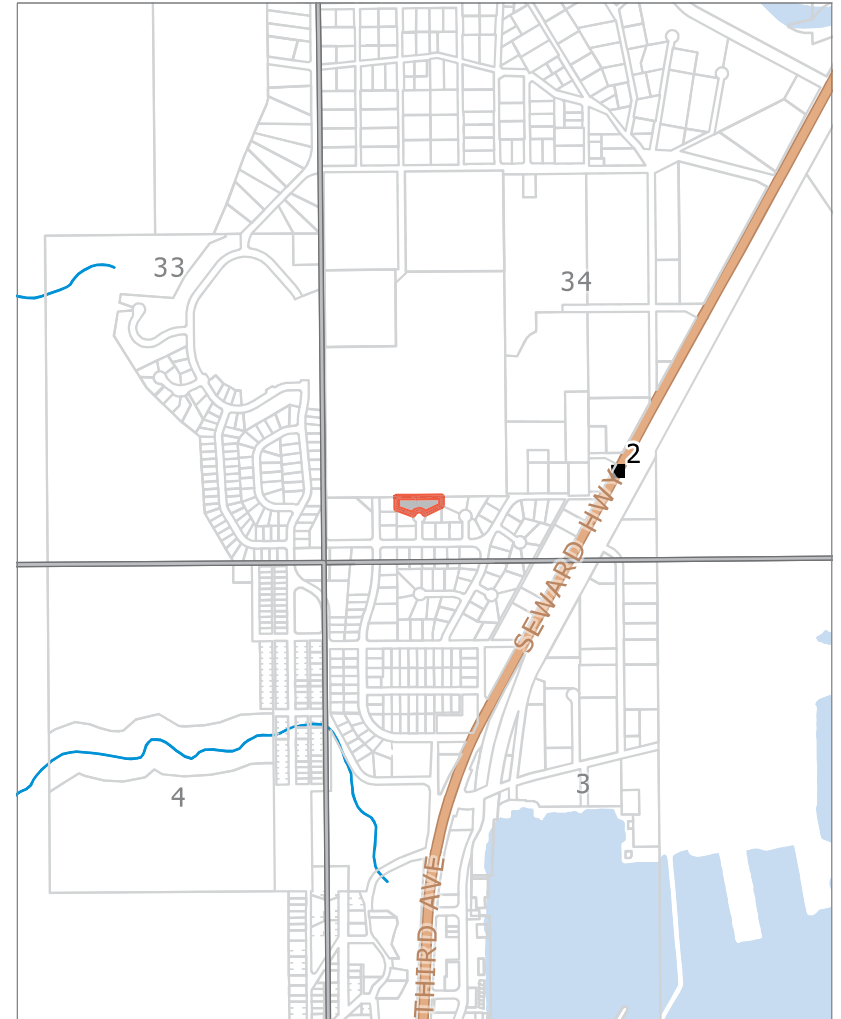
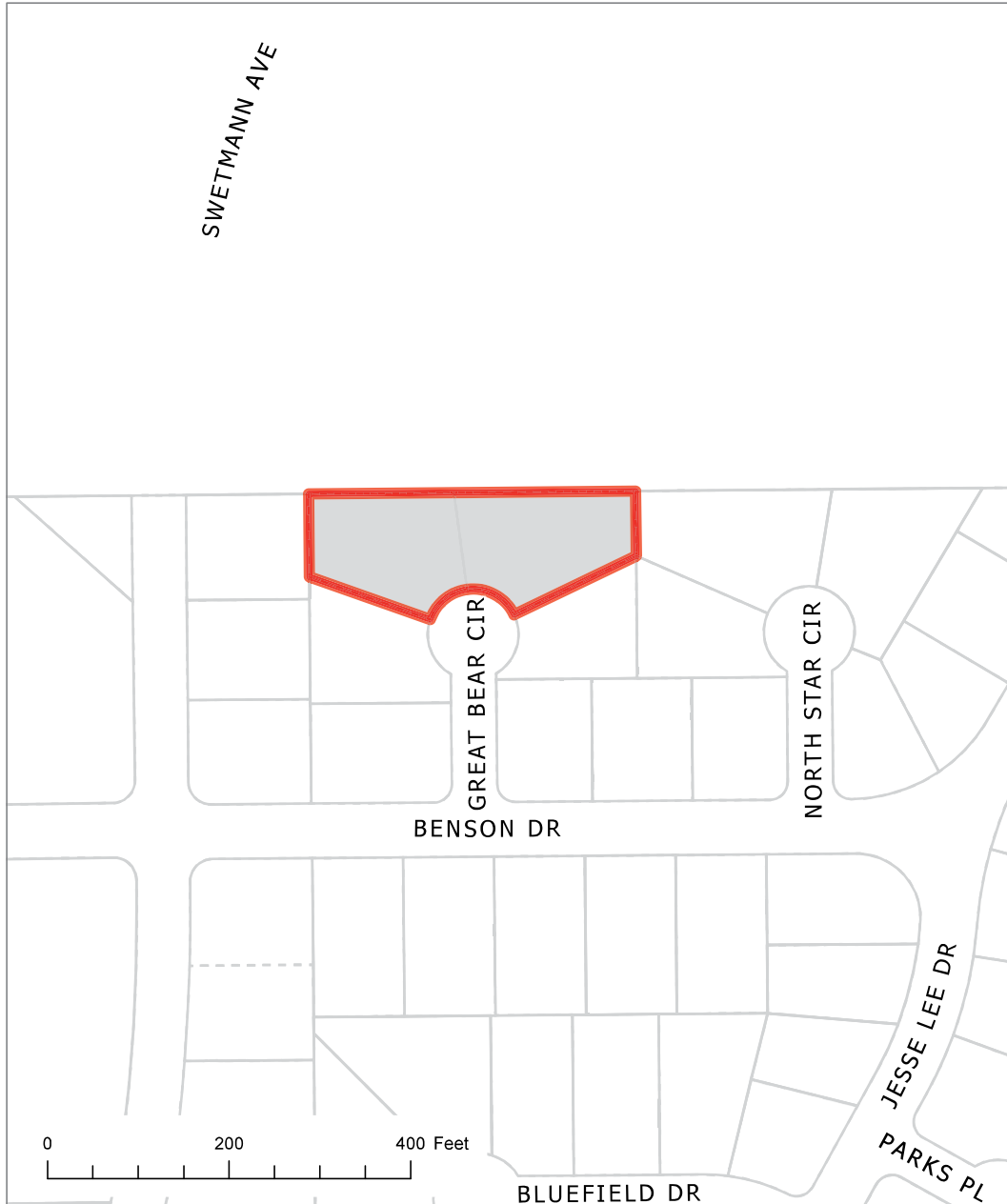


## **E. NEW BUSINESS**

- 1. Jesse Lee Heights Great Bear Addition  
KPB File 2023-008**



KPB File # 2023-008  
S34 T01N R1W  
Seward





The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



# CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we), hereby certify that I (we) am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-ways and public areas to public use and grant all easements to the use shown.

Owner

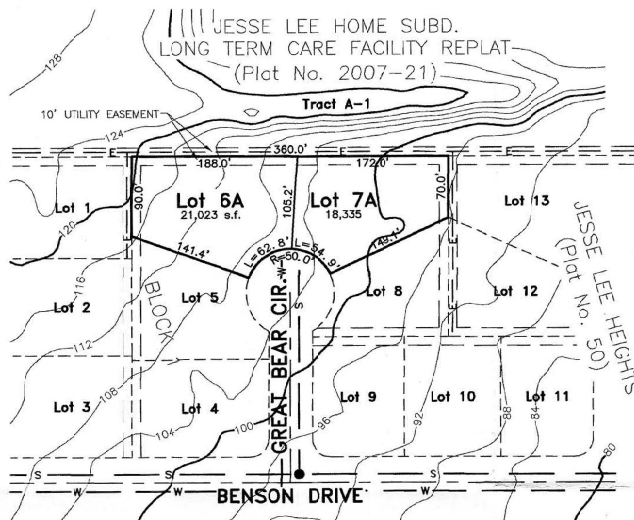
SCOTTY L. WILDE - LOT 6A  
PO BOX 651  
WHITTIER, AK 99593

JAMES S. HUNT - LOT 7A  
PO BOX 347  
SEWARD, AK 99664

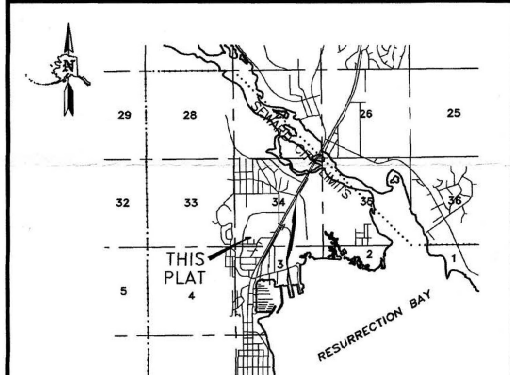
## Notary Acknowledgement

for \_\_\_\_\_ Subscribed and  
sworn to before me this \_\_\_\_\_ day \_\_\_\_\_

Notary Public for the State of Alaska My Commission Expires \_\_\_\_\_



Vicinity Map Scale: 1" = 1 Mile



PLAT OF  
**JESSE LEE HEIGHTS  
GREAT BEAR ADDITION**  
Lots 6A & 7A, Block 1 - CONTAINING 0.904 Acres  
A SUBDIVISION OF Lots 6 & 7, Block 1  
JESSE LEE HEIGHTS (Plat No. 50)  
LOCATED IN U.S. SURVEY No. 241  
SEWARD, ALASKA  
KENAI PENINSULA BOROUGH  
SEWARD RECORDING DISTRICT

PREPARED BY:

**Lang & Associates, Inc.**  
Professional Land Surveyors  
11500 Daryl Avenue  
Anchorage, Alaska 99515-3049  
(907) 522-6476  
ken@langsurvey.com  
jonathan@langsurvey.com  
travis@langsurvey.com

OWNERS

LOT 6A  
SCOTTY L. WILDE  
PO BOX 347  
SEWARD, AK 99664

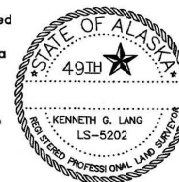
LOT 7A  
JAMES S. HUNT  
PO BOX 651  
WHITTIER, AK 99593

State of Alaska AECC963

GRID: N/A	SCALE: 1" = 100'	DATE: 02 NOVEMBER 2022
DRAWN: JCL	SHEET 1 OF 1	PROJECT #: 22-750
JOB FILE: L22750pp.dwg		

## SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska. This plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.



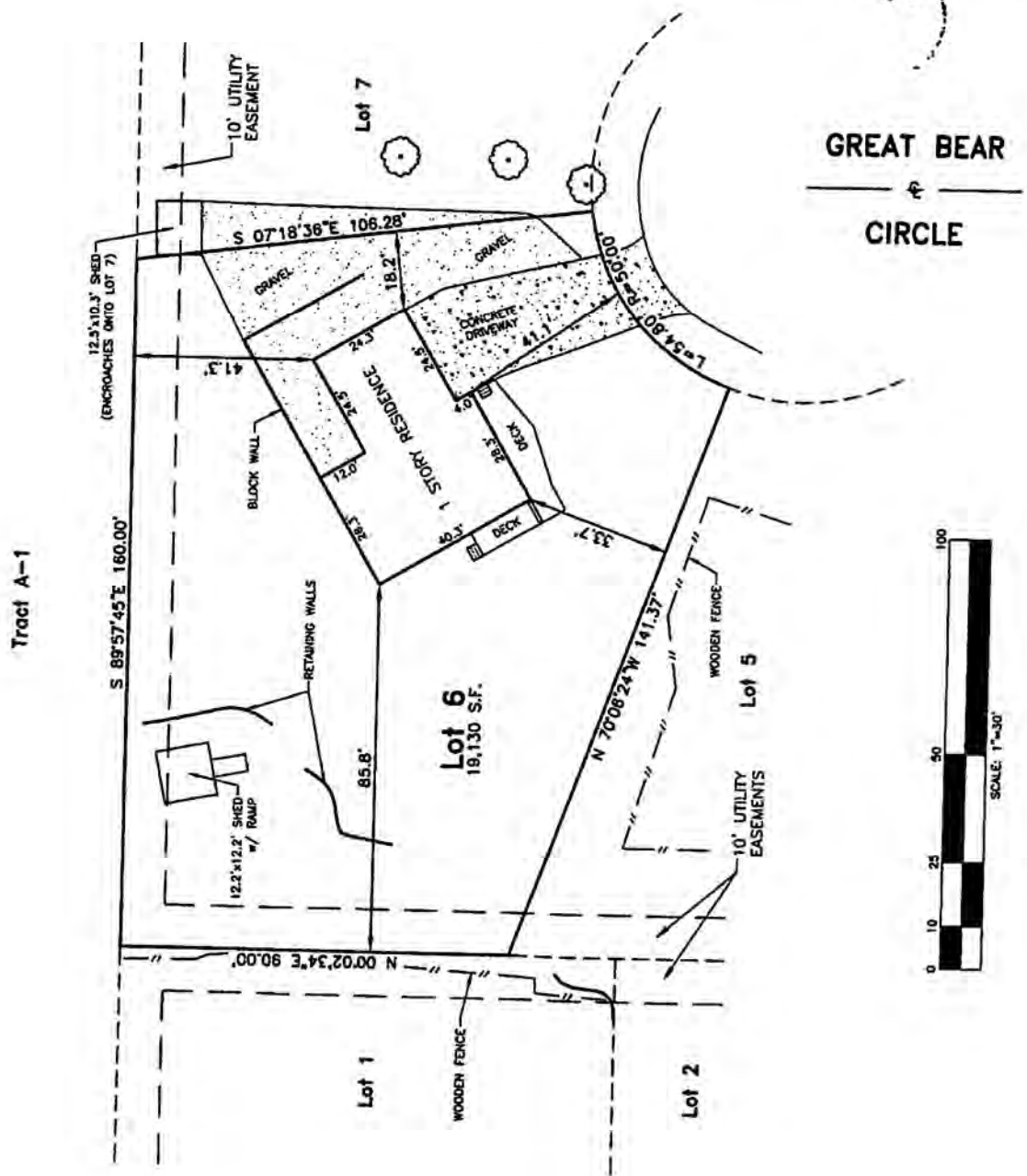
## PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the  
meeting of \_\_\_\_\_

Borough Official \_\_\_\_\_

**KPB 2023-008**





MORTGAGE SURVEY X SCALE 1" = 30' GRID Project No. 22-750/A3

**Lang & Associates, inc.**  
Professional Land Surveyors

11500 Daryl Avenue, Anchorage, Alaska 99515-3049  
(907) 522-6476 Phone  
(907) 522-4625 Fax  
ken@langsurvey.com  
jonathan@langsurvey.com

I hereby certify that I have surveyed the following described property:  
LOT 6, BLOCK 1, JESSE LEE HEIGHTS (PLAT No. 50)  
Seward Recording District, Alaska, and that this Mortgage Location Survey is a representation of the conditions that were found on the date the survey was performed. This survey does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. The information contained hereon shall not be used to establish any fence, structure, or other improvements.

Dated this the 17<sup>th</sup> Day of JANUARY, 2022, at Anchorage, Alaska

It is the responsibility of the owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat.

**STATE OF ALASKA**  
49TH  
KENNETH S. LANG  
1/17/23  
LS-5202  
REGISTERED PROFESSIONAL LAND SURVEYOR  
AECC963

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – JESSE LEE HEIGHTS GREAT BEAR ADDITION

<b>KPB File No.</b>	2023-008
<b>Plat Committee Meeting:</b>	February 13, 2023
<b>Applicant / Owner:</b>	Scotty Wilde of Seward, Alaska and James Hunt of Whittier, Alaska
<b>Surveyor:</b>	Ken Lang / Lang & Associates, inc.
<b>General Location:</b>	Great Bear Circle, City of Seward

<b>Parent Parcel No.:</b>	145-190-06 and 145-190-07
<b>Legal Description:</b>	Lots 6 and 7, Block 1, Jesse Lee Heights Plat SW-50
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Single Family Residential
<b>Water / Wastewater</b>	City

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure a lot line between two lots. The lots will change from 19,130 square feet to 21,023 square feet and 20,228 square feet to 18,335 square feet.

**Location and Legal Access (existing and proposed):** The preliminary plat is located at the end of Great Bear Circle, a 50-foot-wide dedicated right-of-way with a 50-foot radius bulb. Multiple routes are available to reach the subdivision. The most direct is near mile 2 of state-maintained Seward Highway by using Coolidge Drive. At the end of Coolidge Drive is Jesse Lee Drive. Benson Drive intersects Jesse Lee Drive and Great Bear Circle intersects Benson Drive. All of the rights-of-way are constructed and managed by the City of Seward.

The width of Great Bear Circle is not compliant to current right-of-way width standards. The cul-de-sac at the end of Great Bear Circle is compliant with a 50-foot radius. Both of the lots within this subdivision do not front along the straight portion of the right-of-way, there is no opportunity for this subdivision to provide additional width for the right-of-way.

North of the subdivision is a 51-acre parcel owned by the Kenai Peninsula Borough. This lot contains the Seward High School and Middle School. An access road runs through the property but is not dedicated. It does loop around to Sea Lion Avenue and then connects to the Seward Highway. Using that road, Swetmann Avenue, the subdivision is within a closed block but it exceeds allowable limits. **Staff recommends the plat committee concur that an exception to block length is not needed as there are no possible dedications that can be given to improve the block.**

Both lots currently have driveways constructed from Great Bear Circle. The driveways will continue to be the access to the lots. Parent Lot 7 has a driveway easement for a portion of the driveway and the roof of a carport cross the lot line with neighboring Lot 8. Depiction of the easement may interfere with required survey information. **Staff recommends a plat note be provided with the recording document information.**

KPB Roads Dept. comments	Out of Jurisdiction: Yes  Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	No Comment - Engineering

**Site Investigation:** The subdivision is free of any steep terrain and low wet areas. This is a developed neighborhood with some minor slopes. The area is considered minimal flood risk.

The moving of the lot line is to resolve an encroachment of a shed. The shed belongs to Lot 6 but is located on Lot 7. The reconfiguration will have the shed within the correct property lines. The owners have decided to replat to fix the issue. Lot 7 also has a driveway onto Lot 8 and the roof overhang of a structure across the line for Lot 8. An agreement is in place. Additional structures appear to be close to property lines in the neighborhood. The moving of this lot line is to fix an encroachment issue and does not appear to create any new encroachment issues. **Staff recommends the surveyor verify that there will not be any encroachment issues being created by this platting action, notify owners of any other encroachment issues with their property, and add a plat note that acceptance of the plat is not acceptance of encroachments.**

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Seward Comments: Located in an Unregulated X Zone</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	

**Staff Analysis** The property was part of U.S. Survey 241. That survey was done in 1960 and create some larger lots within the area. No field survey was performed with that survey. Portions of U.S. Survey No. 241 were replatted by Jesse Lee Heights, Plat SW-50, that was recorded in 1966.

Jesse Lee Heights, Plat SW-50, dedicated the rights-of-way in the area and provided a community subdivision with multiple blocks and lots being created. The preliminary plat being heard is a lot configuration between two of the lots created by that plat.

On May 13, 2022 a deed was recorded as serial number 2022-000474-0, Seward Recording District. The deed was to grant .05 acres of Lot 7 to the owner of Lot 6. When the deed came through the KPB Assessing Department it was reviewed and determined to be an illegal subdivision. A letter was sent to the owners notifying them the deed did not comply with KPB Code and would not be recognized by the borough and thus the property lines would not be adjusted. They were advised to record a document to void the deed as recorded and/or provide a subdivision plat to adjust the lot lines as was intended by the deed. The deed may continue to cloud the title and a title expert or attorney may advise if additional documents are needed. The recording of this plat, even with the deed still in place, will resolve the question of the property lines. Once the plat is recorded the owners will need to do a deed. The owner of Parent Lot 7 can convey their interest on the new lot.

After the City of Seward Planning and Zoning meeting, staff received a phone call from an ex-spouse of an owner of record. The ex-spouse objected to the preliminary plat and said the property was close to being sold. According to the Certificate to Plat, both owners took title individually but as married persons. In Alaska there are homestead rights for a non-titled spouse if the property was used as the spouse's residence; however, Staff does not have the authority to determine the legal rights of the ex-spouse. Staff has asked the ex-spouse to provide legal documentation if the ex-spouse believes the ex-spouse has an interest in the property.

Staff has a title report, which shows the owners in title. The signatures of the owners in title are on the preliminary submittal form. Staff requests the platting committee review the preliminary plat for compliance with KPB Code. **Staff recommends** the plat committee grant conditional approval if the plat committee finds that the plat complies



with KPB Title 20, and the plat will not receive administrative approval without the signatures of the owners of record.

The City of Seward Planning and Zoning Commission heard the preliminary plat at their January 10, 2023 meeting. The Planning and Zoning Commission approved Resolution 2023-003 containing a recommendation of approval. There were no requests or conditions provided.

Per the Planning and Zoning Agenda Statement prepared by City of Seward Planner, the lots are connected to city water, sewer, electric, and roads. A soils report will not be required. An installation agreement or documentation that one is not required should be provided.

Notice of the proposed plat was mailed to the beneficial interest holder on January 23, 2023. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

**Utility Easements** Per the certificate to plat there are no utility easements granted by recorded document. Jesse Lee Heights, Plat SW-50, granted 10 foot utility easements along the back of the lots. 10 foot utility easements are also present along the western boundary of Lot 6 and the eastern boundary of Lot 7. These easements are depicted and labeled. **Staff recommends the label state "granted by Plat SW-50".**

The plat is showing the additional easements that were granted by the parent plat on the neighboring lots. These depictions should be removed from the final.

KPB Code 20.30.060(D) requires a minimum 10 foot utility easement along dedicated rights-of-way. The code does allow for additional widths and locations if requested by providers. This subdivision is within the City of Seward and they may also request the width and location of the easements. The parent subdivision did not grant the utility easements along dedications but through the subdivision blocks to provide adequate utility access for all lots. **Staff recommends the required 10 foot utility easement be granted along Great Bear Circle unless an exception is requested or provide documentation from the City of Seward that they request the 10 foot easement not be granted. Staff would also require documentation that all providers in the area do not object to not receiving the 10 foot utility easement.**

An as-built was provided that shows the location of the encroachment and thus the reason for the replat. It should be noted that the shed as well as an additional shed on Lot 6 are within the back 10 foot utility easement. A petition to alter or vacate the utility easement has not been received. The easements are for the use of utility providers and any encroachments within their easements may be required to be moved or may result in damage if they interfere with a providers use of the easement. Staff is not recommending remedy of the issue in order to proceed with the plat but the owners should be aware that such encroachments may affect financing or future sales of the property. **Staff recommends if a utility easement alteration petition is not received that a plat note be added that approval of the plat does not approve encroachments.**

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

HEA	Not located within HEA service area. No comments at this time.
ENSTAR	No comments or recommendations
ACS	No utilities in this area. No objections
GCI	

SEWARD ELECTRIC	
CHUGACH ELECTRIC	No located within our service area.
TELALASKA	

**KPB department / agency review:**

Addressing	<p>Reviewer: Hindman, Julie  Affected Addresses:  Addresses will be reviewed by the City of Seward.</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  Great Bear Circle  Benson Drive</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No other comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.  Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

While plat notes are not a requirement of preliminary submittal staff would encourage the surveyor to provide any code required plat notes on the preliminary for the Plat Committee to review.

**KPB 20.25.070 – Form and contents required**

**Staff recommendation:** *final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.*

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
  2. Legal description, location, date, and total area in acres of the proposed subdivision;
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:** For the location description, remove "In U.S. Survey No. 241". Add "SW1/4 SW1/4 Section 34, Township 1 North, Range 1 West". Add that it is within "City of Seward". Change plat label to SW-50.
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** A street width label is required for Great Bear Circle and Benson Drive.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Staff recommendation:** Chugach National Forest boundary and label should be added. Correct the multiple overstrikes of labels making them hard to read. Township and Range should be noted on the map. Provide a road label for the Seward Highway.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
- Staff recommendation:** A block label should be added within the boundary of the subdivision or on the lots or the designation will not be brought over. Plat label needs to be changed to SW-50.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
- Staff recommendation:** This platting action is to resolve an encroachment issue between two land owners.

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#### KPB 20.30 – Subdivision Design Requirements

**Staff recommendation:** final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

##### 20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.



**Staff recommendation:** The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Grant utility easements requested by the utility providers.** Provide documentation that the front ten feet is not desired or needed by the city and providers.

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

**Staff recommendation:** The City of Seward does not meet the specified requirements for the application and consideration of different standards.

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#### **KPB 20.40 – Wastewater Disposal**

**Staff recommendation:** final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

*Platting Staff Comments:* Both lots are connected to city water and sewer per the city agenda statement.

**Staff recommendation:** comply with 20.40.

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#### **KPB 20.60 – Final Plat**

**Staff recommendation:** final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

**Staff recommendation:** An installation agreement or documentation that one is not required will need to be submitted.

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

**Staff recommendation:** comply with 20.60.110. Bearings labels needed on lines. Curve data needed.

20.60.140. Block and lot numbering. Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.

**Staff recommendation:** *Provide block label on the lots.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

**Staff recommendation:** *Place the following notes on the plat.*

- *Subject to covenants, conditions, restrictions, and/or easements as recorded on August 31, 1966 in Book 43R Page 45 and 47, Seward Recording District.*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *Development within the City of Seward must meet the City of Seward Zoning and Land Use Regulations.*
- *Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.*
- *No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.*
- *Additional note regarding easements along right-of-way may be required.*
- *Subject to an easement for a driveway and carport roof overhang for the benefit of Lot 7 Block 1, Jesse Lee Heights as located within serial number 2005-000606-0, Seward Recording District.*
- *WASTEWATER DISPOSAL: Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *The certificate of ownership should be revised to be in the plural. The owner's addresses are listed for the incorrect owners. The lots they are signing on behalf of are the existing lots. They cannot sign on behalf of lots that do not currently exist. The Notary's acknowledgement is a combination of acknowledgement and jurat. This must be revised to a jurat or comply with acknowledgement wording as shown in KPB Code 20.60.190. The owners of record at the time of final will be required to sign. Additional signature lines may be required. Comply with 20.60.190.*

---

**RECOMMENDATION:**

**STAFF RECOMMENDS:**

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

**A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

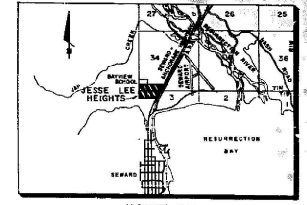
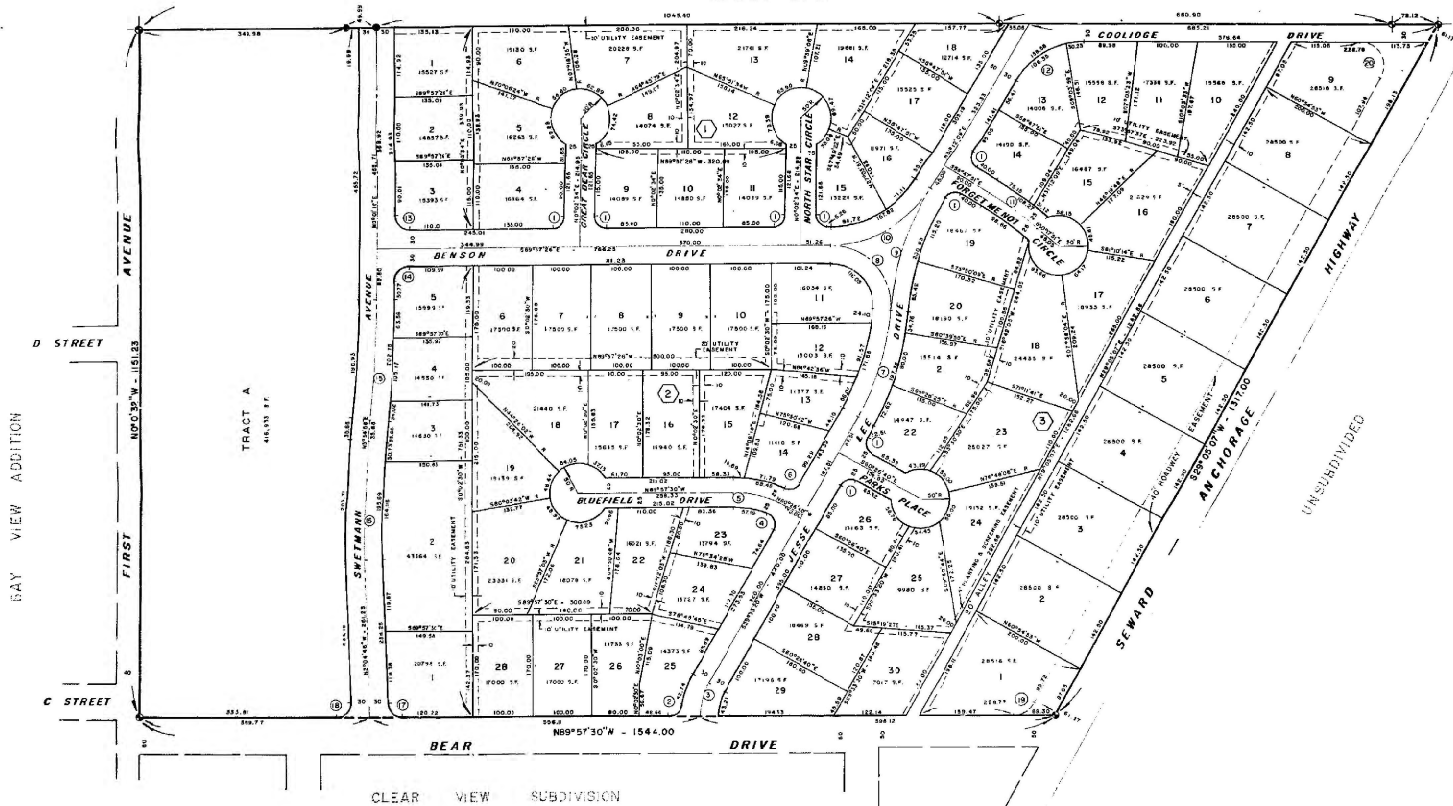
**END OF STAFF REPORT**



KPB NOTE: See PC Resolution 89-32

UNSUBDIVIDED

58°57'45"E - 2184.39



**OWNERSHIP AFFIDAVIT**

We hereby certify that we are the owners of the property shown and described herein. We hereby request approval of this plat showing such easement for public utilities, roadways and alleys dedicated by us for public use.

ATTEST:

*Paula Smith*  
City Clerk  
*Frank Smith*  
City Engineer

**NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn to before me this 22nd day of August, 1966.  
Notary for Alaska

Plat approval by Seward City Council  
this 14 day of August, 1966.

**PLAT APPROVAL**

Plat approval by the City of Seward Planning Commission this 5 day of August, 1966.

**PLAT APPROVAL**

Plat approval by the Kenai Peninsula Borough Assembly  
9th of August, 1966.

**SURVEYOR'S CERTIFICATE**

I, the undersigned registered surveyor, hereby certify that a land survey has been completed by me or under my direct supervision and that the boundaries shown hereon are true and correct.

*James H. Blum*  
Surveyor



RECORDED - FILED  
DATE: 8/31/66  
BY: [Signature]  
Seward, Alaska

**JESSE LEE HEIGHTS**  
LOCATED IN  
U.S. SURVEY NO. 241  
SEWARD, ALASKA  
CONTAINS 49.27 ACRES, MORE OR LESS  
HEWITT V. LOUNSBURY & ASSOCIATES  
ANCHORAGE, ALASKA  
DATE: JULY, 1966  
DRAWN: B.J.H.  
CHECK: D.W.D.  
SCALE: 1"=100'  
SHEET: 1 OF 1  
GRID:

**CURVE DATA**

CURVE NO.	RADIUS	ARC	Δ	TANGENT	DP
1	20.000	31.416	096-09-09	23.000	
2	25.000	35.956	08-29-16	21.537	
3	173.892	56.667	025-30-50	30.000	
4	20.010	34.361	096-22-50	21.162	
5	182.227	95.668	025-30-50	48.000	
6	20.020	34.653	084-57-01	18.311	
7	430.911	184.593	024-32-31	91.704	397' 58"
8	150.000	165.755	094-58-15	109.075	5747' 45"
9	468.928	214.319	026-11-20	109.075	12750' 04"
10	193.413	198.582	058-50-25	109.075	28137' 52"
11	472.838	99.816	001-50-00	50.000	
12	133.009	136.582	051-50-08	75.000	45' 04" 36"
13	25.000	39.250	085-56-42	28.991	
14	25.000	39.279	080-01-18	25.000	
15	2558.764	199.842	001-33-42	103.000	2' 46" 53"
16	1493.313	199.701	001-39-44	100.000	3' 50" 13"
17	25.000	39.364	091-52-44	29.075	
18	25.000	40.195	092-07-16	25.943	
19	40.000	42.556	080-57-19	25.941	
20	40.000	83.111	115-02-52	67.971	

**LEGEND**

- BRASS CAP MONUMENT
- ALUMINUM CAP MONUMENT

**NOTES**

LOTS 1 THRU 9, BLOCK 3, ARE RESERVED FOR COMMERCIAL USE.  
ALL EASEMENTS ARE 10' UNLESS OTHERWISE NOTED.

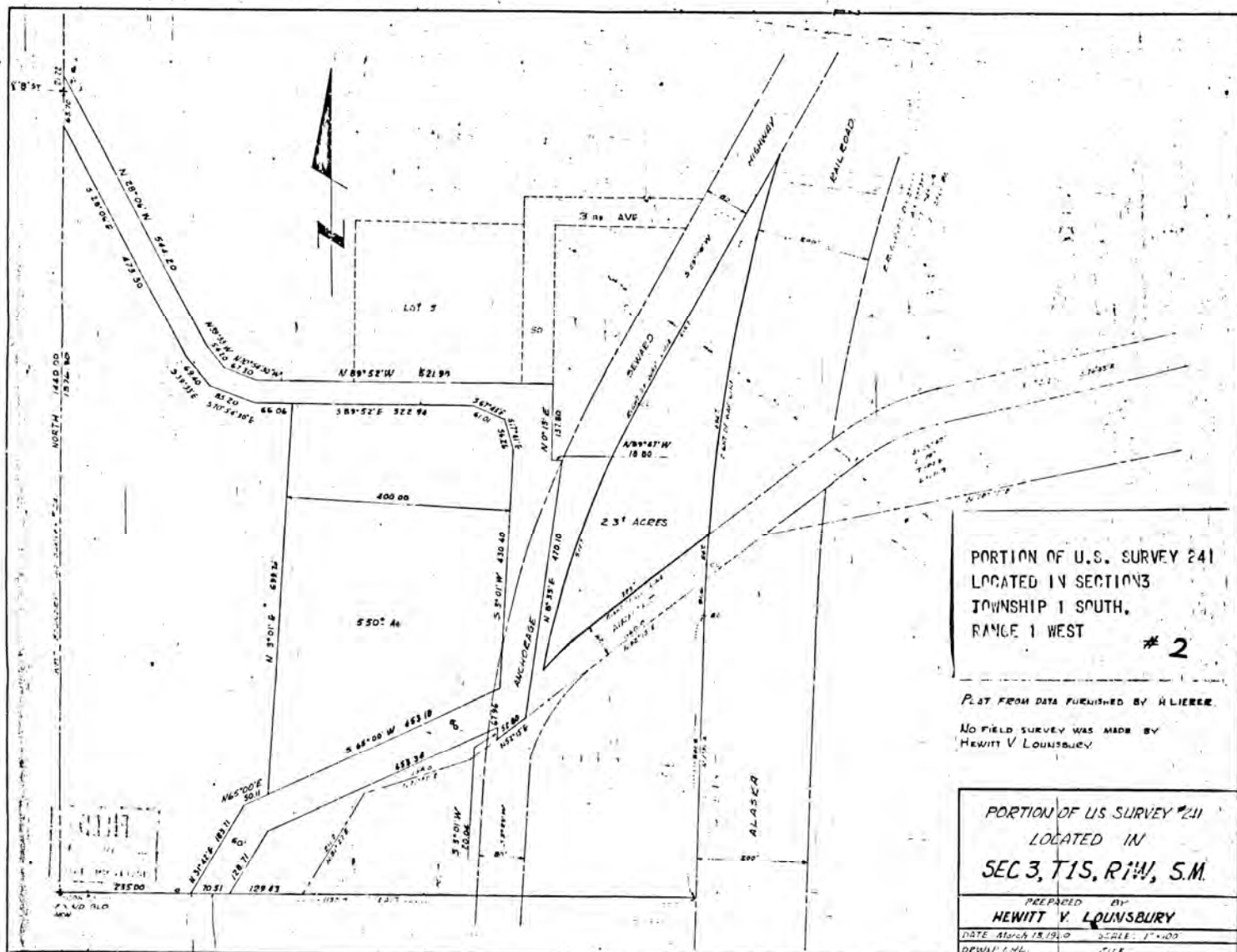
**COVENANT**

IT IS HEREBY COVENANTED THAT THE OWNERS, THEIR HEIRS, ASSIGNS AND SUCCESSORS OF THE PROPERTY DESCRIBED HEREON WILL SIGN A PETITION, WHEN PRESENTED, FOR THE CREATION OF A STREET, WATER AND SANITARY SEWER IMPROVEMENT DISTRICT OR DISTRICTS.

REFUSAL OR UNAVAILABILITY OF ANY PARTY TO SIGN THE PETITION WILL ALLOW THE CITY MANAGER OF THE CITY OF SEWARD TO SIGN THE PETITION FOR THAT PARTY BY VIRTUE OF A SPECIAL POWER OF ATTORNEY HEREBY GRANTED FOR THAT PURPOSE.

SW 241A

(SWU00241A COMPUTER NUMBER ASSIGNED - NOT RECORDED)





## Planning and Zoning Agenda Statement



Meeting Date: January 10, 2023

To: Planning and Zoning Commission

Through: Jason Bickling, Community Development Director

From: Courtney Bringhurst, Planner

Agenda Item: Resolution 2023-003: Recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Jesse Lee Heights Subdivision, Lots 6 & 7, Block 1, Located at 206 & 208 Great Bear Circle; Moving the Interior Lot Line Further to the East to Resolve a shed Encroachment Issue; Creating Jesse Lee Heights Great Bear Addition, Lots 6A & 7A, Block 1.

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### Background and justification:

Attached for the Commission's review and recommendation to the Kenai Peninsula Borough Planning Commission is a preliminary replat submitted by Scott Wilde and James Hunt. This platting action is proposed in order to adjust the lot line between 206 & 208 Great Bear Circle. The lot line will be moved further to the east, allocating more land to 206 Great Bear Circle to resolve an encroachment issue of a shed that was placed on the edge of 208 Great Bear Circle.

This platting action does not create any new parcels of land. Lot 6 will increase by approximately 1,893 square feet and become known as Lot 6A, Block 1, Jesse Lee Heights Great Bear Addition. Lot 7 will decrease in size and become known as Lot 7A, Block 1, Jesse Lee Heights Great Bear Addition.

Both of these lots are currently connected to City water, sewer, electric, and road.

Public posting and notification requirements as specified in §16.01.015(c)(d)(e) have been completed.

In accordance with Borough requirements, the City must review and comment on a plat before submittal to the Borough for approval.

### Subdivision Review:

**Zoning:** The property is zoned Single-Family Residential (R1).

**Size:** Lot 6A will be 21,023 s.f. and Lot 7A will be 18,335 s.f. (Required: Minimum of 6,000 s.f)

**Utilities:** The lots currently have access to water, sewer, and electric.

**Existing Use:** Both parcels contain a single-family dwelling.

**Access:** Primary access to the two lots will continue to be from Great Bear Circle.

**Flood Zone:** According to the Kenai Peninsula Borough Floodplain map, the lots are not within a Flood Zone.



### Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

Comprehensive Plan: N/A

Strategic Plan: N/A

Other: Seward City Code 7.05.515 – This platting action resolves an existing encroachment issue, which brings Lot 6 into compliance with §7.05.515

### Staff Comments

Department	Comments	No Comment	N/A
Building Department		X	
Fire Department		X	
Public Works Department		X	
Harbor Department		X	
Police Department		X	
Electric Department		X	
Telecommunications		X	

### Public Comment

Property owners within three hundred (300) feet of the proposed platting action were notified of this public hearing. Public notice signs were posted on the property and all other public hearing requirements of Seward City Code §15.01.040 were complied with.

At the time of this publication the Community Development Department has not received public inquiries. If any correspondence is received after publication of this agenda statement, it will be submitted to the Commissioners for their review.

### Recommendation

Commission approve Resolution 2023-003, recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Jesse Lee Heights Subdivision, Lots 6 & 7, Block 1, Located at 206 & 208 Great Bear Circle; Moving the Interior Lot Line Further to the East to Resolve a shed Encroachment Issue; Creating Jesse Lee Heights Great Bear Addition, Lots 6A & 7A, Block 1.

## CALL TO ORDER

The January 10, 2023 regular meeting of the Seward Planning & Zoning Commission was called to order at 7:00 p.m. by Chair Clare Sullivan.

## OPENING CEREMONY

Everyone led the pledge of allegiance to the flag.

## ROLL CALL

There were present:  
Clare Sullivan presiding, and  
~~Vanessa Verhey~~  
Victoria Monaco  
Troy Staggs

Nathaniel Charbonneau  
Brenan Hornseth  
~~Sean Ulman~~

Comprising a quorum of the Commission; and

Jason Bickling, Community Development Director  
Courtney Bringham, City Planner  
Selena Soto, Planning Technician  
Brenda Ballou, City Clerk

Excused – Verhey, Ulman  
Absent – None

**CITIZEN COMMENTS ON ANY SUBJECT EXCEPT THOSE ITEMS SCHEDULED FOR PUBLIC HEARING** – None

## APPROVAL OF AGENDA AND CONSENT AGENDA

**Motion (Charbonneau/Staggs)**

**Approval of Agenda and Consent Agenda**

**Motion Passed**

**Unanimous**

The clerk read the following approved consent agenda items:

**Approval of the November 8, 2022 Regular Meeting Minutes.**

## SPECIAL ORDERS, PRESENTATIONS AND REPORTS

**Proclamations and Awards** – None

**City Administration Report.** Community Development Director Jason Bickling stated he appreciated the commission's attendance at last night's joint special meeting with council; he

thought it went really well. He thanked the commission for all their work on the short-term rental project.

**Other Reports and Announcements – None**

**Presentations – None**

**PUBLIC HEARINGS**

**Resolutions Requiring Public Hearing**

**Resolution 2022-027, Recommending City Council Amend Portions Of Seward City Code, 15.25 Floodplain Management, Adopting Recommended Language And Regulations From The Federal Emergency Management Agency (FEMA).** *This resolution had a public hearing on November 8, 2022, was postponed, and is coming back for a second public hearing and approval. The main motion is back on the floor.*

**City Planner Courtney Bringhurst** said the city had been working with FEMA representatives to update the floodplain code, and at the November 8, 2022 meeting there were proposed amendments provided to the commission; however, at that time, not all the feedback from FEMA had been received. The redlined language included in the packet reflected the feedback FEMA had provided.

*Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened. No one appeared and the public hearing was closed.*

**Motion to Amend (Charbonneau/Staggs)**

**Amend Resolution 2022-027 in Section 15.25.050 (E) – Standards for Recreational Vehicles by adding “...meet one of the following criteria:” so that it reads, “All recreational vehicles placed on site shall meet one of the following criteria:”.**

**Motion to Amend Passed**

**Unanimous**

Bickling said there was one housekeeping item that needed to be fixed in Section 15.25.030 (B) where it referenced the location for the FIS and FIRM panels to be viewed; the location should be city hall rather than the public works building.

**Motion to Amend (Staggs/Charbonneau)**

**Amend Resolution 2022-027 in Section 15.25.050 (B) – Basis for Establishing Special Flood Areas in the last sentence by striking “Public Works building” and replacing it with “City Hall”.**

**Motion to Amend Passed**

**Unanimous**

**Main Motion Passed**

**Unanimous**

**Resolution 2023-001, Recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Gateway Subdivision, Addition No. 2, Tracts C4, C5, C6 & C7, Tract C-4; Located at 2104 Olympia Road; Creating.**

**Motion to Approve (Charbonneau/Monaco)**

**Approve Resolution 2023-001**

Bringhurst stated on November 28, 2022 council had approved Hilltop Properties for the Developer Reimbursement Program via Resolution 2022-116. There would be approximately \$4 million spent to install water, sewer, and electric infrastructure, as well as roads and paving for this 87-home, 21.3-acre subdivision. Bringhurst said all conditions of Seward City Code 16.01.015 were met and Community Development recommended approval.

*Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened.*

**Carol Griswold**, inside the city, supported the development of new housing, but she was concerned with the high density of this proposed development; there would be traffic congestion and noise. Eighty-seven lots was a huge subdivision; only 55 were dedicated to single family homes, 22 for two family homes, and seven for multi-family homes. She thought development should focus on single family homes. She predicted issues with parking, traffic, pedestrian safety, and congestion. She estimated that once all the homes were occupied, there would be an additional 132 to 366 vehicles traveling through the area, plus bicycles and pedestrians. Griswold noted there would be a pedestrian pathway on the south portion which connected to the cross-country trail; for students walking to the elementary, middle, and high schools, she wondered if the pedestrian path would be lighted.

**Joe Tougas**, inside the city, grew up in this neighborhood and had fond memories. He wanted to address the housing shortage in Seward and wanted to build affordable housing. The development plans included a walking path for students to access, but it wasn't fully developed in the plan because he needed to research the impact of turning the path into a right-of-way.

**Carol Griswold**, inside the city, thought this development would be great for single families; she was only concerned about the density of housing.

*No one else appeared and the public hearing was closed.*

Hornseth wondered where the rights-of-way might be planned to alleviate potential traffic congestion. Tougas said the options were limited. Staggs wondered if Sea Lion Avenue could connect into Phoenix Drive, although bringing more traffic by the schools would not be a great solution.

Charbonneau was pleased there would be 60-foot roads in this development. There would be congestion because Dora Way was already not wide enough; unfortunately, that couldn't be



changed. He was happy that the majority of the lots would be single family, and thought it was important to provide some variety of housing options because not everyone could afford to purchase a home. He thought the plan looked good.

Monaco thought a lot of students would use the pedestrian path and walk to school, which may alleviate some of the school vehicle traffic.

Sullivan said this 22-acre development would result in a housing boon that would help immensely.

Hornseth wondered if sidewalks could be considered, given the anticipated increase in pedestrian traffic. Bickling said a 60 foot right of way would be adequate to accommodate a sidewalk.

### **Motion Passed**

### **Unanimous**

**Resolution 2023-002, Recommending City Council Approval Of The Land Use Amendment To Rezone Proposed Gateway Subdivision, Hilltop Addition Lots 32-48, Block 6 & Lots 31-35, Block 4 From Single-Family Residential (R1) Zoning District To Two-Family Residential (R2) Zoning District And To Rezone Proposed Lots 17-30, Block 4, From Single-Family Residential (R1) Zoning District To Multi-Family (R3) Zoning District.**

### **Motion to Approve (Charbonneau/Hornseth)      Approve Resolution 2023-002**

Bringhurst said this rezone would allow the housing development to have two family and multi-family homes; adjacent to the south it was zoned for multi-family. She said Community Development had reviewed and analyzed the square footage requirements and it was appropriate; she recommended approval.

*Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened.*

**Carol Griswold**, inside the city, said recommending amendments to the Land Use Plan warranted thorough discussion and evaluation; rezones should not be approved without consideration of the facts. She said the following items should be considered: 1) were the rezones supported by the comprehensive land use plan and future land use maps? 2) Were the lots sizes adequate? 3) were there special characteristics present on site to justify zoning it differently? 4) what were the benefits and detriments to the landowners, neighbors, and community? Would any of them be harmed if the rezone was denied? and, 5) was there broad community support for the rezoning? Griswold said she opposed rezoning from R1 to R2 and R3.

**Joe Tougas**, inside the city, said in the development plan, the proposed R3 portion abutted an existing R3 lot. The townhomes would be single family homes put into a townhome setting. The proposed R2 portion was designed to be transition between R3 and R1. The result would be a variety of homes, from single family to two family, to single family townhomes.

*No one else appeared and the public hearing was closed.*

Charbonneau liked to see R1, but was pleased to see a variety of homes being proposed because that would provide accessible housing for people in different stages of life.

In response to Staggs, Bringhurst said a multi-family dwelling in R3 would require a conditional use permit before construction could begin; the commission, at that time, would have the opportunity to review more detailed site plans, including trash, parking, and landscaping considerations.

**Motion Passed**

**Unanimous**

**Resolution 2023-003, Recommending Kenai Peninsula Borough Approval Of The Preliminary Replat Of Jesse Lee Heights Subdivision, Lot 6 & 7, Block 1, Located At 206 & 208 Great Bear Circle; Moving The Interior Lot Line Further To The East To Resolve A Shed Encroachment Issue; Creating Jesse Lee Heights Great Bear Addition, Lots 6A & 7A, Block 1.**

**Motion to Approve (Charbonneau/Staggs)**

**Approve Resolution 2023-003**

Bringhurst said this replat would adjust an interior lot line, but would not create a new parcel of land; this replat was the result of an encroachment issue of a shed on Lot 6. Lot 6 would be increased by 1,893 square feet and would be renamed Lot 6A Block 1, and Lot 7 would be decreased by that square footage and would not be renamed. Community Development recommended approval.

*Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened.*

**Jackie Wilde**, inside the city, was the owner of 206 Great Bear Circle. She thought this replat was fairly straightforward.

*No one else appeared and the public hearing was closed.*

Charbonneau said it appeared that both property owners were in favor and this action would not affect any other properties.

**Motion Passed**

**Unanimous**

**UNFINISHED BUSINESS – None**

**NEW BUSINESS**

**Resolutions – None**

**Other New Business Items**

**Set topic for January 24, 2023 work session.**

Bickling suggested taking up the topic from the December work session, which included Spring Creek and Fourth of July Creek beaches, since the December work session had been cancelled.

Bickling reminded the commission that council would have a special meeting on January 23, 2023 to discuss roles and responsibilities, and the commission was invited to attend.

Sullivan said the commission was supposed to do an annual review of the city's Comprehensive Plan and wondered when a review could be expected. Bickling said he was planning to bring that to the commission in the springtime.

**INFORMATIONAL ITEMS AND REPORTS**

*Reminder: January 24, 2023 regular Planning and Zoning Work Session at 6:00 p.m. in the Council Chambers, City Hall.*

*Reminder: February 7, 2023 regular meeting at 7:00 p.m.*

**CITIZEN COMMENTS**

**Jackie Wilde**, inside the city, thanked the commission for approving her replat. She said there were at least six grants she was aware of that were available that the city could pursue to address sidewalks in the new Gateway Hilltop Development; the financial burden for that could be removed from the developer's shoulders. On a different note, Wilde said her surveyor told her that the Community Development Department was taking 30 days to sign documentation that the commission approved. Last, she encouraged the commission to seek training; there were several new commissioners.

**Carol Griswold**, inside the city, concurred with the suggestion for the commission to seek training; she suggested focusing on learning about spot zoning given the many rezones being done. Some spot zones were legal and some were not; training was important. She was surprised that ten lots had been approved tonight by the commission that did not meet the lot width requirements in code.

**COMMISSION AND ADMINISTRATION COMMENTS AND RESPONSES TO CITIZEN COMMENTS**

**Hornseth** thanked the citizens for coming and speaking up tonight. He thanked administration for their work. He was doing his best job on the commission, and would be interested in more training.

**Charbonneau** thanked the citizens and administration.

**Monaco** thanked everyone for coming to the meeting tonight and speaking.

**Staggs** thanked the developers for taking on this housing project.

**Sullivan** thanked the developers for their initiative, and also Griswold for her insights. She thanked Wilde for sharing her experience.

**Bringhurst** thanked the commission.

**Bickling** thanked the commission. He thanked Wilde for sharing the sidewalk grant information. Regarding his department taking 30 days with signatures, he said it was unusual to take that long and when it happened, it was due to certain people being unavailable to sign. On the topic of training, Bickling said he and his staff had been discussing training opportunities recently and they valued finding good training opportunities for the commissioners.

## **ADJOURNMENT**

The meeting was adjourned at 8:09 p.m.

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Brenda Ballou  
City Clerk  
  
(City Seal)

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Clare Sullivan  
Chair



**CITY OF SEWARD, ALASKA  
PLANNING AND ZONING COMMISSION  
RESOLUTION 2023-003**

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEWARD, ALASKA RECOMMENDING KENAI PENINSULA BOROUGH APPROVAL OF THE PRELIMINARY REPLAT OF JESSE LEE HEIGHTS SUBDIVISION, LOTS 6 & 7, BLOCK 1, LOCATED AT 206 & 208 GREAT BEAR CIRCLE; MOVING THE INTERIOR LOT LINE FURTHER TO THE EAST TO RESOLVE A SHED ENCROACHMENT ISSUE; CREATING JESSE LEE HEIGHTS GREAT BEAR ADDITION, LOTS 6A & 7A, BLOCK 1.**

**WHEREAS**, Scott Wilde and James Hunt have submitted a preliminary replat to the City of Seward for review and recommendation to the Kenai Peninsula Borough; and

**WHEREAS**, this replat does not create any new parcels and the intent of the platting action is to correct an encroachment issue of a shed located on Lot 7 that is owned by the property owner of Lot 6; and

**WHEREAS**, Lot 6 will increase in size and become known as Lot 6A and Lot 7 will decrease in size and become known as Lot 7A; and

**WHEREAS**, the parcels are zoned Single-Family Residential (R1); and

**WHEREAS**, the parcels are each larger than the minimum requirement of 6,000 square feet; and

**WHEREAS**, each of the subdivided parcels currently have access to a platted 60-foot public right of way; and

**WHEREAS**, each of the subdivided parcels currently have access to water, sewer, and electric; and

**WHEREAS**, all conditions required by Seward City Code §16.01.015, Conditions to plat approval, were met; the property owners within 300 feet of the requested replat were notified of the proposed subdivision, and the property was posted with public notice signage; and

**WHEREAS**, it is the Planning and Zoning Commission's responsibility to act in an advisory capacity to the Kenai Peninsula Borough regarding subdivision plat proposals.

**NOW, THEREFORE, BE IT RESOLVED** by the Seward Planning and Zoning Commission that:

**Section 1.** The Commission hereby recommends that, in accordance with Seward City Code Section 16.01.015 (B), the Kenai Peninsula Borough approve the submittal of the Replat of Jesse Lee Heights Subdivision, Lots 6 & 7, Block 1; Located at 206 & 208 Great Bear Circle; Creating Jesse Lee Heights Great Bear Addition, Lots 6A & 7A, Block 1.

**Section 2.** This resolution shall take effect immediately upon its adoption.


**PASSED AND APPROVED** by the Seward Planning and Zoning Commission this 10<sup>th</sup> day of January, 2023.

**THE CITY OF SEWARD, ALASKA**

  
Clare Sullivan, Chair

AYES: Monaco, Staggs, Charbonneau, Hornseth, Sullivan  
NOES: None  
ABSENT: Verhey, Ulman  
ABSTAIN: None  
VACANT: None

ATTEST:

  
Brenda Ballou, MMC  
City Clerk

