

**Chapter 21.03 - REVIEW AND APPROVAL PROCEDURES (NEW CODE - Effective January 1, 2014)**

(Start P. 32)

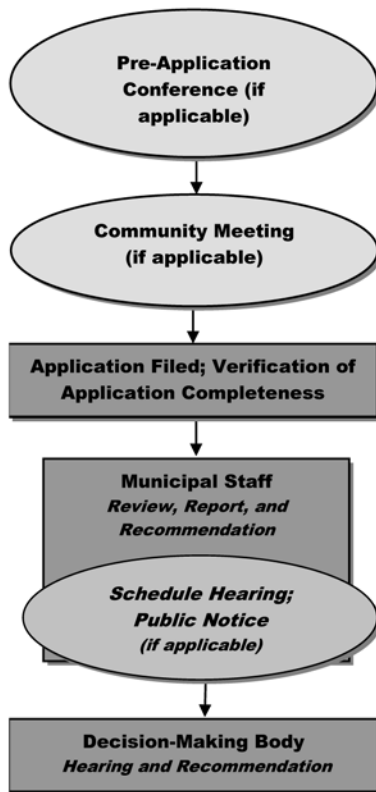
21.03.010 - Purpose and structure of this chapter.

This chapter describes the procedures for review and approval of all applications for development activity in the municipality. Common procedures, which are applicable to all or most types of development applications, are set forth in section 21.03.020. Subsequent sections set forth additional provisions that are unique to each type of application, including timetables, staff and review board assignments, review standards, and other information.

(AO 2012-124(S), 2-26-13)

**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 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.);
  - vi. Public Facility Site Selection (section 21.03.140);
  - vii. Girdwood Area Master Plans and Development Master Plans (sections 21.09.030E. and F.); and
  - viii. Abbreviated plats (section 21.03.200) or administrative site plan reviews (subsection 21.03.180C.) which include Class A or B wetlands within or adjacent to the application area.

No application for these types of approvals shall be accepted until after the pre-application conference is completed and the applicant receives written notification of the conclusions.

- b. Exception for some changes to already-approved applications. Pre-application conferences are not required for minor amendments to already-approved conditional uses or site plans. All other changes to already-approved applications require a pre-application conference.
  - c. Optional for all other applications. A pre-application conference is optional prior to submittal of any other application under this title not listed in subsection 2.a. above.
  - d. Waiver. The director may waive the pre-application requirement if the director finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her judgment, make a pre-application conference unnecessary. The waiver shall be made in writing and shall become a part of the case record for the application.
3. **Initiation of pre-application conference.** The potential applicant shall request a pre-application conference, in the manner prescribed in the user's guide, with the director. Prior to the pre-application conference, the applicant shall provide to the director a description of the character, location, and magnitude of the proposed development and any other supporting documents such as maps, drawings, models, and the type of entitlement sought. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal to enable staff to make the informal recommendations discussed below.
4. Pre-application conference content.
- a. The director shall schedule a pre-application conference after receipt of a proper request.
  - b. Applicants shall provide the information specified in the user's guide prior to the pre-application conference.
  - c. At the conference, the applicant, the director, and any other persons the director deems appropriate and available to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this title, the parties should discuss in general the proposed development and the applicable requirements and standards of this title.
  - d. The conference attendees shall discuss the desired development activities with respect to the following items:

- i. Applicability of municipality policies, plans, and requirements as they apply to the proposed development.
    - ii. Appropriateness of the development with respect to the policies set forth in the comprehensive plan and the regulations in this title.
    - iii. Need, if any, to prepare a subdivision plat.
    - iv. Any site plan considerations or requirements.
    - 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.
  - e. 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. [\*Note: Marijuana–Special Land Use Permit to be included]
    - i. Rezoning (zoning map amendments);
    - ii. Subdivisions, except for abbreviated plats;
    - iii. Conditional uses;
    - iv. Institutional master plans;
    - v. Major site plan review; and
    - vi. Public facility site selection.
  - 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 after the pre-application conference (if applicable), but prior to the submittal of 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.
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. –OMITTED sections D, E, F and G

#### 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, 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 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	Written (Mailed)	Notice Required		
			Published	Posted	Community Council

.... rest of chart omitted....

3. Written (mailed) notice. When table 21.03-1 requires that written notice be provided, the director shall deposit such notice into first class mail at least 21 days prior to the scheduled date of the hearing. In computing such period, the day of mailing shall not be counted, but the day of the hearing 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.
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 all the content specified in subsection H.1. above except for the legal description. 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.