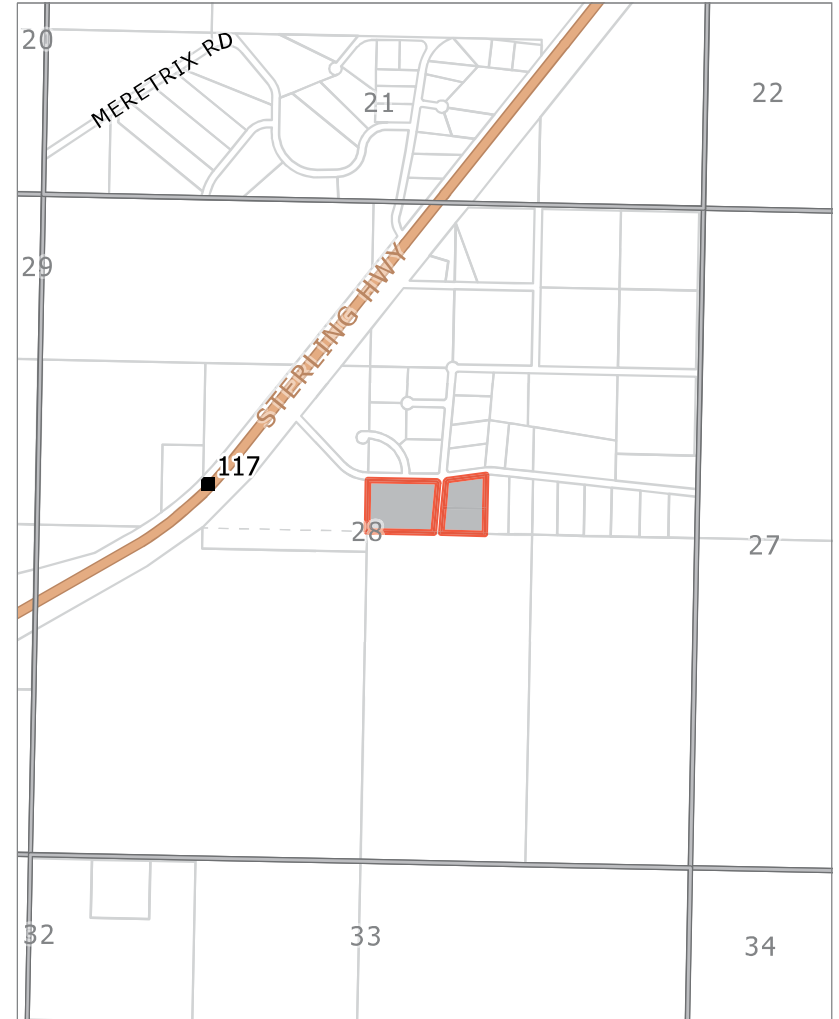
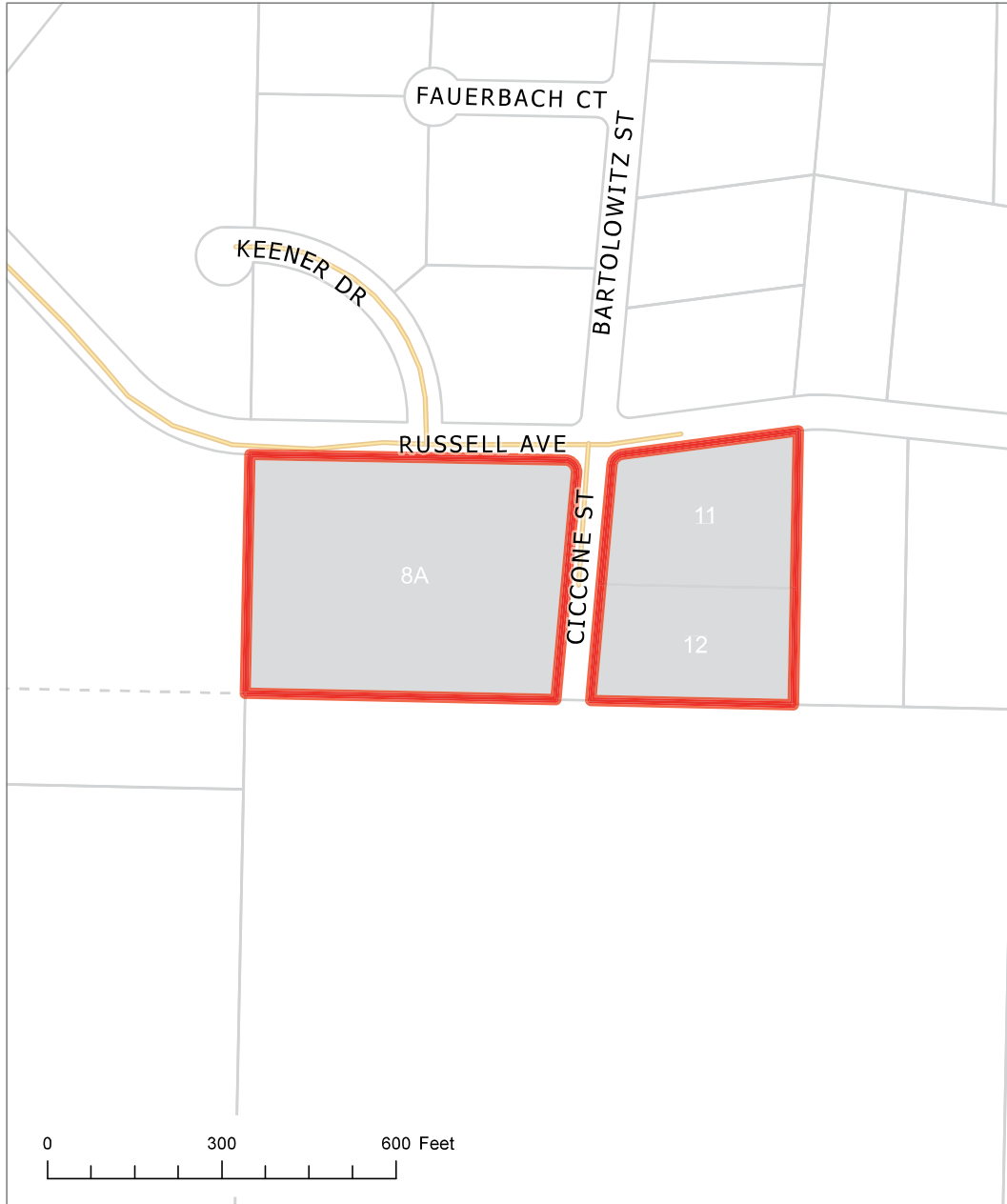


E. NEW BUSINESS

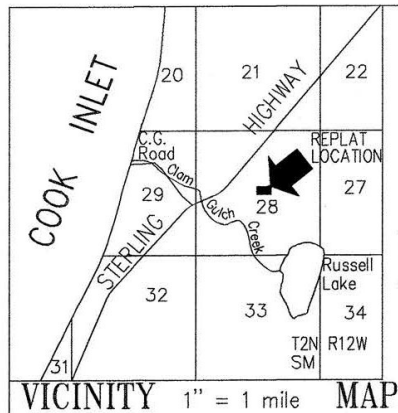
- 1. Clam Gulch Heights 2022 Addition; KPB File 2022-136
Johnson Surveying / Wann Family Trust, Ciccone
Location: Ciccone Street & Russel Avenue
Clam Gulch Area**



KPB File # 2022-136
S28 T02N R12W
Clam Gulch



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.



Clam Gulch Heights 2022 Addition Preliminary Plat

A replat of Lots 11 & 12 Clam Gulch Heights, Glendening 1979 Subd. of Tracts 12, 13, 14, 15, 16, 17, 18 (KRD 81-135), and Lot 8A Clam Gulch Heights 2011 Addition (KRD 2011-60) 17, 18 (KRD 81-135), including a vacation of Ciccone St. & associated utility easements. Located in the NE1/4 Section 28, T2N R12W, SM, Clam Gulch, Alaska.
Kenai Recording District Kenai Peninsula Borough

Prepared for

Jim & Debbie Wann
Family Trust
P.O. Box 269
Clam Gulch, AK 99568

Anthony W Ciccone
Kathleen S Ciccone
16111 Pasadero Dr.
Houston, TX 77083

Prepared by

Johnson Surveying
P.O. Box 27
Clam Gulch, AK 99568
(907) 262-5772

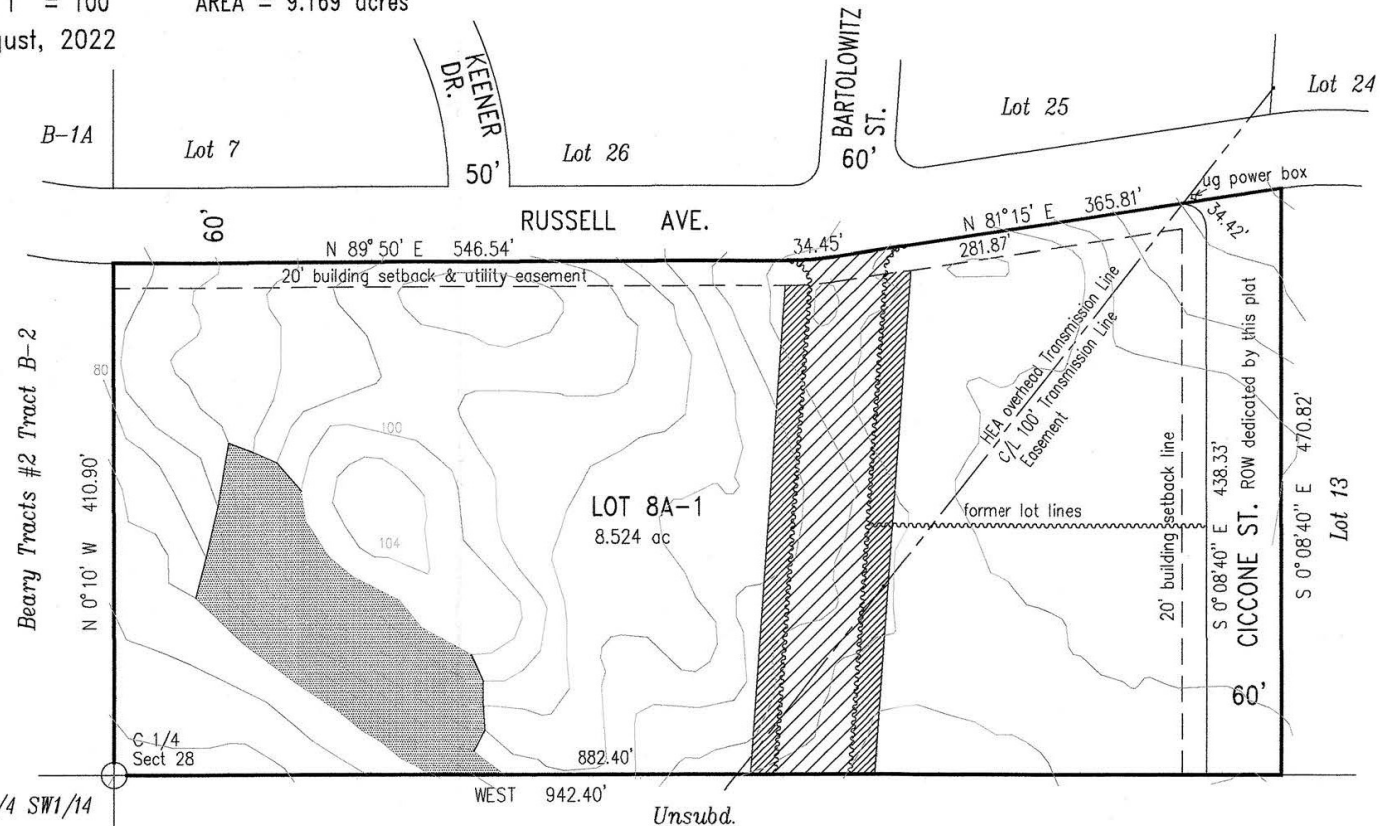
SCALE 1" = 100'
3 August, 2022

AREA = 9.169 acres

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Building setback is also a utility easement as granted by plat KRD 85-135.
2. No permanent structures shall be constructed or placed within a utility easement that would interfere with the ability of a utility to use the easement.
3. Contour interval 4'. Shaded areas indicate grades over 25%. there are no wet areas on the property.

- indicates Ciccone St. ROW being vacated.
 - indicates utility easement being vacated.



WASTEWATER DISPOSAL

20.40.020(A)(2)
The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on 4/30/1980. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

N1/2 N1/2 N1/2 NE1/4 SW1/14

KPB 2022-136

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – CLAM GULCH HEIGHTS 2022 ADDITION

KPB File No.	2022-136
Plat Committee Meeting:	October 10, 2022
Applicant / Owner:	Jim and Debbie Wann Family Trust of Clam Gulch, Alaska and Anthony and Kathleen Ciccone of Houston, Texas
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Russell Avenue, Clam Gulch

Parent Parcel No.:	137-370-13, 137-370-14, and 137-370-30
Legal Description:	Lots 11 and 12 of Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18 (KN 81-135) and Lot 8A of Clam Gulch Heights 2011 Addition (KN 2011-60)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine three lots into one 8.5 acre lot and finalize a right-of-way vacation and dedicate an alternate right-of-way.

Location and Legal Access (existing and proposed): The preliminary plat is located near mile 117 of the Sterling Highway on Russell Avenue. Russell Avenue is a 60 foot wide dedicated right-of-way that is maintained approximately 160 feet past the proposed vacation and the Bartolowitz Street intersection. The remainder of Russell Avenue appears to be constructed but not maintained.

A petition for the right-of-way vacation of Ciccone Street has been submitted and is scheduled for the October 10, 2022 Planning Commission meeting. The proposed vacation of Ciccone Street is to vacate the entire right-of-way and relocate the dedication to the east of the proposed new lot. Ciccone Street is currently 60 feet wide and provides access to four lots. The northern portion is used to access improvements on one of the lots. That northern half of the right-of-way is shown as being borough maintained. The proposal will combine the three lots adjacent to the right-of-way and the new lot will continue to have access from Russell Avenue. The relocation of the 60 foot wide right-of-way will provide additional access to the new lot and will provide access to Lot 13 of Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18, Plat KN 81-135. It will also provide access to the large acreage lot to the south as does the existing dedication but with the new dedication it will be shifted to the east.

The block is defined by the Sterling Highway, Russell Avenue, and section line easements. This block is not compliant in length and the majority of the access is not constructed. Ciccone Street, if ever dedicated through could help improve the block. In the current location or the proposed new location, the block lengths are not compliant. Clam Gulch Heights, Plat KN 72-61, had granted some rights-of-way that would have improved the blocks but as new subdivisions occurred the originally dedicated rights-of-way were vacated including the original location of Russell Avenue along the southern boundary of this proposed plat. Any new dedications south of Russell Avenue will require replatting of existing lots. The relocation will make the western length along Russell Avenue slightly longer but will shorten the eastern portion to make the new dedication to improve the block length for that portion. ***Staff recommends the plat committee concur that an exception to block length is not required as the block is not compliant and the new dedication will help balance the distances along Russell Avenue once extended.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
--------------------------	--

SOA DOT comments	No comment
------------------	------------

Site Investigation: The proposed plat does not have any low wet areas present. There are some areas with steep terrain present and are shaded on the preliminary plat. The existing dedication contains some slopes and the new proposed location also contains slight slopes but appear to be slightly better than the slopes within the existing dedication.

Parent Lot 8A currently has improvements on the lot that are accessed by Ciccone Street. If the vacation is approved their access will be directly from Russell Avenue. A travelway crosses through parent Lots 11 and 12 and provides access to lots located to the east. The two closest eastern lots are owned by the same owners of this proposed subdivision. Relocating the right-of-way will provide a dedicated access near or atop portions of the existing travelway.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</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	No objections

Staff Analysis The proposed plat is a replat of lands originally subdivided by Clam Gulch Heights, Plat KN 72-61, which subdivided the NW 1/4 of Section 28. Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18, Plat KN 81-135, replatted some of the large acreage tracts from the first subdivision into smaller lots, vacated some rights-of-way, and provided new dedications to fit the new subdivision design better. That plat created Lots 11 and 12 that are part of this replat. It also created lots 8 through 10 that were later replatted by Clam Gulch Heights 2011 Addition, Plat KN 2011-60, into one lot that is Lot 8A that is part of this subdivision. This replat will now combine Lot 8A with Lots 11 and 12.

The lot being created is increasing in size and will not require a soils report. A soils report was done for the parent subdivision Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18, Plat KN 81-135, and a letter dated April 30, 1980 states DEC approved the report. The correct plat notes for wastewater disposal are present.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

Utility Easements Clam Gulch Heights, Plat KN 72-61, granted an easement along the western boundary of Tract 15 and along the Russell Avenue dedication. It also depicted the transmission line and granted a 100 foot easement centered on the line. Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18, Plat KN 81-135, did not carry over the easement along the western boundary and vacated the dedication of Russell Avenue. That plat carried over the transmission line easement and granted 20 foot utility easements along the new Russell Avenue (originally named Forest Drive) and Ciccone Street (originally named Barbara Street). Clam Gulch Heights 2011 Addition, Plat KN 2011-60, carried over the 20 foot easements along the dedications. The vacation of Ciccone

Street includes the utility easements as shown on the plat. The plat will have a 20 foot utility easement along Russell Avenue within the former right-of-way. The plat does not indicate the utility easement intention along the new dedication. Code only requires 10 foot utility easement. **Staff recommends the easement along the western boundary be depicted and labeled as being granted by Plat KN 72-61, the 20 foot utility easement along Russell Avenue be labeled as being granted by Plat KN 81-135, note that the transmission easement was granted by Plat KN 72-61, and either add to the description along the new dedication "and utility easement granted by this plat" or depict a 10 foot utility easement with a label "granted by this plat".**

There are some easements granted by recorded document to Homer Electric Association that will require plat notes.

The plat was submitted to the utility providers for comment. Homer Electric Association noted that there is an existing overhead line within the southwest corner of the subdivision and requested a 30 foot easement centered on existing line including guy anchors. **Staff recommends the line be located and depicted with the easement being granted as requested and noted that it is "granted by this plat."**

ACS stated they did not approve of the proposed vacation of utility easements adjacent to the dedication as they currently have equipment within that area. They stated they can be moved but at the owner's expense. **Staff recommends the owner works with ACS for a resolution that could include leaving the utility easement, granting of new easements, or relocation of equipment and written confirmation from ACS must be submitted that they agree prior to finalization of the plat.**

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	Locate the overhead single phase electric line and provide a 30 foot easement centered on the overhead line including any down guy anchors within this subdivision boundary.
ENSTAR	No comments or recommendations
ACS	Not approved. Alaska Communication has plants along Ciccone St. If they will need to be relocated approval upon contractor for reimbursement.
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses:</p> <p>17565 CICCONE ST</p> <p>17570 CICCONE ST</p> <p>17556 CICCONE ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:</p> <p>CICCONE ST</p> <p>RUSSELL AVE</p> <p>KEENER DR</p> <p>BARTOLOWITZ ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p>
------------	---

	List of Street Names Denied: Comments: 17565 CICCONE ST, 17570 CICCONE ST, and 17556 CICCONE ST will be deleted. New Russel Ave address will be assigned to lot 8A-1.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

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:** In the first line of description, add a space between 12 and 13. Remove "17, 18 (KRD 81-135)" from the third line.
- 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:** Update C.G. Road to spell out the road or use a leader. Staff could not find confirmation of Russell Lake.
- 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:** Update the labels for the lot to the west.

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.

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: A parent plat received approval by DEC. This platting action will increase the lot size and a soils report will not be required.

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.

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: An acceptance for the new dedication will be required to be signed by the KPB.

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.

- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- Subject to easement for electric lines or systems and/or telephone lines together with right to enter, maintain, repair and clear shrubbery granted to Homer Electric Association, Inc. within Book 3 Page 128, KRD and Book 25 Page 342, KRD. No definite location disclosed.
- Subject to covenants, conditions, and restrictions recorded in Book 513 Page 542, KRD and amended by Book 536 Page 510, KRD and Serial Number 2014-003773-0, KRD.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.

Within plat note 1, correct the parent plat number.

Within plat note 2, correct the spelling of utility.

KPB 20.70 – Vacation Requirements

Staff recommendation. Must be recorded within one year of consent of the vacation.

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.

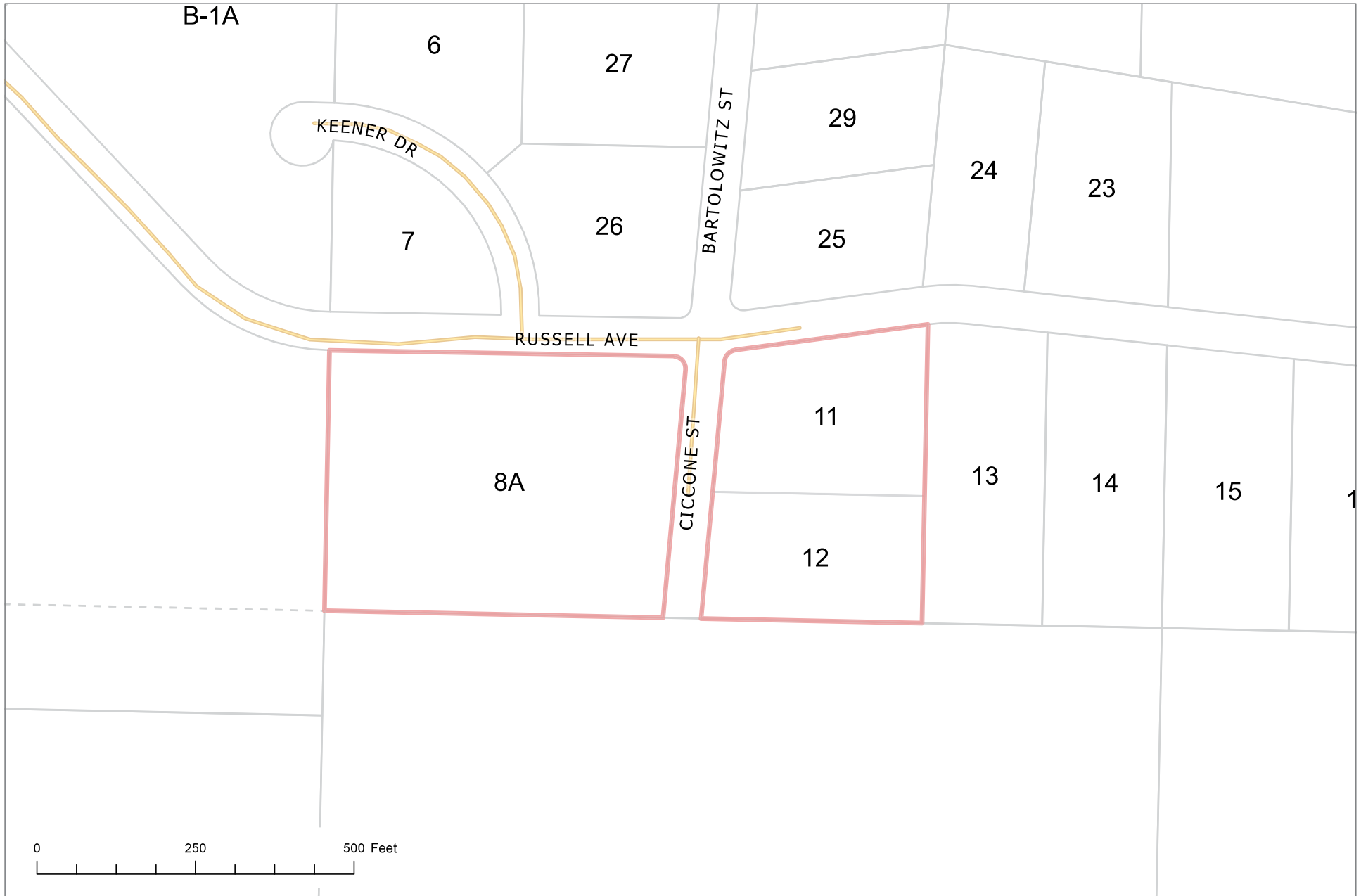
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

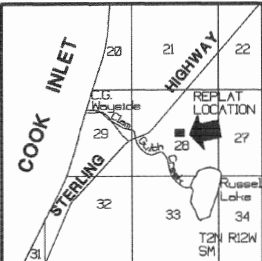


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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.





VICINITY 1" = 1 mile MAP

CLAM GULCH HEIGHTS 2011 ADDITION

A replat of Lots 8, 9, & 10 Clam Gulch Heights, Glendening 1979
Subd. of Tracts 12, 13, 14, 15, 16, 17, 18 (KRD 81-135)
Located in the NE1/4 Section 28, T2N R12W, SM, Clam Gulch, Alaska.
Kenai Recording District Kenai Peninsula Borough File 2011-084

Prepared for

James Glendening
694 Sycamore Circle
Kenai, AK 99611

Prepared by

Johnson Surveying
Box 27
Clam Gulch, AK 99568



SCALE 1" = 100'

13 June, 2011

AREA = 5.184 acres

LEGEND

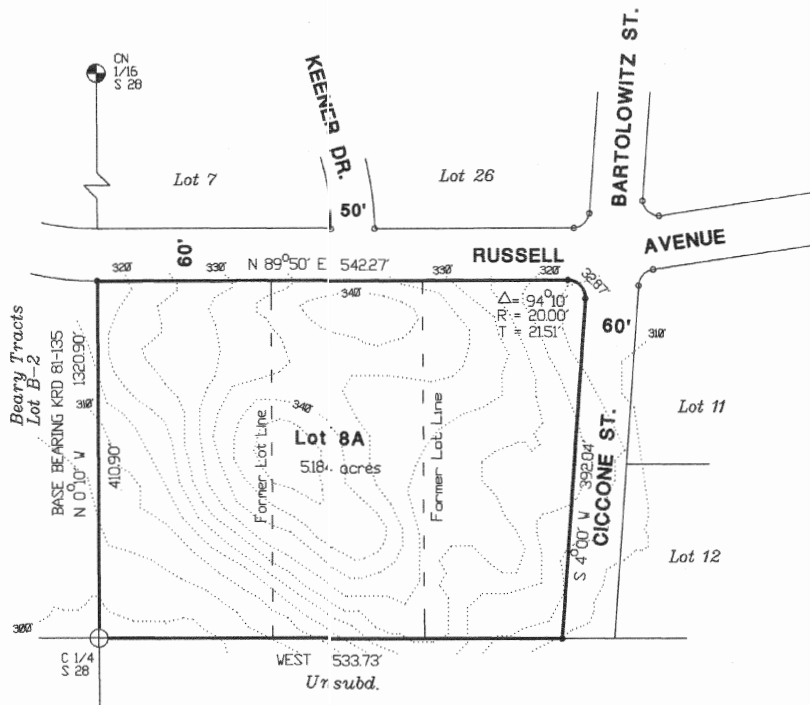
- ⊕ - 2 1/2" brass cap monument, 918-S, 1962, Found.
- ⊙ - 2 1/2" brass cap monument, 268-S, 1978, Found.
- - 1/2" rebar lot corner, Found.

RECORDED-FILED

REC. DIST. 2011-60
DATE 2011
TIME M
Requested by:
Johnson Surveying
Box 27
Clam Gulch, AK 99568
Plat # Kenai
Rec. Dist.
10-28-2011
Time 8:34 A.M.

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. 20' building setback is to be limit of utilities easement.
2. 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.
3. Restrictive covenants affecting this property are filed with the Kenai District Recorder in Book 513 Page 542 and amended in Book 536 Page 510.



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 18 July, 2011.

KENAI PENINSULA BOROUGH

BY: Maya Best Oct. 26, 2011
Authorized Official Date

WASTEWATER DISPOSAL

This Lot is at least 200,000 square feet or noninal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described hereon; and that I hereby adopt this plan of replat, and by my free consent grant all easements to the use shown.

James E. Glendening
James E. Glendening 694 Sycamore Circle Kenai, AK 99611

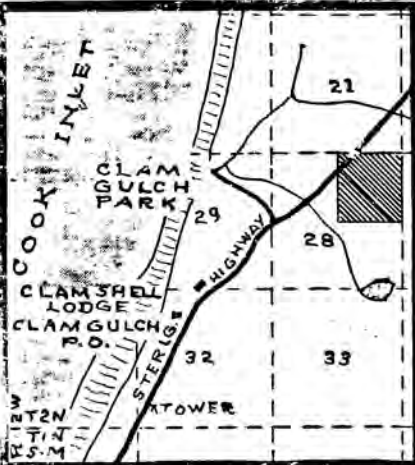
NOTARY'S ACKNOWLEDGEMENT

For James E. Glendening
Subscribed and sworn to before me this 3
day of October 2011.

Karen Fuller
Notary Public For Alaska

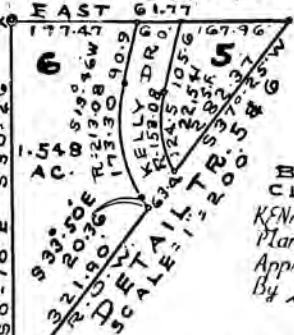
My commission expires 9-25-2012





CLAM GULCH HEIGHTS

IN NE 1/4 SEC. 28, T2N. R12W. S.M.;
CLAM GULCH, ALASKA.



NOTE:

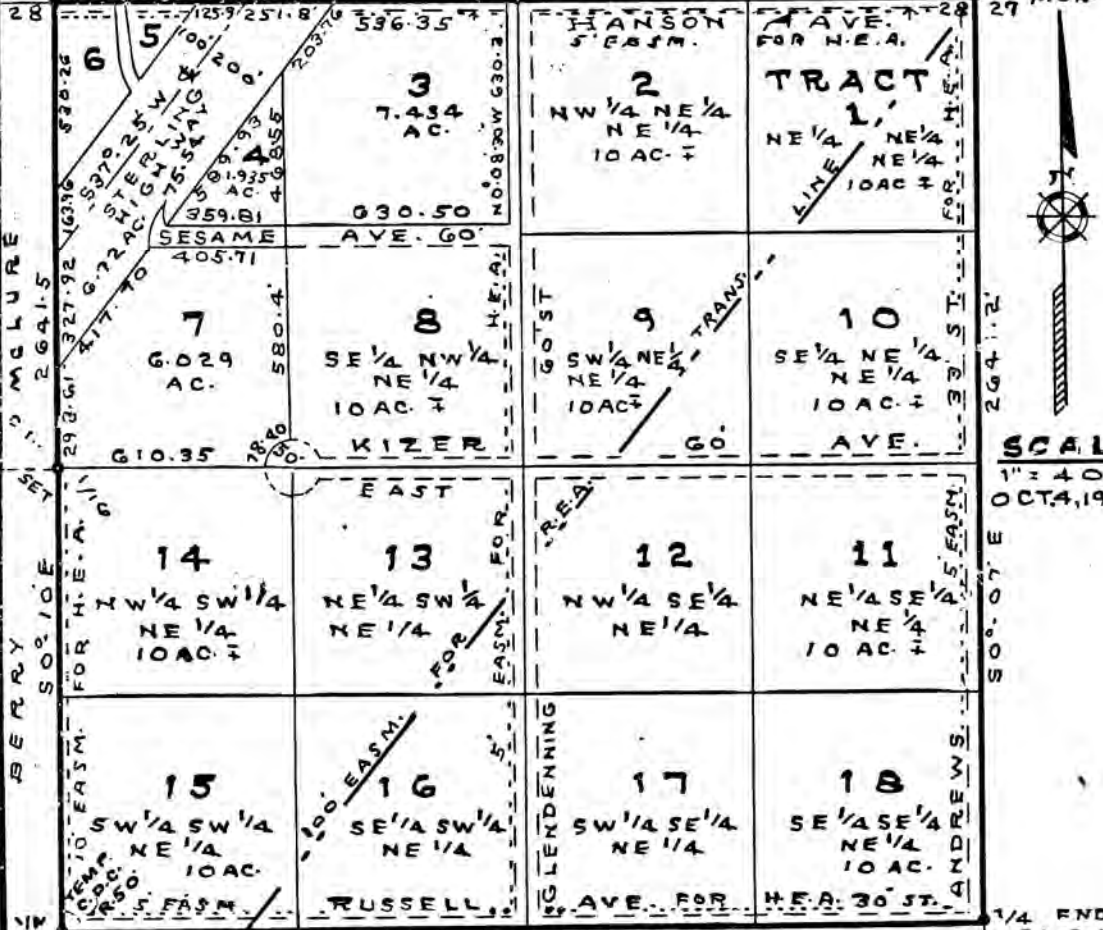
TRACTS DESC. BY
ALICUT PARTS INCL.
STREET AREAS.

0-IND. BRASS CAP MON.
0-IND. 1/2" X 24" REBAR.
BY: JAMES B. DELLA KIZER
CLAM GULCH, ALASKA.

KENAI PENINSULA PLANNING
Planning Commission
Approved OCTOBER 30, 1972
By Stanley F. Thompson

VICINITY MAP 1"=1/4 MI.

21 1/4 SEC. 28, T2N. R12W. S.M. OR FORMERLY KELLY 1/4 SEC. 28, T2N. R12W. S.M.



SCALE
1"=400'
OCT 4, 1972

CERTIFICATE OF OWNERSHIP AND DEDICATION

We certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision and dedicate all streets to public use and to the use of public utilities.

Owner James B. Della Kizer Owner Debra A. Kizer 72-61



STATE OF ALASKA
NOTARY'S ACKNOWLEDGEMENT
Subscribed and sworn before me this 1 day of Nov., 1972
My commission expires 12-31-75
Stanley F. Thompson
NOTARY PUBLIC FOR ALASKA

RECORDED - FILED
Kenai REC. DIST.
DATE 11/3/72
BY 409 A-1A
KPB
49,288

Clam Gulch Heights
T2N, R12W, S.M.