

CITY OF KOTZEBUE
REGULAR PLANNING COMMISSION MEETING
CITY COUNCIL CHAMBERS
SEPTEMBER 12, 2024 5:15 P.M.

AGENDA

- I. CALL TO ORDER/ROLL CALL
- II. INVOCATION/PLEDGE OF ALLEGIANCE
- III. INTRODUCTION OF GUESTS
- IV. ADOPTION OF THE AGENDA
- V. APPROVAL OF MINUTES
- VI. CITIZEN'S COMMENTS
- VII. CORRESPONDENCE
- VIII. NEW BUSINESS
 - A. Request for Zoning Variance Application- Sandra Moto
 - B. Request for Zoning Variance Application- Native Village of Kotzebue
- IX. UNFINISHED BUSINESS
 - A. Zoning Project- Work Group Creation
- X. REPORTS
 - A. Planning Director Report
- XI. TIME & PLACE OF NEXT MEETING
 - A. October 10, 2024 5:15pm. City Council Chambers
- XII. COMMISSIONER'S COMMENTS
 - A. Herb Swezey
 - B. Barbara Collison
 - C. Johnathan Heft
 - D. Clay Nordlum
 - E. Vacant
 - F. Ernest Norton, Chairman
 - G. VACANT
- XIII. ADJOURNMENT

**CITY OF KOTZEBUE
REGULAR PLANNING COMMISSION MEETING
MINUTES
AUGUST 8, 2024**

I. CALL TO ORDER

Chairman Norton called the regular meeting to order at 5:15 P.M.

ROLL CALL

In attendance were:

Commissioners: Herb Sweezey, Barbara Collison, Jonathan Heft

Chairman: Ernest Norton

Commissioner Clay Nordlum was absent.

II. INVOCATION / PLEDGE OF ALLEGIANCE

A moment of silence was observed, and the pledge of allegiance was said by all.

III. INTRODUCTION OF GUESTS

Sam Camp, Planning Director; Joe Evans, City Attorney;

Telephonically: Gem Belamour, City Planner

IV. APPROVAL/AMENDMENTS TO AGENDA

Commissioner Heft moved to approve agenda, as presented, seconded by Commissioner Sweezey.

Motion carries unanimously by voice vote.

V. APPROVAL OF MINUTES

A. July 8, 2024 – Regular Planning Commission Meeting

Commissioner Heft moved to approve July 8, 2024 Regular Planning Commission Minutes, as presented, seconded by Commissioner Sweezey.

Motion carries unanimously by voice vote.

VI. CITIZEN'S COMMENTS

No citizen's comments were made.

VII. CORRESPONDENCE

There was no correspondence.

VIII. NEW BUSINESS

A. Tidelands Permit Extension – Alaska Center for Energy and Power

City Attorney Evans introduced the tidelands permit application, originally set to expire at the end of August. However, ACEP has requested an additional two-week extension, moving the deadline to September 7th.

The permit is currently set to expire on August 24, 2024, unless extended by mutual agreement between both parties. While this is an unusually short extension period, it does not require approval from the City Council. However, the Commission will need to take action if they decide to approve the extension. A brief letter, issued on behalf of the Commission, would suffice to formalize the two-week extension. No other regulation changes are associated with this extension, which is solely for the purpose of data collection on tidal movements in collaboration with KEA. The goal is to explore the feasibility of electric generation using tidal power.

While the mutual agreement includes an extension through September 7th, additional time may be granted, if necessary, within reasonable limits, and can be approved “*nunc pro tunc*” if the project requires more time beyond the September 7th deadline.

Commissioner Sweezey made a motion to approve the extension of the ACEP tidelands permit through September 7th, additional time may be granted, if necessary, within reasonable limits, and can be approved “nunc pro tunc” if the project requires more time beyond this deadline, seconded by Commissioner Collison.

Motion passed unanimously by roll call vote.

IX. UNFINISHED BUSINESS

A. KMC 11.04 Tidelands Regulations – Interpretation & Enforcement

Planning Director Camp presented the KMC 11.04 Tidelands Regulations – Interpretation and Enforcement for discussion, seeking guidance from the Planning Commission. The interpretation and enforcement of the tidelands regulations remain a gray area, especially when applying the provisions of this chapter within the KMC.

Currently, two major permit holders do not directly operate within City-owned tidelands but conduct business with Kotzebue fishermen, who do fish in those tidelands. The Planning Department is requesting direction on whether enforcement of the tidelands regulations should apply strictly to those operating within City-owned tidelands, or if the current practice of charging businesses a blanket fee for purchasing fish from fishermen operating within city tidelands should continue.

Commissioner Heft supports the current practice of charging permit holders for conducting business with fishermen, rather than imposing the application and fees directly on the fishermen operating within City-owned tidelands. He also recommended amending KMC 11.04 to clarify this practice, which would help avoid any future complications for permit holders.

City Attorney Evans outlined the process required to amend the code. This would involve rewriting the definition of tidelands use fees, shifting the responsibility onto commercial fishery operators. The proposed amendment would then proceed through a Planning Commission Resolution before being sent to the City Council for approval.

Commissioner Swezey raised a question about the potential expansion of the tidelands area. The Planning Department will continue to look into this matter for further discussion by the Planning Commission.

B. Zoning Project – Work Group Creation

City Planner Belamour provided an update on the creation of the Zoning Project Work Group. At present, there is limited public interest in the zoning project. The Planning Department plans to move forward by including only those who are currently available and interested in joining the work group. However, as the project gains more attention, opportunities will remain open for additional participants to join as public interest grows. There will be ample opportunities for community feedback, as the project will require public meetings and discussions throughout this lengthy process.

Commissioner Heft expressed hope that public interest will increase over time but agreed that once the project is underway, more people may become interested in participating in the work group.

X. REPORTS

A. Planning Director's Report

Planning Director Camp provided the Planning Director's report, covering updates on several key projects.

An update on the Hazard Mitigation Plan was given, with the first draft now complete and in good shape. The plan is expected to be finalized by the end of December. Once this is complete, the Planning Department will proceed with updating the Disaster Emergency Response Plan.

Regarding the old Recreational Center, it remains unused and is listed as one of the City's Capital Project Priorities. The Planning Department has been in contact with the Alaska Department of Environmental Conservation to explore the EPA Community-

Wide Assessment Grant, which targets underutilized sites. The old Recreation Center is considered a strong candidate for this program, and no matching funds are required.

XI. TIME & PLACE OF NEXT MEETING

September 12, 2024 5:15PM, City Council Chambers – Regular Planning Commission Meeting

XII. COMMISSIONER’S COMMENTS

A. Herb Sweezey

Good to be back.

B. Barbara Collison

Today’s discussion was very interesting. It will take some work for us to achieve our goals but it’s very exciting.

C. Jonathan Heft

Nice to finally meet Joe in person. We have a lot of things going on and we are glad that we are making progress.

D. Clay Nordlum

Absent.

E. VACANT

F. Ernest Norton, Chairman

Thank you staff and Joe. Our plans and goals are definitely going to be exciting. Thank you Planning Commission.

G. VACANT

XIII. ADJOURNMENT

Commissioner Collison moved to adjourn the meeting, seconded by Commissioner Sweezey.

The Planning Commission Meeting adjourned at 6:24 PM.

Permit No.: 24-12
Fee Paid: Yes 7/26/24 10\$
Receipt No.: 1.069291
Date Received: 7-26

CITY OF KOTZEBUE BUILDING PERMIT APPLICATION

The City of Kotzebue does not currently have a building inspection program. However, the City would recommend that the Applicant review the current versions of the following Codes before any design and construction is started:

- Uniform Building Code
- Uniform Mechanical Code
- Uniform Fire Code
- American Standard National Plumbing Code
- National Electric Code

INSTRUCTIONS:

A. ALL APPLICATION QUESTIONS MUST BE ANSWERED COMPLETELY. WRITE N/A IF NO ANSWER IS NEEDED.

B. Kotzebue Municipal Code 17.48.010 states: Required- Except as otherwise provided by law, no person may construct, erect, structurally alter, or move a structure unless the administrative official has issued a building permit thereof. Before issuing a building permit, the administrative official shall certify in writing on the permit that the work permitted conforms to this chapter, subject to any variances granted under Chapter 17.40 and other City Ordinances governing the use of land and structures.

C. State law requires a Plan Review by the State Fire Marshal for construction, repair, remodel, additions, or installation or change of fuel tanks and must be approved by the State Fire Marshal's Office before ANY work is started. *****Residential housing that's a tri-plex or smaller is exempt from this requirement, but not the City's building permit requirements.*****

The Alaska Statutes require the State Fire Marshal to adopt regulations for plan reviews. See, AS 18.70.080(a)(2).

As stated on the Plan Review Bureau site:
Construction, repair, remodel, addition, or change of occupancy of any building/structure, or installation or change of fuel tanks must be approved by the Division of Fire and Life Safety before ANY work is started.

Residential housing that is three-plex or smaller is exempt from this requirement.

[Taken from: <https://dps.alaska.gov/Fire/PRB/Home>]

The focus of this State of Alaska exemption is on residential housing/residential purposes, not "personal" use. So, a storage building/warehouse-type structure is not a residential housing unit nor is it a structure for residential purposes regardless of a claim by the owner that it is for "personal" use.

Therefore, in order to comply with State law, the City's building permit procedure must comply with the requirements of state law. Namely, if the permit is for construction, repair, remodeling, addition(s) to or change of occupancy of any building/structure that is used for residential housing/residential purposes that is a three-plex or smaller such is exempt from the Plan Review Bureau/State Fire Marshal requirements. However, if the permit is for construction, repair, remodeling, addition(s) to any building/structure that is **NOT** for residential housing/ residential purposes [or a building used for residential purposes containing four or more dwelling units] such a building permit is required to follow the Plan Review Bureau/State Fire Marshal submission requirements.

GENERAL INFORMATION:

Date: 6/4/24
 Applicant's Name: Dickie Moto Owner's Name: Sandra Moto
 Mailing Address: P.O. Box 1264 Mailing Address: P.O. Box 1264 Kotzebue
 Email Address: dmotonwbor.org Email Address: s.moto@kea.coop
 Phone: 907-442-4518 Phone: 907-442-4518
 Cell: 907-412-1207 Cell: 907-442-1202

PROPERTY DESCRIPTION:

Lot 7 Block 6 U.S.S. 4498 Tract _____
 House#: 813 Street name: Wanda

WORK TO BE PERFORMED UNDER THIS PERMIT:

See, INSTRUCTIONS, PARAGRAPH "C" ABOVE
 REGARDING RESIDENTIAL versus COMMERCIAL

Residential

Commercial

New Construction <input checked="" type="checkbox"/>	New Construction _____
Remodel _____	Remodel _____
Addition _____	Addition _____
Mobile Home _____	Change Use of Site _____
Move (requires separate moving permit) _____	Other _____
Change Use of Site _____	
Other _____	

Type of Construction

Frame Stick Frame
Block _____
Concrete _____
Log _____
Other _____
Size of Building 24 x 40 24 height 2nd floor (w/l/h)
Number of Stories 2
Basement (Yes or No) No

Are there other buildings on the property? (Yes or No) No
If yes, show on the Site Plan. Show access on the Site Plan

Complete a Site Plan as per the instructions on the next page, including all structures on the lot. Show buildings to scale.

Is water/sewer service desired? (Yes or No) No
If yes, please sketch service routing on the Site Plan and fill out a Water/Sewer Agreement.

[Note: If a Building Permit is issued by the Planning Director, the City reserves the right to do follow-up visits to the construction/building site to confirm that work being done on the site is in conformance with the terms of the Building Permit. If the work being done on the site is NOT in conformance with the terms of the Building Permit, the Building Permit may be revoked, a stop-order issued, and/or work done NOT in conformance with the terms of the Building Permit removed from the property.]

**CITY OF KOTZEBUE
BUILDING PERMIT APPLICATION
SITE PLAN REQUIREMENTS**

Site Plan:

A site plan must accompany this Application. The drawing must be legible and accurate. Please indicate the following:

1. All set-back and lot dimensions
2. House number(s) of buildings on the lot
3. Other structures on the lot
4. Proposed/existing utility locations - water/sewer/electricity.
5. Dimensions (width/length/height) and area of all existing/proposed structures on lot.
6. Dimensions (length) of all eaves of all existing/proposed structures on lot.
7. Location (including height) of all existing/proposed fences on the property.
8. Easements and alleys (whether public or private) on or abutting the lot.
9. Label all streets bordering the property.
10. Proposed/existing parking.
11. Elevation of first floor from ground level for existing/proposed structure(s)
12. Vehicle and/or pedestrian access if multiple structures share a lot.
13. Any other information that you feel has a bearing on this application.

[Note: The Planning Department may request additional information if necessary to properly review and process the application.]

If the site plan drawing is incomplete, this application will not be reviewed and/or processed.

If the building permit is issued, a final as-built-type site plan must be submitted to the Planning Department showing the completed building(s)/structure(s) to complete the building permit process.

The City is relying upon the information provided by the Applicant. False, incorrect and/or incomplete information may result in the denial of a building permit application and/or subsequent revocation of any building permit issued based upon such false, incorrect and/or incomplete information.

All building permit applications are reviewed, processed, and approved based upon the Applicant's representation that he/she/they is/are legal owner(s) or the duly authorized representative(s) of the legal owner. The City makes no representation and assumes no responsibility for the actual state of the title to the premises/property.

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT I AM THE OWNER OR DULY AUTHORIZED LEGAL REPRESENTATIVE OF THE OWNER OF THE PROPERTY REPRESENTED IN THIS APPLICATION AND THAT THE INFORMATION INCLUDED HEREIN IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND AGREE THAT FALSE, INCORRECT AND/OR INCOMPLETE INFORMATION IS GROUNDS FOR DENYING THIS APPLICATION AND/OR REVOKING A BUILDING PERMIT PREVIOUSLY ISSUED BASED UPON SUCH FALSE, INCORRECT AND/OR INCOMPLETE INFORMATION. IF REVOCATION OF A BUILDING PERMIT IS REQUIRED, A STOP ORDER IS REQUIRED AND/OR A REVOCATION ACTION IS NECESSARY, I AGREE TO REMOVE AT MY OWN EXPENSE ANY AND ALL STRUCTURES/IMPROVEMENTS TO STRUCTURES BASED UPON SUCH FALSE, INCORRECT AND/OR INCOMPLETE INFORMATION AND TO PAY REASONABLE COSTS AND ATTORNEYS FEES THE CITY MAY INCUR IN ANY SUCH STOP ORDER AND/OR REVOCATION ACTION.

Dandan Muto

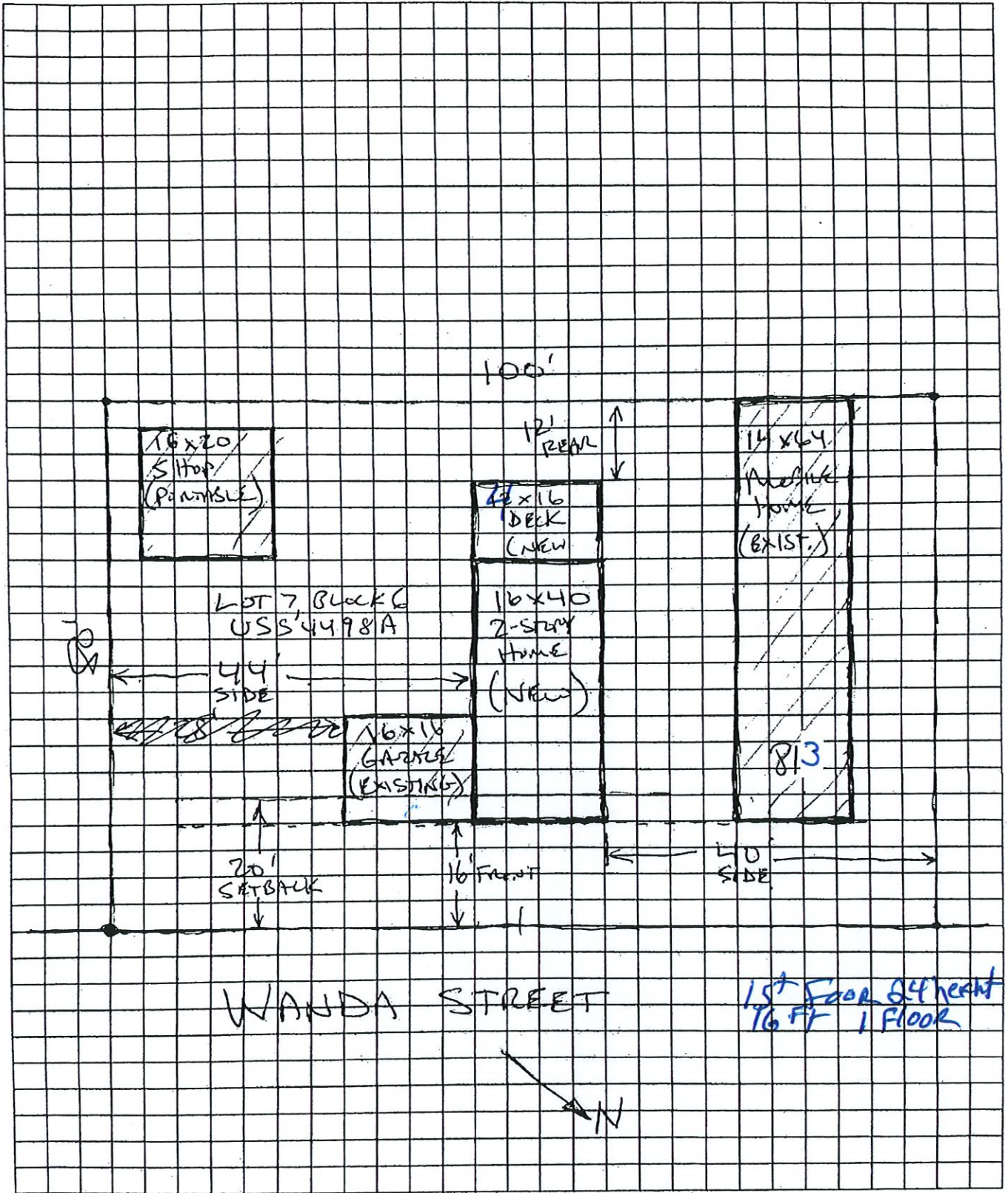
Signature of Owner

Date: 6/4/24

Dandan Muto

Signature of Applicant (if other than Owner)

Date: 6-4-24



REVIEW OF BUILDING PERMIT APPLICATION
(For Official Use Only)

PLANNING DIRECTOR

Has the Application been filled out completely and correctly? Yes
Has the State Fire Marshall Plan Review been completed? See, BUILDING PERMIT APPLICATION, INSTRUCTIONS, PARAGRAPH "C" N/A

Flood Information

Has the property been identified as flood prone by HUD-BIA? (Yes or No) No
Ground elevation of construction site after preparation: (above or below sea level) above
Elevation of first finished floor: 3FT
Depth of basement: N/A N/A

Protective Measures

1. Has the Plan Review been completed? Yes
2. Zoning Classification: residential X
3. Have all required set-backs been met? No
3. Is there adequate parking available? Yes
4. Does the property meet Flood Zone Elevation requirements? Yes
5. Additional Comments: Front setback requirement not met per KMC 17.28.100. Variance needed

David Camp _____ Date: 08/06/24
Signature – Planning Director

PUBLIC WORKS DIRECTOR

1. Has the Plan Review been completed? Yes
2. Is water/sewer available in the area? Yes
3. Has a Water/Sewer Agreement been received? Current
4. Additional Comments: WATER MUST BE IN APPROVED ARCTIC BOX, ALL FITTINGS MUST MEET KMC, SEWER MUST BE I/A/W KMC WITH CLEANOUT IN COMPLIANCE

Russ Sings _____ Date: 8/7/24
Signature- Public Works Director

FIRE CHIEF

1. Has the Plan Review been completed? Yes
2. Is there adequate access to the property for emergency vehicles? Yes
3. Has the State Fire Marshal Plan Review been completed? N/A
4. Additional Comments: _____

Justin Ferguson _____ Date: 8/9/24
Signature - Fire Chief

CITY MANAGER'S COMMENTS:

Masse/KM _____ Date: 8/23/24
Signature - City Manager

City of Kotzebue
258A Third Ave
PO Box 46
Kotzebue AK 99752-0046 907-442-3401

Receipt No: 1.069291 Jul 26, 2024

Sandra Moto

Permits-Building Permits 10.00

Total: 10.00

Check/ACH-~~C~~Chk No: 1350 10.00

Total Applied: 10.00

Change Tendered: .00

Duplicate Copy
07/26/2024 10:37

Thank you for your business.



CITY OF KOTZEBUE BUILDING PERMIT CHECKLIST
[To be given to applicant]

This form is to assist you in the process of securing a City of Kotzebue Building Permit and to point out certain requirements that must be met prior to any repair or construction for any building or use of land in Kotzebue. For a copy of applicable Kotzebue Municipal Code provisions, please contact the Planning Department. (The Kotzebue Municipal Code can also be found on-line at www.municode.com.)

The Planning Department can assist you with any of the following procedures:

17.48.010 - Required - Conformance of work. Except as otherwise provided by law, no person may construct, erect, structurally alter, or move any structure unless the administrative official has issued a building permit, the administrative official shall certify in writing on the permit that the work permitted conforms to this chapter, subject to any variance granted under Chapter 17.40, and other city ordinances governing the use of land and structures.

17.28.100 - Minimum lot area. Minimum lot size shall be regulated by the following setback requirements. All buildings shall be set back twenty feet from the front lot line and ten feet from the side and the rear lot lines, unless otherwise classified within a "historical use district or site."

17.40.010 - Variances. The Planning Commission must review and act upon applications for variances from the requirements of chapters 17.6 through 17.28 of the Kotzebue Municipal Code.

Note: In certain cases, State law also requires a Plan Review by the State Fire Marshal for construction, repair, remodel, additions, or installation or change of fuel tanks and must be approved by the State Fire Marshal's Office before ANY work is started. *****Residential housing that is a tri-plex or smaller is exempt from this requirement, but not the City's building permit requirements.*****

The Alaska Statutes require the State Fire Marshal to adopt regulations for plan reviews. See, AS 18.70.080(a)(2).

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[Taken from: <https://dps.alaska.gov/Fire/PRB/Home>]

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-
- Building Permit Application - Depending on what permits/approvals you need, Planning Director, Planning Commission and/or City Council approvals can take up to six months, so start the process as soon as possible.**
 - (1) First review your project with the Planning Department to determine what you may need (building permit, setback, or property variance, moving permit, water/sewer agreement, utility easement, excavation permit) prior to starting your project.
 - (2) The applicant is responsible for determining your property dimensions, identifying utility easements and where existing water and sewer lines are located.
 - (3) Complete and leave the Building Permit Application at City Hall and pay the Application Fee of \$10.00 **and** the additional fee, if any, as set out in the City of Kotzebue Planning Fee Schedule. You will be given a Permit Number and receipt. **This is not the Permit.** City Hall will forward your application to Public Works for review, processing and possible approval from the Planning Director, Public Works Director, Kotzebue Fire Chief and City Manager.
 - a) The owner of the property must sign the Application, as well as the Applicant.
 - b) Attach an as-built-type site plan, map, drawings (all dimensions) of the lot and structures, setbacks, and/or scope of work to the Application. This includes eaves (roof overhang), stairs, decks, and porches.
 - c) The drawings must include adequate parking for the building's intended use.
 - (4) You are responsible for finding the corners of your lot and measuring appropriately for setbacks of your building or project. This may require the services of a licensed surveyor which is at the expense of the applicant.

- (5) You can contact the Planning Department if you have questions about setbacks, property lines and identifying the location of water and sewer lines. **DO NOT DIG UNTIL YOU KNOW THE LOCATION OF UNDERGROUND UTILITIES.**
- (6) When the Permit is finally approved, you will receive your Orange Color Building Permit. Post the Building Permit in such a manner on the construction site that it will be seen from the roadway. Then, and only then may you proceed.

Drainage: Reasonable use rule

Building Permit applicants should be aware of liability for alterations to their property's drainage patterns. A landowner may make "reasonable" alteration to the drainage pattern of his/her/their parcel, with liability occurring when the alteration causes "unreasonable" harm toward neighboring parcels. This is the drainage law in Alaska as discussed by the Alaska Supreme Court in a 1986 case. See, *Braham v. Fuller*. Courts will follow this law in Alaska on drainage issues in civil litigation between adjoining/nearby property owners. The Building Permit applicant is responsible for proper drainage of his/her/their property as part of the Building Permit process. If the building process results in alteration of the property's drainage pattern which causes unreasonable harm to neighboring parcels, the neighboring property owners may pursue legal recourse against the Building Permit applicant. [Note: The City does not provide advice on proper drainage patterns for Building Permit applicants. Building Permit applicants should consult their own experts/advisors on this topic to avoid civil liability for harm toward neighboring parcels.]

If you have any questions about the City's Building Permit process, please do not hesitate to contact the Planning Department, Sam Camp, at the Public Works Department, Second Floor, (907)442-5203, (907)412-2007 [cell], (907)442-2155 [fax], satkinson@kotzebue.org.

City of Kotzebue
258A Third Ave
PO Box 46
Kotzebue AK 99752-0046 907-442-3401

Receipt No: 1.069291 Jul 26, 2024

Sandra Moto

Permits-Building Permits 10.00

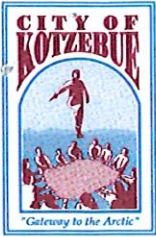
Total: 10.00

Check/ACH-CHK No: 1350 10.00

Total Applied: 10.00

Change Tendered: .00

Duplicate Copy
07/26/2024 10:37
Thank you for your business.



CITY OF KOTZEBUE APPLICATION FOR ZONING VARIANCE
[See, Kotzebue City Code Sections 17.40.010-130]

Name of Applicant: Sandra Moto

Applicant's Mailing Address: P.O. Box 1264 Kotzebue AK 99752

Applicant's E-Mail Address: s-moto@kea.coop

Telephone: Home: 907-442-4518
Work: 907-442-3491
Cell: 907-912-1200

Legal Description of property for which variance is sought:

Lot 7 Block 6 U.S. Survey 4498

House Number 813 Street Name Wanda

This is a request for a Variance of Section 17.28.00 of the Zoning Code (Title 17) of the City of Kotzebue.

This Variance is for: Acceptance from minimum set back requirements

(a) The existing situation is: Propose structure would be only be 14 ft from property line

(b) The granting of this petition would permit: The construction of a building that does not meet minimum set back requirements

Before a variance may be granted, the Applicant must prove that each of the six conditions exists. Answer each of the conditions in detail using additional sheets if necessary.

(1) Explain how there are unusual physical features of the subject property that do not apply generally to other properties in the vicinity.

Choose this spot there is no room on the property ~~for~~

(2) Explain how the strict interpretation of this Chapter would deprive the Applicant of rights commonly enjoyed under this Chapter by other properties in the vicinity.

Trying to build a residential house

(3) Explain why the conditions described above were not caused by actions of the Applicant and that the variance is not sought for reasons of financial hardship or inconvenience.

Not a existing building it's new construction

(4) Explain how the variance will not be harmful to the health, safety, or welfare of the public.

Build a residential house within the lot lines

(5) Explain how the issuance of this variance will not permit a use of land or structure in a way that would be prohibited.

*Building a residential house
There is no specific zoning for this area*

(6) Explain how the granting of the variance will be in harmony with objectives of the zoning ordinance and the Comprehensive Plan.

a safe place for me to live

Site Plan:

A site plan must accompany this Application. The drawing must be legible and accurate. Please indicate the following:

1. All set-back and lot dimensions
2. House number(s) of buildings on the lot
3. Other structures on the lot
4. Proposed/existing utility locations - water/sewer/electricity.
5. Dimensions (width/length/height) and area of all existing/proposed structures on lot
6. Dimensions (length) of all eaves of all existing/proposed structures on lot
7. Location (including height) of all existing/proposed fences on the property.
8. Easements and alleys (whether public or private) on or abutting the lot.
9. Label all streets bordering the property.
10. Proposed/existing parking.
11. Elevation of first floor from ground level for existing/proposed structure(s)
12. Vehicle and/or pedestrian access if multiple structures share a lot.
13. Any other information that you feel has a bearing on this Application.

[Note: The Planning Director may request additional information if necessary to properly review and process the application.]

If the site plan drawing is incomplete, this application will not be reviewed and/or processed.

If the zoning variance is approved, a final as-built-type site plan must be submitted to the Planning Director showing the approved variances to complete the variance process.

The City is relying upon the information provided by the Applicant. False, incorrect and/or incomplete information may result in the denial of a zoning variance application and/or subsequent revocation of any zoning variance approval issued based upon such false, incorrect and/or incomplete information.

All variance requests are reviewed, processed, and approved based upon the Applicant's representation that he/she/they is/are legal owner(s) or the duly authorized representative(s) of the legal owner. The City makes no representation and assumes no responsibility for the actual state of the title to the premises/property.

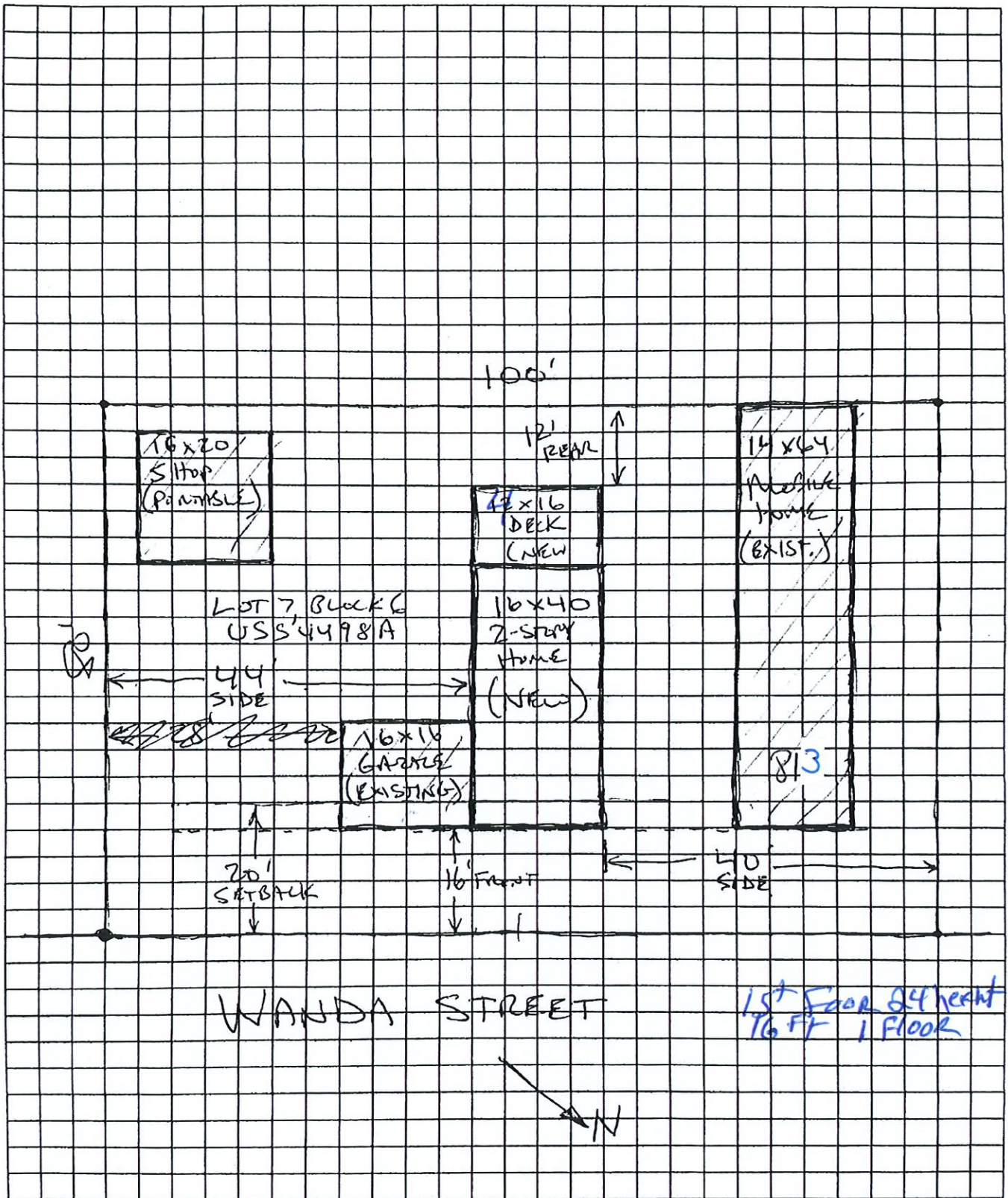
I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT I AM THE OWNER OR DULY AUTHORIZED LEGAL REPRESENTATIVE OF THE OWNER OF THE PROPERTY REPRESENTED IN THIS APPLICATION AND THAT THE INFORMATION INCLUDED HEREIN IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND AGREE THAT FALSE, INCORRECT AND/OR INCOMPLETE INFORMATION IS GROUNDS FOR DENYING THIS APPLICATION AND/OR REVOKING A VARIANCE PREVIOUSLY GRANTED BASED UPON SUCH FALSE, INCORRECT AND/OR INCOMPLETE INFORMATION. IF REVOCATION IS REQUIRED AND/OR A REVOCATION ACTION IS NECESSARY, I AGREE TO REMOVE AT MY OWN EXPENSE ANY AND ALL STRUCTURES/IMPROVEMENTS TO STRUCTURES BASED UPON SUCH FALSE, INCORRECT AND/OR INCOMPLETE INFORMATION AND TO PAY REASONABLE COSTS AND ATTORNEYS FEES THE CITY MAY INCUR IN ANY SUCH REVOCATION ACTION.

Daniel Muto
Signature of Owner

Date: 7/30/24

Signature of Applicant (if other than Owner)

Date: _____



REVIEW OF ZONING VARIANCE APPLICATION
(For Official Use Only)

PLANNING DIRECTOR

Has the Application been filled out completely and correctly? Yes
If required, has the State Fire Marshall Plan Review been completed? N/A

Flood Information

Has the property been identified as flood prone by FEMA (Yes or No) No
Ground elevation of construction site after preparation: (above or below sea level) above
Elevation of first finished floor: 3ft
Depth of basement (below ground level): _____ N/A

Protective Measures

1. Has the Plan Review by Planning Director been completed? Yes
2. Have all required set-backs been met? No
3. Is there adequate parking available? Yes
4. Does the property meet Flood Zone Elevation requirements? Yes

5. Additional Comments: Front setback requirement not met per KMC 17.28.100. Variance needed.

Sand Camp _____ Date: 08/06/24
Signature - Planning Director

PUBLIC WORKS DIRECTOR

1. Has the Plan Review by Public Works Director been completed? Yes
2. Is water/sewer available in the area? Yes
3. Has a Water/Sewer Agreement been received? Current

4. Additional Comments: Water & Sewer must be I/A/W in accordance with KMC. & installed by me.

Russing _____ Date: 8/7/24
Signature - Public Works Director

FIRE CHIEF

1. Has the Plan Review by the Fire Chief been completed? Yes
2. Is there adequate access to the property for emergency vehicles? Yes
3. If required, has the State Fire Marshal Plan Review been completed? N/A

4. Additional Comments: _____

Justin Ferguson _____ Date: 8/9/24
Signature - Fire Chief

CITY MANAGER'S COMMENTS:

Massak B. _____ Date: 8/26/2024
Signature - City Manager

XBP Confirmation Number: 206673833

Receipt for Payment to:
City of Kotzebue

Date/Time: 08/05/2024 3:23:44 PM
Transaction #: 223929208
Payment Method: Visa
Transaction Status: Successful

Items

BUILDING PERMITS 200.00

Notes: 24-04V SANDRA MOTO
VARIANCE APP FEE

Total: 200.00
Dickie J Moto 99752

Payment Service Provided By
www.xpressbillpay.com

Permit No.: 24-11
Fee Paid: _____
Receipt No.: _____
Date Received: 9-9-24

>check
coming
9/10/24
for Bldg +
Zoning apps

CITY OF KOTZEBUE BUILDING PERMIT APPLICATION

The City of Kotzebue does not currently have a building inspection program. However, the City would recommend that the Applicant review the current versions of the following Codes before any design and construction is started:

- Uniform Building Code
- Uniform Mechanical Code
- Uniform Fire Code
- American Standard National Plumbing Code
- National Electric Code

INSTRUCTIONS:

A. ALL APPLICATION QUESTIONS MUST BE ANSWERED COMPLETELY. WRITE N/A IF NO ANSWER IS NEEDED.

B. Kotzebue Municipal Code 17.48.010 states: Required- Except as otherwise provided by law, no person may construct, erect, structurally alter, or move a structure unless the administrative official has issued a building permit thereof. Before issuing a building permit, the administrative official shall certify in writing on the permit that the work permitted conforms to this chapter, subject to any variances granted under Chapter 17.40 and other City Ordinances governing the use of land and structures.

C. State law requires a Plan Review by the State Fire Marshal for construction, repair, remodel, additions, or installation or change of fuel tanks and must be approved by the State Fire Marshal's Office before ANY work is started. Residential housing that is a tri-plex or smaller is exempt from this requirement, but not the City's building permit requirements.

The Alaska Statutes require the State Fire Marshal to adopt regulations for plan reviews. See, AS 18.70.080(a)(2).

As stated on the Plan Review Bureau site:

Construction, repair, remodel, addition, or change of occupancy of any building/structure, or installation or change of fuel tanks must be approved by the Division of Fire and Life Safety before ANY work is started.

Residential housing that is three-plex or smaller is exempt from this requirement.

[Taken from: <https://dps.alaska.gov/Fire/PRB/Home>]

The focus of this State of Alaska exemption is on residential housing/residential purposes, not "personal" use. So, a storage building/warehouse-type structure is not a residential housing unit nor is it a structure for residential purposes regardless of a claim by the owner that it is for "personal" use.

Therefore, in order to comply with State law, the City's building permit procedure must comply with the requirements of state law. Namely, if the permit is for construction, repair, remodeling, addition(s) to or change of occupancy of any building/structure that is used for residential housing/residential purposes that is a three-plex or smaller such is exempt from the Plan Review Bureau/State Fire Marshal requirements. However, if the permit is for construction, repair, remodeling, addition(s) to any building/structure that is **NOT** used for residential housing/ residential purposes [or a building used for residential purposes containing four or more dwelling units] such a building permit is required to follow the Plan Review Bureau/State Fire Marshal submission requirements.

GENERAL INFORMATION:

Date: 9/9/24
Applicant's Name: Native Village of Kotzebue Owner's Name: : Annie Cyr
Address: 600 5th Ave Address: 817 Wanda St.
Phone: 442-3467 Phone: _____
Cell: _____ Cell: 412-3147

PROPERTY DESCRIPTION:

Lot 5A Block 7 U.S.S. 4498 House #: 817
Plat 80-5

WORK TO BE PERFORMED UNDER THIS PERMIT:

**See, INSTRUCTIONS, PARAGRAPH "C" ABOVE
REGARDING RESIDENTIAL versus COMMERCIAL**

Residential

New Construction _____
Remodel _____
Addition ADA Compliant Ramp
Mobile Home _____
Move _____
Change Use of Site _____
Other _____

Commercial

New Construction _____
Remodel _____
Addition _____
Change Use of Site _____
Other _____

Type of Construction

Frame 4x12 and 2x6 treated lumber
Block _____
Concrete _____
Log _____
Other _____

Size of Building 50' length
Number of Stories _____
Basement (Yes or No) _____

Are there other buildings on the property? (Yes or No) yes
If yes, show on the Site Plan. Show access on the Site Plan

Complete a Site Plan as per the instructions on the next page, including all structures on the lot. Show buildings to scale.

Is water/sewer service desired? (Yes or No) no
If yes, please sketch service routing on the Site Plan and fill out a Water/Sewer Agreement.

Are there FEMA/flood plain requirements?
If yes, please describe what has been done to check those requirements and comply with them.

N/A

**CITY OF KOTZEBUE
BUILDING PERMIT APPLICATION
SITE PLAN REQUIREMENTS**

A Site Plan must indicate the following:

1. All set-backs and lot dimensions
2. Proposed utility routing
3. Other structures on the lot
4. Show the areas of each structure
5. Show proposed building with areas
6. Parking
7. Show access if multiple dwellings share a lot
8. Height of all proposed structures
9. Elevation of first floor of proposed structures
10. Label street(s) bordering property

If the drawing is incomplete, this Application cannot be processed. An official "As Built Survey" of the property will be required after the foundation of the building is complete.

Permits are issued on the basis of Applicant's representation that he/she is the legal owner of the premises. The City makes no representations and assumes no responsibility for the actual state of the Title to the premises.

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE READ THIS APPLICATION AND THAT I AM THE OWNER OF THE PROPERTY REPRESENTED IN THIS APPLICATION AND THAT THE INFORMATION INCLUDED HEREIN IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE. (FALSE, INCORRECT AND/OR INCOMPLETE INFORMATION IS GROUNDS FOR DENYING THIS APPLICATION AND/OR REVOKING A BUILDING PERMIT BASED UPON SUCH FALSE, INCORRECT AND/OR INCOMPLETE INFORMATION.) I AGREE TO COMPLY WITH ALL APPLICABLE STATE LAWS AND THE LAWS, RULES AND REGULATIONS OF THE CITY OF KOTZEBUE.



Signature(s) of Owner(s)

Date: 9-9-24

Signature(s) of Owner(s)

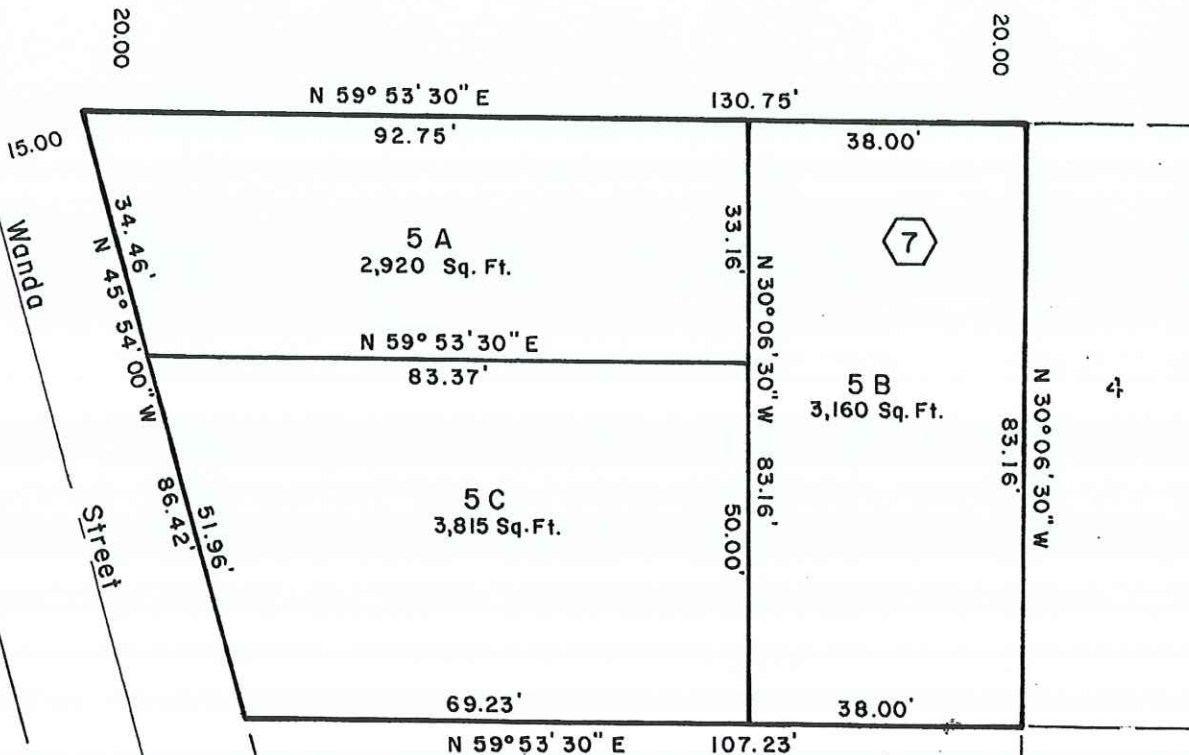
Date: _____

14

13

3

Lake Street



80-5

RECORDED - FILED 1000
KOTZEBUE REC. DIST. 10600

DATE 7-29 19 80
TIME 10:40 A.M.

Surveyed by *James J. Bille*
Address *PO Box 2260
Anch. Ak 99516*

SURVEYOR-CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED ON THIS PLAT AND THE MONUMENTATION SITUATED THEREON ARE LOCATED AS SHOWN ON THIS PLAT.



OUTSIDE TAXABLE AREA.

CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the property hereon.

Ben Lomond, Inc.

By: *Norman Thompson* Pres.

Date: 7-29-80

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 29 day

Richard L. Besse
Notary of Alaska

My commission expires 12/12/82

A Plat of
 Lots 5A, 5B and 5C, Block 7
 A Resubdivision of
 Lot 5, Block 7
 Located Within
 U.S. Survey ~~2005~~ 4498
 Kotzebue, Alaska
 Containing 0.23 Acres more or less
 BASKET PPS & POTS
 2220 E. 88th AVE.



P.O. Box 46
Kotzebue, Alaska 99752

City Hall
442-3401

Police Dept.
442-3351

Fire Dept.
442-3404

Public Works
442-3401

APPLICATION FOR ZONING VARIANCE Kotzebue City Code Sections 17.40.010-130

Name of Applicant: Native Village of Kotzebue

Applicant's Mailing Address: Box 296 Kotzebue, Ak

Telephone Number: 442-3467

Legal Description of Property for Which Variance is Sought:

Lot 5A, Block 7 U.S. Survey 4498

Other _____

This is a request for a Variance of Section 17.40 of the Zoning Code (Title 17) of the City of Kotzebue.

This Variance is for: ADA Compliant Ramp to be within 5' of Lake Street Right-of-way for a distance of 38' and within 10' of Wand St. Right-of-way going a distance of 10'

A) The existing situation is: A tribal member household is elderly and is in need of a handicapped ramp for medical reasons, and safety

B) The granting of this petition would permit: Allow a Nook Tribal member handicapped access to their home through Nook Housing Department.

Before a variance may be granted, the applicant must prove that each of the five conditions exist. Answer each of the conditions in detail using additional sheets if necessary.

1) Explain how there are unusual physical features of the subject property that do not apply generally to other properties in the vicinity. This Lot 5 has been subdivided into three parts: 5A, 5B, and 5C and the space available near Right-of-ways at Lake Street and Wanda Street are the only option and how the strict interpretation of this chapter would deprive the applicant of rights commonly enjoyed under this chapter by other properties in the same district. _____

2) Explain why the conditions described above were not caused by actions of the applicant, and the variance is not sought for reasons of financial hardship or inconvenience: The home was built by NVOK in the past and utilizing the space that is available is the only option. As shown in the blue highlighted area of the site plan

3) Show that the variance would not be harmful to the public, health, safety or welfare: This would not be harmful to the public because it will be built 5' from Lake St. and 10' from Wanda street; and not directly on the Streets Right-of-ways

*** Attach letters of non-objection from bordering property owners to show that the authorization of the variance will not be injurious to nearby property.

4) Explain how the issuance of this variance will not permit a use of land or structure in a district where that use is prohibited: Variance would ensure construction is not on the Right-of-ways / streets,

5) Show that the granting of the variance will be in harmony with objectives of the zoning ordinance and of the comprehensive plan: This would follow variance approval and only be constructed with an approved Building Permit.

Site Plan:

A site plan must accompany this application. The drawing must be legible and accurate. Please indicate the following:

1. Lot lines and dimensions
2. Distances from all structures to all lot lines
3. Existing and proposed structures with dimensions (including height)
4. Easements, streets, alleys, whether public or private, on or abutting the lot
5. Other information you feel has a bearing on this application.

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY REPRESENTED IN THIS APPLICATION AND THAT THE INFORMATION INCLUDED HEREIN IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Dated this 9th day of September, 1992024.

Signature of Owner

Indyetta S 9-9-24

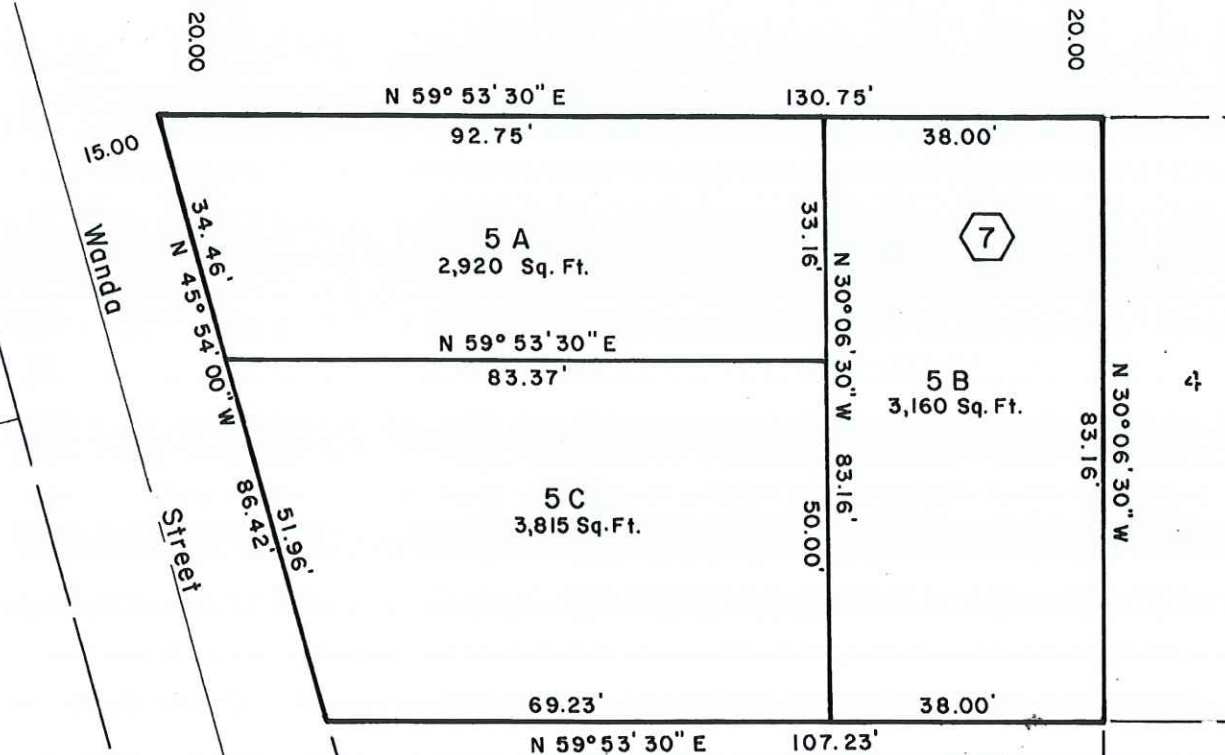
Signature of Applicant (if other than owner)

14

13

3

Lake Street



80-5

RECORDED - FILED 1980
KOTZEBUE REC. DIST.
DATE 7-29 19 80
TIME 10:40 A.M.
Expensed by *James J. Jelle*
Address *PO Box 2260
Anch. AK 99516*

SURVEYOR-CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED ON THIS PLAT AND THE MONUMENTATION SITUATED THEREON ARE LOCATED AS SHOWN ON THIS PLAT.



OUTSIDE TAXABLE AREA.

CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the property hereon.
Ben Lomond, Inc.
By: *Norman Thompson* Pres.
Date: 7-24-80

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 29th day of July, 1980.
Richard L. Besse
Notary of Alaska
My commission expires 12/12/82

A Plat of
Lots 5A, 5B and 5C, Block 7
A Resubdivision of
Lot 5, Block 7
Located Within
U.S. Survey ~~2-1-76~~ 4-4-98
Kotzebue, Alaska
Containing 0.23 Acres more or less
BESSE, EPPS & PORTER
2220 E. 88th AVE.

FOR OFFICE USE ONLY
APPROVALS

Planning Director:

Has the application been filled out completely and correctly? _____

Has the State Fire Marshall plan review been completed? (Comm Bldg.) _____

Flood information

Has the property been identified as flood prone by HUD-BIA? (Yes or No) _____

Ground elevation of construction site after preparation: (above or below sea level) _____

Elevation of first finished floor: _____

Elevation of basement _____

Protective measures

1. Has plan review been completed? _____

2. Have all required set-backs been met? _____

3. Is there adequate parking available? _____

4. Does the property meet Flood Zone Elevation requirements? _____

5. Additional comments: _____

Signature: _____

Date: _____

Public Works Director:

1. Has the Plan review been completed? _____

2. Is water/sewer available in the area? _____

3. Has a water/sewer agreement been received? _____

4. Additional comments: _____

Signature: _____

Date: _____

Fire Chief:

1. Has the Plan Review been completed? _____

2. Is there adequate access to the property for emergency vehicles? _____

3. Has the State Fire Marshall plan review been completed? _____

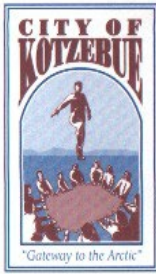
4. Additional comments: _____

Signature: _____

Date: _____

City Manager's Comments: _____

Signature: _____



258A Third Ave.
P.O. Box 46
Kotzebue, Alaska 99752

City Hall
(907) 442-3401

Police Dept.
(907) 442-3351

Fire Dept.
(907) 442-3404

Public Works
(907) 442-5200

CITY OF KOTZEBUE
Planning Department

Zoning and Land Use Regulations Project

STATUS UPDATE
September 10, 2024

I. PROJECT TIMELINE

PROCESSES & STEPS		TIMELINE
Phase 1: Initiation and Visioning	Establish the Zoning Committee / Workgroup	
	X	Formally establish the Zoning Committee or Workgroup dedicated to Kotzebue's zoning and land use regulations project.
	X	Appoint key members, including representatives from local government, community organizations, relevant agencies, and residents.
	Identify Key Stakeholders	
	X	Compile a list of key stakeholders, including government agencies, community organizations, businesses, property owners, and residents.
	X	Reach out to identified stakeholders to inform them of the project and their potential involvement.
		Establish communication channels to facilitate ongoing engagement and collaboration.
	Conduct Initial Community Engagement Sessions	
		Schedule and organize community meetings, workshops, or forums to gather input from residents and stakeholders.
		Clearly communicate the purpose and objectives of the project to participants.
		Facilitate discussions to gather feedback on vision, goals, and priority land use planning issues for Kotzebue.
		Document and categorize feedback received during the engagement sessions.
	Analyze Initial Feedback and Develop Broad Planning Policies, Objectives, and Goals	
		Review and analyze the feedback collected during the community engagement sessions.
		Identify common themes, priorities, and concerns expressed by stakeholders.
	Work with the Zoning Committee or workgroup to develop broad planning policies, objectives, and goals based on the analyzed feedback.	
	Ensure alignment of the proposed policies, objectives, and goals with the long-term vision for Kotzebue's development.	

The Planning Department has received interest regarding the zoning project from the following individuals:

1. Matt Bergan

Engineer, former KEA Distributions Engineer

Mr. Bergan has provided different comments and feedback for the Planning Commission and the City of Kotzebue. One such feedback that Mr. Bergan has provided involved one of the main goals of the Zoning and Land Use Regulation Projects which is to prevent the loss of residential lots to industrial purposes.

2. Chad Nordlum

Energy Manager, Native Village of Kotzebue

Mr. Nordlum has expressed interest over email on the Zoning Project. Mr. Nordlum has past experience working as the Planner for the Northwest Arctic Borough in which he worked on different comprehensive plans for the villages within NAB.

3. Karen Kim Franklin

Business Owner

Ms. Franklin has expressed interest over the phone on the Zoning Project. Ms. Franklin has past experience working as a Planner for the Northwest Arctic Borough. Ms. Franklin has stated that she was part of the original team at the NAB to work on the current zoning districts, regulations, and map for the Borough. Although controversial, Ms. Franklin believes that this project will be interesting and fun to do and is very much willing to provide help and insight in the development of this plan.

The Planning Department is receiving more interest regarding the Zoning Project. The first workgroup meeting will be scheduled sometime this month to discuss and introduce the project, the mission, vision and primary goals of the project.

The Planning Department will reach out to the interested individuals and to the Planning Commission once a date, time, and location has been finalized for the first workgroup meeting.

FIGURE 1-2-A

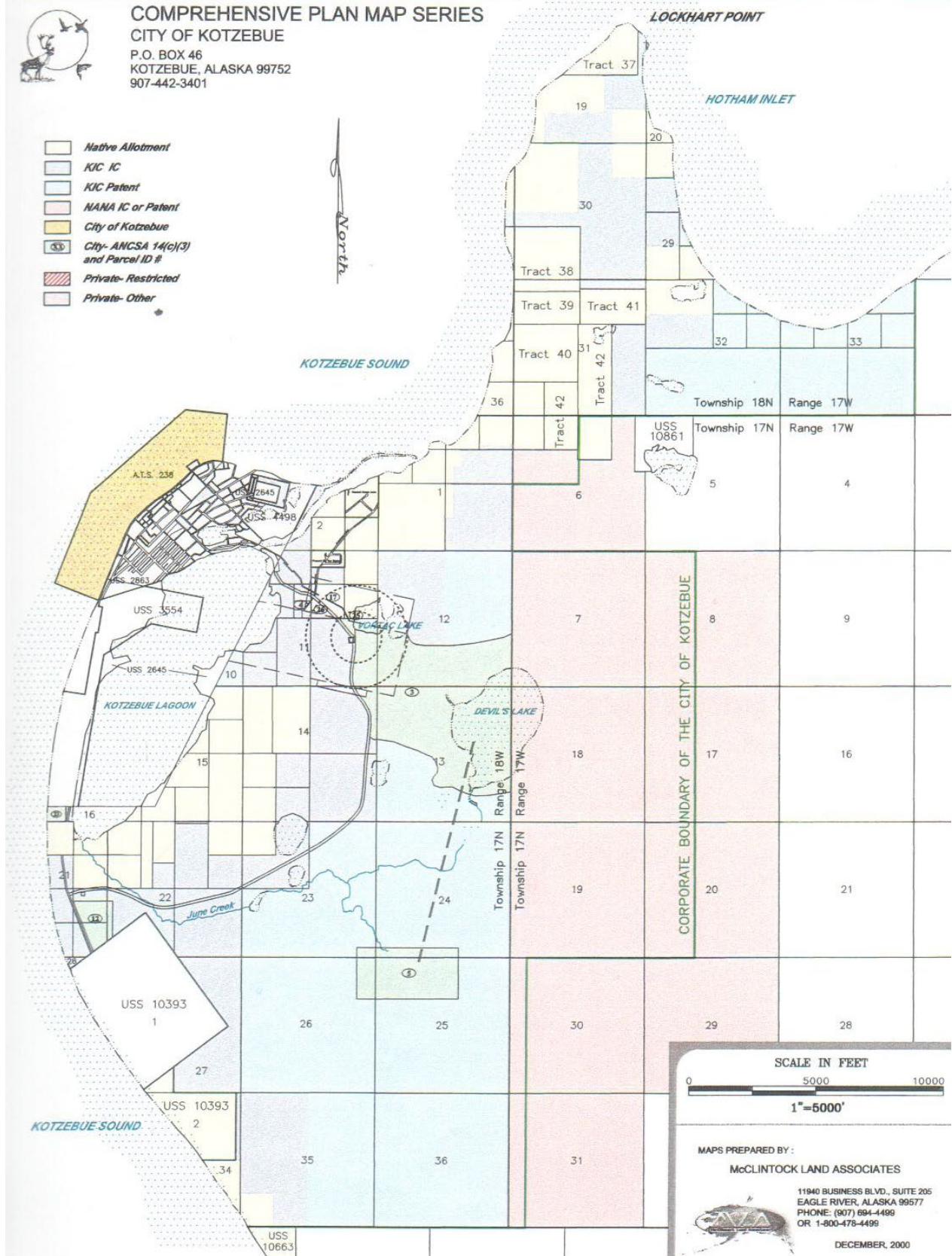
KOTZEBUE MUNICIPAL BOUNDARIES



COMPREHENSIVE PLAN MAP SERIES

CITY OF KOTZEBUE
 P.O. BOX 46
 KOTZEBUE, ALASKA 99752
 907-442-3401

- Native Allotment
- KIC IC
- KIC Patent
- NANA IC or Patent
- City of Kotzebue
- City- ANCSA 14(c)(3) and Parcel ID #
- Private- Restricted
- Private- Other





**P.O. Box 46
Kotzebue, AK 99752**

**Phone: (907) 442-3401
Fax: (907) 442-2155**

09/12/24

Planning Director: September RPCM Report

I. Permits for month of August

- a. Building permits
 - i. 2 pending
 - ii. 4 issued
- b. Moving permits
 - i. 0 pending
 - ii. 0 issued
- c. Excavation permits
 - i. 0 pending
 - ii. 1 issued
- d. Variance Requests
 - i. 2 pending
 - ii. 0 issued
- e. Tidelands permits
 - i. 0 pending
 - ii. 0 issued

II. Hazards Mitigation Plan (HMP) Update

- a. Working on update with DOWL and project team.
- b. Draft HMP completed
- c. Currently gathering feedback DRAFT for final HMP.
- d. Final draft still on track to be completed for adoption by City Council and submission Deadline for State of Alaska, and FEMA in October 2024.

Goal: Update the current City of Kotzebue HMP to aid in the mitigation of new and current hazards faced by the City of Kotzebue.

III. Recreation Center

- a. \$1 million has been allocated by Senator Peltola for a new Multipurpose Emergency Shelter and Command Center.
- b. EPA Community Wide Assessment Grant for States and Tribes (CWAGST)
 - i. State is moving forward with application for program and we will know if it is approved in Fall 2024.
- c. CAIN Building update

- i. Project experiencing delays due to architectural engineering firm shortages.
- ii. Received proposal from DOWL engineering in partnership with EMI for conceptual design and cost estimate.

Goal: Construct new facility that can act as a recreation center while also fulfilling other needs within the community.

IV. Dangerous Structures and Premises Project

- a. Pursuant to KMC 15.04 Dangerous Structures and Premises, the City of Kotzebue has a responsibility to identify and assess potential hazardous structures and premises.
- b. Hosted community hall at Youth Center July 24th to introduce the project to residents.
- c. **Goal:** Identify dangerous structures and premises within the community that may cause harm and develop mitigation plan.

V. Land Disposal: Sale of City-Owned Property to NVOK

- a. Sales agreement has been finalized between City and Tribe.
- b. Following items remaining:
 - i. Survey and subdivision of the property by Tribe.
 - ii. Playground repairs to be done by City.

Goal: Dispose of City-owned land in a way that will benefit the community and its residents.