

Planning Commission Staff Report & Findings of Fact

Meeting Date: February 11, 2025

APPLICANT/AGENT:

Andrew Rutherford

OWNER(S), IF DIFFERENT:

Petersburg Borough

LEGAL DESCRIPTION:

Tract B, Turnaround Subdivision

LOT AREA:

402,463 sq ft

LOCATION:

Scow Bay Turnaround

SURROUNDING ZONING:

North: Industrial

South: Industrial

East: Industrial

West: Industrial

ZONING:

Industrial

PID:

01-056-140

APPLICATION SUBMISSION DATE:

1/9/2025

RECOMMENDATION:

Approve with conditions

I. APPLICANT REQUEST: The applicant has requested a temporary lease of tideland property at the Scow Bay Turnaround to dismantle and rebuild a float plane hangar.

II. APPLICABLE CODE:

16.16.090 Permits for temporary use of tidelands

III. FINDINGS:

- a. The proposed lease parcel is located at the Scow Bay Turnaround.
- b. The property is zoned industrial, which is consistent with the proposed use.
- c. Applicant is seeking a temporary use of tidelands for demolition and rebuild of the floating hangar.
- d. The hangar resides at the seaplane base just north of the Port Dock. The hangar is in a compromised condition and is in danger of sinking.
- e. The applicant states that towing the hangar a long distance is impractical and is requesting a temporary lease.
- f. The proposed timeline for the work runs from October to December.
- g. Borough department heads reviewed the application and provided comment as to duration and terms of use.
- h. The borough is currently undertaking pre-construction activities for a major development project at the Turnaround site. The current timeline has the project going to bid in early 2026.

IV. PUBLIC NOTICE

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The borough provided public notice of the hearing. Notice was mailed by first class mail to the owner of record of the property within six hundred feet of the exterior boundary of the property that is the subject of the application.

V. APPLICATION REVIEW

a. The application is classified as a request for temporary use of tidelands

b. Criteria –

Per 16.12.050, no borough property in Service Area 1 may be disposed of unless it has been zoned by the borough. As noted in Section III, Findings, the subject property is zoned.

Per 16.12.080 (A), the Planning Commission may require an applicant to state the nature, extent, size and general specifications of improvements the applicant intends to construct upon the real property and the time when the improvements will be completed.

VI. ACTION

Proposed motion: I move the commission make a recommendation to the borough assembly to approve a temporary tideland use permit for Andrew Rutherford at the Scow Bay Turnaround with conditions as presented.

Based on the preceding findings of fact, the Petersburg Planning Commission makes the following report to the Borough Assembly:

1. Temporary lease terminates no later than June 30, 2025.
2. Prior to permit being issued, the applicant shall provide:
 - a. Timeline demonstrating project will be completed and the property cleaned and returned to original state by June 30, 2025.
 - b. Plan to ensure concrete ramp and easement are open to the public.
 - c. Method for control and clean-up of all hangar materials, especially foam billets. The applicant demonstrates he has contacted the Sanitation Dept. to discuss materials to be accepted.
 - d. Cost estimate for demolition and disposal from licensed contractor. Borough should require a performance bond in this amount in the event of default and the borough is required to clean up and dispose of materials.

EXHIBITS

- A. Applicant materials
- B. Vicinity & Detail Maps
- C. Public Hearing Mailout

A. Applicant Material



Petersburg Borough, Alaska

Land Disposal Application

(\$500.00 non-refundable filing fee required)

Form must be completed in its entirety to be considered

Office Use:
Rec'd. by: <u>DKT</u>
Fee: \$ <u>500</u>
Date Rec'd: <u>1/9/25</u>

Date: 11/12/2024

This is a request for land disposal via:

- Lease
- Exchange
- Purchase
- Other _____
(Describe)

Parcel ID #(s) of Subject Property:
01056140

Proposed term of lease: 1
 (total years)

Legal Description(s) of Property:
Tract B Plat # 2012-3

Current Zoning of Property:
Industrial

Is the Applicant applying to purchase under Petersburg Municipal Code Section 16.12.030 as one of the following? If yes, check approximate box below:

- State of Federal Agency
- Federally Recognized Tribe
- Nonprofit Entity
- Applying to Purchase for a Public Benefit Purpose per PMC 16.12.030

Applicant Name: Andrew Rutherford

Applicant Mailing Address: PO BOX 190498
Anchorage, AK 99519

Applicant Contact Info: (360) 560-9688
 (telephone and email) AndyRutherfordm20@gmail.com

7. If applicant is a corporation, provide the following information:

A. Name, address and place of incorporation: _____

B. Is the corporation qualified to do business in Alaska?: Yes No

Name and address of registered agent: _____

8. Why should the Planning Commission recommend Assembly approval of this request?

See attached proposal

9. How is this request consistent with the Borough's comprehensive plan?

See attached proposal

10. Prior to submitting this application, please verify with pertinent Borough Departments that the land requested for lease, purchase, exchange or other disposal is not needed for a public purpose by speaking with the appropriate personnel in the Electric, Water, Wastewater, Community Development, Harbor or Public Works Departments and obtain their comments and signatures below. (attach additional sheet if necessary):

Department Comments: This portion of Borough property is not needed by the power and light department for any purpose.

Karl Agan

Signature of Department Commenter

Department Comments: See attached for comments from Harbor, Com Dev & Public Works.

Signature of Department Commenter

12/11/24

Rutherford Scow Bay lease request.

The Borough is currently finalizing project design, permitting and formulating a 2025 schedule that could include requesting bids for the future Scow Bay Boatyard development. Therefore, Mr. Rutherford's lease must have a hard deadline of Dec 31st, 2025, to ensure his project is completed by the time the Borough's project is advertised.

I would like to see a better description of methods Mr. Rutherford proposes to ensure that the leased property is returned to the state in which it was found. Environmental cloth should be used to capture all the demo/ new construction debris.

I would like Mr. Rutherford's to acknowledge the understanding of the shared needs of access to the concrete ramp and ensure his project will not block the concrete ramp at any time.

There is an established easement along the State fencing that needs to be observed.

Glo Wollen
Harbor master

Debra Thompson

From: Liz Cabrera
Sent: Thursday, December 12, 2024 7:27 AM
To: Glorianne Wollen; Debra Thompson; Karl Hagerman; Chris Cotta
Cc: Stephen Giesbrecht
Subject: Re: Application to Lease Borough Land at Scow Bay Turnaround

Debbie,

Community Development

My comments below:

The borough is finalizing pre-construction activities in the coming months for a new haul-out and work yard at this location. Any new lease agreement should expire by December 31, 2025, though I would prefer the Applicant to provide a more accurate project schedule proposing an earlier timeline and completion date than is proposed in the application.

Applicant states there are no hazardous materials present, but the hangar sits on foam billets which are often styrofoam/polystyrene. This material breaks apart easily and can be difficult to clean up. Nobody wants this material floating down the Narrows or spread out all over the Turnaround area. Applicant should provide a plan demonstrating how they will ensure this will not be the case.

Applicant must ensure access to the concrete public ramp is maintained throughout the lease period. There is a 40' wide public access easement extending along the state maintenance facility fence line and continuing onto the tidelands that must be kept open.

Thanks,
Liz

From: Glorianne Wollen <gwollen@petersburgak.gov>
Sent: Wednesday, December 11, 2024 2:27:30 PM
To: Debra Thompson <dthompson@petersburgak.gov>; Liz Cabrera <lcabrera@petersburgak.gov>; Karl Hagerman <khagerman@petersburgak.gov>; Chris Cotta <ccotta@petersburgak.gov>
Cc: Stephen Giesbrecht <sgiesbrecht@petersburgak.gov>
Subject: RE: Application to Lease Borough Land at Scow Bay Turnaround

Hi Debbie,

Attached are my comments. Glo

From: Debra Thompson <dthompson@petersburgak.gov>
Sent: Wednesday, December 11, 2024 12:42 PM
To: Glorianne Wollen <gwollen@petersburgak.gov>; Liz Cabrera <lcabrera@petersburgak.gov>; Karl Hagerman <khagerman@petersburgak.gov>; Chris Cotta <ccotta@petersburgak.gov>
Cc: Stephen Giesbrecht <sgiesbrecht@petersburgak.gov>
Subject: Application to Lease Borough Land at Scow Bay Turnaround

Debra Thompson

From: Chris Cotta
Sent: Thursday, December 12, 2024 8:41 AM
To: Liz Cabrera; Glorianne Wollen; Debra Thompson; Karl Hagerman; Aaron Marohl
Cc: Stephen Giesbrecht
Subject: RE: Application to Lease Borough Land at Scow Bay Turnaround

Public Works comments as follows:

Public Works has no public purpose for the property in the proposed lease.

Applicant states that demolition debris will be delivered to the baler. Due to the nature of this debris (likely lots of foam, marine growth, bulky/mixed demolition materials), applicant must coordinate with Sanitation Dept prior to delivery to ensure that material will be accepted. The Sanitation Department reserves the right to reject any unsuitable material and/or assign extra charges if material is delivered that requires extra work by Sanitation personnel to process for disposal.

Thanks,
Chris

From: Liz Cabrera <l Cabrera@petersburgak.gov>
Sent: Thursday, December 12, 2024 7:27 AM
To: Glorianne Wollen <gwoollen@petersburgak.gov>; Debra Thompson <dthompson@petersburgak.gov>; Karl Hagerman <khagerman@petersburgak.gov>; Chris Cotta <ccotta@petersburgak.gov>
Cc: Stephen Giesbrecht <sgiesbrecht@petersburgak.gov>
Subject: Re: Application to Lease Borough Land at Scow Bay Turnaround

Debbie,

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Department Comments: _____

Signature of Department Commenter

Department Comments: _____

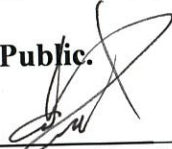
Signature of Department Commenter

NOTICE TO APPLICANT(s):

Application must be submitted to the Borough with a non-refundable filing fee of \$500. If the application moves forward, the applicant will be required to deposit with the Borough payment for other costs. See, PMC 16.12.030C(2)(a), 16.12.090, and 16.16.070A, as applicable.

I hereby certify that I have received and reviewed a copy of Petersburg Municipal Code Chapters 16.12 and 16.16 (as they may pertain to my particular application) and understand the Code requirements. I further certify I am authorized to sign this application on behalf of the applicant.

Please sign application in the presence of a Notary Public.

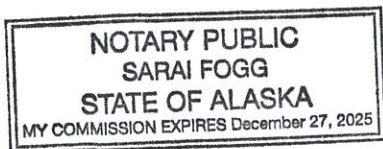


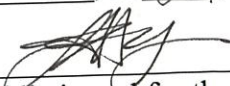
Applicant/Applicant's Representative Signature

Andrew Rutherford

Printed Name

Subscribed and sworn to by Andrew James Rutherford, who personally appeared before me this 14th day of November, 2024.





Notary Public in and for the State of Alaska.
My Commission Expires: 12/27/2025

Proposal for Use of Scow Bay Haul out for Seaplane Hangar float replacement

Introduction

This proposal seeks permission to utilize the Scow Bay haul out facility for the reconstruction of Float Hangar 1, located at the Lloyd Roundtree State Seaplane Base. The current float is failing and at risk of sinking posing a threat to the harbor and necessitating immediate action.

Project Background

Float Hangar 1 requires urgent attention as inspections have confirmed that the existing float is irreparable in its current location. Efforts to engage contractors for repairs in its current location have proven unsuccessful, and the risk of the hangar sinking presents a significant hazard to nearby infrastructure. A dive survey of the hangar's float indicates towing the hangar a long distance is impractical due to weather, tides, and safety concerns.

Proposed Solution

Haul out and Demolition Plan

- **Haul out Location:** Scow Bay Haul out Facility
- **Tidal Considerations:** float the hangar to Scow Bay during the highest tide of the month, placing the hangar high up on the tide lands. This would minimize water exposure during demolition.
- **Tow Duration:** Approximately 2.5 hours from the State Seaplane Dock to Scow Bay, avoiding interference with the State Ferry, AML, and cruise ship schedules.

Required Areas

- **Tidelands:** 50x50 ft area for demolition activities.
- **Upland Area:** 50'x50 ft area for constructing a new 46x46 ft float.

Float Specifications

The new float design, sourced from Oregon Marine, includes:

- **Materials:** Foam-filled reinforced roto-molded polyethylene floats, compliant with Army Corps of Engineers standards, resistant to saltwater, oil, gasoline, and marine life.
- **Suppliers:**
 - Lumber: AK Fibre
 - Hardware: Insul-bead, Oregon Marine
 - Disposal and construction: Joatmon Enterprises for transporting old float materials to the Petersburg Borough Bailer Facility.

Environmental Considerations

The floating hangar comprises of a Miracle Truss building on a wood dock, utilizing foam billets and logs. Importantly, there are no hazardous materials present, as the wood float does not contain creosote or treated lumber. Petersburg Borough Bailer Facility can provide disposal.

Benefits

- **Safety:** Mitigates the risk of a hazardous sinking incident in the harbor or Wrangell Narrows
- **Economic Impact:** After repairs, the hangar can be insured and used, contributing to increased tax revenues.
- **Federal Funding Opportunities:** Enhanced use of the Seaplane Base may qualify for federal grants aimed at infrastructure updates.

Compliance with Local Plans

The Borough's comprehensive plan designates the Scow Bay haul out as Waterfront A, supporting water-dependent projects. Utilizing this facility aligns with the intended zoning and operational capacity for marine haul out activities.

Timeline

- **October:** Acquire materials and stage for construction.
- **November:** Move hangar to Scow Bay and commence building the new float.
- **December:** Transfer the hangar to the new float and dispose of the old float materials.

Conclusion

This project presents a strategic opportunity to address the urgent needs of Float Hangar 1 while leveraging the facilities at Scow Bay effectively. I believe this proposal aligns with community interests and regulatory frameworks, ensuring a safe and economically beneficial outcome.

I respectfully request your approval to proceed with this project at Scow Bay. Thank you for considering this proposal.

Andy Rutherford
51 Rocky RD
Petersburg, AK 99833
(360)560-9688



MITKOF HWY

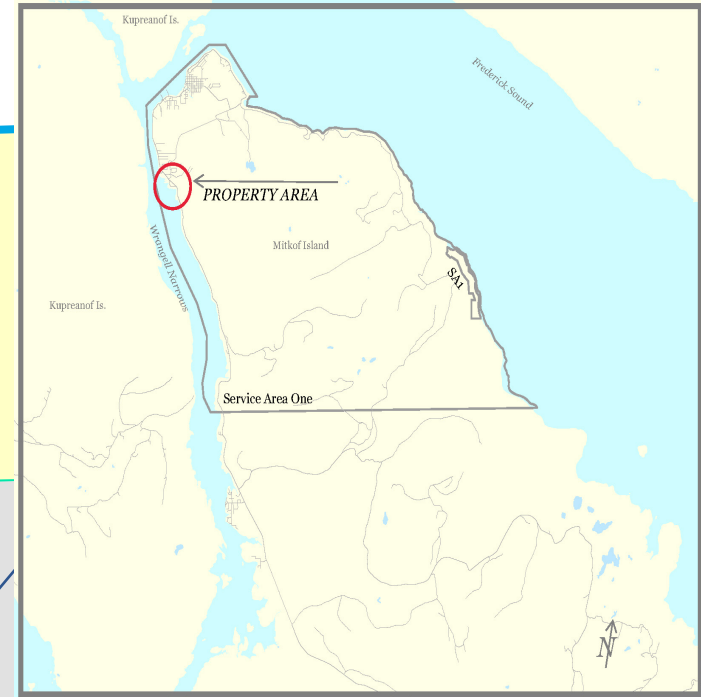
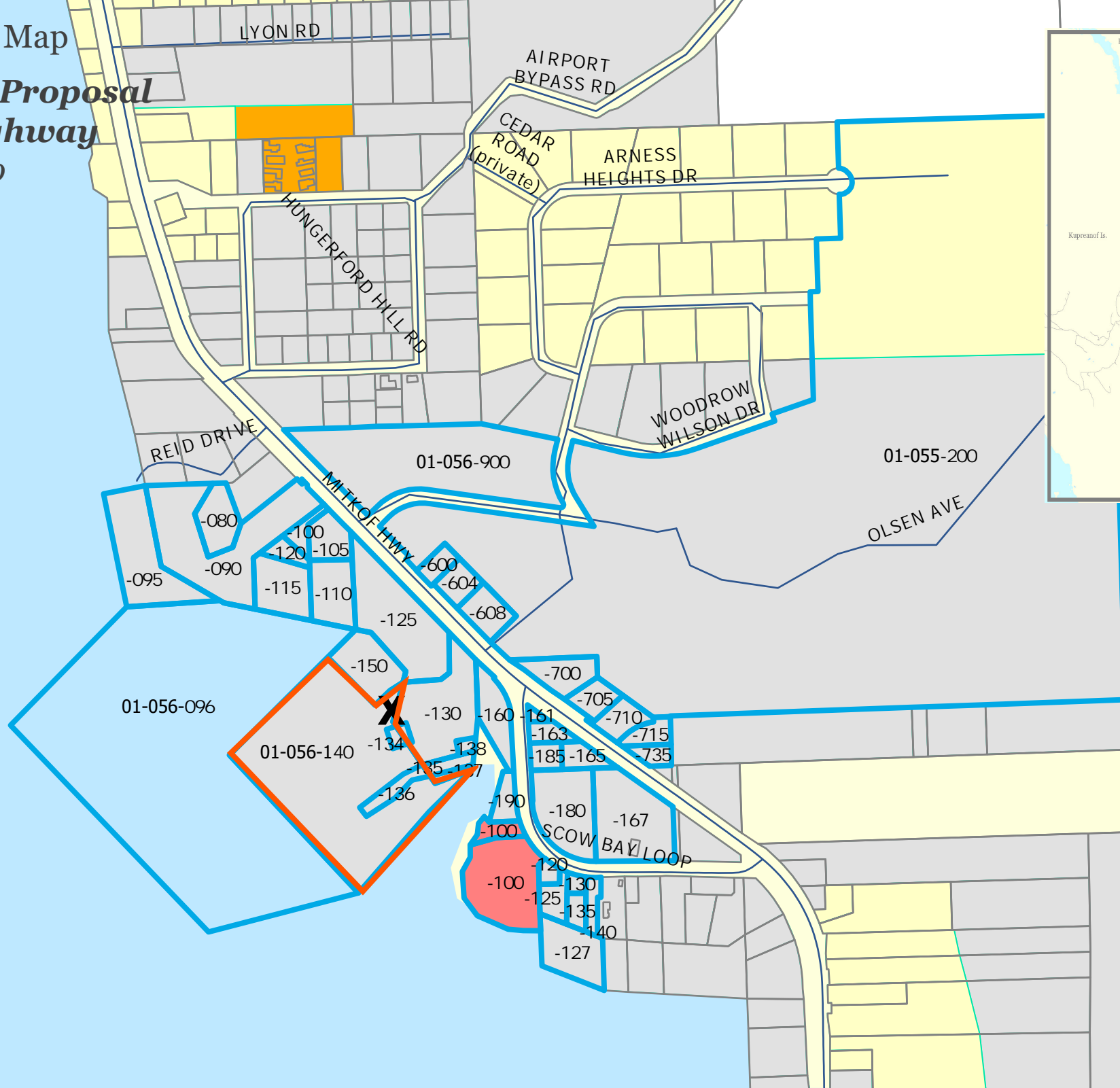
MITKOF HWY

Maxar

B. Vicinity & Detail Map


Rutherford Lease Proposal 290 Mitkof Highway

01-056-140



Zoning Classification

	C1 - Commercial 1
	C2 - Commercial 2
	C3 - Commercial 3
	I - Industrial
	MF - Multi-family
	SF - Single Family
	SF2 - Single Family 2
	SFM - Single Family Mobile Home Park
	MHP - Mobile Home Park
	OSR - Open Space Recreational
	PU - Public Use
	RR - Rural Residential
	U - Undeveloped



Wrangell Narrows



January 21, 2025

**STRAND FLOYD L STRAND BARBARA L
PO BOX 975
PETERSBURG, AK 99833-0975**

NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider:

Recommendation to the Borough Assembly regarding an application from Andrew Rutherford to temporarily lease borough-owned tidelands property for demolition/repair of a seaplane hangar at the SCOW BAY TURNAROUND (PID: 01-056-140).

The public hearing and consideration of the application will be held:	Tuesday, February 11th, 2025, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via ZOOM , please contact Anna Caulum at 907-772-5409.	

Interested persons desiring to present their views on the applications, either in writing or verbally, will be given the opportunity to be heard during the above-mentioned hearing. Said hearing may be continued from time to time as necessary. If the Planning Commission is unable to meet at the date and time stated above, this application will be considered at a future meeting with no further notice provided except for the general notice provided to the public.

TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION	
By Mail:	PO Box 329, Petersburg, Alaska 99833
By Email:	acaulum@petersburgak.gov
Hand-Deliver:	Petersburg Municipal Building, 12 S. Nordic Dr.

The Petersburg Municipal Code (PMC) provides for an appeal of a Planning Commission decision to the Borough Assembly by the property owner or a governmental agency, or any property owner within 600' of the applicant property and requires that such an appeal be filed within 10 consecutive calendar days of the date the decision is made. For more information regarding appeal requirements, please see PMC Chapter 19.92.

Sincerely,

Liz Cabrera
Community & Economic Development Department

Name1	Name2	Address1	City	State	Zip
CHRIST FRY		PO BOX 1440	PETERSBURG	AK	99833-1440
HEATHER O'NEIL		PO BOX 1083	PETERSBURG	AK	99833-1083
JIM FLOYD		PO BOX 281	PETERSBURG	AK	99833-0281
JOHN JENSEN		PO BOX 681	PETERSBURG	AK	99833-0681
PHIL MEEKS		PO BOX 1514	PETERSBURG	AK	99833-1514
MARIETTA DAVIS		PO BOX 673	PETERSBURG	AK	99833-0673
RUTHERFORD ANDREW		PO BOX 190498	ANCHORAGE	AK	99519
13 MARINE		PO BOX 1501	PETERSBURG	AK	99833-1501
ALASKA STATE OF		550 W 7TH AVE STE 1050A	ANCHORAGE	AK	99501-3579
ARCHIPELAGO HOLDINGS LLC		PO BOX 1922	PETERSBURG	AK	99833-1922
CAPE RELIANT FISHERIES INC		PO BOX 61	PETERSBURG	AK	99833-0061
CURTISS VICKI	CURTISS TROY E	PO BOX 1532	PETERSBURG	AK	99833-1532
DROW LLC		PO BOX 1922	PETERSBURG	AK	99833-1922
DURAN DARLA J	KOWALSKI RICHARD	PO BOX 1126	PETERSBURG	AK	99833-1126
EILENBERGER STANLEY D	EILENBERGER MARILYN H	PO BOX 364	PETERSBURG	AK	99833-0364
GOODWIN DANIEL W	GOODWIN TERESA L	4245 S PINNACLE PEEK DR	WASILLA	AK	99623-0721
HALEY WILLIAM P	HALEY DARLENE E	PO BOX 327	PETERSBURG	AK	99833-0327
HERFF F WILHELM	HERFF LINDA	PO BOX 1186	PETERSBURG	AK	99833-1186
ISLAND VENTURES LLC		PO BOX 966	PETERSBURG	AK	99833-0966
JABUSCH JAKE M	JABUSCH ALESHA	PO BOX 1228	PETERSBURG	AK	99833-1228
JOATMON ENTERPRISES LLC		PO BOX 1438	PETERSBURG	AK	99833-1438
KEKU INVESTMENTS LLC		PO BOX 5	PETERSBURG	AK	99833-0005
LYONS JACLYN MAE		PO BOX 382	PETERSBURG	AK	99833-0382
MATHISEN SIGURD	MATHISEN CYNTHIA L	PO BOX 1460	PETERSBURG	AK	99833-1460
MCFARLAND RYAN S	MCFARLAND PEPPER G	PO BOX 1216	PETERSBURG	AK	99833-1216
MORRISON CHRISTOPHER	MORRISON CHRISTINA	PO BOX 284	PETERSBURG	AK	99833-0284
MORRISON THEODORE	MORRISON JACQUELINE	PO BOX 284	PETERSBURG	AK	99833-0284
OLSEN OLIVIA		PO BOX 221	PETERSBURG	AK	99833-0221
REID JOHN EDWARD	REID PATTI	PO BOX 463	PETERSBURG	AK	99833-0463
REID JUSTIN	REID JOHN	3110 82ND DR NE	MARYSVILLE	WA	98270
SHORT JOSEPH	SHORT GWYNNE	PO BOX 1224	PETERSBURG	AK	99833-1224
SILVER BAY SEAFOODS LLC		208 LAKE ST STE 2E	SITKA	AK	99835
STRAND FLOYD L	STRAND BARBARA L	PO BOX 975	PETERSBURG	AK	99833-0975
TERRY RAYMOND D	RDT FISHERIES	PO BOX 46	PETERSBURG	AK	99833-0046
THYNES BRANDI R		PO BOX 1038	PETERSBURG	AK	99833-1038
VILLA FINANCE LLC		1923 N 300 E	LEHI	UT	84043