

From: [Catherine Parker](#)
To: [Planning Department](#)
Subject: Concerns regarding zoning variance request
Date: Friday, March 28, 2025 10:47:44 AM

You don't often get email from cmparker53@gmail.com. [Learn why this is important](#)

Attn: Aimy Ainslie
Re: Notice of application and public hearing V25-01

To whom it may concern:

We, (Eric and Catherine Parker) are property owners of 605 Versa PL. We received a notice requesting a zoning variance for 112 and 116 Nancy Court. The purpose being a height variance request to accommodate a 120 foot cell tower.

I have reached out a couple of times to speak with the Planning Dept regarding my concerns for the close proximity of a cell tower in a residential area. I was informed that reports from the FCC will be forthcoming regarding their approval or denial of the request.

I am concerned as ia simple google search revealed that a residence should be at minimum a 1/4 mile (1,320 ft.)away from a residence due to RF radiation.
<https://ehtrust.org/health-effects-of-cell-towers-near-homes-and-schools/#:~:text=RF%20radiation%20is%20considered%20a,impacts%20to%20the%20nervous%20system>.
The following is a summation from the article.

Cell towers emit a type of radiation.

Cell towers have wireless antennas that emit radio frequency (RF) non-ionizing radiation. When these antennas are close to our homes and schools, our daily exposure to RF radiation is increased. RF radiation is considered a new form of environmental pollution.

Effects from RF [documented in scientific research](#) include increased cancer risk, cellular stress, headaches, sleep issues, genetic damage, changes to the reproductive system, memory deficits, and impacts to the nervous system.

[Research](#) has found that the cumulative dose from cell tower RF can result in significant exposure over time. Young children do not use cell phones, yet they are involuntarily exposed. Cell tower radiation exposures are nonstop day and night. We can turn our cell phones off, but we cannot turn a cell tower off.

So I am concerned regarding our health and also a potential devaluation of our property. I would appreciate any thoughts or information you could direct towards this concern.

Thank you for your time. If I am unable to attend the meeting, please use this letter to express our concerns.

Catherine Parker

From: [Dan O'Neil](#)
To: [Elaine Pogrebin](#)
Subject: My cell tower
Date: Monday, March 10, 2025 5:50:01 PM

[You don't often get email from danoneil77@gmail.com. Learn why this is important at <https://us-west-2.protection.sophos.com?d=aka.ms&u=slHR0aHM6Lya2EabXMv1GVhcm5BYn91dflNlhmRkklZw50aWzPvY2f0aW9a&p=m&ki=NvJmjc3MTgzY2lyZGMzMm4YjZOTc4kt-ZlZub0hhRkV3Sm1iS5svaTef0bsRmNabMVDhS0afZFMIWlFFNG9QWXzOD0-&b=a50436f107194289672fec9d5b9621e&s=-AVNPUEMUTONFLNSWVBUSVZKsdBu5aE52-VMRfshfG5hCRPaAp0SZp7rHdZqUQqQ>]

Hello, this is Dan O'Neil

I live at 306 Elason Loop, I recently found out that the city of Sitka wants to construct a 120' cell tower less than 200 yards from my house. I have to say, I think this is a bad idea and I oppose it. Let's talk property values, once this tower is constructed everyone's property value will go down and property tax to the city will be affected, I know I pay my fair share up here. I recently built a brand new house on elason loop in 2024 and if this project moves forward you will be affecting my financial well being. Imagine being Jon Martin's property, [jazz](#). Not only does it affect everyone in this neighborhood financially, there's also a health risk involved. I don't want to be microwaved every time I come home and worry that I'm being cooked by the signal.

A big giant looming cell tower doesn't belong in this neighborhood.
I'm in a position to purchase property, and if there's an ideal place next to your house we should explore that option.

Nicholas Galanin

601 Versa Pl

Sitka, AK 99835

galanin@gmail.com

2-25-2025

Planning Commission

Subject: Opposition to Increase in Maximum Allowable Height for Cellular Tower in Residential Neighborhood

Dear Planning Commission,

I am writing to formally oppose the proposed increase in the maximum allowable height for a cellular tower in my residential neighborhood from 35 feet to 120 feet. This significant height increase would have profound negative impacts on our community, and I urge you to reject this proposal for the following reasons:

1. **Negative Impact on Property Values** – Studies have shown that the presence of large cellular towers in residential areas can decrease property values. The visual intrusion of a 120-foot tower would be detrimental to homeowners who have invested in this neighborhood.
2. **Aesthetic and Community Character** – Our neighborhood was developed with clear zoning regulations to maintain its residential character. A 120-foot tower would be an overwhelming industrial structure in an area designed for homes, green spaces, and small-scale community infrastructure.
3. **Health and Safety Concerns** – While the long-term health effects of cellular tower radiation remain debated, many residents have concerns about prolonged exposure to electromagnetic frequencies. Approving such a dramatic increase in tower height would heighten these anxieties and decrease residents' sense of well-being.
4. **Environmental and Wildlife Impact** – Many studies indicate that tall cell towers can have adverse effects on local wildlife, particularly birds. A structure of this size could pose a threat to migratory patterns and disrupt the ecological balance of our area.
5. **Lack of Necessity** – There has been no demonstrated need for such a drastic increase in tower height. Current technology allows for improved cell service through small-cell infrastructure and distributed antenna systems, I suggest looking to other areas for such towers.

6. **Precedent for Future Development** – If this height increase is granted, it may set a precedent for further industrial developments in our neighborhood, leading to additional zoning changes that could negatively impact the character and livability of our community.

For these reasons, I strongly urge the city assembly to reject the proposed increase and seek alternative solutions that respect the integrity of our residential neighborhood. I appreciate your time and consideration of this matter and request that my concerns be entered into the public record.

Sincerely,

Nicholas Galanin

Clayton and Larissa Nellis
602 Versa Place
Sitka, AK 99835
907-738-2638
Clayton.nellis@yahoo.com
Lnellis@gmail.com

03-05-25

Subject: Strongly opposed to increase the maximum allowable height from 35' to 120' for the purpose of locating a cellular tower in our residential neighborhood.

Larissa and I own two homes on Versa Place which are extremely close to 112 and 116 Nancy Court. We live in one with our three children and the other is used for a long-term rental. We are extremely concerned about the profound negative impacts a cellular tower would have on those residing in our neighborhood and we **strongly oppose** this variance request for the following reasons:

1. **Health and Safety Concerns** – We are extremely concerned with the potential negative health risks involved with having a cellular tower near by.
2. **Perceived negative effects** – Some people may experience psychological stress or anxiety due to the visual presence of a cell tower near their home, even if there is no scientific evidence to support health concerns.
3. **Negative impacts on property values**- We are extremely concerned about the negative impacts on property values in the neighborhood. Studies show that a cellular tower near a home can have a negative impact on property values.
4. **Aesthetics**- I personally don't want to walk out my front door every day and look at a cellular tower. Aesthetics alone can also decrease the value of a home in the area.
5. **Drainage and hill stability concerns**- 112 and 116 Nancy Court are heavily wooded steep sloping lots. Development of these lots could pose drainage and stability concerns.
6. **Impact on wildlife**- there are many Bald Eagles and song birds in the area.

Again, we **strongly oppose** this variance request and urge the city assembly to reject the proposed height increase. We would like to request that our concerns be entered into the public record and thank you for your time and consideration.

Sincerely,

Clayton and Larissa Nellis

From: [Taylor Vieira](#)
To: [Planning Department](#)
Subject: Comment on 3/5 Planning Commission Agenda V 25-01
Date: Wednesday, March 5, 2025 4:49:56 PM

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

PCDD Staff and Planning Commission:

I would like to echo the concerns already brought up by Hillside Subdivision residents via public comment letters and add some additional:

The Analysis section of the staff report addresses the need for a variance due to height restrictions but omits the language of the SGC that states, "Communications [antennas](#) and towers are permitted [accessory uses](#) within the R-1..."

Again from the SGC: "*Accessory use*" means a use customarily incidental and subordinate to the principal use of the land, building or structure and located on the same lot or parcel of land."

If this tower is the only structure on these parcels, what principle use is it accessory to?

What is the principle use of land zone R-1?

According to the SGC, "This district is intended primarily for single-[family](#) or [duplex residential dwellings](#) at moderate [densities](#), but [structures](#) and uses required to serve recreational and other public needs of [residential](#) areas are allowed as [conditional uses](#) subject to restrictions intended to preserve the [residential](#) character of the R-1 district."

I would argue that when 2 residentially zoned lots are being used for the sole purpose of a commercial tower, the tower is no longer fulfilling accessory use but rather a principle use.

Additionally, the construction of this tower not only fails to preserve the residential character of this neighborhood but actually detracts from it.

While the applicant may need a 120' tower in order to provide cell coverage, it does not need to be constructed in an area zone R-1 whose primary purpose is residential in nature. Residents of Sitka would still benefit from increased cell coverage if the tower were located elsewhere in commercial zoning.

The staff report justifies the approval of the request by referencing a similar tower constructed at 1000 Raptor Way but fails to mention that zoning at this location is C-1 Commercial, not R-1.

And finally, the staff report cites guidance from the Comprehensive Plan. I would like to point out that in that same document, Land Use Goal 6.2 is to "Prevent future incompatible land use between residential, light commercial, heavy commercial, and industrial uses."

The construction of a 120' cell tower in R-1 is incompatible land use. It is counterproductive to use one goal from the Comprehensive Plan to justify a variance request if the approval is going to be in direct opposition to another goal.

In summary, I respectfully ask that the Commission deny this variance request and suggest Tidal Network find a more appropriate location for the communications tower.

Taylor Vieira

312 Eliason Loop

From: [Mike Vieira](#)
To: [Planning Department](#)
Subject: comments related to VAR 25-01
Date: Wednesday, March 5, 2025 3:26:06 PM

Members of the Commision:

I am writing to express my concern regarding the staff recommendation to approve the variance for a height restriction on VAR 25-01. Height restrictions are put in place in residential neighborhoods to protect the integrity of the neighborhood. The hillside subdivision was developed as a residential neighborhood at a time when there was little to no residential buildable land. My wife and I have invested significantly financially and with our own sweat equity to build multiple residences in this neighborhood. One of the things we enjoy most is how much consideration and work our neighbors have put into the design of their homes as they built. Over the course of the near 15 years of existence this neighborhood has developed a neighborhood feel - based on the zoning requirements of a residential zoning designation.

Lifting the height requirement for the installation of an industrial piece of infrastructure that is clearly visible and as proposed in the planning documents sticks out like a sore thumb not only changes the characteristic of the residential feel of the neighborhood, but also according to the National Association of Realtors can lower property values by nearly 10% for properties within visible distance of a tower ([Cell Phone Towers](#)).

The staff recommendation points out that it supports the comprehensive plan, yet the comprehensive plan also states in goal 6.2 a goal to "prevent future incompatible land use between residential, light commercial, heavy commercial and industrial uses." I believe this is a clear instance of such.

I was disappointed that with all of the creative ways I have seen cell towers camouflaged in parts of the lower 48, the current proposal does nothing to camoflaug its structure, rather it just plops itself down at the high point of the neighborhood in a very industrial feeling manner, detracting from the R-1 neighborhood esthetic and promises to lower the value of people's investment in their homes.

I hope the commission will hold to the zoning requirements, as they exist for a reason. If we are going to depart by the zoning height requirement by almost 400% I do not really understand what purpose our zoning requirements actually serve.

Thanks for taking the time to consider my comments.

--

Mike Vieira

Jon & Amanda Martin
108 Nancy Ct.
Sitka, AK 99835
1-907-738-3017
northpacificguides@gmail.com

Subject: Increasing maximum allowable height from 35' to 120' lots 112 & 116 Nancy Ct.

Dear Planning Commission,

While we do support the concept of improving critical infrastructure development in Sitka, we remain **strongly opposed** to the variance request by Tidal Network to increase the maximum allowable height from 35' to 120' for the purpose of installing a communication tower. We own a house located at 108 Nancy ct. which is juxtaposed to the property the tower is proposed to be installed on. We propose that Tidal Network work with CBS to identify public property that may suite their needs that is not in a residential neighborhood. Alternatively, we suggest that Tidal Network identify an already commercial/industrial zoned private property for their proposed communication tower.

We oppose this variance for the following reasons:

1. **Negative impacts on property values:** Purchasing a home is the single most impactful financial decision a family can make and efforts to commercialize residentially zoned properties that will reduce that return on investment must be a central consideration of this committee. Research has demonstrated that the installation of communication towers near residential properties **reduces property values** from 2.46% to 9.78% for towers within 0.72 km of residential properties (Affuso et al. 2017). The Environmental Health Trust (enthrust.org) has also published numerous letters from real estate agents and cited numerous studies confirming that not only do communication towers near residential properties reduce property values, but they also reduce a potential homebuyer's interest in purchasing a given property. Given the numerous peer-reviewed studies and letters from experts (real estate agents) supporting that communication towers near residential properties reduce home values and resale appeal, we strongly oppose the variance request from Tidal Network.
2. **Reducing the aesthetic nature of a residential neighborhood:** A communication tower like the one on Raptor Way that may be as much as 120' in height would be detrimental to the aesthetic quality of the Eliason loop residential neighborhood and would reduce the quality of life families enjoy. Due to this, we strongly opposed the requested variance by Tidal Network.
3. **Negative impacts on wildlife:** The hillside of Mt. Verstovia is teeming with both large and small mammals, song birds, and insects. While the direct impacts of electromagnetic pulses on these animals remains uncertain, there is a growing body of evidence that communications have a detrimental impact on wildlife. Research has provided a body of evidence that bird and bat mortality due to impacts significantly increases due to communication towers (Shire et al. 2000, enthrust.org). Bird mortality and a reduction to ecosystem quality/health has direct impacts on homeowners considering the intangible positive impacts healthy ecosystems have on our well-being.

4. Lack of necessity and longevity plan: While Sitka has recently experienced broad internet outages due to undersea cable damage, emerging technology such as Starlink may be outpacing old technology such as conventional technologies such as communication towers. In the short-term, communication towers may need to be a part of the landscape but their future remains uncertain in the long-term. If emerging technologies make towers obsolete, then what is the fate of the proposed tower in 10, 20, or 30 years? From what we can tell from the packet provided, Tidal Network has failed to articulate long-term plans for the proposed tower. For instance, once this tower is obsolete, are there any guarantees that Tidal Network has a plan for removal? Or will this be a tower that families in this residential neighborhood has to deal with once it is out of service or deteriorating due to lack of service for generations? For these reasons, we strongly oppose the proposed variance request.

5. Concerns regarding slope stability and drainage: Currently, lots at 112 & 116 Nancy ct. do not have any drainage infrastructure installed to mediate runoff as a result of development. We have invested considerably on our lot at 108 Nancy ct. to mitigate runoff in a way that directs water down the to Versa Place but much improvement would be necessary to deal with the additional water running off the proposed development of 112 & 116. We have concerns related to drainage and the potential for landslide risk in this steep topography. The packet that was submitted by Tidal Network has no mention of landslide risk or how they would mitigate runoff that would not only impact properties on Nancy ct., but also properties directly below 112 & 116 (Elisaon Loop and Versa Place). These are serious safety concerns for the families residing on Nancy ct., Eliason Loop, and Versa Place. For this reason, we strongly oppose the proposed variance request.

Affuso A., Cummings J.R., Le Huubinh. Wireless towers and home values: an alternative valuation approach using spatial econometric analysis. *Journal of Real Estate Financial Economics*. 2018, 56:653-676

Shire G. G., Brown K., Winegrad, G. Communication Towers: A deadly hazard to birds. Report compiled by American bird conservancy: killing 230 bird species. 2000

Sent via email to:
Planning Department <planning@cityofsitka.org>,
wendy alderon <franceswendellalderon@gmail.com>,
katie.really@gmail.com,
dwindsor@gci.net,
stacym@sitkareadymix.com,
robin.sherman@me.com

Re: Public Comment Re: VAR 25-01 (Height Increase of Communications Tower in R-1)

April 1, 2025

Dear Planning Staff and Members of the Planning Commission:

Thank you for allowing community input on a height variance for the 120-foot cell tower proposed in our neighborhood. We live in the closest proximity house to the proposed tower, a mere 130 feet away and we strongly oppose the proposed variance.

We request that the variance be denied for the following reasons:

- The variance is not being requested by the landowner, and therefore, the standing for the request is lacking.
- The variance request does not meet the special circumstances requirement regarding unusual shape, topography, unique dimensions, orientation, or other items outside of the control of the property owner.
- The variance request does not satisfy the requirement that the tower is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties. The tower does not qualify as a commonly constructed structure on parcels in the vicinity of this R-1 Zone.
- The variance request cannot overcome the *materially detrimental* effects to the public welfare or be injurious to the property, nearby parcels, or public infrastructure.
- Based upon the high susceptibility of landslide for this area, building a high tower with its caisson in the ground seems to be adding a prybar to releasing such a slide. If the 120-foot-tall tower fails in a windstorm, our home, a mere 130 feet away, becomes a prime target in its downward path. The proposed tower is in a highly susceptible landslide runout area identified in the attached TerrainWorks landslide risk map,
 - It is rumored that this scenario occurred in Juneau, where AT&T had liability for its tower's role in a landslide.
 - In such a high-risk area, granting a variance is premature without an environmental impact report, a soils engineering report, a liquefaction study, an engineering geology report, and a drainage and terracing plan so that the safety of those living below the tower can be assured.
- The variance appears to undermine the comprehensive plan's intent. The Comprehensive Plan envisions maintaining residential development in designated areas, excluding commercial, industrial, and waterfront zones. The Comprehensive Plan in Economic Development 2.7 limits the amount of residential development in the commercial, industrial, and waterfront zones to preserve economic lands for their intended economic

uses. It is in those protected commercial areas that a tower needs to be placed, not in a residential area where housing quality would be impacted by a tower approximately 4 times the building height allowed.

- The Comprehensive Plan's Land Use standards do not favor placing a 120-foot tower in a residential neighborhood as it is an affront to the small-town atmosphere, rural lifestyle, and natural environment and does not enhance the quality of life for current and future residents.
- Approving a 300% height variance for a utility structure to be in a residential zone in this neighborhood goes directly against the goal of transitioning to a more harmonious land use in the area stated in the Comprehensive Plan at LU 6.1.

Thank you for your time and consideration. We hope that you will preserve this neighborhood and existing building requirements without variance for a tower.

Regards,

Kelly Sweeney *Robert D. Krehbiel*

Kelly Sweeney and Robert Krehbiel

315 Eliason Loop

Sitka, AK 99835

TerrainWorks landslide runout map

Low susceptibility

High susceptibility





204 SIGINAKA WAY, SUITE 300
SITKA, ALASKA 99835
MAIN: 907-747-3207
FAX: 907-747-4915
SITKATRIBE.ORG

March 19, 2024

City and Borough of Sitka
Planning and Community Development Department
100 Lincoln Street
Sitka, AK 99835

Re: Support for Tower Height Variance – Tlingit & Haida

Dear Planning Commission Members,

On behalf of the Sitka Tribe of Alaska, I am writing to express our support for Tlingit & Haida's request for a tower height variance for their proposed broadband infrastructure project at 112 & 116 Nancy Court, Sitka, AK. This variance is crucial to ensuring reliable and equitable broadband connectivity for our community members, especially those who currently have limited or no access to high-speed internet outside of fiber-based services.

Tlingit & Haida's project aligns with our mutual goal of expanding broadband access beyond fiber connections, leveraging advanced wireless technologies to bridge the digital divide for the residents of Sitka. As partners in advocating for improved telecommunications infrastructure, we recognize the challenges posed by Sitka's terrain and remote geography. A 35-foot tower would not provide sufficient coverage, whereas the requested variance would allow for a more effective signal propagation, improving broadband access for tribal citizens, businesses, and underserved households.



STA and CCTHITA are working together to ensure that this project has the minimum amount of environmental, cultural, historical and archeological impacts as possible while advancing this project.

Furthermore, this project will:

- Enhance educational opportunities through improved online learning.
- Support telehealth services for those needing remote medical consultations.
- Expand economic development by enabling remote work and supporting local businesses.
- Provide redundant and resilient connectivity, reducing reliance on single-source fiber lines.

The Sitka Tribe of Alaska fully supports this initiative and urges the City and Borough of Sitka to approve the variance request, ensuring that our shared commitment to digital inclusion and tribal self-sufficiency is realized.

Thank you for your consideration. Please feel free to contact us should you require any additional information.

Sincerely,

Yeidikook'aa Dionne Brady-Howard
Chairwoman

To: Planning Commission

1 of 4

Regarding: VAR 25-01

Public Comment

The State Planning Commission Handbook authorizes this commission to consider variances to land use zoning ordinances. It states that zoning is to protect the public health and safety and to maintain property values and provide uniform regulations. Granting a variance is to relieve ‘unnecessary hardship’ but cannot be to relieve pecuniary hardship or inconvenience. Alaska Article 29, AS29.40.040 are cited above.

Given your responsibility, the state is clear as is the Planning Commission Handbook that ALL requirements for variance findings must be met. This means that the burden of prove is upon the proposal for the variance. All variance findings must be proven with facts.

Agreement on definitions is important. Ergo, these definitions are intended to guide us -

R-1 Zone is intended primarily for detached single family residential areas. Its purpose is to create the best possible location/development standards for single-family dwellings by providing adequate light, clean air, privacy, open space and reducing hazards from the encroachment of industry and commerce.

Building in R-1 means any structure built for the support, shelter or enclosure of persons, animals, chattels... SGC 22.05.220

Building Accessory means a detachable building, *the use of which is appropriate, subordinate and customarily incidental to that of the main building* or to use of land and located on the same lot as the main building. 22.05.230

Principal or main building is a building which contains the principal or main use of the lot on which it is situated. In a residential district, the principal building shall be the residence. In a commercial district, the principal building would be the commercial use. 22.05.270

A dwelling unit accessory is an accessory to the primary dwelling unit on the premises. 22.05.550

Use of an accessory is customarily incidental and subordinate to the principal use of the land, building or structure and located on the same lot or parcel of land. 22.05.1570 & 22.08.840

With definitions before us from the Code, a variance breaks this Code but only if all four variance findings are fully met. A variance basically breaks the law but to do so must have findings based on facts.

Variance findings are in four categories and all four must be substantially met, thus making this a serious matter. I ask that you vote on each finding separately.

The findings categories which must be met are below.

- a. The variance is for special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner.

A height variance for a cell tower is not a special circumstance justifying the variance request. The applicant has not provided independent evidence that their cell tower coverage is dependent on the height of their tower to meet a demand that has yet to be proven. The request comes from Tidal Network who can not have standing in such a request because it is not the property owner of the plots. In addition to this, the designated property has no existing structures nor are their plans for such.

- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity.

A site visit shows that there are no cell towers commonly constructed on other parcels in the vicinity. Therefore, as the variance category states no substantial property right is being denied. The examples in this category give a clear notion of what a substantial property right or use should be in an R-1 zone like placement of garages or expansion of structures that are

“commonly” constructed on other parcels.

3 of 4

c. The granting of this variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure.

Materially detrimental to the public welfare of those in the vicinity is clearly a factor to consider in denying this variance. Materially detrimental means a condition that significantly impacts the value of the property or poses an unreasonable risk to safety. The burden of proof is on Tidal Network to factually demonstrate that cutting down dozens of trees will not negatively impact the wildlife in the area or make unstable the land surrounding the plot assuring that there is no unreasonable risk to the safety of those living in the vicinity. To prove this, Tidal Network needs to provide an environmental impact report, a soils engineering report, a liquefaction study, engineering geology report and a drainage and terracing plan so that the safety of those living below the tower can be assured before any variance is granted. The Unified Building Code chapter 33 section 3307 and following requires such reports.

d. That granting of such a variance will not adversely affect the comprehensive plan.

Economic development 2.7 Limit the amount of residential development in the commercial, industrial, and waterfront zones to preserve economic lands for economic uses. The plan wants to protect commercial areas from encroachment of residential development. It is in those protected commercial areas that a tower needs to be placed. Tidal Network needs to provide the details that keep them from building in such an area. With such protection there must be a place for a 120 foot tower.

Housing is a broad categorical goal in the comprehensive plan. “As primary places of residence, neighborhoods and housing units have significant impact on resident’s daily activities and are the foundation of a safe, enjoyable community in which to live.” Such a goal is to promote housing quality. Granting a variance for a 120 foot tower almost four times the height allowed does not promote housing quality. Think of having such a tower in your own backyard.

Land Use is another goal in the comprehensive plan. It specifically gives guidance for the use of land in Sitka that the use meet the following standards:

1. Maintains Sitka's small town atmosphere and rural lifestyle
2. Recognizes the natural environment
3. Enhances quality of life for the present and future generations.

Given that Tidal Network has failed to meet the four standards for a variance, I trust that you will deny this variance. I request a vote on each standard "a thru d" so it is clear what the commission is deciding.

The need for their tower has not been proven, in fact the FCC map of Sitka shows that yes, 2% is about right for those who have low or inadequate cell phone coverage. Please see the map attached to this comment showing coverage throughout Sitka. A 120 foot tower in the middle of an R-1 zone is not the answer to this need for better coverage. Perhaps the families needing coverage could be given a StarLink hook up by Tidal Network.

Respectfully Submitted,

Carol Voisin
309 Eliason Loop
April 1, 2025

From: [Taylor Vieira](#)
To: [Planning Department](#); [wendy.alderson](#); [katie.really@gmail.com](#); [dwindsor@gci.net](#); [stacym@sitkareadymix.com](#); [robin.sherman@me.com](#)
Subject: Public Comment Re: VAR 25-01 (Height Increase of Communications Tower in R-1)
Date: Monday, March 31, 2025 8:48:55 PM

Dear Planning Staff and Members of the Planning Commission,

I am writing to you to express my objection to the request for a height variance of a communications tower at 116 Nancy Court as well as my concern regarding the lack of zoning code that would regulate wireless communication facilities in Sitka. (This letter is a bit lengthy and as such, I understand if it is not read aloud at the April 2 meeting. Thank you in advance for taking the time to read it prior to the meeting Wednesday.)

This subject matter of communication towers in Sitka is getting somewhat convoluted in that it is perceived that if the Commission approves the variance request, it is approving the permitting of the tower, and if it denies the variance request, it is denying the permitting of the tower. In actuality, the permitting of the towers and height variance requests are separate issues and should be treated as such. The staff report and applicant documents seem to overlap the issues. For the sake of clarity, I would like to speak to both, but separately.

Height Variance Request

The letter from CCTH Tidal Network dated March 28, 2025 states, “Per the City’s opinion, the Sitka Planning Commission (Commissions) may only rule on the variance based on aesthetic concerns.” If this is referring to opinions presented in the staff report, that is a gross misinterpretation of the application of the opinions and is an attempt to strip our governing body of its zoning authority. The staff report says that “Ultimately, the municipality is pre-empted from regulating telecommunications infrastructure on the basis of environmental effects of radio frequency emissions under 47 U.S. Code § 332(c)(7)(B)(iv), and should therefore not be a basis for Planning Commission decision in this case.” It does not say that the Commission may only rule on the variance based on aesthetic concerns. Since when are aesthetics the sole basis of variance decisions? As I’m sure you are all aware, the truth is that SGC 22.10.160 Section D lists the four required findings for variances involving major structures.

Below is a list of each requirement followed by my reasoning as to why the request for a height variance does not meet the requirement.

- a) That there are special circumstances to the intended use that do not apply generally to the other [properties](#). Special circumstances may [include](#) the shape of the [parcel](#), the topography of the [lot](#), the size or dimensions of the [parcels](#), the orientation or placement of existing [structures](#), or other circumstances that are outside the control of the [property owner](#);

The Justification section of the staff report describes that the special circumstance justifying the variance request is the “applicant’s ability to provide cellular and wireless coverage is dependent upon the height of the proposed structure.” However, this would be true for any property in the area. If any of the neighbors wanted to install a tower that could provide the same level of broadband coverage to the public from their lot, they would need a tower just as high. This circumstance is not special to the applicant and therefore does not meet this requirement.

b) The [variance](#) is necessary for the preservation and enjoyment of a substantial [property](#) right or use possessed by other [properties](#) but are denied to this [parcel](#); such uses may [include](#) the placement of [garages](#) or the expansion of [structures](#) that are commonly constructed on other [parcels](#) in the vicinity;

Communication towers are not a common structure constructed on other parcels in the vicinity and therefore the applicant isn't being denied any substantial right or use that is possessed by other properties.

c) That the granting of such a [variance](#) will not be materially detrimental to the public welfare or injurious to the [property](#), nearby [parcels](#) or public infrastructure;

One study found a negative price impact of 9.78% on property values within visible range of a tower. A taller tower is visible from more properties. The average assessed value for homes within a 300' radius of the tower location is \$723,550. No reasonable person could assert that the granting of this variance would not be materially detrimental to the nearby parcels. Even if there were some perceived value from the increase in broadband services, that value would not come close to off-setting the negative financial impact to property owners.

d) That the granting of such a [variance](#) will not adversely affect the [comprehensive plan](#).

LU 6.1 of the Comprehensive Plan is to "Transition to a more harmonious land use in the Price/Smith St area." The location of the structure for which the height variance is being requested is in a residential subdivision that is an offshoot of Price St. The Price Street area is an example of spot zoning at its finest: High density multi-family housing next to commercial and industrial operations next to mobile home parks next to single family residential structures. Approving a 300% height variance for a utility structure to be located in a residential zone in this area goes directly against the goal of transitioning to a more harmonious land use.

The staff report points to ED 5.3 and ED 5.4 of the Comprehensive Plan as justification for this requested height variance. These objectives are to "maintain well-functioning infrastructure upon which commerce and economic activity depend" and "advocate for faster, more reliable cell and internet services", respectively. The staff report goes on to say that "Granting this variance would increase Sitka's cross-network telecommunications coverage, which would benefit both commercial and personal use of cellular and wireless infrastructure. This is an example of where the staff report is overlapping the two issued at hand. Increasing the coverage referenced and working towards the objectives listed in the Comprehensive Plan are not dependent on the approval of the height variance specifically. Denying the variance does not equate to denying Tidal Network the ability to build cell towers in Sitka with the aim of faster, more reliable internet. The height variance is not a necessary component in meeting these objectives. Tidal Network is coming to Sitka either way. Their application even states, "The variance merely allows us to more effectively meet our broadband coverage goals for Sitka." This variance simply offers Tidal Network a more convenient and less expensive way to implement their plan.

While I respect the knowledge and dedication of the City Attorney and Planning Staff and understand the benefit of having a Commission that supports staff efforts, I disagree with the recommendation to approve the height variance being requested.

The staff report says “The proposal would allow the anchor tenant, Tidal Network, to provide adequate broadband coverage to the citizens of Sitka.” However, even if the variance were denied, this coverage could still be achieved with the construction of an additional tower or two. The Tidal Network representative admitted to that much at the March 5 meeting. I’m sure building an additional tower would cost Tidal Network more time and money, but a variance may not be granted solely to relieve financial hardship or inconvenience. Denying the height variance request does not equate to prohibiting Tidal Network’s provision of services and the Commission has a right to enforce height restrictions listed in its local code.

Local Zoning Authority (permitting of towers)

The Telecommunications Act of 1996 generally preserves local zoning authority over the placement, siting, construction and maintenance of wireless communication facilities in their jurisdiction. Yes, there are some limitations to this general authority. I’m glad this was addressed in the staff report. It is good for everyone to understand that the FCC established safety limits for human exposure to wireless radiation in 1996, has since chosen not to update those limits in light of recent scientific studies, has been challenged in court (and lost) for not updating the limits and that local governments may not regulate personal wireless services on the basis of health effects of radio frequency emissions so long as the facilities comply with the FCC regulations.

Still, the general authority of local governments to regulate wireless communication facilities remains. However, a code must be in place to take hold of that power and the code must include procedural guidelines, to protect the municipality.

At the last hearing on this subject on March 5, all parties were all under the assumption that the language in SGC 22.20.055 is what governed communication towers like the ones Tidal Network intends to construct. If I am interpreting the City Attorney’s opinion correctly as stated in the most recent staff report, SGC 22.20.055 is actually silent on towers that provide public utilities, and therefore Tidal Network’s towers would simply be lumped in with “Public facilities and utilities”.

The takeaway from this is that no special zoning conditions exist to regulate the towers that Tidal Network is planning to construct in our community. We are about to see an unprecedented addition to the number of cell towers in Sitka and we have no zoning code regulating them specifically? We are just going to consider them similar to transformers and pump stations? This leaves Sitka extremely vulnerable. Wireless communication towers could be constructed nearly anywhere in our community. There needs to be a plan in place for this new technology to be implemented in a way that meets the needs of the service provider as well as the desires of the citizens of Sitka. The people of Sitka deserve that much. When it is discovered that the Sitka zoning code is silent on a subject, why aren’t staff recommending an update to the code?

I am asking Planning staff and the Planning Commission to address this lack of regulation and develop a zoning code specific to this type of infrastructure. Juneau’s code on Wireless Communication Facilities is 14 pages long and could serve as an example. It includes distance requirements from towers to neighborhoods as well as a

section that addresses “Non-use and Abandonment” which was a concern brought up at the previous hearing. Juneau’s code language can be found here:

[ARTICLE IX. - WIRELESS COMMUNICATION FACILITIES | Code of Ordinances | Juneau, AK | Municode Library](#)

A code adopted in Langley, WA is a good example of just how much authority a municipality has the ability to retain over local wireless communications facilities.

<https://www.codepublishing.com/WA/Langley/#!/Langley18/Langley1823.html%2318.23>

Additional Questions:

- At the March 5 meeting, Mr. Cropley stated that “Sitka is a pretty wealthy and healthy community that does have pretty good internet” and that only 2% of households were unserved. Now Tidal Network is claiming a significant gap in coverage. I have fine coverage at home in Zone 2. I have internet and wireless phone services. What gap is Tidal Network filling if 98% of residents are already serviced? Is it 5G? Is it a proprietary Tidal Network service?
- If the Planning Commission does not implement new zoning codes specific to wireless communications facilities and Tidal Network’s towers continue to be considered public utility facilities, what is the permitting process for those towers? Will applications go to the Commission for approval? Will a master plan be presented or just requests for one tower at a time? What is the process for Public Notification/Comment on public utility facility permit applications? I bet most Sitkans are not aware of the issue at hand and if they were made aware, I think the Commission would be receiving even more public comment.

At the March 5 meeting, Mr. Cropley stated that he was leaving it up to the Commission to weigh public interest over aesthetics. For this resident of Sitka, the services that Tidal Network will be offering are not worth doubling the number of FCC regulated towers in Sitka with no zoning restrictions governing their location or design features. I would gladly live with my current wireless services, at their current speed and reliability, than have a cell tower erected in my neighborhood or visually pollute another area of Sitka that was once pristine.

The heading of the CBS Planning Department webpage reads “Facilitating citizen directed community growth” and “Together, the Planning and Community Development Department strives to create a safe, functional, and attractive city through coordinated community visioning, comprehensive planning, and development review.” If these statements are true, I urge the Commission to take a step back, listen to the citizens of Sitka, and create regulations specific to wireless communications facilities. In this way, technology can be implemented in responsible ways that also preserve the character of our beautiful community.

This is an uphill battle for the local citizens that are concerned with Tidal Network’s activity in Sitka. After all, we’re speaking out against an entity that came to Sitka’s rescue last August when GCI’s cable was damaged. This reality is not lost on me. Nonetheless, requests and applications from Tidal Network should be treated the same as if they were coming from Verizon or any other major telecommunications company looking to change the make-up of Sitka’s telecommunications infrastructure. There should be code created with citizen input that can direct the review of proposals from telecommunication companies, and those companies should be required to present a

comprehensive master plan in a public forum that details their intent for the community.

Thank you for your time and consideration,

Mike and Taylor Vieira, 312 Eliason Loop