

KODIAK CITY COUNCIL

WORK SESSION AGENDA

Tuesday, June 10, 2014

Kodiak Public Library Multi-Purpose Room

7:30 p.m.

Work sessions are informal meetings of the City Council where Councilmembers review the upcoming regular meeting agenda packet and seek or receive information from staff. Although additional items not listed on the work session agenda are sometimes discussed when introduced by the Mayor, Council, or staff, no formal action is taken at work sessions and items that require formal Council action are placed on a regular Council meeting agenda. Public comments at work sessions are NOT considered part of the official record. Public comments intended for the "official record" should be made at a regular City Council meeting.

Discussion Items

1. Public Comments (limited to 3 minutes)
2. Parks and Recreation Advisory Board Recommendation Regarding a Snack Shack at Baranof Park1
3. Presentation of Proposed Kodiak Safe Streets Taskforce
4. Presentation About Building Permit Fees.....5
5. Discussion About Marine Highway Transportation Advisory Board Reception
6. Review Draft Joint Letter to EPA on Clean Water Act12
7. June 12, 2014, Agenda Packet Review

Minutes
PARKS & RECREATION ADVISORY COMMITTEE
Monday, May 5, 2014
Baranof Park Office, 6:30 p.m.

I. ROLL CALL

- | | | | |
|----------------------|---|-----------------------------|---------|
| 1. Natasha Hayden | H | 6. Amy Fogle | H |
| 2. John Butler | A | 7. Helm Johnson | H |
| 3. Marcus Dunbar | H | 8. Jeremiah Gardner | H |
| 4. Jim Willis | H | 9. Ryan Murdock | H |
| 5. Andrew Joca- USCG | A | 10. Deborah Bitanga-Student | KIBSD A |

Visitor Aimee K

II. PUBLIC TESTIMONY OF NON-AGENDA ITEMS

- a. **None**

III. APPROVAL OF PREVIOUS MINUTES

Motion Natasha 2nd Helm Approved

IV. APPROVAL OF AGENDA

Motion Helm 2nd Natasha Approved

V. AGENDA ITEMS

- a. Aimee K speaking on 2 items Skate Ramp and Snack shack
- i. Skate Ramp discussion:
1. Money is still available from park grant.
 2. Unable to use volunteers for construction to much liability
 3. Talked about capital project request process to fund phases of project
 4. Ryan, Can we promote advertising billboards or sponsorships to raise funds.
 5. Aimee, other monies can be raised to support project.
 6. Helm, what's our timeline? Aimee, if it goes out to bid, 30 days for bid,
 7. Charlie, 4-6 weeks order & deliver. Ready to assemble late October/November.
 8. Aimee, Saturday May 10 city budget presentation at library May 22 first reading, final June 12.
 9. **The City of Kodiak Parks and Recreation Advisory Board unanimously recommends to the Kodiak City Council to keep the proposed FY15 budget line item for phase one of the skate park improvement in the amount of \$110,0000.**
- b. Baranof skate ramp improvement project: See preceding remarks
- c. Update on Woody Way field lot sale
- i. Borough on hold to sell to parcels on woody way closest to park entrance.

Charlie: The tabled resolution I noted was

VI. The City of Kodiak Parks and Recreation Advisory Board unanimously recommends to the Kodiak Island Borough Parks and Recreation Advisory Committee and the Kodiak Island Borough that roughly six acres within 16.32 acre the KILLARNEY HILLS TR R-2 lot which is being subdivided for public sale be rezoned from R-2 to Public Lands therefore preserving adequate space for future fields and recreational open areas and retaining lands along the perimeter for public sale for residential and commercial development. Motion Helm, Marcus 2nd Approved.

- a. Review proposed annual youth activity master schedule
- i. Charlie distributed chart of parks activities based on yearly calendar
- b. Baranof Snack Shack
- i. Aimee: KFL applies for yearly permit to collect gate fees and have concessions for KFL games.
 - ii. Problem: city code prohibits the making of money. Title 5, no person may construct a building for the sale of goods on city property. It could only be a temporary structure.
 - iii. City council: recent KFL request is against code and has sent it back to ad board for recommendation.
 - iv. Group Discussion: Charlie gave permission to put shack in park.
 - v. Natasha/Ryan against KFL having exclusive shack at park.
 - vi. Amy: Q what are KFL intentions on how to run shack?

- vii. Charlie: KFL is serving food for KFL they could serve food for other events but nothing about how to share proceeds?
- viii. Helm: Designate a food shack parking area near parks building and non-profits can sell from there for a fee.
- ix. Members worried about certain groups are getting preference to having a food cart at the park.
- x. Amendments can be made to the code to satisfy park needs.
- xi. Amy: what are KFL plans on how to service both sides of the field during games?
- xii. Helm: Propose an amendment to code
- xiii. Charlie: provide draft for concessions at Baranof park
- xiv. **The City of Kodiak Parks and Recreation Advisory Board unanimously recommends to the Kodiak City Council to direct the City Manager to designate an area at Baranof Park for non-profit entities associated with a specific event to provide concessions while adhering to the regulations of the park and stipulations as set out by the manager.**

VII. CHAIR REPORT

None

VIII. DIRECTOR'S REPORT

- a. Baranof Project Update
- b. Tennis Courts have newly installed standards with adequate foundations and new nets. Repairing and repainting the surfaces are scheduled for this summer (>50 deg). Almost \$10K in materials are stored at Public Works for this job *
- c. Press Box will be complete within 2 weeks.
- d. Camera and security cameras are nearly complete and should be operational within 2 weeks *Baseball field is done and contractor is scheduled to come back from July 15-Aug 15 to improve drainage under warrantee
- e. Skate Ramps-old ramps have been repaired and should last another 3-5 years. Replacement ramps are included in the proposed fy15 budget as a major capital improvement project.
- f. Cemetery area has been treed, grubbed, regarded and planted to grass
- g. Ice Rink user group held lessons learned meeting after ice season and submitted a good list of their observations.

IX. ACTION ITEMS

- a. Charlie: provide draft for concessions at Baranof park

X. BOARD COMMENTS

- a. Concerns over next meeting due to lack of director

XI. ADJOURNMENT

Motion, Helm 2nd Ryan Approved 8:35

Title 5 BUSINESS LICENSES AND REGULATIONS

Chapter 5.04 BUSINESSES ON PUBLIC PROPERTY

5.04.010 Businesses on city property prohibited

Except where permitted under the provisions of this chapter, in or upon a city street, alley, sidewalk, parking lot, park, or other public place, no person may:

(a) Park, place, erect, or construct a building, structure, tent, trailer, bus, or other enclosure, or a stand or table, for the purpose of displaying for sale, selling, or soliciting the sale of goods or services;

(b) Display for sale, sell, or solicit the sale of goods or services; or

(c) Park a vehicle bearing a for-sale sign for a purpose of soliciting buyers or otherwise offering the vehicle for sale. It shall be conclusively presumed that any vehicle bearing a for-sale sign which is parked in the same location for more than 48 consecutive hours is parked with a purpose of soliciting buyers or otherwise offering the vehicle for sale. (See also amended 13 AAC 02.365(f)(3) in KCC 10.16.020.) [Ord. 1311 §1, 2013; Ord. 1291 §2, 2011; Ord. 1177 §1, 2004]

5.04.050 Permits for community festivities

(a) The city clerk may issue permits allowing the erection of temporary stands, structures, or tables or the temporary parking of a suitable vehicle on public property for the purpose of selling or dispensing goods or services in conjunction with the King Crab festival or other similar designated community events.

(b) An application for a permit under this section shall be submitted to the city clerk accompanied by any required fees established by resolution or motion of the city council; provided, however, that the council may reduce or waive payment of the fee for permits issued to nonprofit organizations and associations performing community services in Kodiak, so long as all such organizations are treated alike with respect to permits issued for any single festival or similar community event. The application shall contain the following information:

- (1) The name and address of the applicant;
- (2) The business name to be used and the nature of the business;
- (3) The name of the festivity or event for which the permit is requested;
- (4) A description of the structure, stand, or vehicle to be used;
- (5) The location where the applicant would prefer to conduct the business.

(c) If insufficient space or facilities are available to accommodate the applicants for permits at any particular event, locations shall be assigned giving preference to nonprofit organizations and associations performing community services in Kodiak and to those businesses that are most compatible with the community festival or event for which the applicants are seeking permits.

(d) If a community event or festival is being planned and managed by a local nonprofit community organization, the council may, by resolution, authorize the issuance of a single permit to that organization for the designated public property. As a condition to receiving the permit, the organization shall:

(1) Agree to assign space in accordance with the priorities established in subsection (c) of this section;

(2) Comply with the conditions set forth in KCC 5.04.060 and require compliance with those conditions by all persons occupying space under the auspices of a permit from that organization; and

(3) Hold harmless and defend the city from any claims for death, injury, or damage arising or resulting from the event conducted, as well as from any suits or actions based upon the assignment or utilization of public property under the permit.

(4) The council may waive payment of any fee by an organization receiving a permit under this subsection, and the organization may charge a reasonable fee for persons utilizing a booth, structure, or stand in conjunction with their participation in the festivity. [Ord. 1177 §1, 2004]

5.04.060 Permits for community festivities—conditions of permit

(a) A permit issued under KCC 5.04.050 shall be subject to the following terms and conditions:

(1) The structure, stand, or vehicle may not be erected or parked prior to the date and time designated on the permit and shall be removed within 24 hours after the end of the designated event.

(2) If the business is one that utilizes disposable wrappings or containers, the permittee shall place suitable refuse containers in the vicinity of the business and provide for the disposal of the contents of those containers on a daily or more frequent basis.

(3) The permittee shall obtain and display all other licenses and permits necessary to the conduct of the business and shall display those licenses and permits at the place of business.

(4) The permittee shall permit the inspection of the facilities from which the business is conducted at all reasonable hours.

(5) The permittee shall maintain the property in the immediate vicinity of the business facilities in a neat and clean condition and shall remove all accumulated waste, litter, and debris upon removal of the business facilities.

(6) The permittee shall comply with all applicable laws and regulations.

(7) The permittee shall comply with such other reasonable conditions as may be provided in the permit by the city manager.

(b) If the permittee fails to comply with any condition of the permit or a provision of this section, the city manager may, after not less than two hours' notice and an opportunity to be heard, revoke the permit.

(c) If the permittee fails to leave the immediate vicinity in a clean condition or fails to remove the business facilities as required by this section, the city may, after reasonable verbal notice, perform such work and the permittee shall be liable for all costs so incurred. Business facilities removed by the city may be discarded in the dump or otherwise disposed of as abandoned property having no value. [Ord. 1177 §1, 2004]

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Kodiak Island Borough

Community Development Department

710 Mill Bay Road

Kodiak, Alaska 99615

Phone (907) 486-9363 Fax (907) 486-9396

www.kodiakak.us

Memorandum

Date: June 3, 2014

To: City of Kodiak – Mayor and Council

Cc: City Manager
Borough Manager
Borough Clerk

From: Robert H. Pederson, AICP - Community Development Director *RHP*

Doug Mathers – City of Kodiak Building Official *DM*

RE: Discussion of Building Permit Fees

Background

Recently, the Community Development Department prepared a report to the Borough Assembly regarding building permit and land use fees. When this information was discussed with the Assembly, Borough staff received direction to bring back information as to what various cost recovery scenarios would mean for building permit fees. The Borough also wanted to work together with the City on this issue. Borough and City staff met several times to develop the attached spreadsheet for your information.

The purpose of this memo is to bring the Mayor and Council up to date regarding those discussions.

With respect to Building Permits, we have identified the following information:

- Building Permit Fees have not changed since 2003; the previous update was in 1999.
- Fees are calculated using a cost per square foot method based on the type of construction, with a 1.39 multiplier for Alaska.
- We examined permit fees and the cost of providing building services for FY10 through FY13.
- We found that permit fees have covered 48% of the cost of providing the services during the past 4 fiscal years (the 48% cost recovery figure is a 4 year average for the City and Borough).
- The Building Code now contains an updated methodology for calculating permit fees, based on a permit fee multiplier and updated construction costs.
- The permit multiplier is based upon a predetermined percentage of cost recovery for the services provided. Determining the percentage of cost recovery is the policy question for the City Council and Borough Assembly.

- The construction costs per square foot are now updated quarterly in the building code. We recommend an annual adjustment of permit fees to reflect current construction costs and to review the desired percentage of cost recovery for this program.

Next Steps

Our discussions have identified that the next step should be a joint work session of the City Council and Borough Assembly. The desired outcome of that meeting would be selection of the desired percentage of cost recovery for building permit services to be recouped through the permit fee structure. Once the elected officials decide the policy question (i.e., select the level of cost recovery), staff will bring back a resolution for adoption of a new fee schedule.

Attachments:

- Excerpts from the Building Code
- Cost Recovery Scenarios

Building Valuation Data – February 2014

The International Code Council is pleased to provide the following Building Valuation Data (BVD) for its members. The BVD will be updated at six-month intervals, with the next update in August 2014. ICC strongly recommends that all jurisdictions and other interested parties actively evaluate and assess the impact of this BVD table before utilizing it in their current code enforcement related activities.

The BVD table provides the "average" construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 109.2 of the 2012 *International Building Code* (IBC) whereas Section 109.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction.

ICC has developed this data to aid jurisdictions in determining permit fees. It is important to note that while this BVD table does determine an estimated value of a building (i.e., Gross Area x Square Foot Construction Cost), this data is only intended to assist jurisdictions in determining their permit fees. This data table is not intended to be used as an estimating guide because the data only reflects average costs and is not representative of specific construction.

This degree of precision is sufficient for the intended purpose, which is to help establish permit fees so as to fund code compliance activities. This BVD table provides jurisdictions with a simplified way to determine the estimated value of a building that does not rely on the permit applicant to determine the cost of construction. Therefore, the bidding process for a particular job and other associated factors do not affect the value of a building for determining the permit fee. Whether a specific project is bid at a cost above or below the computed value of construction does not affect the permit fee because the cost of related code enforcement activities is not directly affected by the bid process and results.

Building Valuation

The following building valuation data represents average valuations for most buildings. In conjunction with IBC Section 109.3, this data is offered as an aid for the building official to determine if the permit valuation is underestimated. Again it should be noted that, when using this data, these are "average" costs based on typical construction methods for each occupancy group and type of construction. The average costs include foundation work, structural and nonstructural building components, electrical, plumbing, mechanical and interior finish material. The data is a national average and

does not take into account any regional cost differences. As such, the use of Regional Cost Modifiers is subject to the authority having jurisdiction.

Permit Fee Multiplier

Determine the Permit Fee Multiplier:

1. Based on historical records, determine the total annual construction value which has occurred within the jurisdiction for the past year.
2. Determine the percentage (%) of the building department budget expected to be provided by building permit revenue.

$$\text{Permit Fee Multiplier} = \frac{\text{Bldg. Dept. Budget} \times (\%)}{\text{Total Annual Construction Value}}$$

Example

The building department operates on a \$300,000 budget, and it expects to cover 75 percent of that from building permit fees. The total annual construction value which occurred within the jurisdiction in the previous year is \$30,000,000.

$$\text{Permit Fee Multiplier} = \frac{\$300,000 \times 75\%}{\$30,000,000} = 0.0075$$

Permit Fee

The permit fee is determined using the building gross area, the Square Foot Construction Cost and the Permit Fee Multiplier.

$$\text{Permit Fee} = \text{Gross Area} \times \text{Square Foot Construction Cost} \times \text{Permit Fee Multiplier}$$

Example

Type of Construction: IIB
 Area: 1st story = 8,000 sq. ft.
 2nd story = 8,000 sq. ft.
 Height: 2 stories
 Permit Fee Multiplier = 0.0075
 Use Group: B

1. Gross area:
Business = 2 stories x 8,000 sq. ft. = 16,000 sq. ft.
2. Square Foot Construction Cost:
B/IIB = \$158.70/sq. ft.
3. Permit Fee:
Business = 16,000 sq. ft. x \$158.70/sq. ft x 0.0075 = \$19,044

Important Points

- The BVD is not intended to apply to alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs table does not reflect accurate values for that purpose. However, the Square Foot Construction Costs table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.
- For purposes of establishing the Permit Fee Multiplier, the estimated total annual construction value for a given time period (1 year) is the sum of each building's value (Gross Area x Square Foot Construction Cost) for that time period (e.g., 1 year).
- The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost takes into account everything from foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.

Square Foot Construction Costs ^{a, b, c, d}

Group (2012 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	224.49	217.12	211.82	202.96	190.83	185.33	196.14	174.43	167.83
A-1 Assembly, theaters, without stage	205.71	198.34	193.04	184.18	172.15	166.65	177.36	155.75	149.15
A-2 Assembly, nightclubs	177.15	172.12	167.31	160.58	150.83	146.74	154.65	136.68	132.81
A-2 Assembly, restaurants, bars, banquet halls	176.15	171.12	165.31	159.58	148.83	145.74	153.65	134.68	131.81
A-3 Assembly, churches	207.73	200.36	195.06	186.20	174.41	168.91	179.38	158.02	151.41
A-3 Assembly, general, community halls, libraries, museums	173.36	165.99	159.69	151.83	138.90	134.40	145.01	122.50	116.89
A-4 Assembly, arenas	204.71	197.34	191.04	183.18	170.15	165.65	176.36	153.75	148.15
B Business	179.29	172.71	166.96	158.70	144.63	139.20	152.43	126.93	121.32
E Educational	192.11	185.49	180.05	171.90	160.09	151.62	165.97	139.90	135.35
F-1 Factory and industrial, moderate hazard	108.42	103.32	97.18	93.38	83.24	79.62	89.22	68.69	64.39
F-2 Factory and industrial, low hazard	107.42	102.32	97.18	92.38	83.24	78.62	88.22	68.69	63.39
H-1 High Hazard, explosives	101.53	96.44	91.29	86.49	77.57	72.95	82.34	63.02	N.P.
H234 High Hazard	101.53	96.44	91.29	86.49	77.57	72.95	82.34	63.02	57.71
H-5 HPM	179.29	172.71	166.96	158.70	144.63	139.20	152.43	126.93	121.32
I-1 Institutional, supervised environment	177.76	171.50	166.52	159.45	146.31	142.45	159.13	131.29	126.72
I-2 Institutional, hospitals	302.44	295.85	290.11	281.84	266.80	N.P.	275.58	249.09	N.P.
I-2 Institutional, nursing homes	209.38	202.79	197.05	188.78	175.72	N.P.	182.52	158.01	N.P.
I-3 Institutional, restrained	204.27	197.68	191.94	183.67	171.10	164.68	177.41	153.40	145.80
I-4 Institutional, day care facilities	177.76	171.50	166.52	159.45	146.31	142.45	159.13	131.29	126.72
M Mercantile	132.04	127.01	121.20	115.47	105.47	102.39	109.54	91.33	88.45
R-1 Residential, hotels	179.14	172.89	167.90	160.83	147.95	144.10	160.52	132.93	128.36
R-2 Residential, multiple family	150.25	143.99	139.01	131.94	119.77	115.91	131.62	104.74	100.18
R-3 Residential, one- and two-family	141.80	137.90	134.46	131.00	125.88	122.71	128.29	117.71	110.29
R-4 Residential, care/assisted living facilities	177.76	171.50	166.52	159.45	146.31	142.45	159.13	131.29	126.72
S-1 Storage, moderate hazard	100.53	95.44	89.29	85.49	75.57	71.95	81.34	61.02	56.71
S-2 Storage, low hazard	99.53	94.44	89.29	84.49	75.57	70.95	80.34	61.02	55.71
U Utility, miscellaneous	75.59	71.22	66.78	63.37	56.99	53.22	60.41	44.60	42.48

- Private Garages use Utility, miscellaneous
- Unfinished basements (all use group) = \$15.00 per sq. ft.
- For shell only buildings deduct 20 percent
- N.P. = not permitted

Building Permit Fees Based on Cost Recovery Scenarios¹

Example 1:		1,508 sq. ft. house and 364 Sq. ft. garage									
Value²	Actual Fee Paid²	Cost Recovery Options w/ Permit Fee Multiplier									
	\$1,069	55%	60%	65%	70%	75%	80%	85%	90%	95%	100%
\$171,720	New Fee	\$1,184.87	\$1,287.90	\$1,408.10	\$1,511.14	\$1,614.17	\$1,734.37	\$1,837.40	\$1,940.44	\$2,060.64	\$2,163.67
	Fee Increase	\$115.87	\$218.90	\$339.10	\$442.14	\$545.17	\$665.37	\$768.40	\$871.44	\$991.64	\$1,094.67
	% Increase	10.84%	20.48%	31.72%	41.36%	51.00%	62.24%	71.88%	81.52%	92.76%	102.40%
Same house with 2014 construction values											
Value	\$181,780	Cost Recovery Options w/ Permit Fee Multiplier									
		55%	60%	65%	70%	75%	80%	85%	90%	95%	100%
\$181,780	New Fee	\$1,254.28	\$1,363.35	\$1,490.60	\$1,599.66	\$1,708.73	\$1,835.98	\$1,945.05	\$2,054.11	\$2,181.36	\$2,290.43
	Fee Increase	\$185.28	\$294.35	\$421.60	\$530.66	\$639.73	\$766.98	\$876.05	\$985.11	\$1,112.36	\$1,221.43
	% Increase	17.33%	27.54%	39.44%	49.64%	59.84%	71.75%	81.95%	92.15%	104.06%	114.26%

Example 2:		2,700 sq. ft. house									
Value²	Actual Fee Paid²	Cost Recovery Options w/ Permit Fee Multiplier									
	\$1,551	55%	60%	65%	70%	75%	80%	85%	90%	95%	100%
\$280,287	New Fee	\$1,933.98	\$2,102.15	\$2,298.35	\$2,466.53	\$2,634.70	\$2,830.90	\$2,999.07	\$3,167.24	\$3,363.44	\$3,531.62
	Fee Increase	\$382.98	\$551.15	\$747.35	\$915.53	\$1,083.70	\$1,279.90	\$1,448.07	\$1,616.24	\$1,812.44	\$1,980.62
	% Increase	24.69%	35.53%	48.19%	59.03%	69.87%	82.52%	93.36%	104.21%	116.86%	127.70%
Same house with 2014 construction values											
Value	\$297,783	Cost Recovery Options w/ Permit Fee Multiplier									
		55%	60%	65%	70%	75%	80%	85%	90%	95%	100%
\$297,783	New Fee	\$2,054.70	\$2,233.37	\$2,441.82	\$2,620.49	\$2,799.16	\$3,007.61	\$3,186.28	\$3,364.95	\$3,573.40	\$3,752.07
	Fee Increase	\$503.70	\$682.37	\$2,441.82	\$1,069.49	\$1,248.16	\$1,456.61	\$1,635.28	\$1,813.95	\$2,022.40	\$2,201.07
	% Increase	32.48%	44.00%	57.44%	68.95%	80.47%	93.91%	105.43%	116.95%	130.39%	141.91%

Notes:

1. All examples use 4 year average (FY2010-FY2013) of total program costs for City and Borough
2. Actual fee paid under current methodology (1993 sq. ft. construction costs w/ Alaska multiplier)
3. Value from Bid Price

Example 3:		New Commercial Office Building									
Value³	Actual Fee Paid	Cost Recovery Options w/ Permit Fee Multiplier									
\$6,500,000	\$23,990	55%	60%	65%	70%	75%	80%	85%	90%	95%	100%
\$6,500,000	New Fee	\$44,850	\$48,750	\$53,300	\$57,200	\$61,100	\$65,650	\$69,550	\$73,450	\$78,000	\$81,900
	Fee Increase	\$20,860	\$24,760	\$29,310	\$33,210	\$37,110	\$41,660	\$45,560	\$49,460	\$54,010	\$57,910
	% Increase	86.95%	103.21%	122.18%	138.43%	154.69%	173.66%	189.91%	206.17%	225.14%	241.39%

Example 4:		New 10,500 sq. ft. Commercial Building w/ apts.									
Value²	Actual Fee Paid²	Cost Recovery Options w/ Permit Fee Multiplier									
\$1,096,260	\$6,160	55%	60%	65%	70%	75%	80%	85%	90%	95%	100%
\$855,645	New Fee	\$5,903.95	\$6,417	\$7,016	\$7,530	\$8,043	\$8,642	\$9,155	\$9,669	\$10,268	\$10,781
	Fee Increase	-\$256.05	\$257.34	\$856.29	\$1,369.68	\$1,883.06	\$2,482.01	\$2,995.40	\$3,508.79	\$4,107.74	\$4,621.13
	% Increase	-24.69%	35.53%	48.19%	59.03%	69.87%	82.52%	93.36%	104.21%	116.86%	127.70%

Permit Fee Multiplier

% Desired Cost Recovery	X	Annual Budget		<u>%*1,122,980</u>
Total Annual Construction Value				
55%	x	1,122,980	=	617,639 / 88,672,86
60%	x	1,122,980	=	673,788 / 88,672,86
65%	x	1,122,980	=	729,937 / 88,672,86
70%	x	1,122,980	=	786,086 / 88,672,86
75%	x	1,122,980	=	842,235 / 88,672,86
80%	x	1,122,980	=	898,384 / 88,672,86
85%	x	1,122,980	=	954,533 / 88,672,86
90%	x	1,122,980	=	1,010,682 / 88,672,86
95%	x	1,122,980	=	1,066,831 / 88,672,86
100%	x	1,122,980	=	1,122,980 / 88,672,86
				88,672,861

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Attention: Docket ID No. EPA-HQ-OW-2011-0880

May 23, 2014

Water Docket,
Environmental Protection Agency,
Mail Code 2822T
1200 Pennsylvania Avenue NW
Washington, DC 20460

As elected leaders of the Kodiak Island Borough and City of Kodiak, we are submitted the following comments on behalf of our communities concerning the draft rule – Definition Of Waters Of The U.S. (EPA-HQ-OW-2011-0880).

We represent small rural communities on a remote island in the Gulf of Alaska. Our island receives abundant rainfall, has many pristine watersheds that support significant wildlife populations, including salmon which many of our residents are dependent on for subsistence, and has large Federal in-holdings, including the Kodiak National Wildlife Refuge. This substantial Federal presence limits population growth and infrastructure development for much of the Island and thereby protects our watersheds from most sources of pollution. Kodiak also supports thriving commercial fisheries, seasonal tourism, and a major Coast Guard base.

Our concern is that the proposed rule does not consider the unique and differing circumstances of communities such as ours and appears to take an overly broad approach in expanding the scope and type of waters that will be covered under the Clean Water Act. We currently experience significant regulatory burdens in complying with existing Clean Water Act requirements and permitting standards. These requirements make more sense in larger urbanized communities with already compromised waterways than in ours where our local public infrastructure and other economic development projects have relatively minor impacts on waters that are unpolluted to begin with. In its current form, this proposal will significantly add to that burden.

We note in the text of the rule that the agencies have waived the requirements of the Regulatory Flexibility Act, claiming that “the agencies determined that this proposed rule contains no regulatory requirements that might significantly or uniquely affect small governments” and “certify that this proposed rule will not have a significant economic impact on a substantial number of small entities.” Representing “small entities” i.e. two local governments of less than 50,000, we saw no evidence of any real analysis done to reach these conclusions. Making that determination would require at least some preliminary analysis.

We therefore would recommend that the agencies undertake the following steps before issuing the final rule.

- Conduct the necessary Regulatory Flexibility Act analyses to better understand the rule’s impact on small entities.
- Consistent with that Act and the EPA’s implementing guidance, implement an outreach effort to small entities that includes small rural governments such as ours.
- Consider alternative regulatory approaches for small governments that take into consideration the needs and limits that we face. Alternatives that should be considered

include – use of limited waivers/exemptions; simplifying any reporting requirements; applying the “case-specific” approach outlined in the rule with as much flexibility as possible; and greater delegation of authority to the State of Alaska for Clean Water Act review, permitting and enforcement.

- Lastly, facilitate greater visitation, communication, and cooperation from EPA’s Seattle office so that any final rule can be implemented in ways to meet Clean Water Act goals that are consistent with the needs and circumstances of our communities.

Thank you for your consideration of these views.

Sincerely,

The Honorable Jerrol Friend

The Honorable Pat Branson

Cc: The Honorable Lisa Murkowski
The Honorable Mark Begich
The Honorable Don Young

DRAFT