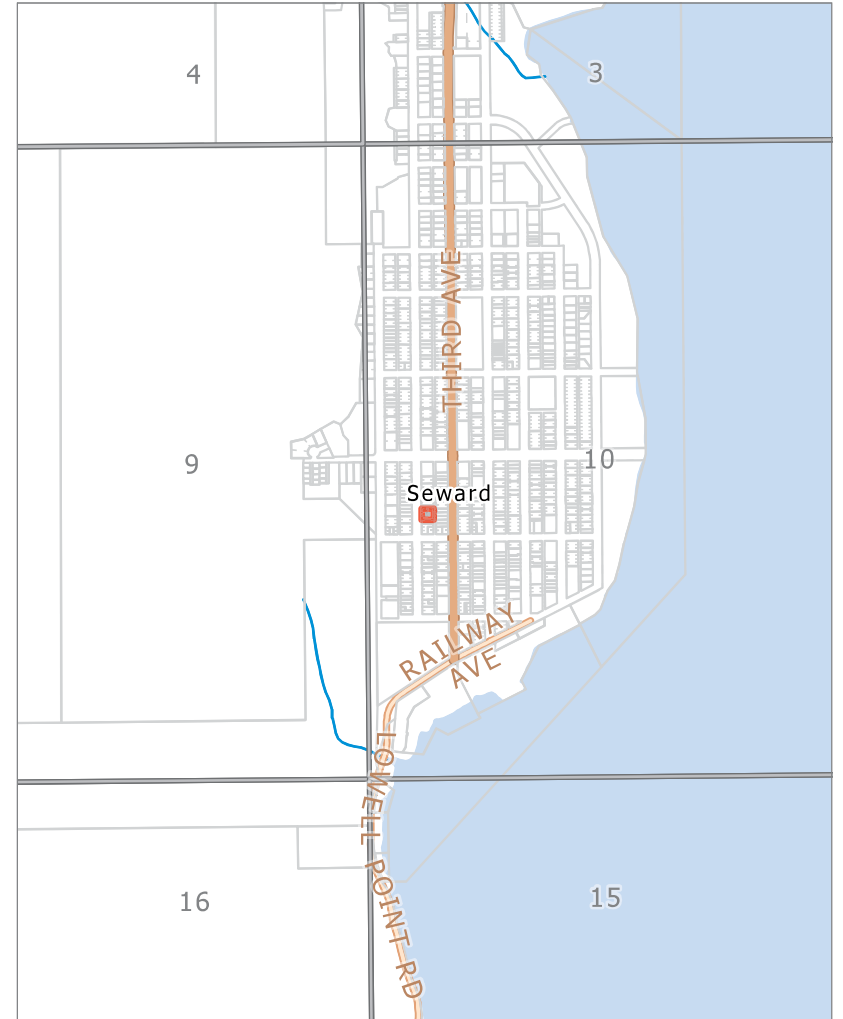
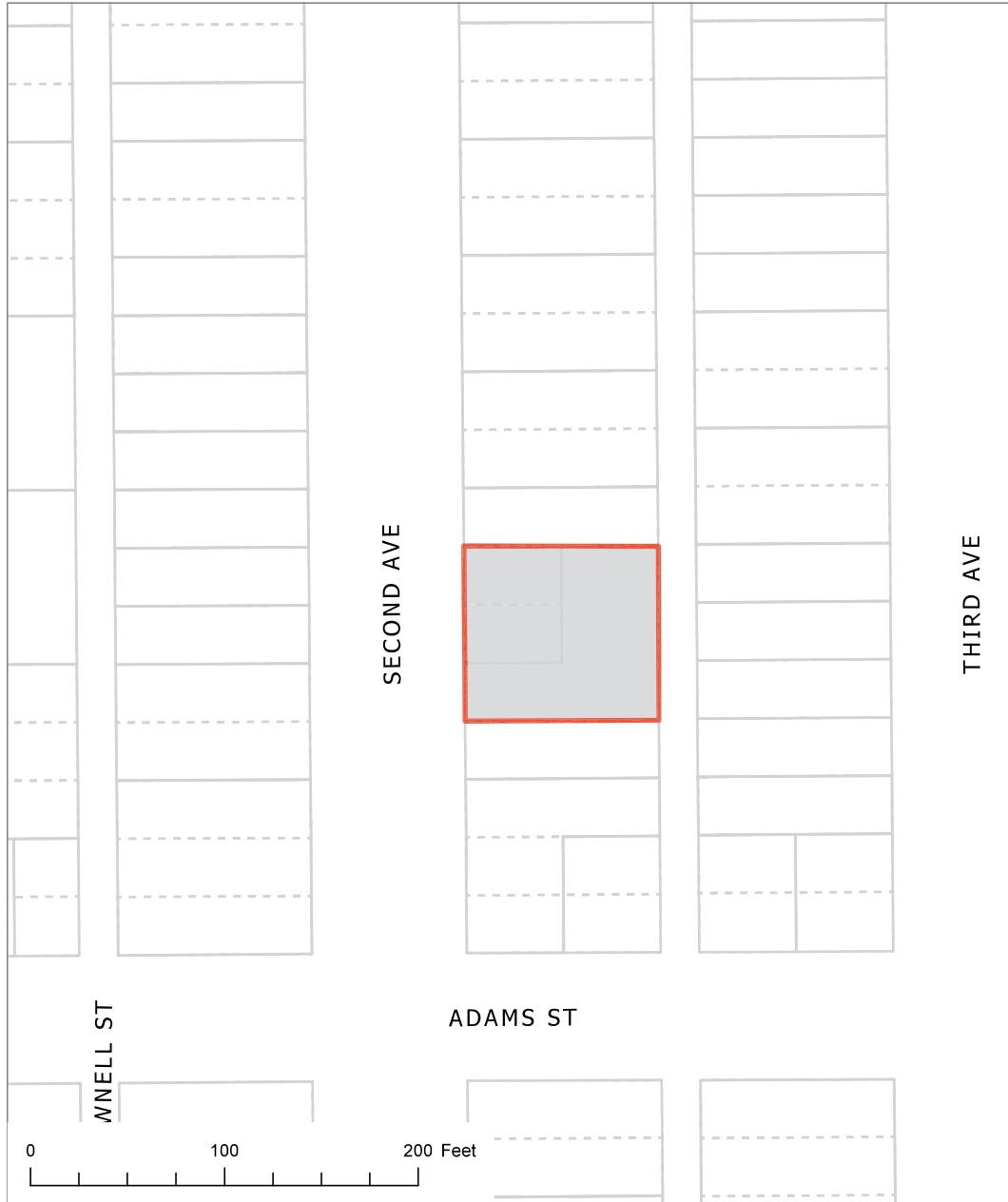
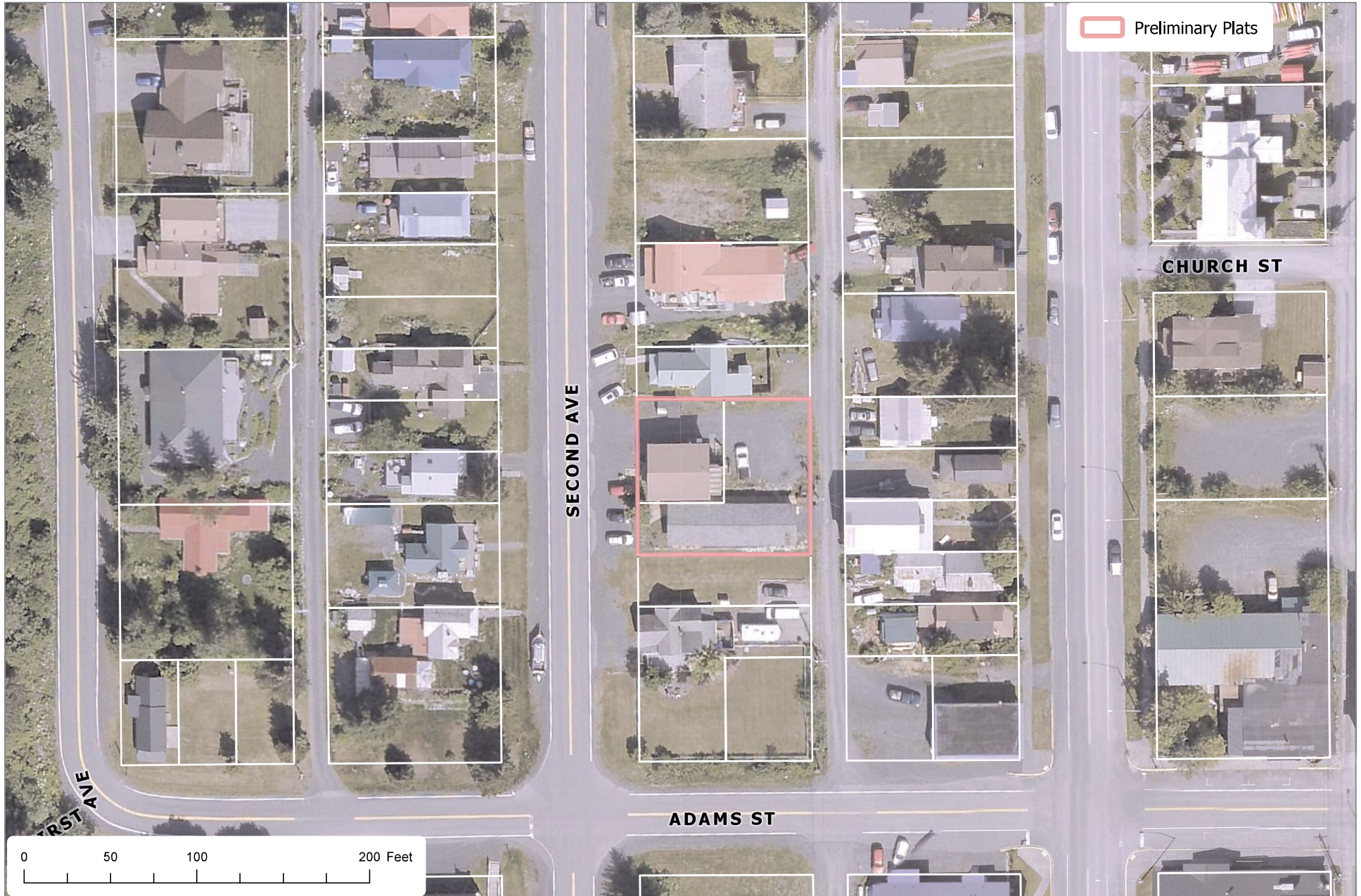


## **E. NEW BUSINESS**

- 4. Seward Original Townsite Verhey Replat; KPB File 2023-108  
AK Lands / Verhey  
Location Second Avenue  
City of Seward**



KPB File 2023-108  
T 01S R 01W SEC 10  
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 HEREBY CERTIFY THAT THE CITY OF SEWARD IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF THE CITY OF SEWARD I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

OWNER  
RICHARD AND JANETTE VERHEY  
116 KLAMERIA ST.  
DENVER, COLORADO 80220

AUTHORIZED OFFICIAL SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

## NOTARY'S ACKNOWLEDGMENT

FOR: \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: \_\_\_\_\_

# CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT THE CITY OF SEWARD IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF THE CITY OF SEWARD I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

OWNER  
JANETTE VERHEY  
116 KLAMERIA ST.  
DENVER, COLORADO 80220

AUTHORIZED OFFICIAL SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

## NOTARY'S ACKNOWLEDGMENT

FOR: \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: \_\_\_\_\_

# CERTIFICATE OF OWNERSHIP AND DEDICATION

OWNER  
VANESSA VERHEY  
PO BOX 1174  
SEWARD, ALASKA 99664

AUTHORIZED OFFICIAL SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE \_\_\_\_\_ PRINTED NAME \_\_\_\_\_

## NOTARY'S ACKNOWLEDGMENT

FOR: \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: \_\_\_\_\_

## PLAT APPROVAL

THIS PLAN WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL SIGNATURE \_\_\_\_\_

## LEGEND

- (R) RECORD PER PLAT 2003-16
- (C) COMPUTED RECORD PER PLAT 2003-16
- O — P — OVERHEAD POWER LINE
- S — UNDERGROUND SEWER LINE
- W — UNDERGROUND WATER LINE

LOT 10

LOT 11

BLOCK 13

LOT 12

URBAN RESIDENTIAL

LOT 13

LOT 14

LOT 15

SINGLE FAMILY RESIDENTIAL

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

SINGLE FAMILY RESIDENTIAL

LOT 31

LOT 30

BLOCK 14

LOT 29

URBAN RESIDENTIAL

LOT 28

S89°57'13"W 100.02' (CR)

LOT 26A  
BLOCK 14  
5,990 SQ. FT.  
0.137 ACRES

W 1/2 LOT 27  
ORIGINAL TOWNSITE OF SEWARD  
PLAT NO. 2003-16

FORMER LOT LINE

W 1/2 LOT 26  
ORIGINAL TOWNSITE OF SEWARD  
PLAT NO. 2003-16

SEWARD TOWNSITE

15' UTILITY AND SEWER EASEMENT  
PLAT 2003-16

S89°57'13"W 100.04'

LOT 25A  
BLOCK 14  
SHEA REPLAT  
PLAT NO. 2003-16

SINGLE FAMILY RESIDENTIAL

S 89°57'13" W 100.04' (R)

LOT 24

LOT 23

SINGLE FAMILY RESIDENTIAL

W 1/2 LOT 22

E 1/2 LOT 22

W 1/2 LOT 21

E 1/2 LOT 21

LOT 10

LOT 11

BLOCK 14

LOT 12

LOT 13

INDUSTRIAL

LOT 14

LOT 15

LOT 16

INDUSTRIAL

LOT 17

LOT 18

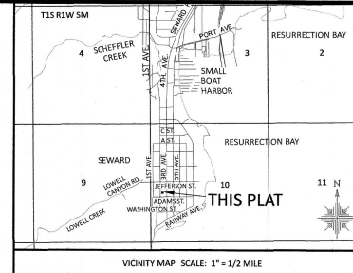
INDUSTRIAL

W 1/2 LOT 19

E 1/2 LOT 19

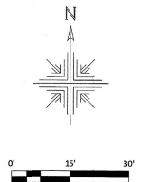
W 1/2 LOT 20

E 1/2 LOT 20



## NOTES

1. THIS IS A PROPOSED PLATTING ACTION. THE BOUNDARY IS RECORD PER PLAT 2003-16.
2. NO EASEMENTS VICATED THIS PLAT.
3. UTILITY LINES AND DOWING INFORMATION ARE FROM THE CITY OF SEWARD GIS INTERACTIVE MAP.



## SURVEYOR'S CERTIFICATE

I, STACY M WESSEL, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

**PRELIMINARY PLAT**

Flat of:

**SEWARD ORIGINAL TOWNSITE  
VERHEY REPLAT**

CREATING LOT 25A-; AND LOT 26A, BLOCK 14,  
CONTAINING 0.206 ACRES

A SUBDIVISION OF:  
LOT 25A, BLOCK 14  
ORIGINAL TOWNSITE OF SEWARD  
SHEA REPLAT  
FILED UNDER PLAT NO. 2003-16  
AND  
THE WEST ONE-HALF (W1/2) OF LOTS 26 AND 27, BLOCK 14  
ORIGINAL TOWNSITE OF SEWARD  
FILED UNDER PLAT NO. S-1

CITY OF SEWARD  
SEWARD RECORDING DISTRICT  
KENAI PENINSULA BOROUGH

LOCATEE WITHIN: SW1/4 OF SECTION 10, T15, R1W, S1M, AK.

OWNER  
VANESSA VERHEY  
PO BOX 1174  
SEWARD, ALASKA 99664

OWNER  
RICHARD AND JANETTE VERHEY  
PO BOX 1174  
SEWARD, ALASKA 99664



AK Lands, Land Surveying LLC  
PO Box 110485  
Anchorage, AK 99511

aland@aklands.com  
http://aklands.com  
(907) 744-LAND

Date: 07/06/2023 Scale: 1" = 15' Date of Survey: N/A Sheet: 1 of 1  
Drawn: SMW PN:1311 Field Book: N/A KPB No. N/A

**KPB 2023-108**





PO Box 110485  
Anchorage, AK 99515  
(907) 744-LAND  
aklands@aklands.com  
<http://aklands.com>

July 9, 2023

City of Seward  
Planning and Zoning Commission  
410 Adams Street City Hall Building  
Seward, AK 99664

Subject: Preliminary Plat-Verhey Replat

Dear Planning and Zoning Commission,

This letter addresses encroachments observed while conducting a survey at 308 and 310 2<sup>nd</sup> Avenue St., and how the replat will resolve these issues.

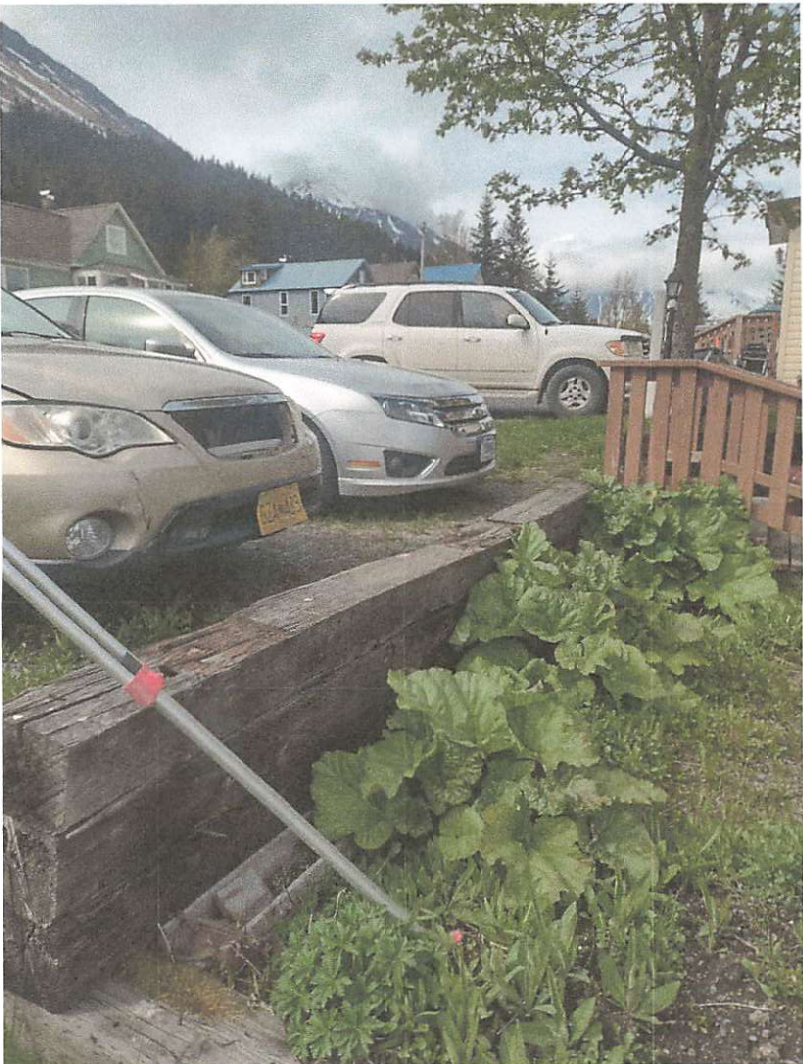
This plat reconfigures three existing lots into two lots.

1. Lot 26A will be created by combining the W ½ of Lot 26 and 27, Block 14 and the northerly portion of Lot 25A, Block 14 into one lot. A two-story building exists at 310 2<sup>nd</sup> Avenue.
  - a. Any encroachments by the building (310 2<sup>nd</sup> Ave) and its appurtenances onto the W1/2 of Lot 26 onto the W 1/2 of Lot 27 and onto the northerly portion of Lot 25A, Block 14 will be resolved when Lot 26A is created. Currently, there is a boardwalk/walk-way that extends from the front of the house into Second Ave. The boardwalk, is a couple inches above grade, and does not appear to be a permanent structure fixed to the ground. The boardwalk serves as a safe pathway from the parking area to the existing building and does not impede nor obstruct traffic.
2. The southerly remainder of Lot 25A, Block 14, will create approximately a 30' by 100' lot that was originally platted by the Townsite of Seward. A single-story building exists at 308 2<sup>nd</sup> Avenue.
  - a. A boardwalk wraps around the northerly part of the building. The boardwalk extends a little bit more than ½ foot into the W1/2 of Lot 26. The boardwalk is similar to the one described above, its a couple inches above grade, and does not appear to be a permanent structure fixed to the ground.
  - b. There is a short, wooden retaining wall that extends from the SW corner of 310 2<sup>nd</sup> Ave, jags towards the westerly property line of Lot 25 A, Block 14, runs parallel along said property line, then protrudes west extending into 2<sup>nd</sup> Ave. The wooden retaining wall serves to support the parking area in front of both buildings and protects the change of grade between the parking area and buildings. The wooden retaining wall does not impede nor obstruct traffic.

Respectfully,

  
AK Lands, Land Surveying by  
Stacy Wessel, Professional Land Surveyor

Attachments: Pictures of the boardwalks and the wooden retaining wall.





NOTES:

- 1) BEARINGS AND DISTANCES ARE RECORD PER PLAT NO. 2003-16.
- 2) BUILDING LOCATED AT 308 SECOND AVENUE IS MEASURED TO THE FOUNDATION. THE BUILDING LOCATED AT 310 SECOND AVE. IS MEASURED TO THE SIDING, NO FOUNDATION WAS EXPOSED.
- 3) IT IS THE OWNERS RESPONSIBILITY TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT.
- 4) ENCROACHMENTS INTO THE WEST 1/2 OF LOT 27, BLOCK 14, ORIGINAL TOWNSITE OF SEWARD, PLAT 1.
  - A. THE RETAINING WALL FOR EGRESS ENCROACHES 2.7'.
  - B. THE CONCRETE PAD ENCROACHES 3.5'.
  - C. THE CANTILEVER ENCROACHES 0.7'.
  - D. THE ROOF OVERHANG ENCROACHES 2.9'.
  - E. THE CONCRETE PAD ENCROACHES 6.8'.
  - F. THE FENCE ENCROACHES 2.1'.
- 5) ENCROACHMENTS INTO THE WEST 1/2 OF LOT 26, BLOCK 14, ORIGINAL TOWNSITE OF SEWARD, PLAT 1.
  - A. THE BOARDWALK ENCROACHES 0.6'. THE BOARDWALK APPRES A COUPLE INCHES ABOVE GROUND AND DOES NOT APPEAR TO BE A PERMANENT STRUCTURE FIXED TO T
  - B. THE RETAINING WALL ENCROACHES 3.0'.
- 6) ENCROACHMENTS ONTO LOT 25A, BLOCK 14, ORIGINAL TOWNSITE OF SEWARD, SHEA REPLAT.
  - A. THE FENCE ENCROACHES 0.3'.
  - B. THE STAIRS ENCROACHES 4.5'.
  - C. THE DECK ENCROACHES 4.5'.
- 7) ENCROACHMENTS INTO SECOND AVENUE RIGHT-OF-WAY.
  - A. THE RETAINING WALL ENCROACH 6.0'.
- 8) THE BOARDWALK/DECK EXTENDS 6.2' INTO 2ND AVE. IT LIES A COUPLE OF INCHES ABOVE GRADE AND DOES NOT APPEAR TO BE A PERMANENT STRUCTURE. THIS MAY OR MAY NOT BE AN ENCROACHMENT.

I HEREBY CERTIFY THAT I HAVE PERFORMED A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY: LOT 25A, BLOCK 14, SEWARD ORIGINAL TOWNSITE, SHEA REPLAT, THE WEST 1/2 OF LOT 27 AND THE WEST HALF OF LOT 26, BLOCK 14, ORIGINAL TOWNSITE OF SEWARD, LOCATED WITHIN THE SEWARD RECORDING DISTRICT, ALASKA, AND THAT THE VISIBLE IMPROVEMENTS SITUATED THEREON ARE WITHIN THE PROPERTY LINES AND NO VISIBLE ENCROACHMENTS EXIST OTHER THAN NOTED. DATED AT ANCHORAGE, ALASKA THIS 09TH DAY OF JULY 2023.



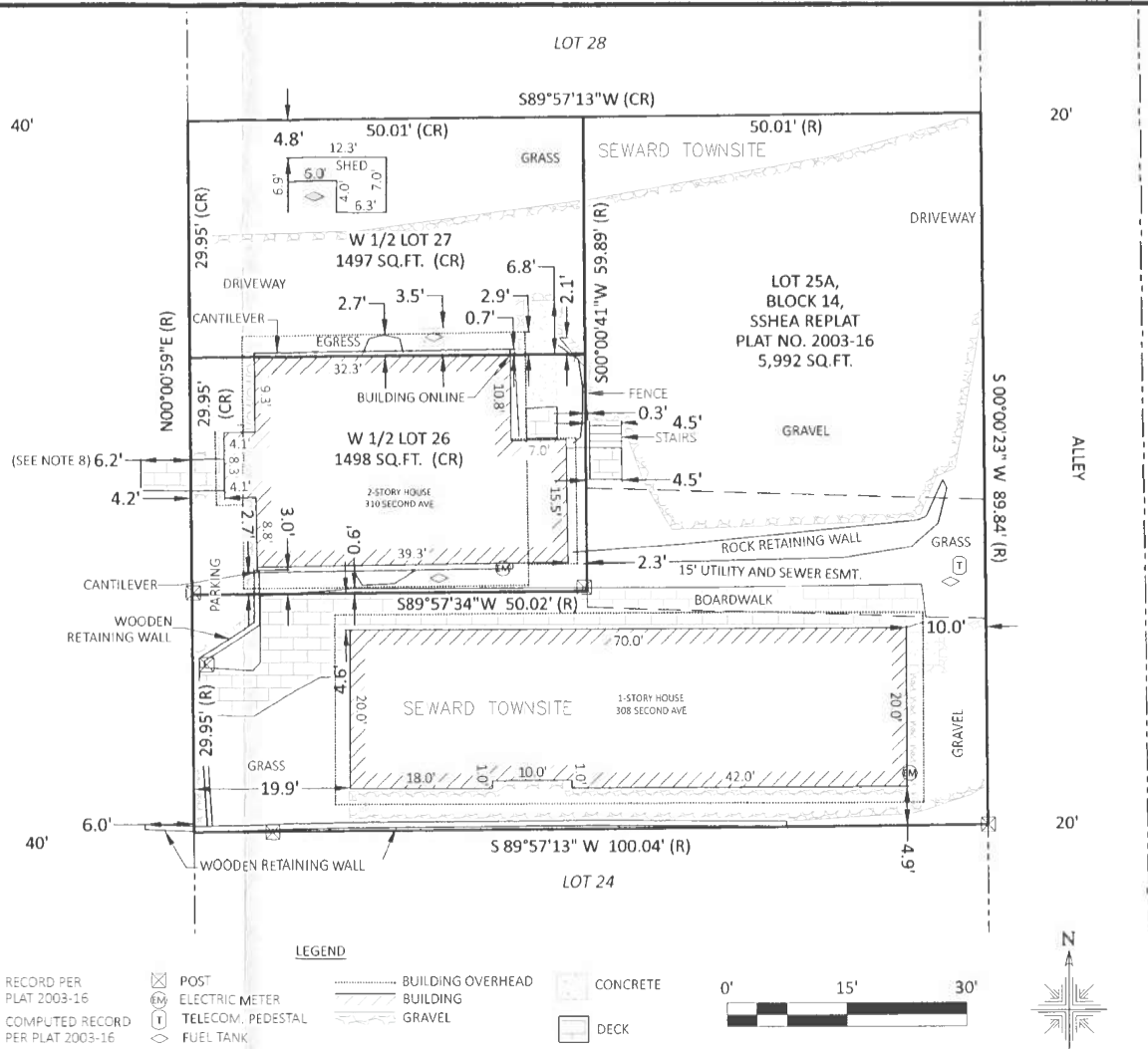
(REVISION 2) AS-BUILT OF  
LOT 25A, BLOCK 14, SEWARD ORIGINAL TOWNSITE,  
PLAT NO. 2003-16  
THE WEST 1/2 OF LOT 27, BLOCK 14, ORIGINAL  
TOWNSITE OF SEWARD, PLAT NO. 1  
THE WEST 1/2 OF LOT 26, BLOCK 14, ORIGINAL  
TOWNSITE OF SEWARD, PLAT NO. 1

PO BOX 110485  
ANCHORAGE, AK 99511  
aklands@aklands.com  
(907) 744-LAND  
https://aklands.com



PROJECT NO.  
1311  
DATE OF FIELD SURVEY  
05/31/23 & 06/01/23  
FIELD BK. AND PG.  
05/63&64  
DRAWN BY:  
SMW

SECOND AVE



THIS AS-BUILT IS A REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME THE SURVEY WAS PERFORMED AND THAT THE DOCUMENT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. THE INFORMATION CONTAINED ON THE DRAWING SHALL NOT BE USED FOR ANY CONSTRUCTION PURPOSES, IMPROVEMENTS, NOR FOR THE ESTABLISHING OF PROPERTY LINES, UNLESS GROSS NEGLIGENCE IS DISCOVERED. THE LIABILITY EXTENT OF THE PREPARER IS LIMITED TO THE AMOUNT OF FEES COLLECTED FOR SERVICES IN PREPARATION OF THIS PRODUCT.



AGENDA ITEM E. NEW BUSINESS

**ITEM #4 - PRELIMINARY PLAT  
SEWARD ORIGINAL TOWNSITE VERHEY REPLAT**

<b>KPB File No.</b>	2023-108
<b>Plat Committee Meeting:</b>	November 13, 2023
<b>Applicant / Owner:</b>	Vanessa, Richard, and Janette Verhey all of Seward, Alaska
<b>Surveyor:</b>	Stacy Wessel / AK Land Surveying
<b>General Location:</b>	City of Seward

<b>Parent Parcel No.:</b>	149-060-39 and 149-060-42
<b>Legal Description:</b>	T 1S R 1W SEC 10 Seward Meridian SW 0000001 Original Townsite of Seward W1/2 Lots 26 & 27 Block 14  T 1S R 1W SEC 10 Seward Meridian SW 2003016 Original Townsite of Seward Shea Replat Lot 25A
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Single-Family Residential (R1)
<b>Water / Wastewater</b>	On site
<b>Exception Request</b>	None

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will adjust the shared lot lines for encroachments. The end result will be one lot with 5,990 square feet (.137 acres) and one with 2,997 square feet (.069 acres).

**Location and Legal Access (existing and proposed):** The proposed subdivision is located within the city limits of Seward on city maintained Second Avenue and an unnamed alley. Second Avenue is an 80'-wide right-of-way and the alley is 20'-wide. Both of the dedications were granted by the Original Townsite of Seward, S-1.

No new dedications are proposed by this platting action.

Block length is compliant around this subdivision.

KPB Roads Dept. comments	Out of Jurisdiction: Yes  Roads Director: Griebel, Scott Comments: City of Seward. No RSA comments
SOA DOT comments	No comment

**Site Investigation:** This area is within the Seward-Bear Creek Flood Area. ***Staff recommends: this be notated on the plat and comply with 20.30.280(B) with the appropriate plat note.***

The terrain slopes from the northwest corner to the southeast corner of the subdivision.

There are several structures located on the property. This platting action is to fix encroachments across property lines. The surveyor has supplied an as-built and images detailing where these items are currently within the lots.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Within City of Seward
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	Comments: No comments  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks Reviewer: VACANT Comments:
State of Alaska Fish and Game	

**Staff Analysis** Original Townsite of Seward, SW 1, was this first plat for this area and created the original lots before additional platting actions took place. In 2003 Seward Original Townsite Shea Replat, SW 2003-16, combined the east half of lots 26 and 27 with Lot 25 to create the existing L-shape parcel. Plat SW 2003-16 met the requirements under old code for an abbreviated plat and no public hearing was held. The old code reference, as seen on SW 2003-16, is 20.04.070 within the plat approval. The current code is 20.10.040 – Abbreviated plat procedure.

A soils report will not be required as city utilities are available, but the proper wastewater notes should be added to the final design to comply with KPB 20.40.

Notice of the proposed plat was mailed to the beneficial interest holder on October 25, 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.

City resolution 2023-015 was introduced at the August 1, 2023 meeting, but was tabled for lack of a quorum. The resolution was brought back and heard at the October 3, 2023 meeting. The city commissioners had lengthy discussions with city staff. There were concerns regarding city land use zoning with Courtney Bringham, Acting Community Development Director, answering questions regarding better configurations. In review of the minutes from the meeting the commissioner's agreed they would prefer to avoid the "L-shape" configurations. Minutes from both meetings are available in the packet. The Planning and Zoning Commission approved and adopted resolution 2023-015.

**Utility Easements** The only utility easement within the boundary of the subdivision is the 15-foot utility and sewer easement. **Staff recommends:** *providing a callout or something similar, so that it is clear what the label is referencing.*

The Certificate to Plat did not indicate any recorded easements that need to be noted or depicted.

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	No comment
ENSTAR	
ACS	No comment
GCI	
SEWARD ELECTRIC	

CHUGACH ELECTRIC	No comment. Outside of our service territory.
TELALASKA	

**KPB department / agency review:**

Addressing	<p>Reviewer: Leavitt, Rhealyn</p> <p>Affected Addresses: 310 SECOND AVE, 308 SECOND AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SECOND AVE</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: CITY OF SEWARD WILL ADVISE ON ADDRESSES</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>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.</p> <p>Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

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

Scale of plat should be at a scale of 1" =20' to be in compliance with 20.60.070.

**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:** Please verify the address for Richard and Jannette Verhey. The tax roll indicates a different address. If the address is correct, we recommend the owners contact the Assessing Department to have their address updated. Richard and Janette are in title with their middle initials. Please add this in the signature and title blocks.

Add ALASKA under KENAI PENINSULA BOROUGH in the legal.

- 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:** The city limits end on the west boundary of sections four and nine. Please provide a label.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
**Staff recommendation:** Lot labels are present on the plat, please add block labels and recording identifier to each label.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;  
**Staff recommendation:** Pervious names of lots can be removed on the final..

---

#### 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.

##### 20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

A. Lots shall contain at least 6,000 square feet if served by public wastewater disposal and water systems.

B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.

C. Subdivisions designed to be served by public wastewater disposal and water systems but not yet served by such systems may be permitted to contain lots of less than 40,000 square feet if the following conditions are met:

1. The available area may be reduced to 20,000 square feet when public water or wastewater disposal system is available, complying with KPB 20.40;

2. A statement from an engineer affixed with his seal and signature attesting that the proposed lot design and associated building restrictions will assure adequate area is available to each building site for safe on-site well and wastewater disposal, including area for a replacement wastewater disposal system.

**Platting staff comments:** City of Seward code 15.10.222 allows for R1 zoned properties to be 3,000 to 6,000 square feet in size.

##### 20.30.280. Floodplain requirements.

B. Any area of the subdivision within the floodplain, floodway or Seward Mapped Flood Data Area (SMFDA) is to be shown and labeled on the plat.

- D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.020, shall contain the following note:

**FLOOD HAZARD NOTICE:**

Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the City of Seward floodplain administrator should be contacted for current information and regulations.

**Staff reminds** the owner(s), that it is the responsibility of the subdivider to provide all necessary information regarding flood protection measures at the time the preliminary plat is presented for consideration by the planning commission (21.06.050).

**Staff recommendation:** Any area of the subdivision within the floodplain, floodway or Seward Mapped Flood Data Area (SMFDA) is to be shown and labeled on the plat.

---

**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:* Please provide proper wastewater disposal notes.

**Staff recommendation:** comply with 20.40.

---

**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 one is not required will need to be submitted to staff.

20.60.150. Utility easements.

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:

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.

**Staff recommendation:** comply with 20.60.150.

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.*

- *All development must comply with the municipal zoning requirements.*
- *FLOOD HAZARD NOTICE: Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the City of Seward floodplain administrator should be contacted for current information and regulations.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *comply with 20.60.190.*

- Certificate of Ownership and Dedication both need to be specific to each owner
- Third Certificate of Ownership needs the statement paragraph added
- Notary Acknowledgement needs adjusted to appropriate signature lines.
- Add meeting date of November 13<sup>th</sup>, 2023 to Plat Approval.

---

#### **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**



# SEWARD ALASKA

Scale 1 inch = 300 feet

C.M. Anderson  
Engineer

## DESCRIPTION

This plot of Seward is located upon the Frank L. Ballaine Soldiers Addition Homestead entire known as survey N 126 North and survey N 126 South located on Resurrection Bay, Alaska.

The initial point of this plot is the south-east corner of Block 40, which is 344 feet south, and 112 feet west of witness corner to corner N 126 of said survey N 126 South. Regular lots are 30 x 100 feet, lots 14 and 27 of Block 22 and 20 are 15.78 feet wide. Jefferson Street is 100 feet wide - all other east and west streets are 66 feet wide. North and south avenues are 80 feet wide, alleys are 20 feet wide. Railway Avenue is 60 feet wide.

The angle point on the northwesterly line of Railway Avenue is at the west margin of Third Avenue, being 968 feet south of the south line of Adams Street. West side of lot 20, block 1 is 40 feet in length.

PT for curve in Block 6 is 134.38 feet from the south line of Adams Street and opposite east boundary of survey N 126 South. Radius for curve in Block 6 is 560.636 feet. Tract A is a strip 13.86 feet wide, east and west, extending from the north boundary of survey N 126 North to the south boundary of survey N 126 South.

The bearings of all lines of plot, excepting the lines made on the south part by Railway Avenue are cardinal points of the compass as ascertained and determined by the United States Deputy Surveyor in the survey of said homestead entry, and designated and shown by his monuments on the east boundary thereof. The east line of Lot 13, block 7, is 8 feet in length.

## DEDICATION

Know all men by these presents that the undersigned, Frank L. Ballaine, is the owner in fee simple of the tract of land above described and that the said Frank L. Ballaine has dedicated and donated and hereby does dedicate and donate to the Public the use of all the Avenues, Streets, and Alleys shown upon the map hereto annexed and described in the description hereto annexed as public highways for passage over the same by the public.

The right of Frank L. Ballaine his heirs assigns and assigns to maintain and operate in, along, and through the length of any and all avenues, streets and alleys and any portion thereof, all railways of every description, street railways, elevated railways, underground railways, telegraph lines, telephone lines, power lines, light lines and lights, gas mains and lights, water mains and hydrants, and all excavations and embankments, tracks, poles, wires, tunnels, conduits, tubes, pipes, and mains for electric, gas, water, and other purposes, and all other rights and interests, all of which rights are hereby expressly excepted and reserved to said Frank L. Ballaine his heirs and assigns forever as fully and entirely as if no dedication of said lands to any public use whatsoever had been made.

In witness whereof the said Frank L. Ballaine has hereunto set his hand and affixed his seal this 8th day of May AD 1905.

Frank L. Ballaine

Signed and sealed in presence of

Robert L. Boryer  
James A. Haight

## ACKNOWLEDGMENT

State of Washington, ss.

County of King.

Do hereby certify that on this 8th day of May AD 1905, before me, the undersigned a notary public in and for the State of Washington, personally appeared Frank L. Ballaine to me known to be the person described in and who executed the foregoing instrument and he acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

James A. Haight

Notary public in and for the State of Washington, residing of Seattle.



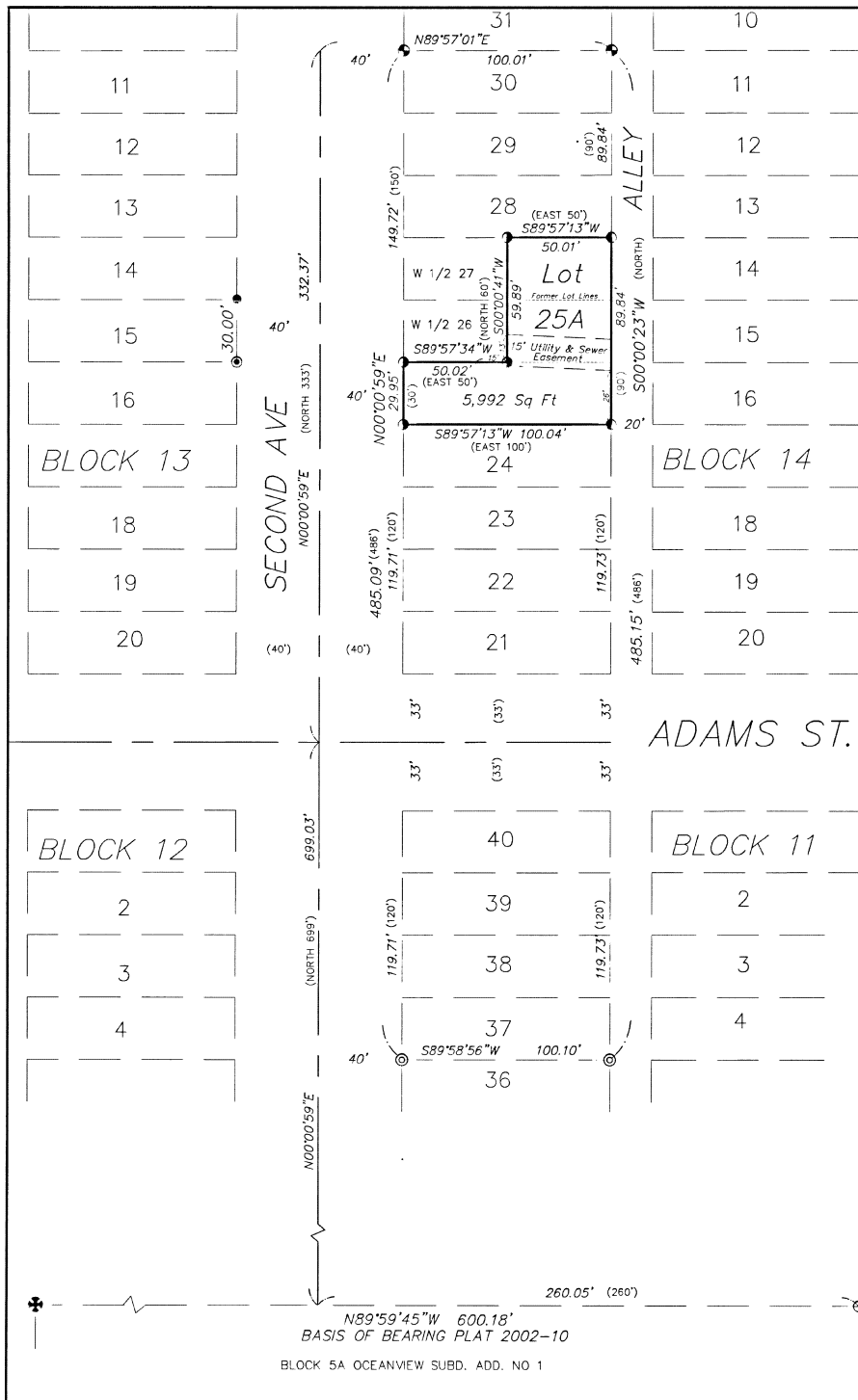
District of Alaska  
Cook Inlet Precinct  
and Recording District

The within instrument was filed for record at 1 o'clock P.M., June 7, 1905, and duly recorded in Book 2 of Deeds on pages 4, 5 and 6 of the records of said District.

H.H. Hildreth  
District Recorder



SEWARD ALASKA Scale 1" = 300 feet C.M. Anderson, Engineer

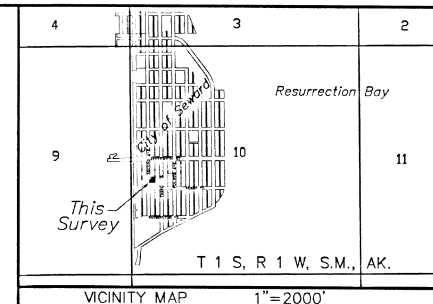


# WASTEWATER DISPOSAL

Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.

## LEGEND

- ✚ Found 3 1/4" Al. Cap Monument Stamped: RPKA LS 5480 1991
- ⊕ Found Rebar & Al. Cap, illegible
- ⦿ Found Rebar & Al. Cap, LS 5152
- Found Rebar & Pl. Cap LS 7569
- Found 5/8" Rebar
- ⊙ Found Iron Pin
- ⦿ Set 5/8x24" Rebar & Plastic Cap, LS 7569
- (100') Record Data Seward Townsite, Plat No. 1, Seward Rec. District
- 100.05' Measured this survey



## CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I 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 grant all easements to the use shown.

*Barbara G. Shea*  
Barbara G. Shea  
P.O. Box 1035  
Seward, AK 99664

## NOTARY'S ACKNOWLEDGEMENT

FOR Barbara G. Shea  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 23  
DAY OF December, 2003

*Sean J. Lewis*  
NOTARY FOR ALASKA

12/1/2006  
MY COMMISSION EXPIRES



## NOTES

- 1 The sole purpose of this plat is to vacate lot lines.
- 2 This lot is subject to the City of Seward's Zoning and Land Use Regulations.
- 3 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.

## 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.

DEC 22, 2003  
DATE



## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission in accordance with Section 20.04.070 Kenai Peninsula Borough Subdivision Regulations.  
Date December 29, 2003

*Mary Bell*  
Borough Official

SEWARD ORIGINAL TOWNSITE  
SHEA REPLAT  
A RESUBDIVISION OF  
LOT 25 & THE EAST 1/2 OF LOTS 26 & 27  
BLOCK 14  
LOCATED IN THE SW 1/4 SECTION 10  
TOWNSHIP 1 SOUTH, RANGE 1 WEST  
SEWARD MERIDIAN, ALASKA  
SEWARD RECORDING DISTRICT  
CITY OF SEWARD

CLINE AND ASSOCIATES  
LAND SURVEYORS

416 4th AVENUE PO BOX 2703 SEWARD, AK 99664  
(907) 224-7324 FAX (907) 224-6088

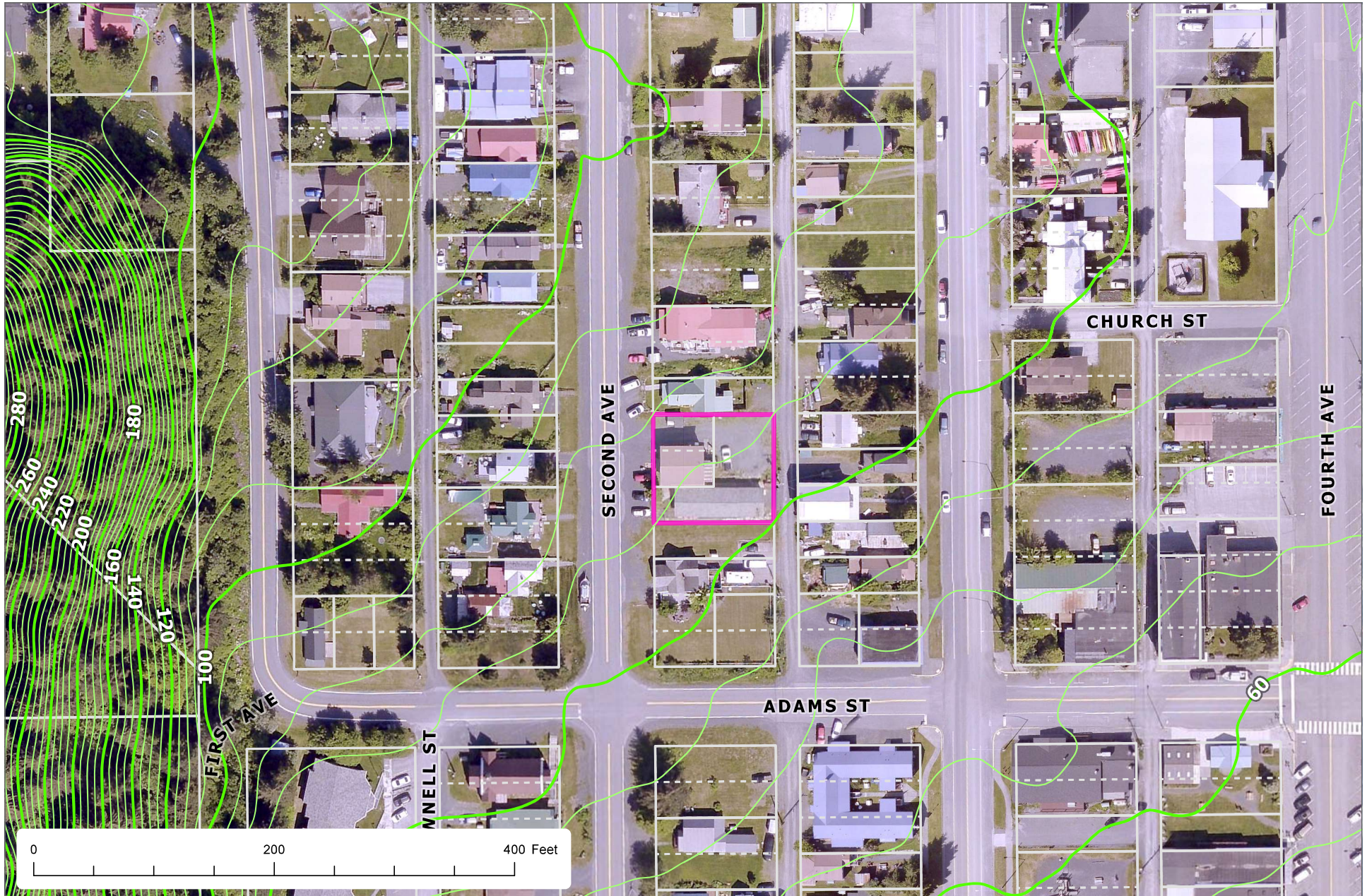
DATE: 12/22/03	SCALE: 1"=40'
DRAWN: WNC	F.D. BK.: 03-02/07
DRAWING NO.: 03-34A	K.P.B. FILE #: 2003-278





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.





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.



## CALL TO ORDER

The August 1, 2023 regular meeting of the Seward Planning & Zoning Commission was called to order at 7:00 p.m. by Chair Clare Sullivan.

## OPENING CEREMONY

Clare Sullivan led the Pledge of Allegiance to the flag.

## ROLL CALL

There were present:

Clare Sullivan, presiding, and  
Vanessa Verhey  
Brenan Hornseth

~~Nathaniel Charbonneau~~  
Sean Ulman

Comprising a quorum of the Commission; and

Courtney Bringhurst, City Planner  
Selena Soto, GIS Technician  
Kris Peck, City Clerk

Excused – Charbonneau

Absent – None

Vacancies- Two

## CITIZEN COMMENTS ON ANY SUBJECT EXCEPT THOSE ITEMS SCHEDULED FOR PUBLIC HEARING

**Carol Griswold**, inside city limits, said she was impressed by the work that community development had accomplished recently. She said other communities had an overload of signs, banners, and flags that were all competing with each other. She appreciated Seward did not have a sign problem like some other Alaskan cities.

## APPROVAL OF AGENDA AND CONSENT AGENDA

**Motion (Verhey/Hornseth)**

**Approval of Agenda and Consent Agenda**

There was a correction made to the minutes to reflect that Commissioners Monaco and Staggs were absent from that meeting.

**Motion Passed**

**Unanimous**

The clerk read the following approved consent agenda items:

**Approval of the June 6, 2023 Planning and Zoning Commission Meeting Minutes**

## **SPECIAL ORDERS, PRESENTATIONS AND REPORTS**

**Proclamations and Awards – None**

**City Administration Report.**

**City Planner Courtney Bringhurst** said Community Development had been doing the groundwork for the Muni Land. Their GIS Technician Selena Soto had been working on GIS maps for Community Development and Public Works.

**Other Reports and Announcements – None**

**Presentations – None**

## **PUBLIC HEARINGS**

### **Resolutions Requiring Public Hearing**

**Resolution 2023-015:** of the Planning and Zoning Commission of the City of Seward, Alaska, Recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Original Townsite of Seward, Shea Replat, Lot 25A, Block 14; Located at 308 Second Ave; Creating Seward Original Townsite, Verhey Replat, Lot 25A-1 and Lot 26A, Block 14

**Motion (Hornseth/Ulman)**

**Approve Resolution 2023-015**

**Community Planner Courtney Bringhurst** said the lot was currently in an “L” shape. The interior lot line would be removed and the replat would create a 6,000 square foot lot. This replat was trying to clean up an ongoing access issue with the neighbors. The replat would allow the stairs, access and parking would all be on the same lot. The replat would also fix encroachment issues caused by the original plats.

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

**Carol Griswold**, inside city limits, spoke in opposition to Resolution 2023-15. Griswold said the replat would create non-conformities. The replat would create a prohibited, non-conforming lot size. Griswold hoped for a better solution.

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

Commissioner Verhey declared a potential conflict of interest because she was the applicant.

Chair Sullivan ruled that a conflict did exist and Verhey was excused from the dais.

*Clerk's Note- Per Seward Cit Code 2.10.046 E(3) If there are not at least four council members in attendance who are qualified to vote, the matter shall be tabled until the next regular or special meeting at which four council members qualified to vote on the matter are in attendance.*

**Motion Automatically Tabled**

**Until Next Meeting When Four Commissioners Qualified To Vote On The Matter Are In Attendance**

**UNFINISHED BUSINESS – None**

**NEW BUSINESS**

**Other New Business Items**

**Discuss topic for August 15<sup>th</sup> work session.**

Bringhurst said the topics would include sign code adjustments as well as lot coverage requirements for multi-family dwellings in commercial districts.

**INFORMATIONAL ITEMS AND REPORTS**

- A. Reminder: Tuesday, August 15, 2023 Planning and Zoning Work Session at 6:00 p.m. in the Council Chambers, City Hall.
- B. Reminder: Tuesday, September 5, 2023 regular meeting at 7:00 pm in the Council Chambers, City Hall.

**CITIZEN COMMENTS**


Carol Griswold, inside city limits, said Resolution 2023-015 was very complicated. She wanted P&Z to consider carefully before creating more non-conformities. Griswold hoped for a good resolution that would conform to the code.

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


Sullivan said she was going to look for other possible solutions to Resolution 2023-015.

**ADJOURNMENT**

The meeting was adjourned at 7:23 p.m.

  
Kris Peck  
City Clerk  
(City Seal)



  
Clare Sullivan  
Chair

## CALL TO ORDER

The October 3, 2023 regular meeting of the Seward Planning & Zoning Commission was called to order at 7:00 p.m. by Chair Clare Sullivan.

## OPENING CEREMONY

Commissioner Charbonneau led the Pledge of Allegiance to the flag.

## ROLL CALL

There were present:

Clare Sullivan presiding, and  
Vanessa Verhey  
Brenan Hornseth

Nathaniel Charbonneau  
Sean Ulman

Comprising a quorum of the Commission; and

Jason Bickling, Assistant City Manager (Clerk for the meeting)  
Courtney Bringhurst, Acting Community Development Director

Excused – Vanessa Verhey

Absent – None

Vacancies – Two

## CITIZEN COMMENTS ON ANY SUBJECT EXCEPT THOSE ITEMS SCHEDULED FOR PUBLIC HEARING

**Carol Griswold**, inside the city, was opposed to Resolution 2023-015, stating that the plat created non-conformities that were not allowed in Seward Code.

**Vanessa Verhey**, inside the city, spoke in favor of Resolution 2023-015, stating that she was the property owner and that the plat would eliminate various issues with the property including a prominent encroachment.

## APPROVAL OF AGENDA AND CONSENT AGENDA

**Motion (Charbonneau/Hornseth)**

**Approval of Agenda and Consent Agenda**

**Motion Passed**

**Unanimous**

The clerk read the following approved consent agenda items:

**Approval of the September 5, 2023 Planning and Zoning Commission Meeting Minutes**



## **SPECIAL ORDERS, PRESENTATIONS AND REPORTS**

**Proclamations and Awards** – None

### **City Administration Report.**

**Acting Community Development Director Courtney Bringhurst** gave a verbal report on the status of the Community Development department.

**Other Reports and Announcements** – None

**Presentations** – None

## **PUBLIC HEARINGS**

**Resolutions Requiring Public Hearing** – None

## **UNFINISHED BUSINESS**

**Resolution 2023-015:** of the Planning and Zoning Commission of the City of Seward, Alaska, Recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Original Townsite of Seward, Shea Replat, Lot 25A, Block 14; Located at 308 Second Ave; Creating Seward Original Townsite, Verhey Replat, Lot 25A-1 and Lot 26A, Block 14

**Motion\***

**Approve Resolution 2023-015**

*\*(still on the floor from the August 1, 2023 meeting where the Resolution was automatically tabled for lack of a quorum)*

Bringhurst provided a brief history of the property and the allowances that had been previously made that created the current situation. She directed the Commission to the As-Built graphic of the two properties to explain how both structures are currently non-conforming due to not meeting the 5ft side yard setbacks. She stated that the current owners of the property have had to deal with the oddities and challenges of the irregular shaped lots, some of which include the encroachments due to the lack of adequate setbacks, and sufficient access to the property from the alley.

Bringhurst stated that there was no way these properties could be platted to make the structures conform to all development requirements in code. Both structures would remain nonconforming structures no matter how these parcels were platted. There were configurations that would meet more aspects of code than others, but the goal of this replat was to return the lots to their original standard form to prevent future landowner conflict, reduce and prevent further encroachments, provide adequate and equal access to the alley, and create property boundaries that more accurately reflect how the land is actually being used.

Charbonneau said that he supports keeping things in compliance, however, these structures are out of compliance. He stated that he has a problem with the ‘L-shaped’ lot. He lives on one and personally knows the difficulty of them. The platting solutions that meet certain aspects of code all involve creating more “L-shaped” lots.

Hornseth said that it was a difficult situation, but he is in favor of keeping it simple and avoiding the “L-shape”.

Ulman said that he didn’t have any questions, but he appreciated all the information that was presented to help him understand the situation more clearly.

Sullivan asked if the proposed plat would alleviate or fix any of the non-conformities. She stated that it is the Commission’s purpose to adhere to code and stated that it was important to have substantial reasons that a decision that which did not adhere to code was in the public’s best interest. Sullivan asked Acting Community Development Director Bringhurst what her perspective as a Planner was for this complex situation.

Bringhurst stated that the proposed plat would correct one non-conformity and remove an encroachment on one property but increase a non-conformity on the other property. She stated that no surrounding properties exceeding the lot coverage requirements in code. Bringhurst said that as a Planner she likes to have numbers compute cleanly, but that she also understands the importance of seeing how things are actually functioning on the land. The actual function and use of the properties matched the proposed plat and did not raise any concerns for creating a lot coverage non-conformity. Bringhurst asked the Commissioners to think about what challenges they wanted to avoid in the future on this property. Did the Commission foresee more challenges from a home that exceeded the lot coverage requirement or more challenges from the “L-shaped” lot and existing encroachments and lack of access?

Sullivan stated that removing the encroachments and “L-shaped” parcel would improve the use and enhance the value of the property. Sullivan asked if the utilities have been evaluated on these parcels and if that is a current issue or potential issue with the proposed plat.

Bringhurst stated that she had spoken with the Electric department, and that they were originally concerned about a utility easement that went through the “L-shaped” parcel. The Electric department thought the proposed plat was creating an “L-shaped” lot and advised against it. Bringhurst informed them that the “L-shaped” lot already existed and that the proposed plat would return to the lots to their original shapes. The Electric department was very supportive of this.

Sullivan stated that the issue that stood out the most with this proposed plat was that the house on the current “L-shaped” lot would become non-conforming by exceeding the minimum lot coverage requirement.

Hornseth asked for clarification on what the 2003 Shae replat had changed to verify that before the 2003 replat the lots had been the original 30’x100’ rectangular lots.

Sullivan was concerned about setting a precedence for approving non-conformities to code.

Ulman stated that the Commission would only consider another situation like this if it was also already a non-conforming situation, and the owner was trying to correct the non-conformities as much as possible.

**Motion Passed**

**Yes: Charbonneau, Ulman, Hornseth**

**No: Sullivan**

**NEW BUSINESS**

**Other New Business Items**

**Discuss topic for October 17 work session:**

Planning & Zoning Commission planned to discuss the Cemetery Management Plan in a joint work session with Parks and Recreation and the City Clerk.

Bringhurst stated the edits to the Municipal Lands Inventory and Management Plan had been made and that the updated plan would be presented to the Commission at their next regular meeting in November.

**INFORMATIONAL ITEMS AND REPORTS**

**A. Reminder of Meetings**

- 1) Work Session on October 17, 2023 at 6:00 pm.
- 2) Regular Meeting on November 7, 2023 at 7:00 p.m.
- 3) Commissioner Training Deadline: October 17, 2023

**CITIZEN COMMENTS**

Griswold stated that she did not believe that the house on the “L-shaped” lot was currently non-conforming and that the Commission should provide more substantial findings for their decision to go against the requirements established in City Code.

Verhey thanked the Commission for their approval.

Griswold stated that the issues that were created with the Shae replat should not be what was being discussed.

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

Charbonneau thanked the administration for putting together all the information for the meeting.

Ulman also thanked the administration and the audience for the information.

Sullivan acknowledged that it was a tough decision, and that she appreciated hearing both viewpoints on the subject. Sullivan thanked administration and thanked Jason Bickling for clerking.

## **ADJOURNMENT**

The meeting was adjourned at 7:37 p.m.

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Jason Bickling  
Assistant City Manager (Clerk)

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Clare Sullivan  
Chair

(City Seal)

DRAFT