



CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Wednesday, April 2, 2025

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Darrell Windsor (Chair), Katie Riley (Vice Chair), Stacy Mudry, Wendy Alderson, Robin Sherman, Thor Christianson (Assembly Liaison; left at 7:56 p.m.)
Staff: Amy Ainslie, Kim Davis, Ariadne Will
Public: Chris Croyley, Trevor Newton, Jessie Rico, Jon Martin, Brandon Marx, Kelly Sweeney, Robert Krehbiel, Cathy Goehring, Jerry Goehring, Paul Clemments, Mike Vieira, Taylor Vieira, Ahna Hanson, Mary Todd Anderson, Carrie Spackman, Hal Spackman, Laurie Johnson, Carol Voisin, Austin Cranford, Ryan Guth, Paddy Hansen, Dana Pitts, Michael Tisher, Jerome Mahoskey, Todd Fleming, Thomas Ensign, Jay Stelzenmuller, Cathy Li (Sitka Sentinel)

Chair Windsor called the meeting to order at 7:02 p.m.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 25-06](#) Approve the March 19, 2025 meeting minutes.

**M/Mudry-S/Alderson moved to approve the March 19, 2025 meeting minutes.
Motion passed 5-0 by voice vote.**

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie told the commission that good progress was being made regarding the identification and implementation of permitting software.

She also informed the commission that after reviewing with the Tourism Commission, Lincoln Street was to remain open for all of the month of May, regardless of the number of expected cruise visitors. She said May was to serve as a test run, and that further decision regarding street closure was to be made after observing effects of initiatives like increased dispersion and pedestrian monitors.

VI. REPORTS

VII. THE EVENING BUSINESS

B [VAR 25-01](#) Public hearing and consideration of a zoning variance request to increase the

maximum allowable height from 35 feet to 120 feet for a communication tower at 112 and 116 Nancy Court in the R1 single-family and duplex residential district. The properties are also known as Lots 1 and 2, Briggs Subdivision. The request is filed by Richard Peterson for Tlingit and Haida, Tidal Network. The owner of record is James Penrose.

Ainslie reintroduced a request for a variance to increase maximum height from 35 feet to 120 feet for a telecommunications tower at 112 and 116 Nancy Court. The request was submitted by Tlingit & Haida, Tidal Network. Staff said the applicant proposed maintaining 112 Nancy Court as a buffer and constructing the tower at 116 Nancy Court. The variance request had first appeared before the commission at the March 5, 2025 meeting, but was postponed due to a commission question regarding language in code stating that communications antennas and towers were a permitted accessory use in the R-1 zone. The variance request applied to a communications tower as a proposed principal use, not an accessory use. Ainslie said that staff had consulted with the municipal attorney and determined that communications antennas and towers serving the public were more fittingly considered public facilities and utilities, as it would be a private utility serving the public. Ainslie said the definition was further supported by the FCC's treatment of commercial mobile services as "common carriers," leading the proposed tower to be classified as a public facilities use within the Sitka General Code. As such, the proposed tower was a permitted use within the R-1 zone.

Further, Ainslie said that case law demonstrated that the Planning Commission did not have the authority to discriminate among providers of functionally equivalent service, to prohibit the provision of personal wireless services, or to regulate on the basis of the environmental effects of radio frequency emissions so long as the facilities were in compliance with the FCC. She said that a denial of the request would need to be based on such reasoning as detrimental impacts to surrounding property, including aesthetic concerns, but that such a denial would be pre-empted by FCC regulations, should it prohibit the provision of personal wireless services. The same was to be true if the denial of the variance resulted in a significant gap in the provider's service coverage. Ainslie said the applicant was tasked with showing that the gap in service was significant, the proposal was the least intrusive means of filling the service gap, and that there were not feasible alternatives to the proposed tower.

Ainslie said that the applicant had provided a coverage map demonstrating the service area. She said the tower would have an observable visual impact but that no properties existed above the proposed site of the tower, and that the applicant had proposed the monopole tower, only, as well as additional camouflaging measures. A full environmental assessment had not yet taken place but was to be conducted prior to construction. Ainslie said the applicant had investigated 129 properties in Sitka, but found only two that met coverage, financial, and development criteria. Properties zones commercial and industrial were investigated first but property owners within those zones were not willing to sell their property.

Following the staff report, the commission asked if any communications tower would require a variance. Staff answered that yes, any communications tower exceeding the maximum height for its zone would require a height variance. Ainslie said that this spoke to the special circumstances outside of the control of the property owner as required for a variance, especially as the project constituted a public utility.

Chris Cropley, who spoke on behalf of the applicant, said he agreed with the report put forth by staff and was available to answer questions from the commission. In response to a question from the panel, Cropley said that a 35-foot tower, permitted outright in the

zone, would not be tall enough and would create a significant coverage gap. He said he did not have a coverage map on hand simulating the service provided by a 35-foot tower. He said Tidal Network presently did not have any coverage in Sitka. Jessie Rico, also with Tidal Network, said that he estimated a 35-foot tower would provide coverage to about 25% of the quantity of users who could receive coverage with the 120-foot tower. He said no evidence of call failure rates was available, as no Tidal Network service was available in Sitka and the failure rate would be 100%. Cropley said the proposal was the least intrusive situation and that Tidal Network had spent substantial resources identifying it.

Chair Windsor restricted public comment to three minutes per commenter. 14 members of the public--Taylor and Mike Viera, Carol Voisin, Robert Krehbiel, Kelly Sweeney, Hal Spackman, Thomas Ensign, Paul Clements, Austin Cranford, Brandon Marx, Michael Tisher, Mary Todd Anderson, Ahna Hanson, and Jon Martin--provided comment at the meeting. Written comments from Paul Clements and Ashley Eisenbeisz were read into the record. Of those 15 commenters, 12 were neighbors and none supported the variance request. Commentary included concern regarding landslide risk, feelings that the applicant had not met the burden of proof required to receive the variance, concerns about the impact a tower might have on property values, and frustration regarding the case law stating the FCC was to determine whether the project was compliant with radio frequency emissions and other environmental standards. Further, neighbors requested the city look into Juneau's general code pertaining to communications towers and that Sitka update its general code to better regulate proposed communications towers. Further commenters questioned how extensive Tidal Network had been in contacting landowners. Michael Tisher--who was not a neighbor and was attending the meeting to hear a different item--said he owned land in an industrial area and had not been approached by Tidal Network.

Chris Cropley, who spoke again following public comment, said Tidal Network did not contact property owners in "nonviable" locations and said that the desire to purchase property instead of leasing was not just part of the organization's business plan, but a stipulation within the grant funding. The commission asked how Tidal Network had reached out to property owners. Cropley said that property owners received mailed letters as well as phone calls, classifying the effort as a "comprehensive canvas."

During commission discussion, commissioners raised the point of the coverage gap. Commissioners Riley and Alderson said that with the data presented, she could not determine the difference in coverage between a shorter tower and the tower proposed. Riley said she understood the grant constraints regarding the purchase, rather than leasing, of property, and wanted to know if this qualified as financial hardship, a criteria not considered by the commission when hearing variance requests. Commissioner Sherman said that she supported the purpose of the plan in general, but did not feel the request met the requirements of a variance; specifically, she did not believe the request was necessary for the preservation or enjoyment of a substantial property right possessed by other parcels in the vicinity, and said the allowance of the tower would be more in line with the conditional use permitting process. The commission said it did not feel it could make complete findings in support of the variance and that Tidal Network still had the option to construct a 35-foot communications tower on the property.

Following the motion to approve the variance, staff requested a motion approving findings be postponed to the following meeting.

M/Mudry-S/Alderson moved to approve the zoning variance for increased height of a telecommunications tower at 112 and 116 Nancy Court in the R-1

single family and duplex residential district subject to the attached conditions of approval. The property was also known as Lots 1 and 2, Briggs Subdivision. The request was filed by Richard Peterson for Tlingit & Haida, Tidal Network. The owner of record was James Penrose. Motion failed 0-5 by voice vote.

M/Mudry-S/Alderson moved to postpone adoption of the findings to the April 16, 2025 Planning Commission meeting, at which date that would constitute the Planning Commission's final decision.

C [CUP 23-17](#)

Public hearing and consideration to amend a conditional use permit for a mobile home (travel trailer) on an interim basis at 325 Eliason Loop in the R-1 single-family and duplex residential district. The property is also known as Lot 4, Block 5, Hillside Subdivision. The request is filed by Thomas Ensign. The owner of record is Thomas Ensign.

Davis introduced a request to amend to extend CUP 23-17, which allowed for the placement of an eight by 18-foot travel trailer at 325 Eliason Loop on an interim basis. Applicant Thomas Ensign had been working on constructing a single-family home on the property and living in the trailer during construction. Davis noted that the property had been partially developed in the year since Ensign activated his permit, and that following the six-month extension of the permit, no further extensions could be granted.

Conditions of permit approval included the creation of an additional parking space. The applicant said that he believed that after he was to move the trailer, he would have sufficient parking on the property.

No public comment was received on the item. The commission clarified that the permit could not be extended again beyond the amendment but otherwise did not discuss the item prior to voting.

M/Alderson-S/Mudry moved to approve the extension of CUP 23-17 for six months for placement of a mobile home on an interim basis at 325 Eliason Loop in the R-1 single family and duplex residential district. The property was also known as Lot 4, Block 5, Hillside Subdivision. The request was filed by Thomas Ensign. The owner of record was Thomas Ensign. Motion passed 5-0 by voice vote.

M/Alderson-S/Mudry moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 5-0 by voice vote.

D [VAR 25-04](#)

Public hearing and consideration of a request for direct illumination of a freestanding sign at 214 Kimsham Street in the R-1 single-family and duplex residential district. The property is also known as Lot One (1), Block Two (2), U.S. Survey 3303 B Northwest Addition. The request is filed by Ryan Gluth. The owner of record is Sitka Assembly of God.

Davis reported on a variance request for direct sign lighting at 214 Kimsham Street at the Assembly of God church. In her staff report, Davis noted that the church was a nonconforming use within the R1 zone, and that the state of LED technology would allow for less invasive lighting than if the sign was lit indirectly. The proposed signage was to use LED strips placed behind a steel plate, and was estimated to produce 1075 lumens, equivalent to a 75-watt light bulb.

Applicant Ryan Gluth, pastor at Sitka Assembly of God, reiterated that the direct

lighting option would create less light than indirectly lighting the sign.

At the commission's request, staff read two written public comments which were also provided in the meeting packet materials. Both commenters were in opposition to the variance.

During deliberation, the commission brought up the applicant's explicit mention of financial reasoning behind the variance, and noted that financial reasoning was not a consideration made by the commission when reviewing variance requests. The commission was split on whether the applicant's statement of financial consideration was reason to deny the variance.

M/Mudry-S/Riley moved to approve the zoning variance for direct illumination of a freestanding monument sign at 214 Kimsham Street in the R-1 single family and duplex residential district, subject to the attached conditions of approval. The property was also known as Lot 2, Block 1, U.S. Survey 3303B. The request was filed by Ryan Gluth. The owner of record was Sitka Assembly of God. Motion passed 3-2 by voice vote.

M/Mudry-S/Riley moved to adopt and approve the required findings for minor variances as listed in the staff report. Motion passed 3-2 by voice vote.

E [MISC 25-06](#)

Public hearing and consideration of a permit request for a manufactured and mobile home park at 201 1/2 Price Street in the C-2 general commercial and mobile home district. The property is also known as Lot 1A, P. Hansen Subdivision. The request is filed by Paddy Hansen. The owners of record are Deena and Paddy Hansen.

Ainslie introduced a permit request for a manufactured and mobile home park. Applicant Paddy Hansen--who had rezoned his property to allow for the use the year prior--submitted a site plan to staff requesting a reduction in the rear setback to five feet and the elimination of the play yard requirement. Hansen said the request would allow for the placement of more housing. Staff said that given the size and shape of the lot, the reduction to the rear setback would allow for better use of the property, and that eliminating the play yard requirement to allow for the placement of more manufactured and mobile housing units was in line with the comprehensive plan. Ainslie also said that individual yards were included with each of the housing units detailed on the site plan, and so play yard space would still be available to residents.

Hansen said he had nothing to add. No public comment was received and the commission did not discuss the request before voting in support.

M/Alderson-S/Sherman moved to approve the mobile and manufactured home park permit at 201 1/2 Price Street in the C2 general commercial and mobile home district subject to the attached conditions of approval. The property was also known as Lot 1A, P Hansen Subdivision. The request was filed by Paddy Hansen. The owner of record was Hansen and Hansen Enterprise, LLC. Motion passed 5-0 by voice vote.

M/Alderson-S/Sherman moved to adopt the findings as listed in the staff report. Motion passed 5-0 by voice vote.

F [P 25- 01](#)

Public hearing and consideration of a preliminary plat for a hybrid subdivision to result in five lots at 445 Kramer Avenue in the R-1 single family and duplex residential district. The property is also known as Lot 3, Somer Subdivision.

The request is filed by Todd Fleming. The owner of record is Sound Development, LLC.

Ainslie introduced a preliminary plat for a hybrid subdivision to result in five lots at 445 Kramer Avenue. All proposed lots met the standards for the R-1 district, and was mostly gentle slope with wetlands, which Ainslie said would require the applicant work with the Army Corps of Engineers to obtain any necessary wetlands permits.

According to Sitka General Code, the first lot to make contact with the right-of-way in a hybrid subdivision had to be fully served by the right-of-way. Ainslie said that the applicant was working to extend utilities within the right-of-way, and was also working with the city's engineering department to extend and adopt an existing private water line. The provision of utilities to the first lot of the proposed subdivision was a condition of approval before the applicant could submit a final plat.

Staff said the property was near to a high landslide risk zone but that the property was not itself within that zone. An existing plat not said that drainage was not to leave the property, and a drainage plan was required to be accepted by the city engineer prior to final approval.

Applicant Todd Fleming answered a question from the commission regarding a private sewer line. He said the lots were not to be served by the private sewer line mentioned by the commission.

Under public comment, Dana Pitts, a resident on Sand Dollar Drive, said she was glad to hear discussion of drainage. She said she had noticed differences in drainage in the area since the development of Kramer. Michael Tisher said he was concerned about the water line mentioned, which he owned. He said that he had an agreement with Fleming that Fleming was going to cover the costs to put the line into city ownership, but that the agreement had been made over two years prior and action was yet to be taken by Fleming. He said he wanted to make sure the line was owned by the city before the sale of any lots resulting from the subdivision action.

Fleming again spoke after public comment and said that he had hired an engineer who had submitted all paperwork to DEC regarding utility placement. Fleming said the city wanted an additional valve placed for the water line before adoption. He said he had thought that he would be working with Tisher and nearby property owner Jerome Mahoskey on the water line adoption.

During commission deliberation, Ainslie said that the subdivision could not move forward until the city adopted the portion of the water line that was to serve the lots resulting from the subdivision.

M/Sherman-S/Mudry moved to approve the preliminary plat for a hybrid subdivision to result in five lots at 445 Kramer Avenue in the R-1 single family and duplex residential district subject to the attached conditions of approval. The property was also known as Lot 3, Somer Subdivision. The request was filed by Todd Fleming. The owner of record was Sound Development, LLC. Motion passed 5-0 by voice vote.

M/Sherman-S/Mudry moved to adopt the findings as listed in the staff report. Motion passed 5-0 by voice vote.

VIII. ADJOURNMENT

Chair Windsor adjourned the meeting at 9:34 p.m.