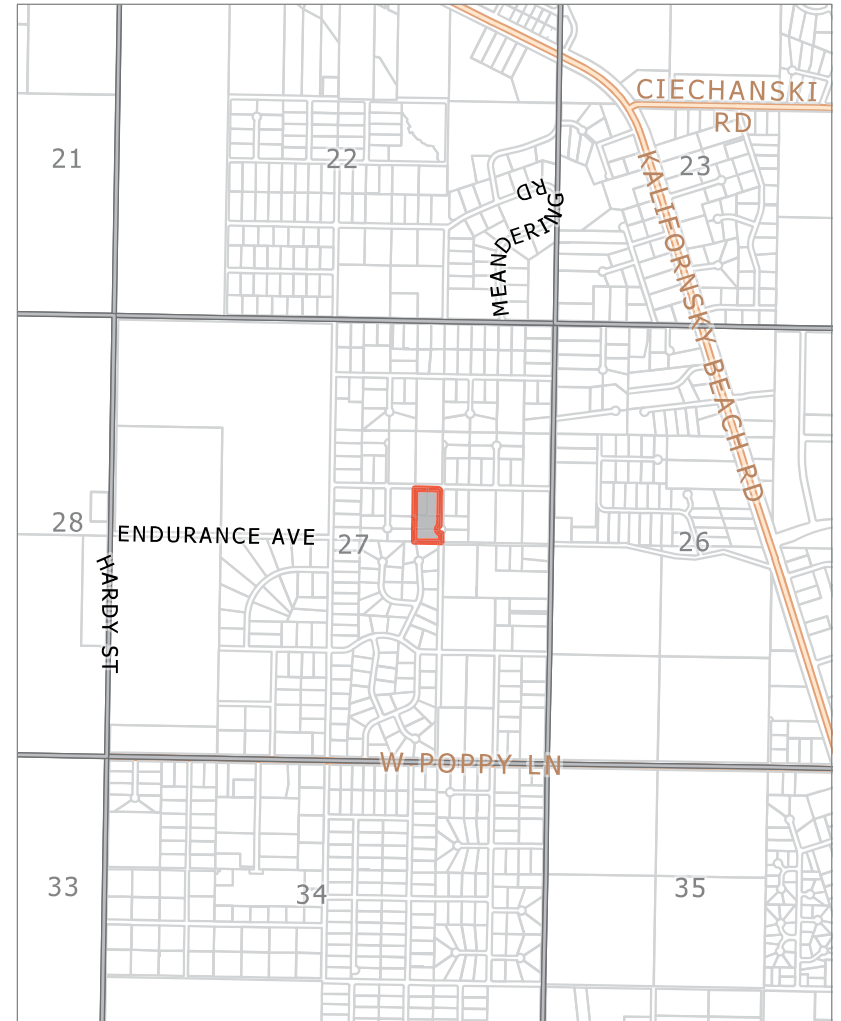
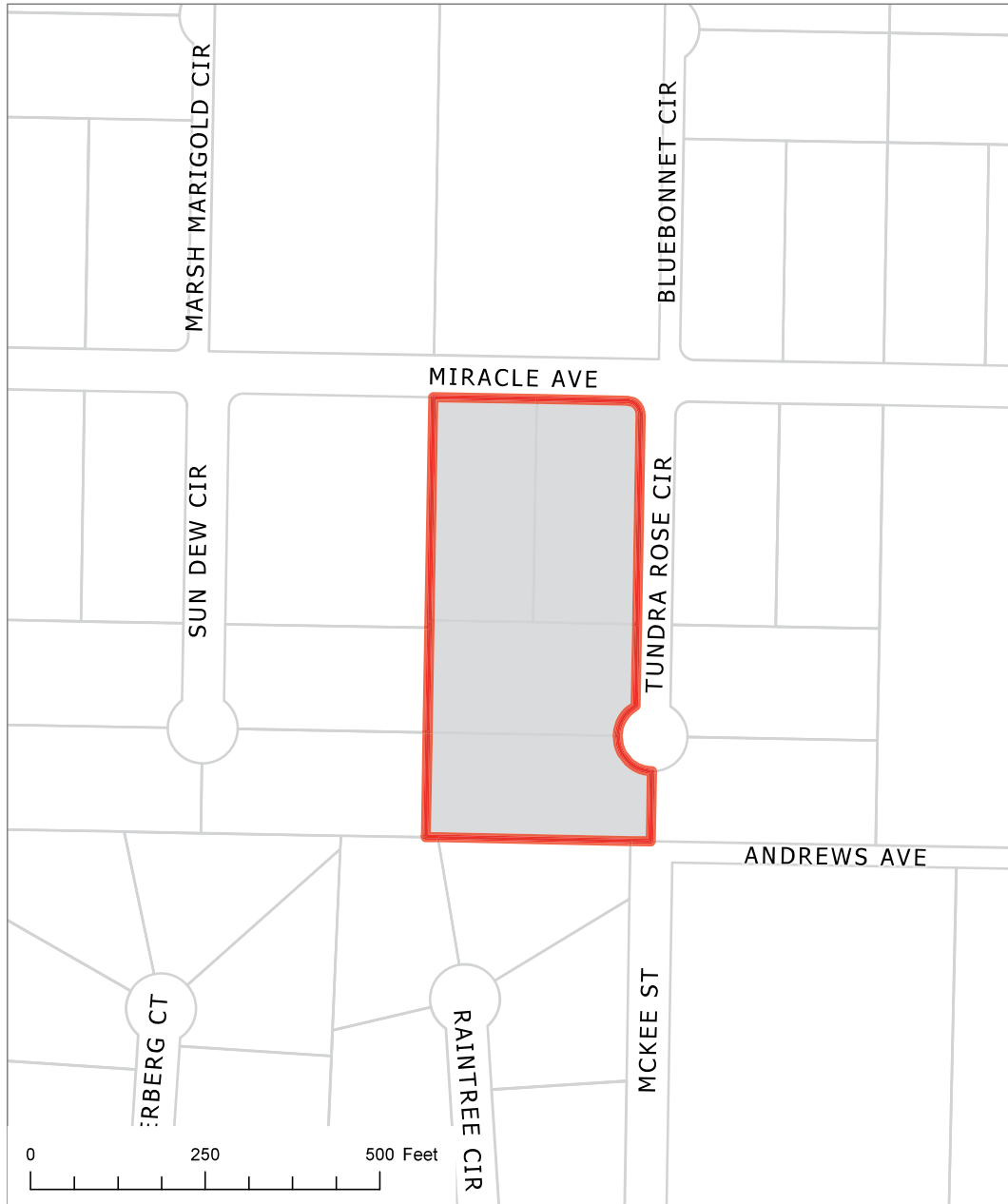


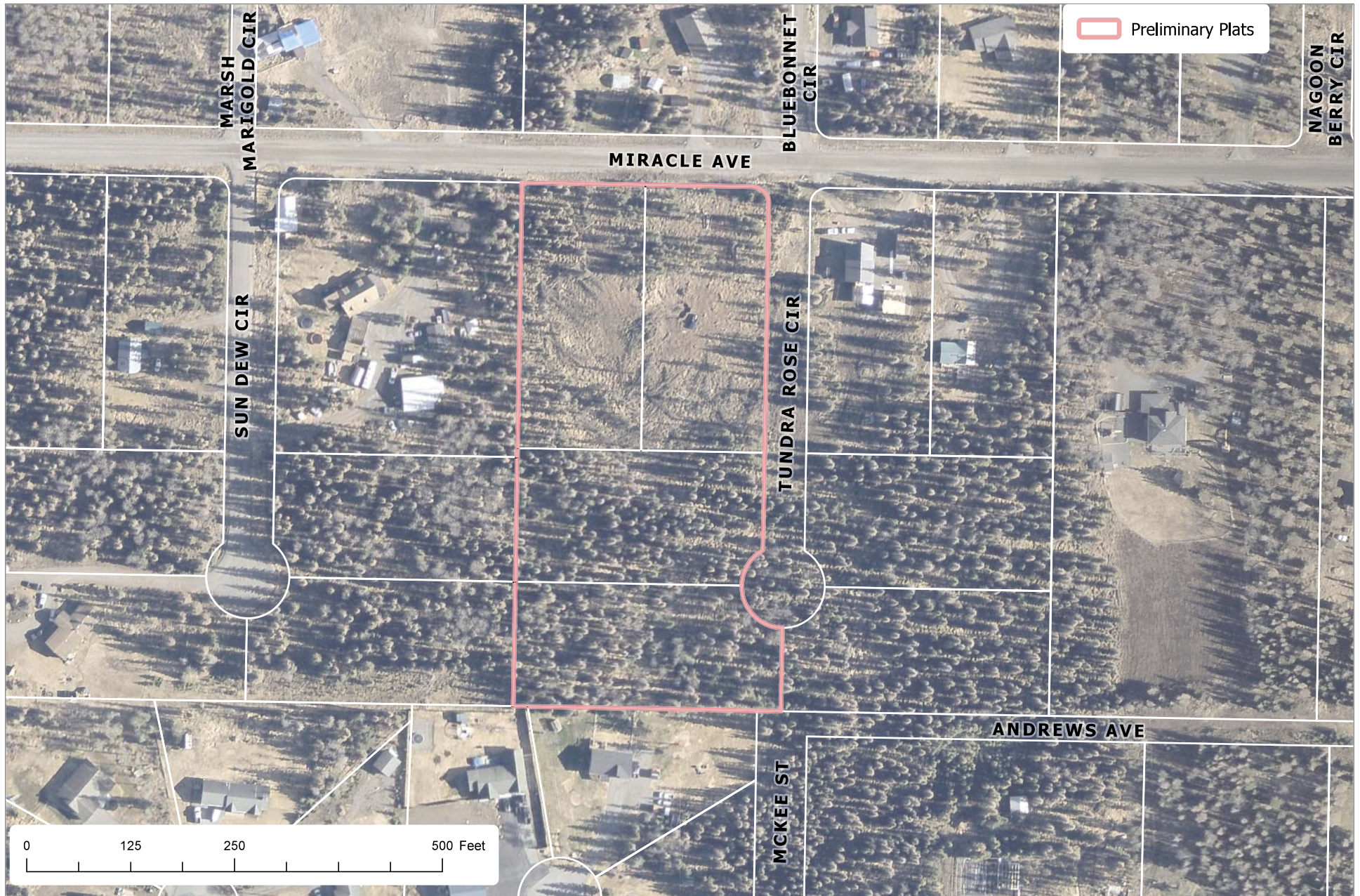
## **E. NEW BUSINESS**

- 7. Cottonwood Subdivision Jose Replat  
KPB File 2024-003  
Edge Survey & Design LLC / Jose  
Location: Miracle Avenue & Tundra Rose Circle  
Soldotna Area**



KPB File 2024-003  
T 05N R 11W SEC 27  
Kalifornsky





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.



KPB 2024-003

#### NOTES

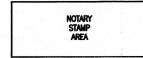
1. BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT. A 10 FOOT UTILITY EASEMENT ADJACENT TO MIRACLE AVENUE GRANTED THIS PLAT. PLAT 78-224 GRANTED A 5 FOOT UTILITY EASEMENT ALONG THE TANGENT OF TUNDRA ROSE CIRCLE. AN ADDITIONAL 5 FEET ARE BEING GRANTED THIS PLAT, BRINGING THE TOTAL EASEMENT WIDTH TO 10 FEET. A 10 FOOT UTILITY EASEMENT ADJACENT TO THE CUL-DE-SAC PORTION OF TUNDRA ROSE CIRCLE BEING GRANTED THIS PLAT.
3. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF UTILITY EASEMENTS GRANTED PER (R1), AT THE MEETING OF JANUARY 28, 2024.
4. THIS SUBDIVISION SUBJECT TO EASEMENT, WITH NO DEFINED LOCATION, FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY. RECORDED: AUGUST 21, 1983, VOLUME/PAGE: 10/315, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC.
5. WASTEWATER DISPOSAL, WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

#### NOTARY ACKNOWLEDGEMENT

FOR: JAEMI JOSE  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

PUBLIC NOTARY SIGNATURE

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



#### NOTARY ACKNOWLEDGEMENT

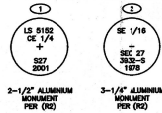
FOR: BRUCE JOSE  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

PUBLIC NOTARY SIGNATURE

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



#### MONUMENT SUMMARY



#### CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



#### CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1 C	20.00'	31.38'	89°54'30"	S48°03'25"E	28.26'
C1 (R1)	20.00'	31.38'	89°54'30"	S89°54'30"E	28.26'
C2 C	50.00'	130.99'	149°59'59"	S15°08'09"E	98.59'
C2 (R1)	50.00'	130.99'	149°59'59"	S15°08'09"E	98.59'

#### REFERENCES

- (R1) RESUBDIVISION OF LOTS 4 & 5 COTTONWOOD ACRES SUBD. PLAT 78-224, KENAI RECORDING DISTRICT  
(R2) KENAI SUBDIVISION SIXTH ADDITION, PLAT 2008-80, KENAI RECORDING DISTRICT

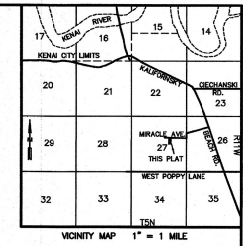
#### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JANUARY 28, 2024.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

PRELIMINARY PLAT



#### CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY WE ARE THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JAEMI JOSE  
48275 MIRACLE AVENUE  
SOLDOTNA, ALASKA 99669

BRUCE JOSE  
48275 MIRACLE AVENUE  
SOLDOTNA, ALASKA 99669

KPB FILE No. 2024-000

### COTTONWOOD SUBDIVISION JOSE REPLAT AND UTILITY EASEMENT VACATION

A REPLAT OF  
LOTS 4A, 4B, 4C AND 4D  
RESUBDIVISION OF LOTS 4 & 5  
COTTONWOOD ACRES SUBD.  
PLAT 78-224 KENAI RECORDING DISTRICT

LOCATED WITHIN NE 1/4 SECTION 27,  
T.5N., R.11W., S.4M.  
STATE OF ALASKA  
KENAI PENINSULA BOROUGH  
KENAI RECORDING DISTRICT

OWNERS:  
JAEMI AND BRUCE JOSE  
48275 MIRACLE AVENUE  
SOLDOTNA, ALASKA 99669

CONTAINING 4.319 ACRES



8000 KING STREET ANCHORAGE, AK 99516  
Phone (907) 544-5190 Fax (907) 544-7794

AED# 1382

DRAWN BY: DATE: 12/18/2023 PROJECT: 23-019  
CHECKED BY: SCALE: 1" = 50' SHEET: 1 OF 1  
MA



AGENDA ITEM E. NEW BUSINESS

**ITEM #7 - PRELIMINARY PLAT  
COTTONWOOD SUBDIVISION JOSE REPLAT**

<b>KPB File No.</b>	2024-003
<b>Plat Committee Meeting:</b>	February 26, 2024
<b>Applicant / Owner:</b>	Bruce and Jaemi Jose of Soldotna Alaska
<b>Surveyor:</b>	Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Tundra Rose Circle in Kalifornsky area

<b>Parent Parcel No.:</b>	055-282-33 - 36
<b>Legal Description:</b>	Lots 4-A, 4-B 4-C and 4-D in Resubdivision of Lots 4 & 5 Cottonwood Acres Subdivision KN 78-224
<b>Assessing Use:</b>	Vacant
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite
<b>Exception Request</b>	20.30.120, 20.30.030

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will combine four lots into one lot totaling 4.319 acres.

**Location and Legal Access (existing and proposed):**

Access to the plat is on Miracle Ave a 60 foot dedication on the north side of the subdivision. Miracle is gotten to from Kalifornsky Beach Rd at milepost 18 at Murwood Avenue to Dana Bayes St N to Miracle Ave. All but Kalifornsky Beach Rd are borough maintained dedications. On the east side of the plat is Tundra Rose Circle which is not developed.

This plat is not completing a right-of-way vacation but is completing a utility easement vacation. The utility easement vacation was approved by the KPB Planning Commission at the meeting of January 22, 2024.

Block is compliant with the Tundra Rose Circle cul-de-sac in place

An exception for 20.30.030 Proposed Street layout - requirements is needed as McKee Street from the south should be pushed through to Tundra Rose Circle or a dedication for turning east for Andrews Ave is needed.

An exception for 20.30.210 Streets- Width requirements is also need as Tundra Circle is only 50 feet wide for the existing dedication.

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

**Site Investigation:**

There does not appear to be any improvements on the plat. With the vacation of the easements it will make development of the property easier for the owner.

The terrain is flat in the area and there are no wetlands on or near this property.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Comments:</p>
State of Alaska Fish and Game	

### **Staff Analysis**

The land was originally an aliquot part of the S1/2 of the NE1/4 of Section 27 Township 5 North Range 11 West SM Alaska. Cottonwood Acres Subdivision Addition No 1 KN 75-77 created two blocks with eight lots each. Miracle Ave was also dedicated with the plat as Cottonwood Avenue a 60 foot dedication. Resubdivision of Lots 4 & 5 Cottonwood Acres Subdivision KN 78-224 created eight lots and a dedication of the cul-de-sac. This plat is vacation the easements as shown in hatch and combining the four west lots into one lot.

A soils report will not be required as this plat is combing lot to form one.

Notice of the proposed plat was mailed to the beneficial interest holder on February 7, 2024. 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.

The plat is in the Kalifornsky APC are which is inactive.

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

### **Utility Easements**

Utility easements are being vacated and new 10 foot utility easements are being proposed along the right-of-way. There is an existing 10 foot utility easement carried forward from the parent plat along the south line of plat shown correctly.

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	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

**KPB department / agency review:**

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 48295 MIRACLE AVE, 48275 MIRACLE AVE, 35515 TUNDRA ROSE CIR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MIRACLE AVE, TUNDRA ROSE CIR, BLUEBONNET CIR, ANDREWS AVE, MCKEE 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> <p>List of Street Names Denied:</p> <p>Comments: 48275 MIRACLE AVE WILL BE RETAINED WITH LOT 4E</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.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	

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

- Correct page listed in plat note 4.
- Add to KPB file no 2024-003.
- Correct date on Plat Approval to February 26, 2024

*PLAT NOTES?*

- 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).

- 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.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).

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#### **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.

- 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:**

Label some streets near Miracle Ave, possibly reduce scale to help visibility

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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.

- 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.**

Verify easement in book 10 page 317 affects property. Description says It lies 100 feet east of Kalifornsky Rd, please verify.

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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:*

**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.

#### **EXCEPTIONS REQUESTED:**

##### **A. KPB 20.30.120 Street-Width Requirements**

Surveyor's Discussion: Asking for an exception to not dedicate an additional 10 feet of right-of-way along Tundra Rose Circle.

##### **Findings:**



1. With the results of this Platting action tundra Rose Circle will provide legal access for two 1 acre parcels, Lots 5-C and 5-D, Plat KN 78-224
2. The two parcels Tundra Rose Circle provides access for are not developed.
3. Tundra Rose Circle is not developed or used at this time.
4. Tundra Rose Circle ends in a cul-de-sac and will not see significant use with future development.
5. Dedicating an additional 10 feet of right-of-way will prohibit useable space from landowner.

Staff Discussion:

20.30.120 (A) the minimum right-of-way width of streets shall be 60 feet.

**Findings:**

6. This is an existing road dedication.
7. Currently only three owners have property rights on the cul-de-sac including the applicant.
8. The additional width will not affect traffic.
9. This is the only non-conforming cul-de-sac in the area.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The committee shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-6 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-5 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 5-8 appear to support this standard.**

**B.** **KPB** 20.30.030 Proposed Street Layout

Surveyor's Discussion:

Asking exception to not dedicate 30 feet of Andrews Ave. right-of-way East to West along Southern boundary and to not dedicate Tundra Rose Circle to McKee Street North to South along East boundary.

**Findings:**

1. Andrews Ave. is not developed or in use to the SE of this plat.
2. Andrews Ave. will not likely ever be dedicated to a full 60 foot width East or West of this parcel. Lot 3c Block 4, Plat KN 93-079, West of this parcel is one acre in size and cannot be further subdivided. Lots to the Southwest of our parcel within plat KN 2002-37 are under one acre in size and cannot be further divided. Lot 5-D, Plat KN 78-224, Est of this parcel 1 acres in size and cannot be further developed.
3. Tundra Rose Circle and McKee Street will not likely ever be dedicated to a full 60 foot width as all parcels within, plat KN 78-224 are too small to be further subdivided.

4. All developed parcels within surrounding block have adequate access in place or are not developed.
5. Development trends in the surrounding neighborhoods provides access to W. Poppy Lane and K-Beach Road with no need for North/South dedication of Tundra Rose Circle.
6. With the high cost of road development and construction, the likelihood of Tundra Rose and McKee Street ever being built is small.

Staff Discussion:

**20.30.030. - Proposed street layout—Requirements.**

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

**Findings:**

7. Tundra Rose Circle cul-de-sac would need to be requested to be 'busted' to extend.
8. The intent of Tundra Rose Circle was to end as is when it was dedicated.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-6 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-6 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-8 appear to support this standard.**

**Staff recommendation:** place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

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**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, 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.**

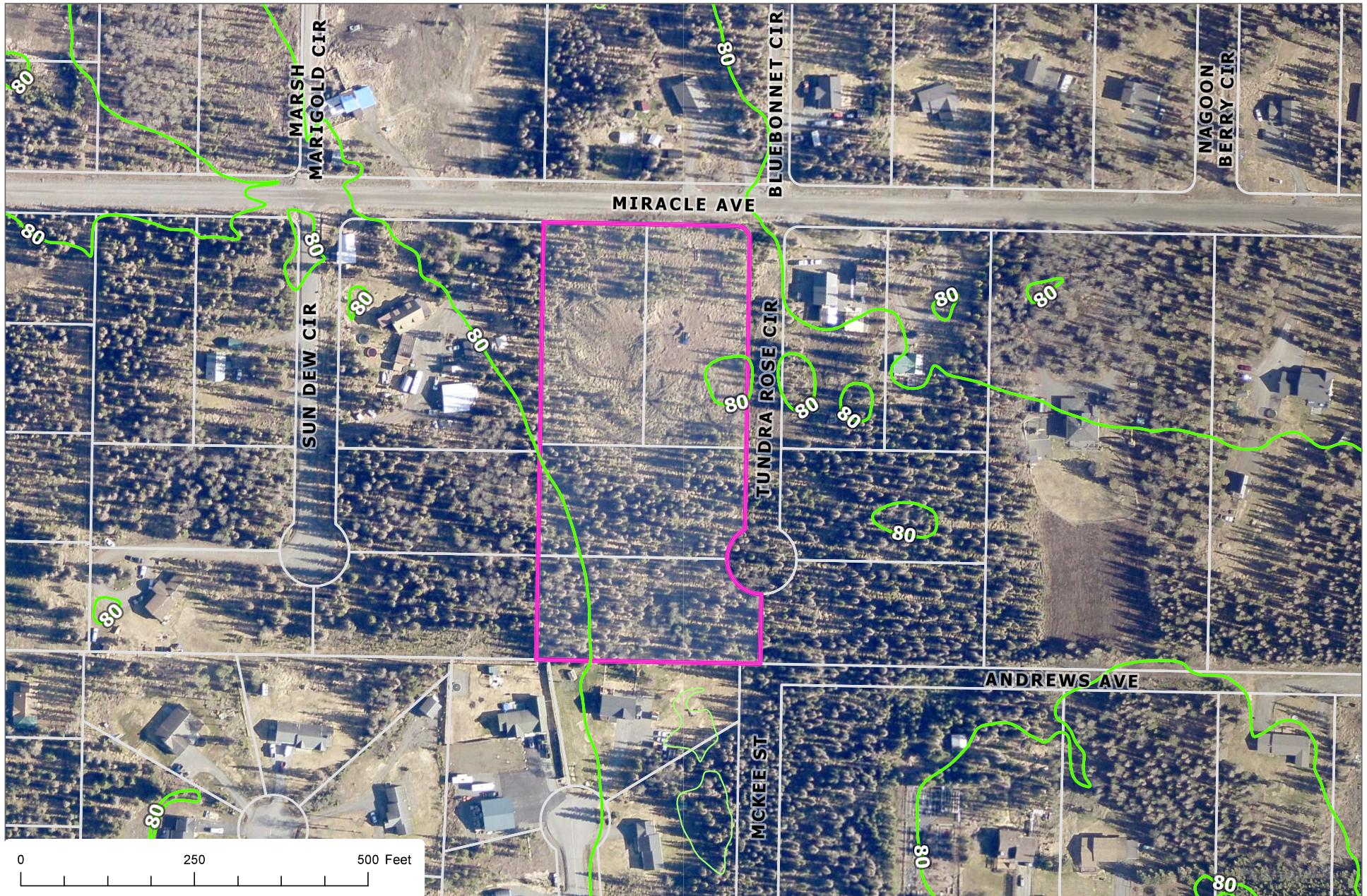
**END OF STAFF REPORT**





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.



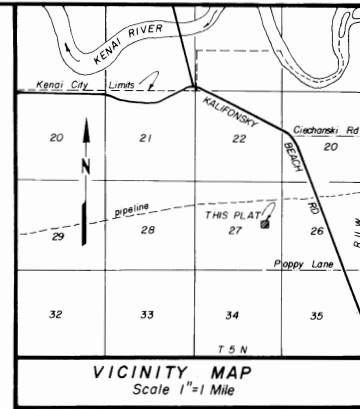
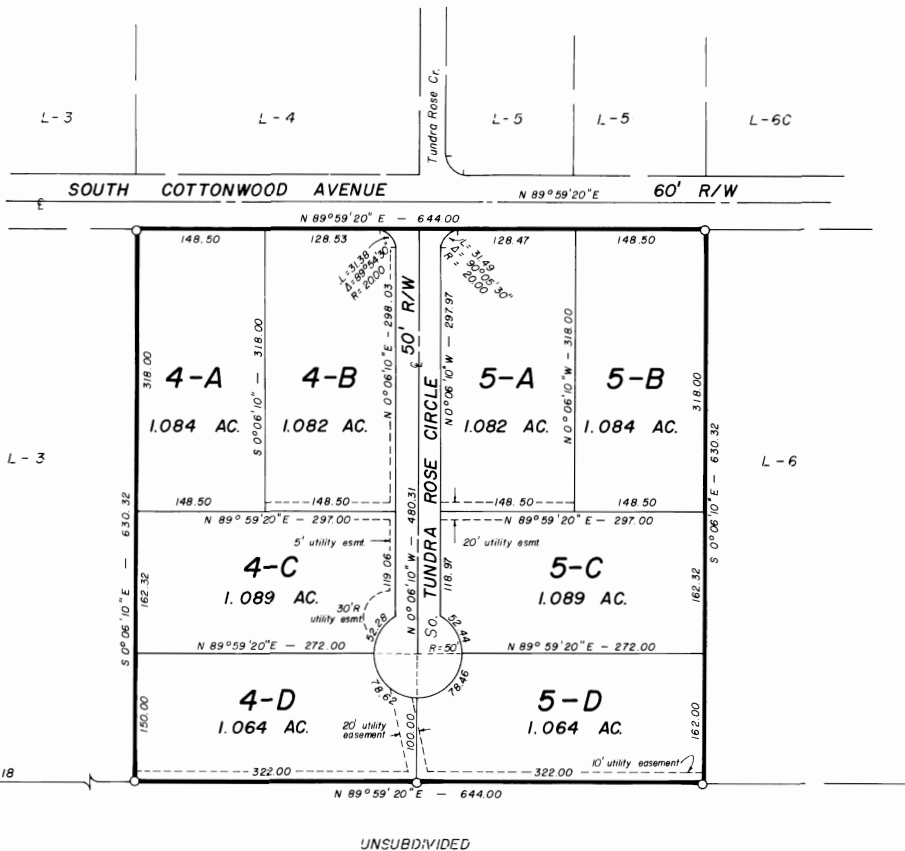


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BLOCK  
3



BLOCK  
4



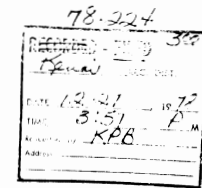
### Legend and Notes

- Found official survey survey monument
- Found 1/2" x 24" steel rebar
- Set 1/2" x 24" steel rebar at all lot corners

All bearings refer to the E-W  $\phi$  of Section 27 as being S 89°59'20" W data of record

All lots are subject to a 20' building setback along dedicated R/W's

All wastewater disposal systems shall comply with existing law at the time of construction.

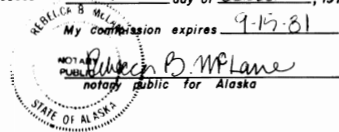


### CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 23rd day of October, 1978  
My commission expires 9-15-81



### PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of September 11, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH

By: *Philip Waring*

### RESUBDIVISION of LOTS 4 & 5 COTTONWOOD ACRES SUBD.

Chris Burns owner  
Box 2107 Soldotna, Ak. 99669

### DESCRIPTION

9.319 ACRES CONSISTING OF LOTS 4 AND 5 BLK. 4 COTTONWOOD ACRES SUBDIVISION LOCATED IN THE NE 1/4 SECTION 27 T5N, R11W S.M. AK. AND IN KENAI PENINSULA BOROUGH.

Surveyed by McLane and Associates  
Soldotna AK.

DATE OF SURVEY 7-24-78	SCALE 1"=100'	BK. NO. 77-26
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