



# CITY OF KOTZEBUE NOTICE

## Regular Planning Commission Meeting Agenda

June 13, 2024 at 5:15 PM

City Hall Chambers – 258 A Third Avenue

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### THE PUBLIC IS ENCOURAGED TO ATTEND.

For residents who want to participate telephonically call: **1-800-315-6338**; access code:  
**49401#**

- I. Call to Order/Roll Call**
- II. Invocation/Pledge of Allegiance**
- III. Introduction of Guests**
- IV. Adoption of The Agenda**
- V. Adoption of Minutes**
  - a) May 9 Minutes
- VI. Public Comments**
- VII. Correspondence**
  - a) NVOK/Kuna Engineering Tribal Building Design Charrette
- VIII. New Business**
  - a) Variance Application-Brett Slaathaug
  - b) Tidelands Permit-Arctic Circle Wild Seafood
- IX. Unfinished Business**
  - a) Zoning Project-Work Group Creation
- X. Reports**
- XI. Set Time and Date for Next Meeting**
  - a) July 11, 2024 5:15pm. City Council Chambers
- XII. Commissioner's Comments**

Herb Sweezey

Barbara Collison

Jonathan Heft

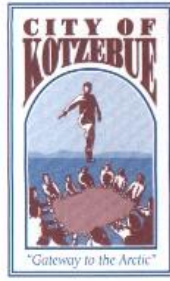
Clay Nordlum

VACANT

Ernest Norton, Chairman

VACANT

**XIII. Adjournment**



# **CITY OF KOTZEBUE**

## **Regular Planning Commission Meeting**

**The City of Kotzebue Planning Commission has scheduled a Regular Planning Commission Meeting pursuant to Chapter 17.36.060 of the Kotzebue Municipal Code.**

**It will be located in the City Council Chambers, at 258A Third Ave. on**

**Thursday June 13<sup>th</sup>, 2024 5:15pm.**

**The public is encouraged to attend. For residents who would like to participate by telephone, call 1-800-315-6338. Access code is 49401#.**

### **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. UNFINISHED BUSINESS
  - A. Zoning Project- Work Group Creation
- VIII. NEW BUSINESS
  - A. Variance Application- Brett Slaathaug
  - B. Tidelands Permit- Arctic Circle Wild Seafood
- IX. CORRESPONDENCE / REPORTS
- X. TIME & PLACE OF NEXT MEETING
  - A. 5:15pm July 11, 2024. City Council Chambers
- XI. COMMISSIONERS' COMMENTS
  - A. Herb Sweezy
  - B. Barbara Collison
  - C. Jonathan Heft
  - D. Clay Nordlum
  - E. VACANT
  - F. Ernest Norton, Chairman
  - G. VACANT
- XII. ADJOURNMENT

**IF YOU HAVE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT THE PUBLIC WORKS ADMINISTRATIVE ASSISTANT 442-3401, EXT. 200**

**CITY OF KOTZEBUE  
REGULAR PLANNING COMMISSION MEETING  
MINUTES  
MAY 9, 2024**

**I. CALL TO ORDER**

Acting Chairman Nordlum called the regular meeting to order at 5:30 P.M.

**ROLL CALL**

In attendance were:

Clay Nordlum, Acting Chairman

Commissioners: Herb Sweezey; Barbara Collison; Johnathan Heft

Chairman Norton was excused from the meeting due to his concurrent responsibilities as a member of the City Council, which required his presence in Washington DC for lobbying purposes.

**II. INVOCATION / PLEDGE OF ALLEGIANCE**

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

**III. OATH OF OFFICE**

No oath of office took place.

**IV. INTRODUCTION OF GUESTS**

***In-Person:***

Sam Camp, Planning Director; Gem Belamour, City Planner

***Telephonically:***

Joe Evans, City Attorney; Meagan Lincoln; Matt Bergan; Jackie Hebnes, Bristol Engineering

**V. APPROVAL/AMENDMENTS TO AGENDA**

During the meeting, amendments were made to the agenda as follows:

1. The Memorandum of Understanding (MOU) regarding the inclusion of City-Owned Facilities and Roads into the NVOK National Tribal Transportation Inventory has been added to Item IX, New Business, under Item B.

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

**Motion carries unanimously by voice vote.**

**VI. APPROVAL OF MINUTES**

A. April 11, 2024 – Regular Planning Commission Meeting

**Commissioner Swezey moved to approve 04/11/24 Regular Planning Commission Minutes, as presented, seconded by Commissioner Heft.**

**Motion carries unanimously by voice vote.**

**VII. CITIZEN'S COMMENTS**

A citizen raised concerns regarding the access between Third Avenue and Grayling Street. The citizen highlighted that students and teachers frequently walk through the Public Works lot and the area between the Courthouse/Armory and Chukchi Campus. Currently, there is no dedicated easement in these areas, posing safety risks due to the presence of heavy equipment from Public Works and the narrow passage between the Armory and the fence on Chukchi Campus. The citizen requested that the Planning Commission consider the possibility of establishing an easement to enhance safety for students and teachers.

Concerns regarding the extent of the tidelands owned by the city was also raised, noting that there is a specific limit defining where the city's tidelands start and end. The citizen suggested that the city or the Planning Commission consider reaching out to the state to acquire additional tidelands. This acquisition would be within the "new" city limits, which were expanded decades ago. The citizen emphasized that obtaining more tidelands could significantly aid in the city's economic development.

Planning Director Camp responded with support for both comments. Regarding the school access road, he acknowledged the need and expressed interest in the project, emphasizing the importance of planning and identifying suitable city-owned land. He noted the current issue of students using Public Works as a shortcut and welcomed citizen input for potential solutions. On the topic of expanding tidelands, he deferred to Joe for historical context but expressed willingness to explore the process further.

City Attorney Evans clarified that the permits issued pertain to tidelands for individuals engaged in fishing activities within city tidelands. These permits are not for operating shore-based facilities within tidelands but for fishing within them. While some shore-based facilities existed in tidelands in the past, current operations are typically outside of tideland boundaries. The city obtained its current tidelands from the state in the 1970s, and there hasn't been an attempt to expand them since. However, the city could potentially request an expansion to align with its current municipal boundaries approved in 1972. The existing tidelands were issued before the city's boundary expansion, hence their smaller size compared to current boundaries.

Acting Chairman Nordlum personally acknowledged the significant safety issue with children walking through city property, especially during heavy snow periods when visibility and safety are compromised due to the presence of heavy machinery. He expressed skepticism about the feasibility of maintaining a plowed pathway, noting the challenges in keeping even main roads clear during winter storms. However, he supported the concept in principle and recalled discussions from the city's transportation plan released last year, which included community meetings at the Boys and Girls Club.

Commissioner Sweezey expressed support for establishing a pathway, recognizing the lack of a clear route from one side to the other. He suggested considering the possibility of installing a fence to prevent children from accessing areas with heavy machinery while still creating a designated pathway through the property.

#### **VIII. UNFINISHED BUSINESS**

No unfinished business.

#### **IX. NEW BUSINESS**

##### **A. Variance Application – Meagan Lincoln**

Planning Director Camp provided an overview of the situation concerning a proposed building in Kotzebue, noting similarities to previous variance cases. He highlighted the purpose of setbacks in maintaining adequate spacing between buildings. Specifically, while the proposed building meets setback requirements by being five feet from the property line, it encroaches two and a half feet beyond it, leaving approximately two feet between the encroachment and an existing structure.

The applicant then clarified that their proposed building is slightly over three feet from the property line and is 18 feet wide. Planning Director Camp acknowledged this clarification and reiterated the necessity of variances in Kotzebue due to the practical challenges of strict adherence to city code in every instance. He emphasized the importance of thorough due diligence in reviewing such cases, leaving the decision-making process to the Planning Commission for deliberation.

**Acting Chairman Nordlum made a motion to approve the variance application seconded by Commissioner Sweezey.**

**Motion carries unanimously by roll call vote.**

##### **B. MOU – Addition of City-Owned Roads to NVOK National Tribal Transportation Inventory**

Planning Director Camp provided an overview of the MOU initiated by the tribe, which involved collaboration with the city attorney and public works director starting in late April. After initial review, questions arose that required clarification from the tribe, resulting in a revised draft now presented as a second iteration. Originally comprising five entries, one road—Devil's Lake Road—was excluded due to its closure under the Watershed Protection Act, despite occasional public use. The remaining four facilities outlined in the MOU include the Airport Access Road, Kotzebue Avenues, Beach Access Road near the sewage ponds, and the Boat Harbor at Swan Lake, encompassing not only docks and parking but also adjacent areas like the fairgrounds and softball fields. Each facility is detailed within the MOU, specifying locations and additional operational details.

The purpose of incorporating these facilities into the tribal transportation inventory is to facilitate future projects, maintenance, or potential improvements funded through tribal transportation funds. Planning Director Camp emphasized that final approval would rest with the city council following the Planning Commission's decision on the MOU.

Commissioner Swezey raised a concern regarding the MOU, focusing specifically on the roads mentioned. He pointed out that for infrastructure under these roads, such as water pipes, if city maintenance or projects were required, coordination with the tribe would be necessary. This collaboration would be essential for accessing and working on infrastructure located beneath the roads outlined in the MOU.

Planning Director Camp clarified that the city would retain ownership of the roads and facilities mentioned in the MOU. These assets would simply be included in the tribe's transportation inventory list, enabling the city to potentially access tribal transportation funds for projects or maintenance on these specific roads and facilities. This arrangement does not involve transferring ownership to the tribe but rather facilitates cooperation where necessary funds could be requested from the tribe based on the listed assets in their inventory.

Acting Chairman Nordlum provided background on tribal roads and the tribal transportation program, which receives federal funding based on mileage. He clarified that while the city retains ownership and responsibility for maintenance and plowing of the roads, the tribe could use federal funds for upgrades and some maintenance costs. His concern focused on the MOU's language, which discusses improvements benefiting both parties but does not explicitly address whether tribal funds would support ongoing maintenance by the city. He cited Kotzebue Way as an example where maintenance challenges have arisen despite its importance to residents. Acting Chairman Nordlum questioned whether a separate agreement would be needed to ensure tribal funds contribute to continued maintenance, as this aspect was not currently addressed in the MOU.

Planning Director Camp provided clarification on the MOU's implications, emphasizing that the city would retain ownership of the roads and facilities listed while adding them to the tribe's transportation inventory for potential funding access. He raised a concern about the maintenance responsibility outlined in Section A of the MOU, noting that it lacks specificity and could lead to ambiguity regarding the city's obligations. He highlighted specific challenges with maintenance on various roads and facilities, such as irregular maintenance on Kotzebue Way and flooding issues on Beach Access Road during spring. Camp discussed the city's current role in maintaining the Boat Harbor, including docks and parking areas, but not other associated spaces like the fairgrounds and softball field.

City Attorney Evans echoed Camp's concerns, suggesting that the MOU should include provisions acknowledging maintenance subject to available funding. He emphasized the need for flexibility in budgeting and prioritizing road maintenance annually. Acting Chairman Nordlum expressed agreement, citing examples of challenging maintenance scenarios and suggesting further discussion and education about Tribal Transportation Program (TTP) funding and its application to city roads.

Acting Chairman Nordlum proposed postponing further discussion to address maintenance concerns and gain clarity on TTP funding mechanisms. He suggested inviting representatives from the tribe to explain their program and funding allocations, especially considering the relatively small mileage of roads involved. Planning Director Camp confirmed that the city has entered into MOUs for other roads in the past, indicating familiarity with such agreements.

Ms. Hebner from Bristol Engineering highlighted our involvement with the tribe's long-range transportation plan. They update their inventory annually, but typically align updates with their long-range transportation plans, updated approximately every five years.

Regarding city MOUs, many city roads are already in the official inventory, except for these particular existing roads, which are not listed. Adding them to the tribal inventory ensures consistency across all city roads.

She also mentioned the addition of Cape Blossom Road to the inventory, noting discrepancies in mileage between the existing inventory and the actual road length, which underscores the importance of accurate inventory updates.

Ms. Hebner emphasized the need to include these roads in the tribe's inventory for federal funding purposes, clarifying that ownership will not be transferred. She expressed readiness to proceed pending the inclusion of City Attorney Evans' concerns in Section A and a more defined term for maintenance in Section B.



Commissioner Heft expressed his support, contingent upon clarifications regarding the maintenance responsibilities for the roads and the funding arrangements.

**Commissioner Sweezey proposed a motion to recommend to the City Council the acceptance of the MOU with NVOK concerning the Addition of City-Owned Roads to the tribe's National Tribal Transportation Inventory. The motion included the provision to incorporate "subject to available funding" and to enhance clarity regarding the definition of maintenance within the MOU. Commissioner Heft seconded the motion.**

**Motion carries unanimously by roll call vote.**

#### C. Zoning Project – Work Group Creation

City Planner Belamour provided an overview of the zoning project underway within the city of Kotzebue. The project aims to establish zoning districts and create a zoning map within the city limits, encompassing both developed and undeveloped areas. Belamour presented a draft timeline outlining the project's phases and activities, emphasizing the need for extensive feedback and research to identify and protect crucial areas, such as habitats, subsistence areas, and berry picking sites.

The project's timeline spans multiple years due to the iterative nature of the process and the necessity of public and stakeholder engagement. Belamour outlined the current phase as initiation and visioning, during which a workgroup will be established. The Planning Commission's input is sought to determine the composition of the workgroup, which may include members from the Planning Commission, City Council, relevant corporations, businesses, and other stakeholders deemed essential to the process. By establishing the workgroup, the project aims to facilitate collaboration and advance towards its objectives effectively.

Commissioner Collison proposed including representatives from businesses and individuals in the workgroup, alongside members from the Planning Commission. She suggested establishing a clear guideline for the workgroup's size to ensure effective collaboration without overwhelming participation. While she initially suggested a maximum of 10 members, she acknowledged flexibility depending on the circumstances. She emphasized the importance of maintaining a manageable group size to facilitate productive discussions and decision-making.

Acting Chairman Nordlum suggested a smaller workgroup of about four or five members for the zoning project, emphasizing efficiency and focused decision-making. He differentiated between the core workgroup responsible for detailed discussions and the broader contacts who would receive updates throughout the process. Commissioner

Collison highlighted her availability to represent the Planning Commission in the workgroup, underscoring her commitment despite not having other obligations.

City Planner Belamour suggested that the zoning workgroup should include a representative from the Planning Commission, as well as a member from the city council to ensure alignment and support at that level. She emphasized the importance of transparency and communication within the city council regarding the progress of the zoning project. Additionally, she agreed with the suggestion to include representatives from KIC due to their significant land ownership within and outside the city boundaries. She also supported Commissioner Collison's proposal to include a seat for the public in the workgroup, emphasizing the need for public understanding and engagement to dispel misconceptions about the project's intentions. She stressed that zoning aims to protect existing properties and subsistence activities rather than encroach upon them.

Planning Director Camp outlined a practical approach for forming the zoning workgroup, suggesting they start with identified stakeholders who have already expressed interest. He proposed including a representative from the planning department and the planning commission, alongside members from the city council and the first interested member of the public. He recommended seeking additional participants based on specific categories such as residential, business, and subsistence interests. He sought direction from the planning commission to reach out to potential stakeholders and compile a list of interested parties. This initial list would then be reviewed to ensure a balanced representation before finalizing the committee makeup.

Commissioner Swezey proposed a recommendation for the Planning Department to establish a workgroup consisting of representatives from various entities, including the Planning Department itself, the Tribe, the Planning Commission, City Council, and KIC. Additionally, he suggested allowing any interested member of the public to participate.

Commissioner Collison suggested that as the project progresses, efforts should be made to make the discussions more accessible to the wider community, including those who may not have attended the meetings. She emphasized the importance of transparency and inclusivity, noting that while a meeting format might not accommodate everyone's input, disseminating information effectively could encourage broader participation and ensure that the community remains informed and engaged in the zoning project.

City Planner Belamour proposed incorporating a dedicated section on the city's new website for the zoning project. This section would serve as a repository for project updates, meeting summaries, and discussions, ensuring that the public has easy access to information and can follow the project's progress. She highlighted the importance of transparency and community engagement, suggesting that stakeholders like the school

district could receive project updates even if they are not part of the workgroup sessions directly. This approach aims to foster ongoing public involvement and feedback throughout the duration of the zoning project, allowing residents to contribute their perspectives and suggestions effectively.

At the conclusion of the zoning discussion, the Planning Commission provided a recommendation to the Planning Department to establish a workgroup comprising seven seats: representatives from the Planning Department, Planning Commission, City Council, Native Village of Kotzebue (NVOK), Kikiktagruk Inupiat Corporation (KIC), and two seats for public representation. Additionally, the Planning Commission suggested that the Planning Department formulate a mission or goal statement for the zoning project. This statement would serve to inform the public and stakeholders about the purpose and objectives of the project, ensuring transparency and clarity throughout the process.

**D. Tidelands Permit Application and Agreement Forms**

Planning Director Camp provided an update on the tidelands application and agreement, noting that there hasn't been an official permit application or agreement yet. The Planning Department facilitated the creation of the general application form for interested parties. The application requires project details, particularly regarding the intended use of the tidelands, such as for commercial fishing. The Planning Department has also disseminated information to the public, informing them of the need to contact the department if they intend to utilize tidelands in Kotzebue. Planning Director Camp welcomed any feedback or input on the new application form and agreement.

**X. TIME & PLACE OF NEXT MEETING**

May 9, 2024 – Regular Planning Commission Meeting

**XI. COMMISSIONER'S COMMENTS**

**A. Herb Sweezey**

Commissioner Sweezey expressed support for the citizen's idea regarding the crossing through Public Works and the Armory and Chukchi campus, emphasizing its significance in addressing safety concerns for students and teachers.

**B. Barbara Collison**

Commissioner Collison expressed satisfaction with the progress made on the zoning work, indicating excitement about the developments achieved so far.

C. Jonathan Heft

Commissioner Heft expressed interest in addressing the school walkways and pass-through area thru Public Works, particularly focusing on safety concerns, and the area between the Armory and Chukchi campus. Additionally, he expressed satisfaction with the progress made on the workgroup and zoning initiatives. He suggested updating Planning Commission members via the city website.

D. Clay Nordlum

Acting Chairman Nordlum concurred with Commissioner Heft's remarks regarding the school walkway concerns through Public Works and the area near the Chukchi campus. He also acknowledged the significance of the zoning project as a long-term endeavor, expressing interest in contributing to its development.

E. VACANT

F. Ernest Norton, Chairman  
Excused.

G. VACANT

**XII. ADJOURNMENT**

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

The Planning Commission Meeting adjourned at 7:12 PM.



**PROPOSED SCHEDULE OF ACTIVITIES**

**Tribal Building Design Charrette**

<b>Time</b>	<b>Description of Activities and Proposed Outcomes</b>	<b>Recommended Attendees</b>
<b>Thursday Afternoon (June 13<sup>th</sup>)</b>		
1:00pm – 2:00pm	Review of Building Goals and Charrette Objectives	NVOK Management Team
2:15pm – 3:15pm	Review of HMS estimate and funding constraints	NVOK Management Team
3:30pm – 5:00pm	Brainstorming session for building program; ranking of priorities	NVOK Management Team; Council members; Building Users, Utilities Representatives
5:00pm –	Site visit (weather permitting)	Kuna team and NVOK Management Team
<b>Friday Morning (June 14<sup>th</sup>)</b>		
8:00am – 9:15am	Recap of building program and priorities	NVOK Management Team
9:30am – 10:45am	Presentation of refined program to meet priorities	NVOK Management Team; Council members; Building Users, Utilities Representatives
11:00am – 12:00pm	Wrap-up of charrette and discussion of next steps	NVOK Management Team

City of Kotzebue  
258A Third Ave  
PO Box 46  
Kotzebue AK 99752-0046 907-442-3401  
Receipt No: 5.002722 May 30, 2024

Brett Slaathaug

Permits-Building Permits 24-03	10.00
Total:	<u>10.00</u>
Cash-General	10.00
Total Applied:	<u>10.00</u>
Change Tendered:	<u>.00</u>

Duplicate Copy  
05/30/2024 03:50  
Thank you for your business.



Permit No.: 24-03  
Fee Paid: 10-  
Receipt No.: 5002722  
Date Received: 5/30/24

**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. Sec, 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: 5/30/24

Applicant's Name: Brett Slaathaug Owner's Name: Brett Slaathaug

Mailing Address: PO Box 954, Kotzebue AK 99702 Mailing Address: \_\_\_\_\_

Email Address: brettslaathaug@yahoo.com Email Address: \_\_\_\_\_

Phone: 907-717-4690 Phone: \_\_\_\_\_

Cell: 11 Cell: \_\_\_\_\_

**PROPERTY DESCRIPTION:**

Lot 7A Block 11 U.S.S. 4498 <sup>Kotzebue Townsite</sup> Tract \_\_\_\_\_

House#: 848 Street name: 5<sup>th</sup> Street

**WORK TO BE PERFORMED UNDER THIS PERMIT:**

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

<u>Residential</u>	<u>Commercial</u>
New Construction _____	New Construction _____
Remodel _____	Remodel _____
Addition <u>X</u> _____	Addition _____
Mobile Home _____	Change Use of Site _____
Move (requires separate moving permit) _____	Other _____
Change Use of Site _____	
Other _____	



**Type of Construction**

Frame X - addition to west side  
Block \_\_\_\_\_  
Concrete \_\_\_\_\_  
Log \_\_\_\_\_  
Other \_\_\_\_\_

Size of Building 88' w x 16' l x 7' h (w/l/h)  
Number of Stories 1  
Basement (Yes or No) N

Are there other buildings on the property? (Yes or No) House & Shed  
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.

Brea Ste  
Signature of Owner

Date: 5/30/24

\_\_\_\_\_  
Signature of Applicant (if other than Owner)

Date: \_\_\_\_\_

**REVIEW OF BUILDING PERMIT APPLICATION**  
(For Official Use Only)

Section VIII, Item A.

**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: ground level  
 Depth of basement: \_\_\_\_\_ 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? No
5. Additional Comments: Building addition will make building non-compliant with KMC 17.28.100. Variance needed.

Sam Camp \_\_\_\_\_ Date: 06/04/24  
 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? N/A
4. Additional Comments: SEWER CLEANOUT IS IN GREEN HOVEL, I RECOMMEND THAT IT BE EXTENDED OUTSIDE BUILDING TO AVOID MESS IS JETTED OUT

Russ Fungus \_\_\_\_\_ Date: 06/10/24  
 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: \_\_\_\_\_

Kristen Ferguson \_\_\_\_\_ Date: 6/11/24  
 Signature - Fire Chief

**CITY MANAGER'S COMMENTS:**

Adrian By \_\_\_\_\_ Date: 6/11/24  
 Signature - City Manager

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

Receipt No: 5.002723      May 30, 2024

Brett Slaathang

Permits-Variance Permit #24-02V      200.00

Total:      200.00

Cash-General      200.00  
Total Applied:      200.00

Change Tendered:      .00

Duplicate Copy  
05/30/2024 03:53  
Thank you for your business.



24-0  
200-Fee  
5002723

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

Name of Applicant: Brett Slaughtaug  
Applicant's Mailing Address: PO Box 954  
Applicant's E-Mail Address: brett.slaughtaug@yahoo.com  
Telephone: Home: \_\_\_\_\_  
Work: \_\_\_\_\_  
Cell: 907-717-4690

Legal Description of property for which variance is sought:

Lot 7A Block 11 U.S. Survey 4498 Kotzebue Townsite  
House Number 848 Street Name 5th Street

This is a request for a Variance of Section 17.28.100 of the Zoning Code (Title 17) of the City of Kotzebue.

This Variance is for: Addition to west side of house. Larger arctic entry area.

(a) The existing situation is: the house is only a 2-bedroom under 800ft<sup>2</sup>. It's small + places to hang coats, shoes, + freezers take up too much room

(b) The granting of this petition would permit: all of the above to be resolved

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.

the house is already as-built under the 10ft line on the south side.

Trying to build on the east towards the road would mess with water line coming into the house.

(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.

*This is the only feasible side/location to put on such an addition.*

(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.

*This is how the property & home were already established prior to my ownership.*

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

*No neighbors to the south & southwest. West neighbors homes are well over 50ft away from the addition.*

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

*It's just to help the small area of the house itself with storage of various things especially during the winter.*

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

*Everyone wants to have a comfortable home and enough space to adequately have a family w/ kids to move & play w/o always having storage & coats in your way.*

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.

Brett [Signature]  
Signature of Owner

Date: 5/30/24

\_\_\_\_\_  
Signature of Applicant (if other than Owner)

Date: \_\_\_\_\_



REVIEW OF ZONING VARIANCE APPLICATION  
(For Official Use Only)

Section VIII, Item A.

**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: ground level X  
Depth of basement (below ground level): N/A 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: Building addition will make building non-compliant with KMC 19.28.100. Variance needed  
Dean Camp Date: 06/04/24

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? N/A

4. Additional Comments: SEWER CLEAN-OUT IS IN GARAGE/HALL. I SUGGESTED THAT HE EXTEND IT OUTSIDE OF THE BUILDING TO AVOID A MESS IF HOT JETTING IS NEEDED  
Russ Foyner Date: 06/10/24

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: \_\_\_\_\_

Forster Ferguson Date: 6/11/24  
Signature - Fire Chief

**CITY MANAGER'S COMMENTS:**

Haesslein Date: 6/11/24  
Signature - City Manager

### Kotzebue Municipal Code Tidelands Interpretation

The City of Kotzebue owns surface Tidelands and submerged Tidelands pursuant to, *inter alia*, Alaska Department of Natural Resources, Division of Lands, Interagency Land Management Transfer, ADL #19285, dated September 10, 1962, State of Alaska Patent, Tidelands No. 185, dated April 11, 1966, recorded at Book 40, Page 107, Noatak - Kobuk Recording District, Noatak - Kobuk Serial No. 66-219, A.T.S. 238 showing 395.208 acres and Alaska Statutes, Title 38, Public Lands. Copies of A.T.S. 238 and related documents are attached hereto as Exhibit "A" and incorporated herein by reference.

Chapter 11.04, "Tideland Regulations," of the Kotzebue Municipal Code ("KMC"), governs, *inter alia*, the use of, improvement of, rights-of-way, easements and resources reservation over, under and through the City of Kotzebue's Tidelands and KMC Chapter 11.04 is incorporated, in its entirety, herein by reference.

These tidelands extend from N68° 40' 12.60" W from the west end of the airport runway to S05° 42' 48.10" W just south of Minerva Street and extends from the shoreline 1850 feet. This area is just short of the docks that commercial fisheries traditionally operate on in the Kotzebue Sound. It is understood that entities operating outside of City of Kotzebue Tidelands are not required to have a City of Kotzebue Tidelands Permit. However, commercial fisheries operating outside of City of Kotzebue Tidelands have conducted business with commercial fisherman operating within City of Kotzebue Tidelands. Furthermore, instead of requiring tidelands permits of all commercial fisherman operating within City of Kotzebue Tidelands, it has been the practice of the City to issue Tidelands Permits to the commercial fisheries that cover operations by commercial fishermen in City of Kotzebue Tidelands selling to commercial fisheries. This is not clearly defined under Chapter 11.04, "Tideland Regulations," of the Kotzebue Municipal Code ("KMC").

Now, to establish a clear understanding of the interpretation of the KMC Tidelands Regulations this matter is brought before the Planning Commission to give direction to the Planning Department. Below are two options outlined that the Planning Commission may act on:

1. If the Planning Commission wishes to uphold the current interpretation of the City of Kotzebue Tidelands Regulations, permits will be required for those entities not only operating in City of Kotzebue Tidelands, but also for those who conduct business with individuals or entities that operate within City of Kotzebue Tidelands.
2. If the Planning Commission wishes to change the current interpretation of the City of Kotzebue Tidelands Regulations, permits will NOT be required for those entities operating outside of City of Kotzebue Tidelands. Furthermore, there will be a strict interpretation of this code in that Tidelands Permits will only be required if the entities operations are physically located within City of Kotzebue Tidelands.

• **11.04.720 - Permits—Use or improvement—Eligibility.**

The city council may issue permits for the use and/or improvements of city-owned tidelands. The council shall give such preference to the use of the land as will be of greatest economic benefit to the city, provided that first preference shall be granted to the upland owner over other nonpreference applicants for the use of tideland and contiguous submerged land seaward of the upland property and which is needed by such owner for the purpose or purposes for which it may be granted.  
(Prior code Ch. 14 § 13-38).

• **11.04.730 - Permits—Application—Decision.**

Application for a tideland permit shall be submitted to the city clerk. The city clerk shall submit the application to the city council for its approval or disapproval, whereupon the council may, with or without a public hearing or posted notice, grant or reject the requested permit.  
(Prior code Ch. 14 § 13-39).

• **11.04.740 - Permits—Duration—Renewal, revocation—Disposition of improvements.**

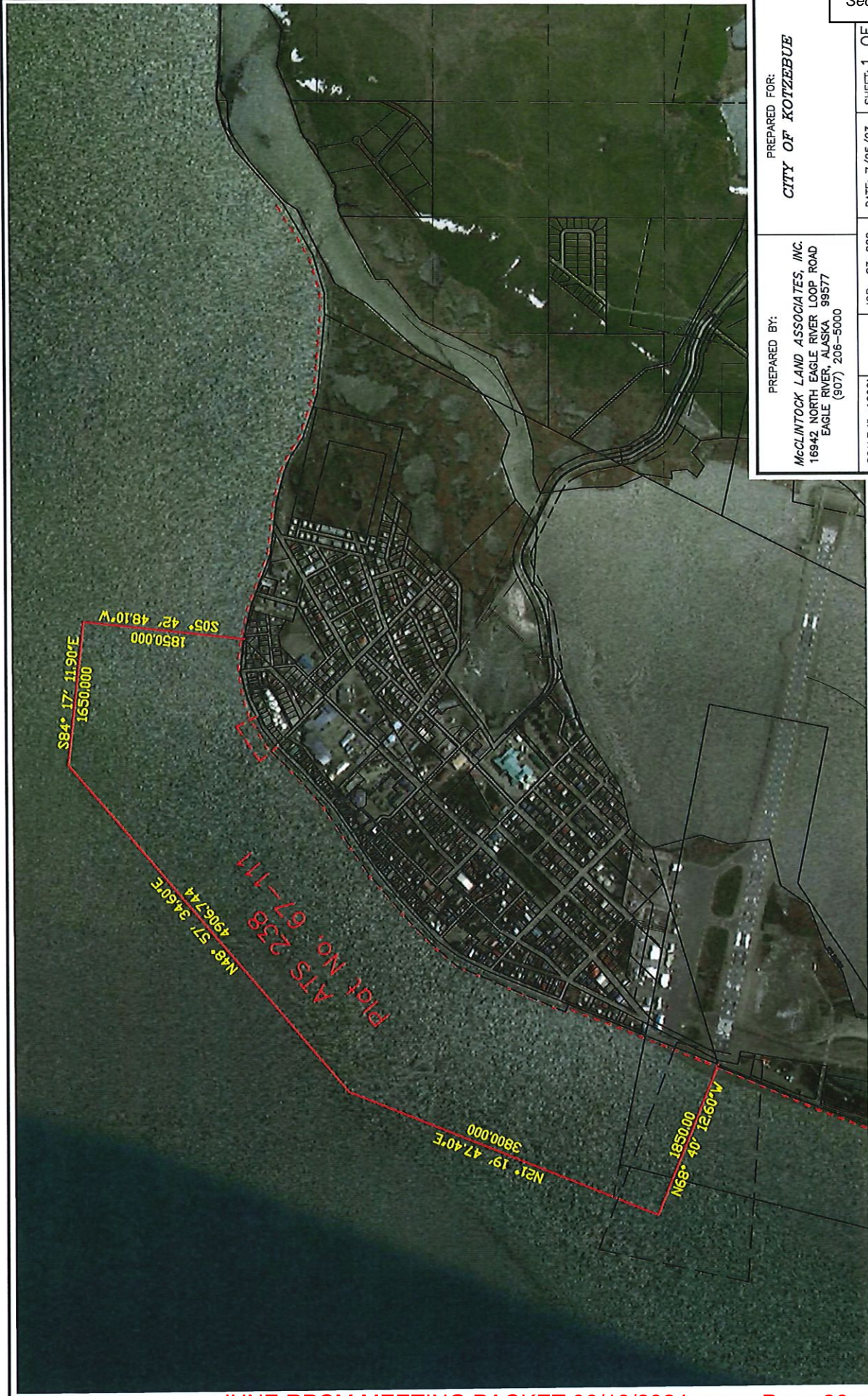
A. Permits issued shall not exceed ten years in duration, but are renewable at the option of the city.

B. All permits shall be revocable when used contrary to the conditions under which they are granted, or when council in its judgment determines that the best interest of the city would serve by revocation.

C. If any permit expires or is revoked, all improvements placed on the tide or contiguous lands shall be removed by the permittee within sixty days; provided, however, that the city council may extend the time for removing such improvements in cases where hardship is shown. A permittee may, with the consent of the city council, sell his improvements to any succeeding permittee. Any improvements or chattels having an appraised value of ten thousand dollars which are not removed within the time allowed, shall be sold at public auction and the net proceeds thereof, if any, paid to the permittee after paying all expenses of the sale and charges due to the city. If there are no other bidders, the city may bid on the property for the total amount of the permittee's indebtedness to the city. Any improvements having a value of less than ten thousand dollars which are not removed within the time allowed shall revert to and become the absolute property of the city.  
(Ord. 79-104 § 1, 1979: prior code Ch. 14 § 13-40).

• **11.04.750 - Permits—Rights-of-way and easements.**

Permits may be issued by the city council for utility lines and services of all types and for necessary rights-of-way. Such permits shall be revocable at the option of the city if permittee fails to comply with requirements of the permit.  
(Prior code Ch. 14 § 13-41).



PREPARED BY:  
**McCLINTOCK LAND ASSOCIATES, INC.**  
 16842 NORTH EAGLE RIVER LOOP ROAD  
 EAGLE RIVER, ALASKA 99577  
 (907) 266-5000

PREPARED FOR:  
**CITY OF KOTZEBUE**

SCALE: 1" = 1000'  
 JOB: 23-200  
 DATE: 7/25/23  
 SHEET: 1 OF



Arctic Circle  
Wild Seafood  
KOTZEBUE, ALASKA • PRODUCT OF U.S.A WILD

May 28, 2024

Ms. Tessa Baldwin  
Kotzebue City Manager

Dear Ms. Baldwin:

Please consider Arctic Circle Wild Seafood proposal to utilize tidelands within the city limits of Kotzebue and land use permits on City property. We will be doing business as Arctic Circle Wild Seafood (ACWS) and intend to again purchase salmon from fishermen during the upcoming commercial fishing season in July and August 2024.

ACWS would like to set up our operation using the City of Kotzebue right of way located on the intersection of fourth and sixth street just passed the Tech Center next to KIC's barge landing site as we did last season. In addition, we would like to have access to the City water service next to North tent city and will obtain a water meter so that we pay the appropriate fees for use. We also attached a diagram map showing property description and access area.

All operations will be under the direction of Arctic Circle Wild Seafood personnel with local hire for manpower. We are the only local seafood buying company in Kotzebue, locally owned and operated. Our ADF&G communication is attached from the State of Alaska. Fish and Game in Nome has also been notified of our intent to operate. Your consideration is greatly appreciated.

Cordially,

Michael J. Scott  
Managing Partner  
Arctic Circle Wild Seafood  
P.O. Box 226  
Kotzebue, AK 99752  
(907) 412-1526  
(206) 715-7804

Alaska Business License # 1057080

**Alaska Department of Commerce, Community, and Economic Development**  
Division of Corporations, Business, and Professional Licensing  
PO Box 110806, Juneau, AK 99811-0806

This is to certify that

**ARCTIC CIRCLE WILD SEAFOOD**

P.O. BOX 226, KOTZEBUE, AK 99752

owned by

ARCTIC CIRCLE WLD SEAFOOD LLC

is licensed by the department to conduct business for the period

April 19, 2023 to December 31, 2024  
for the following line(s) of business:

11 - Agriculture, Forestry, Fishing and Hunting



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.  
It is not transferable or assignable.

Julie Sande  
Commissioner

Alaska Entity #10063444

State of Alaska  
Department of Commerce, Community, and Economic Development  
Corporations, Business, and Professional Licensing

**Certificate of Organization**

The undersigned, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community, and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

**Arctic Circle Wild Seafood LLC**



IN TESTIMONY WHEREOF, I execute the certificate and affix the Great Seal of the State of Alaska effective July 11, 2017.

Chris Hladick  
Commissioner

ARCTIC CIRCLE WILD SEAFOOD  
P.O. BOX 226  
KOTZEBUE, AK 99752





**RE: 2024 Independent Buyer Application Arctic Circle Wild Seafood**

1 message

**Deehan, Rachel C (DFG)** <rachel.deehan@alaska.gov>

Fri, May 10, 2024 at 2:34 PM

To: Michael Scott <kotzebue57@gmail.com>

This is received.

Rachel Deehan  
Seafood Industry Technician  
907-465-6131

**From:** Michael Scott <kotzebue57@gmail.com>  
**Sent:** Friday, May 10, 2024 11:22 AM  
**To:** Deehan, Rachel C (DFG) <rachel.deehan@alaska.gov>  
**Subject:** 2024 Independent Buyer Application Arctic Circle Wild Seafood

Hi Rachel:

Attached is Arctic Circle Wild Seafood's 2024 Independent Buyer's application to renew our Code Y12088 for Kotzebue salmon fishery.

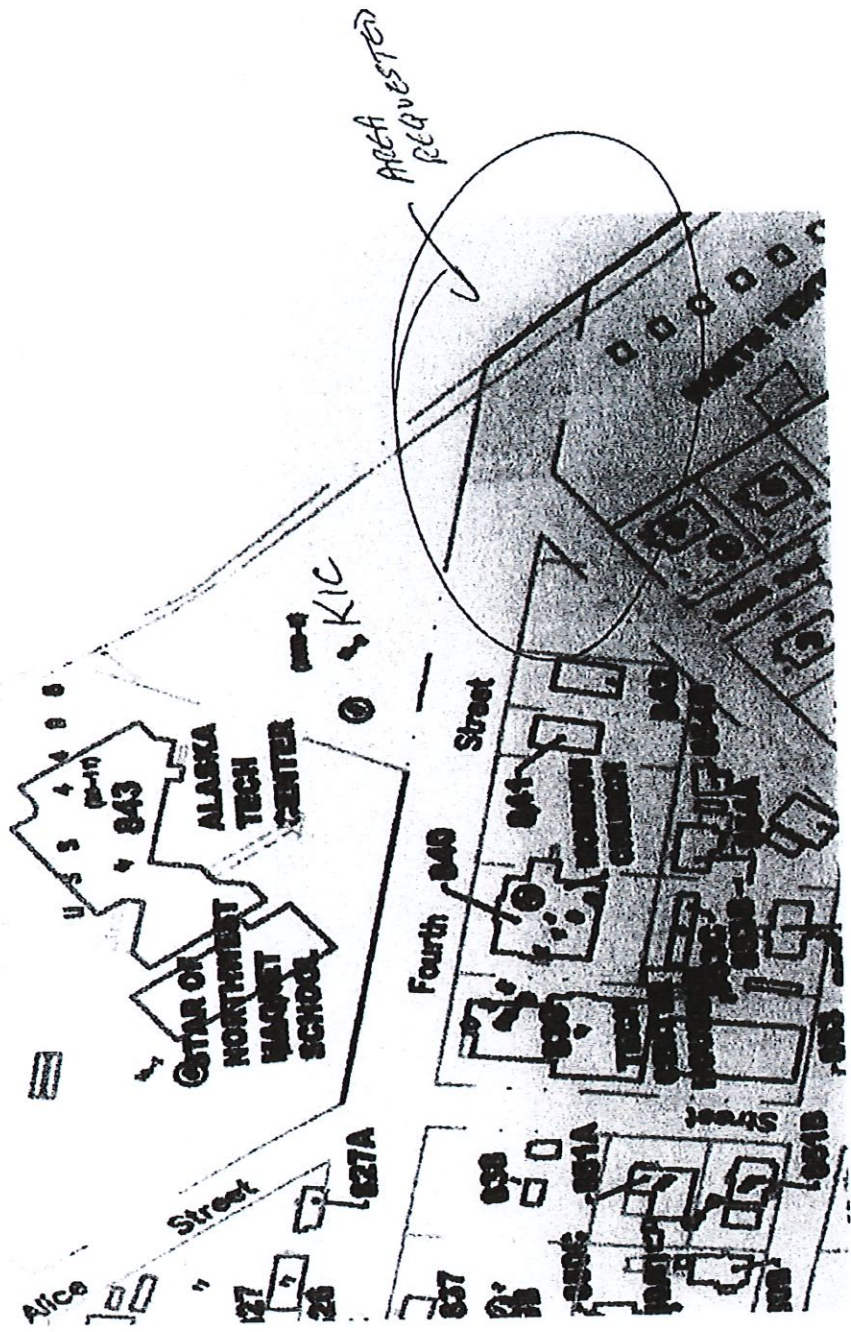
If you have any questions, please let me know.

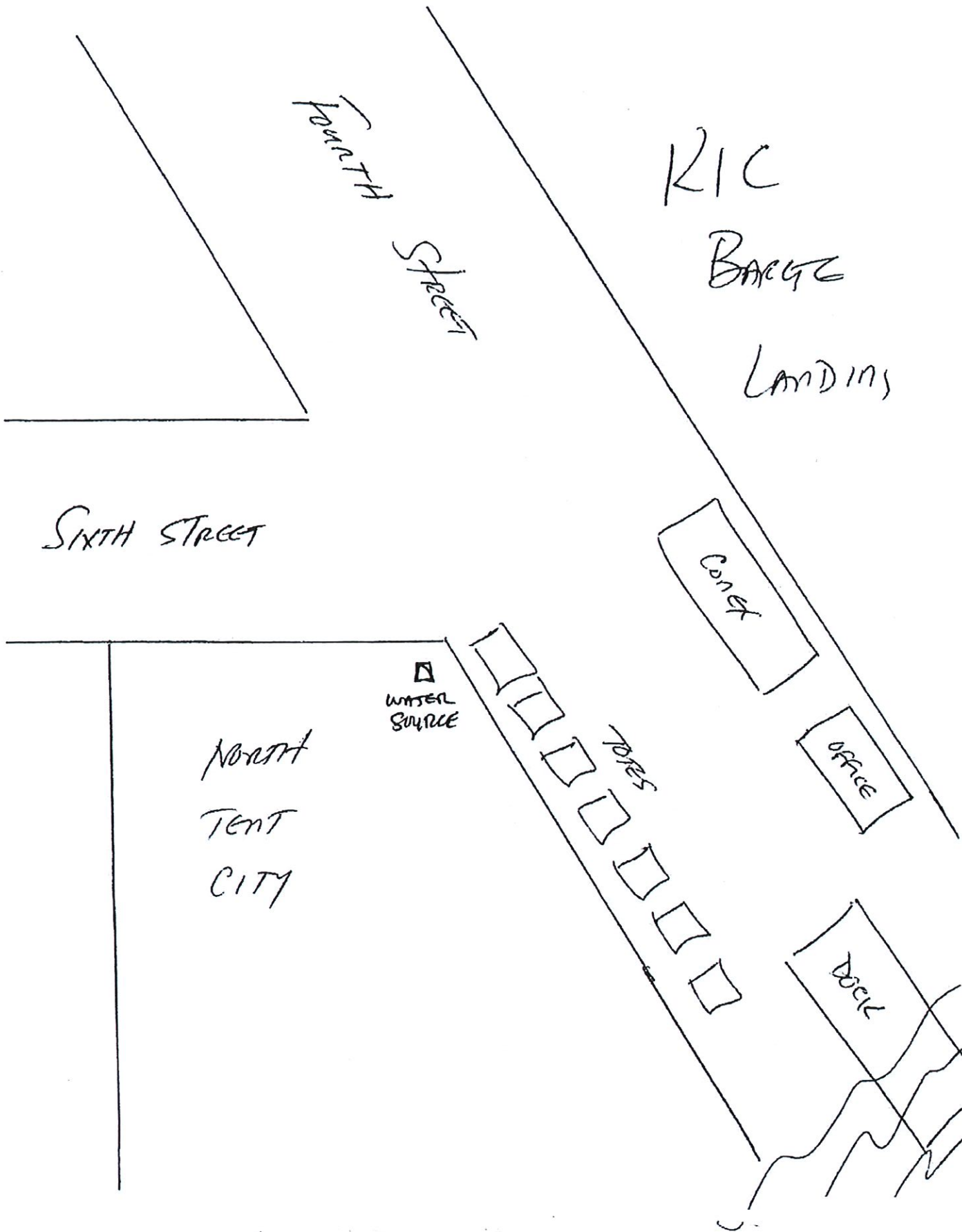
Cordially,

Mike

Michael J. Scott  
Arctic Circle Wild Seafood, LLC  
P.O. Box 226  
Kotzebue, AK 99752  
(907) 412-1526  
(206) 715-7804

ACWS Fish Buying Station





**CITY OF KOTZEBUE  
TEMPORARY USE PERMIT  
FOR ARCTIC CIRCLE WILD SEAFOOD, LLC ("ACWS")  
PURSUANT TO KMC 3.12.120  
AND  
RESOLUTION NO.**

1. Kotzebue Municipal Code ("KMC") 3.12.120, Use permits and licenses, provides that *"The city may, by city council resolution, issue use permits or licenses for the use of city land, not to exceed one hundred eighty days. Such use permits or license may or may not be for consideration, but such use permits or permits may be terminated at will by the city. Use permits and licenses may be issued without conforming to the requirements of [KMC Chapter 3.12] for disposal of land, unless otherwise directed by the council."*

2. Arctic Circle Wild Seafood, LLC has committed and agreed that the use of the City properties identified in this Temporary Use Permit will be operated in such a manner so as to not interfere with any City and public, non-commercial uses in, on or around the properties requested for use, said properties identified in ACWS's submittal attached hereto as Exhibit "A."

3. Arctic Circle Wild Seafood, LLC shall indemnify, defend and hold harmless the City, its employees, officials and/or agents from any and all claims, actions, fees, expenses, costs and demands of whatever nature or type caused by, related to or in any way associated with the granting of this Temporary Use Permit, Arctic Circle Wild Seafood, LLC's use of and/or Arctic Circle Wild Seafood, LLC's activities on or about the City properties identified herein.

4. Arctic Circle Wild Seafood, LLC at the end of its use of the City's properties for the ~~2024~~ fishing season shall leave the City's properties in a safe and properly cleaned condition, restoring them to the condition in which the properties were found at the start of the use permit granted herein.

5. Arctic Circle Wild Seafood, LLC acknowledges and understands that this use permit may be terminated at will by the City pursuant to KMC 3.12.120 and may under no circumstances exceed one hundred and eighty (180) days.

6. Arctic Circle Wild Seafood, LLC shall pay the City \$500.00 as compensation for this Temporary Use Permit. This compensation shall be due within ten (10) days of the execution of this Temporary Use Permit.

7. Arctic Circle Wild Seafood, LLC shall be granted: (1) a non-exclusive, temporary use permit for its fish buying operations during the ~~2024~~ fishing season at/on the following City-owned properties at the northerly end of the City's Right-of-Way of 4th Street where it intersects 6th Street, as set out in Exhibit "A" attached hereto; (2) the non-exclusive use of the City's water source spigot located at North Tent City, adjacent to ACWS's fish buying area, as described in Exhibit "A," attached hereto, provided that ACWS shall have its water usage metered using a split-type fixture with its usage

separately metered and such water usage shall be paid in full by ACWS at the applicable commercial rate, including fees/charges for the installation, monitoring and removal of the City's water meter, as applicable.

8. Arctic Circle Wild Seafood, LLC warrants that the individual signing below on behalf of Arctic Circle Wild Seafood, LLC has the authority and permission of Arctic Circle Wild Seafood, LLC to sign this Temporary Use Permit and in so doing to bind Arctic Circle Wild Seafood, LLC to the terms of this Temporary Use Permit.

9. This Temporary Use Permit shall be subject to all applicable provisions of Title 29 of the Alaska Statutes and the Kotzebue Municipal Code, and all amendments thereto, judicial determinations thereof and case law thereunder.

10. This written Temporary Use Permit embodies the whole agreement between the City and Arctic Circle Wild Seafood, LLC and there are no inducements, promises, terms, conditions or other obligations that are entered into herein other than those contained herein.

11. Any dispute concerning this Temporary Use Permit shall be resolved by good faith, non-binding mediation between the City and Arctic Circle Wild Seafood, LLC. If such non-binding mediation shall not resolve all disputed matters, the City and Arctic Circle Wild Seafood, LLC agree to submit any unresolved disputes to binding arbitration (with a single arbitrator). This arbitration shall be the sole remedy for any and all disputes arising under this Temporary Use Permit and the decision of the arbitrator shall be the complete, final adjudication of any and all such disputes under this Temporary Use Permit. The site of any such arbitration shall be in Kotzebue, Alaska, at a location agreed upon by the City and Arctic Circle Wild Seafood, LLC.

Any arbitration shall be governed by Alaska's Revised Uniform Arbitration Act as set forth in A.S. 09.43.300 to A.S. 09.43.595. Damages, if any, awarded by an arbitrator shall be limited to non-tort, contract damages allowed by Alaska law, with full, reasonable fees and costs awarded to the prevailing party by the arbitrator, with the determination of prevailing party status governed by the Alaska Rule of Civil Procedure 82 and the Alaska case law developed under Alaska Rule of Civil Procedure 82.

[Dated and Signed on Page 3 of 3]

**TEMPORARY USE PERMIT – ARCTIC CIRCLE WILD SEAFOOD, LLC**

CITY OF KOTZEBUE

\_\_\_\_\_  
City Manager

ARCTIC CIRCLE WILD SEAFOOD, LLC

*Alfred Smith*  
By: Alfred Smith [Print Name]  
Its: Managing Partner [Print Title]

DATED: \_\_\_\_\_

DATED: May 28, 2024

Attachment:

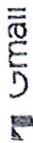
Exhibit "A" – ACWS Submittal

TEMPORARY USE PERMIT – ARCTIC CIRCLE WILD SEAFOOD, LLC

Page 3 of 3



ACWS memo to City Council re noise July 27 2023.pdf  
267K



WS amended Temporary Use Permit, Paragraph 4, Page 1 of 3

Thu, Jul 27, 2023 at 6:43 P

Message

Evans <joe@jwevanslaw.com> > Nate Kolch <kolchservices@gmail.com>, Mike Scott <michael\_scott@comcast.net>

late and Mike,

y a 5-0 vote tonight, the City Council approved deleting the present Paragraph 4, Page 1 of 3, in the ACWS Temporary Use Permit and replace it with the following language, effective immediately:

*Due to the proximity of residential units, Arctic Circle Wild Seafood, LLC, shall use its best good faith efforts and best business practices to not conduct its fish buying operations from Midnight to 6:00am Sunday throughaturday from June 30th to August 21st and, shall use its best good faith efforts and best business practices to not conduct its fish buying operations from August 22nd to August 31st 10:00pm to 6:00am Sunday throughaturday once school starts. ACWS shall inform and work with its independent contractor commercial fishermen to effectuate this proviso to the maximum extent possible. In addition, to the maximum extent possible, ACWS shall use its best good faith efforts and best business practices to minimize the disruption caused by FBX pickup and loading of fish containers to transport to the airport outside of the hours noted above. How ACWS handles these requirements in the next six (6) weeks shall determine whether another TUP is issued next year for the 2024 commercial fishing season in Kotzebue and on what terms such a TUP shall be issued next year.*

will prepare a formal, written amendment next week, but this is effective immediately.

lease email, text or call with any questions.

Joe Evans  
(907) 981-5508 [cell]

[joe@jwevanslaw.com](mailto:joe@jwevanslaw.com)

From: Tessa Baldwin <TBaldwin@Kotzebue.org>  
Sent: Thursday, July 27, 2023 9:25 AM  
To: kolchservices@gmail.com michael\_scott@comcast.net kotzebue57@gmail.com michael\_scott@comcast.net kotzebue57@gmail.com  
Cc: Joe Evans <joe@jwevanslaw.com>  
Subject: Memo for City Council

Good Morning, Nate and Mike,

lease find attached a document that Joe drafted several conversations we have had in regard to the conversations we had following the special city council meeting.

lease note, that we recommended to the city council to amend the agenda to discuss this document today. The City Council meeting will start at 5:15PM at the city hall chambers. The call in number is 1-800-315-6338, passcode 49401#.

Thank you,

Tessa Baldwin  
City Manager  
City of Kotzebue  
58A Third Avenue  
PO Box 46, Kotzebue, AK 99752  
Work: 907-442-5101  
Cell: 907-412-3571  
Fax: 907-442-3742



**City of Kotzebue**  
**TIDELANDS PERMIT**  
**Arctic Circle Wild Seafood - Permittee**

The City of Kotzebue owns surface Tidelands and submerged Tidelands pursuant to, *inter alia*, Alaska Department of Natural Resources, Division of Lands, Interagency Land Management Transfer, ADL #19285, dated September 10, 1962, State of Alaska Patent, Tidelands No. 185, dated April 11, 1966, recorded at Book 40, Page 107, Noatak - Kobuk Recording District, Noatak - Kobuk Serial No. 66-219, A.T.S. 238 showing 395.208 acres and Alaska Statutes, Title 38, Public Lands. Copies of A.T.S. 238 and related documents are attached hereto as Exhibit "A" and incorporated herein by reference.

Chapter 11.04, "Tideland Regulations," of the Kotzebue Municipal Code ("KMC"), governs, *inter alia*, the use of, improvement of, rights-of-way, easements and resources reservation over, under and through the City of Kotzebue's Tidelands and KMC Chapter 11.04 is incorporated, in its entirety, herein by reference. This Tidelands Permit is issued pursuant to City of Kotzebue Resolution No. 18-08, dated August 17, 2017, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference.

**Nature of Request for Temporary Non-Exclusive Use of Tidelands**

Arctic Circle Wild Seafood ("ACWS") will be buying salmon from local fishermen during the oncoming 2024 commercial season, as set forth in Exhibit "C" attached hereto and incorporated herein by reference.

**Conditions Precedent and Promissory Conditions**

As conditions to obtaining this TIDELANDS PERMIT, ACWS warrants and commits as follows:

1. ACWS shall obtain all necessary permits, if any, from the federal government, State of Alaska and local governments required for work in the waters in and around Kotzebue and present copies of said permits to Samuel Camp, Planning Director, City of Kotzebue, before any work is commenced in the Tidelands;
2. KMC 11.04.510, 11.04.630 and 11.04.640, normally would require ACWS to pay for an appraisal by MacSwain & Associates, LLC, Anchorage, Alaska for the value of the non-exclusive use of the City's surface Tidelands and the value so determined would be paid to the City. However, due to the time sensitive nature of this work, the requirement for a formal appraisal is hereby waived and it is agreed that ACWS will negotiate an amount to be paid to the City, subject *vel non* to City Council approval, for the temporary, non-exclusive use of the City of Kotzebue's Tidelands.

**PERMIT TERMS AND CONDITIONS**

1. ACWS and/or its agent(s) warrants and commits that it and/or its agent(s) shall comply with all terms of the contracts/agreements/permits entered into/granted by the federal government, State of Alaska and local governments.
2. ACWS and/or its agent(s) shall comply with any and all applicable local, borough, state and federal laws. Failure to abide by any part of this Permit or violation of any pertinent provisions of the Kotzebue Municipal Code, Northwest Arctic Borough Code, Alaska Statutes, Alaska Administrative Code or federal laws or regulations, will be considered grounds for revocation of this Permit or denial of future permit requests and may result in fines or other penalties. This provision shall apply to all persons working under authority of this Permit.
3. All trash and human waste shall be properly disposed of in accordance with State, Northwest Arctic Borough and City of Kotzebue standards for disposal of refuse, human waste and chemicals.
4. All Permit activities shall utilize measures to minimize noise and nuisance affecting surrounding residential properties, including excessive noise, fumes, odors, glare, smoke, vibration, dust, litter, interference in any telephone, radio or television receivers, and/or significant line voltage fluctuation.
5. Equipment/watercraft used in the performance of the activities covered by this Permit shall not be serviced and fueled within the boundaries of the City's Tidelands. Equipment and vehicles must be monitored, daily, for hydraulic leaks. Equipment and vehicles are to be maintained so as not to cause any fuel spills and/or fluid leaks. Equipment shall not be abandoned.
6. ACWS and/or its agent(s) shall immediately notify the City of any damage to the waters and/or bottom of the City's Tidelands, including, but not limited to, environmental spills of oil or other chemicals.
7. ACWS and/or its agent(s) shall immediately notify the City (at least within 24 hours) of any change in the Permit plans and seek modification of the Permit. ACWS and/or its agent(s) shall suspend uses until approval is given by the Public Works Director. If the proposed action constitutes an emergency, ACWS and/or its agent(s) shall comply with directions from the Planning Director, or his Designee, for such emergency actions and shall make reasonable efforts to conduct modified uses in a manner that avoids or minimizes significant harm to the environment, consistent with the need to protect property and human life.

8. ACWS and/or its agent(s) are subject to all penalties and civil actions for violation of the Permit conditions and stipulations prescribed herein.
9. The Permittee shall allow the City and its representatives access to the permitted areas during the term of this Permit to conduct scheduled or unscheduled inspections or tests to determine compliance with this Permit or respond to emergency situations.
10. This Permit is for City Tidelands only and does not apply to other lands within the Kotzebue Sound not held in City ownership.
11. This Permit is not a property right. It is a temporary non-exclusive, authorization, revocable by the City for cause.
12. ACWS is responsible for obtaining authorizations required by other agencies for the permitted activity.
13. The City's primary contact person for this Permit is the Planning Director, or his Designee. The Planning Director may be contacted at the Public Works Building, at his direct-dial numbers of (907) 442-5203, via fax at (907) 442-2155 and/or via e-mail to [satkinson@kotzebue.org](mailto:satkinson@kotzebue.org).
14. ACWS assumes all responsibility, risk and liability for all activities of Permittee, its employees, agents, invitees, contractor, subcontractors or licensees directly or indirectly conducted in connection with this Permit, including environmental and hazardous substance risks and liabilities, whether accruing during or after the term of this Permit. Permittee shall defend, indemnify and hold harmless the City of Kotzebue, its employees and agents from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatever kind or nature, including all attorney's fees and litigation costs, arising out of , in connection with, or incident to any act or omission by Permittee, its employees, agents, invitees, contractors, subcontractors or licensees, unless the sole proximate cause of the injury or damage is the negligence or willful misconduct of the City or anyone acting on the City's behalf. Within fifteen (15) days, Permittee shall accept any such cause or action or proceeding upon tender by the City. This indemnification shall survive the termination of the Permit.
15. This authorization is subject to all valid existing rights in and to the land under this authorization. The City makes no representations or warranties, whatsoever, either expressed or implied, as to the existence, number or nature of such valid existing rights.
16. Since this is a temporary, non-exclusive use permit for ACWS, the City reserves the right to grant additional authorizations to other third-parties for compatible uses on or adjacent

to the land under this authorization. However, any other users on or adjacent to the area of Tidelands being used by ACWS, shall not interfere with ACWS's salmon-buying activities with local fishermen during the **2024** commercial fishing season.

17. The area used for this Permit shall be left in a clean, safe condition acceptable to the Planning Director. The area shall be restored to a condition acceptable to the Planning Director.
18. This authorization is revocable immediately upon violation of any of its terms, conditions, stipulations, nonpayment of fees or upon failure to comply with any other applicable laws, statutes and regulations (federal, state and local).
19. To proceed in areas other than in the City Tideland Area, ACWS must have prior authorization from the Planning Director and may request this authorization as an amendment to this Permit.
20. All operations must be conducted in a manner that will ensure minimum conflict with other users of the area. There shall be no interference with free public use of City lands and waters. Public access may not be restricted without prior approval of the Planning Director.
21. The area subject to this Permit shall be maintained in a neat, clean and safe condition, free of any solid waste, debris or litter.
22. The use authorized by this Permit shall be limited to the City-owned tidelands. ACWS is responsible for accurately siting operations within this area. Any proposed activity outside the City-owned tidelands may require approval of other local, state and/or federal entities which shall be the sole responsibility of ACWS.
23. Secondary containment shall be provided for fuel or hazardous substances, as follows:
  - a. Container marking. All independent fuel and hazardous substance containers shall be marked with the contents and ACWS's name using paint or a permanent label.
  - b. Fuel or hazardous substance transfers. Secondary containment or a surface liner must be placed under all container or vehicle fuel tank inlet and outlet points, hose connections, and hose ends during fuel or hazardous substance transfers. Appropriate spill response equipment must be on hand during any transfer or handling of fuel or hazardous substances to respond to a spill of up to five (5) gallons. Trained personnel shall attend transfer operations at all times. Equipment refueling shall not occur within 100 feet of open bodies of water.

- c. Storing containers within 100 feet of bodies of water. Containers with a total capacity larger than 55 gallons that contain fuel or hazardous substances shall not be stored within 100 feet of a body of water.
- d. Exceptions. The Planning Director may, under unique or special circumstances, grant exceptions to this stipulation on a case-by-case basis. Requests for exceptions should be made to the Planning Director.
- e. Definitions.

"Containers" means any item that is used to hold fuel or hazardous substances. This includes tanks, drums, double-walled tanks, portable testing facilities, fuel tanks on small equipment such as light plants and generators, flow test holding tanks, slop oil tanks, bladders and bags. Manifolded tanks or any tanks in a series must be considered as single, independent containers. Vehicles, including mobile seismic tanks, are not intended to be included under this definition.

"Hazardous substances" are defined under A.S. 46.03.826(5) as: (a) an element or compound which, when it enters the atmosphere, water, or land, presents an imminent and substantial danger to the public health or welfare, including fish, animals, or vegetation; (b) oil; or (c) a substance defined as a hazardous substance under 42 U.S.C. 9601(14)

"Secondary containment" means an impermeable, diked area or portable, impermeable, containment structure capable of containing 110 percent of the volume of the largest independent container. Double-walled tanks do not qualify as secondary containment unless an exception is granted for a particular tank.

"Surface liner" means any safe, non-permeable container (e.g., drip pans, fold-a-tanks, etc.) designed to catch and hold fluids for the purpose of preventing spills. Surface liners should be of adequate size and volume based on worst-case spill risk.

- 24. The Permittee shall immediately notify the City, by phone, of any unauthorized discharge of oil or fuel to water, any discharge of hazardous substances (other than oil or fuel), and any discharge of oil or fuel greater than fifty-five (55) gallons on land. All fires and explosions must also be reported.

The DEC Spill Report Number is 1-800-478-9300. The City 24-hour number is 442-3351/3352. The ADF&G number in Kotzebue is 442-3420 and the ADF&G fax number in Kotzebue is 442-3420. DEC and ADF&G shall be supplied with all follow-up incident reports. See, ADEC/SPAR "Report Oil and Hazardous Substance Spills," attached hereto as Exhibit "D."

Copies of all such written spill reports shall be provided to the Planning Director at the e-mail addresses and fax number listed above in paragraph 13.

- 25. This Permit contains the entire agreement between the Parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this Permit shall have no force or effect except in a subsequent written modification, signed by the Party to be charged.
- 26. This Permit shall bind and inure to the benefit of the respective successors and assigns of the Parties hereto.
- 27. This Permit shall be interpreted according to the laws of the State of Alaska. Any litigation involving this Permit shall be exclusively in Superior Court, Second Judicial District, at Kotzebue.
- 28. All Parties to this Permit have participated in the drafting of this Permit. Hence this Permit shall not be construed in favor of one Party against another Party.
- 29. This Permit shall expire **August 31, 2024**, unless extended by mutual, written agreement of the Parties.

DATED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at Kotzebue, Alaska.

**CITY OF KOTZEBUE**

**ARCTIC CIRCLE WILD SEAFOOD**

\_\_\_\_\_  
Tessa Baldwin  
City Manager

\_\_\_\_\_  
By: \_\_\_\_\_  
Position: \_\_\_\_\_



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**  
June 13, 2024

**I. PROJECT TIMELINE**

PROCESSES & STEPS		TIMELINE
<b>Phase 1: Initiation and Visioning</b>	<b>Establish the Zoning Committee / Workgroup</b>	
	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.
	<b>Identify Key Stakeholders</b>	
	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.
	<b>Conduct Initial Community Engagement Sessions</b>	
		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.
	<b>Analyze Initial Feedback and Develop Broad Planning Policies, Objectives, and Goals</b>	
		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, with direction from the Planning Commission had established the Zoning Workgroup to help work on the Zoning and Land Use Regulations Project in the May Regular Planning Commission Meeting.

The following seats were decided upon during that meeting:

- A. City Council
- B. Planning Commission
- C. Planning Department
- D. Native Village of Kotzebue (NVOK)
- E. Kikiktagruk Inupiat Corporation (KIC)
- F. Public Seat
- G. Public Seat

Around the end of May into early June, the Planning Department has reached out to NVOK and KIC to inform them of this ongoing project and that they have open seats for the workgroup to contribute to the discussions and decisions for this project. As of June 3, 2024, the department has not yet received any response from these two organizations.

The Planning Department will continue to reach out to these organizations and will attempt to schedule a date to present to them in order to explain the vision and goals of this project and how it can help the community and their organizations.

A PSA will be posted on the city website, Facebook page, and around town to canvass for letters of interest for the 2 public seats on the Zoning Workgroup.

## II. MISSION STATEMENT

The Planning Commission has given the Planning Department directive to come up with a mission statement in order to easily present the vision and goals that the City of Kotzebue has for this project. The Planning Department has come up with the following:

***Mission:***

To ensure a sustainable future for Kotzebue by conserving natural resources, protecting subsistence lifestyles, and guiding balanced development through effective zoning regulations.

***Vision:***

A thriving Kotzebue, where homes are protected, nature is preserved, and development is balanced with environmental stewardship.

***Primary Goals:***

1. Sustainable Land Use
2. Economic Development



- 3. Environmental Protection
- 4. Cultural Preservation
- 5. Improved Quality of Life

### III. COMMUNICATION CHANNELS

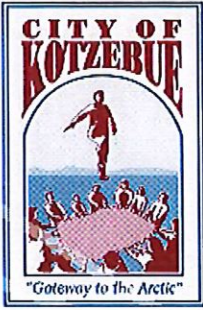
As of now, the Planning Department has not yet established a formal communication channel to post, present, and document all information and status updates regarding the Zoning and Land Use Regulations Project.

The Planning Department suggests that the following avenues and platforms be used to provide updates regarding the zoning project:

- 1. Creating a landing page for the Zoning and Land Use Regulations Project on the City of Kotzebue website.
  - *This may need to wait due to the transition to the new website. The status of the new website is still pending.*
- 2. Creating PSAs summarizing the major updates on the project on the City's Facebook Page, eventually attaching a link to the landing page for any new updates posted on the website.
- 3. Scheduling a time to be on KOTZ to provide brief information and updates regarding the project for the public to hear.
- 4. Having specific channels and avenues for the public to submit comments and feedback, written or otherwise, as well as valuable information such as areas of interest, be it for subsistence or other uses, to help with locating these areas and imposing appropriate regulations and conditions for development and non-development on these areas.

### IV. ACTION ITEMS

- 1. **Planning Commission**
  - a. Discussion and decision on who will represent the Planning Commission for the Zoning Workgroup seat.
- 2. **Planning Department**
  - a. Follow up on the letters of interest for the seats for NVOK and KIC.
  - b. PSA for the 2 Public Seats.
  - c. Check on the status of the new website and ask for the possibility of creating a landing page for the Zoning and Land Use Regulations Project under Capital Projects/Planning Department.
  - d. Communicate with the City Council to decide on who will be in the Zoning Workgroup seat.



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06/13/24

**Planning Director: June RPCM Report**

- I. Disposal of City-owned Property through sale to Native Village of Kotzebue (NVOK)
  - a. Ordinance 24-03 passed by City Council approving sale of city-owned land to NVOK.
- II. Permits
  - a. Building permits
    - i. 1 pending
    - ii. 2 issued
  - b. Moving permits
    - i. None
  - c. Excavation permits
    - i. 0 pending
    - ii. 2 issued
  - d. Variance Requests
    - i. 1 pending
  - e. Tidelands permits
    - i. 1 pending
- III. Hazards Mitigation Plan (HMP) Update
  - a. Working on update with DOWL and project team.
  - b. Four public meetings held during public comment period.
  - c. 04/01/24 entered draft phase of HMP update.
  - d. Stakeholder meeting scheduled for 05/20/24
  - e. Draft HMP scheduled to be finished by 06/30/24
  - f. **Goal:** Update the current City of Kotzebue HMP to aid in the mitigation of new and current hazards faced by the City of Kotzebue.
- IV. CAIN Building update
  - a. City Council has accepted recommendation from Planning Commission to utilize the building as a recreation center.
  - b. Planning Department is working with DOWL Engineering Services and Parks and Recreation Department to procure funding and begin planning and development for renovations.
  - c. **Goal:** Utilize the CAIN building in such a way that is beneficial to well-being and health of City of Kotzebue residents.