

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

Wednesday, September 13, 2017



School District Conference 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
2. Agenda Items
 - A. Alaska Marine Highway System Reform Project - Robert Venables
 - 2 - 5 B. Introduction And A Brief Report From Mr. Michael Brady, Kodiak Wildlife Refuge Manager
 [Borough report 2017 Fall \(1\)](#)
 - 6 - 8 C. Kodiak Salmon Work Group Report And Letter of Support Request
 [DRAFT KFWG letter supporting salmon stakeholders 4](#)
 - 9 - 21 D. Accessory Dwelling Units And Small Lots Subdivision Update
[FY2017-21 ADUS](#)
[Ordinance No. FY2018-02 Smaller Lots](#)
 - E. City of Kodiak Marijuana Update
3. NEXT MEETING SCHEDULE
 - Cancellation of October 18 and December 20 JWS
 - Schedule a JWS on November 1, 8, or 29
4. Future Discussion Items
 - A. KFDA Update - Linda Freed

Kodiak Refuge 2017 Community Report

The Kodiak National Wildlife Refuge would like to thank the Kodiak communities for their involvement and support in 2017. This report highlights public engagement, partnerships, and biological monitoring of public lands and resources.

In the Community



Traveling Visitor Center

A May visit to Old Harbor included tours of the Refuge research vessel, Ursa Major II, visits to the school and a tour of the village, and awards to 6 students for their submission of migratory bird artwork to a statewide calendar contest.



Migratory Bird Outreach

Outreach and Law Enforcement staff coordinated with the Sun'aq Tribe of Kodiak to provide information to the public about migratory bird subsistence harvest and the 2017 change in regulations that opened subsistence harvest of Emperor Geese for the first time in 30 years.

Bear Safety Education

Refuge staff partnered with the Kodiak Brown Bear Trust, Kodiak Island Borough School District, Alaska Department of Fish and Game, and the US Coast Guard to support a variety of bear safety education through PSAs, trainings, and outreach.

Kodiak Community Bear Sculpture Unveiling



On August 19, a community celebration at the Refuge Visitor Center welcomed a new bronze bear sculpture. A symbol for residents, the Kodiak brown bear represents a rich history of human connection to wildlife. For the past two years, a team led by the Kodiak Brown Bear Trust has worked to bring this symbol to downtown Kodiak as permanent public art and Island icon. This successful project reflects the spirit of collaboration for conservation and management of bears and their habitat, and continues the legacy of a much-loved bear statue that honored Charles Madsen, early bear guide and champion of the Emerald Isle.



Education

Salmon Camp

In total, the Refuge held seven sessions of this popular week-long science day camp on the Kodiak road system, and visited Akhiok, Uzinkie, Karluk, Larsen Bay, Old Harbor and Port Lions for multi-day open camps. A big thank you to the Kodiak Island Borough School District for use of schools in Karluk and Akhiok this summer for locations for Salmon Camp! This partnership allows us to provide free camps in our Kodiak island communities. Salmon Camp also receives support from Alaska Geographic and the Prince William Sound Regional Citizens' Advisory Council. Local organizations like the Kodiak Regional Aquaculture Association, Sun'aq Tribe of Kodiak, and Alaska Department of Fish and Game are valuable education partners.



100 people attended a free Salmon Camp "pop-up" session during a summer lunch program at the High School. Teenagers from the Refuge Youth Conservation Corps and the Refuge Youth Leadership volunteer program led eight sessions, including lessons on the Exxon Valdez oil spill and oil spill clean up, owl adaptations and owl pellet dissection, bear scat and bear safety, and a recycling relay. Special thanks to Lori Siebe with KIBSD, Prince William Sound Regional Citizens' Advisory Council, and Threshold Recycling.

Youth Conservation Corps Summer Employment

Kodiak Refuge Youth Conservation Corps employed 4 local teens for the summer, exposing them to different career paths and engaging them across Refuge programs. They assisted with cabin and site maintenance, and also partnered with Kodiak State Parks to improve trails on Shuyak Island. They also led public outreach in town, through a nature photography lesson for a USCG youth outdoor program on the Termination Point trail and a nature journal art walk show with the Kodiak Arts Council.



Visitor Center Education Programs: Families Understanding Nature: 55 programs with 1628 participants, Happy Trails: 11 programs with 172 participants, Wildlife Investigation Learning & Discovery: 11 programs with 221 participants; 11 special programs with 434 participants. **School Program Visits:** 24 visits with 410 students served.

Visitor Center, Public Use, Permits, & Volunteers



More than 23,000 people enjoyed the Visitor Center.

Two seasonal park rangers and one Student Conservation Association intern provided interpretation and education programs throughout the summer, 7 days a week. Winter staffing included one intern and volunteer assistance, with family education programs offered throughout the year.

Staff and volunteers greeted **17 cruise ships** and served ferry passengers year-round.

We partner with Alaska Geographic, a non-profit bookstore, and employ a local bookstore manager part-time.



Nearly 300 people visited Refuge **Public Use Cabins**.

The Refuge completed a 2-year social science study in cooperation with Utah State University to assess the quality of current **bear viewing access and opportunity**. The study included interviews with a cross-section of community stakeholders and a survey of visitors. 93% of survey respondents reported that their trip met or exceeded their expectations and positive changes in attitude and knowledge of bears, bear habitat, and bear conservation. Results from this study will help the Refuge update a Visitor Use Management Plan. A summary report is online: https://www.fws.gov/refuge/Kodiak/what_we_do/science/social_science.html



Guides with Special Use Permits for wildlife viewing, sport fish guiding, big game guiding, and air taxi served more than 2,300 clients.

In July, Refuge staff visited 21 of 25 **permitted set net sites** within Refuge boundaries, using the opportunity to engage with commercial fishermen and discuss concerns.



In August, the Refuge completed required permits to **allow Kodiak Electric Association to construct a 1.2 mile tunnel** from Upper Hidden Basin Creek to Terror Lake to supplement waters for hydroelectric power, increasing capacity by 33 gigawatts from current 161 gigawatts of generation.

45 people donated 5332 hours as volunteers to Refuge operations and programs, valued at \$148,229 and the equivalent of 2.5 FTE positions.

More than half of our volunteers were youth.



Kodiak National Wildlife Refuge was established August 19, 1941 and is managed by the U.S. Fish and Wildlife Service.

The mission of the National Wildlife Refuge System is:

To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Science: Monitoring & Research

Wildlife & Habitat Surveys

- **Seabird colonies:** In 2017, a total of 121,000 seabirds were surveyed at 150 of 180 (80%) of the colony sites in the vicinity of Kodiak Island. Surveys occur every 7-8 years. Biologists observed that 2017 was a poor summer for nesting gulls and terns; almost no young chicks recorded during either June or August surveys.
- Research vessel and staff also supported National Park Service **seabird colony** surveys along the Katmai coastline.
- In collaboration with ADF&G, we annually survey **brown bear** in late May to monitor trends in population size in different regions of Kodiak Island. In 2017, we conducted aerial surveys for a 122 square-mile area between Sturgeon River, Akalura Lake, and west Frazer Lake, and estimated a density of 190 independent bears (adults & subadults)/1000 km² for an actual total of 60 independent bears in the area.
- The Refuge annually surveys **brown bear population composition and habitat use** along selected streams of southwest Kodiak Island using weekly aerial flights from July-August. We completed 18 surveys this summer and counted more bears/survey in 2017 (66 bears/survey) than in the recent past of 43 bears/survey (2008 - 2015), but less than the long-term number of 85 bears/survey (1985-2005). Family groups made up 41% of the sightings in 2017. The long-term average is 25%.
- We continued to monitor bear use along three streams in the Karluk Lake basin using automated timelapse cameras.
- We counted adult **sockeye salmon** returning to Akalura Lake for a third consecutive year. Monitoring was initiated on July 6 and will conclude September 30.
- The Refuge and ADF&G collaborate on **mountain goat** monitoring and research. In 2017, annual monitoring of herd composition and distribution was conducted between late July and mid-August using aerial surveys.
- The Refuge implemented annual monitoring of the **berry availability to brown bear** following conclusion of applied research of methods in 2015-2016. Preliminary results of 2017 indicate a low supply of elderberry, salmonberry, and blueberry due to overwinter top-kill of stems in low to mid elevations of Kodiak Island.

Research

- In cooperation with ADF&G and other researchers, Refuge biologists monitored nesting Aleutian tern and Arctic tern throughout the archipelago in hopes of determining reasons for population declines throughout coastal Alaska. Research to continue in 2018.
- The technical paper “Phenological Synchronization Disrupts Trophic Interactions between Kodiak Brown Bears and Salmon” was published in the Proceedings of the National Academy of Sciences in August. This paper, based on Service-sponsored cooperative research, describes response of bears to variation in availability of salmon and berries between 2013-2015 in the Karluk Lake region.

Science: Public Engagement

Engaging citizens with scientific research, monitoring, and management

- 8th year of Monitoring Avian Productivity and Survivorship: citizen science partnership with Audubon Society and Kodiak College. Banded 173 new songbirds on the Buskin River site and recaptured 24 birds banded during previous years. Data used by Institute for Bird Populations to track large-scale trends. 20 local volunteers participated.
- Berry monitoring “Field Day” with stakeholders and partners to demonstrate methods.
- Staff presented to local organizations: KUBS, Kodiak Rural Advisory Committee

September ____, 2017

Chairman John Jensen
 Alaska Board of Fisheries
 Boards Support Section
 P.O. Box 115526
 Juneau, AK 99811-5526

Can be emailed to <dfg.bof.comments@alaska.gov>

Dear Chairman Jensen:

The Kodiak Island Borough and the City of Kodiak recognize and value the enormous economic contribution as well as the social and cultural importance of the historic Kodiak salmon fishery. The massive changes to Kodiak salmon fishery management proposed in Agenda Change Request (ACR) #11 to the Board of Fisheries (BOF) from the Upper Cook Inlet Drifters Association (UCIDA) would decimate the fishery, and cause great and unnecessary damage to harvesters, processors and the community.

The Borough and the City strongly oppose all aspects of ACR #11, and join Kodiak salmon fishery stakeholders and supporters in urging the Board of Fisheries to deny the request to take up this proposal out of cycle.

The requirements that must be met for the BOF to accept ACR's are restricted to three criteria: meaningful new information, conservation concerns, and mistakes in regulations. ACR #11 meets none of these criteria, and must be rejected.

UCIDA's ACR proposal would make wholesale and unwarranted changes to harvest management in multiple areas around Kodiak, setting caps to limit sockeye harvests by week and by season. These caps are unsupported by harvest data or biology. In addition to negatively affecting harvester and community revenues, these restrictive caps would disrupt the carefully developed Kodiak management system for pink and chum salmon as well as for sockeye salmon.

Kodiak's commercial salmon fishery has existed since 1882, over 135 years. The salmon fishery continues to support one of the largest and most diversified fishing regions in the nation. The Kodiak salmon harvesting sector includes seine and set



gillnet participants Island-wide, many of them in multi-generational operations. The proposed harvest caps in ACR #11 would negatively affect the livelihoods of hundreds of families who have invested and continue to invest in a fishery based on current regulations. The proposed fishing limits would essentially set an upper boundary on a season's harvest, regardless of the strength of the local Kodiak returns. Such a limitation would devastate family fishing businesses, as well as processing companies, processing workers and support businesses in the Island communities.

Kodiak Island has six rural villages that depend entirely on fishery-related opportunities and revenue for their survival. It is important to note that the fishing skippers and crewmen resident in these communities plan on enjoying the benefits from the "good" or high production seasons to carry them through the lean years. A quota system as suggested by ACR#11 would put a cap on fishing opportunities during years when local stocks are abundant and thereby eliminate the economic buffer that has allowed these communities to survive over the past century of commercial fisheries. This important reality also applies to many salmon fishermen in the lower catch/earnings strata. Simply stated, capping earning opportunities when local stocks are abundant will put them out of business.

ACR#11 will completely disrupt the lives of Kodiak's salmon fishermen and the allocative balance between Kodiak purse seiners and Kodiak gillnetters. The proposal eliminates fishing opportunities for all of the seine fleet and for some of the gillnet fleet. Consequently, Kodiak gillnet fishermen will be pitted against one another with some sites being closed to fishing based on newly-drawn arbitrary boundaries and some sites improved because their neighbor is closed. Moreover, seine fishermen will be pitted against all of the gillnet fleet in that they would be displaced to areas that disproportionately impact gillnet fishermen. In other words, the entire Kodiak Management Area would be turned upside down simply to accommodate the Cook Inlet claim to fish that are to be managed as "common property" for all Alaskan fishermen.



Harvest reductions would mean reduced deliveries of fish to processing plants in the City of Kodiak and outlying areas. Several processing plants have participated in the Kodiak salmon fishery for more than 100 years, including the plant in Alitak Bay currently owned and operated by Ocean Beauty Seafood, and the one in Larsen Bay currently owned and operated by Icicle Seafoods. These plants continue to operate because of the long-established seine and

setnet harvesters nearby, and provide needed employment in remote areas.

The magnitude of the contribution of salmon fisheries to the Kodiak area cannot be overemphasized. As an example, in 2014, salmon was the most valuable fishery for Kodiak. Salmon ex-vessel value to the fishermen was \$49 million, with 66 million pounds landed. The first wholesale value to the processors was \$116 million.

Salmon harvesters have made an average of \$44 million a year for the last ten years. Importantly, for every one million pounds of salmon landed, local labor income is \$900,000, and for every \$1 million paid to fishermen, local labor income is \$1.22 million. The salmon fishery also provides revenue to the community through raw fish tax, an average of ____ over the last ___ years.

In addition, recreational salmon fishing makes a large and growing contribution to the Kodiak economy. Subsistence salmon harvesting is a cornerstone of the Kodiak region's coastal culture.

The Kodiak management system has long been successfully conserving local salmon stocks, while recognizing that mixed-stock fisheries are a feature of the Kodiak Management Area. Cook Inlet-bound sockeye have been a part of Kodiak fisheries for as long as data has been collected, in varying degrees by year and location. The Kodiak Management Area is expertly managed for optimum yield and escapement into the Island's salmon systems, while recognizing the presence of mixed stocks. Managing Kodiak fisheries strictly for stocks bound for other areas would disrupt this careful balance.

ADF&G has done decades of research on what causes the changing and unpredictable mixing of stocks: run strength and timing in both Cook Inlet and Kodiak, timing of fishery openings, regional weather and ocean conditions. The contention in the ACR that the recent Kodiak sockeye salmon harvest genetic study provided "new information" is false. .

Thank you for your consideration of the Kodiak community's concerns about this unsubstantiated challenge to Kodiak salmon fisheries and the region's way of life.

Sincerely,

Signatures

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Introduced by: Borough Manager
Drafted by: CDD
Introduced on: 04/06/2017
Public Hearing Date: 06/15/2017
Amended: 06/15/2017
Adopted on: 06/15/2017

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2017-21**

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 exercises 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 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 certain residential zoning districts; and

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Insertion – Bold, Blue, Underlined

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46
47 **WHEREAS**, the amendments to Chapters 17.25 KIBC (Definitions), 17.50 (C-Conservation),
48 17.60 (RR2-Rural Residential Two), 17.65 (RR-Rural Residential), 17.70 (RR1-Rural
49 Residential One), 17.75 (R1-Single-family Residential), 17.80 (R2-Two-family Residential), and
50 17.160 (Accessory Buildings) of Title 17 will accomplish the stated public need; and
51

52 **WHEREAS**, the Planning and Zoning Commission held work sessions or special meetings to
53 review the proposed changes on October 7, 2015, October 14, 2015, and November 10 2015;
54 and
55

56 **WHEREAS**, the Planning and Zoning Commission set aside time for public input and
57 discussion at each work session and special meeting; and
58

59 **WHEREAS**, the Planning and Zoning Commission held work sessions on December 9, 2015,
60 January 13, 2016, March 9, 2016, and May 11, 2016 followed by public hearings on December
61 16, 2015, January 20, 2016, March 16, 2016, and May 18, 2016; and
62

63 **WHEREAS**, the Planning and Zoning Commission, following the May 18, 2016 public hearing,
64 failed to pass a motion to transmit their recommendations for revisions to Title 17 to the
65 Borough Assembly; and
66

67 **WHEREAS**, on May 19, 2016, two Planning and Zoning Commissioners filed a
68 Reconsideration Affidavit with the Community Development Department stating their intent to
69 reconsider the vote taken after the May 18, 2016 public hearing; and
70

71 **WHEREAS**, the Planning and Zoning Commission, at their July 13, 2016 regular meeting,
72 voted to reconsider the vote taken after the May 18, 2016 public hearing and to postpone the
73 vote on the recommendations for revisions to Title 17 to their September 21, 2016 regular
74 meeting; and
75

76 **WHEREAS**, the Planning and Zoning Commission, held an additional work session on
77 September 14, 2016 followed by an additional public hearing on September 21, 2016; and
78

79 **WHEREAS**, the Planning and Zoning Commission, following the September 21, 2016 public
80 hearing, voted to transmit their recommendations for revisions to Title 17 to the Borough
81 Assembly; and
82

83 **WHEREAS**, the Borough Assembly held work sessions on January 12, 2017, February 9,
84 2017, March 2, 2017, March 30, 2017, April 13, 2017, and June 8, 2017; and
85

86 **WHEREAS**, the Borough Assembly held a public hearing on June 15, 2017.
87

88 **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND**
89 **BOROUGH THAT:**
90

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

94 **Section 2:** That Title 17 of the Kodiak Island Borough Code of Ordinances is amended to read
95 as follows:

97 **Chapter 17.25**
98 **DEFINITIONS**

99 ...
100 **17.25.020 A definitions.**

101 ...
102 “Accessory Dwelling Unit (ADU)” means an additional dwelling unit attached to or within
103 a single-family residence or within a detached accessory structure or as a separate
104 structure on the same lot as the single-family residence. ADUs have a separate entrance
105 and exit and contain kitchen, bathroom, and sleeping facilities.

106 ...
107 **Chapter 17.160**
108 **ACCESSORY BUILDINGS AND ACCESSORY DWELLING UNITS**

- 109 Sections:
110 17.160.010 Intent.
111 17.160.020 Definition.
112 17.160.030 Permitted districts.
113 17.160.040 Height limit.
114 17.160.050 Area.
115 17.160.060 Setbacks.
116 17.060.070 Accessory dwelling units.

117
118 **17.160.010 Intent.**
119 It is the intent of this chapter to set forth standards for the size and location of accessory
120 buildings and accessory dwelling units. Hoop houses shall not be subject to the limitations of
121 this chapter in all zoning districts where hoop houses are permitted. [Ord. FY2012-10 §12,
122 2012; Ord. 90-31 §2, 1990; Ord. 82-14-O(A) §2, 1982. Formerly §17.51.010].

123
124 **17.160.020 Definition.**
125 “Accessory building” means:
126 A. A detached building, the use of which is appropriate, subordinate and customarily incidental
127 to that of a main building, located on the same lot as the main building and which is not
128 designed or intended to be used for living or sleeping purposes.
129 B. An accessory building shall be considered to be a part of the main building when joined to the
130 main building by a common wall not less than four feet long or by a roofed passageway which
131 shall not be less than eight feet in width.
132 C. Any structure, regardless of type of foundation or base support, including skid-mounted or
133 other movable structure, that also requires a building permit for construction ~~(for example,~~
134 ~~structures where the projected roof area exceeds 120 square feet).~~ A minor structural
135 development that does not require a building permit is not regulated by this chapter.

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136 D. A nonmotorized container van when used for the sole purpose of storing emergency
137 response equipment in the Kodiak Island Borough and not placed on a permanent foundation.
138 [Ord. 2001-01 §2, 2001; Ord. 90-31 §2, 1990; Ord. 82-14-O(A) §2, 1982. Formerly §17.51.020].
139

140 **17.160.030 Permitted districts.**

- 141 A. Accessory buildings are permitted in all land use districts that specifically allow for them.
- 142 B. In residential zoning districts, no accessory building shall be located on any lot in the
- 143 absence of a main building used as a residence; except that in the case of a vacant lot, zoning
- 144 compliance for an accessory building (used solely for the storage of tools and materials needed
- 145 for the construction of the permitted residence) may be issued at the same time zoning
- 146 compliance and a building permit are issued for a residence.
- 147 C. An accessory building as defined by KIBC 17.160.020(D) is permitted in all zoning districts
- 148 with authorization from the local municipality and issuance of a zoning compliance permit. [Ord.
- 149 2001-01 §3, 2001; Ord. 90-31 §2, 1990; Ord. 82-14-O(A) §2, 1982. Formerly §17.51.030].

150
151 **17.160.040 Height limit.**

152 The maximum height of an accessory building is ~~25~~ 35 feet. An exception to this section is any
153 structure that meets the definition of an amateur radio antenna as outlined in AS 29.35.141.
154 [Ord. FY2006-08 §2, 2006; Ord. 90-31 §2, 1990; Ord. 82-14-O(A) §2, 1982. Formerly
155 §17.51.040].
156

157 **17.160.050 Area.**

- 158 A. The maximum lot coverage of the total of all accessory buildings on a lot shall not exceed 10
- 159 percent of the area of a lot except that on any lot of record, accessory buildings may cover a
- 160 maximum of 600 square feet of the lot or 10 percent of the area of the lot, whichever is greater.
- 161 B. Accessory dwelling units are exempt from the lot coverage limitations of this section.

162
163 **17.160.060 Setbacks.**

164 The minimum yard setbacks requirements for accessory buildings and accessory dwelling
165 units are those established for the zoning district in which the accessory building or accessory
166 dwelling unit will be located.
167

168 17.160.070 Accessory dwelling units.

169 A. Intent.

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

- 175 1. ADUs are not intended to allow a two-family residence in the R-1 any single-family
- 176 residential zoning district.
- 177 2. ADUs are not intended to circumvent the parking requirements for a two-family
- 178 dwelling (duplex) in the R-2 zoning district.

179 B. Permitted Uses.

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

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- 181 a. Chapter 17.50 KIBC, C-Conservation District;
- 182 b. Chapter 17.60 KIBC, RR2-Rural Residential Two District;
- 183 c. Chapter 17.70 KIBC, RR1-Rural Residential One District (attached);
- 184 d. Chapter 17.75 KIBC, R1-Single-family Residential District (attached);
- 185 e. Chapter 17.80 KIBC, R2-Two-family Residential District.

C. Conditional Uses.

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

- 188 a. Chapter 17.65 KIBC, RR-Rural Residential District;
- 189 b. Chapter 17.70 KIBC, RR1-Rural Residential One District (detached);
- 190 c. Chapter 17.75 KIBC, R1-Single-family Residential District (detached).

D. Development Standards for ADUs.

- 192 1. Only one ADU shall be permitted on a lot.
- 193 2. Location. An ADU may be attached to or located within a single-family residence or
- 194 within a detached accessory building on the same lot as the single-family residence
- 195 or as a separate structure on that lot. If the ADU is located within a single-family
- 196 dwelling, there shall only be one entrance to the front of the house. Separate
- 197 entrances to an ADU located within the principal dwelling or attached to it are
- 198 permitted at the side or the rear of the principal dwelling unit.
- 199 3. ADUs are required to comply with all applicable building and fire code
- 200 requirements.
- 201 4. Water supply and wastewater disposal. The accessory dwelling unit must have a
- 202 bathroom and shall share the same sewage disposal and water supply systems (e.g.,
- 203 a well and septic system or connection to public water and sewer) as the principal
- 204 dwelling unit unless separate sewer and water connections are required by the City of
- 205 Kodiak, ADEC, or the communities of Ahkiok, Karluk, Larsen Bay, Old Harbor,
- 206 Ouzinkie, or Port Lions.
- 207 5. One (1) additional parking space shall be provided for is required with an ADU.
- 208 6. Size Limit.
- 209 a. An ADU shall be limited to 480 square feet or less.
- 210 b. Mobile homes, recreational vehicles, campers, ~~conexos~~, and travel trailers are
- 211 not permitted to be used as an ADU.
- 212 87. The owner of the property shall live in the principal dwelling or the ADU.
- 213 98. No new access points or driveways shall be created or installed for access to the
- 214 ADU.
- 215 109. Nonconforming structures.
- 216 a. ADUs may be located within an existing single-family detached dwelling that is
- 217 nonconforming with respect to required setbacks, provided the ADU requirement
- 218 for off-street parking is met.
- 219 b. ADUs are prohibited in any accessory structure that is nonconforming with
- 220 respect to required setbacks.
- 221 1110. Access for emergency services providers.
- 222 a. The zoning compliance permit and site plan for an ADU must show the location
- 223 of an unobstructed route of travel from the street to the ADU entrance.

224 b. Exterior doors and openings required by this code or the IBC shall be
225 maintained readily accessible for emergency access by the fire department. An
226 approved access walkway leading from the apparatus access roads to exterior
227 openings shall be provided when required by the fire code official.

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Chapter 17.50
C – CONSERVATION DISTRICT

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232 ...

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17.50.030 Permitted accessory uses and structures.

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

238 ...

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

242 ...

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244

Chapter 17.60
RR2 – RURAL RESIDENTIAL TWO DISTRICT

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246 ...

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17.60.020 Permitted uses.

249 The following land uses and activities are permitted in the rural residential two district:

250 A. Accessory buildings and accessory dwelling units (ADUs);

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Chapter 17.65
RR – RURAL RESIDENTIAL

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257

17.65.040 Conditional uses.

258 The following land uses may be allowed by obtaining a conditional use permit in accordance
259 with the provisions of Chapter 17.200 KIBC:

260

261

A. Firework stands; ~~and~~

262

B. Recreational vehicle parks; ~~and~~

263

C. Accessory dwelling units (ADUs).

264

265

Chapter 17.70
RR1 – RURAL RESIDENTIAL ONE DISTRICT

266

267

268

17.70.020 Permitted uses.

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269 The following land uses are permitted in the rural residential one district:

270 ...

271

272 K. Recreational cabins; ~~and~~

273 L. Hoop houses; ~~and~~

274 M. Accessory dwelling units (ADUs) (attached).

275

276 **17.70.030 Conditional uses.**

277 The following land uses may be allowed by obtaining a conditional use permit in accordance
278 with the provisions of Chapter 17.200 KIBC:

279

280 A. Firework stands; ~~and~~

281 B. Recreational vehicle parks; ~~and~~

282 C. Accessory dwelling units (ADUs) (detached).

283 ...

284

285

Chapter 17.75

R1 – SINGLE-FAMILY RESIDENTIAL DISTRICT

286 ...

287

288

289 **17.75.020 Permitted uses.**

290 The following land uses and activities are permitted in the single-family residential district:

291 ...

292

293 F. Single-family dwellings; ~~and~~

294 G. Hoop houses; ~~and~~

295 H. Accessory dwelling units (ADUs) (attached).

296

297

298

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300 ...

301

302 D. Vacation homes; ~~and~~

303 E. Recreational vehicle parks; ~~and~~

304 F. Accessory dwelling units (ADUs) (detached).

305 ...

306

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Chapter 17.80

R2 – TWO-FAMILY RESIDENTIAL DISTRICT

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- N. Bed and breakfasts; ~~and~~
- O. Hoop houses; ~~and~~
- P. Accessory dwelling units when there is a single-family residence on the property.

Section 3: By this ordinance, the Borough Assembly adopts the following findings of fact in support of their approval of these amendments:

1. There is a growing need for 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 or conditional 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 or conditional 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.

Effective Date: This ordinance takes effect upon adoption. (Note: KIBC 2.30.070 states an ordinance takes effect upon adoption or at a later date specified in the ordinance.)

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS FIFTEENTH DAY OF JUNE, 2017.**

KODIAK ISLAND BOROUGH



Daniel A. Rohrer, Mayor

ATTEST:



Nova M. Javier, MMC, Clerk

VOTES:

Ayes: Crow, LeDoux, Townsend, Smiley, Symmons, and Van Daele
Noes: Skinner

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Introduced by: KIB Assembly
Drafted by: CDD
Introduced on: 08/17/2017
Public Hearing Date: 09/07/2017
Adopted on:

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2018-02**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH AMENDING TITLE 17 KIBC (ZONING) BY ADDING CHAPTER 17.77 KIBC (RSL-RESIDENTIAL SMALL LOT SINGLE-FAMILY DISTRICT) TO CREATE A NEW ZONING DISTRICT THAT WILL ALLOW DEVELOPMENT OF SINGLE-FAMILY DWELLINGS ON SMALLER LOTS IN THE BOROUGH (P&Z CASE NO. 17-014)

WHEREAS, as a second class Borough, the Kodiak Island Borough exercises planning, platting, and land use regulations on an area wide basis pursuant to Chapter 29.40 Alaska Statutes (AS); 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 Title 17 (Zoning) of the Kodiak Island Borough Code (KIBC) 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 public awareness of the need for additional housing options in Kodiak; and

WHEREAS, allowing development of single-family dwellings on smaller lots in the Borough may be one part of a regulatory solution to address this multi-faceted issue; and

WHEREAS, KIBC Title 17 (Zoning) requires a minimum lot area of 7,200 square feet in those urban residential zoning districts that allow development of single-family dwellings; and

WHEREAS, lots smaller than 7,200 square feet are capable of accommodating such development while providing sufficient yard setbacks and off-street parking; and

WHEREAS, creating a new urban residential zoning district that allows the development of single-family dwellings on smaller lots should reduce the associated land costs and encourage the construction of smaller housing types in that new district; and

Kodiak Island Borough, Alaska
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49 **WHEREAS**, the public necessity, convenience, and general welfare of the community may be
50 better served by amending Title 17 KIBC (Zoning) by adding chapter 17.77 KIBC (RSL-
51 Residential Small Lot Single-Family District) to create a new zoning district that specifies the
52 regulatory requirements for development of single-family dwellings on smaller lots in the
53 Borough; and

54
55 **WHEREAS**, the Planning and Zoning Commission held work sessions to review the proposed
56 chapter on October 7, 2015, October 14, 2016, November 10, 2015, December 9, 2015,
57 January 13, 2016, February 10, 2016, March 9, 2016, May 11, 2016, November 9, 2016, and
58 December 7, 2016; and

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

62
63 **WHEREAS**, the Planning and Zoning Commission held work sessions on January 11, 2017,
64 February 8, 2017, and May 10, 2017 followed by public hearings on January 18, 2017, February
65 15, 2017, and May 17, 2017; and

66
67 **WHEREAS**, the Planning and Zoning Commission, following the May 17, 2017 public hearing,
68 voted to transmit their recommendation to amend Title 17 KIBC (Zoning) by adding Chapter
69 17.77 KIBC (RSL-Residential Small Lot Single-Family District) to the Borough Assembly; and

70
71 **WHEREAS**, the Assembly held work sessions on August 10, 2017, August 31, 2017, and
72 September 14, 2017; and

73
74 **WHEREAS**, the Assembly held a public hearing on September 21, 2017; and

75
76 **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND**
77 **BOROUGH THAT:**

78
79 **Section 1:** This ordinance is of a general and permanent nature and shall become a part of the
80 Kodiak Island Borough Code of Ordinances; and

81
82 **Section 2:** By this ordinance, the Borough Assembly adopts the following findings of fact in
83 support of their approval of the amendment:

- 84
85 1. There is a growing need for additional housing options in Kodiak. Allowing development
86 of single-family dwellings on smaller lots in the Borough may be one part of a regulatory
87 solution to address this multi-faceted issue.
88
89 2. Current KIBC Title 17 (Zoning) requires a minimum lot area of 7,200 square feet in those
90 urban residential zoning districts that allow development of single-family dwellings. Lots
91 smaller than 7,200 square feet are capable of accommodating such development while
92 providing sufficient yard setbacks and off-street parking.
93
94 3. Creating a new urban residential zoning district that allows the development of single-
95 family dwellings on smaller lots should reduce the associated land costs and encourage
96 the construction of smaller housing types in that new district.
97
98 4. The amendment will create a new urban residential zoning district that specifies the
99 regulatory requirements for development of single-family dwellings on smaller lots in the

- 100 Borough, which is consistent with the adopted Comprehensive Plan goals, policies, and
- 101 implementation actions related to land use and housing.
- 102
- 103 5. The Planning and Zoning Commission recommends approval of amending Title 17 KIBC
- 104 (Zoning) by adding Chapter 17.77 KIBC (RSL-Residential Small Lot Single-Family
- 105 District).
- 106

107 **Effective Date:** This ordinance takes effect upon adoption.

108 Chapter 17.77

109 RSL – RESIDENTIAL SMALL LOT SINGLE-FAMILY DISTRICT

110 Sections:

- 111 17.77.010 Description and intent.
- 112 17.77.020 Permitted uses.
- 113 17.77.030 Conditional uses.
- 114 17.77.040 Minimum size of the RSL district.
- 115 17.77.050 Prohibited lot designs.
- 116 17.77.060 Area requirements.
- 117 17.77.070 Yards.
- 118 17.77.080 Building height limit.
- 119 17.77.090 Public service requirement.

120 17.77.010 Description and intent.

121 The RSL residential small lot single-family zoning district is established as a land use

122 district for single-family residential dwellings on smaller lots, where public water and

123 sewer services are available. For the residential small lot single-family zoning district, in

124 promoting the general purposes of this title, the specific intentions of this chapter are:

- 125 A. To reduce land costs associated with single-family residential development;
- 126 B. To encourage the construction of smaller housing types;
- 127 C. To prohibit commercial, industrial, and any other use of the land which would interfere
- 128 with the development or continuation of single-family dwellings in the district; and
- 129 D. To require a minimum land area to establish the RSL district to reduce the impacts of
- 130 potential subdivision of existing lots within neighborhoods.

131 17.77.020 Permitted uses.

132 The following land uses and activities are permitted in the residential small lot single-

133 family district:

- 134 A. Single-family dwellings;
- 135 B. One accessory building;
- 136 C. Home occupations; and
- 137 D. Hoop houses.

- 142 17.77.030 Conditional uses.
- 143 Reserved.
- 144
- 145 17.77.040 Minimum size of the RSL district.
- 146 A. A minimum contiguous land area of 1.5 acres that is capable of being subdivided into
- 147 10 or more lots that meet RSL district lot area, width, and design requirements is
- 148 required to establish this zoning district.
- 149 B. One or more parcels that meet the contiguous land area requirement may be rezoned
- 150 to this district, subject to the following:
- 151 1. An approved rezone shall not become effective until approval and recording of a
- 152 plat that subdivides the subject land into 10 or more lots that meet the requirements
- 153 of Title 16 (Subdivision) and Title 17 (Zoning) of the Borough Code; and
- 154 2. The rezone shall become null and void if a plat depicting the subdivision is not
- 155 approved and recorded within 36 months from the date of rezone approval.
- 156
- 157 17.77.050 Prohibited lot designs.
- 158 The flag lot designs listed in Chapter 16.40 KIBC are prohibited in the RSL district.
- 159
- 160 17.77.060 Area requirements.
- 161 A. Lot Area.
- 162 1. The minimum lot area required is 3,600 square feet.
- 163 2. The maximum lot area allowed is 6,000 square feet.
- 164 3. Water bodies, private roads, and public access easements are excluded from lot
- 165 area calculations.
- 166 B. Lot Width.
- 167 1. The minimum lot width for an interior lot is 30 feet.
- 168 2. The minimum lot width for a corner lot is 35 feet.
- 169
- 170 17.77.070 Yards.
- 171 A. Front Yard. The minimum front yard shall be 25 feet.
- 172 B. Side Yard. The minimum side yard required is five feet. The minimum side yard
- 173 required on the street side of a corner lot is 10 feet.
- 174 C. Rear Yard. The minimum rear yard required is 10 feet.
- 175
- 176 17.77.080 Building height limit.
- 177 The maximum building height allowed is 35 feet.
- 178
- 179 17.77.090 Public service requirement.
- 180 Water and sanitary sewer service from a certificated public utility or municipal system
- 181 are required for lots in this land use district.
- 182
- 183

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ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH

THIS _____ DAY OF _____, 2017.

KODIAK ISLAND BOROUGH

ATTEST:

Daniel A. Rohrer, Mayor

Nova M. Javier, MMC, Clerk

VOTES:

Ayes:

Noes:

PENDING

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