

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Michele Turner, Borough Clerk (MT)

DATE: March 6, 2024

RE: Ordinance 2024-04: Authorizing a Negotiated Lease with Davis Block and Concrete Company for Concrete Batch Plant Operations in Support of the Sterling Highway MP 45-60 Construction Project Near Cooper Landing (Mayor)

Per KPB 22.40.050(F), the borough clerk, or the clerk's designee in his or her absence, has the authority to revise pending resolutions and ordinances prior to assembly action, by filling in any blanks in the legislation stating advisory board recommendations made concerning the legislation. This serves as our memorandum to advise the assembly of same.

Conforming to the Planning Commission's actions, the last Whereas clause has been updated to read:

"WHEREAS, the KPB Planning Commission conducted a public hearing at its regularly scheduled meeting on February 26, 2024, and recommended approval by majority vote;"

Thank you.

Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Peter Micciche, Borough Mayor *PAM*

FROM: Robert Ruffner, Planning Director *RR*

DATE: February 29, 2024

RE: Ordinance 2024-04: An ordinance authorizing a negotiated lease with Davis Block & Concrete Company for concrete batch plant operations in support of the Serling Highway MP 45-60 Construction Project near Cooper Landing.

The Kenai Peninsula Borough Planning Commission reviewed the subject ordinance during their regularly scheduled February 26, 2024 meeting.

A motion passed by majority vote (8-Yes, 1-No) to recommend approval of Ordinance 2024-04.

In the ordinance, please amend the last WHEREAS statement:

WHEREAS, the Kenai Peninsula Borough Planning Commission conducted a public hearing at its regularly scheduled meeting on February 26, 2024 and recommended approval by majority vote.

Attached are the unapproved minutes of the subject portion of the meeting.

February 26, 2024 Planning Commission Draft Meeting Minutes

~~and regular agendas.~~

~~Hearing no objection or further discussion, the motion was carried by the following vote:~~

~~MOTION PASSED BY UNANIMOUS VOTE:~~

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
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AGENDA ITEM E. NEW BUSINESS

Chair Brantley asked Ms. Shirnberg to read the public hearing procedures into the record.

ITEM #1 – ORDINANCE 2024-04

AUTHORIZING A NEGOTIATED LEASE WITH DAVIS BLOCK & CONCRETE COMPANY FOR CONCRETE BATCH PLANT OPERATIONS IN SUPPORT OF THE STERLING HIGHWAY MP 45-60 CONSTRUCTION PROJECT NEAR COOPER LANDING

Staff report given by Land Management Land Agent Aaron Hughes.

Chair Brantley open the item for public comment.

Corey Davis; Davis Block & Concrete; 36122 Ravenwood Street, Kenai, AK 99611: Mr. Davis is the applicant and made himself available for questions.

Commissioner Morgan asked Mr. Davis if he could explain why there was only one weeks' notice to the public regarding the special APC meeting, yet the application was received by the borough in July of 2023. She wondered why the community wasn't involved sooner. Mr. Davis replied that when he submitted the initial lease application, he was in the process of putting his bid numbers together for this state project. He did not receive notice that his bid was successful until January 2024, it was then that he submitted his final lease application to the borough.

Commissioner Morgan then asked if it would be possible to put this batch plant nearer the construction site, which would keep the truck traffic off the existing roads. Mr. Davis replied the main problem is the grade on both the east and west sides of the site are too steep. The raw materials, coming in to produce the concrete, will be coming in on double trucks and they would not be able to go up the steep grades. The batch plant needs to be in a flat/level area. He then noted that their operations are not like typical road construction. Their production work will be sporadic, they are looking at producing approximately 150 truckloads of concrete a construction season.

Commissioner Morgan then asked if he could explain his plans to keep the area residents and other users of the highway safe. She wondered if he had a plan for traffic control at the Snug Harbor Rd. and highway intersection during high traffic times. Mr. Davis replied they plan to notify the community on days that they will be working by sending out a message via the Cooper Landing Crier and Facebook. They will also put out signage on the road when they are in production. If traffic control is something that is needed, they would be able to accommodate that.

Commissioner Morgan then asked him to describe the routes his trucks will use for this project. Mr. Davis replied that there will be side dump trucks coming from Kenai to the site to supply the aggregate to make the concrete. There will be cement coming to the site from Anchorage. Mr. Davis then noted that since the 1970s Davis Block has run their business in an area that has a high recreational use and they are very used to working in that kind of environment.

Karen Button; 20341 Philadelphia Way, Eagle River, AK 99577: Ms. Button owns property on Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

David Nees; P.O. Box 867, Cooper Landing, AK 99572: Mr. Nees owns property off Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

Ed Holsten; P.O. Box 790, Cooper Landing, AK 99572: Mr. Holsten owns property on Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

Sandra Holsten; P.O. Box 790, Cooper Landing, AK 99572: Ms. Holsten owns property on Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

Tom Wanat; 37592 Snug Harbor Road, Cooper Landing, AK 99572: Mr. Wanat owns property on Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

Cynthis Dawson; 38062 Snug Harbor Road, Cooper Landing, AK 99572: Ms. Dawson owns property on Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

Vince Beltram; 17118 Bean Creek Road, Cooper Landing, AK 99572: Mr. Beltram owns property in the area had several question for the applicant

General Areas Of Concern Expressed By The Public:

- Not enough/improper notice time
- Safety concerns related to additional heavy equipment traffic on the roads
- Potential road damage due to truck usage
- Lack of exploration of other possible locations

Chair Brantley asked Director Ruffner to explain the lease application and public noticing processes to the public. Director Ruffner shared the process and then reminded the public that the planning commission was only being asked to make a recommendation on the lease application, the Assembly is the decision making body. He encouraged those with concerns to attend the Assembly meetings to make comment. He then shared the Assembly schedule for this piece of legislation.

Corey Davis; Davis Block & Concrete; 36122 Ravenwood Street, Kenai, AK 99611: Mr. Davis stated the plan is to preload the site with aggregate (approximately 40 truckloads) before the construction season, so the double side dumps, which seem to be an area of concern for the public, will be done in the winter/spring time. He plans to use 3 trucks (two hauls per day) to bring the aggregate to the site. He again noted that they are only talking about 150 truckloads of concrete per construction season, which would work out to approximately one truckload a day. The work is going to be sporadic, so work activities will not be going on every day. On the day that they are pouring he plans to have 4 concrete trucks on site, which will transport 5-10 truckloads per pouring days. He noted that the proposed lease site is a mile away (in any direction) from the closest residential property.

Commissioner Gillham asked Mr. Davis to explain how he will be able to ensure that his trucks will obey the area speed limits. Mr. Davis replied that his trucks all have automatic transmissions and should have no issues with speed limits. Drivers not obeying speed limits have not been a significant issue but if his drivers do break the law, he will definitely deal with it. Commissioner Gillham then asked if his heavily loaded trucks going downhill would have any issues maintaining the 25-mile speed limit. Mr. Davis replied they would not.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Staggs to forward to the Assembly a recommendation to adopt Ordinance 2024-04, authorizing a negotiated lease with Davis Block & Concrete Company for a concrete batch plant operations in support of the Sterling Highway MP 45-60 Construction Project near Cooper Landing.

Commissioner Staggs stated that he has done work on concrete batching with Metco. He understands that the community sees this as a loud and intrusive thing. However, outside of the trucks going in and out, he doesn't think they will even notice that the plant is there. He doesn't see any real problems with this.

Commissioner Morgan stated that she doesn't know if she has been convinced that this is the best location for the batch plant. She does believe that there are better suited locations. For that reason, she doesn't feel supportive of this lease application. She then reminded the public the commission is only making a recommendation and that the Assembly will be the ones making the decision. She encouraged members of the public to make their comments known to the Assembly.

Commissioner Gillham asked if staff could go over the other potential sites for the plant and why they were not chosen. Land Management Agent Hughes replied the proposed site was selected by Davis Block. After feedback from some of the concerned community members they looked at other potential locations. Several of the locations were owned by the State and so the borough has no say regarding them. Another borough owned location suggested was off Slaughter Rd. and that location was classified recreational and has a local option zone which would not allow for this kind of use. To make any changes in the classification and zoning on that parcel could take up to six months and would create timeline issues so it did not fit the needs of the applicant.

Commissioner Tautfest state that she would support this application. She felt the applicant address the areas of concerns and the Cooper Landing APC also recommended approval.

Commissioner Gillham stated that she had read through the minutes from the Cooper Landing APC special meeting. The APC had a pretty in-depth conversation on this application. She believes that the lease application has been vetted and thought through thoroughly so she will be supporting the application.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY MAJORITY VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Slaughter, Staggs, Tautfest, Venuti
No - 1	Morgan

**ITEM #2 - STREET NAMING RESOLUTION 2024-02
RENAMING ASPEN COURT TO ASPEN LANE
NIKISKI AREA**

Street Naming Resolution	2024-02
Planning Committee Meeting	February 26, 2024
Applicant	Kenai Peninsula Borough
Community / ESN	Nikiski / ESN 501
Constructed	No
Year Named	1983
Total Lots	5
E911 Addresses	None
Mailing Address	None

Staff report given by Planning Director Robert Ruffner.

Chair Brantley open the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Staggs moved, seconded by Commissioner Slaughter to adopt Street Naming Resolution 2024-02, renaming a certain right of way within Section 10, Township 07 North, Range 12 West, Seward Meridian, within Emergency Service Number 501 to Aspen Lane.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
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**ITEM #3 - CONDITIONAL USE PERMIT
GRANTING A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A FOOTBRIDGE WITHIN
THE 50' HABITAT PROTECTION DISTRICT OF THE KENAI RIVER**

PC Resolution	2024-04
Planning Committee Meeting	February 26, 2024
Applicant/Agent:	DeWayne Benton Through Heather Benton