Trail Review	21.03.190	-	✓	-	✓
Subdivisions (with existing physical access)	21.03.200	✓	✓	✓	✓
Subdivisions (without existing physical access)	21.03.200	✓	✓	-	✓
Abbreviated Plats	21.03.200D.	-	✓	-	✓
Modification or Removal of Plat Notes	21.03.200G.	✓	✓	✓	✓
Title 21, Text Amendments	21.03.210	-	✓	-	✓
Vacation of Public and Private Interest in Land	21.03.230	✓	✓	✓	✓
Variances	21.03.240	✓	✓	✓	✓
Administrative Variances	21.03.240J.	✓	✓	✓	✓

¹Written (mailed) notice shall be provided only when the "administrative site plan review with notice" process is specifically required by this title.

3. Written (mailed) notice. When Table 21.03-1 requires that written notice be provided, the director (or developer when noticing a community meeting) shall deposit such notice into first class mail at least 21 days prior to the scheduled date of the hearing or community meeting. In computing such period, the day of mailing shall not be counted, but the day of the hearing or community meeting shall be counted. **Written notice shall be provided to the following persons or groups:**

- a. **Owners of subject property.** All persons listed on the records of the municipal assessor as owners of land subject to the application, at the mailing addresses of such persons in the records of the municipal assessor.
- b. **Adjacent property owners and residents/occupants.** All persons listed on the records of the municipal assessor as owners of any land within 500 feet of the outer boundary of the land subject to the application, or owners of the 50 parcels nearest to the outer boundary of the land subject to the application, whichever is the greater number of parcels, at the mailing addresses of such persons in the records of the municipal assessor; and all residents/occupants of land in the same area as required above, at the property addresses. Any mailing to the 50 nearest parcels shall not include parcels that are entirely located more than a mile from the land subject to the application, which may reduce the number of mailings.
- c. **Joint Base Elmendorf-Richardson.** The commander of Joint Base Elmendorf-Richardson (JBER) when the subject parcel is within 500 feet of JBER or within 500 feet of the boundary of a safety zone or noise contour that emanates from JBER and has been shared with and accepted by the department.
- d. **Additional persons.** Such additional persons or geographic areas as the director may designate.
- e. **Street name alterations.** Notwithstanding the remainder of this subsection H.3., written notice for street name alterations shall be limited to all owners of property fronting on a subject street. Such notice shall be mailed at least 21 days before the street name alteration is submitted to the

mayor in accordance with section 21.03.185. The notice shall state the present and proposed street names and shall direct that any comments on the alteration be submitted in writing to the director.

4. **Published notice.** When Table 21.03-1 requires that notice be published, the director shall cause a notice to be published on the municipal public notice web page of the municipal website. The notice shall be published at least 21 days before the scheduled hearing date. In computing such period, the day of publication shall not be counted, but the day of the hearing shall be counted.
5. **Posted notice.** When Table 21.03-1 requires that notice be posted, the applicant shall cause a notice(s), on a form(s) provided by the department, to be posted on the property, visible from each developed right-of-way adjacent to the property, for at least 21 days before the scheduled public hearing date. In computing such period, the day of posting shall not be counted, but the day of the public hearing shall be counted. If no part of the subject property is visible from the public right-of-way, the notice shall be posted along the nearest street in the public right-of-way. Posted notices shall include the case number or case type, a contact phone number, and the municipal website address. Before the public hearing, the applicant shall submit to the department an affidavit, signed by the person who did the posting or the person who caused the posting to be done, that notice was posted as required by this subsection. Posted notices shall be removed by the applicant within 30 days after the close of the public hearing on the application.
6. **Community councils.** When Table 21.03-1 requires that notice be given to community councils, any officially recognized community council whose boundary includes any part of the subject property, and any additional such council whose boundary lies within 1,000 feet of any part of the subject property shall receive written (mailed) notice in accordance with H.3. above. Furthermore, the department shall provide notice to additional community councils in the following instances:
 - a. Each recognized community council within the municipality shall receive written notice where the subject parcel is one of the following regional public lands or facilities: Ted Stevens Anchorage International Airport; Merrill Field Airport; Birchwood Airport; Far North/Bicentennial Park; Kincaid Park; Russian Jack Springs Park; Beach Lake Park; Edmonds Lake Park; Bird Creek Regional Park; Chugach State Park; Anchorage Coastal Wildlife Refuge; BLM tract(s) near Far North/Bicentennial Park.
 - b. If the subject parcel is a branch public facility that serves a specific delineated area, such as a public school or fire station, then any community council whose boundaries lie within the delineated district of service of a branch public facility shall receive written notice. This requirement shall only take effect after the municipality has established maps delineating areas of service for the type of branch facility, and has adopted procedures and responsibilities for updating service area boundaries.
 - c. Any community council whose boundaries lie beyond the minimum notification distance shall receive notice regarding proposals of potentially major scope or controversy that, in the opinion of the director, are likely to have a significant impact on the residents of the community council beyond the minimum notification distance.
 - d. Any community council within the impact area of a street or trail project, a neighborhood or district plan, or other area-specific element of the comprehensive plan, shall receive written notice. The impact area shall, at a minimum, include all community councils within 1,000 feet of the project/plan boundaries. The impact area shall include additional community councils if the recommendations in the project/plan affect specific public lands or facilities as provided in subsections 6.a. or 6.b. above, or are likely to impact residents beyond the minimum impact area, as provided in subsection 6.c. above.

e. All community councils shall receive notice of substantive amendments to the comprehensive plan (except as provided in subsection 6.d. above), and amendments to the text of Title 21.

7. *Constructive notice.* Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to, errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this title.
8. *Presumption of notice.* When the records of the municipality document the publication, mailing, and posting of notices as required by this subsection, it shall be presumed that notice of a public hearing was given as required by this subsection.
- I. *Departmental report.* For every decision that requires a public hearing or where otherwise required by this title, the department shall prepare a report to be given to the decision-making body approximately one week before the initial public hearing on the application. The report shall include project background, public comments received, the summary of community meeting (if applicable), and the department's recommendation for action. The report shall be posted on the municipal website.
- J. *Referrals.* The applicant, boards, commissions, or the municipal administration may request that government agencies, non-governmental agencies, and other boards and commissions besides the decision-making body review an application, but the final decision-making authority shall remain with the body identified in this chapter.
- K. *Concurrent processing.*
 1. Where possible without creating an undue administrative burden on the municipality's decision-making bodies and staff, this title intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project in order to expedite the overall review process. Review and decision-making bodies considering applications submitted simultaneously shall render separate reports, recommendations, and decisions on each application based on the specific standards applicable to each approval.
 2. Some forms of approval depend on the applicant having previously received another form of approval, or require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this title intends to accommodate simultaneous processing, applicants should note that each of the permits and approvals set forth in this title has its own timing and review sequence.
 3. The expected time frame and approval process for a consolidated application shall follow the longest time frame and approval process required from among the joined application types.
- L. *Postponements.*
 1. If only five or fewer board or commission members are in attendance at the hearing, the applicant may request a postponement of his or her case, and the fee for the first postponement request shall be waived.
 2. The applicant may request a postponement of his or her case for any other reason, which he or she shall state to the decision-making body. If the decision-making body grants the postponement request, the applicant shall pay the postponement fee as required by AMCR 21.20, and a new hearing date shall be determined by the department.

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2. Notwithstanding subsection A.1. above, permits issued by the state alcoholic beverage control board are exempt from these approval requirements, but shall meet AMC Title 10 requirements and the following:
 - a. When multiple permits are issued for the same location, the permits shall be for discrete events, and shall not be used to avoid the special land use permit process; and
 - b. The permit shall be reviewed by the chief of police in order to address any recurring problems at the site that have involved the police.
 3. An automatic conversion as defined in AMC 2.30.121, a conversion by application, or an application by a licensee for a license or a license with one or more endorsements shall not be subject to a modification of an existing special land use permit for alcohol.
- B. *General standards.* Any use, whether principal or accessory, involving the retail sale or service of alcoholic beverages is permitted only by approval under this section. This provision applies to all uses, in all districts, involving the retail sale or service of alcoholic beverages including, but not limited to, liquor stores, restaurants, bars, dinner theaters, and movie theaters, but applies only to the retail sale or service of alcoholic beverages and not to related principal or accessory uses.
- C. *Application and review procedure.*
1. *Application submittal.* Applications for a special land use permit for alcohol shall be submitted to the director after application is made to the state alcoholic beverage control board for issue or transfer of location of an alcohol license. Applications shall contain any information specified on the application form. The assembly may promulgate regulations concerning the mandatory information to be submitted with the application for a special land use permit for alcohol.
 2. *Departmental review.* The department shall prepare and submit a report and a list of all licenses located within a minimum of 1,000 feet of the proposed use to the assembly, and shall address the conformity of the proposed application with this title. The department shall also submit a proposed resolution for assembly consideration in connection with alcohol license applications.
 3. *Public notice.* Notice for original applications and modifications that require a public hearing shall be provided in accordance with subsection 21.03.020H., notice.
 4. *Action.*
 - a. The special land use permit for alcohol for any use that includes the retail sale or service of alcoholic beverages, with the exception of a restaurant or eating place that only sells beer and wine for consumption on the licensed premises, shall be considered by the assembly. After holding a public hearing, the assembly shall approve, approve conditionally, or deny the application. In considering action, the assembly shall apply the criteria set forth in this title for conditional uses in subsection 21.03.080D., Approval Criteria. The assembly shall not take into consideration the sum paid by any person to acquire the license for which a permit is requested.
 - b. The special land use permit for alcohol for a restaurant or eating place that sells only beer and wine for consumption on the licensed premises, shall be considered by the director. In considering whether to approve, approve conditionally, or deny the application, the director shall apply the criteria set forth in this title for conditional uses in subsection 21.03.080D., Approval Criteria. The director shall not take into consideration the sum paid by any person to acquire the license for which a permit is requested. The director's decision may be appealed to the assembly.
 5. *Conditions of approval.*

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- f. *Exceptions.* An application for a new endorsement for a use that has already been approved for a special land use permit for alcohol shall not require modification, except an endorsement that also results in an increase of the square footage of the original licensed premises shall require a modification to the special land use permit for alcohol.
8. *Expiration.* An approval granted under this section shall expire:
- a. When the license has been expired for a least one year, based on the license expiration date provided by AMCO; or
 - b. If the operation of the business becomes substantially different from the business and operation reviewed by the assembly or the director when the alcohol approval was granted under this section, unless the licensee applies for and receives approval for a modification of the existing alcohol approval to reflect the change. For the purposes of this subsection, "substantially different" means any material change in the operation of the business which could result in significant impact on the use and enjoyment of adjacent properties by property owners or occupants. A material change includes, without limitation, an increase in the late night or early morning hours of operation or a change involving the type of entertainment presented which results in an increase in noise level at the property line.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2021-14, § 2, 2-23-21; AO No. 2021-89(S), § 21, 2-15-22; AO No. 2022-68, § 2, 6-21-22; AO No. 2023-25(S), § 1, 3-7-23; AO No. 2023-102, § 1, 11-7-23)

Administrative Code Reference—3 AAC 304.185.

21.03.105 Marijuana—Special land use permit.

- A. *Purpose.* This section governs the review and approval process for land use approvals associated with marijuana establishments, where this approval process is indicated in Table 21.05-1.
- B. *Applicability.* Land uses requiring a special land use permit for marijuana are identified in Table 21.05-1, Table of Allowed Uses, Table 21.09-1, Table of Allowed Uses (Girdwood), Table 21.10-4, Table of Allowed Uses (Chugiak-Eagle River, and Table 21.11-2, Table of Allowed Uses (Downtown).
- C. *Application and review procedure.*
 1. *Initiation.* An application shall be initiated by the owner(s) of the subject property, or shall include a letter of authorization (with original signature) from the owner(s) of the subject property stating their non-objection to the application.
 2. *Community meeting.* A community meeting is required in accordance with subsection 21.03.020C.
 3. *Application submittal.* Applications for a municipal marijuana license, special land use permit for marijuana, and any associated endorsements, shall be submitted to the municipality on a form provided by the municipality, after application to the state marijuana control board has been accepted. Applications shall contain the information required in Title 10, and the following:
 - a. For all marijuana establishments:
 - i. A site plan to scale and dimensioned, depicting the building footprint, parking areas, vehicle circulation and driveways, pedestrian facilities, lighting, landscaping, loading facilities, freestanding sign location(s), required open space, snow storage area or alternative strategy, trash receptacle location and screening detail, fences, and outdoor marijuana consumption areas.
 - ii. A floor plan to scale and dimensioned, depicting the entirety of the licensed premises, and relation to all other uses located within the same building.

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- iii. A security plan indicating how the applicant will comply with the requirements of municipal and state law and regulation. The security plan is not required to show location or placement of security cameras and areas covered by them.
 - iv. A waste disposal plan.
 - b. For marijuana cultivation facilities:
 - i. A plan that specifies the methods to be used to prevent the growth of harmful mold.
 - ii. The projected amount of water that will be used.
 - iii. The projected amount of wastewater that will be discharged.
 - iv. A letter from the applicable electric utility stating that the power capacity at the proposed location is sufficient for the intended use.
 - v. An odor control plan indicating how the applicant will comply with the requirements of municipal and state law and regulation.
 - c. For marijuana manufacturing facilities:
 - i. A description of the type of products to be processed and the equipment to be used, including a list of any solvents, gases, chemicals, or other compounds that will be used, kept, or created at the manufacturing facility, the location of such materials, and how such materials will be stored.
 - ii. Certification of an industrial hygienist or a professional engineer, as required in subsection 21.05.055B.2.
 - iii. The projected amount of water that will be used.
 - iv. The projected amount of wastewater that will be discharged.
 - v. "Industrial hygienist" as used in this section, shall mean an individual who meets the definition for "industrial hygienist" set forth in AS 45.50.477(a). "Professional engineer" as used in this section, shall mean an individual who meets the definition for "professional engineer" set forth in AS 08.48.341.
 - d. For marijuana retail sales establishment:
 - i. Evidence of neighborhood responsibility planning, as required in subsection 21.05.055B.4.
4. **Public notice.** Notice shall be provided in accordance with subsection 21.03.020H.
5. *Departmental review.* The department shall review each proposed marijuana establishment application in light of the approval criteria of subsection C.7. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the assembly. The report shall contain a list of all marijuana licenses located within 1,000 feet of the proposed subject property.
6. *Assembly action.*
- a. The special land use permit for marijuana shall be considered by the assembly by resolution.
 - b. **After holding a public hearing,** the assembly shall approve or deny the application. In considering action, the assembly shall apply the criteria set forth in subsection C.7. below. The conditions of approval shall include, at a minimum, operation of the business in compliance with all the plans and information made part of the application.

Chapter 2.40 COMMUNITY COUNCILS¹

2.40.010 Community councils and procedures.

The establishment of community councils is recognized in section 8.01 of the municipal charter: The assembly by ordinance shall provide for establishment of community councils to afford citizens an opportunity for maximum community involvement and self-determination. The ordinance shall include procedures for negotiation between the local government and each community council with respect to the duties and responsibilities of the community council. In this chapter 2.40, the assembly establishes basic community council procedures to implement self-determination and maximize community involvement through independent community councils.

(AO No. 2014-3(S), § 1, 2-11-14)

Charter reference(s)—Establishment of community councils, § 8.01.

2.40.020 Purpose of chapter.

The purpose of this chapter is to implement the charter by providing a direct and continuing means of citizen participation in government and local affairs. Community councils are intended to give:

- A. The people a method by which they can work together for expression and discussion of their opinions, needs and desires in a manner that will have an impact on their community's development and services.
- B. Governmental agencies a method for receiving opinions, needs, desires and recommendations of residents and groups.
- C. Local governing bodies an improved basis for decision-making assignment of priorities for all programs affecting community development and individual well-being.

(GAAB 5.75.010; AO No. 2014-3(S), § 1, 2-11-14)

2.40.030 Definitions and community council membership.

These words and terms shall have meaning for purposes of this chapter and community council membership as follows:

¹Editor's note(s)—AO No. 2014-3(S), § 1, adopted February 11, 2014, amended chapter 2.40 in its entirety to read as herein set out. Former chapter 2.40, §§ 2.40.010—2.40.090, pertained to similar subject matter. See Code Comparative Table for complete derivation.

Charter reference(s)—Community councils, § 8.01.

Cross reference(s)—Code of ethics, Ch. 1.15; public meetings, ch. 1.25.

Business owner shall mean the record owner or agent of a professional or commercial entity currently licensed by the State of Alaska and having a physical premises located within the boundaries of a community council.

Business owner community council memberships are single memberships. When two or more individuals own a business, or more than one business is owned by the same entity, the business owner shall designate a primary representative for community council membership and may designate an alternate.

Community council members and *community council membership* shall mean collectively each resident and the representatives designated by the non-resident property owners, business owners and nonprofit organizations, within the geographical areas established as community council districts under this chapter, who attend a community council meeting in their district and sign the member attendance roster. A person may qualify and hold membership in more than one community council.

Council and community councils shall mean the not-for-profit voluntary, self-governing associations within geographical areas designated as districts and recognized in ordinance by the assembly under this chapter. A community council may, but is not required to, incorporate under the Alaska Nonprofit Corporations Act.

Ex officio membership shall mean non-voting membership.

Government entity membership. If a local, state, tribal, or federal government entity does not meet the definition of business owner, nonprofit organization, or non-resident property owner to qualify for community council membership, the government entity's membership shall be ex officio unless the community council's bylaws provide otherwise.

Nonprofit community council memberships are single memberships available to nonprofit organizations. The nonprofit organization shall designate a primary representative for community council membership and may designate an alternate.

Nonprofit organization shall mean a not-for-profit entity having a physical premises located within the council boundaries and one or more of the following: Status recognized under law as a not-for-profit organization by incorporation under the Alaska Nonprofit Corporations Act, or a current Alaska business license, or tax-exempt status under federal law, or other bona fide affiliation.

Non-resident property owner shall mean the record owner of real property within the council boundaries when the record owner does not qualify as a resident. Non-resident property owner community council memberships are single memberships. When two or more non-resident individuals own a property, or more than one property is owned by the same entity, the non-resident property owner shall designate a primary representative for community council membership and may designate an alternate.

Resident shall mean each person 18 years of age or older whose habitual, physical dwelling address is within the council boundaries, and includes homeowners and tenants. If more than one qualifying resident shares the same habitual, physical dwelling address, each may be a community council member. Proxy and alternate designations for resident memberships shall not be recognized.

(AO No. 2014-3(S), § 1, 2-11-14)

2.40.035 Recognition of community councils; special ex officio community council recognition for Girdwood Board of Supervisors.

- A. *Recognition of community councils.* Upon request of one or more voluntary associations and after public notice and hearing, the assembly may recognize by ordinance any one voluntary association as the community council for a given district. To qualify for and maintain recognition, an association must establish that it:

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1. Includes residents, non-resident property owners, business owners and nonprofit organizations within geographical areas established as community council districts under this chapter;
 2. Has a policy and practice of open membership and meetings which will encourage participation of persons from all segments of the community;
 3. Is committed to affording citizens an opportunity for maximum community involvement and self-determination through community council membership and does not engage in practices contrary to the provisions of this chapter;
 4. Has, in the opinion of the assembly, the capability to represent the community council district membership;
 5. Has held at least two meetings in the district which resulted in a determination to seek recognition as a community council. Such meetings must have been subsequent to public notice through publication, school distribution and other means adequate to inform most, if not all, district residents of the meeting; and
 6. Has adopted and implements bylaws consistent with this chapter governing the organization, operation, and proceedings of the community council.
- B. *Girdwood recognized; special provision.* The municipality recognizes the Girdwood Board of Supervisors as the community council, ex-officio, which serves the Girdwood Community Association/Land Use Committee boundary area depicted on Map 10 located in section 2.40.090.

(GAAB 5.75.020; AO No. 88-85, § 1, 7-19-88; AO No. 2003-75, § 1, 7-22-03; AO No. 2003-113, § 1, 8-12-03; AO No. 2005-1(S-1), § 1, 4-12-05; AO No. 2009-134, § 1, 1-12-10; AO No. 2014-3(S), § 1, 2-11-14)

2.40.036 Community council bylaws.

- A. Community councils shall file bylaws through the office of municipal clerk for acceptance by the assembly:
 1. In conjunction with community council recognition under this chapter;
 2. In timely response to the requirements of this chapter and subsequent code changes as specified in the ordinance; and
 3. Within 45 days of a change in the bylaws.
- B. Pre-approved bylaw provisions. Community council bylaw provisions meeting the requirements of this chapter are set out for the convenience and use of community councils in Exhibit A. Exhibit A provisions may be adopted by individual councils. Revisions and adaptations of Exhibit A provisions consistent with this chapter may be adopted by a community council subject to acceptance by the Assembly.

EXHIBIT A
COMMUNITY COUNCIL BYLAWS
(INSERT NAME) COMMUNITY COUNCIL BYLAWS

ARTICLE I: NAME

The name of this organization shall be the (INSERT NAME) Community Council, hereinafter referred to as the "Council."

ARTICLE II: BOUNDARIES

The geographical boundaries adopted by the Anchorage Assembly on July 8, 2003 (AO 2003-11), and appropriate associated map listed under municipal code § 2.40.040 shall apply to this Council, subject to any comprehensive review of community council boundaries to occur every ten years following the decennial U.S. Census, as required by municipal code § 2.40.040. The findings of the boundary review are communicated to the Planning and Zoning Commission and to the Assembly for final review and approval; community council boundary amendments adopted by Anchorage Municipal Code are hereby incorporated by reference.

ARTICLE III: DESCRIPTION

The Council is an independent, not-for-profit, voluntary, self-governing association composed of residents 18 years of age or older, non-resident property owners, business owners, and nonprofit organizations who meet the qualifications for membership as outlined in Article VI of these bylaws and municipal code chapter 2.40. Community councils are created by the Anchorage Municipal Charter to "afford citizens an opportunity for maximum community involvement and self-determination." There shall exist between the Council and local government a cooperative relationship. The Council shall not endorse any candidate for local, state or federal elected office.

ARTICLE IV: PURPOSE

The purpose of the Council is to provide a direct and continuing means of citizen participation in local affairs. The Council is intended to give:

- A. Local people a method by which they can work together for expression and discussion of their opinions, needs and desires in a manner that will have an impact on their community's development and services;
- B. Governmental agencies a method for receiving opinions, needs, desires and recommendations of residents and groups; and
- C. Local governing bodies an improved basis for decision-making and assignment of priorities for all programs affecting community development and individual well-being.

ARTICLE V: FUNCTION

The Council has a policy and practice of open membership and meetings to encourage participation of persons from all segments of the community. The Council shall have the following functions:

- A. In regard to the Anchorage Comprehensive Plan;
 - 1. Evaluate compliance with the plan, alerting Municipal officials to, or proposing appropriate action regarding any inconsistencies with the plan and its adopted elements as described in municipal code § 21.01.080 and listed in Table 21.01-1; and
 - 2. Conduct a continuing review and study of the plan to determine its workability within the Council's geographical boundaries and to advise Municipal officials on appropriate action regarding proposed modifications or additions to the plan;
- B. Assume leadership and propose action in regards to enforcement of existing laws or ordinances, pursuit of rights under existing rights or ordinances, desired or opposed changes in or additions to laws or ordinances, or any matter of policy regulation;
- C. Respond to local government proposals or concerns submitted to the Council pursuant to municipal code § 2.40.060;
- D. Work with local government and other governmental entities, as well as with persons and groups outside the government, to accomplish Council goals, including goals which may have an area wide impact;

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- E. Receive and review notices to the Council from Municipal departments including those noticed under municipal code:
1. 2.30.120.C, Alcohol Beverage Control Board license applications;
 2. 10.55.030, Permits for teen nightclubs and cultural performance venues;
 3. 21.03.020.H, Land use proposals;
 4. 24.35.020, National security road closures;
 5. 25.30.025.E, Disposal of Municipal land requiring voter approval;
 6. Other notices received from Municipal departments requiring input or action by the Council;
- F. Advise the Assembly of the Council's annual priority list of Capital Improvement Projects by filing a copy with the Municipal Clerk when the list is submitted to the Administration;
- G. Participate in the community meeting process under municipal code § 21.03.020.C when the notice from the developer is timely.

ARTICLE VI: MEMBERSHIP

- A. Any person 18 years of age or older whose primary place of abode is within the Council's geographical boundaries is eligible for membership. Residents, non-resident property owners, business owners, and nonprofit organizations as described in municipal code chapter 2.40 with a physical premise located within the Council's geographical boundaries are eligible for membership. Business owners and nonprofit organizations must possess one or more of the following:

- a valid Alaska business license;
- a valid Alaska professional license;
- valid incorporated status under Alaska law
- tax exempt status under federal law.

If more than one qualifying resident shares the same habitual, physical dwelling address, each may be a community council member. Alternate designations for resident memberships shall not be recognized. Non-resident property owners shall be the owner of record. Per municipal code § 2.40.030, non-resident property owner, business owner, and nonprofit organization memberships are single memberships, and shall have a designated primary representative, and may have a designated alternate representative.

- B. Any person who qualifies under section A of this article is a voting member immediately after signing the member attendance roster at any regular or special Council meeting. The member attendance roster shall be used only for council business.
- C. The Council shall not charge dues or require any financial contribution as a condition of membership, voting, or other participation. The Executive Board may establish annual voluntary dues.

ARTICLE VII: MEETINGS

- A. There shall be a minimum of four (4) general membership meetings per calendar year and at least one meeting quarterly.
- B. Special meetings of the membership may be called by the President, or the Executive Board, or by written petition of 10 council members delivered to any officer, to address council business, including the accommodation of community council responsibilities under municipal code § 21.03.020.C.
- C. All meetings shall be open to the public.

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- D. Minutes shall be taken or recordings shall be made at all regular and special Council meetings, and shall be made available at the next council meeting.
 - E. After consulting with the officers and Executive Board the President shall establish the meeting agenda.
 - F. Notices:
 - 1. Whenever possible the draft agenda shall be posted online and emailed to those who have signed up for the Council's distribution list at least seven days in advance of the meeting. Notices may also be placed in such public locations as schools, libraries, and shopping centers. The draft agenda may be submitted to the Federation of Community Councils, or current municipal contractor, for electronic distribution.
 - 2. The meeting date and time may be submitted to the media as a public service announcement.
 - 3. For meetings where annual elections take place, public notice may be done through email notification to members, council newsletters, area wide mailings, newspapers, publications, school distribution and other means to inform as many council members as possible. Notice may also be submitted to the Federation of Community Councils, or current municipal contractor, for electronic distribution.
 - G. The Executive Board or their designee(s) shall be responsible for any meeting notices.
 - H. A quorum for meetings and special meetings shall be those provisions contained in the Council's bylaws in effect as of November 1, 2013.
 - I. Robert's Rules of Order, Revised, shall apply for regular and special meetings for all matters not covered by the bylaws.

ARTICLE VIII: VOTING

- A. Any member of the Council as defined in Article VI shall have one vote. If a single individual possesses several kinds of property or businesses within the definition for membership qualification, or meets the definition of member in more than one category, s/he shall still have just one vote. Nonprofit associations and business owners shall have one vote each. Nonprofit association, business owner, and non-resident property owner memberships shall designate a primary representative and may designate an alternate representative. Persons may be a member of more than one community council if they qualify for membership.
- B. A member must be present at the time of the vote in order to cast a vote. There will be no proxy voting.
- C. Any vote may be challenged. The member attendance roster shall serve as the official list of eligible voters.

ARTICLE IX: REPORTING OFFICIAL COUNCIL POSITIONS

The President or designee shall be charged with communicating official positions of the Council in a timely manner to the appropriate agencies and individuals. The Council's official positions on community matters may be communicated through resolutions, motions, position letters or emails.

ARTICLE X: OFFICERS

Provisions for council officers and executive board (or like body), including qualifications and duties, election, removal and/or replacement, and terms of office shall be those provisions contained in the Council's bylaws in effect as of November 1, 2013, along with the requirement that Council officers and Executive Board members with financial or fiduciary responsibility must be 18 years old at the time of service. The Council may, in its discretion, designate non-fiduciary and non-signatory roles to younger members for leadership training.

ARTICLE XI: COMMITTEES

Committees may be established by the Executive Board at any time for whatever purpose deemed necessary. The nature and duties of the committees shall be determined by the Executive Board.

ARTICLE: XII FINANCES

- A. Funds collected by the Council shall be deposited into an account or accounts at an established financial institution, with the Treasurer being responsible for all deposits and accountings.
- B. The Treasurer shall sign each check or withdrawal. If the Treasurer is not available the President shall sign the check or withdrawal in place of the Treasurer.
- C. A financial report signed by the Treasurer and the President and a person approved by the Membership showing all receipts and expenditures shall be made yearly to the Council prior to the election of new officers.

ARTICLE XIII: AMENDMENTS

Proposed bylaws changes must be noticed and discussed at a minimum of one Council meeting prior to the meeting at which action will be taken. The notice shall include a statement of the articles to be changed and the reason. The bylaws may be amended or repealed by a two-thirds (⅔) vote of the members present at a general or special meeting. Within 45 days of approval by the membership, bylaws amendments shall be filed with the Municipal Clerk for acceptance by the Municipal Assembly as required by municipal code chapter 2.40. It shall be the responsibility of the Council President, or designee, to timely notify the Municipal Clerk regarding bylaws amendments.

ARTICLE XIV: DISSOLUTION

Unless otherwise provided by law, dissolution may occur by vote of three-fourths of the members of the Council at a regular Council meeting, at a special meeting called for that purpose, or by mail ballot. If the Council is dissolved by law or by this Article the Council's property including, but not limited to, funds remaining in the Council treasury after all obligations are met, may be donated. The Council's donation shall be made to the Federation of Community Councils, or current municipal contractor, for community council use, or another nonprofit organization if designated in the dissolution action.

- C. Bylaws adopted by the community council and submitted to the municipal clerk's office will be reviewed by the Assembly Rules Committee, the ombudsman, or other assembly designee for conformity with this chapter 2.40 prior to acceptance by the assembly, and the community council will be notified of any nonconformity requiring correction.
- D. Bylaws in conformity with this chapter 2.40 will be submitted by the municipal clerk to the assembly by assembly information memorandum at the next assembly meeting following submission by the community council, or as soon as practicable after receipt by the office of municipal clerk.
- E. Community council bylaws shall include provisions consistent with these requirements:
 - 1. Definition of the boundaries of the community council as set forth in section 2.40.040D and 2.40.090; identification of boundaries by code reference and associated map number under section 2.40.040 is sufficient and preferred.
 - 2. Definition and eligibility for community council membership consistent with affording residents maximum community involvement and self-determination under the charter and meeting the requirements of this chapter.
 - 3. Regular meetings of the council at least four times in a calendar year and at least once each calendar quarter; special meetings at the call of designated officers or executive board members, and by petition from a designated number of council members, to address community council business, including the accommodation of community council responsibilities under municipal code section 21.03.020.C.

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4. The election of officers, term of service, and the designation of an executive board to receive notice and conduct the business of the council between meetings. Community council officers and executive board members with financial or fiduciary responsibility must be 18 years of age or older at the time of service. A community council, in its discretion, may designate non-fiduciary and non-signatory roles to younger members for leadership training, and may extend voting eligibility to residents 16 years of age and older in the adoption of community council bylaws.
 5. The duties and responsibilities of officers, their removal or replacement when a vacancy occurs, and criteria for eligibility to hold an office with the council.
 6. A record shall be made by minutes or an electronic recording of all regular and special meetings. Upon request, the record will be made available within a reasonable time determined by the community council.
 7. The management of the council's finances including regular status reports and an annual report to the council members on the council's finances or a compilation of treasurer's reports.
 8. The dissolution of the council, and for the disposition of the council's property upon dissolution.
 9. That the latest edition of Robert's Rules of Order, Revised, shall apply in all instances, matters, and proceedings not covered by the bylaws.
 10. Procedures for amending the bylaws.
 11. Meeting and member attendance rosters shall be used only for council business.
 12. Eligibility to vote.
 - a. Community council bylaws may require prior attendance at one community council meeting in the preceding 12 months as a prerequisite to voting eligibility. For the election of officers and executive board members, community council bylaws may require prior attendance at one but no more than two community council meetings in the preceding 12 months prior to election. Prior attendance is demonstrated by the meeting and member attendance roster. Bylaws shall not otherwise restrict eligibility to vote by members in attendance.
 - b. Only one vote shall be granted to any member: Each resident, non-resident property owner, business, and non-profit organization shall have one vote. If a person meets the qualification of member in more than one category or for more than one property, the member shall have one vote.
 13. Conflict of interest. Community councils shall not endorse a candidate for federal, state or municipal elected office.
 14. The community council shall not charge dues, or require other financial contribution as a condition of membership or participation. A community council may receive gifts, grants, contributions, or in-kind donations from members or others to meet the costs of its operations, including voluntary dues, provided that membership, participation, and voting privileges shall not be predicated upon payment.

(AO No. 2014-3(S), § 1, 2-11-14)

2.40.040 Establishment of community council districts.

- A. *Standards.* The assembly shall define community council districts so as to group residents within natural communities and so as to recognize community desires as to boundaries. Natural communities are defined as areas within the municipality that are divided one from another by physical or traffic barriers, and that have common interests, and that have or are achieving a distinct identity by reason of geography, history, population, transportation and other factors. Population is not a criterion.

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- B. *Procedures for changes in districts.* Review and amendment of community council district boundaries shall adhere to the standards for defining district boundaries set forth in subsection A. above, and follow a public process. Reviews shall occur periodically to ensure that community council district boundaries adjust through decades of neighborhood growth and change, and continue to reflect and represent actual neighborhoods, as follows:
1. *Initiation and timing of boundary reviews.* Review of community council district boundaries and the number of districts shall occur upon assembly or planning and zoning commission initiative or at the request of the mayor or one or more community councils; however, a comprehensive review of district boundaries and the number of districts shall occur at least once every ten years, following the release of decennial U.S. Census results and after assembly redistricting is acted upon and any court appeals are disposed of.
 2. *Public review process.* For any review of one or more district boundaries, the planning department shall obtain public input and the participation of community councils on possible changes to community council district boundaries, and shall submit to the planning and zoning commission and assembly a report and recommendations on district boundaries. The planning and zoning commission shall review the report, and after conducting a public hearing, forward its recommendation to the assembly. Upon receipt of the recommendation, the assembly shall conduct a public hearing and by ordinance may adjust community council district boundaries. The assembly and the planning and zoning commission shall each solicit and consider the recommendations of community councils concerning changes in community council district boundaries.
- C. *Initial districts.* Initially, the suggested district boundaries were those described in appendix A to GAAB 5.75.030.B, a copy of which is available in the office of the municipal clerk.
- D. *Districts recognized.* The municipality recognizes the following community council districts, which serve areas depicted on maps located in section 2.40.090.
1. Abbott Loop;
 2. Airport Heights;
 3. Basher;
 4. Bayshore/Klatt;
 5. Bear Valley;
 6. Birchwood;
 7. Campbell Park;
 8. Chugiak;
 9. Downtown;
 10. Eagle River;
 11. Eagle River Valley;
 12. Eklutna Valley;
 13. Fairview;
 14. Glen Alps;
 15. Government Hill;
 16. Hillside;

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17. Huffman/O'Malley;
 18. Mountain View;
 19. Midtown;
 20. Northeast;
 21. North Star;
 22. Old Seward/Oceanview;
 23. Portage Valley;
 24. Rabbit Creek;
 25. Rogers Park;
 26. Russian Jack Park;
 27. Sand Lake;
 28. Scenic Foothills;
 29. South Addition;
 30. South Fork;
 31. Spenard;
 32. Taku/Campbell;
 33. Tudor Area;
 34. Turnagain;
 35. Turnagain Arm;
 36. University Area.

(GAAB 5.75.030; AO No. 2003-15, § 2, 7-22-03; AO No. 2014-3(S), § 1, 2-11-14; AO No. 2016-80, §§ 2—4, 7-26-16)

2.40.050 Functions.

Community councils shall have the following advisory functions:

- A. In regard to the Anchorage comprehensive plan and its adopted elements as described in municipal code section 21.01.080 and listed in Table 21.01-1:
 1. Evaluate compliance with the plan, alerting municipal officials to, or proposing appropriate action regarding any inconsistencies with the plan; and
 2. Conduct a continuing review and study of the plan to determine its workability in each district and to advise municipal officials of, or propose any appropriate action regarding proposed modifications or additions to the plan.
- B. Assume leadership and propose action in regard to enforcement of existing laws or ordinances, pursuit of rights under existing laws or ordinances, desired or opposed changes in or additions to laws or ordinances, or any matter of policy regulation.
- C. **Respond to local government proposals submitted to community councils pursuant to section 2.40.060.**

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- D. Work with local government and other governmental entities, as well as with persons and groups outside the government, to accomplish district goals, including goals which may have an areawide impact.
 - E. Receive and review notices to community councils from municipal departments including notice under:
 - 1. Section 2.30.120.C. (alcohol beverage control board license applications);
 - 2. Section 10.55.030 (permits for teen nightclubs and cultural performance venues);
 - 3. Section 21.03.020.H. (land use proposals);
 - 4. Section 24.35.020 (national security road closures);
 - 5. Section 25.30.025.E. (disposal of municipal land requiring voter approval);
 - 6. Chapter 10.80 (licensing and regulation of marijuana establishments);
 - 7. Other code provisions deemed appropriate by a municipal department.
 - F. Participate in the community meeting process under municipal code section 21.03.020.C when notice from a developer is timely.
 - G. Advise the assembly of the community council's annual priority list of capital improvement projects by filing with the municipal clerk within the timeframe established by the administration, a copy of the list as submitted to the administration. The municipal clerk will prepare an assembly information memorandum to submit the community council annual priority lists to the assembly. The assembly information memorandum will be presented at the next assembly meeting following the end of the submission period, or as soon as practicable after receipt by the municipal clerk.

(GAAB 5.75.040; AO No. 2014-3(S), § 1, 2-11-14; AO No. 2016-27(S), § 1, 4-12-16)

2.40.060 Municipal responsibilities to community councils.

- A. Notice and submission of proposals for review by community council. In supplement to the community council functions in section 2.40.050 and except where action must be taken on an emergency basis, the mayor shall be responsible for giving to community councils an opportunity to participate in the formulation of, and to review and comment upon, all land use, social and economic proposals which in the opinion of the mayor, the assembly, or the agency head involved, will have a significant impact on all or a substantial portion of district residents. Such notice shall not preempt due process requirements in code or regulation. Timely notice under this section with regard to the processing, hearing, and appeal of applications for rezoning, special exceptions, variances, conditional use, building permits, and other matters of significant impact to the community council is supplemental to other code-required notice to community councils.
 - 1. Such opportunity for participation shall be afforded community councils in the initial stages of planning as well as in subsequent stages of proposal development.
 - 2. Where municipal ordinance or resolution requires the giving of mailed notice to adjacent or nearby residents or property owners with respect to a proposed permit application, rezoning, or land use change, the planning department shall timely send a copy of the same notice to the chairman of any community council whose boundaries contain land described in Tables 1 and 2 of this subsection, or to such other officer or contact designated by the council for receiving such notice.

Table 2.40.060A.-1: Community Council Notice Requirements For Land Use Changes Proposed on Public Lands and Facilities

Land Use Proposals on Public Lands and Facilities (proposals for which 21.15.005A. requires notice)	Minimum Notice Radius
<p>A1. Regional (Areawide) Public Lands and Facilities. The following regional (areawide) public facilities are geographically expansive, adjoin multiple council districts, and impact a wide area:</p> <ol style="list-style-type: none"> 1. Merrill Field Airport; 2. Ted Stevens Anchorage International Airport; 3. Far North/Bicentennial Park, with BLM and Tudor Road public facilities; 4. Chugach State Park; and, 5. Anchorage Coastal Wildlife Refuge. 	<p>Community councils that have boundaries within 1,000 feet of the subject public land or facility shall receive notice which includes the proposal application. Community councils more than 1,000 feet from the subject public land or facility shall receive notice. Such community councils may request the proposal application.</p>
<p>A2. The following kinds of public lands and facilities are geographically within a council district and have regional (areawide) impacts:</p> <ol style="list-style-type: none"> 1. Public airports and airstrips; 2. Regional and Urban parks as designated in the Parks, Greenbelts and Recreational Facilities Plan; 3. Public schools and universities with areawide attendance. 	
<p>B. Other Municipal and State Lands and Facilities.</p>	<p>The Planning Department shall provide notice to community councils within 1,000 feet of the subject public lands or facility.</p>
<p>C. Branch Municipal Facilities that Serve Specific Delineated Areas. These are branch municipal facilities that serve an established delineated sub-area of the Municipality. Examples:</p> <ul style="list-style-type: none"> • Public Schools; school attendance areas • Fire Stations; emergency response areas 	<p>The Planning Department shall provide notice to community councils within 1,000 feet of the subject facility, AND to community councils within the facility's delineated district of service.</p>

Table 2.40.060A.-2: Community Council Notice Requirements for Land Use Proposals on Private Property

Land Use Proposal on Private Property	Minimum Notice Radius
<p>A. Zoning map amendments, conditional uses, public hearing site plan reviews, subdivisions cases that require public hearings, and other land use and development proposals that require notification and a public hearing.</p>	<p>The planning department shall notify community councils within 1,000 feet of the subject site.</p>
<p>B. Variances, non-public hearing platting cases, easement vacations, or non-public hearing site plan reviews.</p>	<p>The planning department shall notify community councils within 1,000 feet of the subject site if notice is required by 21,15.005.</p>
<p>C. Land use proposals that are potentially major projects or controversial uses, and it is the opinion of</p>	<p>The planning director shall notify community councils beyond the minimum notification distance regarding</p>

the planning department director that community councils beyond the minimum notification distance are likely to be impacted.	proposals which, in the opinion of the director, are likely to have a significant impact on residents of community councils beyond the minimum notice distance.
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B. On and after January 1, 2014, land use notice to community councils shall meet or exceed the requirements for community council notice specified in municipal code section 21.03.020H. and summarized in Table 21.03-1. In recognition that special land use permits for marijuana-related land use is a significant change for all communities within the municipality, neighborhood responsibility planning guidelines are provided to assist in neighborhood engagement.

1. *Neighborhood engagement without liability to community councils.* Meaningful engagement in neighborhood responsibility planning is a benefit to the owner/operator of a marijuana retail establishment and nothing in this chapter, title 10, or title 21 regarding special land use permits and municipal licenses for marijuana retail establishments may be used to infer or create community council liability. For purposes of neighborhood engagement, marijuana retail sales establishments and the respective owner/operator of any marijuana retail sales establishment are collectively referred to as "marijuana retailers".

2. *Neighborhood responsibility planning guidelines for marijuana retail sales establishments (marijuana retailers).* Assembly issuance of special land use permits for the retail sale of marijuana under AMC title 21 and the related licensing and regulation of marijuana retailers under AMC chapter 10.80 require the marijuana retailer to meaningfully engage in neighborhood responsibility planning with residents and other neighborhood businesses to mitigate concerns such as odor, parking, and security. To provide community councils and marijuana retailers assistance in fostering a mutually beneficial relationship for the community, these guidelines are made available. As soon as practicable, applicants for a State of Alaska license to operate a marijuana retail sales establishment within any community council district, and the duly authorized representative(s) of the community council, are encouraged to engage in neighborhood responsibility planning and endeavor to:

- a. Establish a point of contact for each licensed marijuana retailer, with the name and contact information, including an after-hours contact for community alerts and assistance.
- b. Establish the community council's preferred method of communication, including a designated point of contact, and contact information.
- c. Develop a schedule of mutual engagement and outreach to the community council and immediate residents and property owners within 500 feet of the establishment to touch base and mitigate any potential issues. For Chugiak-Eagle River, mutual engagement and outreach for marijuana retail establishments located within a community council district identified on Map 1 and Map 2 of section 2.40.090 of this chapter, will include the community council, residents and property owners within 1,000 feet of the establishment, and the Chugiak-Eagle River Advisory Board established in section 4.60.105.
- d. Develop a resolution process which outlines how problems and issues of mutual concern will be brought forward and addressed by the marijuana retailer, community council, residents, and/or other businesses.
- e. Identify and designate two individuals authorized to speak on behalf of the marijuana retailer at community council meetings.
- f. Encourage community council member participation by the marijuana retailer and identify the preferred months for the licensed marijuana business to attend by representative.

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- g. Address other matters of concern identified by either the applicant or the council.
 - h. Develop a memorandum of understanding, to include all items discussed, the detail on items concluded, and the plan for any items still in progress.
3. *Neighborhood responsibility planning is an informal process.* Neighborhood responsibility planning is intended to facilitate ease of integration of the new business into the community. To assist with development, an outline of planning topics and potential provisions meeting the intent are set out for ease of reference and adaptation in Exhibit B. Exhibit B provisions may be expanded and revised to reflect particulars of the neighborhood responsibility planning engaged in by the marijuana retailer with the community council.

Exhibit B

Neighborhood Responsibility Planning—Suggested Topics & Provisions

MEMORANDUM OF UNDERSTANDING

Between [Marijuana Retail Sales Establishment] and [Community Council]

Effective Date: [date]

This Memorandum of Understanding (hereafter "Agreement") is hereby entered into by and between [Community Council] (hereafter "Community Council"), a community council within the Municipality of Anchorage, and [Marijuana Retail Sales Establishment] (hereafter "Marijuana Store"), an applicant for a municipal license and special land use permit for a marijuana retail sales establishment to be located at [address].

I. RECITALS

WHEREAS, the Community Council has a vested interest in ensuring that they represent the best interests of the community council area; and

WHEREAS, the Marijuana Store is seeking to open a legitimate business within the community council area; and

WHEREAS, the Community Council and the Marijuana Store have a long-term interest in fostering a mutually beneficial relationship to address communications and problem-solving; and

WHEREAS, this Agreement is intended to satisfy neighborhood responsibility planning requirements in municipal code;

Now, therefore, the parties agree as follows:

II. AGREEMENT BASICS

1. The point of contact for the Marijuana Store is [name], who can be contacted as follows: [contact information]. Contact may be outside of store hours if necessary to address issues as they arise. Changes to the point of contact or contact information shall be promptly shared with the Community Council.
2. The point of contact for the Community Council is [name], who can be contacted as follows: [contact information]. Contact may be outside of regular business hours. Changes to the point of contact or contact information shall be promptly shared with the Marijuana Store.
3. The following two individuals are authorized to speak for the Marijuana Store at community council meetings: [name] and [name]. Changes in individuals authorized to speak for the Marijuana Store shall be promptly shared with the Community Council.
4. The Marijuana Store shall engage with the community council and the residents and property owners within 500 feet of the proposed business location, on the following schedule:

5. When the Community Council's residents or businesses, the Community Council, or the Marijuana Store raise issues of concern, the Community Council and the Marijuana Store will take the following steps:
(Suggested options)
 - a. Agree to discuss the issue at the next regularly scheduled community council meeting.
 - b. Agree to call a special community council meeting to discuss the issue.
 - c. Agree to call an executive board meeting of the community council to discuss the issue.
6. The Marijuana Store is encouraged to attend regular Community Council meetings. The Marijuana Store will make a concerted effort to attend the Community Council meeting in [month(s)], at a minimum.
7. The Community Council has identified the following particular concerns relating to the Marijuana Store's application and proposed business:
8. The Marijuana Store has identified the following particular concerns relating to locating within the Community Council:

III. ASSEMBLY AUTHORITY

Each party recognizes and agrees that the authority to approve or deny a municipal license and special land use permit for a marijuana retail sales establishment rests exclusively with the Anchorage Municipal Assembly.

IV. NO FORMAL PARTNERSHIP

This Agreement is mutually beneficial to the Community Council and the Marijuana Store. The parties understand and acknowledge that they do not intend to create a formal partnership. Nothing in this agreement shall be construed or interpreted to create any fiduciary responsibility between them. Neither party shall have any authority, express or implied, to act for or to assume any obligation or responsibility on behalf of the other party. Neither party shall be responsible for the liabilities of the other. The parties understand that non-compliance with this Agreement carries no penalties, but instead shall be information provided to the Anchorage Municipal Assembly for consideration during original and subsequent license and land use actions.

IV. TERM OF AGREEMENT

The parties have executed this Agreement as of the effective date. The Agreement may be updated from time to time with the concurrence of both parties, and shall remain in effect as long as the Marijuana Store is licensed to operate at the identified location.

[Name], [Title] [Community Council]	[Name], [Title, if any] [Marijuana Retail Sales Establishment]
Date:	Date:

- C. Response to community councils. In the event of a written communication from a community council requesting information, recommending municipal action such as, but not limited to, inclusion of items on the Capital Improvement Project list, or modification of municipal law or policy, or acting upon a municipal proposal submitted pursuant to subsection A of this section, the appropriate municipal officials shall respond within 30 days or such shorter time as may be reasonable. The response shall include the reasons for the municipal position. If a detailed or informative response will require more than thirty days to complete, the

community council shall be given the information timely available within 30 days, and a date by which the response will be completed.

- D. Safeguarding fair, efficient and equitable community council relations and practices. The assembly may request review and recommendation from the office of the ombudsman or other assembly designee to assist in maintaining appropriate procedures and support with respect to community council duties and responsibilities. Such request may be from the assembly chair, the Assembly Rules Committee, or by action of the assembly. Bylaw review and items relating to actions or inactions of community councils and community council officers may be referred to the Assembly Rules Committee.

(GAAB 5.75.050; AO No. 2003-75, § 3, 7-22-03; AO No. 2014-3(S), § 1, 2-11-14; AO No. 2016-27(S), § 2, 4-12-16)

2.40.070 Additional citizen participation in municipal government.

Nothing contained in this chapter is intended to deny or limit in any manner the right of persons individually or in groups to petition the assembly or otherwise participate in municipal government under existing procedures and practices.

(GAAB 5.75.060; AO No. 2014-3(S), § 1, 2-11-14)

2.40.080 Capacity to sue or be sued.

Neither this chapter nor section 8.01 of the Charter shall be interpreted to empower, to authorize or to provide legal capacity to community councils to sue or be sued in any court.

(AO No. 92-45; AO No. 2014-3(S), § 1, 2-11-14)

2.40.090 Community council maps.

- A. *Purpose.* The community council maps of this chapter have the following purposes:
1. Provide residents of the municipality with a clear and accurate set of descriptions for all community council districts and their boundaries, together in one accessible document, and in a consistent format;
 2. Ensure that residents can easily read, understand, and define their community council district boundaries;
 3. Document future changes to community council district boundaries in this section.
- B. *Map interpretations.* The community council maps in this chapter shall be interpreted as follows:
1. A community council district boundary line on the map that follows a street, highway or railroad or the meanderings of a river or creek on the map shall be interpreted as following the centerline of the street, highway, railroad, river, or creek.
 2. A community council district boundary line on the map that follows a property line or section line on the map shall be interpreted as falling on that property or section line as it existed on the 22nd day of July, 2003.
 3. A community council district boundary line on the map that follows the boundary of a public land or facility that is shaded on the map shall be interpreted as falling on the boundary of that public land or facility.
 4. Where a community council district boundary line on the map does not follow a road, stream, property boundary, or section line, and instead follows some other prominent physical feature such as a ridgeline between watershed valleys, the community council district boundary shall be interpreted as falling on the feature that is labeled alongside the boundary line.
 5. The boundary of a community council that abuts, adjoins or is adjacent to either Turnagain Arm or Knik Arm of Cook Inlet extends seaward to mean low or lower water.
- C. *Specific community council maps adopted.*
1. The community council district maps prepared by the department of planning, dated June 17, 2003, embodying the recommendations of the Federation of Community Councils' Boundary Review Committee, dated June 4, 2003, for Map Nos. 1—12, modifying the maps prepared by the department of planning to implement the recommendations of the Anchorage Planning and Zoning Commission, December 9, 2002, adopted by the Assembly on July 22, 2003, and subsequently with the date of the most recent adjustment on a map to community council district boundaries by assembly action noted:
 - a. Map 1 — Northern Chugiak-Eagle River;
 - b. Map 2 — Central Chugiak-Eagle River;
 - c. Map 3 — Northeast Anchorage Bowl;
 - d. Map 4 — East-central Anchorage Bowl (July 26, 2016);
 - e. Map 5 — Northwest Anchorage Bowl (July 22, 2014);
Map 5a — Northwest Anchorage Bowl: Bootleggers Cove Vicinity;
Map 5b — Northwest Anchorage Bowl East Downtown Vicinity;
 - f. Map 6 — Midtown Anchorage;
Map 6a — Midtown Anchorage: Spenard Lake Vicinity;

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- Map 6b — Midtown Anchorage: West Fireweed Lane Vicinity;
 - g. Map 7 — Sand Lake and Taku/Campbell;
 - h. Map 8 — Southwest Anchorage Bowl;
 - i. Map 9 — Hillside Anchorage (July 26, 2016);
Map 9a — Hillside Anchorage Section 36/Bear Valley Elementary Vicinity (July 26, 2016);
 - j. Map 10 — Turnagain Arm;
 - k. Map 11 — Chugiak-Eagle River;
 - l. Map 12 — Anchorage Bowl (July 26, 2016).
2. The planning department shall maintain, for inspection by the public, maps showing the community council district boundaries.

(AO No. 2003-75, § 4, 7-22-03; AO No. 2004-27, § 2, 2-17-04; AO No. 2014-3(S), § 1, 2-11-14; AO No. 2014-89, § 2, 7-22-14; AO No. 2016-80, § 4, 7-26-16)

Editor's note(s)—Section 2 of AO No. 2014-3(S) adopted February 11, 2014 states, "To implement this ordinance, each community council shall file with the Municipal Clerk's Office new or amended bylaws in conformity with the requirements of chapter 2.40, as amended by this ordinance, for acceptance by the Assembly. Bylaws submitted to the Municipal Clerk's Office will be reviewed by the Ombudsman for conformity with this chapter 2.40 prior to the Municipal Clerk's submission to the Assembly. To facilitate Assembly acceptance, the Ombudsman will notify a community council of any nonconformity requiring correction. Bylaws deemed by the Ombudsman in conformity with Chapter 2.40 will be presented by assembly information memorandum from the Municipal Clerk at the next assembly meeting following notification from the Ombudsman, or as soon as practicable."

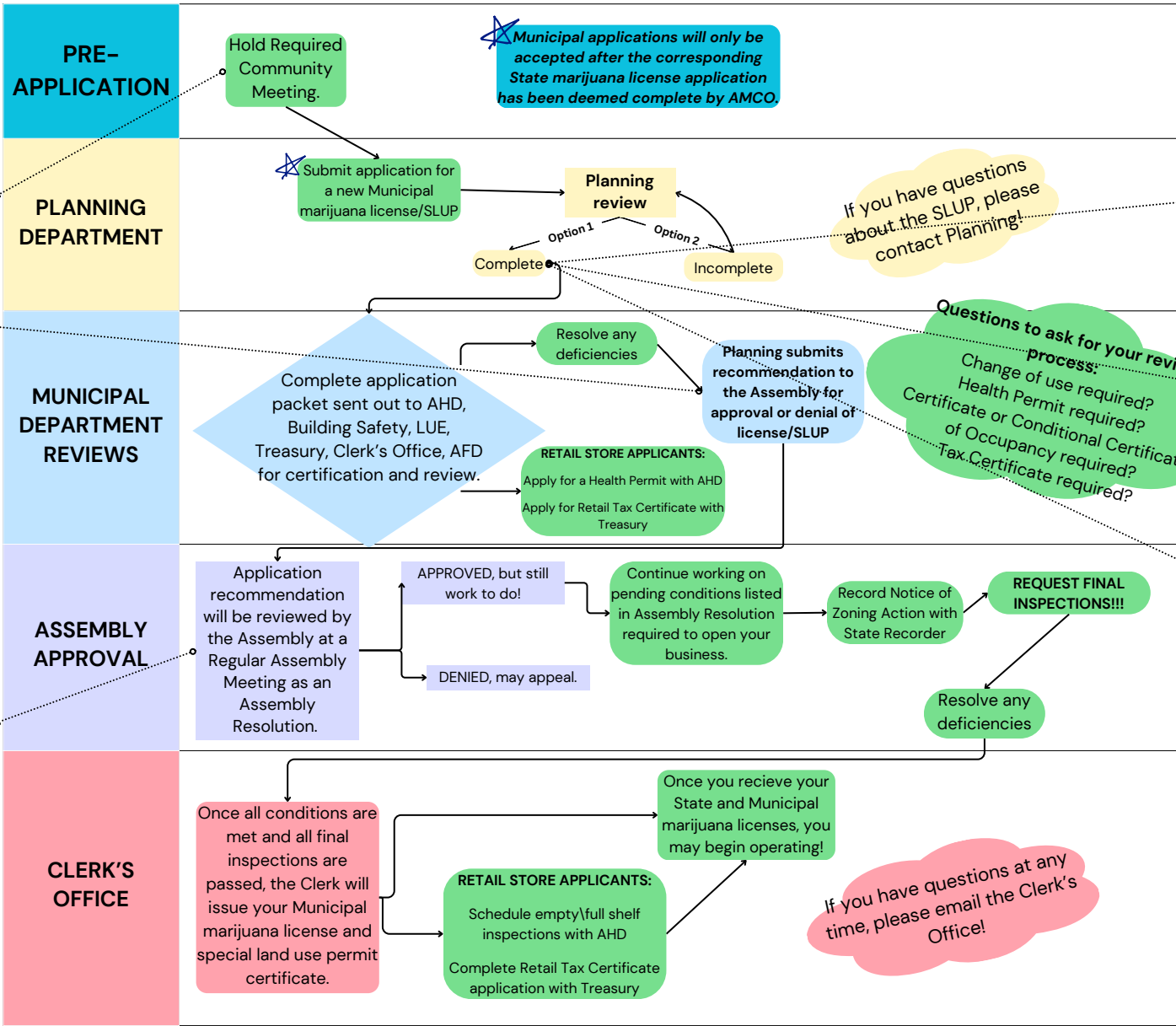
Section 3 of AO No. 2014-3(S) states, "The filing period for new or amended bylaws is 120 days from the effective date of this ordinance, subject to an automatic extension for up to 90 additional days upon the community council filing written notice to the Municipal Clerk. In the absence of new or amended bylaws timely filed with the Municipal Clerk, the bylaws in Exhibit A shall be deemed in effect until acceptance of new or amended bylaws by the Assembly. In place of a provision not accepted by the Assembly, a comparable bylaw provision in Exhibit A may be substituted by the Assembly in the acceptance."



Marijuana License & Special Land Use Permit Application Process Flow Chart

Municipality of Anchorage
Municipal Clerk's Office
632 W 6th Ave., Ste. 250
Anchorage, AK 99501
MuniLicenses@anchorageak.gov
www.muni.org/licensing

Prior to May 1 of each year, Community Councils are sent notice of anticipated renewals and request for comments or council resolution.



Applicants MAY use a Community Council meeting as the required meeting. Concerns and issues can be addressed, MOU.

All comments received to Planning/Clerk are included in the AR.

These ARs are public hearing items. Community Councils are given 5 minutes comment during the public hearing.

Municipal applications will only be accepted after the corresponding State marijuana license application has been deemed complete by AMCO.

If you have questions about the SLUP, please contact Planning!

Questions to ask for your review process:
Change of use required?
Health Permit required?
Certificate of Occupancy required?
Tax Certificate required?

Once an application is deemed complete, Planning will send notice to the Community Council. Comments may be submitted.

Applicants are required to post a sign on the premises to notice the land use action. Comments may be submitted to Planning.

Planning sends a mailer out to surrounding addresses. Comments may be submitted to Planning.

Acronyms
AMCO=Alcohol & Marijuana Control Office
SLUP=Special land use permit
AHD=Anchorage Health Department
LUE=Land Use Enforcement
AFD=Anchorage Fire Department
AR/ARs=Assembly Resolution

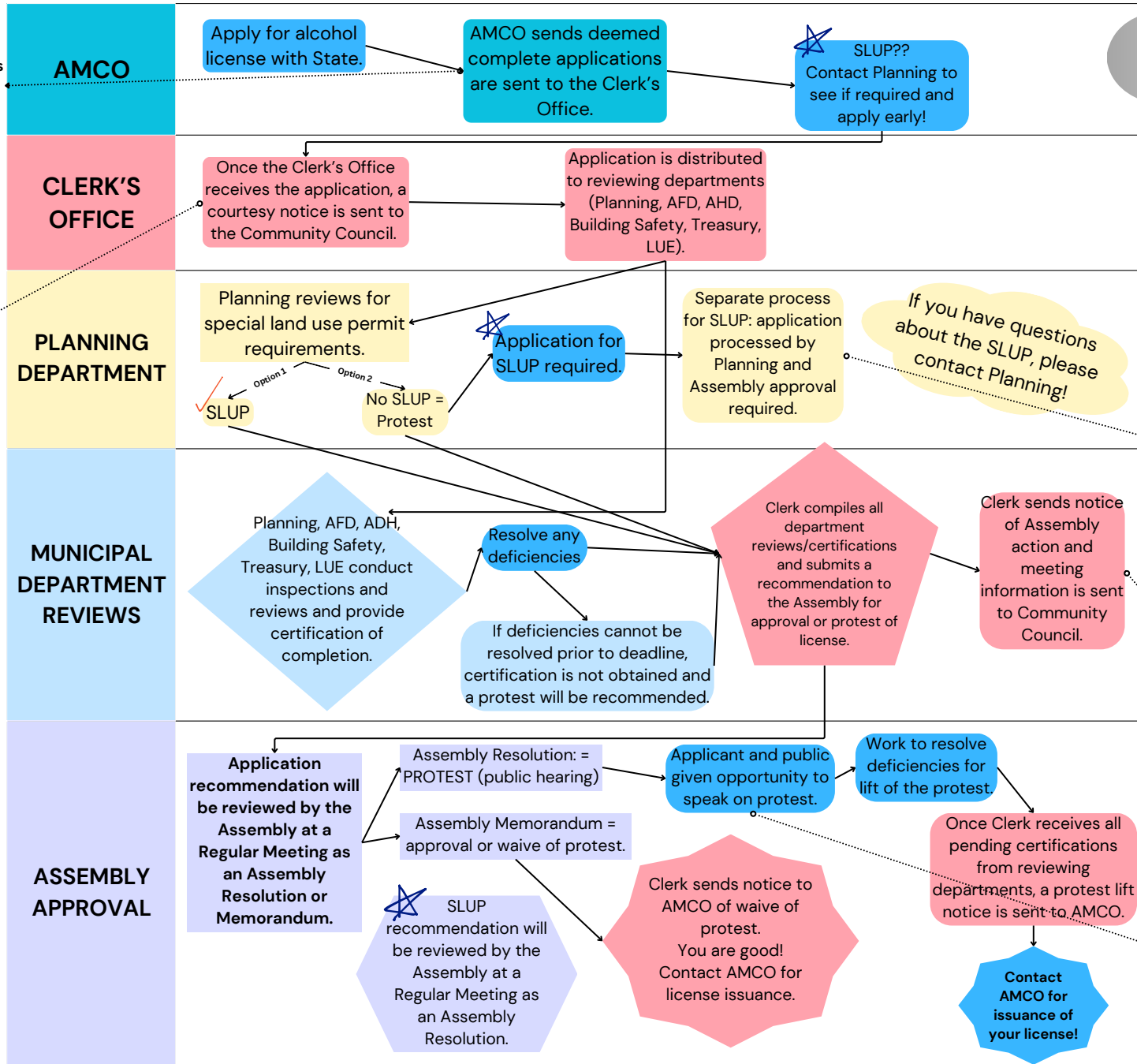
If you have questions at any time, please email the Clerk's Office!



Alcohol License & Special Land Use Permit Application Process Flow Chart

Municipality of Anchorage
Municipal Clerk's Office
632 W 6th Ave., Ste. 250
Anchorage, AK 99501
MuniLicenses@anchorageak.gov
www.muni.org/licensing

Prior to September 1 of each year, Community Councils are sent notice of anticipated renewals and request for comments or council resolution.



AMCO sends Community Councils notice of the deemed complete application for comments.

Clerk sends courtesy notice to Community Councils for comments. Notice gives full 60 days for comment.

If you have questions about the SLUP, please contact Planning!

If a SLUP is required, notice will be sent to the Community Council, a sign is posted on the proposed site, and a mailer is sent out to surrounding addresses, all to collect comments.

Clerk sends notice to Community Councils of meeting date, the action before the Assembly, and submission of comments.

Acronyms
AMCO=Alcohol & Marijuana Control Office
SLUP=Special land use permit
AFD=Anchorage Fire Department
AHD=Anchorage Health Department
LUE=Land Use Enforcement

Community Councils are given 5 minutes during public hearing.