

Introduced by: Planning and Zoning Commission
Drafted by: Community Development Department
Introduced on: 12/20/2018
Public Hearing Date: 01/03/2019
Adopted on: 01/03/2019

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2019-15**

AN ORDINANCE OF THE KODIAK ISLAND BOROUGH AMENDING CHAPTER 17.205 (AMENDMENTS AND CHANGES) TO INCORPORATE PROCEDURES FOR CHANGING THE COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION FOR APPROVED REZONES THAT ARE NOT CONSISTENT WITH THE ASSIGNED COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION (P&Z CASE NO. 19-011).

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. FY 2008-10) 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, the Borough commonly receives applications to rezone a parcel or parcels to a zoning district that is not consistent with the Comprehensive Plan Future Land Use Designation (FLUD) assigned to the subject parcel or parcels, and

WHEREAS, such rezone requests may be approved if it has been determined that the rezone is consistent with, and further implements, a sufficient number of Comprehensive Plan goals, policies, and implementation actions; and

WHEREAS, when such rezone requests have been approved, the FLUD has correspondingly been changed to a designation that is consistent with the new zoning; and

WHEREAS, Title 17 (Zoning) of the Kodiak Island Borough Code provides no specific process for changing the FLUD when such rezones are approved; and

46 **WHEREAS,** the rezone procedures listed in KIBC 17.205 (Amendments and Changes) have
47 historically been used to process such FLUD changes as a separate request that proceeded the
48 corresponding rezone request; and

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50 **WHEREAS,** that procedure resulted in a duplicate process that created unnecessary
51 administrative burdens for the applicant, staff, Planning and Zoning Commission, and Borough
52 Assembly; and

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54 **WHEREAS;** these amendments to KIBC 17.205 (Amendments and Changes) will incorporate
55 specific procedures that eliminate those administrative burdens by automatically changing the
56 FLUD of a parcel or parcels to a designation that is consistent with an approved corresponding
57 rezone of the parcel or parcels; and

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59 **WHEREAS,** the Planning and Zoning Commission reviewed the proposed changes at Their
60 October 10, 2018 and November 7, 2018 Work Sessions; and

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62 **WHEREAS,** the Planning and Zoning Commission, following a public hearing on November 14,
63 2018, voted to transmit the revisions to KIBC 17.205 to the Borough Assembly with a
64 recommendation for approval; and

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66 **WHEREAS,** the Borough Assembly reviewed the proposed changes at their December 13,
67 2018 and December 27, 2018 Work Sessions; and

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69 **WHEREAS,** the Borough Assembly held a public hearing on January 3, 2019 to consider the
70 merits of the proposed amendments.

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

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

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78 **Section 2:** Chapter 17.205 Amendments and Changes of the Kodiak Island Borough Code of
79 Ordinances is hereby amended to read as follows:

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81 **Chapter 17.205**
82 **AMENDMENTS AND CHANGES**

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84 Sections:

- 85 17.205.010 Authority.
86 17.205.020 Report from planning and zoning commission.
87 17.205.030 Manner of initiation.
88 17.205.040 Hearing and notice on rezones.
89 17.205.050 Rezones may include additional property.
90 17.205.055 Submission to assembly.

- 91 17.205.060 Hearing determination.
- 92 17.205.070 Hearing – Required – Notice.
- 93 17.205.075 **Comprehensive Plan Future Land Use Designation Consistency**
- 94 17.205.080 *Repealed.*

95
96 **17.205.010 Authority.**

97 Whenever the public necessity, convenience, general welfare or good zoning practice requires,
98 the assembly may, by ordinance and after report thereon by the commission and public hearing
99 as required by law, amend, supplement, modify, repeal or otherwise change these regulations
100 and the boundaries of the districts. [Ord. FY2018-14 §2, 2018; Ord. 83-58-O §1, 1983. Formerly
101 §17.72.010].

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103 17.205.075 Comprehensive Plan Future Land Use Designation Consistency.

104 The following applies to all approved rezones that are not consistent with assigned
105 Comprehensive Plan Future Land Use Designations:

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107 A. The Comprehensive Plan Future Land Use Designation of the parcel or parcels shall be
108 changed to a designation that is consistent with the new zoning; and

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110 B. Any such Comprehensive Plan Future Land Use Designation change shall become
111 effective upon the effective date of the corresponding rezone; and

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113 C. The ordinance approving the rezone shall contain a section that specifies the newly
114 assigned Comprehensive Plan Future Land Use Designation of the rezoned parcel or
115 parcels.

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117 **17.205.080 Boundary change – Protest.**

118 *Repealed by Ord. 93-20. [Ord. 83-58-O §1, 1983. Formerly §17.72.080].*

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

- 122
123 1. A rezone of a parcel or parcels that is not consistent with the Comprehensive
124 Plan Future Land Use Designation (FLUD) assigned to the subject parcel or
125 parcels may be approved if the rezone is consistent with, and further
126 implements, a sufficient number of Comprehensive Plan goals, policies, and
127 implementation actions.
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129 2. When such rezone requests have been approved, the FLUD has
130 correspondingly been changed to a designation that is consistent with the new
131 zoning.
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133 3. Title 17 (Zoning) of the Kodiak Island Borough Code provides no specific
134 process for changing the FLUD when such rezones are approved.

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4. The rezone procedures listed in KIBC 17.205 (Amendments and Changes) have historically been used to process such FLUD changes as a separate request that proceeded the corresponding rezone request. That procedure resulted in a duplicate process that created unnecessary administrative burdens for the applicant, staff, Planning and Zoning Commission, and Borough Assembly.
5. These amendments to KIBC 17.205 (Amendments and Changes) incorporate specific procedures that eliminate those administrative burdens by automatically changing the FLUD of a parcel or parcels to a designation that is consistent with an approved corresponding rezone of the parcel or parcels.
6. This ordinance is consistent with, and will further implement, certain land use goals and implementation actions identified in the 2008 Comprehensive Plan.
7. The Planning and Zoning Commission recommended that the Borough Assembly approve this ordinance.

Effective Date: This ordinance takes effect upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS THIRD DAY OF JANUARY, 2019.**

KODIAK ISLAND BOROUGH



Daniel A. Rohrer, Mayor

ATTEST:


Nova M. Javier, MMC, Clerk

UNANIMOUS VOTE:

Ayes: Arndt, Kavanaugh, Schroeder, Smiley, Symmons, Turner

Noes: Skinner