



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Chair Windsor and Planning Commission Members

From: Amy Ainslie, Planning & Community Development Director *AA*

Date: October 8, 2025

Subject: Zoning Code Amendment for Cruise Ship Docks

Summary of Completed Provisions for Cruise Ship Docks

- Definitions for “cruise ship” and “cruise ship dock”
- Levels of review/approval
- Submission requirements for application
- Modified and additional evaluation criteria for evaluating impacts

Outstanding Provision #1: Zoning Districts

In the last discussion by the Planning Commission, a preliminary list of where cruise ship docks would be permitted (allowed by right), conditional, or prohibited was as follows:

- Allowed by Right: None
- Conditional: P, CBD, C-1, C-2, WD, I, GI, LI, R, OS
- Prohibited: SF/SFLD, R-1 & Related, R-2 & Related, C

The Tourism Commission reviewed the draft provisions at their July 10th meeting (meeting minutes included), and the discussion primarily centered on this section. Comments from the Commission and public stated concern regarding cruise ship docks be a conditional use in this number of zones (and the amount of land that falls within these zones). Further discussion weighed the merits of making the use prohibited in all zones as a stronger regulatory position, versus the drawbacks of potentially deterring economic development/investment in Sitka.

Similar discussion at the Planning Commission level was also had at its last review. Concerns from staff and some Commission members were that by prohibiting the use in

all zones, the development of conditional use permit provisions (if the zoning code were to be amended in the future to make the use conditional in one or more zones) completed to date would not be formalized and vulnerable to “institutional knowledge loss” over time.

Potential options to address:

1. Revisit the zones currently identifying cruise ship docks as a conditional use to narrow down
2. Prohibit the use in all zones, and use nonconforming use provisions to formalize a conditional use permit process for cruise ship docks
 - a. As previously discussed, all existing cruise ship docks in Sitka would become legal nonconforming uses if the zoning code is amended to make the use prohibited and/or conditional in the zone of an existing dock.
 - b. SGC 22.25.050.F.2 (in summary) states that substantial alterations or expansions creating a material impact in use or impact to adjacent properties of nonconforming structures or uses require a conditional use permit. Additionally, conditional use permits are required when a nonconforming use is to be changed to another equally nonconforming use.
 - c. The conditional use provisions for cruise ship docks as currently drafted could be specified to apply to conditional use permits requested in conjunction with expansion/modification of existing docks.

Outstanding Provision #2: Addressing Unzoned Areas

In discussions at both the Planning and Tourism Commissions, concern has been raised regarding potential cruise ship dock development in unzoned areas of the borough. Potential options to address this issue include:

1. Zone more areas of the borough: This would enable zoning code provisions, including regulation of cruise ship docks, to apply in the borough. However, this would be a substantial undertaking given complex land ownership between governmental agencies, tribal and native allotments, and private ownership in remote areas such as mining claims.
2. Use non-zoning land use regulations: Under AS 29.40.040, CBS has the authority, in accordance with its comprehensive plan and via Assembly ordinance, to govern the use and occupancy of land through mechanisms including but not limited to (1) zoning regulations restricting the use of land and improvements by geographic districts (2) land use permit requirements designed to encourage or discourage specified uses/structures, or to minimize unfavorable

effects of uses/structures (3) measures to further the goals and objectives of the comprehensive plan.

- a. These authorities (specifically provisions 2 and 3) could be utilized to regulate cruise ship dock development in unzoned areas. This would likely need to be done through a separate ordinance, and may need to be in a different section of the Sitka General Code outside of Title 22 (zoning).

Enclosures:

- June 18th Planning Commission presentation on code change
- June 18th Planning Commission Meeting Minutes
- July 10th Tourism Commission Minutes
- Public Comments