






# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## MEMORANDUM

**To:** Mayor Eisenbeisz and Assembly Members

**Thru:** John Leach, Municipal Administrator 

**From:** Kevin Knox, Parks and Recreation Coordinator   
Amy Ainslie, Planning & Community Development Director 

**Date:** January 8, 2025

**Subject:** Ordinance Revising SGC 14.10 – Commercial Recreational Use of Municipal Lands and Facilities

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### **Background**

With the recent growth in Sitka's visitor industry, there has been growing concern about the use of, and crowding at, recreation sites. The Tourism Task Force (TTF), under its recommendation #18, stated the need to, "Identify and protect priority recreation sites." The Action Plan for TTF Recommendations as adopted by the Assembly under Action #4B noted ongoing work to collect data at recreational sites, conduct more public engagement, and bring forward potential code changes regarding commercial recreational land use permits. The latter part of that action is what is before you in this ordinance.

Over the last two years, the Parks & Recreation Committee has experienced an influx of permit requests under SGC 14.10, "Commercial Recreational Use of Municipal Lands and Facilities". As evidenced in this current permit year, there are shortcomings of the provisions of the current code, particularly with regards to our ability to address commercial use of certain trail systems and other recreational assets within the City and Borough of Sitka.

The current provisions of SGC 14.10 affect how applicants interpret the need to apply for a permit, and lack guidance for setting capacity limits or requiring conditions of use for commercial operations. Current determinations are based on little, if any, objective data or process for review; this has made attempts to limit or deny permit requests vulnerable to the perception that they are arbitrary or subjective. However, the Committee continues to hear from the community that certain assets may be over-

utilized. Additionally, applicants and the public have expressed frustration about the permitting process (including wait times, lack of clarity/visibility, etc.). In short, our current permitting provisions and processes do not appear to fit our current recreation management needs and are not designed to provide protection of the community's priority recreation sites.

In order to implement the newly proposed process for issuing commercial recreational land use permits, a change to the Sitka General Code was needed and proposed under Ordinance 2024-30. The Assembly passed this ordinance on first reading at their regular meeting on November 26, 2024, and at their regular meeting on December 17, 2024, postponed second reading of the ordinance to January 28, 2025.

Under the newly proposed process, permit applications and issuance take a minimum of 60 days. Were Ordinance 2024-30 to be passed on second and final reading January 28, 2025, and take effect on that date, operators would not receive their commercial recreational land use permits for 2025 until early-to-mid April which coincides with the beginning of the visitor season.

After careful consideration of the impacts that would result from implementation of the new process in late-January 2025 on both operators and staff, the CBS staff sponsors of Ordinance 2024-30 have decided to submit a revised version of this ordinance that would not take effect until November 1, 2025, thereby implementing the new process, if approved by the Assembly, beginning in 2026. This decision was made to honor the Assembly's desire for additional review of this new process, to make revisions to the Use Plan, and optimize its implementation for both operators and municipal staff.

#### Collaborations & Public Engagement Conducted to Date:

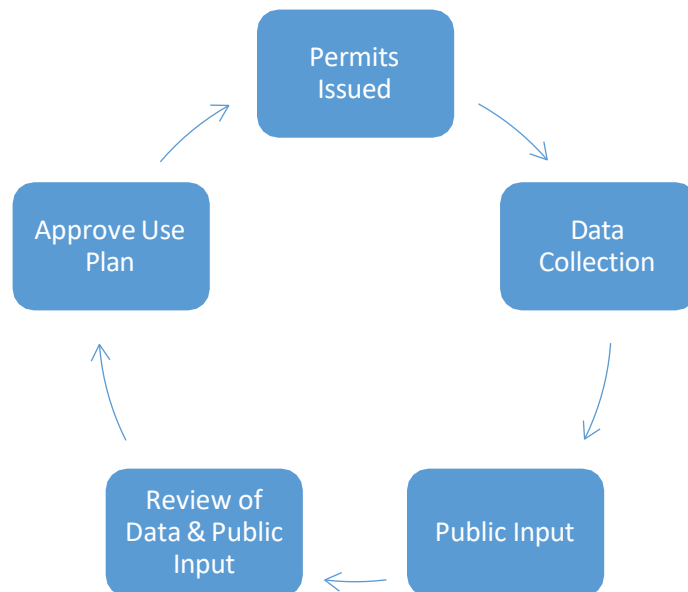
- Learning from and collaboration with:
  - U.S. Forest Service
  - State of Alaska Department of Natural Resources
  - National Park Service
  - City & Borough of Juneau
- Public Engagements:
  - October 4<sup>th</sup> meeting with current permit holders
  - October 24<sup>th</sup> public open house
  - Public Survey on Commercial Recreational Land Use: Oct 24 - Nov 10
  - November 21<sup>st</sup> public open house
- Parks & Recreation Committee
  - August 13<sup>th</sup>: Discussion of changes to permit process
  - September 12<sup>th</sup>: Work session on conceptual code revision
  - November 4<sup>th</sup>: Review and (unanimous) recommendation of draft ordinance
  - December 10<sup>th</sup>: Review and (unanimous) recommendation of draft use plan

## Analysis

The goals of an improved permit process (and corresponding code revision) include:

- Expand definitions to better guide the public and staff.
- Create objective measures for permit issuance based on the carrying capacity of our recreational assets and public input on priority-use sites.
- Regularly collect and review data including asset use, commercial operator demand, number of permits, and maintenance needs.
- Establish regular, robust public engagement to inform the permitting process.
- With clear guidelines in place, empower staff to review, amend, and issue permits.
- Provide commercial users and the public with a clear administrative and/or public appeal process for permits approved or denied.

As written in code revision, the new permitting process would include a commercial recreational use plan (“use plan”) that identifies CBS recreational assets, which assets will allow commercial recreational use, and the carrying capacity and/or conditions of commercial use for each of those assets. Staff would then administratively issue permits in accordance with the use plan which could be reviewed periodically to ensure it remains reflective of the community’s goals for recreation management.



It’s notable that the proposed code revision does not include the specifics of carrying capacities for assets, particular conditions attached to commercial use, dates certain, and fees charged. The intent was for the code to enable the above cycle and allow the process to be adaptive to current conditions and community needs/desires.

## Highlights of code change proposals:

- Direct the creation of the commercial recreational use plan
- Define the adoption authority of the use plan
- Outlining the permit application process and timeline
- Define potential permit determinations
- Expanding on terms allowed for permit duration and renewals
- General operating requirements, adding identification requirements
- Expanding on enforcement and penalties
  - Temporary suspensions
  - Indefinite suspensions
  - Permit revision and revocation
  - Expanded penalties
- Adding Appeals section
  - Outlines process
  - Authorities for review/decision
  - Parks and Rec Committee notice

## **Fiscal Note**

When the Assembly reviews a revised use plan in the Fall of 2025, it will include a discussion and analysis of user fees. The other costs associated with this code change are minimal (primarily the expense related to permit holder/user identification and some signage). Staff anticipates that these expenses are nominal and can be covered within existing operational/supply budgets.

## **Recommendation**

Staff and the Parks & Recreation Committee recommend approval of this ordinance to revise SGC 14.10.