

**CITY COUNCIL - BOROUGH ASSEMBLY  
JOINT WORK SESSION AGENDA**

Wednesday, March 16, 2016  
Kodiak Library Multi-Purpose Room  
7:30 p.m.  
(Borough Chairing)

*Joint work sessions are informal meetings of the Borough Assembly and City Council where elected officials discuss issues that affect both Borough and City governments and residents. Although additional items not listed on the joint work session agenda are sometimes discussed when introduced by elected officials, staff, or members of the public, no formal action is taken at joint work sessions and items that require formal action are placed on a regular Borough Assembly and/or City 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 Borough Assembly or City Council meeting.*

Page

1. PUBLIC COMMENTS (limited to Three Minutes per Speaker)
2. AGENDA ITEMS
  - 3 - 50 A. Marijuana Legislation  
[Borough Ordinance No. FY2016-17 Marijuana Regulations PROPOSED Resolution No. FY2016-31 Marijuana Task Force 2016-02-29 City WS Marijuana packet 2016-02-29 Stephens - The Alaska Marijuana Industry](#)
  - 51 - 56 B. Emergency Management  
[2016-02-26 Emergency Management Discussion Emergency Services](#)
  - 57 - 64 C. Kodiak Fisheries Work Group Update  
[Purpose and Strategy of the Fisheries Work Group](#)
  - 65 - 86 D. Kodiak Fisheries Advisory Committee  
[Resolutions of KFAC](#)
  - 87 - 121 E. Accessory Dwelling Units  
[2016-03-02 Mayor Branson Accessory Dwelling Units 2016-02-10 City Communication RE ADUs](#)
  - F. Safe Schools Walking Project
  - G. Update on Downtown Revitalization
3. FUTURE DISCUSSION ITEMS

- A.
- Invitation to Legislators to Visit Kodiak
  - Borough/City Consolidation
  - Lands Committee Update
  - Sharing of Information - City and Borough Strategic Plans



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Introduced by: Assembly member Rohrer  
Requested by: Assembly member Rohrer  
Drafted by: Assembly member Rohrer/Borough Clerk  
Introduced: 02/18/2016  
Public Hearing: 03/03/2016  
Amended: 03/03/2016  
Adopted: 03/03/2016

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2016-17**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
AMENDING THE KODIAK ISLAND BOROUGH CODE TITLE 5 BUSINESS  
LICENSES AND REGULATIONS BY CREATING A NEW CHAPTER 5.02  
MARIJUANA BUSINESSES**

**WHEREAS**, the passage of Ballot Measure #2 in the 2014 State of Alaska Election has provided for the legalization of various marijuana-related activities on a specific timeline; and

**WHEREAS**, AS 17.38.110, "local control" in subsection (a) provides: "A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or voter initiative"; and

**WHEREAS**, the Kodiak Island Borough wishes to exercise the authority granted to it by AS 17.38.110(a) so as to prohibit to the broadest extent possible the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores within its borders; and

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:**

**Section 1:** This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances; and

**Section 2:** This ordinance shall be in effect through February 28, 2017.

**Section 3:** A Marijuana Task Force will be created in the form of a resolution of the Assembly and shall exist concurrent with this ordinance.

**Section 24:** KIBC Title 5 *Business Licenses and Regulations* is hereby amended by creating a new chapter 5.02 *Marijuana Businesses* to read as follows:

**Chapter 5.02**

MARIJUANA BUSINESSES

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Sections:

- 5.02.010 Marijuana Businesses Prohibited.
- 5.02.020 Enforcement.

**5.02.010 Marijuana Businesses Prohibited.**

The operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores anywhere within the Kodiak Island Borough is hereby prohibited.

**5.02.020 Enforcement.**


A. A violation of a provision of this chapter is an offense punishable by a penalty not to exceed a fine of \$1,000, in addition to the surcharge required under AS [12.55.039](#). Each day that a violation continues constitutes a separate violation and is subject to a separate fine.

B. Notwithstanding the availability of any other remedy provided by the provisions of this code, the borough or any person aggrieved by a violation of this chapter may institute a civil action for injunctive relief to enforce these provisions in any court of competent jurisdiction.

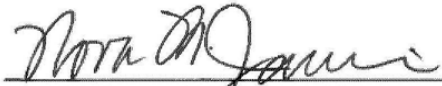
**Section 3. Effective date.** This ordinance is effective upon passage.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS THIRD DAY OF MARCH, 2016**

KODIAK ISLAND BOROUGH

  
\_\_\_\_\_  
Jerrol Friend, Borough Mayor

ATTEST:

  
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Nova M. Javier, MMC, Borough Clerk

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Introduced by: Assembly member Rohrer  
Requested by: Assembly member Rohrer  
Drafted by: KIB Clerk  
Introduced on: 03/17/2016  
Adopted on:

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY 2016-31**

**A RESOLUTION OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
ESTABLISHING A MARIJUANA TASK FORCE**

**WHEREAS,** on November 4, 2014, Ballot Measure 2 was approved statewide by the voters; and

**WHEREAS,** Ballot Measure 2 also allows for the Borough to prohibit and/or implement regulations governing the number, time, place and manner of marijuana cultivation facilities, manufacturing facilities, retail stores and testing facilities; and

**WHEREAS,** there are many issues and factors to be considered by the Borough in deciding all the local issues associated with the legalization of marijuana; and

**WHEREAS,** the Assembly is creating a Marijuana Task Force to advise the Assembly and Administration on any and all aspects, impacts, and concerns related to the legalization of marijuana; and

**NOW, THEREFORE BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** that there is established a Kodiak Island Borough Marijuana Task Force.

**Section 1: Created-membership.** The formation of the Task Force will consist of the following eleven members. The quorum for this committee is attendance of six members and it takes a majority vote of those present for a motion to carry.

- 2 Borough Assembly Members
- 2 City Council Members
- 1 Medical Professional
- 1 Law Enforcement
- 1 Retail Business Owner
- 1 Marijuana Advocate
- 3 members at large

**Section 2: Organization.** The chairperson and the vice chairperson are assigned by the Borough Mayor. The Chair person shall report to the entire Assembly on behalf of the Task Force.

**Section 3: Appointments.** The Mayor shall appoint the members of the task force subject to confirmation of the Assembly. The City Council members are appointed by the City Council.

51 **Section 4: Powers and duties.** The scope of review of the task force includes, but not  
52 limited to:

- 53 • Land use
- 54 • Law enforcement
- 55 • Revenue
- 56 • Regulatory compliance
- 57 • Cultivation
- 58 • Manufacturing
- 59 • Retail Stores
- 60 • Testing

61 The responsibility of the task force is to offer advice and recommendations to the Assembly and  
62 administration on both the upsides and downsides of any issue related to or impacted by the  
63 legalization of marijuana.

64  
65 **Section 5: Administrative assistance.** The clerk’s office staff shall provide the committee  
66 with supplies, meeting space, and secretarial assistance.

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68 **Section 6: Reporting.** The Task Force chairperson shall report to the Assembly during a  
69 public meeting.

70  
71 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
72 **THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016**

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74 KODIAK ISLAND BOROUGH

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78 Jerrol Friend, Borough Mayor

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80 ATTEST:

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83 \_\_\_\_\_  
84 Nova M. Javier, MMC, Borough Clerk

**KODIAK CITY COUNCIL  
WORK SESSION AGENDA  
Monday, February 29, 2016  
Borough Assembly Chambers  
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. Marijuana Legislation ..... 1

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**“LEGAL-NESS” OF MARIJUANA UNDER ALASKA STATE LAW**

<b>Activity</b>	<b>Before Ballot Measure 2</b>	<b>After Ballot Measure 2</b>
<b>Public Consumption</b>	Illegal <i>- Penalty: B Misdemeanor</i>	Illegal <i>- Penalty: Noncriminal violation; Max \$100 fine</i>
<b>DUI- Marijuana</b>	Illegal	Illegal
<b>Simple Possession – Up to One Ounce (Non-Plant)</b>	Illegal	Legal for adults over the age of 21
<b>Simple Possession – More than One Ounces</b>	Illegal <i>-Adults over 18 may possess up to four ounces of marijuana in the privacy of the home for personal use under Ravin v. State.</i>	Illegal  <i>*Adults over 21 may possess all of the marijuana produced by lawfully-possessed marijuana plants on the premises where the plants were grown.</i>
<b>Simple Possession – More than Four Ounces</b>	Illegal	Illegal
<b>Simple Possession – Up to Six Plants</b>	Illegal  <i>*The Alaska Medical Marijuana Law permits registered users to possess up to six marijuana plants (three of which may be flowering).</i>	Legal  <i>-Only three plants may be flowering at any time</i>
<b>Simple Possession – 25 or More Plants</b>	Illegal	Illegal
<b>Manufacture, Delivery, Possession with Intent to Manufacture or Deliver [Excluding marijuana establishments licensed under AS 17.38] Any amount</b>	Illegal	Illegal  <i>*Adults over 21 may transfer up to 1 ounce of marijuana (and up to six plants) to another person over 21 without remuneration. AS 17.38.020(c)</i>
<b>Personal Home Grow</b>	Legal	Legal  <i>*BM2 and the Alaska Medical Marijuana Law permit possession of up to six marijuana plants (three of which may be flowering) *Failure to comply with the statutory requirements for personal grow operations is punishable by a fine of up to \$750.</i>



## EIGHT IS ENOUGH?

The United States Department of Justice, Office of Deputy Attorney General, has identified eight priorities that every municipality should adopt when regulating marijuana. These eight priorities are:

1. PREVENTING THE DISTRIBUTION OF MARIJUANA TO MINORS
2. PREVENTING REVENUE FROM THE SALE OF MARIJUANA FROM GOING TO CRIMINAL ENTERPRISES, GANGS, AND CARTELS
3. PREVENTING THE DIVERSION OF MARIJUANA FROM STATES WHERE IT IS LEGAL UNDER STATE LAW IN SOME FORM TO OTHER STATES
4. PREVENTING STATE-AUTHORIZED MARIJUANA ACTIVITY FROM BEING USED AS A COVER OR PRETEXT FOR THE TRAFFICKING OF OTHER ILLEGAL DRUGS OR OTHER ILLEGAL ACTIVITY
5. PREVENTING VIOLENCE AND THE USE OF FIREARMS IN THE CULTIVATION AND DISTRIBUTION OF MARIJUANA
6. PREVENTING DRUGGED DRIVING AND THE EXACERBATION OF OTHER ADVERSE PUBLIC HEALTH CONSEQUENCES ASSOCIATED WITH MARIJUANA USE
7. PREVENTING THE GROWING OF MARIJUANA ON PUBLIC LANDS AND THE ATTENDANT PUBLIC SAFETY AND ENVIRONMENTAL DANGERS POSED BY MARIJUANA PRODUCTION ON PUBLIC LANDS
8. PREVENTING MARIJUANA POSSESSION OR USE ON FEDERAL PROPERTY

**CITY OF KODIAK  
ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KODIAK, ALASKA  
AMENDING KODIAK MUNICIPAL CODE TITLE 7 ENTITLED “HEALTH AND  
SANITATION” TO ADOPT CHAPTER 7.40 ENTITLED “MARIJUANA  
REGULATION,” AND DESIGNATING THE KODIAK CITY COUNCIL AS THE  
CITY’S LOCAL REGULATORY AUTHORITY ON MARIJUANA**

**WHEREAS**, the voters of Alaska approved Ballot Measure 2 on November 4, 2014; and

**WHEREAS**, Ballot Measure 2 provided for general legalization of marijuana and adopted a new chapter in the Alaska Statutes, which has been codified at Alaska Statute 17.38; and

**WHEREAS**, Alaska Statute 17.38.100(c) provides for the transfer of a portion of license application fees to the “local regulatory authority” in a municipality and thus it is in the City’s best interest to establish a “local regulatory authority” to ensure collection of any available fees; and

**WHEREAS**, the Kodiak City Council is hereby designated the “local regulatory authority” pursuant to Alaska Statute 17.38.100(c).

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kodiak, Alaska, as follows:

**Section 1:** Section 7.40.010 Health and Sanitation, of the Kodiak City Code, is hereby amended to add a chapter designating the Kodiak City Council as the City’s local regulatory authority on marijuana as that term is used in Alaska Statutes Chapter 17.38 and any implementing legislation or rule-making.

**Section 2:** This ordinance shall be effective one month following final passage and publication in accordance with Kodiak Charter article II section 13.

CITY OF KODIAK

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

First Reading:  
Second Reading:  
Effective Date:

**CITY OF KODIAK**

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE OF THE KODIAK CITY COUNCIL AMENDING KODIAK MUNICIPAL CODE TITLE 8 ENTITLED “PUBLIC PEACE, SAFETY, AND MORALS” TO ADOPT KODIAK CITY CODE 8.40, “PROHIBITED ACTS REGARDING MARIJUANA,” TO PROHIBIT THE EXTRACTION OF TETRAHYDROCANNABINOL ("THC") OR ANY CANNABINOID BY USE OF MATERIALS OR METHODS DEEMED DANGEROUS TO PUBLIC HEALTH AND SAFETY, UNLESS OTHERWISE PERMITTED BY LAW.**

**WHEREAS**, in 2014, Alaska voters approved a ballot measure legalizing personal recreational marijuana use and possession of marijuana and marijuana paraphernalia; and

**WHEREAS**, other jurisdictions that have legalized marijuana have experienced an increase in fires and explosions related to certain methods of manufacturing marijuana products, including the use of highly flammable materials and methods to extract THC oil from the marijuana plant, resulting in significant personal injury, death and property damage; and

**WHEREAS**, it is in the interest of the City of Kodiak and its residents to protect the public health and safety against known and unreasonable risks of certain manufacturing processes of a legalized marijuana industry.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kodiak, Alaska, as follows:

**Section 1:** Kodiak City Code 8.40.010, “Certain manufacturing processes prohibited,” is adopted to read as follows:

(a) It shall be unlawful for any person to: Manufacture a marijuana concentrate, hashish, or hash oil by use of solvents containing compressed flammable gases or through use of a solvent-based extraction method using a substance other than vegetable glycerin, unless the person is validly licensed and permitted in accordance with statute, regulation, or ordinance.

(b) Definitions. For purposes of this section.

1. "manufacture" means the preparation, compounding, conversion, or processing of marijuana, hashish, or hash oil, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the marijuana, hashish, or hash oil, or labeling or relabeling of its container. It includes the organizing or supervising of

the manufacturing process. It does not include the legally authorized planting, growing, cultivating, or harvesting of a plant.

2. "marijuana concentrate" means any product which, through manufacture, contains tetrahydrocannabinol (THC). Common names and types of product include "shatter", butane or CO2 hash oil, "ring pots", butter, hash, hashish, keif, oil, or wax.

(c) Seizure. Any marijuana as defined in AS 17.38.900, equipment, material, product, package or container possessed, used or intended to be used, or produced in violation of this section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after their use for evidentiary purposes is no longer required, including in accordance with chapter 18.30 of this code.

**Section 2:** This ordinance shall be effective upon the date that is one month after its final passage and publication in accordance with Kodiak Charter Section 2-13.

CITY OF KODIAK

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

First Reading:  
Second Reading:  
Effective Date:

**Laurie Pardoe**

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**From:** Mel Stephens <mmstep@gci.net>  
**Sent:** Friday, February 26, 2016 5:12 PM  
**To:** Nova Javier  
**Subject:** Marijuana  
**Attachments:** The Alaska Marijuana Industry[1].pdf

Nova,

I haven't gotten the corrected copy of this yet -- I understand there may be a typo or two in it -- and am leaving the office soon. so I'm sending out the old one. Please forward it.

Thanks,

Mel Stephens

# THE ALASKA MARIJUANA INDUSTRY

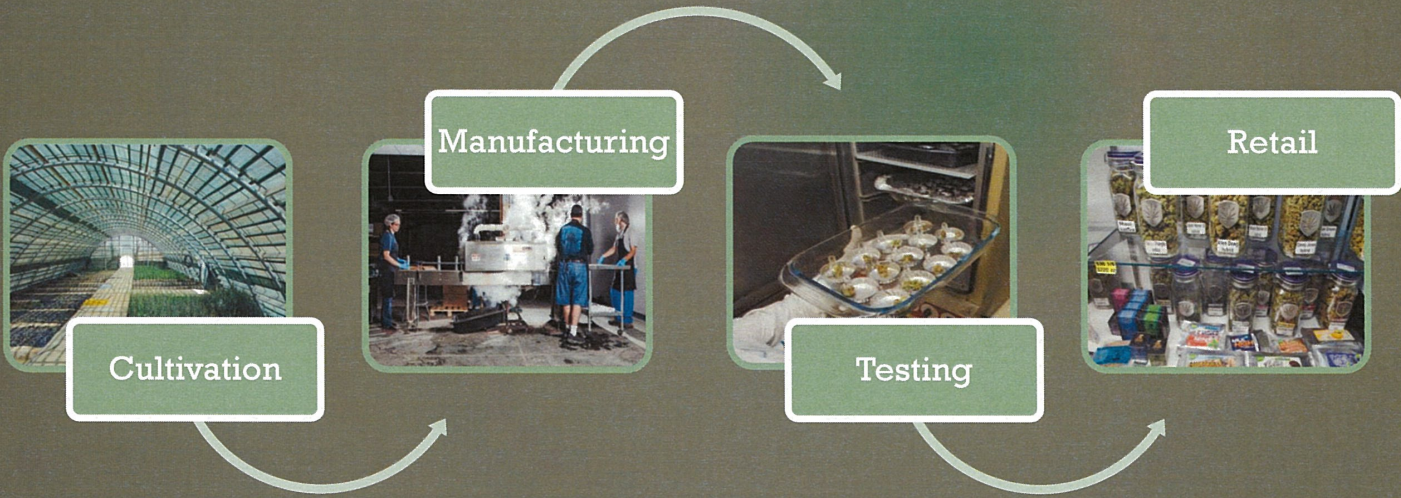
A step by step introduction to facility licensing in  
Alaska

Holly C. Wells  
Katie S. Davies  
Birch Horton Bittner & Cherot

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# FROM BUD TO BROWNIE





# Cultivation Facility





# Cultivation Facility License

Cultivation license allows a person to:

- Plant
- Propagate
- Cultivate
- Harvest
- Trim
- Dry
- Cure
- Package



# Cultivation Facility License Types

- ❖ Limited marijuana cultivation license (smaller than 500 square feet )



- ❖ Standard marijuana cultivation license





# Cultivation Facility

Licensed marijuana cultivation facility is authorized to:

- Sell marijuana to a licensed retail, another cultivation facility, or manufacturing facility
- Provide Samples to licensed testing, retail and/or manufacturing facilities
- Store inventory in a restricted area on the premises
- Transport marijuana
- Conduct in-house testing for the facility's own use



# Cultivation Facility

- Licensed marijuana cultivation facility may not:
  - Sell, distribute, or transfer marijuana product to a consumer
  - Allow any person to consume marijuana on the premises or within 20 feet of the exterior
  - Treat or otherwise adulterate marijuana with organic or nonorganic chemicals or compounds to alter the color, appearance, weight, or odor of the marijuana



# Cultivation Facility

- Licensed marijuana cultivation facility may not:
  - Except as permitted by a product manufacturing license, extract marijuana concentrate at the licensed premises
  - Sell marijuana that is not packaged and labeled in compliance with state law



# Testing Facility





# Testing Facility License

## Testing license tests for:

- THC, THCA, CBD, CBDA and CBN potency
- Harmful microbials including E.Coli/Salmonella
- Residual solvents
- Poisons/toxins
- Harmful chemicals
- Dangerous molds, mildew or filth
- Pesticides



# Testing Facility Operations



Testing facilities must:

- Employ a scientific director to oversee lab methods, and the maintenance of quality standards of practice
- Use specified guidelines for testing, including for example *Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control*



# Testing Facility Operating Manual

A testing facility must have a standard operating procedure manual that explains how to conduct each test, including but not limited to:

- Sample and solution preparation
- Instrument setup
- Calculation of results, and
- Quality control acceptance criteria



## Testing Facility Chain of Custody

A testing facility must establish an adequate chain of custody...

- Issuing instructions for the minimum sample and storage requirements
- Documenting the condition of product, its packaging, and integrity of packaging seals
- Documenting each person and transfer handling the original samples



# Testing Facility Chain of Custody

Continued...

- Maintaining a list of authorized personnel and restricting facility entry to those individuals
- Securing the facility and sample storage areas
- Adopting an inventory tracking system
- Instrument setup
- Calculation of results, and
- Quality control acceptance criteria



## Testing Facility Inspection & Reporting

A testing facility is subject to inspection by the MCB and must:

- Report the result of each lab test to the “marijuana inventory control system” within 24 hours after the test is completed
- Provide a final report on each test to the cultivation facility timely & to the director of the MCB within 72 hours



# Manufacturing Facility





# Manufacturing License Types

- Standard marijuana product manufacturing facility license

OR

- Marijuana concentrate manufacturing facility license





# Manufacturing License

Licensed manufacturing facility (including concentrate manufacturing) is authorized to:

- Purchase marijuana from a cultivation facility or from another product manufacturing facility
- Extract marijuana concentrate
- Manufacture, refine, process, cook, package, label, and store marijuana products



# Manufacturing License

- Licensed manufacturing facility (including concentrate manufacturing) is authorized to:
  - Sell, distribute, or deliver marijuana extract or any marijuana product only to a license retail marijuana store or to another licensed product manufacturing facility
  - Provide and transport samples of concentrate or other produces to the lab for testing



# Manufacturing License

- Provide a sample of marijuana concentrate or a product to a licensed retail store for purposes of negotiating a sale
- Store inventory in a restricted access area on the premises
- Conduct in-house testing



# Retail Facility





# Retail License

- A person must have a retail license to “sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or any marijuana product to a consumer”
- Retail licensees must comply with each applicable health, fire, safety, and tax code and ordinance of the State or a local government



# Retail License: *The “Mays” and “May Nots”*

## **THE “MAYS”**

- Sell marijuana purchased from a licensed cultivation or manufacturing facility for consumption off-premises
- With prior MCB approval, permit consumption of marijuana or marijuana products in designated area on-premises

## **THE “MAY NOTS”**

- Sell, give, or offer marijuana to persons under 21 or under the influence of drugs or alcohol
- Sell, give, or offer marijuana over the internet
- Conduct any business at the store between 5-8am
- Offer or deliver free marijuana or marijuana product or alcoholic beverages to a consumer as a marketing promotion



## Retail License: *Packaging and Labeling*

Retail facilities must assure that:

- ✓ Marijuana is packaged not exceeding 1 ounce except for wholesale flower or bud sold by weight to consumers
- ✓ Only 1 oz. of marijuana, 7 gms of marijuana concentrate for inhalation or marijuana or products with more than 5600 mgs of THC sold in a single transaction
- ✓ No printed images, including cartoon characters, that specifically target individuals under 21
- ✓ Include warning labels specified in regulations
- ✓ Packaged in opaque, resealable, child-resistant packaging
- ✓ Include a label with the name of the store, the estimated amount of THC, and license number




# Retail License: *Packaging and Labeling*





# General License Requirements: The General Application Process


**Colorado Department of Public Health and Environment  
Medical Marijuana Registry**

**APPLICATION FOR IDENTIFICATION CARD**

*New Application*       *Renewal Application*

Instructions: Please complete an expense assessment and MRIET form (applicable only with the Physician's Certificate Form), a copy of a photo identification that establishes Colorado residency (such as a driver's license), and the non-refundable \$90.00 application fee to: Colorado Department of Public Health and Environment, Medical Marijuana Registry, 1157121-M409-A1, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. Incomplete applications will be returned to the applicant. You may contact the Registry at (303) 692-2184. Please make check or money order payable to CDHSE.

APPLICANT INFORMATION	
NAME (LAST, FIRST, MI)	DATE OF BIRTH
MAILING ADDRESS	TELEPHONE NUMBER
	ALTERNATE
CITY AND ZIP CODE	SOCIAL SECURITY NUMBER
CAREGIVER INFORMATION*	
NAME (LAST, FIRST, MI)	DATE OF BIRTH
MAILING ADDRESS	TELEPHONE NUMBER
	ALTERNATE
CITY AND ZIP CODE	
PHYSICIAN INFORMATION	
NAME (LAST, FIRST, MI)	TELEPHONE NUMBER
MAILING ADDRESS	
CITY, STATE, AND ZIP CODE	PHYSICIAN LICENSE
PATIENT SIGNATURE	
I certify that the above information is true.	
PATIENT SIGNATURE	DATE

\* A caregiver is defined by law as a person, other than the patient and the patient's physician, who is eighteen years of age or older and has significant responsibility for managing the well-being of a patient who has a qualifying medical condition.

In order to be eligible to receive protections under Colorado state law as a medical marijuana patient or caregiver you must be registered with the Colorado Medical Marijuana Registry that is operated and controlled by the Colorado Department of Public Health and Environment. The registry is not affiliated with any privately operated club, organization or dispensary.

WARNING: THE USE, POSSESSION, DISTRIBUTION AND MANUFACTURE OF MARIJUANA REMAINS A FEDERAL CRIME IN COLORADO, AND POSSESSION OF A REGISTERED CARD PROVIDES NO PROTECTION WHATSOEVER AGAINST FEDERAL CRIMINAL PROSECUTION.



## General License Requirements: *Marijuana Handler Permit*

- All marijuana establishments must obtain a handler permit by completing a course and written test. The permit is good for 3 years.
- A handler permit course covers:
  - The effects of mj and mj products
  - Identifying an mj-impaired person
  - Determining valid id
  - Intervening to prevent unlawful consumption
  - The penalties for unlawful acts



# General License Requirements: *Filing an Application*

All license applicants must:

- Provide public notice by posting the application on MCB specified forum, the proposed location, and one other conspicuous location in area of proposed premises
- Publishing an announcement each wk. for 3 wks in a newspaper or, if there is no newspaper, 2x per wk for 3 wks on the radio
- Submit a copy of the application to the local government and any community council in the area



## General License Requirements: *Application Fees*

All license applicants must pay \$1000 for new application *plus*:

- \$5000 marijuana manufacturing, retailer or cultivation
- \$1000 limited cultivation
- \$1000 extract-only manufacturing
- \$1000 testing facility





## General License Requirements: *License Restrictions*

No license will be issued if:

- The facility is within 500 ft of school grounds, a recreation or youth center, a building where religious services are regularly conducted, or a correctional facility.
- The facility would be in a liquor license premises
- The local government protests the license because a local zoning ordinance prohibits the marijuana establishment
- The applicant or one of its officers is a convicted felon



# General License Requirements: *Health and Safety Standards*

All marijuana facilities are subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present.

The regulations provide specific health and safety standards to:

- Prevent individuals with open sores or illness from coming into contact with the product
- Maintain good hygiene practices, hand washing practices, clean facilities, and sanitation practices



# General License Requirements: *Health and Safety Standards*





## General License Requirements: *Waste Disposal*

Regulations provide specific waste disposal practices, requiring:

- Marijuana plant waste is made unusable by grinding it and mixing it with other compostable and non-compostable materials
- 3 days notice to the MCB director before disposing of marijuana



# Questions?





**From:** [Branson, Pat](#)  
**To:** [Jerrol Friend Personal](#); [Marlar, Debra](#); [Kniazowski, Aimee](#); [Nova, Javier](#); [Larry LeDoux](#); [dan.rohrer@kibassembly.org](#); [John Whiddon](#)  
**Subject:** Re: Just Received  
**Date:** Friday, February 26, 2016 1:47:15 PM

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I think this issue needs to be put on the March 16 joint work session as the City keeps hearing Mr. Crow's concerns about changes of the Emergency Management at assembly public meetings but no discussion is happening with the City.

Pat

Sent from my iPad

On Feb 26, 2016, at 12:48 PM, Branson, Pat <[pbranson@city.kodiak.ak.us](mailto:pbranson@city.kodiak.ak.us)> wrote:

Jerrol

I wanted you to know about this

I Am call Mr. Valley about the city not being involved with this discussion about this. Pretty frustrating.

Pat

Sent from my iPad

Begin forwarded message:

**From:** "Kniazowski, Aimee" <[akniazowski@city.kodiak.ak.us](mailto:akniazowski@city.kodiak.ak.us)>  
**Date:** February 26, 2016 at 12:16:34 PM AKST  
**To:** Pat Branson <[scokinc@ak.net](mailto:scokinc@ak.net)>, "Branson, Pat" <[pbranson@city.kodiak.ak.us](mailto:pbranson@city.kodiak.ak.us)>  
**Subject:** Just Received

Pat

Just got this. I'll call DHS back but want you to know Mr. Crow is speaking to state as one person. Perhaps Mayor Friend should know. Received call from Paul Valley from DHS, he has received a request from Kyle Crow about the Borough taking over EM from the city.

Mr Valley would like input from the city on how to respond to this request. His number is 907 428 7030.

Sent from Aimée Kniazowski's iPhone



**Chapter 2.110**  
**EMERGENCY SERVICES**

Sections:

- 2.110.010 Purposes.
- 2.110.020 Definitions.
- 2.110.030 Emergency services council.
- 2.110.040 Emergency services director.
- 2.110.050 Emergency services coordinator.
- 2.110.060 Expenditures.
- 2.110.070 Violations.

\* Editor's note: Ord. FY2015-07 reestablishes the emergency services council effective midnight December 31, 2014.

**2.110.010 Purposes.**

The declared purposes of this chapter are to provide for the preparation and implementation of plans for emergency services for persons and property within the city of Kodiak and the Kodiak Island Borough in the event of a disaster and to provide an organization for the coordination of emergency services functions with all public agencies, affected private persons, corporations, and organizations. [Ord. FY2006-04 §2, 2005; Ord. 2002-15 §2, 2002; Ord. 99-09 §2, 1999; Ord. 96-16 §2, 1996; Ord. 93-61 §2, 1993; Ord. 85-26-O §1, 1985; Ord. 83-68-O §2, 1983. Formerly §2.41.010].

**2.110.020 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

“Assembly” means the elected body of representatives known as the Kodiak Island Borough assembly.

“Borough” means the Kodiak Island Borough and its geographic area.

“Borough manager” means the person appointed by the Kodiak Island Borough assembly to the administrative position of borough manager.

“Borough mayor” or “the person designated as acting mayor” means the person elected to the position of mayor of the Kodiak Island Borough.

“City” means the city of Kodiak and its geographic area.

“City council” means that elected body of representatives known as the city of Kodiak city council.

“City manager” means the person appointed by the city of Kodiak city council to the administrative position of city manager.

“City mayor” or “the person designated as acting mayor” means the person elected to the position of mayor of the city of Kodiak.

“Council” means the emergency services council.

“Director” means the emergency services director who shall be the city of Kodiak city manager or the designated successor to the emergency services director who shall serve as the chairperson for the emergency services council and shall exercise the powers and responsibilities outlined in KIBC 2.110.040.

“Disaster” means actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, tsunami, earthquake, volcanic eruption, riot, or other similar public calamity.

The Kodiak Island Borough Code is current through Ordinance FY2016-06, passed September 17, 2015.



“Emergency operations plan” means the Kodiak emergency operations plan, which is the regional emergency preparedness and response plan adopted by the emergency services council to guide emergency preparedness, mitigation, response, and recovery in the city of Kodiak and the Kodiak Island Borough.

“Emergency services” means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are responsible, to prevent, minimize, and repair injury and damage resulting from disasters.

“Emergency services coordinator” means the person who serves as chairperson of the emergency services organization and the local emergency planning committee, exercises the powers and responsibilities outlined in KIBC 2.110.050, and who shall be the city of Kodiak fire chief.

“Emergency services council” means that group of people empowered to develop disaster emergency response policies and to exercise the authorities enumerated in KIBC 2.110.030.

“Emergency services organization” means those officers and employees of the city and the borough, together with officers and employees of other local, state, and federal government agencies and volunteers from public and private organizations who participate in emergency planning and preparedness exercises, meetings, and activities in the Kodiak Island Borough and the city of Kodiak.

“Incident” means an occurrence or event, either human-caused or natural phenomena, that requires action by emergency services personnel to prevent or minimize loss of life or damage to property and/or natural resources.

“Incident command system (ICS)” means a system which provides incident management through the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure to effectively accomplish stated objectives pertaining to an incident.

“Incident management team” means the Kodiak incident management team, which is that group of local government officers and employees, emergency response personnel, state and federal agency representatives and all other persons organized under an incident command system to achieve stated incident objectives utilizing the incident command system management functions to respond to incidents in the city and borough.

“Local emergency planning committee” means the group established in compliance with Title III of the Superfund Amendments and Reauthorization Act of 1986 (the Emergency Planning and Community Right-to-Know Act) that serves the functions outlined in the federal act and in KIBC 2.110.060. [Ord. 2000-13 §2, 2000; Ord. 98-02 §8, 1998; Ord. 89-25-O §2, 1989; Ord. 85-31-O §1, 1985; Ord. 85-26-O §1, 1985; Ord. 84-61-O §8, 1984; Ord. 83-68-O §2, 1983. Formerly §2.41.020].

**2.110.030 Emergency services council.**

A. Membership. The emergency services council is created and shall consist of the city mayor and manager, the borough mayor and manager, the commanding officer of the United States Coast Guard Integrated Support Command Kodiak, the commanding officer of the United States Coast Guard Air Station Kodiak, and the post supervisor of the Alaska State Troopers “C” detachment post in Kodiak, or their designees.

B. Officers. The emergency services director shall serve as chairperson of the emergency services council and the council shall select a vice-chair from its membership.

C. Powers. The emergency services council shall have the following powers:

1. To proclaim the existence of a local disaster upon the recommendation of the emergency services director;
2. To adopt mutual aid plans and agreements necessary for the provision of coordinated disaster emergency services;
3. To approve emergency service response plans including the Kodiak Emergency Operations Plan and annexes, and any significant revisions thereto; and

The Kodiak Island Borough Code is current through Ordinance FY2016-06, passed September 17, 2015.



4. To issue policy guidance to the incident commander and/or unified command during an emergency response incident where the Kodiak incident management team is activated.

D. Duties. It shall be the duty of the council to review and recommend, for adoption by the city council and the assembly, ordinances and resolutions necessary for the implementation of disaster emergency services plans and agreements.

E. Meetings. The council shall meet upon call of the chair or, in his absence, upon the call of the vice-chair.

F. Bylaws. The council shall adopt bylaws for the conduct of its meetings. [Ord. 2000-13 §2, 2000; Ord. 98-02 §8, 1998; Ord. 89-25-O §3, 1989; Ord. 85-26-O §1, 1985; Ord. 84-61-O §9, 1984; Ord. 83-68-O §2, 1983. Formerly §2.41.030].

**2.110.040 Emergency services director.**

A. There is created the office of the emergency services director. The emergency services director shall be the city of Kodiak manager. The director is empowered:

1. To request the emergency services council to proclaim the existence or threatened existence of a disaster and the termination thereof, if the council can be readily convened, or to issue such proclamation, if the council cannot be readily convened, subject to confirmation by the council at the earliest practicable time;
2. To request the governor to proclaim a state of extreme emergency when, in the opinion of the director, the resources of the area or region are inadequate to cope with the disaster;
3. To serve as the designated chairperson of the emergency services council with the full authority to convene the council at the director's discretion and to represent the council in all dealings with public or private agencies pertaining to emergency services and disaster planning and response;
4. To facilitate coordination and cooperation between divisions, services, and staff of the Kodiak incident management team, and to resolve questions of authority and responsibility that may arise between them;
5. To represent the emergency services council in all dealings with public or private agencies pertaining to emergency services and disaster;
6. To serve as incident commander or local on-scene coordinator in the Kodiak incident management team when the size, scale, or severity of an incident is such that other qualified incident command personnel are not available or appropriate to fill the IC/LOSC position;
7. To organize and maintain an operational disaster emergency services response capability, including the scheduling of drills and exercises in accordance with local emergency preparedness plans and policies; and
8. To serve as incident commander in the Kodiak incident management team, or the local on-scene coordinator in the unified command, when the size, scale, or severity of an incident is such that other qualified incident command personnel are not available or appropriate to fill the IC/LOSC position.

B. In the event of the proclamation of a disaster as herein provided, or the proclamation of a state of extreme emergency by the governor or the state director of emergency preparedness, the director is empowered:

1. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the emergency services council;
2. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of the life and property of the people, and bind the city and borough for the fair value thereof and, if required immediately, to commandeer such privately owned material as may be needed for public use;
3. To require emergency service of any city or borough officer or employee and, in the event of the proclamation of a state of extreme emergency by the governor, to command the aid of as many citizens as he

The Kodiak Island Borough Code is current through Ordinance FY2016-06, passed September 17, 2015.

thinks necessary in the execution of his duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered emergency services volunteers;

4. To requisition necessary personnel or material of any city or borough department or agency; and

5. To execute all of his ordinary powers as emergency services director; all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto; all powers conferred upon him by any statute, agreement approved by the city council or assembly, or by any other lawful authority; to exercise all police power vested in the city and borough by the Constitution and general laws.

C. In the event that the emergency services director is unavailable or unable to function in the capacity described above, all powers and authorities described herein are transferred to the emergency services coordinator. [Ord. 2000-13 §2, 2000; Ord. 85-26-O §1, 1985; Ord. 83-68-O §2, 1983. Formerly §2.41.040].

**2.110.050 Emergency services coordinator.**

A. There is created the office of the emergency services coordinator. The emergency services coordinator shall be the city of Kodiak fire chief and shall act as administrator of the emergency services organization and local emergency planning committee. The coordinator has the following responsibilities:

1. To organize and lead quarterly emergency services organization/local emergency planning committee meetings, to call for additional meetings as needed or directed by the emergency services director, and to maintain all historical records associated with the ESO/LEPC;
2. To ensure that all drills and exercises are performed as specified in the Kodiak emergency operations plan or as directed by the emergency services director; and
3. To coordinate and oversee periodic emergency preparedness training for Kodiak incident management team personnel, including ICS training.

B. The coordinator is hereby empowered:

1. To control and direct the efforts of the emergency services organization for the accomplishment of the purposes of emergency services and disaster preparedness;
2. To represent the emergency services organization/local emergency planning committee in all dealings with public or private agencies pertaining to emergency services and disaster;
3. To organize disaster emergency services response drills and exercises in cooperation with the emergency services director and in accordance with the requirements identified in the Kodiak emergency operations plan, and to maintain accurate records of all such drills and exercises; and
4. To fill the position of incident commander, with all requisite duties and responsibilities, in the Kodiak incident management team, or to serve as deputy incident commander when the director assumes the position of incident commander.

C. The coordinator is the designated successor to the emergency services director and shall assume all authorities, powers, and responsibilities granted to the director in KIBC 2.110.040 if the director is unavailable or unable to fulfill these responsibilities during a disaster emergency. [Ord. 2000-13 §2, 2000. Formerly §2.41.050].

**2.110.060 Expenditures.**

Cities are responsible for authorized emergency services expenses incurred within their jurisdiction and the Kodiak Island Borough is responsible for authorized emergency services expenses incurred outside of city jurisdiction unless otherwise provided for by each governing body. [Ord. 2000-13 §2, 2000; Ord. 85-26-O §1, 1985; Ord. 83-68-O §2, 1983. Formerly §2.41.060].

**2.110.070 Violations.**

It is a misdemeanor for any person during a disaster to:

The Kodiak Island Borough Code is current through Ordinance FY2016-06, passed September 17, 2015.



- A. Willfully obstruct, hinder, or delay any member of the emergency services organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;
- B. To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy, imperil the lives or property of inhabitants of the city or borough, or to prevent, hinder, or delay the defense or protection thereof; and
- C. To wear, carry, or display without authority any means of identification specified by the Emergency Services Agency of the state. [Ord. 2000-13 §1, 2000; Ord. 85-26-O §1, 1985; Ord. 83-68-O §2, 1983. Formerly §2.41.070].

The Kodiak Island Borough Code is current through Ordinance FY2016-06, passed September 17, 2015.

**CITY OF KODIAK  
RESOLUTION NUMBER 2012-30**

**A JOINT RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK AND THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH SUPPORTING THE OVERALL APPROACH TO FISHERY ISSUES BY THE KODIAK FISHERIES WORKGROUP**

WHEREAS, the economy and well-being of residents of the City of Kodiak and the Kodiak Island Borough depend upon commercial, recreational, and subsistence fisheries; and

WHEREAS, revenues to the municipal governments are derived directly and indirectly from activities of the fishing industry and related businesses; and

WHEREAS, the City of Kodiak and the Kodiak Island Borough wish to assure the growth and sustainability of the region's fisheries; and

WHEREAS, the City of Kodiak and the Kodiak Island Borough have begun a program to become directly involved in the public fishery policy decision-making processes of state and federal governments; and

WHEREAS, fishery management, regulation, and policy decisions are often complex and controversial and often affect various user groups in different fashions; and

WHEREAS, the City of Kodiak and the Kodiak Island Borough do not wish to unduly favor any user group over another.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Kodiak and the Assembly of the Kodiak Island Borough to support and adopt the following statement of the Kodiak Fisheries Workgroup's overall approach for consideration of fishery management issues of interest and concern to the Kodiak region:

**Overall Approach:**

1. Focus on overall impacts to the community and maintenance and growth of revenue streams.
2. Understand how various approaches will fundamentally impact fisheries and resources.
3. Frame benchmarks and objectives as positive statements.
4. Refrain from taking positions on allocative questions (to the extent possible, while understanding that many issues and decision will have allocative implications).
5. Focus on broad-scale program features (i.e., keep a 30,000 ft. viewpoint), unless specific program elements threaten the goals for management programs as referenced within Resolution No. 2012-31 of the City of Kodiak.



CITY OF KODIAK

  
MAYOR

ATTEST:

  
CITY CLERK

Adopted: September 27, 2012



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Introduced by: Borough Assembly  
Requested by: Kodiak Fisheries Workgroup  
Drafted by: Borough Clerk  
Introduced on: 09/20/2012  
Adopted on: 09/20/2012

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY 2013-09**

**A JOINT RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY AND THE  
CITY OF KODIAK COUNCIL SUPPORTING THE OVERALL APPROACH TO FISHERY  
ISSUES BY THE KODIAK FISHERIES WORKGROUP**

**WHEREAS,** the economy and well-being of residents of the Kodiak Island Borough and the City of Kodiak depend upon commercial, recreational, and subsistence fisheries; and

**WHEREAS,** revenues to the municipal governments are derived directly and indirectly from activities of the fishing industry and related businesses; and

**WHEREAS,** the Kodiak Island Borough and the City of Kodiak wish to assure the growth and sustainability of the region's fisheries; and

**WHEREAS,** and the Kodiak Island Borough and the City of Kodiak have begun a program to become directly involved in the public fishery policy decision-making processes of state and federal governments; and

**WHEREAS,** fishery management, regulation, and policy decisions are often complex and controversial and often affect various user groups in different fashions; and

**WHEREAS,** the Kodiak Island Borough and the City of Kodiak do not wish to unduly favor any user group over another.

**NOW, THEREFORE BE IT JOINTLY RESOLVED BY THE KODIAK ISLAND BOROUGH ASSEMBLY AND THE CITY OF KODIAK COUNCIL** to support and adopt the following statement of the Kodiak Fisheries Workgroup's overall approach for consideration of fishery management issues of interest and concern to the Kodiak region:

**Overall Approach:**

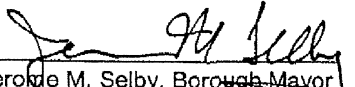
1. Focus on overall impacts to the community and maintenance and growth of revenue streams.
2. Understand how various approaches will fundamentally impact fisheries and resources.
3. Frame benchmarks and objectives as positive statements.
4. Refrain from taking positions on allocative questions (to the extent possible, while understanding that many issues and decision will have allocative implications).



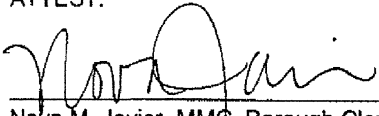
45 5. Focus on broad-scale program features (i.e., keep a 30,000 ft. viewpoint), unless  
46 specific program elements threaten the goals for management programs as  
47 referenced within Resolution No. FY2013-10 of the Kodiak Island Borough.  
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49 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
50 **THIS TWENTIETH DAY OF SEPTEMBER, 2012**

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52 KODIAK ISLAND BOROUGH

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56 Jerome M. Selby, Borough Mayor

57 ATTEST:

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60 Nova M. Javier, MMC, Borough Clerk

**CITY OF KODIAK  
RESOLUTION NUMBER 2013-17**

**A JOINT RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK AND  
THE KODIAK ISLAND BOROUGH DOCUMENTING THE KODIAK FISHERIES  
WORK GROUP'S SCOPE AND AUTHORITY**

WHEREAS, it is in Kodiak's best interests for its City and Borough governments to be well informed regarding the potential impacts of state and federal fishery management actions on the Kodiak community; and

WHEREAS, the Kodiak City Council and the Kodiak Island Borough Assembly have determined that a Kodiak Fisheries Work Group can provide valuable assistance to the City Council and Borough Assembly by identifying fishery management actions that could affect Kodiak.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that this resolution hereby creates the Kodiak Fisheries Work Group.

BE IT FURTHER RESOLVED THAT:

1. **Membership.** The Kodiak Fisheries Work Group (work group) shall be composed of three representatives from the Kodiak City Council and three representatives from the Kodiak Island Borough.
2. **Organization.** The work group shall designate two co-chairs at the first meeting of the calendar year and shall hold at least one meeting monthly. The co-chairs shall alternate presiding at the meetings. The city manager, borough manager, and the fisheries analyst shall serve as ex-officio, non-voting members of the work group.
3. **Purpose, Scope, and Authority.**
  - a. Focus on overall impacts to the community and maintenance and growth of revenue streams.
  - b. Understand how various approaches will fundamentally impact fisheries and resources.
  - c. Frame benchmarks and objectives as positive statements.
  - d. Refrain from taking positions on allocation questions to the extent possible while understanding that many issues and decisions will have allocation implications.
  - e. Focus on broad-scale program features unless specific program elements threaten the goals for management programs as referenced within Resolution No. 2012-31 of the City of Kodiak.
  - f. Kodiak Fisheries Work Group will review the Kodiak Fisheries Analyst/Consultant written quarterly reports including background materials and analysis for fisheries issues of importance to the community pursuant to the contractual report schedule.



- 4. **Administrative assistance.** The City and Borough Clerk’s office staff shall:
  - a. Furnish the work group with copies of all requested documents and other information necessary or reasonably related to the work group’s functions;
  - b. Provide the work group with supplies, meeting space, and secretarial assistance;
  - c. Refer to the work group, for their discussion, all nonemergency matters within the scope of its powers and duties prior to presenting those matters to the assembly for action; and
  - d. Transmit all recommendations and other communications from the work group to the Council and Assembly.
  
- 5. **Consensus.** The affirmative votes of four (4) work group members shall be required to build consensus of the work group. Consensus shall be given at a public meeting of the work group.
  
- 6. **Agenda.** The co-chairs and the fisheries analyst shall determine items for the agenda. No business may be transacted nor any measure be considered that is not on the agenda. The clerk shall prepare an agenda and it shall be distributed to work group members, along with the meeting packet, one week prior to the regular meeting.
  
- 7. **Meeting Notes/Summary.** Bulleted notes shall be taken and shall be filed as a part of the meeting packet.

**Reporting.** Work group members who are unable to attend a meeting shall advise the staff clerk of the contemplated absence to maximize attendance and participation of members at these meetings.



CITY OF KODIAK

*Pet Braun*

MAYOR

ATTEST:

*Delma Moulton*  
CITY CLERK

Adopted: June 27, 2013

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Introduced by: Kodiak Fisheries Work Group  
Requested by: Borough Assembly/City Council  
Drafted by: Kodiak Fisheries Work Group  
Introduced on: 06/06/2013  
Adopted on: 06/06/2013

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2013-32**

**A JOINT RESOLUTION OF THE KODIAK ISLAND BOROUGH  
ASSEMBLY AND KODIAK CITY COUNCIL DOCUMENTING THE  
KODIAK FISHERIES WORK GROUP'S SCOPE AND AUTHORITY**

**WHEREAS,** it is in Kodiak's best interests for its Borough and City governments to be well informed regarding the potential impacts of State and Federal fishery management actions on the Kodiak community; and

**WHEREAS,** the Kodiak Island Borough Assembly and the City Council have determined that a Kodiak Fisheries Work Group can provide valuable assistance to the Borough Assembly and City Council by identifying fishery management actions that could affect Kodiak; and

**NOW, THEREFORE BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT** this resolution hereby creates the Kodiak Fisheries Work Group; and

**BE IT FURTHER RESOLVED THAT:**

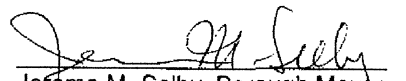
- 1. Membership.** The Kodiak Fisheries Work Group (work group) shall be composed of three representatives from the Kodiak Island Borough and three representatives from the Kodiak City Council.
- 2. Organization.** The work group shall designate two co-chairs at the first meeting of the calendar year and shall hold at least one meeting monthly. The co-chairs shall alternate presiding the meetings. The borough manager, city manager, and the fisheries analyst shall serve as ex-officio, non-voting members of the work group.
- 3. Purpose, Scope, and Authority.**
  - a. Focus on overall impacts to the community and maintenance and growth of revenue streams.
  - b. Understand how various approaches will fundamentally impact fisheries and resources.
  - c. Frame benchmarks and objectives as positive statements.
  - d. Refrain from taking positions on allocation questions to the extent possible while understanding that many issues and decisions will have allocation implications.
  - e. Focus on broad-scale program features unless specific program elements threaten the goals for management programs as referenced within Resolution No. 2012-31 of the City of Kodiak.
  - f. Kodiak Fisheries Work Group will review the Kodiak Fisheries Analyst/Consultant written quarterly reports including background materials and analysis for fisheries issues of importance to the community pursuant to the contractual report schedule.



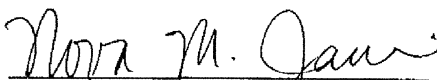
- 51 **4. Administrative assistance.** The Borough and City Clerk's office staff shall:
- 52 a. Furnish the work group with copies of all requested documents and other
- 53 information necessary or reasonably related to the work group's functions;
- 54 b. Provide the work group with such supplies, meeting space, and secretarial
- 55 assistance;
- 56 c. Refer to the work group, for their discussion, all nonemergency matters within the
- 57 scope of its powers and duties prior to presenting those matters to the assembly for
- 58 action; and
- 59 d. Transmit all recommendations and other communications from the work group to
- 60 the Assembly and Council.
- 61
- 62 **5. Consensus.** The affirmative votes of four (4) work group members shall be required to
- 63 build consensus of the work group. Consensus shall be given at a public meeting of the
- 64 work group.
- 65
- 66 **6. Agenda.** The co-chairs and the fisheries analyst shall determine items for the agenda.
- 67 No business may be transacted nor is any measure considered that is not on the
- 68 agenda. The clerk shall prepare an agenda and it shall be distributed to work group
- 69 members, along with the meeting packet, one week prior to the regular meeting.
- 70
- 71 **7. Meeting Notes/Summary.** Bulleted notes shall be taken and shall be filed as a part of
- 72 the meeting packet.
- 73
- 74 **8. Reporting.** Work group members who are unable to attend a meeting shall advise the
- 75 staff clerk of the contemplated absence to maximize attendance and participation of
- 76 members at these meetings.
- 77

78 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
 79 **THIS SIXTH DAY OF JUNE, 2013**

80 KODIAK ISLAND BOROUGH

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 86 Jerome M. Selby, Borough Mayor  
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88 ATTEST:

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 92 Nova M. Javier, MMC, Borough Clerk

Introduced by: Manager Gifford  
Requested by: Assembly/City Council  
Drafted by: City of Kodiak  
Introduced: June 7, 2007  
Adopted: June 7, 2007

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2007-38**

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY  
RESCINDING RESOLUTION FY2006-27 AND ESTABLISHING A  
JOINT KODIAK FISHERIES ADVISORY COMMITTEE**

**WHEREAS**, Kodiak is a fishing community, and Kodiak's economic health and social welfare depend on the sustained ability of its residents to harvest and process the marine resources of the Gulf of Alaska and the Bering Sea; and

**WHEREAS**, State and Federal fishery management actions determine whether the marine resources of the Gulf of Alaska and the Bering Sea are managed for sustained yield; and

**WHEREAS**, State and Federal fishery management actions can determine the extent to which Kodiak's residents have the ability to harvest and process the marine resources of the Gulf of Alaska and the Bering Sea, can alter the economic and social relationships among Kodiak's harvesters, processors and fishery support businesses, and can affect the overall economic health and social welfare of the Kodiak community at large; and

**WHEREAS**, it is in Kodiak's best interests for its Borough and City governments to be well informed regarding the potential impacts of State and Federal fishery management actions on the Kodiak community and to have an opportunity to effectively comment on such actions before they are taken; and

**WHEREAS**, it is in Kodiak's best interests to facilitate consensus among Kodiak's harvesters, processors, businesses and citizens-at-large concerning potential fishery management actions, both to promote harmony in the community and to enhance Kodiak's ability to influence State and Federal fishery policy makers and managers; and

**WHEREAS**, the Kodiak Island Borough and Kodiak City Council have determined that a properly constituted fisheries advisory committee can provide valuable assistance to the Borough Assembly and City Council by identifying fishery management actions that could affect Kodiak and by preparing community position statements regarding such fishery management actions for the Borough Assembly and City Council's consideration; and

**WHEREAS**, the Kodiak Island Borough Assembly and the Kodiak City Council have determined that a properly constituted fisheries advisory committee could serve as a forum for building consensus within the Kodiak community regarding fishery management actions;

**NOW, THEREFORE, BE IT RESOLVED, THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** urge that Resolution FY2006-27 be rescinded, and the "Kodiak Fisheries Advisory Committee" is hereby created to take the place of the "Gulf Groundfish Rationalization Task Force"; and

**BE IT FURTHER RESOLVED THAT:**

(1) The purposes of the Kodiak Fisheries Advisory Committee shall be to provide recommendations, when appropriate, to the Kodiak Island Borough Assembly and the Kodiak City Council regarding a Kodiak position on fisheries issues, and to provide a forum for interested parties to discuss, and, to the degree possible, reach consensus on fisheries issues affecting Kodiak's fishermen, processors, businesses and residents.



(2) The Kodiak Fisheries Advisory Committee shall be composed of individuals representing the following Kodiak community interest groups as follows:

Interest Group:

- |  |                              |
|--|------------------------------|
| Large Pot Vessels                        | Small Pot Vessels            |
| Large Trawl Vessels                      | Small Trawl Vessels          |
| Large Longline Vessels                   | Small Longline Vessels       |
| Jig Vessels                              | Salmon/Herring Net Vessels   |
| Crewmembers                              | Kodiak Rural Communities     |
| Large Processors                         | Small Processors             |
| ADF&G Advisory Committee                 | Lodge/Charter Boat Operators |
| Business Community (non fishing related) | Citizen-At-Large             |
| Conservation Community                   |                              |

(3) The term of Kodiak Fisheries Advisory Committee appointments shall be three (3) years, provided that appointees' terms shall extend until their replacements are named and accept their appointment, and further provided that the Borough Assembly and City Council may modify the term of any or all Committee appointments at any time, the City Council and Borough Assembly may remove any member at any time, or may disband the entire Fisheries Advisory Committee at any time, as the City Council and Borough Assembly deem appropriate in their sole discretion.

(4) Appointment to the Kodiak Fisheries Advisory Committee confers no rights or authority other than to make recommendations to the Borough Assembly and City Council concerning State and Federal fisheries management actions from time to time, which the Borough Assembly and City Council may accept or reject in their sole discretion.

(5) Appointment to the Kodiak Fisheries Advisory Committee is conditioned on appointees acknowledging and agreeing that their service on the Committee is voluntary and without compensation.


(6) Representatives of the City of Kodiak and the Kodiak Island Borough and Kodiak residents serving on the North Pacific Fishery Management Council, the North Pacific Council's Advisory Panel and the Alaska Board of Fisheries shall be ex officio, non-voting members of the Kodiak Fisheries Advisory Committee. However, ex-officio members may also serve as a voting representative of a designated interest group.

(7) Kodiak Fisheries Advisory Committee members shall have the authority to designate an alternate prior to a meeting if the member cannot attend.


(8) The Kodiak Fisheries Advisory Committee shall have the authority to develop procedures for calling and conducting Committee meetings, determining the Committee's position on issues and resolving other Committee organizational matters.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS SEVENTH DAY OF JUNE 2007**

KODIAK ISLAND BOROUGH

  
Jerome M. Selby, Borough Mayor

ATTEST:

  
Nova M. Javier, CMC, Borough Clerk

Kodiak Island Borough, Alaska

Resolution No. FY2007-38  
Page 2 of 2

Introduced by: Manager Gifford  
Requested by: Assembly  
Drafted by: City Manager  
Introduced: 07/05/2007  
Adopted: 07/05/2007

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2008-03**

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY  
APPOINTING MEMBERS TO THE KODIAK FISHERIES ADVISORY COMMITTEE**

**WHEREAS**, Resolution Number FY2007-38 established a joint Kodiak Fisheries Advisory Committee to take the place of the joint Gulf of Alaska Groundfish Rationalization Task Force; and

**WHEREAS**, the purposes of the Kodiak Fisheries Advisory Committee are to provide recommendations, when appropriate, to the Kodiak City Council and the Kodiak Island Borough Assembly regarding a Kodiak position on fisheries issues and to provide a forum for interested parties to discuss and, to the degree possible, reach consensus on fisheries issues affecting Kodiak's fishermen, processors, businesses and residents; and

**WHEREAS**, the term of Kodiak Fisheries Advisory Committee appointments shall be three (3) years provided that appointees' terms shall extend until their replacements are named; and

**WHEREAS**, appointment to the Kodiak Fisheries Advisory Committee confers no rights or authority other than to make recommendations to the Borough Assembly and City Council concerning State and Federal fisheries management actions, which the City Council and Borough Assembly may accept or reject at their sole discretion; and

**WHEREAS**, representatives of the Kodiak Island Borough and City Council, Kodiak residents serving on the North Pacific Fishery Management Council, the North Pacific Council's Advisory Panel and the Alaska Board of Fisheries are ex-officio non-voting members of the Kodiak Fisheries Advisory Committee; and

**WHEREAS**, Kodiak Fisheries Advisory Committee members have the authority to designate an alternate prior to a meeting if the member cannot attend; and

**WHEREAS**, the Kodiak Fisheries Advisory Committee has the authority to develop procedures for calling and conducting Committee meetings, determining the Committee's position on issues and resolving other Committee organizational matters.

**NOW, THEREFORE, BE IT RESOLVED** by the Kodiak Island Borough Assembly that the Kodiak Fisheries Advisory Committee shall be composed of the following individuals representing the following Kodiak community interest groups.



**Interest Group**

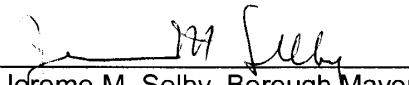
Large Pot Vessels  
Large Trawl Vessels  
Large Longline Vessels  
Jig Vessels  
Crewmembers  
Large Processors  
ADFG Advisory Committee  
Business Community (non fishing related)  
Conservation Community  
Small Pot Vessels  
Small Trawl Vessels  
Small Longline Vessels  
Salmon/Herring Net Vessels  
Kodiak Rural Communities  
Small Processors  
Lodge Charter Boat Operators  
Citizen at Large

**Member**

Jeffrey Stephan  
Jim Hamilton  
Chris Holland  
Chuck Thompson  
Steve Branson  
Julie Bonney  
Oliver Holm  
Rolan Ruoss  
Theresa Peterson  
Norman Mullan  
Jay Stinson  
Alexus Kwatchka  
  
David Woodruff  
  
Alan Austerman

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS FIFTH DAY OF JULY, 2007**

KODIAK ISLAND BOROUGH

  
Jerome M. Selby, Borough Mayor

ATTEST:

  
Nova M. Javier, CMC, Borough Clerk

Introduced by: Manager Gifford  
Requested by: Assembly  
Drafted by: City Manager  
Introduced: 07/19/2007  
Adopted: 07/19/2007

KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2008-03A

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY  
AMENDING RESOLUTION NO. FY2008-03 TO APPOINT AN ADDITIONAL  
MEMBER TO THE KODIAK FISHERIES ADVISORY COMMITTEE**

**WHEREAS**, Resolution Number FY2007-38 established a joint Kodiak Fisheries Advisory Committee to take the place of the joint Gulf of Alaska Groundfish Rationalization Task Force; and

**WHEREAS**, the purposes of the Kodiak Fisheries Advisory Committee are to provide recommendations, when appropriate, to the Kodiak City Council and the Kodiak Island Borough Assembly regarding a Kodiak position on fisheries issues and to provide a forum for interested parties to discuss and, to the degree possible, reach consensus on fisheries issues affecting Kodiak's fishermen, processors, businesses and residents; and

**WHEREAS**, the term of Kodiak Fisheries Advisory Committee appointments shall be three (3) years provided that appointees' terms shall extend until their replacements are named; and

**WHEREAS**, appointment to the Kodiak Fisheries Advisory Committee confers no rights or authority other than to make recommendations to the Borough Assembly and City Council concerning State and Federal fisheries management actions, which the City Council and Borough Assembly may accept or reject at their sole discretion; and

**WHEREAS**, representatives of the Kodiak Island Borough and City Council, Kodiak residents serving on the North Pacific Fishery Management Council, the North Pacific Council's Advisory Panel and the Alaska Board of Fisheries are ex-officio non-voting members of the Kodiak Fisheries Advisory Committee; and

**WHEREAS**, Kodiak Fisheries Advisory Committee members have the authority to designate an alternate prior to a meeting if the member cannot attend; and

**WHEREAS**, the Kodiak Fisheries Advisory Committee has the authority to develop procedures for calling and conducting Committee meetings, determining the Committee's position on issues and resolving other Committee organizational matters.

**NOW, THEREFORE, BE IT RESOLVED BY THE KODIAK ISLAND BOROUGH ASSEMBLY** that the Kodiak Fisheries Advisory Committee shall be composed of the following individuals representing the following Kodiak community interest groups.



**Interest Group**

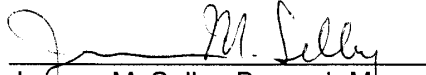
Large Pot Vessels  
 Large Trawl Vessels  
 Large Longline Vessels  
 Jig Vessels  
 Crewmembers  
 Large Processors  
 ADFG Advisory Committee  
 Business Community (non fishing related)  
 Conservation Community  
 Small Pot Vessels  
 Small Trawl Vessels  
 Small Longline Vessels  
 Salmon/Herring Net Vessels  
 Kodiak Rural Communities  
 Small Processors  
 Lodge Charter Boat Operators  
 Citizen at Large

**Member**

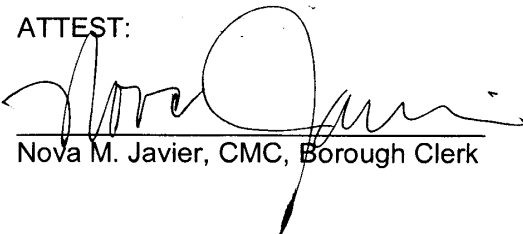
Jeffrey Stephan  
 Jim Hamilton  
 Chris Holland  
 Chuck Thompson  
 Steve Branson  
 Julie Bonney  
 Oliver Holm  
 Rolan Ruoss  
 Theresa Peterson  
 Norman Mullan  
 Jay Stinson  
 Alexis Kwatchka  
 Hunter Berns  
  
 David Woodruff  
  
 Alan Austerman

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
 THIS NINETEENTH DAY OF JULY, 2007**

KODIAK ISLAND BOROUGH

  
 Jerome M. Selby, Borough Mayor

ATTEST:

  
 Nova M. Javier, CMC, Borough Clerk

Introduced by:	Manager Gifford
Requested by:	Assembly
Drafted by:	Borough Clerk
Introduced:	12/20/2007
Adopted:	12/20/2007

KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2008-03B

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY  
AMENDING RESOLUTION NO. FY2008-03 TO APPOINT AN ADDITIONAL  
MEMBER TO THE KODIAK FISHERIES ADVISORY COMMITTEE**

**WHEREAS**, Resolution Number FY2007-38 established a joint Kodiak Fisheries Advisory Committee to take the place of the joint Gulf of Alaska Groundfish Rationalization Task Force; and

**WHEREAS**, the purposes of the Kodiak Fisheries Advisory Committee are to provide recommendations, when appropriate, to the Kodiak City Council and the Kodiak Island Borough Assembly regarding a Kodiak position on fisheries issues and to provide a forum for interested parties to discuss and, to the degree possible, reach consensus on fisheries issues affecting Kodiak's fishermen, processors, businesses and residents; and

**WHEREAS**, the term of Kodiak Fisheries Advisory Committee appointments shall be three (3) years provided that appointees' terms shall extend until their replacements are named; and

**WHEREAS**, appointment to the Kodiak Fisheries Advisory Committee confers no rights or authority other than to make recommendations to the Borough Assembly and City Council concerning State and Federal fisheries management actions, which the City Council and Borough Assembly may accept or reject at their sole discretion; and

**WHEREAS**, representatives of the Kodiak Island Borough and City Council, Kodiak residents serving on the North Pacific Fishery Management Council, the North Pacific Council's Advisory Panel and the Alaska Board of Fisheries are ex-officio non-voting members of the Kodiak Fisheries Advisory Committee; and

**WHEREAS**, Kodiak Fisheries Advisory Committee members have the authority to designate an alternate prior to a meeting if the member cannot attend; and

**WHEREAS**, the Kodiak Fisheries Advisory Committee has the authority to develop procedures for calling and conducting Committee meetings, determining the Committee's position on issues and resolving other Committee organizational matters.

**NOW, THEREFORE, BE IT RESOLVED BY THE KODIAK ISLAND BOROUGH ASSEMBLY** that the Kodiak Fisheries Advisory Committee shall be composed of the following individuals representing the following Kodiak community interest groups.



**Interest Group**

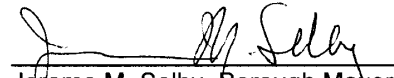
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Large Longline Vessels  
Jig Vessels  
Crewmembers  
Large Processors  
ADFG Advisory Committee  
Business Community (non fishing related)  
Conservation Community  
Small Pot Vessels  
Small Trawl Vessels  
Small Longline Vessels  
Salmon/Herring Net Vessels  
**Kodiak Rural Communities**  
Small Processors  
Lodge Charter Boat Operators  
Citizen at Large

**Member**


Jeffrey Stephan  
Jim Hamilton  
Chris Holland  
Chuck Thompson  
Steve Branson  
Julie Bonney  
Oliver Holm  
Rolan Ruoss  
Theresa Peterson  
Norman Mullan  
Jay Stinson  
Alexus Kwatchka  
Hunter Berns  
**Dan Clarion**  
David Woodruff  
  
Alan Austerman

ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS TWENTIETH DAY OF DECEMBER, 2007

KODIAK ISLAND BOROUGH

  
Jarome M. Selby, Borough Mayor

ATTEST:

  
Nova M. Javier, CMC, Borough Clerk

Introduced by:	Manager Gifford
Requested by:	Assembly
Drafted by:	Borough Clerk
Introduced:	02/21/2008
Adopted:	02/21/2008

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2008-03C**

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY  
AMENDING RESOLUTION NO. FY2008-03 TO APPOINT TO THE LODGE/CHARTER  
BOAT OPERATOR SEAT AND VACATE THE LARGE TRAWL VESSEL  
SEAT ON THE KODIAK FISHERIES ADVISORY COMMITTEE**

**WHEREAS**, Resolution Number FY2007-38 established a joint Kodiak Fisheries Advisory Committee to take the place of the joint Gulf of Alaska Groundfish Rationalization Task Force; and

**WHEREAS**, the purposes of the Kodiak Fisheries Advisory Committee are to provide recommendations, when appropriate, to the Kodiak City Council and the Kodiak Island Borough Assembly regarding a Kodiak position on fisheries issues and to provide a forum for interested parties to discuss and, to the degree possible, reach consensus on fisheries issues affecting Kodiak's fishermen, processors, businesses and residents; and

**WHEREAS**, the term of Kodiak Fisheries Advisory Committee appointments shall be three (3) years provided that appointees' terms shall extend until their replacements are named; and

**WHEREAS**, appointment to the Kodiak Fisheries Advisory Committee confers no rights or authority other than to make recommendations to the Borough Assembly and City Council concerning State and Federal fisheries management actions, which the City Council and Borough Assembly may accept or reject at their sole discretion; and

**WHEREAS**, representatives of the Kodiak Island Borough and City Council, Kodiak residents serving on the North Pacific Fishery Management Council, the North Pacific Council's Advisory Panel and the Alaska Board of Fisheries are ex-officio non-voting members of the Kodiak Fisheries Advisory Committee; and

**WHEREAS**, Kodiak Fisheries Advisory Committee members have the authority to designate an alternate prior to a meeting if the member cannot attend; and

**WHEREAS**, the Kodiak Fisheries Advisory Committee has the authority to develop procedures for calling and conducting Committee meetings, determining the Committee's position on issues and resolving other Committee organizational matters.

**NOW, THEREFORE, BE IT RESOLVED BY THE KODIAK ISLAND BOROUGH ASSEMBLY** that the Kodiak Fisheries Advisory Committee shall be composed of the following individuals representing the following Kodiak community interest groups.



**Interest Group**

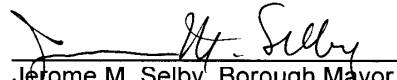
Large Pot Vessels  
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 Large Longline Vessels  
 Jig Vessels  
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 Business Community (non fishing related)  
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 Small Longline Vessels  
 Salmon/Herring Net Vessels  
 Kodiak Rural Communities  
 Small Processors  
Lodge Charter Boat Operators  
 Citizen at Large

**Member**

Jeffrey Stephan  
Jim Hamilton  
 Chris Holland  
 Chuck Thompson  
 Steve Branson  
 Julie Bonney  
 Oliver Holm  
 Rolan Ruoss  
 Theresa Peterson  
 Norman Mullan  
 Jay Stinson  
 Alexis Kwatchka  
 Hunter Berns  
 Dan Clarion  
 David Woodruff  
Jim Hamilton  
 Alan Austerman

ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
 THIS TWENTYFIRST DAY OF FEBRUARY, 2008

KODIAK ISLAND BOROUGH

  
 Jerome M. Selby, Borough Mayor

ATTEST:

  
 Nova M. Javier, CMC, Borough Clerk

Introduced by:	Assembly
Requested by:	Assembly
Drafted by:	Assembly Member Jeffrey Mayor Selby
Introduced:	09/27/2007
Amended:	09/27/2007
Adopted:	09/27/2007

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2008-09**

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY  
REQUESTING THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
TO EXTEND THE EIGHTEEN MONTH REVIEW FOR THE  
BERING SEA CRAB RATIONALIZATION PROGRAM**

**WHEREAS**, Kodiak has consistently ranked among the top three fishing ports in the nation for decades; and

**WHEREAS**, the harvesting and processing sectors of the Kodiak fishing community are engaged in and dependent upon Bering Sea/Aleutian Islands (BSAI) crab fisheries; and

**WHEREAS**, Kodiak's economic and social health is dependent upon the community's sustained participation in the BSAI crab fisheries; and

**WHEREAS**, the Kodiak Island Borough has made substantial investments in support of and in reliance upon Alaska's fisheries, such as water system improvement and expansion and port and harbor improvements and expansion; and

**WHEREAS**, the North Pacific Fishery Management Council adopted the BSAI Crab Rationalization Program and allocated exclusive harvesting and processing privileges; and

**WHEREAS**, the BSAI crab fisheries have been managed under the BSAI Crab Rationalization Program for two crab fishing seasons, and has promoted consolidation in the fishing fleet and the processor sector, which resulted in skippers, crew members and processing workers bearing costs of consolidation without fully sharing in the related benefits; and

**WHEREAS**, the BSAI Crab Rationalization Program changed the distribution of fishing revenues among participants with resulting disruptive effects on the economy of Kodiak and other communities; and

**WHEREAS**, the BSAI Crab Rationalization Program has resulted in disruptions in the processing sector such as the sinking of the Stellar Sea that left harvesters linked to the Stellar Sea without a market;

**WHEREAS**, other issues have surfaced that have not been addressed with proposed changes such as custom-processing, crew shares, mergers, and processor participation; and

**WHEREAS**, the City of Kodiak and the Kodiak Island Borough joined together to appoint a Kodiak Fisheries Advisories Committee to provide a forum for the full, and frank exchange of information and opinions concerning changes in the management of the fisheries affecting Kodiak; and

**WHEREAS**, this committee has not had adequate information on any proposed changes to the BSAI Crab Rationalization Program to have public discussions and develop solid input to the decision-making process;



**NOW, THEREFORE, BE IT RESOLVED, BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT** the NPFMC continue the analysis of the issues surrounding the 90/10 processor share provision and extend the 18-month review period for the Bering Sea Crab Rationalization Program.

**NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT** NPFMC is requested to initiate staff analysis on custom processing, crew shares, mergers, and processor participation beginning immediately for future council action.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS TWENTYSEVENTH DAY OF SEPTEMBER, 2007**

KODIAK ISLAND BOROUGH

  
Jerome M. Selby, Borough Mayor

ATTEST:

  
Nova M. Javier, CMC, Borough Clerk

Introduced by:	Assembly
Requested by:	KFAC
Drafted by:	KFAC
Introduced:	12/06/2007
Adopted:	12/06/2007

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2008-13**

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY  
SUPPORTING THE KODIAK FISHERIES ADVISORY COMMITTEE'S CALL  
FOR THE IMPLEMENTATION OF DATA COLLECTION AND REPORTING  
FOR THE SEAFOOD HARVESTING LABOR SECTOR**

**WHEREAS**, commercial seafood harvesting is an important sector of the Alaskan economy and a major part of the economic base for Kodiak and Southwest Alaska; and

**WHEREAS**, a large percentage of the labor force in commercial seafood harvesting is not represented in state or federal labor data; and

**WHEREAS**, multiple agencies in the State of Alaska and the U.S. government are responsible for gathering, processing, and reporting data used to regulate and manage commercial seafood harvesting; and

**WHEREAS**, incomplete, inaccurate, or incompatible information on the commercial seafood harvesting sector, across jurisdictions and agencies, hinders the efforts of government agencies, economic development organizations, and the private sector to understand, cooperate, and resolve issues impacting the sector, and

**WHEREAS**, this lack of labor information hinders the ability of individual participants in the harvesting sector access and participate in state and federal programs available to other workers; and

**WHEREAS**, this lack of labor information precludes timely intervention and response by individuals, the fishing industry, and government when the number and quality of seafood harvesting jobs are being adversely impacted; and

**WHEREAS**, elected leaders, fishery policy makers, and fishery managers are asked to make key decisions and policies that impact the seafood harvesting sector absent information about the history and impacts those decisions and polices may have;

**NOW, THEREFORE, BE IT RESOLVED, BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:**

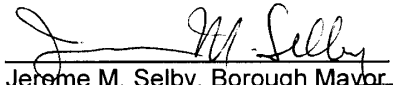
1. Fisheries organizations, fishers, regulators, managers, and other fisheries stakeholders throughout Alaska are urged to support the collection of seafood harvesting labor (crew) data; and
2. The Alaska Legislature is requested to provide adequate additional funding for the Department of Fish and Game (ADF&G) to conduct an objective analysis of the two preferred methods of the collection of seafood harvesting labor (crew) data being proposed by ADF&G and Southwest Alaska Municipal Conference (SWAMC) respectively; and




3. The Governor is urged to direct the Department of Law to identify issues of confidentiality that may prohibit the collection and distribution of such data and to provide statutory solutions that address the intent of a seafood harvesting labor (crew) data collection and reporting program; and
4. The Governor is further urged to direct the Fisheries Cabinet to work with SWAMC and other stakeholders to implement preferred improvements to seafood harvesting labor (crew) data collection and reporting.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS SIXTH DAY OF DECEMBER, 2007**

KODIAK ISLAND BOROUGH

  
Jerome M. Selby, Borough Mayor

ATTEST:

  
Nova M. Javier, CMC, Borough Clerk

Introduced by: Kodiak Fisheries Advisory  
Committee (KFAC)  
Requested by: Shawn Dochtermann  
Drafted by: Shawn Dochtermann/  
KFAC  
Introduced: 11/29/2007  
Failed 11/29/2007

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2008-19**

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY TO THE NORTH  
PACIFIC FISHERY MANAGEMENT COUNCIL – SUPPORTING THE  
BERING SEA CRAB CREWMEN'S PROPOSAL, A MOTION TO AGENDA,  
ANALYZE AND INCLUDE THESE HISTORICAL RIGHTS IN THE 3-YEAR REVIEW PROCESS  
(AND CONSIDER DURING 18-MONTH REVIEW)**

**WHEREAS**, the Kodiak Fisheries Advisory Council (KFAC) has met on September 4 and 20, 2007, with a significant portion of those meetings concerning the topics of crew data reporting and the Bering Sea Crewmembers Proposal- that the NPFMC consider scheduling an agenda item and staff tasking for the purposes of making this issue part of the 18 month and 3-year review of Crab Rationalization and beginning the socio-economic analysis required to properly assess historical rights for crewmen as vessel operators with business rights to shares on crab quota vessels that result in incomes that affect Kodiak, Alaska and other communities; and

**WHEREAS**, the Crewmen's Association has also come before both bodies to explain their proposal to reallocate a portion of quota rights to skippers and crewmen (vessel operators) in the form of a pool of shared but not owned 'common use' quota that they may take with them onto working vessels; and

**WHEREAS**, these bodies agree that the community, state, and regional economy have been negatively affected by the NPFMC and Secretary of Commerce, and Congress leaving behind those historical rights to a fair and equitable share for vessel operators; and

**WHEREAS**, a failure to consider these rights and a reallocation of that fair and equitable share to all within the vessel operators category may lead to judicial review, and that such a lawsuit might also enjoin the City and Borough and other communities; and

**WHEREAS**, this and other concerns warrant the NPFMC, Secretary of Commerce, and Congress addressing this issue before any litigation might occur - especially recognizing the failures of Due Process and related procedural and statutory concerns - such that the proper course of immediate action would be to make a motion to task Council staff for a respective socio-economic analysis and to agenda the Crewmen's Bering Sea Crab Proposal (copy attached); and

**WHEREAS**, regardless of any consensus of the KFAC, the Borough believes it to be in the best interests of the State of Alaska coastal communities and specifically -the 'balanced' interests of Kodiak fishermen, processors, businesses and residents, for it to support such a motion; and

**WHEREAS**, the leading component required for remedy is to deal with the Crewmen's Proposal;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Assembly of the Kodiak Island Borough asks the NPFMC Council members to introduce, second, and lend majority support to such Motion



placing the Crewmen's Proposal on the federal Council's agenda and beginning thorough analysis at the earliest date possible; and

**BE IT FURTHER RESOLVED THAT** the Assembly of the Kodiak Island Borough hereby requests that said motion be made at the Council before further discussions on crab shares ("A", "B" and "C") and the 90/10 split issues proceed further, so that the rights of all vessel operators in the crab fisheries off Alaska's Bering Sea and related coastal communities' interests may be properly addressed in light of the effects (so far, negative) to date, and consider changes to ensure potential benefits (maximizes multiplier benefits) to the State, Kodiak, and region by enhancing crew-based (fishermen) incomes that provide these direct, indirect and induced benefits.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007**

KODIAK ISLAND BOROUGH

\_\_\_\_\_  
Jerome M. Selby, Borough Mayor

ATTEST:

\_\_\_\_\_  
Nova M. Javier, CMC, Borough Clerk

**FAILED**

Introduced by: Manager Gifford  
Requested by: Manager Gifford  
Drafted by: Kodiak Fisheries  
Advisory Committee  
Introduced: 07/17/2008  
Adopted: 07/17/2008

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2009-02**

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY  
URGING FEDERAL FUNDING OF OBSERVER COVERAGE  
IN THE GULF OF ALASKA**

**WHEREAS**, vessels and shoreside processing facilities participating in Gulf of Alaska (GOA) federal fisheries are predominantly smaller in size and receive less revenue from commercial fishing than their counterparts in the Bering Sea/Aleutian Islands (BSAI); and

**WHEREAS**, daily costs of observer coverage is often higher operating in the GOA than the BSAI, due to the logistics of deploying observers to remote ports for short periods of time; and

**WHEREAS**, the Gulf of Alaska fishing industry pays disproportionately higher costs for federally mandated observer coverage when compared to the BSAI and other parts of the Nation; and

**WHEREAS**, the Gulf of Alaska fishing industry is comparable in size, capacity, and annual revenue to those based in U.S. non-Alaska coastal communities that have historically benefited from 100% federally-funded Observer Programs; and

**WHEREAS**, Alaska's coastal communities are generally far less diversified, have fewer economic opportunities, and are more dependent on commercial fishing than most fishing communities outside of Alaska; and

**WHEREAS**, the Gulf of Alaska federal fisheries deserve equitable treatment when compared to other U.S. regions that receive federal funding dollars to support their observer program needs; and

**WHEREAS**, federally funded observer coverage in the Gulf of Alaska would reduce the financial burden on the small, community-based GOA fisheries and thereby help promote economic stability and longevity in our communities; and

**WHEREAS**, an appropriation to increase federal funds to the North Pacific Groundfish Observer Program to offset observer costs by GOA vessel owners and processors would allow for a NMFS-directed observer deployment plan which would, in turn, result in more representative and statistically robust fisheries data; and

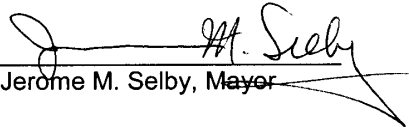
**WHEREAS**, the Kodiak Island Borough believes it is in the best interests of the State of Alaska's coastal communities to pursue U.S. government funding options for the globally recognized and respected North Pacific Groundfish Observer Program for Gulf of Alaska fisheries; and



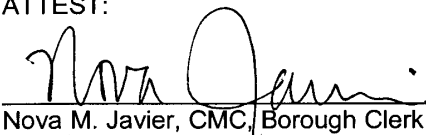
**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT** the Kodiak Island Borough urges the Alaska Congressional Delegation to seek federal funding, in whole or in part, for observer coverage for vessels and processors participating in federal fisheries in the Gulf of Alaska.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS SEVENTEENTH DAY OF JULY, 2008**

KODIAK ISLAND BOROUGH

  
Jerome M. Selby, Mayor

ATTEST:

  
Nova M. Javier, CMC, Borough Clerk

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Introduced by: Borough Assembly  
Requested by: Assembly/City Council  
Drafted by: KFAC  
Introduced on: 05/05/2011  
Adopted on: 05/05/2011

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY 2011-26**

**A RESOLUTION OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
AMENDING RESOLUTION NO. FY2008-03 REDUCING THE SEATS ON THE  
JOINT KODIAK FISHERIES ADVISORY COMMITTEE**

**WHEREAS,** Resolution No. FY2008-03 established a Joint Kodiak Fisheries Advisory Committee to take the place of the Joint Gulf of Alaska Groundfish Rationalization Task Force; and

**WHEREAS,** the purposes of the Kodiak Fisheries Advisory Committee are to provide recommendations, when appropriate, to the Borough Assembly and City Council regarding a Kodiak position on fisheries issues and to provide a forum for interested parties to discuss and, to the degree possible, reach consensus on fishery issues affecting Kodiak’s fishermen, processors, businesses, and residents; and

**WHEREAS,** the term of Kodiak Fisheries Advisory Committee appointments shall be three years provided that appointees terms shall extend until their replacements are named; and

**WHEREAS,** appointment to the Kodiak Fisheries Advisory Committee confers no rights or authority other than to make recommendations to the Borough Assembly and City Council concerning State and Federal fisheries management actions, which the Borough Assembly and City Council may accept or reject at their sole discretion; and

**WHEREAS,** representatives of the Borough Assembly, City Council, Kodiak residents serving on the North Pacific Fishery Management Council, the North Pacific Council’s Advisory Panel, and the Alaska Board of Fisheries are ex-officio non-voting members of the Kodiak Fisheries Advisory Committee; and

**WHEREAS,** Kodiak Fisheries Advisory Committee members have the authority to designate an alternate prior to a meeting if the member cannot attend; and

**WHEREAS,** the Kodiak Fisheries Advisory Committee has the authority to develop procedures for calling and conducting Committee meetings, determining the Committee’s position on issues, and resolving other Committee organizational matters; and

**WHEREAS,** the 17 seats on the Committee make it harder for the Committee to establish quorum; and

**WHEREAS,** on February 22, 2011, the Kodiak Fisheries Advisory Committee reviewed the make-up of the Committee, looked at options to increase efficiency, and recommended the following changes:

- Remove the “Large” and “Small” designations and make one seat for each sector.
- Reduce the “Business Community”, “Kodiak Rural Communities”, and “Citizen at Large” seat to one “Community” seat.



54 This would reduce the committee to eleven seats, leaving the following seats as voting  
55 members, and would allow for a quorum to be met with six members present.  
56

- |                                  |  |
|----------------------------------|--|
| Pot Vessels – Jeffery Stephan    | Crewmembers – Steve Branson                |
| Trawl Vessels – Al Burch         | Conservation Community – Theresa Peterson  |
| Longline Vessels – Chris Holland | Community - Lee Robbins                    |
| Jig Vessels – Alexis Kwachka     | ADFG Advisory Committee – Oliver Holm      |
| Salmon/ Herring Vessels - OPEN   | Lodge/Charter Boat Operators – Chris Fiala |
| Processors – Julie Bonnie        |  |

57  
58 Non-voting/ex-officio seats would remain the same with the following. If a member is elected  
59 to one of these seats and also holds one of the voting seats above they would remain a  
60 voting member.  
61

- 62 NPFMC Council Member(s) – Duncan Fields
- 63 NPFMC Advisory Panel Member(s) – Alexis Kwachka, Theresa Peterson, Matt Moir
- 64 City Council Representative - OPEN
- 65 Borough Assembly Representative – Sue Jeffrey

66  
67 The committee is also going to work on filling the Salmon/Herring Vessels and Community  
68 seats. The above seats and their representatives are only a recommendation. Some of  
69 these members currently hold the seat, some were recommended to different seats, and  
70 some would be new members.  
71

72 **WHEREAS,** the Borough and the City of Kodiak desire to continue to make joint  
73 appointments to vacant and/or vacated seats; and  
74

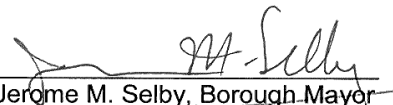
75 **WHEREAS,** the Borough desires to appoint future members to the Kodiak Fisheries  
76 Advisory Committee via motion.  
77

78 **NOW, THEREFORE BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND**  
79 **BOROUGH** that the recommendation of the Kodiak Fisheries Advisory Committee to reduce  
80 the committee seats as stated in this resolution is approved.  
81

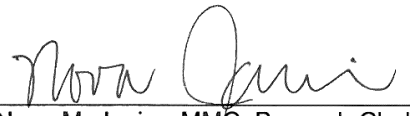
82 **BE IT FURTHER RESOLVED** that the above individuals named are appointed through this  
83 resolution and any future appointments to the Committee shall be made via motion.  
84

85 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
86 **THIS FIFTH DAY OF MAY, 2011**  
87

88 KODIAK ISLAND BOROUGH

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92 Jerome M. Selby, Borough Mayor

92 ATTEST:

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96 Nova M. Javier, MMC, Borough Clerk  
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Introduced by: Borough Assembly  
Requested by: Kodiak Fisheries Advisory Council  
Drafted by: Borough Clerk  
Introduced on: 12/15/2011  
Adopted on:

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY 2012-13**

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY URGING  
THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
TO PROVIDE FOR VIDEOCONFERENCING AND OTHER MEANS OF  
REMOTE COMMUNICATION FOR ITS MEETINGS**

**WHEREAS,** Kodiak is a fishing community, and Kodiak's economic health and social welfare depend on the sustained ability of its residents to harvest and process the marine resources of the Gulf of Alaska and the Bering Sea; and

**WHEREAS,** it is in Kodiak's best interest for its Borough and City governments to be well informed regarding the potential impacts of State and Federal fishery management actions on the Kodiak community and to have an opportunity to effectively comment on such actions before they are taken; and

**WHEREAS,** the Kodiak Island Borough Assembly and Kodiak City Council have established a Joint Kodiak Fisheries Advisory Committee for the purpose of providing recommendations regarding Kodiak's position on fisheries issues, and to provide a forum for interested parties to discuss, and, to the degree possible, reach consensus on fisheries issues affecting Kodiak's fishermen, processors, businesses, and residents;

**WHEREAS,** it is important for the Joint Kodiak Fisheries Advisory Committee to attend the North Pacific Fishery Management Council meetings and stay abreast of information provided at these meetings; and

**WHEREAS,** North Pacific Fishery Management Council meetings are often held in the Pacific Northwest and remote areas of the State of Alaska; and

**WHEREAS,** travel expenses to these areas can be cost prohibitive and may ultimately reduce access to vital information and decisions being made by the North Pacific Fishery Management Council; and

**WHEREAS,** the Kodiak Fisheries Advisory Committee met on September 16, 2011, and agreed that the Kodiak Island Borough Assembly and Kodiak City Council should consider urging the North Pacific Fishery Management Council to provide video conferencing of its meetings; and



46 **WHEREAS,** there are many other Alaskan coastal communities who would also benefit  
47 from video conferencing, and

48  
49 **WHEREAS,** video conferencing gives access to participants who are limited by their  
50 physical location; and

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52 **WHEREAS,** attending the meetings in person is expensive and cost prohibitive due to travel  
53 costs, and attendance by video conference could substantially save money for interested  
54 parties; and

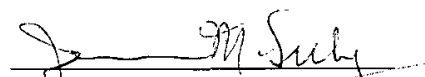
55  
56 **WHEREAS,** attendance by video and remote conferencing will provide rural communities  
57 the choice and flexibility to be involved in the process without the huge demands of  
58 substantial travel time and costs;

59  
60 **WHEREAS,** with advances in technology, video and remote conferencing has become  
61 increasingly popular and as the reliability and affordability of videoconferencing technologies  
62 continues to improve, agencies have become more and more creative in incorporating this  
63 technology.

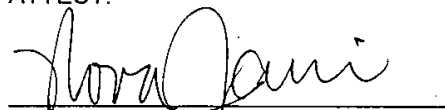
64  
65 **NOW, THEREFORE BE IT RESOLVED, THAT THE ASSEMBLY OF THE KODIAK ISLAND**  
66 **BOROUGH** endorses and urges the use of video conferencing and other means of remote  
67 communication where feasible and desirable for participation in the North Pacific Fishery  
68 Management Council meetings.

69  
70 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
71 **THIS FIFTEENTH DAY OF DECEMBER, 2011**

72  
73 KODIAK ISLAND BOROUGH

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76 Jerome M. Selby, Borough Mayor

77 ATTEST:

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80 Nova M. Javier, MMC, Borough Clerk  
81



# Kodiak Island Borough

Community Development Department  
710 Mill Bay Road  
Kodiak, Alaska 99615  
Phone (907) 486-9363 Fax (907) 486-9396  
www.kodiakak.us



February 27, 2016

Ms. Pat Branson, Mayor  
City of Kodiak  
710 Mill Bay Road, Room 219  
Kodiak, AK 99615

Re: Accessory Dwelling Units

Dear Mayor Branson:

This letter is follow up on your February 10, 2016 letter to the Planning and Zoning Commission regarding Accessory Dwelling Units (ADUs).

We understand the City has some concerns about the ADU proposal, particularly with respect to City services and infrastructure. Please be assured that Borough staff will continue to work with the City to address these concerns. The Community Development Department will be happy to meet with you, the City Council, or city staff to discuss the ADU proposal in greater detail. We are hopeful these discussions will continue in future as P&Z continues their review of ADUs.

Upon review of your letter, I believe it is important to address what appears to be some misunderstanding of the ADU proposal and its potential impacts. For example:

- Is the ADU proposal a new topic?

The short answer is no. Including provisions for ADUs was one of the 2010 recommendations of the Project Advisory Committee (PAC) for the code update project (which ended about 1 year ago). City staff was well aware of this proposal and copies of the draft regulations were provided to the City. The concept of ADUs in Kodiak arose again during P&Z and Borough Assembly discussions following the announced closure of Jackson's Mobile Home Park in June of last year. Since that time, P&Z has held 6 work sessions and two public hearings on ADUs. And in addition to legal notices, display ads, social media ads, and 2 appearances on KMXT's Talk of the Rock program, I spoke about ongoing zoning code changes (including



ADUs) at City Council work sessions on July 22, 2015, October 20, 2015, and January 12, 2016.

- Does the ADU ordinance rezone any property or change all R-1 zoned property to R-2?

No. This issue has been raised at P&Z public hearings and, I believe, adequately answered. The draft ordinance adds ADUs as a permitted accessory use in the list of permitted uses in the R-1, R-2, RR, RR-1, RR-2, and C zoning districts. A January 6, 2016 staff memo to P&Z addressed this issue as shown below:

***Allowing ADUs is a change of zoning***

*The draft ordinance does not change the zoning of any property in the borough. It does, however, change the text of Title 17, Zoning, by including ADUs as a new type of accessory land use in residential zoning districts. Chapter 17.205 KIBC, Amendments and Changes identifies both "an area proposed to be rezoned" (i.e., "any change in the boundaries of a district") and "a change in this title" separately in several sections of this chapter.*

*Staff also notes that previous ordinances changing the text of Title 17 have never been considered a change of zoning. The Borough Attorney has reviewed the draft ordinance and concurs that the ordinance is not a change of zoning.*

In addition to our own code procedures for zoning code amendments, staff researched how other communities have processed code amendments to allow ADUs. To date, we have not found a single example where adding ADU provisions to a zoning ordinance (or other zoning code text amendments) has been deemed a rezone or processed as such.

- Is there a need to define affordable and work force housing or to conduct an analysis of housing needs?

We believe the answer to this question is no. The draft ordinance does not attempt to define the terms "affordable housing" or "workforce housing." A definition of Accessory Dwelling Units is included, as follows:

**17.25.020 A definitions.**

"Accessory Dwelling Unit (ADU)" means an additional dwelling unit attached to or within a single-family residence or within a detached accessory structure on the same lot as the single-family residence. ADUs have a separate entrance and exit and contain kitchen, bathroom, and sleeping facilities.

The draft ordinance contains the following expression of intent with respect to ADUs:

**17.160.070 Accessory Dwelling Units**

**A. Intent.**

Accessory dwelling units (ADUs) add options and housing choice in residential neighborhoods and can be an effective way to add affordable housing to existing neighborhoods. ADUs also provide a flexible way to address family needs for additional

housing. ADUs are not intended for use as transient housing and shall not be permitted for use as a bed and breakfast.

1. ADUs are not intended to allow a two-family residence in the R-1 zoning district.
2. ADUs are not intended to circumvent the parking requirements for a two-family dwelling (duplex) in the R-2 zoning district.

I believe the expressed intent is consistent with public testimony at numerous public meetings, where the need for less expensive housing options in Kodiak is mentioned on a regular basis. The ADU proposal is designed to address this issue in our zoning code by allowing a new type of housing option that is generally less costly than construction of a typical single-family residence. Since the Borough has not adopted housing powers, the ADU proposal is not intended to create an affordable housing program. This approach is also consistent with how other communities have approached the question of accessory dwelling units (i.e., an optional form of housing as a land use entitlement and not a formal affordable housing program).

- Will ADUs have adverse impacts on City systems, such as roads, utilities, traffic, green spaces, and vegetation, impact on property values, and desirable population density?

The Borough is not quite sure how to answer these concerns, particularly as the City has never raised these issues in the past with any development proposal or code change being reviewed by P&Z. To begin the discussion of these issues, the Borough would be interested in information on the following:

- 1) Has the City adopted any level of service standards for roads?
- 2) Has the City adopted any policies or code requirements for green spaces?
- 3) Has the City adopted any policies or code requirements for retention of vegetation during site development?
- 4) Has the City adopted or determined a desirable population density?

The Borough is interested in this information because absent specific City policy direction or code requirements, we are concerned as to what objective standards would be applicable to evaluate the actual or perceived impacts on these City systems.

- Will ADUs have adverse impacts to City water, sewer, and emergency response?

Fire Chief Mullican recently met with staff to discuss how fire code requirements are implemented through the building permit process. Chief Mullican had an excellent suggestion for delineating the path of travel to an ADU entrance on the site plan that goes with the zoning compliance and building permits. It is our intent to include this requirement in the staff recommendation to P&Z at their next public hearing.

With respect to the water system, Mr. Kozak's 2/05/16 email and discussion at the P&Z work session seem to indicate that additional residential development should not be an issue for the water system.

Regarding sewer, the Borough would be interested in the following information:

- 1) Was the wastewater treatment plant designed to accommodate maximum buildout of existing parcels under current zoning designations (e.g., development of all vacant R-1

- zoned lots, a duplex on every lot zoned R-2, and full development of all other residential, commercial, and industrially zoned parcels) ?
- 2) Does the City have data on the average wastewater flow per household?
- 3) What is the maximum population that can be served by the wastewater treatment plant before improvements or expansion are required?
- 4) Has the City adopted a work program or CIP list to address what appears to be a large infiltration and inflow problem into the sewer collection system?
- 5) Has the City adopted a work program or CIP list to upgrade the transmission line from the Mill Bay Beach station back to the main wastewater treatment plant?

During the February 10<sup>th</sup> P&Z work session, there appeared to be consensus to postpone the third public hearing on this ordinance to the May 18<sup>th</sup> P&Z regular meeting, with P&Z continuing to evaluate the proposal at their March 9<sup>th</sup>, April 13<sup>th</sup>, and May 11<sup>th</sup> work sessions. P&Z did not have a quorum for their February 17th public hearing, so formal postponement will not occur until the March 16th regular P&Z meeting. We will keep you informed as to the schedule for additional public hearings and work sessions. And as noted above, we would be happy to meet with City representatives to discuss the ADU proposal in greater detail.

I have also attached the most recent draft of the ADU ordinance and staff memos to P&Z on this topic, Please feel free to contact the Community Development Department at (907) 486-9363 with any additional questions or concerns you may have regarding this matter.

Sincerely,



Robert H. Pederson, AICP  
Community Development Director

cc. Planning and Zoning Commission  
Borough Assembly  
Borough Lands Committee





**SUPPLEMENTAL STAFF REPORT AND RECOMMENDATION**

**Case No. 16-007.** An ordinance amending KIBC Chapters 17.25 (Definitions) and 17.160 (Accessory Buildings) to include development standards for accessory dwelling units in the Borough. This ordinance will also amend the following KIBC Chapters to specifically list accessory dwelling units as a permitted use:

- 17.50 (C-Conservation District)
- 17.60 (RR2-Rural Residential Two District)
- 17.65 (RR-Rural Residential District)
- 17.70 (RR1-Rural Residential One District)
- 17.75 (R1-Single-family Residential District)
- 17.80 (R2-Two-family Residential District)

DATE: February 12, 2016  
 TO: Planning and Zoning Commission  
 FROM: Community Development Department  
 SUBJECT: Information for the February 17, 2016 Regular Meeting  
 APPLICANT: Kodiak Island Borough  
 LOCATION: Borough-wide  
 ZONING: Certain residential zoning districts

**STAFF COMMENTS**

At the February 10, 2016 work session, the Commission received new comment letters and discussed allowing additional time to thoroughly examine the possible impacts of ADUs.

**RECOMMENDATION**

Staff recommends that Case No. 16-007 be postponed to the May 18, 2016 regular meeting to allow borough and city staff additional time to research potential impacts.

- Note: To allow the provision of additional information and facilitate further Commission discussion, staff will ensure the case is placed on the March and April agendas as an old business item.

**APPROPRIATE MOTION**

Should the Commission agree with the staff recommendation, the appropriate motion is:  
 Move to postpone Case No. 16-007 to the May 18, 2016 Planning and Zoning Commission regular meeting.

Staff recommends this motion be approved.

PUBLIC HEARING ITEM 7-C  
P & Z REGULAR MEETING: FEBRUARY 17, 2016



## **Kodiak Island Borough**

**Community Development Department**

710 Mill Bay Road

Kodiak, Alaska 99615

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

[www.kodiakak.us](http://www.kodiakak.us)

### **Memorandum**

**Date:** February 5, 2016

**To:** Planning and Zoning Commission

**From:** Robert H. Pederson, AICP - Director 

**RE:** Accessory Dwelling Units – supplemental information for the February 17th public hearing

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On January 20, 2016, the Planning and Zoning Commission held a second public hearing on this case. Following the public hearing, the commission postponed this matter to February 17<sup>th</sup> for a third public hearing. This memo is to transmit additional information for the record that has been received since the January 20<sup>th</sup> public hearing.

#### **New or updated information**

- A 1/20/16 e-mail from P&Z commissioner Painter with suggested changes to the text of the draft ordinance
- A 1/21/16 e-mail from P&Z commissioner Painter transmitting a 2008 HUD case study on ADUs. This e-mail also contained a link to [accessorydwellings.org](http://accessorydwellings.org) for additional information on this subject.
- Population and housing data from the 2010 Census for Kodiak.
- January 2013 Kodiak Economic Development and Housing Survey prepared by the Kodiak Chamber of Commerce.
- Public comments received since the January 20<sup>th</sup> public hearing.
- Information from the City of Kodiak Public Works Department regarding water and sewer capacity.

**Additional advertising and public outreach**

Since the January 20<sup>th</sup> public hearing, the Borough has published additional display ads, updated the information on the Borough web site, and placed an ad on Facebook with a link to ADU information. Staff has also posted a flyer around town (Harborside, Sutliffs, Safeway, Post Office, Library, Walmart, and Fly By) and will speak at the two Rotary clubs on February 9<sup>th</sup> and 10<sup>th</sup>.

**Information from prior P&Z public hearing packets**

The packet also includes the packet materials and minutes from the December and January public hearings.

**Remaining Details for P&Z Consideration**

Should Commissioners wish to change any aspect of the ADU proposal, this should be accomplished by offering motions to amend the draft ordinance.





PUBLIC HEARING ITEM 7-C  
P & Z REGULAR MEETING: JANUARY 20, 2016

**SUPPLEMENTAL STAFF REPORT AND RECOMMENDATION**

**Case No. 16-007.** An ordinance amending KIBC Chapters 17.25 (Definitions) and 17.160 (Accessory Buildings) to include development standards for accessory dwelling units in the Borough. This ordinance will also amend the following KIBC Chapters to specifically list accessory dwelling units as a permitted use:

- 17.50 (C-Conservation District)
- 17.60 (RR2-Rural Residential Two District)
- 17.65 (RR-Rural Residential District)
- 17.70 (RR1-Rural Residential One District)
- 17.75 (R1-Single-family Residential District)
- 17.80 (R2-Two-family Residential District)
- 17.85 (R3-Multi-family Residential District)

DATE: January 15, 2016  
 TO: Planning and Zoning Commission  
 FROM: Community Development Department  
 SUBJECT: Information for the January 20, 2016 Regular Meeting  
 APPLICANT: Kodiak Island Borough  
 LOCATION: Borough-wide  
 ZONING: Varies

**STAFF COMMENTS**

At the December 16, 2015 regular meeting, the Commission postponed the proposed amendments to include development standards for accessory dwelling units in KIBC Title 17 (Zoning) to the January 20, 2016 regular meeting. The Commission further reviewed the proposed amendments at their January 13, 2016 work session.

The attached ordinance shows all changes from existing KIBC Title 17 zoning requirements in the underline/strikethrough format. This ordinance should be substituted for the version distributed to you for the December 16, 2016 public hearing.

**FURTHER CHANGES**

Should the Commission substitute the attached ordinance for the previous version, further changes to the ordinance must be recommended through a motion to amend. Approved amendments will be incorporated into the ordinance prior to transmittal to the Assembly.

**PRIOR MOTIONS**

**MAIN MOTION ON THE FLOOR**

COMMISSIONER SCHMITT MOVED to recommend that the Assembly of the Kodiak Island Borough approve the ordinance amending KIBC Chapters 17.25 (Definitions) and 17.160 (Accessory Buildings), and related Chapters of Title 17 (Zoning) to include the standards for accessory dwelling units in the Borough and to specifically list accessory dwelling units as a permitted use in all residential zoning districts, and to adopt the findings of fact listed in the staff report entered into the record for this case as "Findings of Fact" for Case No. 16-007.



**MOTION TO POSTPONE**

COMMISSIONER SCHMITT MOVED to postpone this case to the January 20, 2016 regular meeting (this motion passed).

**RECOMMENDATION TO AMEND BY SUBSTITUTION**

Staff recommends that the attached ordinance be substituted for the version distributed to you for the December 16, 2016 public hearing.

Should the Commission agree with the staff recommendation, the appropriate motion is:

Move to amend, by substitution, the attached ordinance amending Chapters 17.25 KIBC (Definitions), and 17.160 (Accessory Buildings), and related Chapters of Title 17 (Zoning) to include development standards for accessory dwelling units in the Borough.

Staff recommends this motion be approved.

**FINDINGS OF FACT (KIBC 17.205.020)**

1. There is a growing need for additional affordable and workforce housing options in Kodiak. The use of accessory dwelling units may be one part of a regulatory solution to address this multi-faceted issue.
2. Current KIBC Title 17 (Zoning) does not include regulatory requirements for accessory dwelling units and does not list them as a permitted use in any zoning district
3. The amendments to Chapters 17.25, 17.160, and related Chapters of Title 17 KIBC provide the regulatory requirements for accessory dwelling units and list accessory dwelling units as a permitted use in certain residential zoning districts.
4. The amendments to Chapters 17.25, 17.160, and related Chapters of Title 17 KIBC are consistent with the adopted Comprehensive Plan goals and policies related to housing and specifically, affordable housing.
5. The Planning and Zoning Commission recommends approval of the amendments to Chapters 17.25, 17.160, and related Chapters of Title 17 KIBC.

PUBLIC HEARING ITEM 7-C  
P & Z REGULAR MEETING: JANUARY 20, 2016

Introduced by: KIB Manager  
Requested by: P&Z Commission  
Drafted by: CDD  
Introduced:  
Public Hearing:  
Adopted:

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**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2016-XX**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND  
BOROUGH AMENDING CHAPTERS 17.25 KIBC (DEFINITIONS),  
17.160 KIBC (ACCESSORY BUILDINGS), AND RELATED CHAPTERS  
OF TITLE 17, ZONING TO INCLUDE DEVELOPMENT STANDARDS  
FOR ACCESSORY DWELLING UNITS AND TO SPECIFICALLY LIST  
ACCESSORY DWELLING UNITS AS A PERMITTED USE IN CERTAIN  
RESIDENTIAL ZONING DISTRICTS**

**WHEREAS**, as a second class Borough, the Kodiak Island Borough excercises planning, platting, and land use regulations on an area wide basis pursuant to Chapter 29.40 Alaska Statutes; and

**WHEREAS**, in accordance with AS 29.40, the Kodiak Island Borough adopted the 2008 Comprehensive Plan update on December 6, 2007 (Ordinance No. FY2008-10) to replace the 1968 Comprehensive Plan; and

**WHEREAS**, the Kodiak Island Borough has adopted KIBC Title 17 (Zoning) in accordance with AS 29.40 to implement the Kodiak Island Borough Comprehensive Plan; and

**WHEREAS**, KIBC 17.205.010 provides that "Whenever the public necessity, convenience, general welfare or good zoning practice requires, the assembly may, by ordinance and after report thereon by the commission and public hearing as required by law, amend, supplement, modify, repeal or otherwise change these regulations and the boundaries of the districts;" and

**WHEREAS**, there is a growing awareness of the need for additional affordable and workforce housing options in Kodiak; and

**WHEREAS**, the use of accessory dwelling units may be one part of a regulatory solution to address this multi-faceted issue; and

**WHEREAS**, KIBC Title 17 (Zoning) does not include regulatory requirements for accessory dwelling units and does not list them as a permitted use in any zoning district; and

**WHEREAS**, the public necessity and general welfare of the community may be better served by amending the code to include development standards and zoning requirements for accessory dwelling units and to list them as a permitted use in all residential zoning districts; and

**WHEREAS**, the amendments to Chapters 17.25 KIBC (Definitions), 17.50 (C-Conservation), 17.60 (RR2-Rural Residential Two), 17.65 (RR-Rural Residential), 17.70 (RR1-Rural Residential One), 17.75 (R1-Single-family Residential), 17.80 (R2-Two-family Residential), and 17.16 (Accessory Buildings) of Title 17 will accomplish the stated public need; and



54 WHEREAS, the Planning and Zoning Commission held work sessions or special meetings  
55 to review the proposed changes on October 7, 2015, October 14, 2015, November 10  
56 2015, December 9, 2015, and January 13, 2016; and  
57

58 WHEREAS, the Planning and Zoning Commission set aside time for public input and  
59 discussion at each work session; and  
60

61 WHEREAS, the Planning and Zoning Commission held public hearings on December 16,  
62 2015 and January 20, 2016 and following the January 20, 2016 public hearing, voted to  
63 transmit their recommendations for revisions to Title 17 to the Borough Assembly; and  
64

65 NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND  
66 BOROUGH that:  
67

68 Section 1: This ordinance is of a general and permanent nature and shall become a  
69 part of the Kodiak Island Borough Code of Ordinances; and  
70

71 Section 2: This ordinance shall be effective upon adoption.  
72

73 Chapter 17.25  
74 DEFINITIONS

75 ...  
76

77 17.25.020 A definitions.  
78

79 ...  
80

80 "Accessory Dwelling Unit (ADU)" means an additional dwelling unit attached to or  
81 within a single-family residence or within a detached accessory structure on the  
82 same lot as the single-family residence. ADUs have a separate entrance and exit  
83 and contain kitchen, bathroom, and sleeping facilities.  
84

85 ...  
86

87 Chapter 17.160  
88 ACCESSORY BUILDINGS AND ACCESSORY DWELLING UNITS

89 Sections:

90 17.160.010 Intent.

91 17.160.020 Definition.

92 17.160.030 Permitted districts.

93 17.160.040 Height limit.

94 17.160.050 Area.

95 17.160.060 Setbacks.

96 17.060.070 Accessory Dwelling Units.  
97

98 17.160.010 Intent.

99 It is the intent of this chapter to set forth standards for the size and location of accessory  
100 buildings and accessory dwelling units. Hoop houses shall not be subject to the  
101 limitations of this chapter in all zoning districts where hoop houses are permitted. [Ord.

102 FY2012-10 §12, 2012; Ord. 90-31 §2, 1990; Ord. 82-14-O(A) §2, 1982. Formerly  
103 §17.51.010].

104  
105 **17.160.020 Definition.**

106 "Accessory building" means:

107 A. A detached building, the use of which is appropriate, subordinate and customarily  
108 incidental to that of a main building, located on the same lot as the main building and  
109 which is not designed or intended to be used for living or sleeping purposes.

110 B. An accessory building shall be considered to be a part of the main building when joined  
111 to the main building by a common wall not less than four feet long or by a roofed  
112 passageway which shall not be less than eight feet in width.

113 C. Any structure, regardless of type of foundation or base support, including skid-mounted  
114 or other movable structure, that also requires a building permit for construction (for  
115 example, structures where the projected roof area exceeds 120 square feet). A minor  
116 structural development that does not require a building permit is not regulated by this  
117 chapter.

118 D. A nonmotorized container van when used for the sole purpose of storing emergency  
119 response equipment in the Kodiak Island Borough and not placed on a permanent  
120 foundation. [Ord. 2001-01 §2, 2001; Ord. 90-31 §2, 1990; Ord. 82-14-O(A) §2, 1982.  
121 Formerly §17.51.020].

122  
123 **17.160.030 Permitted districts.**

124 A. Accessory buildings are permitted in all land use districts that specifically allow for  
125 them.

126 B. In residential zoning districts, no accessory building shall be located on any lot in the  
127 absence of a main building used as a residence; except that in the case of a vacant lot,  
128 zoning compliance for an accessory building (used solely for the storage of tools and  
129 materials needed for the construction of the permitted residence) may be issued at the  
130 same time zoning compliance and a building permit are issued for a residence.

131 C. An accessory building as defined by KIBC 17.160.020(D) is permitted in all zoning  
132 districts with authorization from the local municipality and issuance of a zoning compliance  
133 permit. [Ord. 2001-01 §3, 2001; Ord. 90-31 §2, 1990; Ord. 82-14-O(A) §2, 1982. Formerly  
134 §17.51.030].

135  
136 **17.160.040 Height limit.**

137 The maximum height of an accessory building is 25 feet. An exception to this section is  
138 any structure that meets the definition of an amateur radio antenna as outlined in AS  
139 29.35.141. [Ord. FY2006-08 §2, 2006; Ord. 90-31 §2, 1990; Ord. 82-14-O(A) §2, 1982.  
140 Formerly §17.51.040].

141  
142 **17.160.050 Area.**

143 A. The maximum lot coverage of the total of all accessory buildings on a lot shall not  
144 exceed 10 percent of the area of a lot except that on any lot of record, accessory buildings  
145 may cover a maximum of 600 square feet of the lot or 10 percent of the area of the lot,  
146 whichever is greater.

147 **B. Accessory dwelling units are exempt from the lot coverage limitations of this**  
148 **section.**

149

150 **17.160.060 Setbacks.**

151 The setbacks for accessory buildings and accessory dwelling units are those  
152 established for the zoning district in which the accessory building will be located.

153

154 **17.160.070 Accessory Dwelling Units.**

155 **A. Intent.**

156 Accessory dwelling units (ADUs) add options and housing choice in residential  
157 neighborhoods and can be an effective way to add affordable housing to existing  
158 neighborhoods. ADUs also provide a flexible way to address family needs for  
159 additional housing. ADUs are not intended for use as transient housing and shall  
160 not be permitted for use as a bed and breakfast.

161 1. ADUs are not intended to allow a two-family residence in the R-1 zoning  
162 district.

163 2. ADUs are not intended to circumvent the parking requirements for a two-  
164 family dwelling (duplex) in the R-2 zoning district.

165 **B. Permitted Uses.**

166 1. ADUs are a permitted use in the following residential zoning districts:

167 a. Chapter 17.50 KIBC, C-Conservation District;

168 b. Chapter 17.60 KIBC, RR2-Rural Residential Two District;

169 c. Chapter 17.65 KIBC, RR-Rural Residential District;

170 d. Chapter 17.70 KIBC, RR1-Rural Residential One District;

171 e. Chapter 17.75 KIBC, R1-Single-family Residential District;

172 f. Chapter 17.80 KIBC, R2-Two-family Residential District.

173 **C. Development Standards for ADUs.**

174 1. Only one ADU shall be permitted on a lot.

175 2. Location. An ADU may be attached to or located within a single-family  
176 residence or within a detached accessory building on the same lot as the single-  
177 family residence. If the ADU is located within a single-family dwelling, there shall  
178 only be one entrance to the front of the house. Separate entrances to an ADU are  
179 permitted at the side or the rear of the principal dwelling unit..

180 3. ADUs are required to comply with all applicable building and fire code  
181 requirements.

182 4. Water supply and wastewater disposal. The accessory dwelling unit must  
183 have a bathroom and shall share the same sewage disposal and water supply  
184 systems (e.g., a well and septic system or connection to public water and sewer)  
185 as the principal dwelling unit unless separate sewer and water connections are  
186 required by the City of Kodiak, ADEC, or the communities of Ahkiok, Karluk,  
187 Larsen Bay, Old Harbor, Ouzinkie, or Port Lions.

188 5. Parking. Four off-street parking spaces are required for any lot with an ADU (3  
189 for the existing dwelling unit and 1 for the ADU.

190 **6. Size Limit.**

191 a. Within the C-Conservation, RR-Rural Residential, RR1- Rural Residential 1,  
192 and RR2 - Rural Residential 2 zoning districts, if the ADU and the principal  
193 residence are located on the same floor or story, the ADU shall be limited to



194 33 percent of the total living area of the principal dwelling or 800 square feet  
195 square feet, whichever is less.

196 b. Within the R1 – Single-family Residential and R2 – Two-family Residential  
197 zoning districts, if the ADU and the principal residence are located on the  
198 same floor or story, the ADU shall be limited to 33 percent of the total living  
199 area of the principal dwelling or 650 square feet square feet, whichever is  
200 less.

201 c. If the ADU is located on a single floor or story and there is no increase in  
202 the size of the house, the entire floor or story may be used for the ADU.

203 d. An ADU in a detached accessory building is limited to 800 square feet in  
204 the C, RR, RR1, and RR2 zoning districts. ADUs in detached accessory  
205 buildings in the R1 or R2 zoning districts is limited to 650 square feet.

206 e. Mobile homes, recreational vehicles, campers, and travel trailers are not  
207 permitted to be used as an ADU.

208 7. The accessory dwelling may contain no more than a living area, kitchen area,  
209 one bedroom, and one bath.

210 8. The owner of the property shall live in the principal dwelling or the ADU.

211 9. No more than two people shall reside in the ADU.

212 10. No new access points or driveways shall be created or installed for access to  
213 the ADU.

214 11. Nonconforming structures.

215 a. ADUs may be located within an existing single-family detached dwelling  
216 that is nonconforming with respect to required setbacks, provided the ADU  
217 requirement for off-street parking is met.

218 b. ADUs are prohibited in any accessory structure that is nonconforming  
219 with respect to required setbacks.

220  
221 ...

Chapter 17.50  
C – CONSERVATION DISTRICT

222  
223  
224  
225  
226 ...

227  
228 **17.50.030 Permitted accessory uses and structures.**

229 In addition to those uses and structures specifically identified in KIBC 17.50.020, the  
230 following accessory uses and structures are permitted when developed in support of  
231 permitted principal uses:

232  
233 ...

234  
235 B. Accessory residential buildings (e.g., accessory dwelling units, crew quarters in  
236 support of commercial set-net fishing and lodge operations, banyas, outhouses, etc.);

237  
238 ...

239  
240 Chapter 17.60  
241 RR2 – RURAL RESIDENTIAL TWO DISTRICT

242  
243 ...  
244  
245 **17.60.020 Permitted uses.**  
246 The following land uses and activities are permitted in the rural residential two district:

247 A. Accessory buildings and accessory dwelling units;  
248  
249 ...

250 **Chapter 17.65**  
251 **RR – RURAL RESIDENTIAL DISTRICT**

252  
253 ...  
254  
255 **17.65.030 Permitted accessory uses and structures.**

256 A. Accessory buildings and accessory dwelling units;  
257  
258 ...

259 **Chapter 17.70**  
260 **RR1 – RURAL RESIDENTIAL ONE DISTRICT**

261 ...  
262 ...  
263  
264 **17.70.020 Permitted uses.**  
265 The following land uses are permitted in the rural residential one district:  
266 A. Accessory buildings and accessory dwelling units;

267 ...  
268  
269 **Chapter 17.75**  
270 **R1 – SINGLE-FAMILY RESIDENTIAL DISTRICT**

271 ...  
272  
273 **17.75.020 Permitted uses.**  
274 The following land uses and activities are permitted in the single-family residential district:

275 A. Accessory buildings and accessory dwelling units;  
276 ...

277 **Chapter 17.80**  
278 **R2 – TWO-FAMILY RESIDENTIAL DISTRICT**

279 ...  
280 ...  
281  
282 **17.80.020 Permitted uses.**  
283 The following land uses are permitted in the two-family residential district:

- 284 A. Accessory buildings;
- 285 B. Beauty shops;
- 286 C. Churches;
- 287 D. Clinics;
- 288 E. Greenhouses;
- 289 F. Home occupations;
- 290 G. Hospitals;

PUBLIC HEARING ITEM 7-C  
P & Z REGULAR MEETING: JANUARY 20, 2016

- 291 H. Parks and playgrounds;
- 292 I. Professional offices;
- 293 J. Schools;
- 294 K. Single-family dwellings;
- 295 L. Two-family dwellings;
- 296 M. Vacation homes;
- 297 N. Bed and breakfasts; and
- 298 O. Hoop houses; and
- 299 **P. Accessory dwelling units when there is a single-family residence on the**
- 300 **property.** [~~Ord. FY2016-06 §2, 2016; Ord. FY2012-10 §10, 2012; Ord. FY2007-08-0~~
- 301 ~~§40, 2006; Ord. 83-17-O §3, 1983. Formerly §17.10.020.~~
- 302
- 303

ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016

KODIAK ISLAND BOROUGH

\_\_\_\_\_  
Jerrol Friend, Borough Mayor

ATTEST:

\_\_\_\_\_  
Nova M. Javier, MMC, Borough Clerk





# **Kodiak Island Borough**

**Community Development Department**  
710 Mill Bay Road  
Kodiak, Alaska 99615  
Phone (907) 486-9363 Fax (907) 486-9396  
[www.kodiakak.us](http://www.kodiakak.us)

## **Memorandum**

**Date:** January 6, 2015  
**To:** Planning and Zoning Commission  
**From:** Robert H. Pederson, AICP - Director *RHP*  
**RE:** Accessory Dwelling Units – issues raised at the December 16th public hearing

This memo is to address some of the issues and questions raised at your recent public hearing on the proposed zoning code changes to allow accessory dwelling units in residential zoning districts in the Kodiak Island Borough.

### **Background**

The concept of allowing ADUs in Kodiak was included in the recommendations of the Project Advisory Committee in the 2010-2013 timeframe as part of the code update project. Previous staff reports for the code update hearings also addressed the ADU issue in some detail. When the closure of Jackson's mobile home park was announced in May of last year, the Planning and Zoning Commission began consideration of a number of possible regulatory changes, including ADUs, to address the need for affordable and workforce housing.

### **Issues Raised in Public Comment**

During the December 16<sup>th</sup> P&Z public hearing, the following issues were raised regarding ADUs. Staff comments/responses to each issue follow each comment.

- Allowing ADUs is a change of zoning

The draft ordinance does not change the zoning of any property in the borough. It does, however, change the text of Title 17, Zoning, by including ADUs as a new type of accessory land use in residential zoning districts. Chapter 17.205 KIBC, Amendments and Changes identifies both "an area proposed to be rezoned" (i.e., "any change in the boundaries of a district") and "a change in this title" separately in several sections of this chapter.

Staff also notes that previous ordinances changing the text of Title 17 have never been considered a change of zoning. The Borough Attorney has reviewed the draft ordinance and concurs that the ordinance is not a change of zoning.

- There should have been direct notice to property owners

KIBC 17.205.040 does not require notice to all property owners for a change in the text of the zoning code. Direct notice to nearby property owners is only required for a rezone (and then in the same manner as for a variance). Changes to the text of the code are adopted by ordinance, with published notice in advance of public hearings. This has been the process for all code changes since the inception of the Kodiak Island Borough. The Borough Attorney has reviewed the draft ordinance and concurs that the ordinance does not require direct notice to property owners.

- ADUs will change the character of individual neighborhoods

Most communities that allow ADUs include design, size, and occupancy limits in their ordinances to limit or minimize potential adverse impacts. These requirements appear to be effective and ADUs seem to peacefully coexist within neighborhoods in other communities without adverse impacts. The proposed ordinance limits occupancy to no more than 2 persons, limits the size of the ADU, and contains design requirements intended to ensure that a structure containing an ADU does not have the outward appearance of a duplex. Staff has consulted with planners in many jurisdictions and none identified any adverse impacts from ADUs over time. Available planning literature is similarly silent on adverse impacts from ADUs.

Actual quantifiable impacts from ADUs are not well defined. Increased traffic is a concern often cited by neighbors. Staff consulted with the ITE Trip Generation Manual and did not find specific tables for ADUs. Calls to colleagues verified that ITE does not publish separate rates for ADUs. Other jurisdictions use ADU trip generation rates of 0.45 to 9.52 Average Daily Trips (ADT). Based on the range of numbers, traffic from an ADU should range from ½ the rate of the single-family residence to equal to that generated from a single-family residence.

While ADUs will generate additional traffic, the amount of traffic should be minimal, especially when compared to other allowed uses and activities in residential zoning districts. Examples include B&Bs, home occupations, professional offices, beauty shops, schools, etc. Any one of these uses could generate as much or more traffic than an ADU.

- Possible impacts to property values

ADUs have become a common component of zoning codes across the country, especially in the last 20-25 years. Concerns about property values are often raised when codes change. Staff has spoken with planners from numerous jurisdictions and reviewed the planning literature on ADUs. We have not found a single credible example where ADUs have negatively impacted property values. One might easily make the case that ADUs enhance property values by adding a possible income stream for a residential property owner.

- Allowing ADUs overturns the comprehensive plan

The 2008 KIB Comprehensive Plan does not directly address affordable housing issues in detail. Staff does not believe that allowing ADUs would overturn the comprehensive plan. The comprehensive plan is a policy document to guide local decision making and is implemented many ways, typically through local development regulations (zoning), subdivision rules, and the capital improvements program. The 2008 Comprehensive Plan does contain references to the need for additional affordable housing and minimizing land use conflicts, as shown below:

**Chapter 6 (Housing):**

**Affordability**

According to the U.S. Census, median values for owner-occupied homes in the Kodiak Island Borough increased by just over 40% between 1990 and 2000, from \$110,300 in 1990 to \$155,100 in 2000. The highest home values in 2000 (greater than \$145,000) were in Karluk, Womens Bay, and Kodiak, while the lowest (\$90,000 or less) were in Akhiok, Aleneva, Ouzinkie and Port Lions. The greatest increases in home value between 1990 and 2000 took place in Chiniak, Karluk, and Old Harbor, all of which increased between 92% and 101%. The smallest increases were in Ouzinkie (1%) and Port Lions (6%).

In 2000, the Borough-wide median gross rent was \$791, a 17% increase over the 1990 median of \$676. Median gross rents in Womens Bay (\$1,203) and Kodiak Station (\$1,026) were far higher than in any other community in the Borough. The lowest (less than \$400) were in Akhiok, Chiniak, and Karluk.

Table 6.5 summarizes HUD's Comprehensive Housing Affordability Strategy data for the year 2000, which describes income and housing affordability conditions for owner and renter-occupied households. The table shows that roughly half (50%) of the City's renter households had incomes at or below 80% of the local area's Median Family Income (MFI - adjusted for family size), and 10% were at or below 30% of MFI. A smaller percentage of owner-occupied households (29%) had incomes at or below 80% of MFI. The low and moderate income percentages are significantly higher for households with elderly residents (81% of renter-occupied households and 43% of owner-occupied households had incomes at or below 80% of MFI).

Table 6.5 shows that 61% of low and moderate-income households (households with incomes less than 80% of the median) have some form of housing problem. These housing problems can include a cost burden (i.e., spending more than 30% of monthly income on housing), overcrowding (more than 1.01 persons per room), or a lack of complete kitchen or plumbing facilities. Housing problems are more prevalent among all low and moderate-income home owners (65%) than renters in the same income categories (58%). For both homeowners and renters, housing problems are most common (85% and 88% respectively) in the 0-30% income bracket, where paying more than 30% of household income on housing accounts for the bulk of the households with problems.

**Goals, Policies & Implementation Actions**

Goal: Help ensure that an adequate supply of land for housing and a sufficient stock of housing, including affordable housing, are available for Borough residents.

**Chapter 4 (Land Use and Ownership):**

**Goals, Policies & Implementation Actions**

Goal: Regulate and manage land uses to balance the rights of private property owners with community values and objectives.



**Policies**

- Maximize compatibility of adjacent land uses and minimize conflicts through zoning, buffering, design standards and other means.

Based on the above excerpts from the Comprehensive Plan, staff recommends that adding provisions for ADUs is consistent with the 2008 Comprehensive Plan.

- ADUs eliminate all low density zoning

As previously noted, the proposal does not change any existing zoning designation. There is no change in density because ADUs are not defined as separate single-family residences. ADU ordinances typically have size, occupancy, and design limitations to ensure the ADU remains an "accessory use" to the principal residential use. The draft ordinance contains all of these features.

- Transparency and conflicts of interest

Changes to Borough Code are adopted by ordinance, following an Assembly public hearing. In the case of amendments to Title 17, the proposed change(s) are first reviewed by P&Z, who forwards a recommendation to the Assembly. Changes to borough code are considered a legislative matter. Legislative enactments are different than quasi-judicial matters; where the rules for *ex-parte* communication and conflicts of interest do not generally apply.

The borough has been extremely transparent in processing the proposed changes for ADUs. All notice requirements of code have been met and exceeded. P&Z has held multiple work sessions on this topic and the public hearing on January 20<sup>th</sup> will be the second P&Z hearing. The Borough Assembly will hold their own public hearing once a recommendation is forwarded from P&Z.

- Studies on affordable housing and more impact assessment needed

By any measure staff believes there is a need for additional affordable housing in Kodiak. This subject comes up regularly at public hearings, public meetings, etc. While additional study of affordable housing issues are needed (the upcoming agenda for the Governor's Affordable Housing Summit mentions this very point), staff does not recommend that adding ADUs to the KIB Zoning Code should wait until some undetermined time when more studies are available. Additional studies may assist in better understanding the need and hurdles to addressing affordable housing, but will not result in construction of any additional housing. ADUs are a proven tool that addresses a segment of this issue for many communities.

**Remaining Details for P&Z Consideration**

There are several aspects of the ADU proposal that need to be resolved by the commission. These details have been discussed or addressed at prior work sessions and the December public hearing. P&Z expressed an intent to receive public comment before final deliberations on this ordinance. The remaining issues include:

- Size limit of ADUs

As drafted, the ordinance has a placeholder for the maximum size of an ADU. As previously discussed, size limits – together with other design parameters – are a common component of ADU regulations in other communities. The intent of such regulations is to ensure that an ADU is an accessory use and activity to the principal dwelling unit. Staff recommends a size limit of 650 square feet.

- **ADUs as a permitted or conditional use – In which zoning districts**

As drafted, ADUs would be a permitted accessory use in all residential zoning districts. There has been discussion and public comment as to whether ADUs should be permitted in all zoning districts, whether ADUs should be a conditional use in some districts, and whether ADUs should be a conditional use when the site is not served by public water and sewer. Please see the table below, which shows ADUs as a permitted use in all districts. During deliberations, the Commission can decide whether to make ADUs a conditional use in any particular zoning district.

Another point to consider is whether an ADU should be a conditional use when the site is nonconforming with respect to the minimum lot size of the zoning district in question. For example, ADUs could be permitted in R-1, unless the lot was less than the 7,200 square foot minimum lot size, and then the ADU would be a conditional use.

Zoning District	Permitted Use	Conditional Use	Served by Water and Sewer	Nonconforming Lot Size
R-1	Yes			
R-2	Yes			
R-3	Yes			
RR	Yes			
RR-1	Yes			
RR-2	Yes			
C-Conservation	Yes			

- **Other changes?**

Should the Commissioners want to propose other changes to the ordinance, this should be accomplished by offering motions to amend the draft ordinance.

**LEVESQUE LAW GROUP, LLC**

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Shane E. Levesque, Of Counsel

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Fax: (206) 309-0667  
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**MEMORANDUM**

**TO:** Charles ("Bud") E. Cassidy, Jr. Manager  
Kodiak Island Borough  
  
Robert H. Pederson, Director, Community Development  
Kodiak Island Borough

**FROM:** Joseph N. Levesque, Borough Attorney *JNL*

**DATE:** January 6, 2016

**RE:** Review of proposed ordinance amending KIBC Title 17, Zoning  
to allow Accessory Dwelling Units (ADUs) as a permitted accessory  
use in all residential zoning districts.

---

We have reviewed proposed Ordinance No. FY2016-XX amending Kodiak Island Borough ("KIBC") Title 17 to include Accessory Dwelling Units as a permitted use in all residential zoning districts and approve it to form. The only changes recommended are to (1) consider including the application fee for the permit; and (2) delete Exhibit A.

In the transmittal memorandum requesting legal review of the proposed ordinance, the following two questions were asked to be addressed: (1) whether the Ordinance constitutes a rezone of all residential properties; and, (2) whether the Ordinance requires direct notice to property owners in the same manner as would be for a rezone.

The Short Answer to each of your questions is:

- (1) No, the proposed Ordinance amendments do not appear to be a rezone; and
- (2) No, direct notice to property owners in the same manner as a rezone, is not required.

First, practically speaking, the difference between a "rezone" and changing the Zoning Code regulations are at issue here. Rezoning generally affects specific



**LEVESQUE LAW GROUP, LLC**

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Charles E. Cassidy and Robert Pederson  
January 6, 2016  
Page | 2

properties, while changing the Zoning Code affects all properties within a certain zoning designation. The difference is one of function; while a "rezone" is generally a quasi-judicial function, changing or amending the Zoning Code is a legislative function.

The legislative authority of the Borough lies with the Assembly. Pursuant to KIBC Sec. 17.205.010:

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the assembly may, by ordinance and after report thereon by the commission and public hearing as required by law, amend, supplement, modify, repeal or otherwise change these regulations and the boundaries of the districts.

Just as the initial adoption of the Zoning Ordinances was a legislative act, so is any Amendment to the ordinance text. Simply put, the text amendment being proposed will change the rules for all properties in the jurisdiction zoned for that particular use (i.e. all residential zoning districts).

Second, because this is not a rezone in the sense that it affects a limited specific parcel or parcels of property, no direct notice to the property owners in the same manner as a rezone is required. The normal notice requirements pursuant to KIBC Sec. 17.205.070 will adequately provide the necessary notice to the public. That notice, coupled with the requisite public hearing, appears to be all that is required for this type of amendment to the Code.

We hope this Memorandum has adequately answered the questions you posed. We are available to discuss this matter further if you have any additional concerns or questions.



**SUPPLEMENTAL STAFF REPORT AND RECOMMENDATION**

**Case No. 16-007.** An ordinance amending KIBC Chapters 17.25 (Definitions) and 17.160 (Accessory Buildings) to include development standards for accessory dwelling units in the Borough. This ordinance will also amend the following KIBC Chapters to specifically list accessory dwelling units as a permitted use:

- 17.50 (C-Conservation District)
- 17.60 (RR2-Rural Residential Two District)
- 17.65 (RR-Rural Residential District)
- 17.70 (RR1-Rural Residential One District)
- 17.75 (R1-Single-family Residential District)
- 17.80 (R2-Two-family Residential District)
- 17.85 (R3-Multi-family Residential District)

DATE: December 10, 2015  
 TO: Planning and Zoning Commission  
 FROM: Community Development Department  
 SUBJECT: Information for the December 16, 2015 Regular Meeting.  
 APPLICANT: Kodiak Island Borough  
 LOCATION: Borough-wide  
 ZONING: All Residential Zoning Districts

**STAFF COMMENTS**

The attached draft ordinance incorporates recommended ADU development standards into KIBC Chapters 17.25 (Definitions) and 17.160 (Accessory Buildings). The ordinance also reflects changes that specifically list ADUs as a permitted use in all residential zoning districts. The ordinance is the result of Commission discussion during the past four work sessions and includes all proposed changes to date.

**FURTHER DISCUSSION POINTS**

At the December 9, 2015 work session, the Commission recommended that the following items (highlighted in the ordinance) be points of discussion during the December 16, 2015 public hearing:

- ADU size limit. Staff recommends that ADUs be limited to 650 square feet.
- Listing ADUs as a permitted use in R2 and R3 zoning. Staff recommends further discussion as to whether ADU's are an appropriate use in these zoning districts.

**FURTHER CHANGES**

Should the Commission propose further changes to the ordinance, those changes must be recommended through a motion to amend. Approved amendments will be incorporated into the ordinance prior to transmittal to the Assembly.



**RECOMMENDATION**

Staff recommends that the Commission forward this ordinance to the Kodiak Island Borough Assembly with a recommendation for approval.

**APPROPRIATE MOTION**

Should the Commission agree with the staff recommendation, the appropriate motion is:

Move to recommend that the Assembly of the Kodiak Island Borough approve the ordinance amending KIBC Chapters 17.25 (Definitions) and 17.160 (Accessory Buildings), and related Chapters of Title 17 (Zoning) to include the standards for accessory dwelling units in the Borough and to specifically list accessory dwelling units as a permitted use in all residential zoning districts, and to adopt the findings of fact listed in the staff report entered into the record for this case as "Findings of Fact" for Case No. 16-007.

**FINDINGS OF FACT (KIBC 17.205.020)**

1. There is a growing need for additional affordable and workforce housing options in Kodiak. The use of accessory dwelling units may be one part of a regulatory solution to address this multi-faceted issue.
2. Current KIBC Title 17 (Zoning) does not include regulatory requirements for accessory dwelling units and does not list them as a permitted use in any zoning district
3. The amendments to Chapters 17.25, 17.160, and related Chapters of Title 17 KIBC provide the regulatory requirements for accessory dwelling units and list accessory dwelling units as a permitted use in all residential zoning districts
4. The amendments to Chapters 17.25, 17.160, and related Chapters of Title 17 KIBC are consistent with the adopted Comprehensive Plan goals and policies related to housing and specifically, affordable housing.
5. The Planning and Zoning Commission recommends approval of the amendments to Chapters 17.25, 17.160, and related Chapters of Title 17 KIBC.





PUBLIC HEARING ITEM 7-C  
P & Z REGULAR MEETING: DECEMBER 16, 2015

**STAFF REPORT AND RECOMMENDATION**

**Case No. 16-007.** An ordinance amending KIBC Chapters 17.25 (Definitions) and 17.160 (Accessory Buildings) to include development standards for accessory dwelling units in the Borough. This ordinance will also amend the following KIBC Chapters to specifically list accessory dwelling units as a permitted use:

- 17.50 (C-Conservation District)
- 17.60 (RR2-Rural Residential Two District)
- 17.65 (RR-Rural Residential District)
- 17.70 (RR1-Rural Residential One District)
- 17.75 (R1-Single-family Residential District)
- 17.80 (R2-Two-family Residential District)
- 17.85 (R3-Multi-family Residential District)

DATE: December 3, 2015  
 TO: Planning and Zoning Commission  
 FROM: Community Development Department  
 SUBJECT: Information for the December 16, 2015 Regular Meeting.

APPLICANT: Kodiak Island Borough

LOCATION: Borough-wide

ZONING: All Residential Zoning Districts

APPLICABLE REGULATIONS:

The following sections of Title 17 (Zoning) of the Borough Code are applicable to this request:

17.205.010 Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the assembly may, by ordinance and after report thereon by the commission and public hearing as required by law, amend, supplement, modify, repeal or otherwise change these regulations and the boundaries of the districts. [Ord. 83-58-O §1, 1983. Formerly §17.72.010].

17.205.020 Report from planning and zoning commission.

The commission shall report in writing to the assembly on any proposed change or amendment regardless of the manner in which such change is initiated and such report shall find:

- A. Findings as to need and justification for a change or amendments;
- B. Findings as to the effect a change or amendment would have on the objectives of the comprehensive plan; and
- C. Recommendations as to the approval or disapproval of the change or amendment. [Ord. 83-58-O §1, 1983. Formerly §17.72.020].

**STAFF COMMENTS**

There is a growing awareness of the need for additional affordable and workforce housing options in Kodiak. The concept of ADUs was included in the overall code revision project that ended in February of 2015. Once the closure of Jackson’s Mobile Home Park was announced



in May of 2015, the Commission and staff began working on a number of code changes to address mobile home parks, recreational vehicle parks, and code provisions for affordable and workforce housing. On July 7, 2015, the Commission voted to consider ADUs once their review of RV park standards was complete.

Accessory dwelling units (ADUs) are a proven planning tool used to address the need for housing alternatives in many other communities. Accordingly, incorporating development standards for accessory dwelling units into Borough zoning code may be one part of a regulatory solution to address this multi-faceted issue.

The attached draft ordinance incorporates recommended ADU development standards into KIBC Chapters 17.25 (Definitions) and 17.160 (Accessory Buildings). The ordinance also reflects changes that specifically list ADUs as a permitted use in all residential zoning districts.

This ordinance is the result of Commission discussion during the past three work sessions. Bold blue underline represents new language recommended by the Commission. ~~Red strikethrough~~ represents housekeeping changes.

#### FURTHER DISCUSSION POINTS

Staff recommends that the following language be further discussed by the Commission:

- Highlighted bold blue underline represents additional changes proposed by staff. The changes are recommended to improve clarity and consistency. Staff recommends these changes be approved by the Commission.
- Highlighted bold red underline represents the following:
  - ADU size limit. The Commission recommended that this be a point of discussion during the December 16, 2015 public hearing. Staff recommends that ADUs be limited to 650 square feet.
  - Listing ADUs as a permitted use in R2 and R3 zoning. Staff recommends further discussion as to whether ADU's are an appropriate use in these zoning districts.

Staff will incorporate any new proposed changes into the draft ordinance presented for public hearing.



**RECOMMENDATION**

Staff recommends that the Commission forward this ordinance to the Kodiak Island Borough Assembly with a recommendation for approval.

**APPROPRIATE MOTION**

Should the Commission agree with the staff recommendation, the appropriate motion is:

Move to recommend that the Assembly of the Kodiak Island Borough approve the ordinance amending KIBC Chapters 17.25 (Definitions) and 17.160 (Accessory Buildings), and related Chapters of Title 17 (Zoning) to include the standards for accessory dwelling units in the Borough and to specifically list accessory dwelling units as a permitted use in all residential zoning districts, and to adopt the findings of fact listed in the staff report entered into the record for this case as "Findings of Fact" for Case No. 16-007.

**FINDINGS OF FACT (KIBC 17.205.020)**

1. There is a growing need for additional affordable and workforce housing options in Kodiak. The use of accessory dwelling units may be one part of a regulatory solution to address this multi-faceted issue.
2. Current KIBC Title 17 (Zoning) does not include regulatory requirements for accessory dwelling units and does not list them as a permitted use in any zoning district
3. The amendments to Chapters 17.25, 17.160, and related Chapters of Title 17 KIBC provide the regulatory requirements for accessory dwelling units and list accessory dwelling units as a permitted use in all residential zoning districts
4. The amendments to Chapters 17.25, 17.160, and related Chapters of Title 17 KIBC are consistent with the adopted Comprehensive Plan goals and policies related to housing and specifically, affordable housing.
5. The Planning and Zoning Commission recommends approval of the amendments to Chapters 17.25, 17.160, and related Chapters of Title 17 KIBC.





**Office of the Mayor and Council**  
710 Mill Bay Road, Room 219, Kodiak, Alaska 99615

February 10, 2016

Kodiak Island Borough  
Planning and Zoning Commission

Re: Draft Ordinance of the Assembly of the Kodiak Island Borough Amending Chapters 17.25 KIBC (Definitions) 17.160 KIBC (Accessory Buildings), and Related Chapters of Title 17, Zoning to Include Development Standards for Accessory Dwelling Units and Specifically List Accessory Dwelling Units as a Permitted Use in Certain Residential Zoning Districts

Dear Commissioners:

It has recently come to the City's notice that the Planning and Zoning Commission is considering an ordinance pertaining to accessory dwelling units. This ordinance will eliminate all single family residential property in the City and, in essence, rezone all those properties R-2. This is a huge change as the vast majority of residential property in the City is R-1.

The City requests that the Borough define "affordable and work force housing" and conduct an analysis of the need for affordable and work force housing.

The City needs time to study and understand the potential ramifications of this ordinance on the City's infrastructure and culture before it can support or oppose this ordinance. Some of the areas of concern are the effects of this ordinance on City systems: sewer and water, roads, utilities, traffic, green spaces and vegetation, impact on property values, and desirable population density. In addition, as this ordinance is Borough wide, the adjacent areas to the City that are connected to sewer and water will need to be considered, as the city provides sewer and water and wastewater treatment to those areas. Emergency response is another major concern to the City. Additional information from our Public Works Director and Fire Chief are included to better define the City's concern about impacts to the water, sewer, and wastewater systems and emergency response concerns pertaining to International Fire Code implications.

We request that the Planning Commission delay final action on this ordinance until such time as the City has had the time to understand the potential impacts and make a knowledgeable response and recommendation to the Commission.

If there is no delay and without a better understanding of the impacts, the City at this time must strongly oppose this ordinance and ask the Planning Commission to reject it.

Sincerely,

A handwritten signature in black ink that reads "Pat Branson".

Kodiak City Council and  
Pat Branson, Mayor

Enc.

Telephone (907) 486-8636 / Fax (907) 486-8633  
mayor@city.kodiak.ak.us

**Marlar, Debra**

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**From:** Kozak, Mark  
**Sent:** Wednesday, February 10, 2016 1:30 PM  
**To:** Kniazowski, Aimee; Marlar, Debra  
**Subject:** FW: Utility Information about system Capacity

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**From:** Bob Pederson [mailto:bpederson@kodiak.ak.us]  
**Sent:** Friday, February 05, 2016 3:59 PM  
**To:** Kozak, Mark  
**Subject:** RE: Utility Information about system Capacity

Mark:

Would you be able to attend the P&Z packet review work session next Wednesday (February 10<sup>th</sup>) at 6:30?

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**From:** Kozak, Mark [mailto:mkozak@city.kodiak.ak.us]  
**Sent:** Friday, February 05, 2016 3:46 PM  
**To:** Bob Pederson; Jack Maker  
**Cc:** Kniazowski, Aimee; Tvenge, Mike; Helberg, Hap; Melvin, Glenn  
**Subject:** Utility Information about system Capacity

Good afternoon Bob,

Here is the basic information you asked about public water and sewer and capacity in the system for further expansion.

The Wastewater Treatment Plant (WWTP) does have additional capacity with some caveats that need to be understood. The plant itself can handle additional flow during average or normal flow. The collection system has significant issues during storm events that actually limit the amount of additional wastewater that can be added to the system. The wastewater collection system has been divided up in too many drainage basins in order to understand flow patterns and locations that are most impacted by significant wet weather events.

The average flow at the WWTP during dry weather is 1.2 Million Gallons per Day (MGD). The average daily flow on an annual bases is 1.8 MGD. The all time peak flow during an extreme storm event was 7.2 MGD. The AKPDES permit is 6.2 MGD. The larger rain events really impact the wastewater collections system. This is caused by many different circumstances and is typically called Infiltration and Inflow (I&I). Inflow is when surface water has a way to directly flow into the sewer collection system. Many things fall into this category ranging from broken service cleanouts that are in drainage ditches to manholes that go under flooded streams. We know a huge impact is sump pumps under homes and businesses that have drainage problems under the building. These pumps are hooked into the sewer service under buildings and contribute significant amounts of storm water to the collection system. This issues alone is something we intend to address because of the overall negative impact it causes to the wastewater collection system.

When discussing increasing density in existing residential areas the sewer collection system will be the limiting factor from a water and sewer perspective. The system has not been evaluated by a study to determine exact capacity but we are aware of areas within the system that do not have room for any large increases in usage. For example when the development of areas like Selief Lane were undertaken things were sized to accept the

planned development at the time. The system down stream all the way to the treatment plant is now at full capacity so additional flow into the collection basin would need to be carefully evaluated.

The area that contributes to the Mill Bay Beach lift station is a huge amount of the service district collection system. This system has very limited ability to accept additional growth without capacity upgrades to the system. When the Kodiak Island Borough developed this entire section in the 1980's I would assume the capacity was planned for the anticipated development at the time (lot size and number). Changing population significantly would require utility upgrading to be able to handle increased growth.

The water system is a little different than the challenges of the sewer collection and treatment system. The water treatment system has additional treatment capacity above what our peak water flows are. With changes in the fisheries and processing we now see a lower peak than we did ten years ago. Within the existing distribution system increasing residential development should not be an issue. Any future expansion of the system would take some engineering evaluation to make sure fire flows can be met. Water Treatment regulation would also impact future expansions and how development can take place.

It is really important to remind people the information is not based on any particular studies but from our experience with the operational challenges we know exist. However significant changes to increase population density and demand on the system most likely would need to be looked at very carefully. I do not have a lot of the details (before my time in this position) but years ago they had to limit expansion out in the service district area do to the WWTP capacity. The WWTP was upgraded and capacity was increased. The size of the collection system could be a major factor in the ability of increasing population density in multiple locations within the community because of system size.

I will drop off the large area map you provided me with the collection area that contributes to the Mill Bay Beach lift station. We do know that station and pressure main from that station to the WWTP has limited additional capacity available. An example of this would be the ball field area by Woody Way Loop. Any future development of the area would have to be evaluated, because it currently would impact Mill Bay Beach lift station.

I would like to extend an invitation to meet with yourself and anyone else from the Borough departments to discuss the information above in more detail. After talking with Aimee and Mike we feel this could be really beneficial to all of us. Let me know if you think this would be a good idea to meet and we can set something up to fit schedules.

Thank you, Mark

Mark Kozak  
Public Works Director  
2410 Mill Bay Road  
Kodiak, AK 99615  
W;907-486-8060  
F;907-486-8066  
[mkozak@city.kodiak.ak.us](mailto:mkozak@city.kodiak.ak.us)



**Marlar, Debra**

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**Subject:** FW: Proposed ADU Changes

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**From:** Mullican, Jim  
**Sent:** Wednesday, February 10, 2016 3:16 PM  
**To:** 'Bob Pederson'  
**Cc:** Jack Maker; Sara Mason; Knlaziowski, Aimee  
**Subject:** RE: Proposed ADU Changes

Bob,

Next time I'm up I'll stop by. Approved access walkway:

1. Access walkways:
  - a. Must be a minimum of five feet in width
  - b. Provide to all required egress doors from a building and the area beneath each rescue window
  - c. Legal stairs and landings were necessary.
  - d. Around the perimeter of the building allowing reasonable access to the structure to facilitate control of a fire through any other available openings.
  - e. Shall consist of a surface that lends itself to safe use during building evacuation, firefighting, and rescue efforts. (i.e.: D-1, paving stones, cement, black top, etc.)

I feel this list is a reasonable request needed to facilitate safe and efficient access to a residential structure in time of emergency. Please let me know your thoughts.

Thanks,

Jim Mullican  
Fire Chief  
City of Kodiak Fire Dept.  
Serving the Citizens of Kodiak for 75 years.  
219 Lower Mill Bay Rd.  
Kodiak, AK 99615  
Ph# 907-486-8040 Fax 907-486-8048

*Messages to and from this e-mail address may be available to the public under Kodiak City Code provisions and Alaska State Statutes.*

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**From:** Bob Pederson [mailto:[bpederson@kodiak.ak.us](mailto:bpederson@kodiak.ak.us)]  
**Sent:** Wednesday, February 10, 2016 1:43 PM  
**To:** Mullican, Jim  
**Cc:** Jack Maker; Sara Mason  
**Subject:** RE: Proposed ADU Changes

Good afternoon Jim:

The draft code requires full compliance with the building and fire codes. ADUs have been very successful in communities all across the country. I have not heard from any communities with ADUs that compliance with fire or building codes has not been possible. As is the case with all other permits and land uses, compliance is verified through the building permit process.

Concerning your comment about Sec. 504.1, what constitutes an "approved access walkway"?

Please feel free to stop by if you would like to discuss further.

Thank you,

Robert H. Pederson, AICP  
Community Development Director

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**From:** Mullican, Jim [<mailto:jmullican@city.kodlak.ak.us>]  
**Sent:** Wednesday, February 10, 2016 1:34 PM  
**To:** Bob Pederson  
**Subject:** Proposed ADU Changes

Good Afternoon Bob,

After reviewing the proposed changes to the Borough Code concerning ADU's I have some concerns that do not seem to be addressed per the adopted 2009 International Fire Code:

1. Sec 503.1.1 – Approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility..
2. Sec 504.1 - Exterior doors and openings required by this code or the IBC shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from the apparatus access roads to exterior openings shall be provided when required by the fire code official. I will require said access.
3. Sec 505.1 Address identification – These numbers shall contrast with their background..... Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

Potential "hidden" residence will create a significant safety issue. How will the Fire Department know there is a secondary residence on the property? Some homes basically have a zero lot line on the street side but also have enough room per this code change to build a ADU behind making it almost impossible to access.

Thank You,

**Jim Mullican**

**Fire Chief**

City of Kodiak Fire Dept.

Serving the Citizens of Kodiak for 75 years.

219 Lower Mill Bay Rd.

Kodiak, AK 99615

Ph# 907-486-8040 Fax 907-486-8048

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