

**From:** [Chandler O'Connell](#)  
**To:** [Planning Department](#)  
**Subject:** Public comment for large docks  
**Date:** Wednesday, March 5, 2025 4:25:44 PM

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Dear Planning Commission,

I think it would be appropriate for the public to have the ability to give public comment and weigh in before a potential new cruise ship docks is permitted. To ensure that there is a consistent process in place, I would support changing the zoning code to state that new large docks (able to accommodate vessels with more than 15-20 people, or whatever makes sense) would require a conditional use permit in all types of waterfront zones.

Thanks,

Chandler

**From:** [ANDREW L Thoms](#)  
**To:** [Planning Department](#)  
**Subject:** cruise ship doc zoning  
**Date:** Wednesday, March 5, 2025 11:31:43 AM

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You don't often get email from althoms@gmail.com. [Learn why this is important](#)

Dear Planning Commission:

I think that the community should be able to weigh in on something that has community wide impacts like a cruise ship dock. I think that any size cruise ship dock for ships that hold more than 15 tourists should go through a conditional use permitting process in all zones that it is currently allowed in outright. The docking of cruise ships has shown to have a significant impact on community infrastructure like roads, traffic volume, water, sewage, electric, surrounding homes and businesses, etc. Planning regs should allow community discussion to ensure that any cruise ship docks could be supported and/or potential surrounding impacts can be assessed and commented on.

Thank you,  
Andrew Thoms  
Jeff Davis Street  
Sitka

Larry Edwards  
Box 6484  
Sitka, Ak 99835  
June 18, 2025

To: Planning Commission members & liaison  
(via email)

Subj: Tonight's agenda, "Discussion on Zone Code Changes for Cruise-Related Docks"

Dear commissioners and liaisons,

I write to comment on some aspects of the Cruise-Related Docks agenda item. My comment will follow the order of sections on the Summary of Progress to Date page in the packet.

1. In Definition section, the phrase "the capacity" in the second paragraph's second line needs to be defined ("accommodat[ion] [of] 250 of more overnight passengers") needs to be defined. Is this a ship's lower berth capacity, or its maximum capacity?

I urge defining this to mean the maximum capacity, because cruise ships these days are commonly sailing with substantially more passengers aboard than the lower berth capacity. (Lower berth capacity is double occupancy in each cabin.) Large ships are known to have visited Sitka with passenger counts oft over 115% of the lower berth capacity. Worldwide large ships are know have had 125% to 132% of lower berth capacity. Some small ships visiting Sitka have had 200% of the lower berth capacity aboard.

2. In the same paragraph of the Definition section, there are two things to consider regarding the 250 passenger threshold for lightering vessels. Reference is to "the cruise ship" being served; however, a lightering facility (which is the thing relevant to zoning) may be able to accommodate lighters from multiple cruise ships at one time. So, the word "the" is a problem, and the zoning or permitting concern should be about the capacity of the facility, instead.

3. In the same paragraph, the term "lightering vessel" needs to be defined. The traditional concept here is ship's launch or an Allen Marine boat transferring passengers back and for to a ship. As things have changed in the industry, however, there may also be tour boats which pick up passengers at a ship (anchored or docked) and deliver them to a lightering facility after the tour. How this relates to zoning and permitting also relates to my item #2 above.

4. Concerning the Zoning Districts section, more kinds of land areas need to be included. First, the C-1 and GP are not included in the two lists (conditional or prohibited). This implies that anything goes for cruise docks in the C-2 and GP zones, but each should be included in one of those lists.

A simpler way to do it is to list in which zones cruise-related docks are prohibited, and say they are conditional everywhere else.

In fact, cruise-related docks should also be either conditional or prohibited in CBS lands that are beyond the zoned road system. In the Budget Reconciliation Act currently being considered by Congress, as presently tentatively amended, the green areas in this map (presently in the Tongass National Forest) would be put up for sale to private interests. It is conceivable that one or more cruise lines would purchase land to each establish their own private cruise "destination." Establishing private cruise



destinations is becoming a widespread practice globally. So, the Planning Commission's recommended zoning prescriptions should encompass the whole borough, not just the road system.

5. In the Level of Approval section, please consider that a new docking or lightering facility for ships with more than 250 passengers is a big deal. Conceptual review should be required rather than optional, in addition review and recommendation by the Planning Commission at a later stage. Also, I think it would be wise for the Commission to recommend an advisory vote by the public in advance of the Assembly's consideration for approval.

6. In the Submission Requirements section, an important needed addition is for a ***marine casualty contingency plan***. You may not be familiar with the term *marine casualty*. It is used by the Coast Guard and "casualty" need not include injury or death of people. *Casualty* includes incidents of:

- Any loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel;
- Unintended grounding, or bridge allision; intended grounding, or bridge allision causing a hazard to navigation;
- An occurrence causing property damage in excess of \$75,000 or significant harm to the environment, and more.

My understanding is that a ship docked in Sitka with one of its two azipods<sup>1</sup> inoperable. This season alone, two ships have broken their mooring lines (most recently this Tuesday in Juneau). In 2022, the Ruby Princess stuck one of the mooring dolphins at the Sitka Sound Cruise Terminal, causing millions of dollars of damage. All kinds of mishaps can happen. Sitka is in a remote location; what happens if a major adverse event occurs, and from how far away must help come? Submission of plan that covers this should be among the submission requirements.

7. In the Submission Requirements section, a plan for monitoring fine and ultrafine air pollution particulates and NOx should also be included if there is a potential for the facility or the ships it serves to impact residences or workplaces. Fine air particulates are 2.5 to 10 micrometers in size (direct-reading mounted devices like PurpleAir monitors can measure this size range), and ultrafine particles are 0.1 to 2.5 micrometers (direct-reading handheld devices like P-Trak monitors can measure this size range).

8. The submission requirements section should also require a plan regarding how the ships will handle wastewater, including discharges of scrubber washwater.

Thanks for your consideration,



Larry Edwards

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<sup>1</sup> An azipod is a ship's electric drive motor located in a 360-degree swivelable pod underneath the ship, in which case there is no conventional propeller shaft and rudder. Azipod-equipped ships commonly have two of them, and sometimes two more that aren't steerable. Problems with cruise ship azipods are relatively common, usually made evident by a ship being unable to keep to its schedule as reported in the cruise trade journals unspecifically as a "technical problem". A failure of a second azipod, particularly at an inopportune time, could be catastrophic.

July 24, 2025

Amy Ainslie, CBS Planning Director  
Kim Davis, CBS Planning Manager  
(hand delivered)

cc: Darrell Windsor, Planning Commission chairman  
(via email)

Subject: Considerations for your draft cruise-related docks ordinance

Dear Amy and Kim;

Small Town SOUL has reviewed materials and recordings of Planning and Tourism Commissions meetings in recent months regarding new cruise-related docks. We understand you are preparing a draft ordinance on this for the Planning Commission to consider at one of its August meetings.

This letter is to share observations and to request that you present two draft ordinances to the Planning Commission at that meeting. The second ordinance option could be quite simple. Below we explain what it would include and why it merits commission reconsideration. The draft you are already preparing is based on conditional use in at least some zones.

### ***The elephant in Sitka's cruise dock situation***

We believe that deliberate consideration is merited for a prohibited designation for new cruise-related docks in all zones throughout the borough, hence the additional draft ordinance. Such an ordinance would serve as a moratorium, for reasons explained later.

Although discussion of prohibited use has occurred a few times in the commissions' meetings, those were brief as the conversations moved onto other topics.

At the May 7 Planning Commission meeting, **Commissioner Sherman raised a fundamental question about "the elephant in the room situation" as being "a threshold question** where the community should be asking: 'How much additional tourism would this bring to the community, **and do we want that?"**

The question was diverted into whether "Criteria for Approvals" is where this matter belongs. SOUL believes the shift to treating this as a matter for conditional criteria sidesteps the fundamental question Sherman raised. If Sitkans don't want *more* of this kind of tourism than we have, the point should be how to prevent that with the greatest assurance. Sitka already has a higher docking capacity than considered "the sweet spot" by the Tourism Task Force.

That is, the primary question needs to be whether new cruise docks should be a prohibited use in all zones, and also whether that should also apply to presently unzoned lands borough wide.

### ***Conditional peril***

Beyond those fundamental questions is another, which is whether the conditional use route can provide dependable protection from additional cruise tourism, a protection we believe Sitkans want. The best conceived conditions could prove fruitless in a well-constructed appeal by a developer, resulting in more cruise tourism than Sitkans want. As you (Amy) said at the May 7 planning meeting:

the “part of this code change that I am struggling with the most [is that] I don't think it is defensible to have a permit turned down because we don't like it, right? The impact needs to be quantified or at least qualitatively described, to show that...there would be some sort of substantial harm in granting the permit.”

That takes us back to the elephant in the cruise dock room, and whether a developer can find a loophole in a conditional-based ordinance. If residents have no appetite for new cruise-related docks, it seems better to simply prohibit that use in all zones and throughout the borough, including unzoned areas.

### ***Achieving strong standing***

Assemblyman Christianson observed at the May 7 Planning Commission meeting that making cruise-related docks a prohibited use across all zones gives the City and Sitkans the ultimate control. If the use is prohibited, and if a developer wants to try to get permission to push ahead anyway:

“they're going to have to get the Assembly to change the law. ... Really, I mean, ... legally, we'd be on great standing, because we're not required to change our own law. And that would allow — I mean I just don't see ever approving a large cruise ship dock now.”

### ***Preserving the planning work done to date***

At the July 10 Tourism Commission meeting Amy expressed a concern about simply prohibiting the use. If a future Assembly is inclined to give a developer an exemption to plan a new dock, by then the present work toward establishing conditions and making findings may have been lost in the City's bureaucracy, after a succession of planning directors.

A possible remedy for Amy's concern would be for the ordinance to make existing cruise-related docks a conditional use (but not new ones, which would be a prohibited use). If so, the City and the Sitka Sound Cruise Terminal would need to get retroactive permits, as non-conforming uses.

Near the end of the May 7 Planning Commission meeting, Amy alluded to a similar scenario in which *any* cruise-related dock would be a prohibited use in the P (Public) zone (and conditional everywhere else), requiring the City to get retroactive permits. Our above remedy is different, in that new cruise-related docks would be prohibited in all zones, and the conditional use would be only for existing cruise-related docks in the zones where those facilities now exist.<sup>1</sup>

We also point out that by definition the P (Public) zone definition can include land owned by nonprofit organizations (SGC 22.16.020.A). So, if the use is conditional in the P zone, it may not be the City that seeks a conditional use permit – a possible unintended consequence of Amy's suggestion.

### ***Attending to messaging***

At the July 10 Tourism Commission meeting, Commissioner Peterson expressed that her:

“hesitation on prohibiting all zones is that it kind of sends a clear message, like ‘Not in Sitka, never.’ ... I'm trying to figure out if we want to recommend that, or if we would want to recommend, you know, if we want to have some conditional yes-ifs. Because then it's an available option at that point. ... So yeah, maybe also it's considering not so many types of zones as conditional. And now that I understand what those other ones are. To me, that makes sense too, like limiting some of those zones and putting those under prohibited for a few of those.”

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<sup>1</sup> Those existing facilities are the CBS lightering docks in the P zone downtown and the GP zone (Gary Paxton Industrial Park), and the C1 zone (with only the Sitka Sound Cruise Terminal relevant).

The difficulty with having a mix of prohibited and conditional zones in the ordinance, like Alana and Amy suggest, is that having just one conditional use zone leaves the barn door open to Sitka getting yet another cruise dock, contrary to the will of Sitkans.

SOUL believes that with a universal prohibition, Sitka can deliver messaging that is positive instead of the implicit negative message which Peterson fears. For example: Sitka is taking positive action to avoid more overcrowding, to make this the best place it can be for visitors' experiences and residents' lives.

### ***An all-zones prohibition amounts to a moratorium***

Because a future Assembly could make an exception to a universal zoning code prohibition, in effect, a universal prohibition is just a moratorium. As mentioned, the prohibition puts the Assembly in a strong position if it wants to deny an exception. There is no obligation to change the law. If the Assembly *does* decide a conceptual development may merit an exemption, the question then becomes what conditions would be needed. The Planning Commission and the Assembly would be in a strong position to determine those conditions, based on then-contemporary knowledge, and to then decide whether to grant the exemption.

### ***A simple ordinance for an all-zones prohibition on new cruise-related docks***

Just one or two ordinance provisions, in addition to the definitions you are working on, are needed to broadly prohibit new cruise-related docks either within the existing mapped zones or borough wide.

1. At the end of SGC 22.15.015 ("Permitted, Conditional and Prohibited Uses"), add a section I (for clarity, after section H), saying that a new cruise-related dock is a prohibited use in all mapped zones. Your definitions of cruise ship and cruise-related dock would also go here.
2. Secondly, the prohibition could be made borough wide by modifying that language to say, "...in all mapped zones and unmapped areas of the borough."

Additionally, as a third step, the ordinance *could include* conditional provisions (per Amy's concern that they not be lost), while still prohibiting new cruise-related docks. Existing cruise-related docks in the P, GP and C1 zones would be conditional uses.<sup>2</sup> (The Sitka Sound Cruise Terminal is in the C1 zone, the only relevant existing use in that zone.) This however would add complexity to the ordinance (regarding submissions, criteria, findings and review) that doing only steps 1 and 2 would avoid.

### ***Our request***

SOUL asks you to prepare the additional draft ordinance (for a universal prohibition) for the next Planning Commission meeting agenda item on this topic, to be presented alongside the one you are already preparing. Doing this will allow both conditional and prohibition approaches to be fully discussed and decided upon on an equal basis. We believe the elephant lurking in the "new cruise dock" issue needs this focused, substantive discussion.

Thanks for your consideration.

Sincerely,

Small Town SOUL

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<sup>2</sup> Existing cruise-related uses, under the draft definitions, are in the P zone (lightering docks downtown), the GP zone (Gary Paxton Industrial Park), and the C1 zone (with only the Sitka Sound Cruise Terminal the only existing facility in that zone).