

CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator

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

Date: May 21, 2025

Subject: Appeal of VAR 25-01

Background

On April 2, 2025, the Planning Commission denied a request for a height variance related to the proposed placement of a telecommunications tower by Tidal Network, the broadband enterprise of the Central Council of the Tlingit and Haida Indian Tribes of Alaska, at 112 & 116 Nancy Court under case file VAR 25-01.

Telecommunications towers that serve the public are considered “public facilities and utilities” under the zoning code, and are allowed by right in most zones, including the R-1 single-family and duplex residential district which is the zoning designation of the subject properties. However, height restrictions for principle structures still apply – for R-1, the maximum allowed height without a variance is 35’. Tidal Network applied for a variance to allow a total tower height of 120’ (110’ pole with 10’ lightening rod).

Key review dates & outcomes:

- Item was first heard on March 5, 2025. The decision was postponed to the April 2, 2025, meeting so that staff could consult with the Legal Department regarding clarification of general code provisions for telecommunications towers, and seek general guidance/case law regarding telecommunications towers.
- Hearing and decision to deny the variance request took place on April 2, 2025. The Commission postponed adoption of the findings to the April 16, 2025 meeting and specified that 4/16 would be the effective date of their decision.
- Findings were reviewed and adopted on April 16, 2025, constituting the final decision by the Commission and the date at which the ten-day appeal period would start.
- An appeal was filed by Tidal Network on April 25, 2025.

The aim of this memorandum is to compare the basis of the appeal with the decision and findings as made by the Planning Commission.

Note on appeal basis: While there are zoning code requirements/factors regarding variance requests, there is also significant federal law (primarily under 47 U.S. Code § 332) regulating telecommunications towers, certain provisions of which limit/pre-empt the scope of local government authority in these cases. These limits/pre-emptions on local governments have been tested in US Court of Appeal cases, and essentially boil down to:

- Local denial of a telecommunications tower is pre-empted if it prohibits (or has the affect of prohibiting) the provision of “personal wireless services” (i.e. commercial mobile services, common carrier wireless exchange access services, etc.).
- If the denial prevents a wireless service provider from closing a “significant gap” in their service coverage, this would be considered an effective prohibition of services.
- If a wireless service provider challenges a denial on the grounds that it prevents them from closing a significant gap in service, they have the burden to show:
 - The gap in service is significant
 - Their proposal is the “least intrusive means” of filling the service gap
 - There is a lack of available and technologically feasible alternatives

The April 2, 2025, staff report includes a more extensive explanation of federal provisions and case law. The basis of appeal focuses mainly on these factors.

Analysis

1. Significant Coverage Gap

- The appellant has asserted that they demonstrated a significant coverage gap both in Sitka generally, as well as specifically the “Zone 2” area of Sitka that they have identified; the appeal states that the denial of this variance has the affect of restricting reliable service to Sitka and to meet community service needs in Zone 2.
- The appellant further argues that the gap would be greater if it were to 1) construct a 35’ tower rather than the proposed 120’ tower, and 2) if were to be placed in a nearby commercial or industrial zoned property when compared to the Nancy Court location.

Commission Findings: The commission did not make a finding as to whether or not the service gap was significant.

2. Least Intrusive Means & Available Alternatives

- The appellant has asserted that their proposal was the least intrusive means of closing the coverage gap due to:
 - Inclusion of mitigations to address visual impacts (utilizing a monopole design, the retention of a vacant lot to provide buffer, locating the tower

- uphill to be closer to the tree line, painting the tower, and providing solid screen fencing for ground-mounted equipment).
 - The subject property's ability to widely/extensively provide service and eliminate the need for multiple towers within the zone.
 - The inability to secure other locations for the tower within the zone.
- The appellant also argues that they demonstrated the lack of other available sites to close their service gap, and described their (ultimately unsuccessful) efforts to secure other sites within Zone 2 particularly on properties zoned as commercial or industrial.

Commission Findings: The commission did not find that the applicant had met their burden to prove that the proposal was the least intrusive means of closing their asserted significant coverage gap or that there weren't available/technologically feasible alternatives because:

- There was not adequate analysis regarding the extent to which the service gap could be closed using a (or multiple) 35' tall tower(s).
- The applicant didn't adequately demonstrate that the 120' tall tower was the shortest height necessary to sufficiently close the coverage gap .
- The inability to secure a property zoned as commercial or industrial was seen as a financial hardship on the part of the applicant, which the commission found was contrary to Alaska Statute 29.40.040(b)(3), which states that a variance from a land use regulation adopted by a municipality may not be granted if the variance is sought solely to relieve pecuniary hardship or inconvenience.

In their filing, the appellant also noted that there is a precedent in Sitka for towers exceeding 35' in a residential zone (a 150' tall radio communications tower at 611 Lake Street which is also in the R-1 zone). Planning staff have been unable to locate permitting or variance documentation in relation to this particular tower, likely due to its age.

Recommendation

The Assembly has several options in consideration of this appeal:

1. Grant the appeal & variance:
 - a. As recommended in the 4/2/2025 staff report
 - b. With additional conditions
 - c. With modifications
2. Deny the appeal & variance
 - a. Deny
 - b. Deny with prejudice (prevents reapplication for a one-year period)
3. Remand for further proceedings (should include provisions for specific information to be provided, or considerations to be made)
 - a. To a future Assembly meeting

- b. Back to the Planning Commission
- c. To another body

A motion sheet for these options has been included in your packet. Staff would recommend that if the Assembly elects to grant or deny the appeal, and if it wishes to adopt different findings from either the 4/2/2025 staff report or the 4/16/2025 commission findings, findings be drafted by staff and brought back to the Assembly for review/adoption at a future meeting date.

Encl: Motion Sheet

Tidal Network Appeal Filing

Planning Commission Findings of Fact and Decision

Planning Commission Minutes

4/2/2025 and 3/5/25 Planning Commission Packet Materials

**IN THE MATTER OF THE VARIANCE APPLICATION
OF TLINGIT AND HAIDA, TIDAL NETWORK FOR
LOTS ONE (1) AND TWO (2), BRIGGS SUBDIVISION**

Chair Darrell Windsor
Acting Chair Katie Riley

Findings of Fact and Decision - Page 1 of 4

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 One (1) and Two (2), Briggs Subdivision. The request was filed by Richard Peterson for Tlingit and Haida, Tidal Network. The owner of record was James Penrose. Motion failed 0-5 by voice vote.

Conditions of Approval

1. The total height of the tower, including antennae, shall be no greater than 120'.
2. Development of the property shall be consistent with the plans and representations of the applicant as made for this variance request. Any significant changes shall require additional review and approval by the Planning Commission.
3. The applicant shall provide visual buffering for the tower including retention of Lot 2, Briggs Subdivision, as buffer space, painting of the tower and equipment to provide camouflage with the natural surroundings, and solid screen fencing around ground mounted equipment.
4. The applicant must comply with all local, state, federal, and tribal regulations regarding general site development as well as those specific to telecommunications infrastructure and operations, as well as FCC regulations regarding radio frequency emissions.

M-Sherman/S-Mudry moved to adopt the findings as submitted and amended in the April 16, 2025 meeting packet and affirmed that the date of adoption for those findings constituted the date of the Planning Commission’s final decision on VAR 25-01. Motion passed 5-0 by voice vote.

Findings

The Planning Commission hereby makes the following findings in relation to its decision to deny a request for a variance to exceed the maximum allowable height of principal structures in the R-1 single-family and duplex residential district as considered under case file VAR 25-01 on April 2, 2025:

Required findings under SGC 22.10.160(D)(1) – (code language in italics, text underlined for emphasis):

1. The Commission did not find that there were “...*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*” because all properties in the R-1 zone are subject to a maximum height of thirty-five (35) feet for principal structures, a limitation that does apply generally to the other properties in the vicinity and in the zone, and there were no special circumstances in relation to the physical characteristics of the parcel or pre-existing development of or on the parcel that justified granting of the variance.
2. The Commission did not find that the variance was “...*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*” because no other properties in the vicinity or in the zone have a right to build a principal structure that exceeds the maximum allowable height of thirty-five (35) feet, and because telecommunications towers, particularly of the height proposed by the applicant, were not commonly constructed on other parcels in the vicinity.
3. The Commission did not by consensus find “*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*” because of differing evaluation and conclusions by Commissioners regarding evidence submitted through public testimony, particularly from owners of nearby parcels, regarding the negative aesthetic and viewshed impacts that would be realized by the granting of the variance, as well as the potential for negative impacts to property values of said parcels.
4. The Commission did find “*That the granting of such a variance will not adversely affect the comprehensive plan*” because the proposal supported Comprehensive Plan actions ED 5.3 to “maintain well-functioning infrastructure upon which commerce and economic activity depend”, and ED 5.4 “advocate for faster, more reliable cell and internet services.”

Additional findings regarding telecommunications towers classified as public facilities and utilities under SGC 22.05.1190 and regulated under 47 U.S. Code § 332 (text underlined for emphasis):

- a. The Commission did not make a finding on whether the coverage gap as described by the applicant was considered significant.
- b. The Commission did not find that the applicant met their burden to prove that their proposal was the least intrusive means of closing the asserted significant coverage gap, and also did not find that the applicant lacked available and technologically feasible alternatives to close said coverage gap for two primary reasons:
 1. The applicant did not provide the Commission with adequate analysis regarding the extent to which the coverage gap could be closed by use of a tower that did not exceed the maximum allowable height for principal structures in the zone (35 feet). Though the applicant stated that they would need more 35-foot-tall towers in the area to provide adequate coverage, they did not prove why this approach was infeasible. Additionally, the applicant did not adequately demonstrate that the proposed 120-foot height of the proposed tower was the shortest height necessary to sufficiently close the coverage gap.
 2. The applicant did not adequately substantiate that the tower could not be placed on a property zoned for commercial and/or industrial uses which the Commission found would be less intrusive than placement within the proposed residential neighborhood. The applicant stated that their inability to place the tower on a property zoned for commercial and/or industrial uses was due to the unwillingness of property owners of such parcels to sell, rather than lease, land to the applicant; the applicants further stated that their particular financial constraints made leasing land infeasible. The Commission found that that this justification was contrary to Alaska Statute 29.40.040(b)(3), which states that a variance from a land use regulation adopted by a municipality may not be granted if the variance is sought solely to relieve pecuniary hardship or inconvenience.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C [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 introduced a variance request for a height increase from 35 to 120 feet at 112 and 116 Nancy Court to accommodate the construction of a communications tower. Staff said the applicant intended to build a 110-foot tower with a ten-foot lightning rod at 116 Nancy Court. 112 Nancy Court would be maintained as a buffer. Staff noted that the tower would create a visual impact for neighboring properties.

The commission asked staff whether this use would be allowed in the zone, as code stated that a communications tower was permitted as an accessory use but did not speak to communications towers as principal uses.

Chris Cropley, director of Tidal Network, spoke as the applicant and said the location

at 116 Nancy Court was a prime spot for a communications tower. He said the location was identified after a town-wide search and would allow the organization to build one less tower in Sitka. Cropley said Tidal Network was building 30 towers across Southeast Alaska as part of a grant-funded initiative to improve broadband in the region. He said the organization would work to mitigate wildlife impacts and adverse impacts to the stability of the slope during construction. He said the tower would not be harmful to health. Cropley said that if the permit was denied, the organization would need to reevaluate but might still opt to build a 35-foot tower at the location. He said options in commercial zones were also explored, but adequate land was not identified or available for purchase. Trevor Newton, also speaking as the applicant, said that the current plans were to construct the tower as close to the front and east property lines as possible. Chair Windsor asked if the tower could be constructed nearer to the rear of the property. Newton said building closer to the rear of 116 Nancy Court would pose engineering issues.

Commissioner Riley asked if the organization planned to construct other towers in residential zones. Cropley said it did. He said Tidal Network worked primarily with Starlink, and that the tower would support Starlink access, primarily, but that fiber would be run as hybrid or backup to the tower. He said other networks could lease space on the tower and may use fiber, as well. Riley also asked the applicant to send FCC compliance information and coverage maps to the commission.

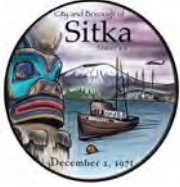
Neighboring property owners Jon Martin, Hal Spackman, and Austin Cranford all spoke under public comment against the construction of the tower. Letters from neighbors Mike and Taylor Viera and Clayton and Larissa Nellis were read into the record. Main neighborhood concerns were about effects on property values, views sheds, health and possible slope instability.

During deliberation, the commission again brought up concern regarding code stating the tower must be an accessory use. The body requested postponement of the item so staff could seek a legal opinion regarding the phrasing in the general code. The commission also directed staff to create a map of all communications towers in Sitka.

Following the vote to postpone the item, the commission recessed at 8:38 p.m. and reconvened at 8:48 p.m.

M/Sherman-S/Riley moved to postpone to the April 2, 2025 Planning Commission meeting the public hearing and consideration of a zoning variance to increase the maximum allowable height from 35 feet to 120 feet for a communications tower at 112 and 116 Nancy Court in the R1 single-family and duplex residential district. The properties were also known as Lots 1 and 2, Briggs Subdivision. The request was filed by Richard Peterson for Tlingit and Haida, Tidal Network. The owner of record was James Penrose. Motion passed 5-0 by voice vote.

D



CITY AND BOROUGH OF SITKA

Minutes - Final

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 Cropley, 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](#) Review and adoption of findings of fact related to the Planning Commission's

denial of a zoning variance request at 112 and 116 Nancy Court under case file VAR 25-01 on April 2, 2025.

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 Vieira, 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.

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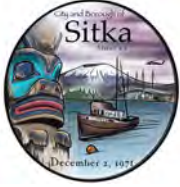
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CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Wednesday, April 16, 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 (left at 8:45 p.m.), Thor Christianson (Assembly Liaison)
Staff: Amy Ainslie, Kim Davis, Ariadne Will
Public: Taylor Vieira, Cliff Richter, Lucas Goddard, Beau Hedrick, Sara Peterson, Dennis Peterson, Larry Edwards, Martina Kurzer, Carol Voisin, Kelly Sweeney, Paul Blankenship, Justin Brown, Liza Martin, Cathy Li (Sitka Sentinel)

Chair Windsor called the meeting to order at 7:01 p.m.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 25-07](#) Approve the April 2, 2025 meeting minutes.

**M/Mudry-S/Alderson moved to approve the April 2, 2025 meeting minutes.
Motion passed 5-0 by voice vote.**

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie informed the commission that in response to feedback from the public, mail buffers would be sent two weeks prior to a Planning Commission meetings, rather than 12 days in advance. She said the city was also updating an email service to help communicate public notices.

She said too that the city was looking to hire part-time workers for the summer season and that staff was continuing to work on information for discussion relating to cruise tourism, but that it was focusing time on the upcoming tourist season and the short-term rental report. She said staff was also looking into code changes regarding telecommunications infrastructure.

VI. REPORTS

VII. THE EVENING BUSINESS

B [VAR 25-01](#) Review and adoption of findings of fact related to the Planning Commission's denial of a zoning variance request at 112 and 116 Nancy Court under case

file VAR 25-01 on April 2, 2025.

Ainslie provided the commission with an overview of proposed findings to accompany the April 2 vote to deny the variance request to exceed the maximum allowable height of principal structures at 112 and 114 Nancy Court. Following an initial motion that was vacated prior to a vote, Commissioner Sherman said that she wanted to amend the findings to state that the commission did not by consensus find 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."

M/Sherman-S/Alderson moved to adopt the findings as submitted and amended in the April 16, 2025 meeting packet and affirmed that the date of adoption for those findings constituted the date of the Planning Commission's final decision on VAR 25-01. Motion passed 5-0 by voice vote.

C

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[REDACTED]

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[REDACTED]

[REDACTED]



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 25-01
Proposal: Variance to increase maximum height from 35' to 120' for communication tower
Applicant: Richard Peterson for Tlingit & Haida, Tidal Network
Owner: James Penrose
Location: 112 & 116 Nancy Court
Legal: Lots 1 and 2, Briggs Subdivision
Zone: R-1 - Single-Family/Duplex Residential District
Size: 27,210 and 23,810 square feet
Parcel ID: 3-0648-001 and 3-0648-002
Existing Use: Residential
Adjacent Use: Residential
Utilities: Nancy Court
Access: Nancy Court

KEY POINTS AND CONCERNS

- Sitka General Code sets a maximum allowable height in the R-1 district at 35'
- Increase maximum height from 35' to 120' for communication tower.
- Property proposed to be purchased by Tidal Network.
- Tower design will allow for future collocations by other providers, further increasing competitive telecommunication service.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: Site Plan, Elevation View and Design
Attachment D: Tidal Network Response to Public Comment
Attachment E: Photos
Attachment F: Applicant Materials
Attachment G: Public Comment
Attachment H: Map of Communication Towers

BACKGROUND/PROJECT DESCRIPTION

The request is to increase the maximum allowable height of principle structures from 35' to 120' in the R-1 single-family/duplex residential district at 112 and 116 Nancy Court for the placement of a communications tower. The proposal would allow the anchor tenant, Tidal Network, to provide adequate broadband coverage to the citizens of Sitka. The maximum height of principal structures in the R-1 single-family/duplex residential district is 35'. The applicant's proposal is to build a 110' tower, with an additional 10' lightning rod at the top, bringing the total height to 120'.

The site plan depicts the communication tower on Lot 1 (116 Nancy Court) with proposed extension of the existing gravel access drive, retaining wall, filled building pad, wooden stairs, chain link fence and tree buffer. Lot 2 (112 Nancy Court) has no proposed structures and will be retained by the applicant as a buffer. Nancy Court is platted as a 20-foot municipal right-of-way but is not maintained by the city. The street is partially developed, served by municipal utilities, and there is a recorded access and utility maintenance agreement.

This item was first heard by the Planning Commission on March 5, 2025, at which it was postponed to the April 2, 2025, meeting. The Commission requested additional legal review regarding the applicability of SGC zoning provisions in this case, as well as existing case law on telecommunications towers and land use. Additionally, the applicant has provided additional information and made a few revisions to their proposal in response to concerns from the neighborhood:

- The applicant is requesting only the monopole installation, not the self-support tower.
- The pole, antenna, and equipment will be painted brown to better blend into the landscape. Any future tenants of the tower would be required to do the same with their equipment.
- The applicant has offered to install brown or black privacy slats in the compound fencing to provide additional visual buffering.
- The position of the tower has been moved 15' north relative to the site plan previously presented to further reduce viewshed impacts.

Communications Towers as Principal or Accessory Uses

The only reference to communications towers in the zoning code is SGC 22.20.055 which states that communications antennas and towers are permitted accessory uses within the R-1 & related zones as well as R-2 & related zones as long as the tower or antenna does not exceed the allowable height of structures allowed within the specific property. It adds that in all cases, towers and antennas shall be structurally sound and properly constructed, and that any request for a tower or antenna exceeding the height limits of the zoning district shall require a variance. This section makes no reference to other zones where the use would be permitted or prohibited whether as a principal or accessory use.

Upon additional review with the Municipal Attorney, the silence in SGC 22.20.055 regarding broader considerations for placement of communications in other zones indicates that it is ruled by another definition and use designation. Most fittingly, communications towers and antennas that serve the public should be considered “Public facilities and utilities” as defined by SGC 22.05.1190: *“Public facilities and utilities” means land or structures owned by or operated for the benefit of the public use and necessity, including but not limited to public facilities defined in RCW 36.70A.030, as amended, and private utilities serving the public.*” This definition is further supported by the Federal Communications Commission’s (FCC) treatment of commercial mobile services as “common carriers” (47 U.S. Code § 332). The National Institute of Standards and Technology, a function of the U.S. Department of Commerce, states that in a telecommunications context, a common carrier is a telecommunications company that holds itself out to the public for hire to provide communication transmission services, and that such companies are usually subject to regulation by federal and state regulatory commissions.

Utility facilities, as a subset of public services under SGC Table 22.16.016-4 Public Facilities Uses, are a permitted use in all zones (excepting the cemetery district and the Gary Paxton special district for which allowable uses are governed by the GPIB Board). Staff therefore interpret the limitations of SGC 22.20.055 requiring communications towers to be accessory uses in R-1 & related zones and R-2 & related zones to be pre-empted by the classification of these structures as utility facilities. SGC 22.20.055 would more appropriately be applied to communications towers and antennas that do not serve the public such as a personal ham radio tower/antenna, or an antenna or satellite that someone affixes to their home or installs on their property. This narrower interpretation regarding the applicability of SGC 22.20.055 is further supported by FCC regulations regarding limitations of local zoning authorities.

Local Zoning Authority

Per 47 U.S. Code § 332, state and local governments have general authority regarding decisions regarding the placement, construction, and modification of “personal wireless services” defined as commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. Communications towers such as those proposed by the applicant would fall under this category. However, there are limitations to that general authority including:

- Shall not unreasonably discriminate among providers of functionally equivalent services
- Shall not prohibit or have the affect of prohibiting the provision of personal wireless services
- May not regulate the placement, construction, and modification of personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC’s regulations concerning such emissions.

These limitations have been tested in various court cases – the Municipal Attorney conducted research into applicable case law, the most relevant being *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 897 which was heard by the United States Court of Appeals, Ninth Circuit (to which Alaska belongs) in 2009. Key points from this case including reference to/reliance on previously established case law are:

- Denial of a request for a telecommunications tower/facility can be made on grounds such as detrimental impacts on surrounding residential property, lack of screening, view impediments, the tower being taller than surrounding trees, or other aesthetic concerns if supported by substantial evidence (i.e. well documented findings of fact). **However**, a denial on these bases is pre-empted by FCC regulations if it results in a prohibition or has the affect of prohibiting the provision of personal wireless services.
- If a denial prevents a wireless service provider from closing a “significant gap” in service coverage, this would be considered an effective prohibition on the provision of services which is pre-empted.
- If the wireless service provider (i.e. applicant) challenges a denial on the grounds that the denial prevents the provider from closing a significant gap in service, they have the burden to show:
 - The gap in service is significant
 - Their proposal is the “least intrusive means” of filling that service gap, meaning that it addresses/mitigates the concerns that would otherwise result in denial to the best of its ability
 - The lack of available and technologically feasible alternatives

ANALYSIS

The Sitka General Code limits the maximum height of principal structures to 35’ in the R-1 single-family/duplex residential district¹. The proposed height of 120’ requires a variance.

Justification

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving major structures or expansions in the Sitka General Code echoes this statement by stating that there must be “...special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, 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”. In this case, the applicant’s ability to provide cellular and wireless coverage is dependent upon the height of the proposed structure and can therefore be

¹ SGC Table 22.20-1

considered a special circumstance that is unique to the proposed use.

Visual Impacts

The tower will have a visual impact on surrounding properties, as it will be visible from surrounding residences. However, the “high value” views of Sitka Sound and Mt. Edgecumbe will be unimpeded by this tower. The tower is of a similar height to the trees along the undeveloped tree line. The applicant has also proposed additional mitigations including paint to enhance camouflaging, and solid screen fencing for ground mounted equipment.

Site Development

At the previous hearing, concerns regarding site development were raised, primarily focused on the suitability of the site due to physical characteristics such as slope and drainage. The applicant responded that due to FCC licensing, a higher level of site investigation and scrutiny above local requirements including a Section 106 review for historical/cultural resources is required. Additionally, because the project is federally funded, an environmental assessment is required. Locally adopted and administered building codes require engineered building plans for the tower, and will be required to adhere to grading and drainage standards of the municipality.

Significant Coverage Gap

The applicant has identified a significant coverage gap in its service for Sitka, identified as Zone 2 which includes parks of downtown, the Sitka National Historical Park, part of the Indian River neighborhood, and the business and residential areas in the Jarvis/Smith/Price Street area, Jamestown Bay Drive, and extending down Sawmill Creek Road to cover part of the Knutson Drive neighborhood.

Alternatives

The applicant has described their efforts to secure additional/alternative sites, stating that of the 129 investigated properties in Sitka, only two properties met their coverage, financial, and development criteria. Only one of those two sites provided coverage in Zone 2 - these properties on Nancy Court. There was public comment submitted in the last hearing stating that the should be placed in a commercial or industrial zone, not a residential zone. The applicants have stated that no landowners in commercial or industrial zones were willing to outright sell or subdivide and sell their properties, and as detailed in their submission materials, leasing property is not a financially viable option under its business plan and federal grant requirements.

Least Intrusive Means

The applicant has provided several factors by which they believe the proposal to be the least intrusive means of filling its significant coverage gap in this area:

- The site is on high ground, in the far NE corner of the neighborhood
- The tower will be naturally shielded by existing terrain

- There are no places of residence uphill of the proposed tower location
- No current viewsheds of the waterfront will be impeded by the tower
- The applicant is also purchasing the vacant lot at 112 Nancy Court to ensure a natural, landscape buffer remains between current residences in the area
- The applicant has elected to build a monopole tower rather than a self-support tower to limit visual impacts
- The applicant has proposed additional mitigation measures including painting the tower and equipment to provide camouflaging and solid screen fencing to reduce visual impacts of ground mounted equipment.

Other Criteria Arising from Planning Commission Review or Public Comment

Public comment at the March 5th meeting included health concerns regarding radio frequencies, which were countered by the applicant. 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. Additionally, public comment included references to negative impacts on residential property values due to telecommunications towers in close proximity. The applicant responded that there are some sources and sentiment that support that claim, and others that state the impact is minimal and/or offset by improved service and connectivity.

Comprehensive Plan Guidance

While the Comprehensive Plan does not specifically address telecommunications infrastructure, Comprehensive Plan support for this proposal can be found in actions ED 5.3 to “maintain well-functioning infrastructure upon which commerce and economic activity depend”, ED 5.4 “advocate for faster, more reliable cell and internet services.” Granting this variance would increase Sitka’s cross-network telecommunications coverage, which would benefit both commercial and personal use of cellular and wireless infrastructure.

RECOMMENDATION

Staff recommends approval of the height variance at 112 and 116 Nancy Court. The recommended findings note the visual impact to those in the neighborhood, and the potential for property value impacts, but recognize the significant coverage gap the granting of this variance would close, the lack of available alternatives, and how the proposal is the least intrusive means of filling the identified service gap.

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1. “I move to approve the zoning variance for increased height of a telecommunications tower at 112 and 116 Nancy Court in the R-1 - Single-Family/Duplex Residential District subject to the attached conditions of approval. The property is also known as Lots 1 and 2, Briggs Subdivision. The request is filed by Richard Peterson for Tlingit & Haida, Tidal Network. The owner of record is James Penrose.”**

Conditions of Approval

- a. The total height of the tower, including antennae, shall be no greater than 120’.
- b. Development of the property shall be consistent with the plans and representations of the applicant as made for this variance request. Any significant changes shall require additional review and approval by the Planning Commission.
- c. The applicant shall provide visual buffering for the tower including retention of Lot 2, Briggs Subdivision, as buffer space, painting of the tower and equipment to provide camouflage with the natural surroundings, and solid screen fencing around ground mounted equipment.
- d. The applicant must comply with all local, state, federal, and tribal regulations regarding general site development as well as those specific to telecommunications infrastructure and operations, as well as FCC regulations regarding radio frequency emissions.

- 2. “I move to adopt the findings as listed in the staff report.”**

Before any variance is granted, it shall be shown²:

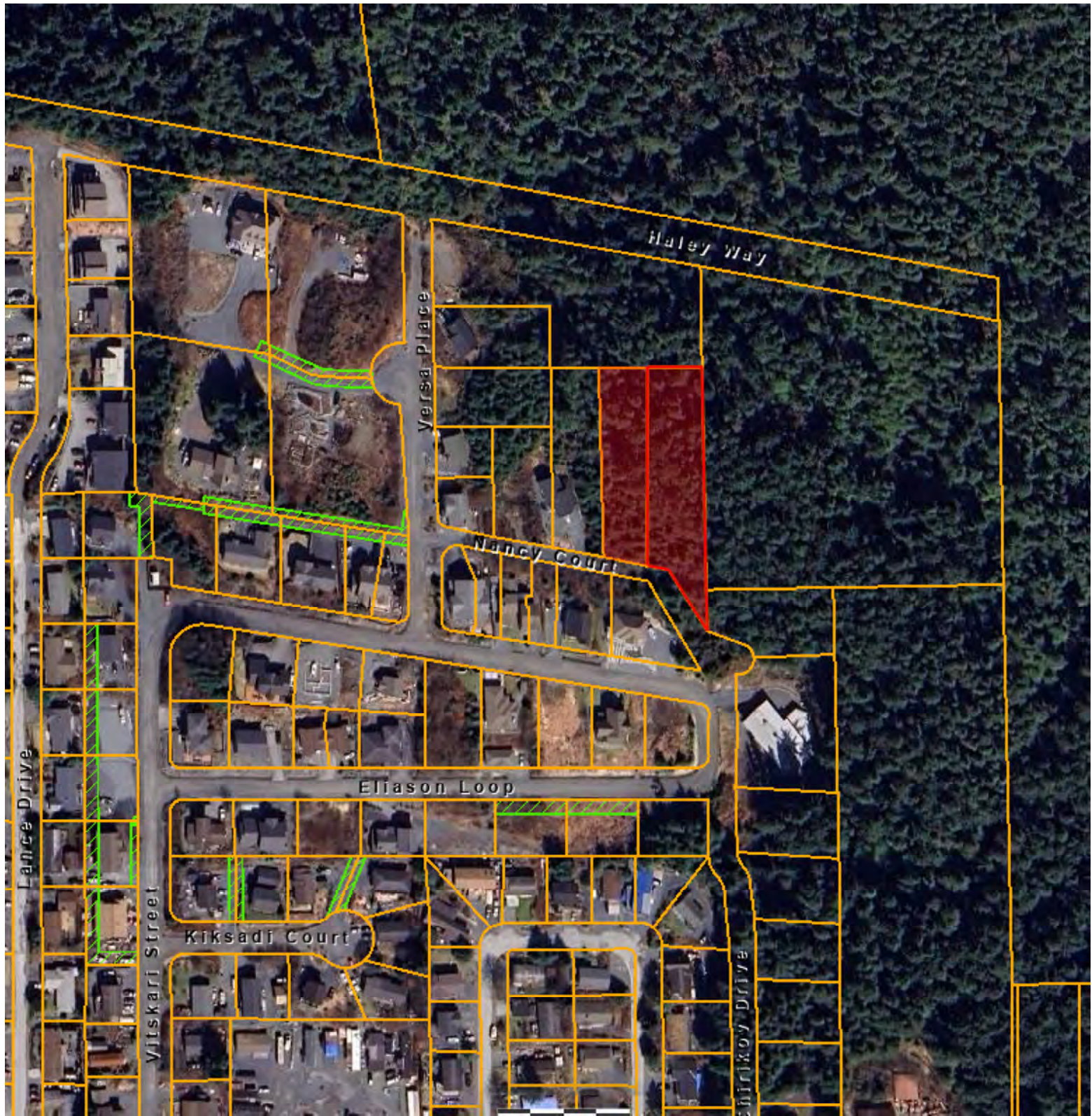
- a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner; *in this case the applicant’s ability to provide cellular and wireless coverage is dependent upon the height of the proposed structure and is therefore be considered a special circumstance that is unique to the proposed use.*
- 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; *the variance will allow the applicant to more effectively meet broadband coverage goals for Sitka, as the project is otherwise permitted by right. The variance will allow for adequate broadband connectivity to all surrounding areas and is in line with existing variances applying to properties that host cellular towers elsewhere within the municipality.*

² Section 22.10.160(D)(1)—Required Findings for Major Variances

- 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; *the potential hazards to the welfare of the public, the property, nearby parcels, or public infrastructure identified through public comment were either related to matters outside the jurisdiction of the municipality to regulate (i.e. the effects of radio frequency emissions), or were concerns that would be addressed and/or mitigated by subsequent regulatory processes as will be required by federal, state, local, and tribal entities. While there is a visual impact to the neighborhood that would result from the granting of this variance, these impacts are minimized by the placement of the tower which is uphill of all existing residences and does not impede highly valued water views of Sitka Sound. The applicant has also included several mitigations that decrease visual/aesthetic impacts. Additionally, evidence presented by members of the public suggests there may be negative impacts to property values as result of granting this variance; the full extent of this impact particularly in Sitka relative to its unique housing market characteristics is unknown. Lastly, the proposed structure will have a minimal impact on existing infrastructure as it is unmanned, thus not creating additional traffic or other wear and tear on public utilities.*
- d. That the granting of such a variance will not adversely affect the comprehensive plan; *conversely, the proposal supports the Comprehensive Plan, specifically, ED 5.3 to “maintain well-functioning infrastructure upon which commerce and economic activity depend”, ED 5.4 “advocate for faster, more reliable cell and internet services.”*

The Planning Commission further finds while there are some visual/aesthetic impacts on the surrounding residential area, and the potential for negative impacts to property values in the surrounding area, these impacts are definitively overcome in terms of granting the variance by the applicant’s substantiations that:

- e. They have a significant coverage gap in Sitka that the granting of this variance would allow them to close *as demonstrated in the Tribal Network Broadband Deployment Coverage Area Overview for Sitka, specifically, the identified Zone 2.*
- f. They are employing the least intrusive means of closing this gap *by selecting a site that is uphill of all existing residences in the area, retaining an additional lot as buffer space, building a monopole tower rather than self-support tower to reduce visual impacts, and providing other mitigations including camouflaging and screening.*
- g. There were no other feasible alternatives to close the significant coverage gap; *despite an extensive investigation of sites in Sitka and efforts to work with property owners on alternative locations (particularly in commercial and industrial zones), no other locations in the identified Zone 2 met their coverage, financial, or and development criteria.*



CERTIFICATE OF OWNERSHIP

I the undersigned, hereby certify that I am the owner of the property shown hereon. I hereby approve this survey and plat.

9-15-77 date *Thomas B. Briggs*

Subscribed and sworn before me on

Notary Public for the State of Alaska

My commission expires

LEGEND

- REBAR & PLASTIC CAP (SET)
- 4 x 4 WOOD POST (FOUND)
- ⊙ BRASS CAP MON. (FOUND)

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 19, DATED 1977, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 29, 1977 CHAIRMAN, PLATTING BOARD

SECRETARY

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK, PAGE 19, DATED 1977, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 7/29/77 OF CITY AND BOROUGH CLERK

CITY AND BOROUGH CLERK

SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered Surveyor, licensed in the State of Alaska, and that in JULY 1977 a survey of the herein described lands was conducted under my direct supervision and that this plat is a true and accurate representation of the field notes of said survey, and that all dimensions and other details are correct according to said field notes.



BRIGGS SUBDIVISION

LOT 32 & POR. LOT 31

USSURVEY 3718

FOR: VERDELL & BETTY BRIGGS

BOX 554 SITKA, ALASKA

DAVIS - SWANSON

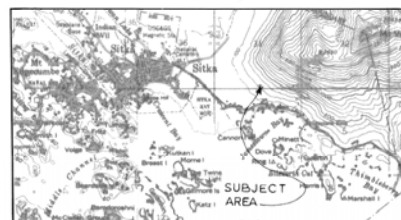
AN AFFILIATE OF CHARLES POOL & ASSOCIATES CONSULTING ENGINEERS AND SURVEYORS

P.O. BOX 1849, SITKA, ALASKA 99835

DATE JULY 1977	NAME OF SURVEYOR PHIL DAVIS	PROJ. NO. 15208-01-00
SCALE: 1:500	DRAWN BY: B.D.	

VICINITY MAP

SCALE: 1" = 1 MILE



CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED

DATE 7/15/77 OWNER *Verdell W. Briggs*
Thomas B. Briggs
OWNER *Betty J. Briggs*

NOTARY'S ACKNOWLEDGEMENT

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) SS

THIS IS TO CERTIFY THAT ON THIS DAY OF 1977, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, PERSONALLY APPEARED *Verdell W. Briggs, Thomas B. Briggs, and Betty J. Briggs*, TO ME KNOWN AND KNOWN TO ME TO BE THE PERSONS NAMED IN THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION AND THAT THEY INDIVIDUALLY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND THE YEAR IN THIS CERTIFICATE NAMED FIRST ABOVE.

Barry J. Briggs
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 10/11/79

CERTIFICATE STATE OF ALASKA)

FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY AND BOROUGH OF SITKA IN THE NAME OF:

Verdell W. Briggs
Betty J. Briggs
Thomas B. Briggs

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 1978 ARE PAID IN FULL; THAT BEFORE JULY 31, 1978 DATED THIS 6th DAY OF SEPT. 1977

John C. Alheim
ASSESSOR, CITY AND BOROUGH OF SITKA

U.S.S. 2078

SITKA
Block No. 77.1924

RECORDED - FILED 3rd
SITKA REC. DIST.

DATE 10/12, 1977

TIME 1:33 P.M.

Received by
Address City-Beane-Sitka

CURVE DATA

- ① Δ = 79° 24'
- R = 15.00
- L = 20.79
- T = 12.45'
- C = 19.18
- C.BRG. = S 39° 40' 22" E

Plat No. 77-30 Drawer No. 10

K:\AT_Wireless\Pierson Wireless\Tidal Network\Sitka Zone 2\CAD\ZD\SEAK RAWLAND_CD.dwg 03/28/25 1:44 PM by: trevor.newton



PREPARED FOR:

T I D A L NETWORK



SITE NAME:

SITKA ZONE 2

POLICE DEPARTMENT:
304 LAKE STREET, SUITE #102
SITKA, AK 99835
PHONE: (907) 747-3245
ATTN: NON-EMERGENCY

FIRE DEPARTMENT:
209 LAKE STREET
SITKA, AK 99835
PHONE: (907) 747-3233
ATTN: NON-EMERGENCY

BUILDING DEPARTMENT:
100 LINCOLN STREET
SITKA, AK 99835
PHONE: (907) 747-1832
EMAIL: PAT.SWEDEEN@CITYOFSITKA.COM
ATTN: PATRICK SWEDEEN

PLANNING & COMMUNITY DEVELOPMENT:
100 LINCOLN STREET
SITKA, AK 99835
PHONE: (907) 747-1814
EMAIL: KIM.DAVIS@CITYOFSITKA.COM
ATTN: KIM DAVIS

PERMIT INFORMATION



VICINITY MAP

SITE ADDRESS (E-911 AND COORDINATES TO BE VERIFIED)

112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY
LATITUDE: 57° 03' 04.72" N
LONGITUDE: 135° 17' 47.00" W
PARCEL ID: 3-0648-002 & 3-0648-001
ZONING: R1

JURISDICTION:
CITY AND BOROUGH OF SITKA

STATE:
ALASKA

TOWER TYPE:
MONOPOLE

TOWER HEIGHT:
110' (120' TO HIGHEST APPURTENANCE)

NUMBER OF CARRIERS:
0 EXISTING, 1 PROPOSED

USE:
PROPOSED TELECOMMUNICATIONS TOWER AND
UNMANNED GROUND EQUIPMENT

FLOOD INFO:
SITE IS LOCATED WITHIN FEMA FLOOD MAP AREA
02220C0416D DATED 08/01/19 WITHIN FLOOD ZONE X.

PROJECT SUMMARY

DEVELOPER:
CENTRAL COUNCIL OF THE TLINGIT AND
HAIDA INDIAN TRIBES OF ALASKA
(DBA TIDAL NETWORK)
PO BOX 25500
JUNEAU, AK 99802
PHONE: (907) 538-8255
ATTN: CHRIS CROPLEY

POWER PROVIDER:
SITKA ELECTIC DEPARTMENT
105 JARVIS STREET
SITKA, AK 99835
PHONE: (907) 747-4000
ATTN: MAIN OFFICE

PROJECT COORDINATOR:
PIERSON WIRELESS
7534 F STREET
OMAHA, NE 68127
PHONE: (402) 429-7660
ATTN: JESSIE RICO

A/E CONSULTANT:
KIMLEY-HORN AND ASSOCIATES, INC.
11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: (470) 299-7052
ATTN: TREVOR NEWTON, P.E. (GA)

PROJECT CONTACTS

Sheet Number	Sheet Title
G0	COVER SHEET
-	SURVEY SHEET (1 OF 1)
C0	AERIAL PLAN VIEW
C1	OVERALL SITE PLAN
C2	COMPOUND SITE PLAN
C3	FENCE, GATE AND COMPOUND DETAILS
C4	ANTENNA AND TOWER ELEVATION DETAILS

SHEET INDEX

PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02

112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:



PLANS PREPARED BY:



11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

11			
10			
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5			
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3			
2			
1	03/27/25	TOWER VAR.	TRN
0	02/12/25	TOWER VAR.	TRN

LICENSER:

ZONING
NOT FOR CONSTRUCTION

KHA PROJECT NUMBER:

017619005

DRAWN BY: CHECKED BY:

JW

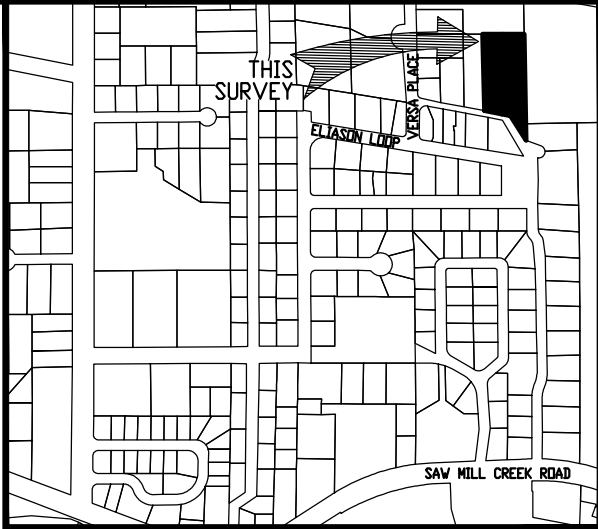
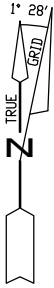
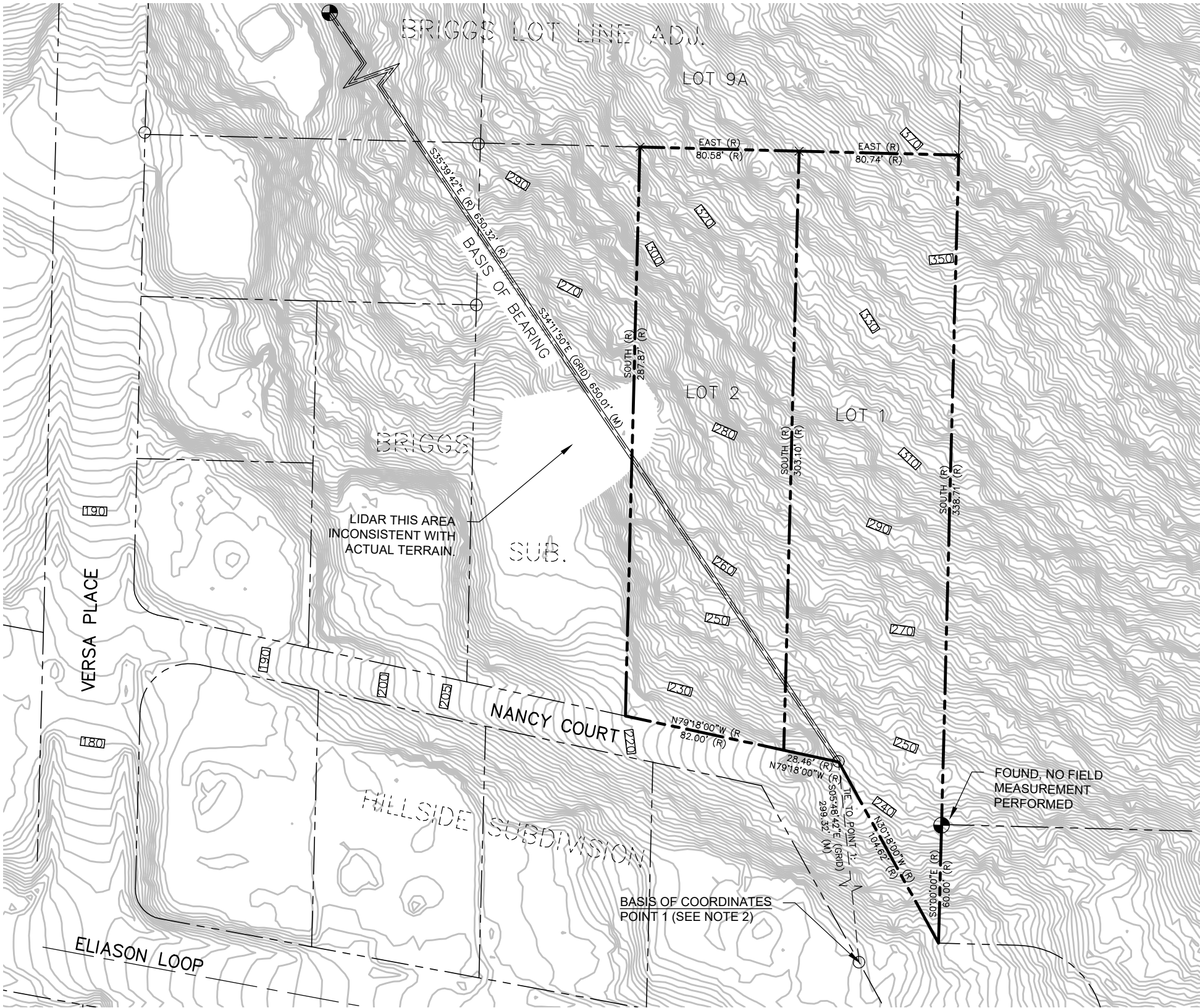
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SHEET TITLE:

COVER SHEET

SHEET NUMBER:

G0

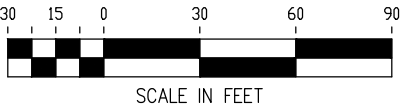


LEGEND:

- PRIMARY MONUMENT RECOVERED
- SECONDARY MONUMENT RECOVERED
- SECONDARY MONUMENT RECOVERED (NO FIELD MEASUREMENT PERFORMED)
- (R) RECORD DATA (PLAT# 77-30, S.R.D.)
- (M) MEASURED DATA (NO SCALE FACTOR)

NOTES:

- 1) BASIS OF BEARINGS SHOWN ON THIS SURVEY ARE TRUE NORTH
- 2) BASIS OF COORDINATES FOR THIS SURVEY ARE NAD 83, ALASKA STATE PLANE ZONE 1 IN U.S. SURVEY FEET, DERIVED FROM GNSS STATIC OBSERVATION, POST-PROCESSED UTILIZING NATIONAL GEODETIC SURVEY (NGS) ONLINE USER POSITIONING SERVICE (OPUS) TO DETERMINE POINT 1
- REF FRAME: NAD_83(2011)(EPOCH:2010.0000)
- LAT: 57°03'01.24171"
- W LON: 135°17'46.60854"
- ORTHO HGT: 182.23' (NAVD 88, GEIOD12B)
- 3) CONTOURS SHOWN ARE FROM LIDAR DATA. ELEVATIONS ARE NAVD88 ELEVATIONS. ELEVATION CHECKS AGREE WITH LIDAR DATA WITHIN 2 FT. ±.



NORTH 57*
LAND SURVEYING LLC

(907) 747-6700 215-F SMITH STREET, SITKA, AK
8800 GLACIER HWY, SUITE 224 1/2, JUNEAU, AK
MAILING ADDRESS - 2007 CASCADE CREEK ROAD,
SITKA, AK 99835
EMAIL: north57landsurveying@yahoo.com

BY	DATE	REV	DESCRIPTION OF CHANGE
RECORD OF REVISIONS			



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN XXX-XXX, 20XX A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE _____ KELLY J. O'NEILL LS 13324

DRAWN: CM/KD/ACAD

CHECKED: KD

DATE OF DRAWING: JAN. 28, 2025

SCALE: 1" = 30'

DRAWING NAME: 40576-01

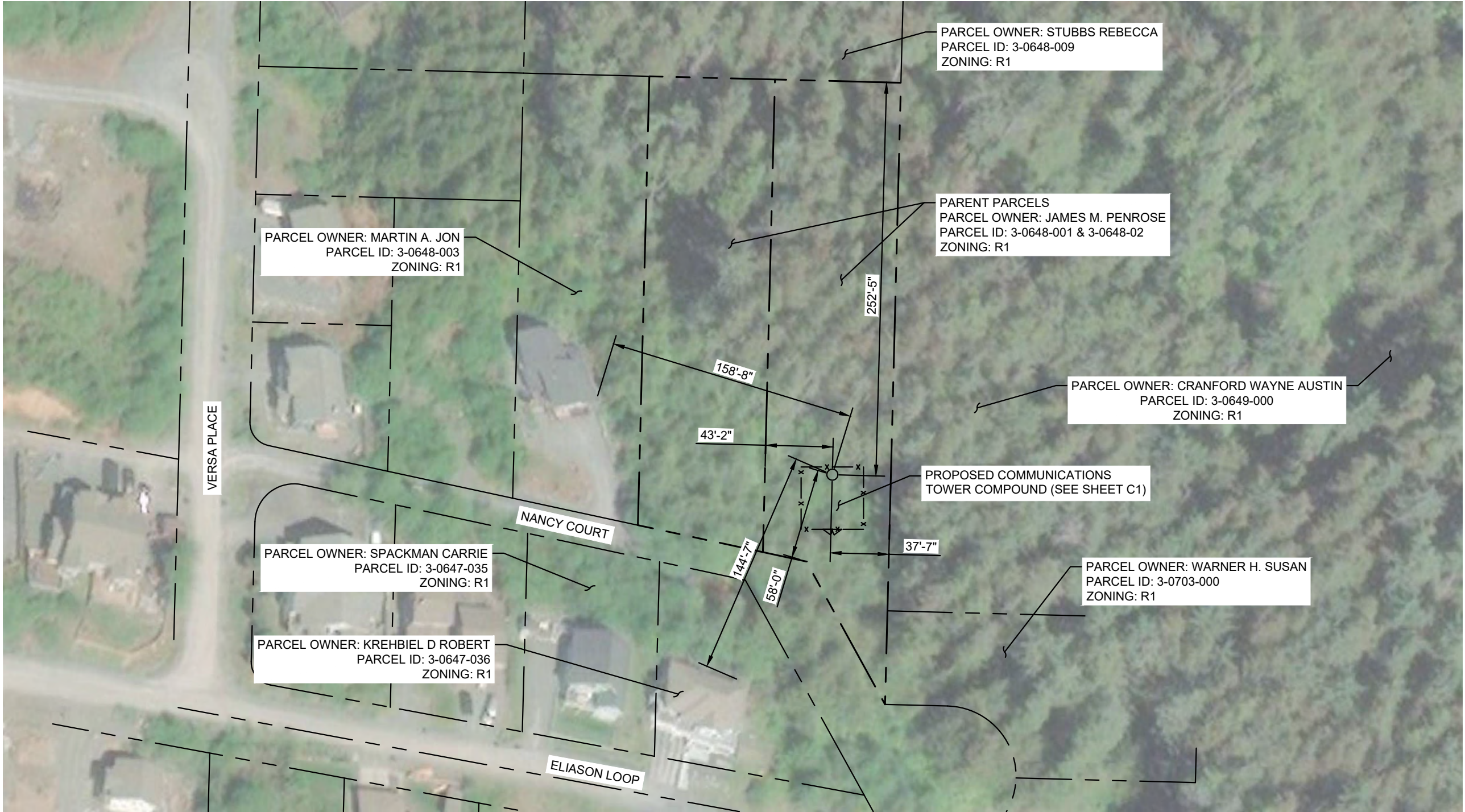
PROJECT NO. 40576-01

BOUNDARY SURVEY

LOT 1 AND LOT 2, BRIGGS SUBDIVISION
(PLAT # 77-30, SITKA, AK REC. DISTRICT)

CLIENT: TLINGIT & HAIDA

K:\ATL\Wireless\Pierson Wireless\Tidal Network\Sitka Zone 2\CAD\ZD\SEAK RAWLAND_CD.dwg 03/28/25 1:44 PM by: trevor.newton

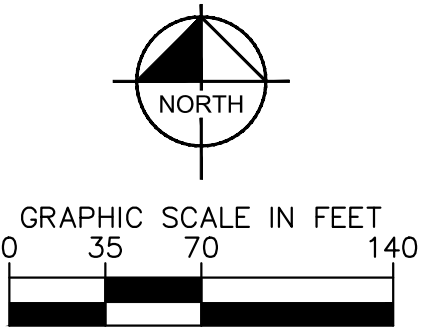


1
C0

AERIAL PLAN VIEW

SCALE: 1" = 70'

SURVEY NOTE:
1. PROPOSED COMPOUND LAYOUT IS BASED ON SURVEY PROVIDED BY NORTH 57 LAND SURVEYING, LLC. DATED 01/28/2025 AND SITE VISIT ON 01/28/2025





PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02


112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:


TIDAL NETWORK


PIERSON WIRELESS

PLANS PREPARED BY:


11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

11			
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3			
2			
1	03/27/25	TOWER VAR.	TRN
0	02/12/25	TOWER VAR.	TRN

LICENSER:

ZONING

NOT FOR CONSTRUCTION

KHA PROJECT NUMBER:

017619005

DRAWN BY: CHECKED BY:

JW

TRN

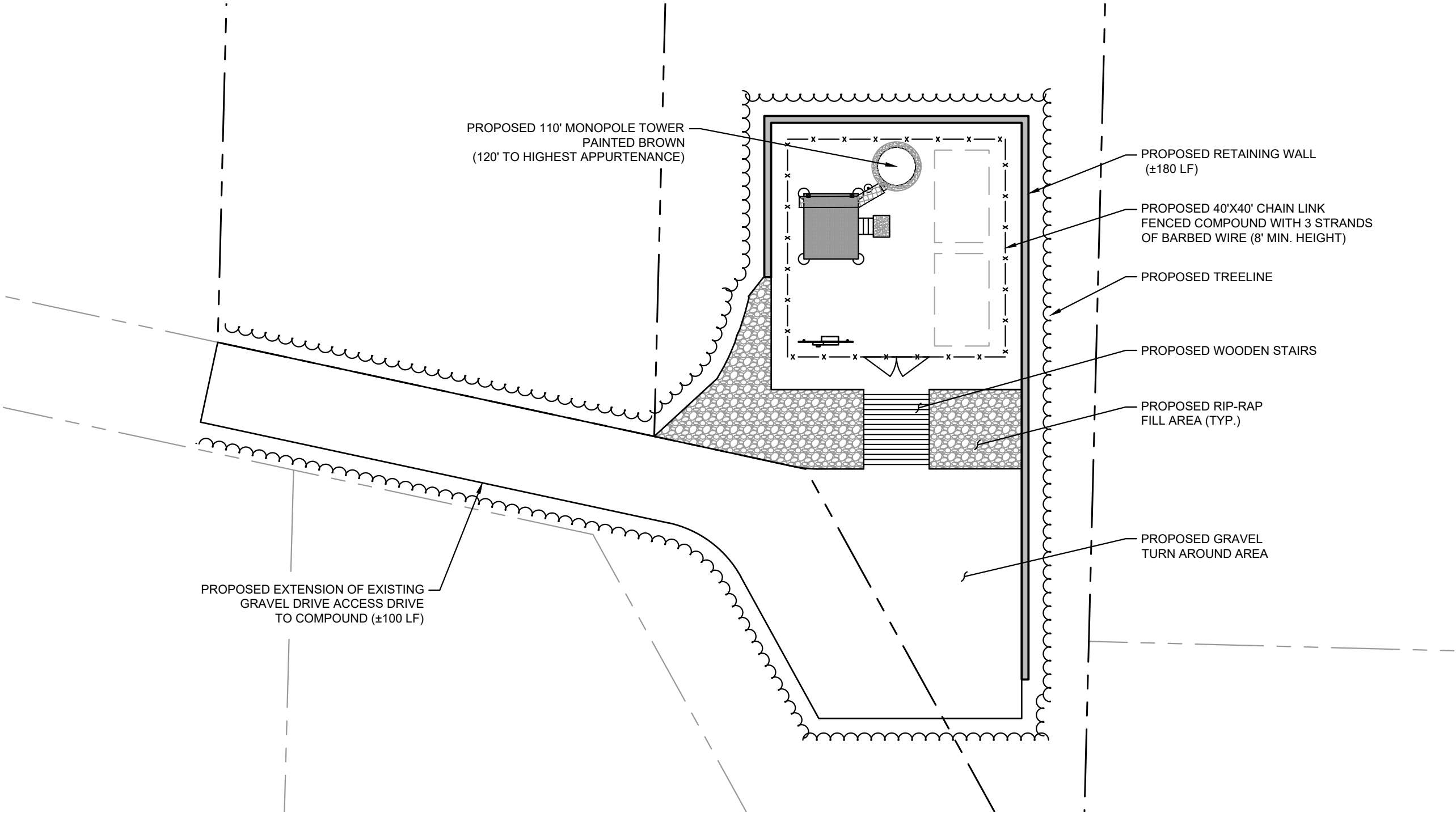
SHEET TITLE:

AERIAL PLAN VIEW

SHEET NUMBER:

C0

K:\ATL_Wireless\Pierson_Wireless\Tidal_Network\Sitka_Zone_2\CAD\ZD\SEAK_RAWLAND_CD.dwg 03/28/25 1:44 PM by: trevor.newton

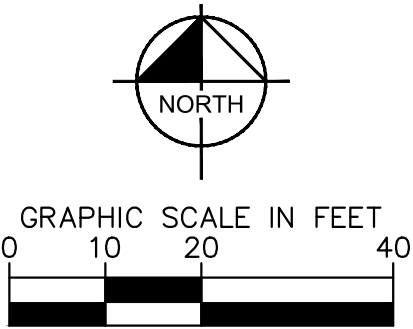


1
C1

OVERALL SITE PLAN

SCALE: 1" = 20'

SURVEY NOTE:
1. PROPOSED COMPOUND LAYOUT IS BASED ON SURVEY PROVIDED BY R&M
ENGINEERING-KETCHIKAN, INC. DATED 01/28/2025 AND SITE VISIT ON 01/28/2025



PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02

112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:



PLANS PREPARED BY:

Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

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1	03/27/25	TOWER VAR.	TRN
0	02/12/25	TOWER VAR.	TRN

LICENSER:

ZONING
NOT FOR CONSTRUCTION

KHA PROJECT NUMBER:

017619005

DRAWN BY: CHECKED BY:

JW

TRN

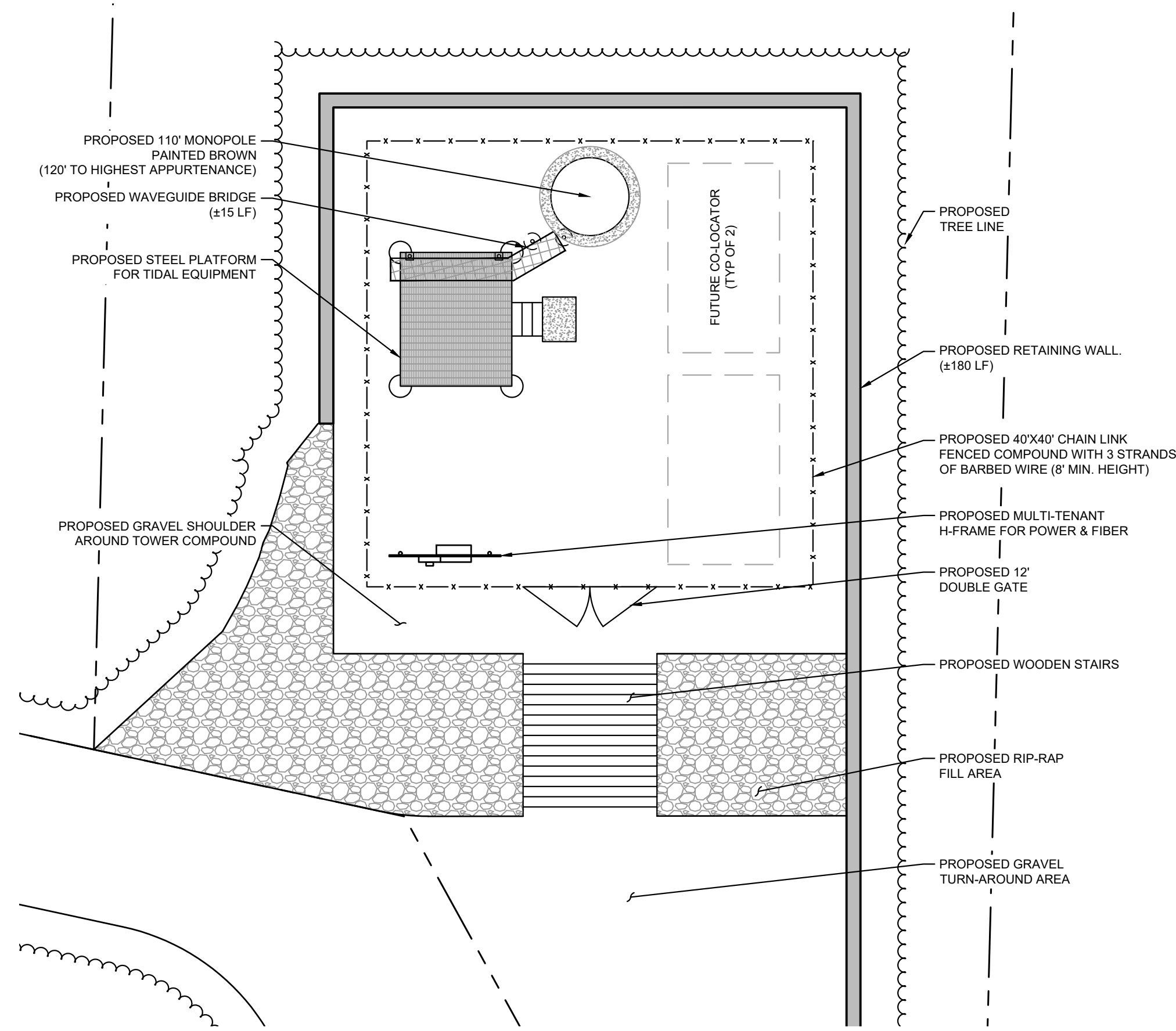
SHEET TITLE:

**OVERALL SITE
PLAN**

SHEET NUMBER:

C1

K:\AT_Wireless\Pierson Wireless\Tidal Network\Sitka\Zone 2\CAD\ZD\SEAK RAWLAND_CD.dwg 03/28/25 1:44 PM by: trevor.newton




1
C2
COMPOUND SITE PLAN
SCALE: 1" = 10'


PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02


112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:


TIDAL NETWORK


PIERSON WIRELESS

PLANS PREPARED BY:


Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

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0	02/12/25	TOWER VAR.	TRN

LICENSER:

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NOT FOR CONSTRUCTION

KHA PROJECT NUMBER:

017619005

DRAWN BY: CHECKED BY:

JW

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SHEET TITLE:

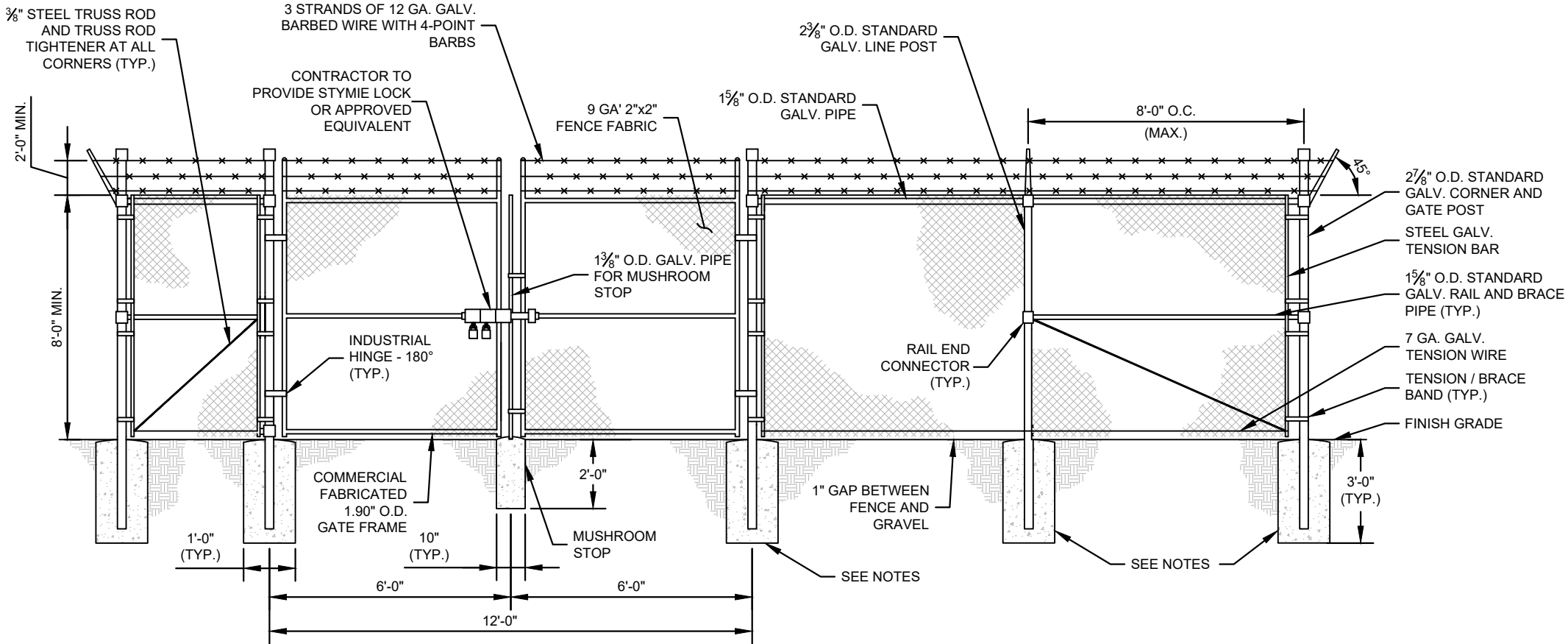
COMPOUND SITE PLAN

SHEET NUMBER:

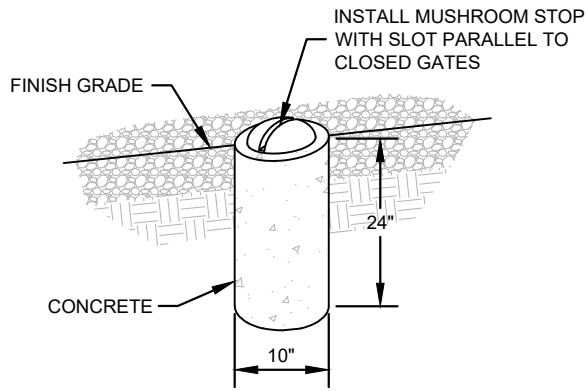
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K:\ATL_Wireless\Pierson Wireless\Tidal Network\Sitka Zone 2\CAD\ZD\SEAK RAWLAND_CD.dwg 03/28/25 1:44 PM by: trevor.newton

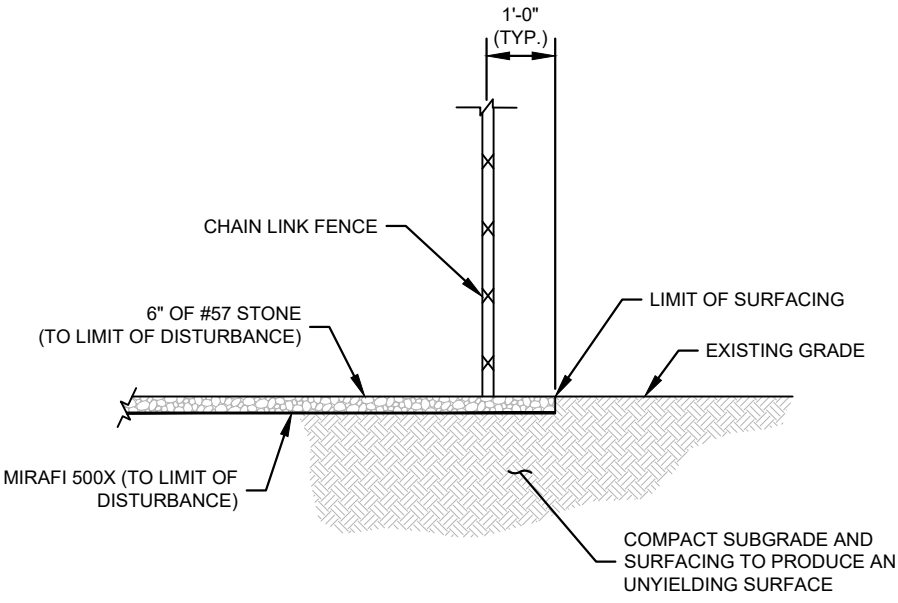
- FENCE NOTES:**
- USE 3,000-PSI CONCRETE, FULLY CONSOLIDATED AROUND THE POST.
 - WHERE THE POST IS SET IN ROCK OR CONCRETE, CORE A HOLE 12" DEEP AND 1" LARGER IN DIAMETER THAN THE POST. SET THE POST AND GROUT IN PLACE USING NON-SHRINK GROUT.
 - ALL POSTS MUST BE PLUMB AND ALIGNED WITH ONE ANOTHER IN BOTH HORIZONTAL AND VERTICAL PLANES.
 - CORNERS AND GATEPOSTS FOR CHAIN LINK FENCES SHALL EXTEND ABOVE THE TOP STRAND OF BARBED WIRE TO PROVIDE TENSIONING FOR THE BARBED WIRE.
 - PROVIDE MIDRAILS AND BRACING AT ALL CORNER POSTS WHERE THE FENCE CHANGES DIRECTION BY MORE THAN 30 DEGREES.
 - THE GRADE OF THE SITE AND INSTALLATION OF THE FENCE SHALL PROVIDE FOR NO MORE THAN A 1" GAP BETWEEN THE BOTTOM OF THE FENCE MATERIAL AND FINISH GRADE.
 - CONTRACTOR SHALL PROVIDE HOLD OPEN DEVICES FOR ALL GATES AT THE SPECIFIED OPEN POSITIONS, DRIVEN PIPE TYPE RECEIVERS ARE NOT AUTHORIZED.
 - CONTRACTOR SHALL ALSO PROVIDE A MUSHROOM TYPE RECEIVER AT THE CLOSE POSITION.



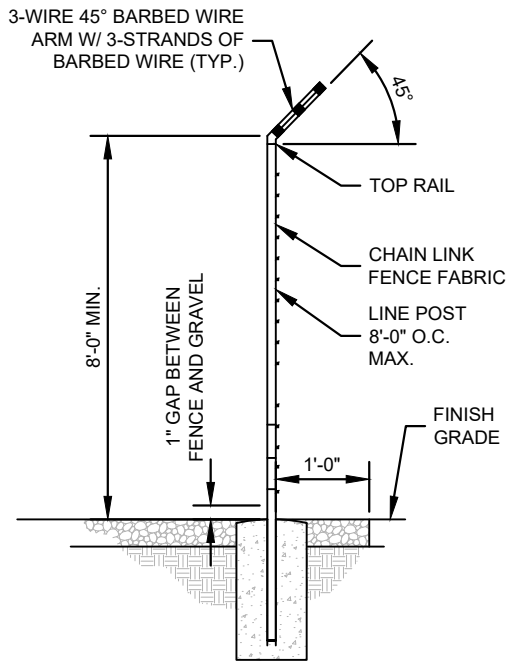
1
C3 CHAIN LINK FENCE AND GATE ELEVATION
NOT TO SCALE



2
C3 MUSHROOM STOP
NOT TO SCALE



3
C3 SITE COMPOUND SURFACE DETAIL
NOT TO SCALE



4
C3 SECTION AT FENCE
NOT TO SCALE

PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02

112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:



PLANS PREPARED BY:

Kimley»Horn
11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

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1	03/27/25	TOWER VAR.	TRN
0	02/12/25	TOWER VAR.	TRN

LICENSER:

ZONING
NOT FOR CONSTRUCTION

KHA PROJECT NUMBER:

017619005

DRAWN BY: CHECKED BY:

JW TRN

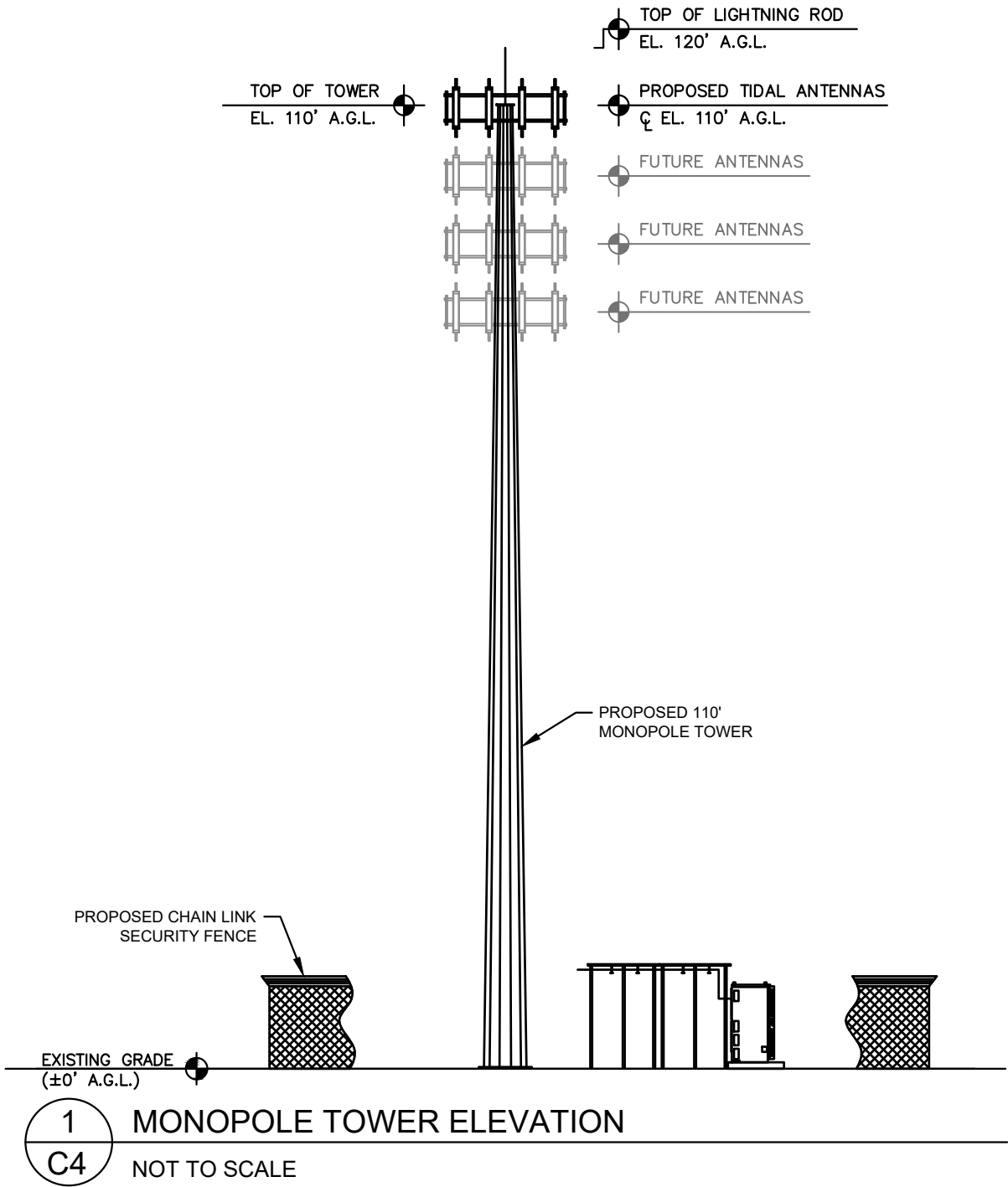
SHEET TITLE:

**FENCE, GATE AND
COMPOUND
DETAILS**

SHEET NUMBER:

C3

K:\ATL_Wireless\Pierson_Wireless\Tidal_Network\Sitka\Zone 2\CAD\ZD\SEAK_RAWLAND_CD.dwg 03/28/25 1:44 PM by: trevor.newton





PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02

112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:


TIDAL NETWORK


PIERSON WIRELESS

PLANS PREPARED BY:


11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

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1	03/27/25	TOWER VAR.	TRN
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LICENSER:

ZONING

NOT FOR CONSTRUCTION

KHA PROJECT NUMBER:

017619005

DRAWN BY:

CHECKED BY:

JW

TRN

SHEET TITLE:

ANTENNA AND
TOWER ELEVATION
DETAILS

SHEET NUMBER:

C4



Central Council of the Tlingit & Haida Indian Tribes of Alaska

Tidal Network

Physical Address: PO Box 25500 • Juneau, Alaska 99802

Mailing Address: PO Box 25500 • Juneau, Alaska 99802

Exhibit 5 – Photo Simulation Package



View looking northeast from above Kiksadi Court

Existing

Kimley»Horn

Tidal Network/Pierson Wireless - Sitka Zone 2
116 Nancy Court
Sitka, AK

Tidal
NETWORK

PIERSON
WIRELESS



View looking northeast from above Kiksadi Court

Proposed

Kimley»Horn

Tidal Network/Pierson Wireless - Sitka Zone 2
116 Nancy Court
Sitka, AK

Tidal
NETWORK

PIERSON
WIRELESS



View looking northeast near Sitka Highway

Existing

Kimley»Horn

Tidal Network/Pierson Wireless - Sitka Zone 2
116 Nancy Court
Sitka, AK

Tidal
NETWORK

PIERSON
WIRELESS



View looking northeast near Sitka Highway

Proposed

Kimley»Horn

Tidal Network/Pierson Wireless - Sitka Zone 2
116 Nancy Court
Sitka, AK

Tidal
NETWORK

PIERSON
WIRELESS

Proposed Tidal Network/Pierson Wireless 110' monopole tower (120' top of lightning rod.)
Antennas, pole shaft, and mounting hardware to be painted brown to match pole.
(Not visible in this view)



View looking north from Eliason Loop

Existing

Kimley»Horn

Tidal Network/Pierson Wireless - Sitka Zone 2
116 Nancy Court
Sitka, AK





Central Council of the Tlingit & Haida Indian Tribes of Alaska
Tidal Network

Physical Address: PO Box 25500 • Juneau, Alaska 99802

Mailing Address: PO Box 25500 • Juneau, Alaska 99802

March 28, 2025

Amy Ainslie
Planning & Community Development Director
City and Borough of Sitka Alaska
100 Lincoln Street, Sitka, AK 99835

RE: VAR 25-01 – Tidal Network Response to Public Comments of Zoning Variance Request

Ms. Ainslie,

The Central Council of the Tlingit and Haida Indian Tribes of Alaska (Tlingit & Haida) kindly requests approval of our zoning variance request (VAR 25-01) for the proposed communications tower at 116 Nancy Court. This project satisfies all legal and planning requirements, directly addresses a critical public need, aligns with federal infrastructure funding mandates, and supports a long-term sustainable model for broadband access in Sitka.

Tidal Network is a division of Tlingit & Haida, a federally recognized tribal government, whose primary mission is to provide fixed wireless broadband services to unserved and underserved communities in Southeast Alaska. As part of this, Tidal Network's first objective is to construct wireless infrastructure via the development of communications towers throughout Southeast Alaska which includes our proposed communications tower at 116 Nancy Court. In addition to this tower's ability to deliver fixed wireless broadband to Sitka residents, it can support public safety and governmental communication systems, including potential collocation for VHF services, tsunami warning systems, city emergency radios, and other public and private telecommunications carriers.

Further, as set forth by the City of Sitka Planning Office (City), we want to reiterate our principal use of the land as that of a public facility in that we are a private utility serving the public. Per the City's opinion, the Sitka Planning Commission (Commissions) may only rule on the variance based on aesthetic concerns. The Commission may not make findings based on environmental or health concerns and cannot expressly prohibit our provision of service so long as we adequately address visual impacts and demonstrate that our site is the least intrusive option. Therefore, our goal with this letter is to alleviate concerns raised regarding visual impacts and demonstrate why the property at 116 Nancy Court is the least intrusive option for our proposed communications tower.



Central Council of the Tlingit & Haida Indian Tribes of Alaska Tidal Network

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Coverage Gap

As illustrated in **Exhibit 1**, our coverage maps and radio frequency (RF) engineering analysis demonstrate a significant wireless service gap in Tidal Network's Sitka area, particularly in the region addressed by this proposed tower. These service deficiencies impact essential sectors such as healthcare, education, and economic development.

The project will provide dependable service using licensed 2.5 GHz spectrum attained from Sitka Tribe of Alaska and help close the digital divide in alignment with the objectives of the Tribal Broadband Connectivity Program (TBCP). This spectrum is a vital tribal asset that Tidal Network is actively working to defend and retain within tribal control, ensuring its long-term use for the benefit of tribal and non-tribal residents alike. Tidal Networks' services are available to ALL citizens.

Site Selection Process and Least Intrusive Means

Throughout Sitka, our goal is to build (5) communications towers demarked by (5) unique RF zones (**Exhibit 1**). To find suitable site locations for tower development, Tidal Network conducted an extensive site search and community-wide outreach of Sitka, contacting approximately 129 property owners via mailed letters and met with the City Planning Office on numerous occasions to understand the jurisdictional parameters for tower development. A sample engagement letter can be seen in **Exhibit 2**, and a due diligence package can be seen in **Exhibit 3**.

Of the 129 initial sites, most sites were reviewed and eliminated based on financial, environmental, or coverage constraints. One of the biggest constraints was that very few landowners were not willing to subdivide or outright sell their land.

Tidal Network's business plan and federal grant requirements for sustainability mandate ownership of infrastructure and land. TBCP funds can be used for capital expenditures (CapEx). Recurring lease payments, which are categorized as operational expenses (OpEx) are not allowed longer than the life of the grant. Leasing land or tower space is incompatible with both grant compliance and the financial sustainability of the network. Further, the ability to control and monetize the infrastructure over time is central to Tidal Network's goal of achieving self-sufficiency while delivering affordable broadband to all citizens. Therefore, potential properties, that were suitable otherwise, were not viable options for Tidal Network.

Of the few properties that were affordable and owned by willing to sell landowners, even fewer were suitable from a signal propagation and coverage perspective. For example, of the 129 investigated properties, Tidal Network currently has (2) active properties that meet their coverage, financial, and development criteria.



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Concerning the subject property in question at 116 Nancy Court, it falls within our Zone 2. It represents a site that not only meets all our coverage objectives but was also the only piece of vacant, real estate for sale within Zone 2 when going under contract. Other options explored include the existing macro site located on Raptor Way. Further discussion on this option is discussed later in the letter. Additionally, of the commercial and industrial zoned lands, no engaged landowners had land they were willing to sale or subdivide. Only leasing options were discussed. Any other properties that may have been suitable were either not for sale, not vacant, or inadequate for coverage. Therefore, the 116 Nancy Court property was our only option within this Zone.

Commentary on Macro Collocation – Raptor Way

It is noted that there is an existing SBA Tower located on Raptor Way which is nearby to 116 Nancy Court. Tidal Network investigated and engaged SBA in collocating on the asset. Ultimately, it was determined to be infeasible due to inadequate height, inability to meet coverage objectives, and sustainability concerns. Further, as mentioned earlier in this letter, any leasing structure is incompatible with Tidal Network's model. That said, even if this stipulation didn't exist for us, a 30-year term lease on this tower would be more than \$1.3 million, which is more than the cost of ownership and development at 116 Nancy Court. Moreover, leased tower space can result in other carriers auctioning down Tidal's equipment position, reducing or eliminating performance.

Mediating Visual Impacts

Tidal Network will make efforts to mediate visual impacts of the proposed communications tower located at 116 Nancy Court. First off, the site is on high ground, located in the far NE corner of the area, and naturally shielded by existing terrain. No residences reside uphill of the prospective communications tower and no current viewshed of the waterfront would be tampered if it were constructed. Moreover, part of the land acquisition of 116 Nancy Court also includes the lot identified as 112 Nancy Court. Tidal Network has no plans to develop 112 Nancy to ensure a natural, landscape buffer remains between current residences in the area.

In addition to naturally produced mediation to visual impacts, Tidal Networks plans on designing the tower to mediate visual impacts. First off, Tidal Network is moving forward with a monopole type tower to limit visual impacts. Additionally, the tower will be painted brown in color to better blend into the existing landscape. Further, Tidal Network will paint their tower mounted antenna and equipment, including the mount itself, brown. Future, prospective tenants of the



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tower will be required to comply with this standard, as well. Concerning, the equipment area on the ground, though the natural terrain should shield any viewshed, Tidal Network is prepared to install their compound fencing with black or brown privacy slats to provide an extra visual barrier. Last, we have also moved the tower north fifteen feet relative to the position reviewed at the March Planning Commission meeting to assist in getting further out of any potential viewshed. This adjustment can be seen in **Exhibit 4**.

A full photo simulation package can be found in **Exhibit 5**. It should be noted that (2) additional views are added to the package from the previous submittal. One view is from the vantage of a parking lot at the intersection of Sawmill Creek Road and Price Street. It is Tidal Network's opinion that the tower from this vantage produces a near negligible visual impact. The other view is from the southernly intersection of Eliason Loop and Vitskari Street. This simulation was provided to include a view from the center of the residential area. The tower was not observed to be visible from this vantage point.

Acknowledgement of Other Concerns

Though it has been established that the Commission may only rule on visual impacts, Tidal Network would like to reiterate to the Public that the prospective tower will be built in compliance with all authorities having jurisdiction on the matter including the FCC, FAA, NTIA and Sitka Building Office. It is not Tidal Network's goal to build wireless infrastructure that is not engineered appropriately, considerate of environmental impacts, or that ultimately adversely affects public safety.

Summary

In summary, the 116 Nancy Court site has been selected with intention to support the long-term sustainability of broadband and cellular access in Sitka, resolve a current coverage gap, while minimizing visual and aesthetic impacts. The 116 Nancy court location meets the unique financial, legal, and coverage criteria Tidal Network must meet. We believe our letter and associated exhibits sufficiently demonstrate our intentionality in limiting visual impacts and explain why the property at 116 Nancy Court is the least intrusive option for our proposed communications tower in Zone 2. With this, we respectfully request approval of the zoning variance, VAR 25-01.

Respectfully,

Richard. J Peterson

President – The Central Council of the Tlingit & Haida Indian Tribes of Alaska



Central Council of the Tlingit & Haida Indian Tribes of Alaska

Tidal Network

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Mailing Address: PO Box 25500 • Juneau, Alaska 99802

Exhibit 1 – Coverage Maps

SITKA,
ALASKA

TIDAL NETWORK BROADBAND DEPLOYMENT COVERAGE AREA OVERVIEW

PROJECT OVERVIEW	
PROJECT DESCRIPTION	TIDAL NETWORK BROADBAND DEPLOYMENT COVERAGE AREA OVERVIEW
NETWORK OPERATOR	TIDAL NETWORK
LOCATION	SITKA, AK
POPULATION ESTIMATE (TOTAL)	8,490 (Approximate)
TLINGIT & HAIDA CITIZEN ESTIMATE	1350
ESTIMATED HOUSEHOLDS	4025

DESIGN NARRATIVE	<p>PHASE 1 & 2 RF DESIGN COMPLETE WITH PURPOSE OF GENERATING BASELINE DATA SET USED FOR NETWORK OPERATOR AND SITE AQUITION (SAQ) COORDINATION, IN ADDITION TO THE EVALUATION OF EXISTING CELLULAR INFRASTRUCTURE PERFORMANCE.</p> <p>CURRENT DESIGN FOCUSES EVALUATION ON HIGH LEVEL COVERAGE OBJECTIVES & PERFORMANCE EVALUATION PER COVERAGE ZONE.</p>
------------------	--

TOTAL RF ZONES	<ul style="list-style-type: none">• ZONES TOTAL: 7• ZONES 1,2, & 4 ARE AREA OF FOCUS FOR PHASE 2 RF DESIGN• ZONES 6 & 7 EXCLUDED FROM DAY-01 COVERAGE AREA OBJECTIVES.• ZONES 3 & 5 HAVE LIMITED VIABILITY FOR SITE ACQUISITION.
TOTAL EXISTING CELL SITES	<ul style="list-style-type: none">• CELLULAR MACRO SITES (TOWER): 3• CELLULAR MACRO SITES (ROOFTOP): 1• CELLULAR SMALL CELL SITES: APPROX (5) LOCATIONS.
EXPECTED TOTAL SITES	5 SITES TOTAL

FREQUENCY BAND (PRIMARY)	N41: BRS / 2.5GHz
BAND 41 SPECTRUM (OVERALL)	2496 - 2690 MHz
LICENSED BAND 41 SPECTRUM (IN DESIGN)	ARFCN 508400 – 80MHz
TECHNOLOGY IN DESIGN	5G NR
RADIO MODEL & HIGH LEVEL SPECS	4T4R / 40W PER TRX (160W total) / 256 QAM
RADIO CHANNEL BANDWIDTH & COMPLIANCE	Band-41 (DL/UL: 2496 – 2690MHz) / 3GPP NR TDD / FCC

RECEPTION EQUIPMENT (FWA Receiver)	BEC 8232: 4x4 MIMO DL / 2x2 MIMO UL RECIEVER GAIN: 10dBI Class 2: TX (26 dBm +2/-3 dB)
RF PREDICTION MODEL	FORSK ATOLL ASTER PREDICTION MODULE
GEODATA DESCRIPTION	HIGH RESOLUTION 2M GEODATA WITH RASTER AND VECTOR TERRAIN FEATURES
RF PREDICTION HEIGHT	15' AGL OR ROOFTOP – PREDICTOIN INCLUDES RECIEVER ANTENNA GAIN.



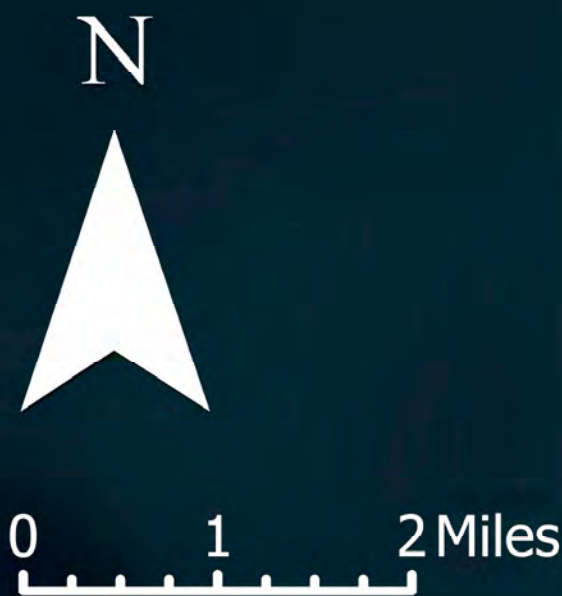
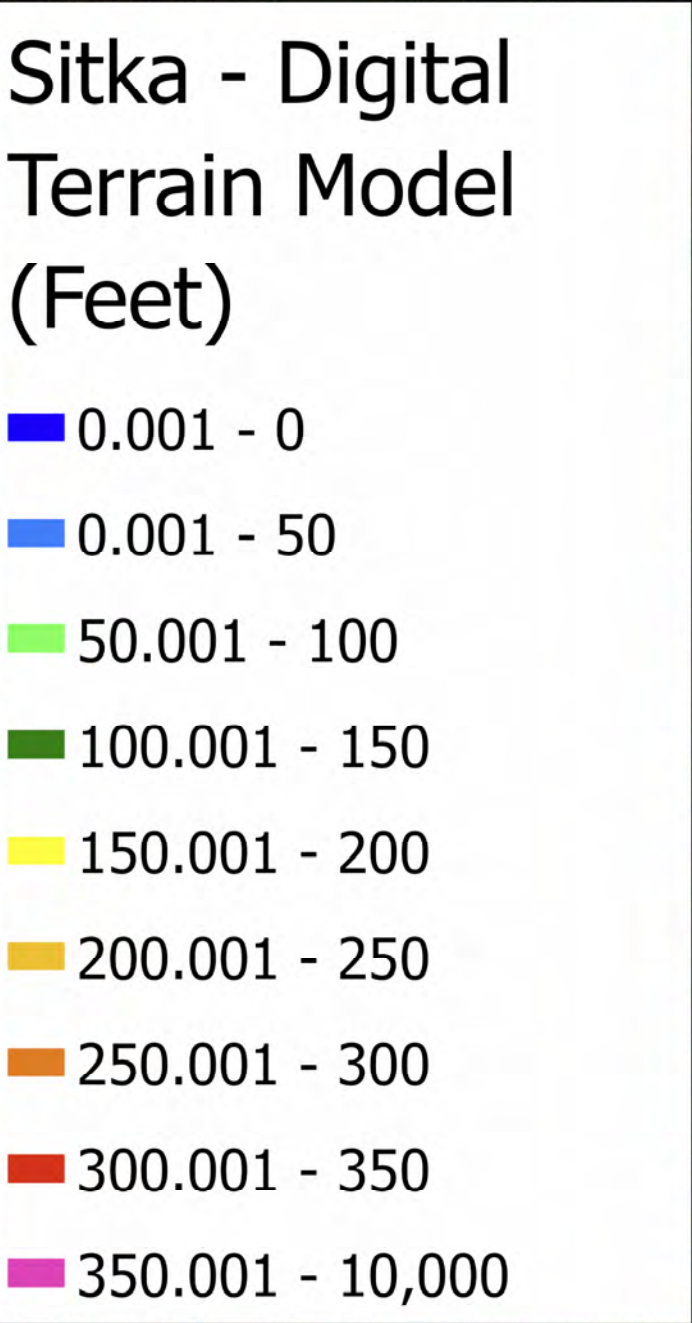
SITKA – DIGITAL ELEVATION MODEL



PROJECT LOCATION

SHEET TITLE

SHEET NUMBER



SITKA – CLUTTER DATA / LAND USE CLASSIFICATIONS

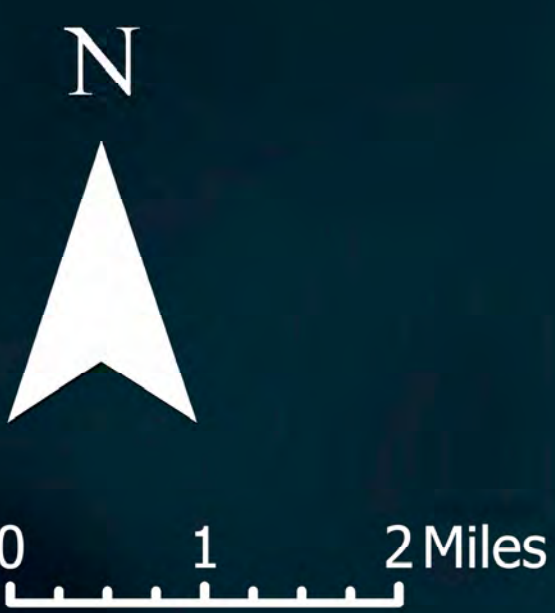


PROJECT LOCATION

SHEET TITLE

SHEET NUMBER

- Sitka - Clutter
- Sea
 - Inland Water
 - Barren
 - Low Vegetation
 - Forest
 - Village
 - Residential with Trees
 - Dense Residential
 - Urban
 - High Buildings
 - Comm-Indus
 - Airport
 - Open in Urban



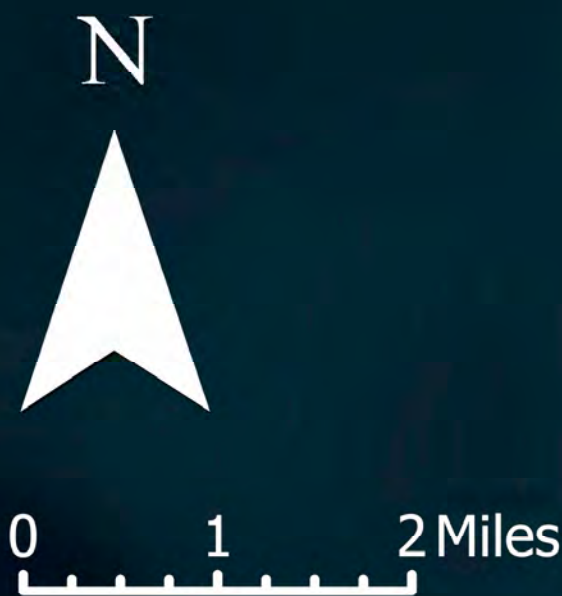
SITKA – CLUTTER HEIGHTS



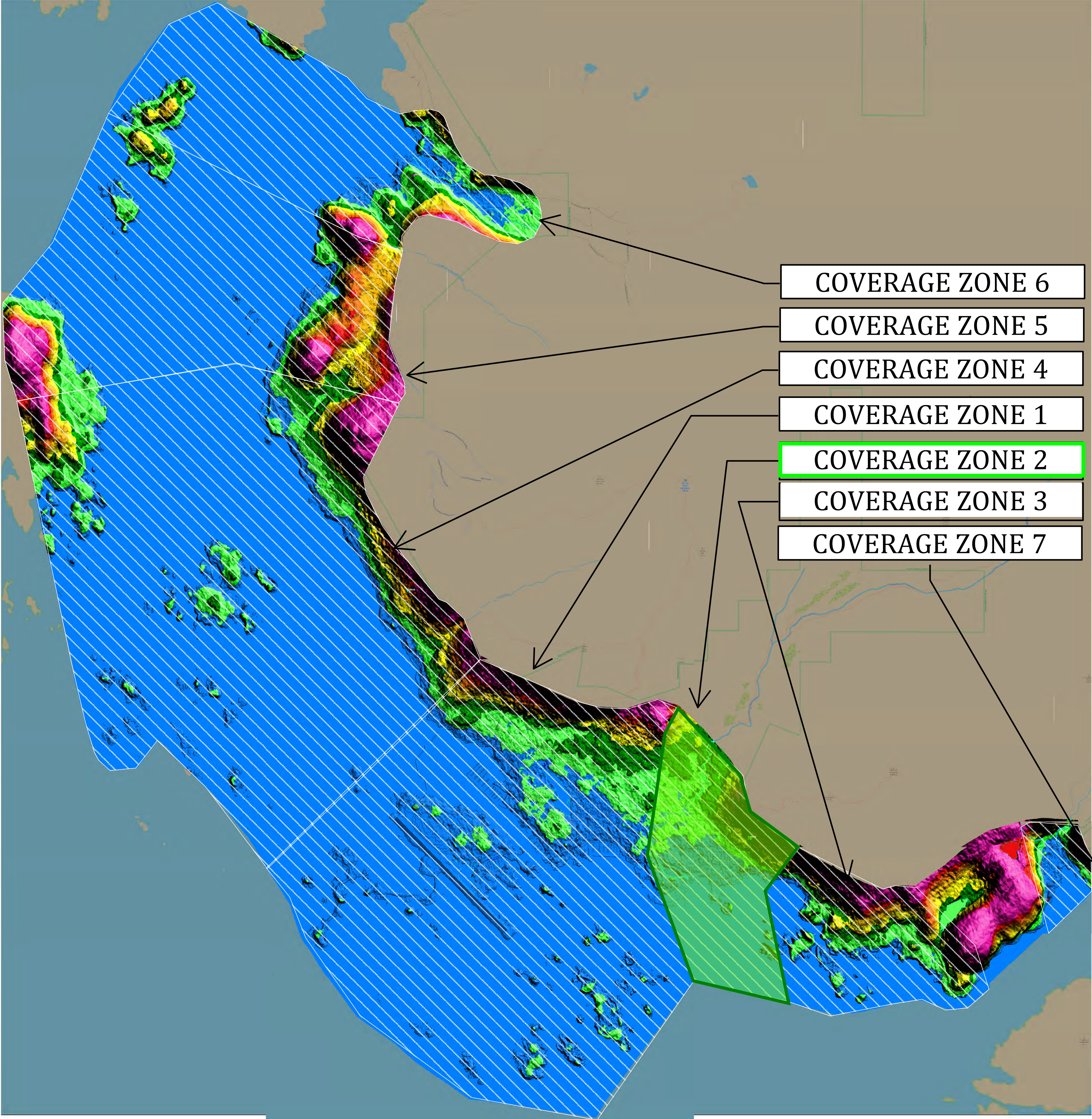
PROJECT LOCATION

SHEET TITLE

SHEET NUMBER



SITKA – TIDAL NETWORK COVERAGE ZONES



COVERAGE ZONE	OVERVIEW	Description
Zone 1	<ul style="list-style-type: none">• Population Center• Downtown Buisness Districct• Population Center• Schools	<ul style="list-style-type: none">• Zone is determined via population density and geological boundaries to Zone 4.• New Build locations in Zone 1 has potential coverage for overlap into other zones. (Ideal configuration for network capacity and overlapping coverage to support and future handoff capabilities)
Zone 2	<ul style="list-style-type: none">• Buisness District• Residential Population	<ul style="list-style-type: none">• Zone is determined via population density and geological boundaries to Zone 3.• New Build locations in Zone 2 has potential for overlap into other zones. (Ideal configuration for network capacity and overlapping coverage to support and future handoff capabilities)
Zone 3	Primarily Residential	<ul style="list-style-type: none">• Zone is determined in response to geological boundaries and RF propegation / link budget.• Zone (5) may have small overlap with Zone 4.
Zone 4	Primarily Residential	<ul style="list-style-type: none">• Zone is determined in response to geological boundaries and RF propegation / link budget.• Zone (4) generally will not support RF propegation from other zones.
Zone 5	<ul style="list-style-type: none">• Light Residential• Cruise Ship Port	<ul style="list-style-type: none">• Zone is determined in response to geological boundaries.• Zone (5) does not support RF propegation from other zones.
Zone 6	<ul style="list-style-type: none">• No residential.• Public Land / Campgrounds	<ul style="list-style-type: none">• Zone is determined in response geological boundaries.• Zone (6) does not support RF propegation from other zones.
Zone 7	<ul style="list-style-type: none">• Industrial Only - High population of Seasonal workers	<ul style="list-style-type: none">• Zone is determined in response geological boundaries.• Zone (7) does not support RF propegation from other zones.

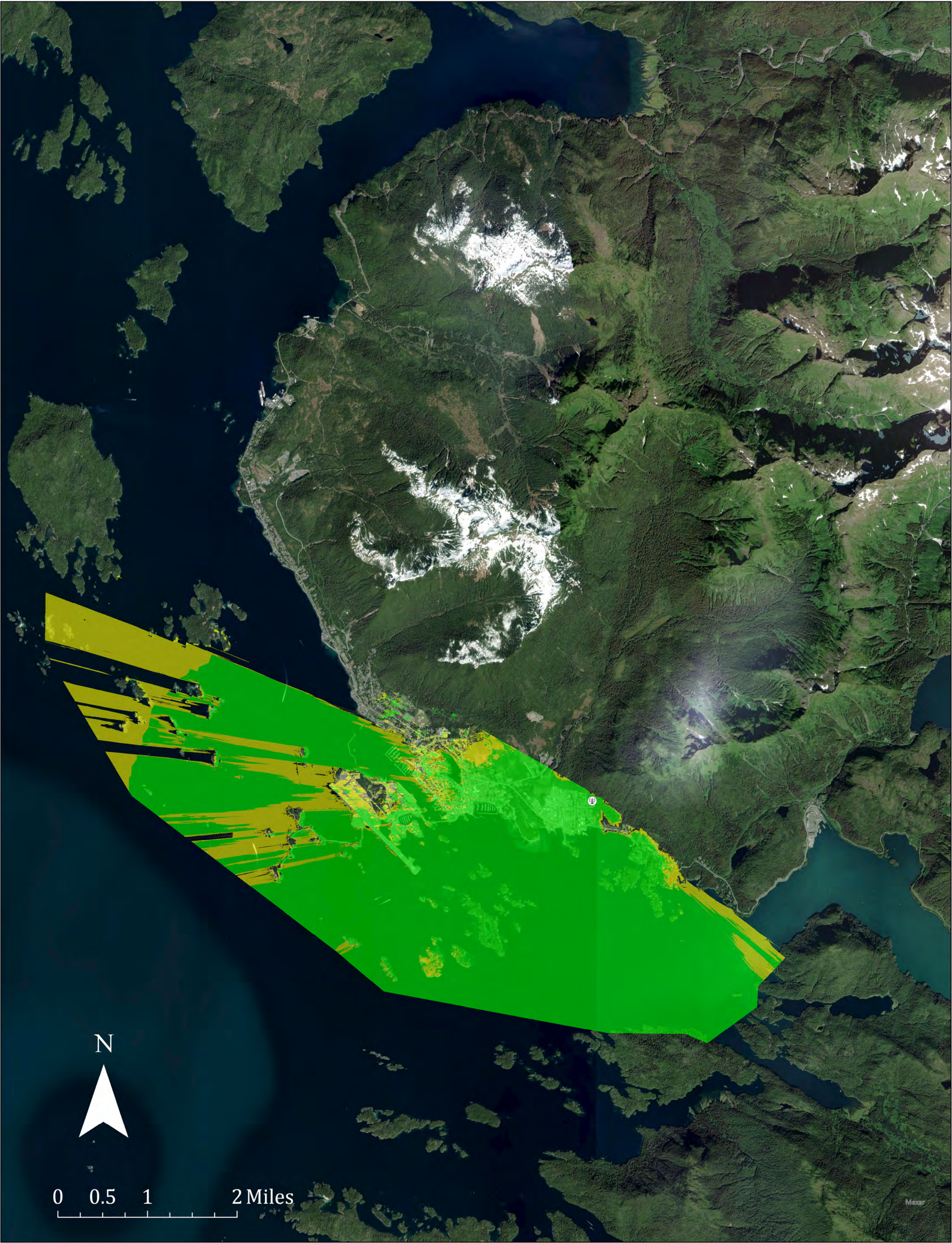


PROJECT LOCATION

SHEET TITLE

SHEET NUMBER

TIDAL NETWORK COVERAGE RANGE SIMULATION @ 116 NANCY COURT



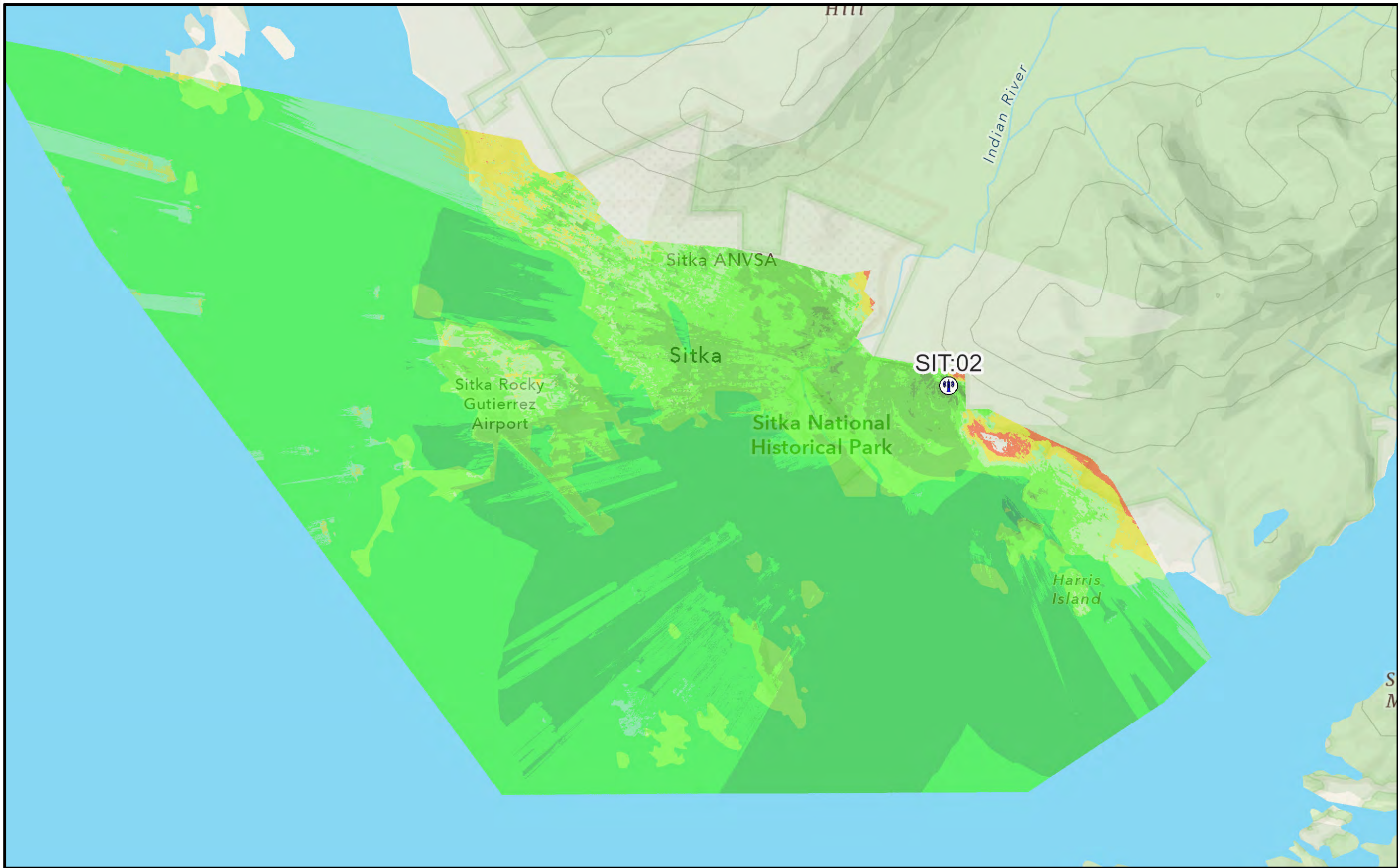
PROJECT LOCATION

SHEET TITLE

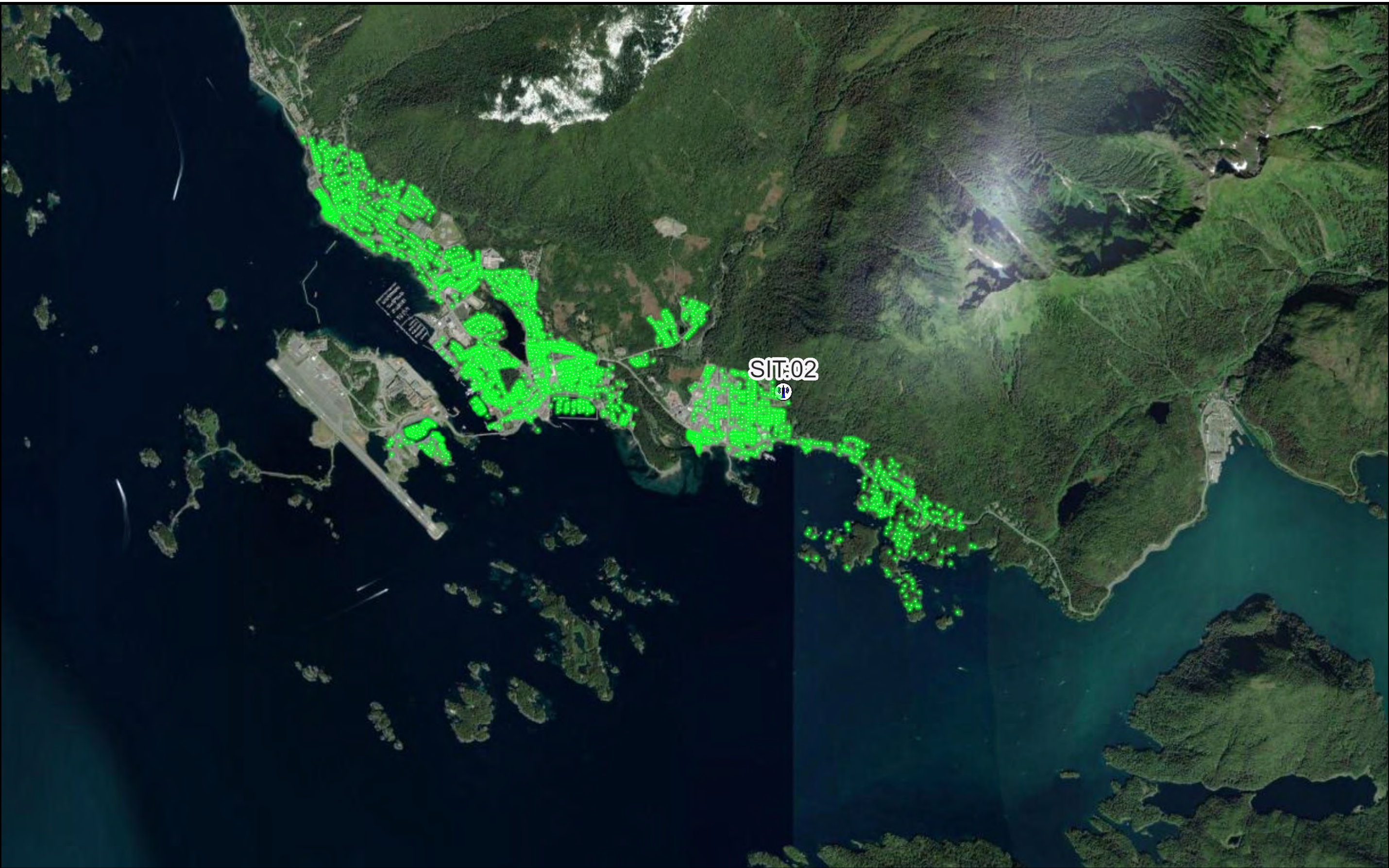
SHEET NUMBER

116 NANCY COURT COVERAGE AREA STUDY – BEST PERFORMING SITE LOCATION IN SITKA

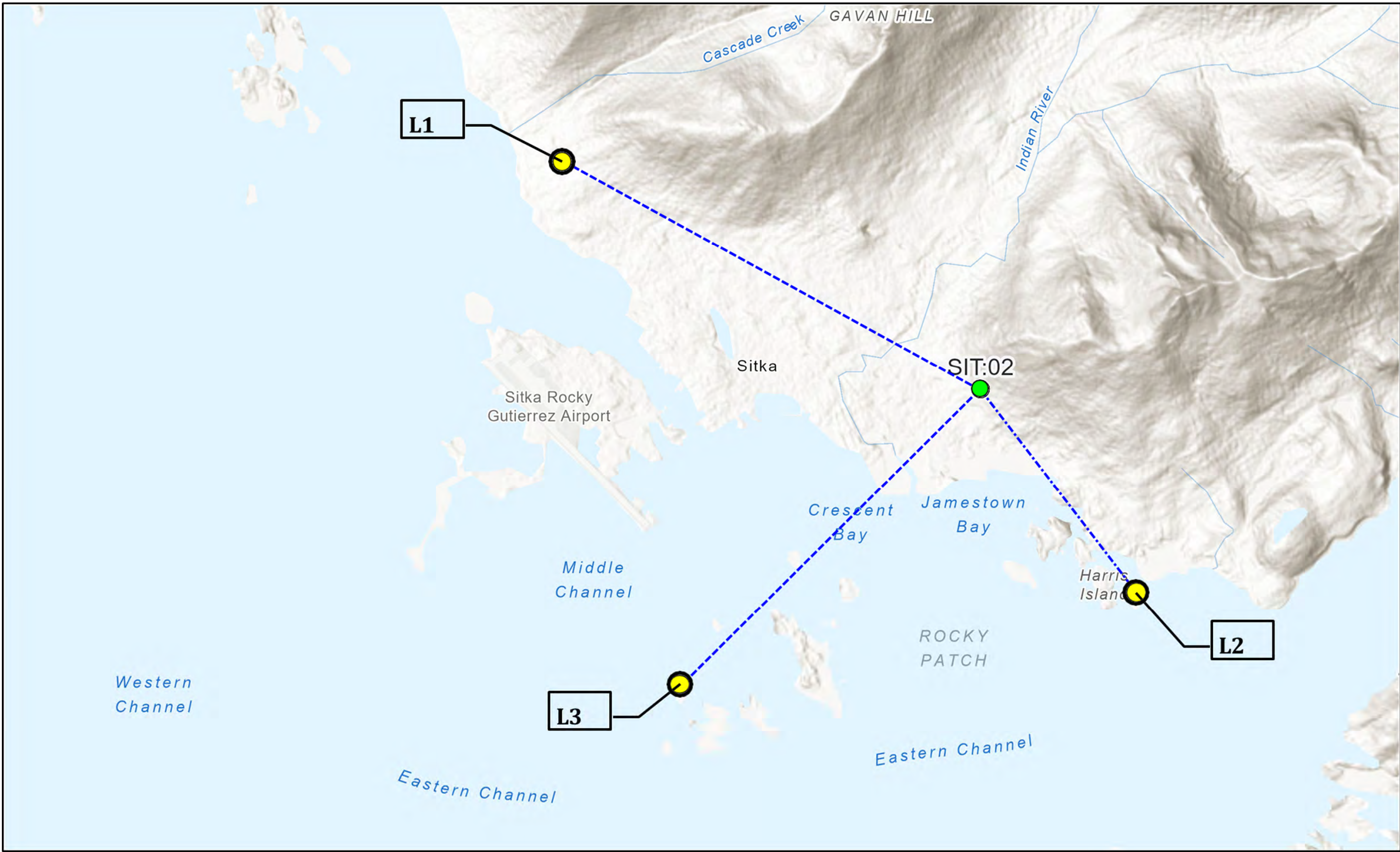
COVERAGE AREA STUDY – SITKA OUTDOOR CONNECTIVITY



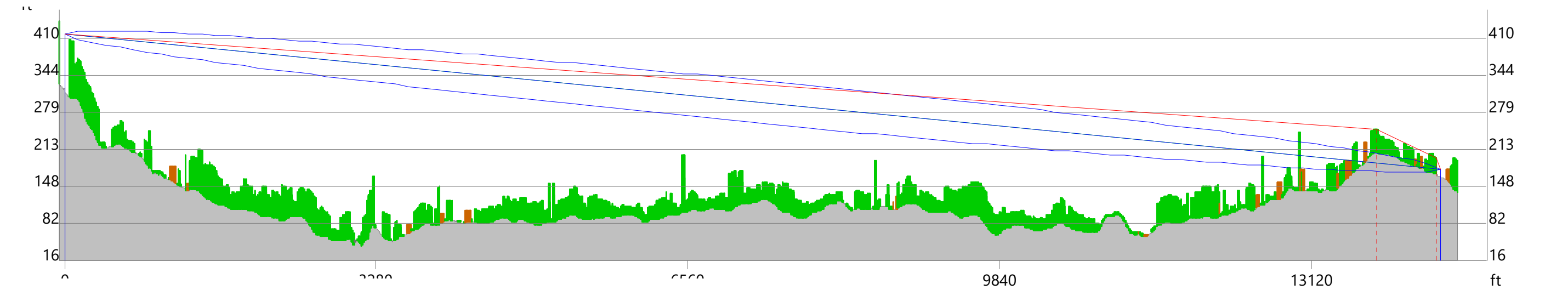
COVERAGE AREA STUDY – SITKA INDOOR CONNECTIVITY



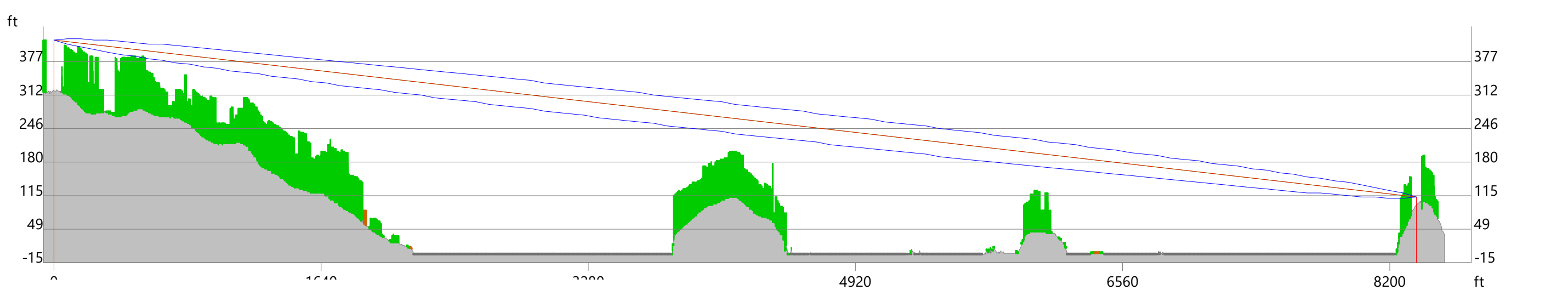
COVERAGE AREA STUDY – LINE OF SIGHT (LOS) NEAR CELL EDGE



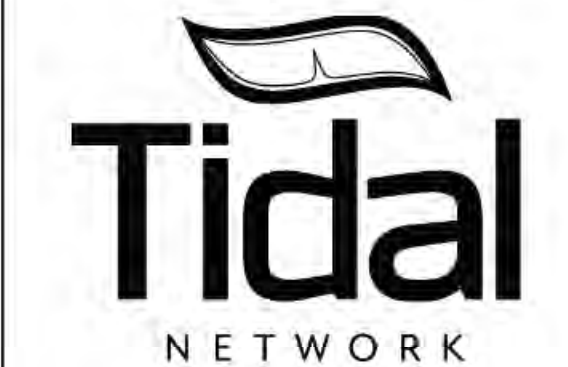
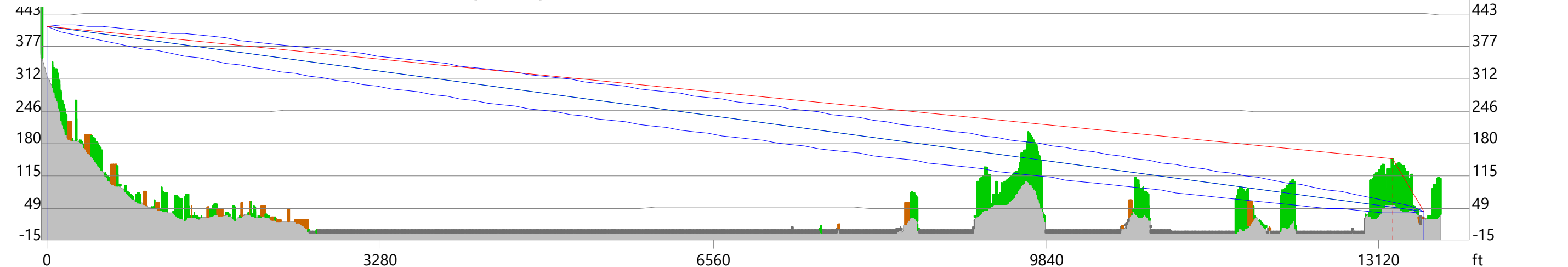
LOS Path (L1)



LOS Path (L2)

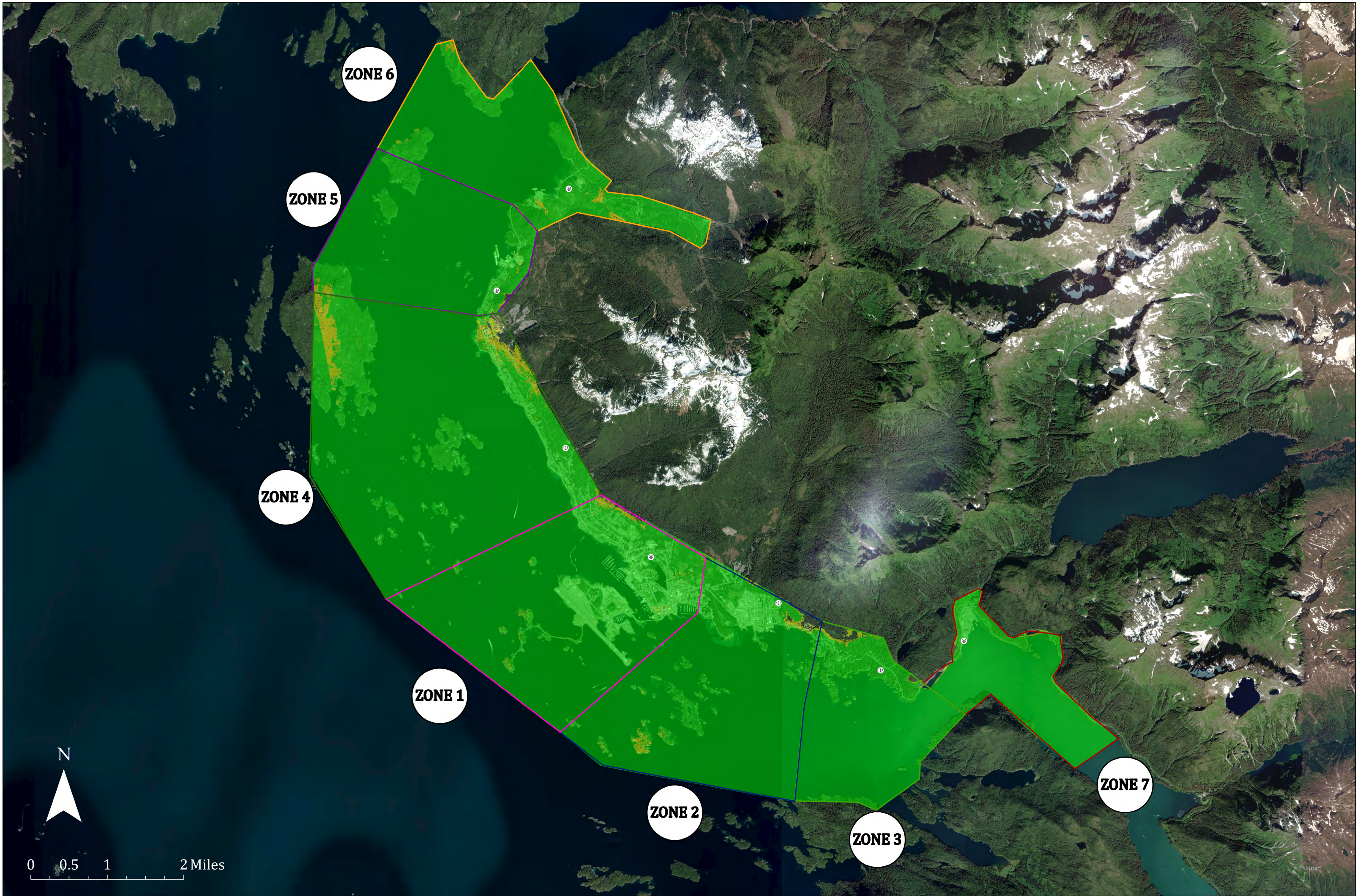
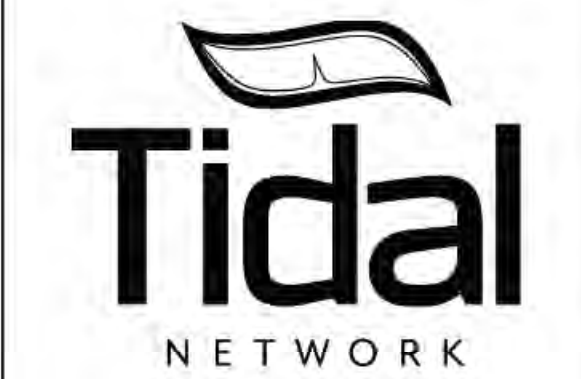


LOS Path (L3)



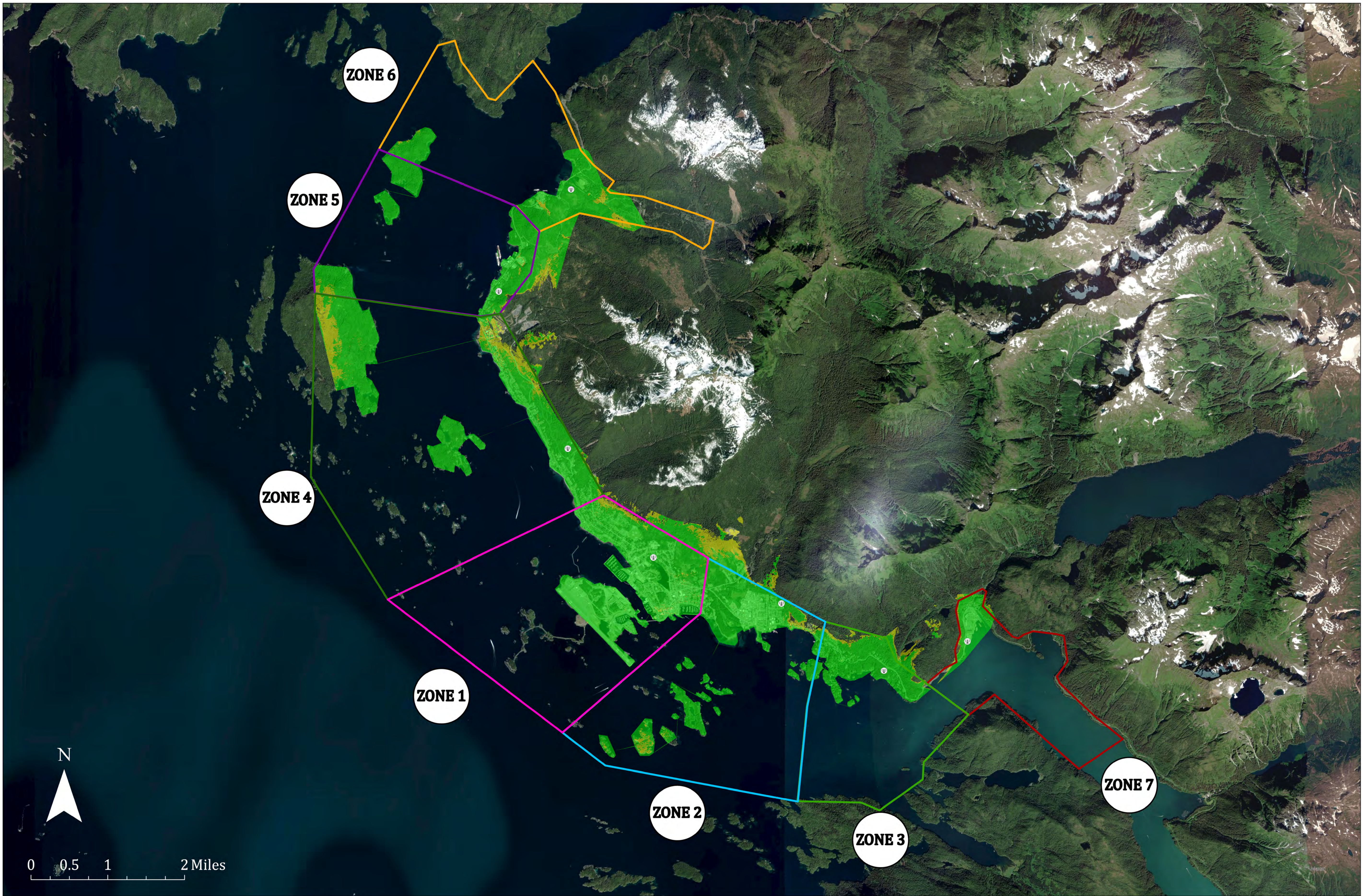
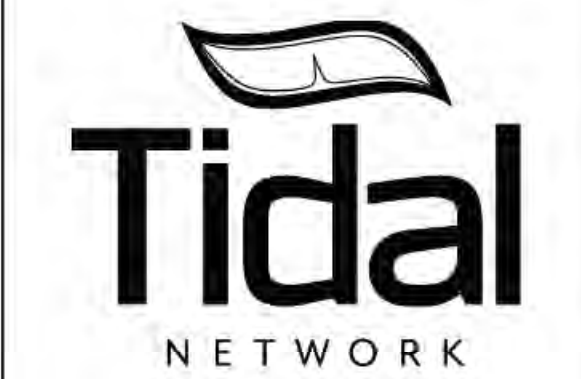
SHEET NUMBER

TIDAL NETWORK RF COVERAGE: ALL ZONES ACTIVE – LAND AND MARINE COVERAGE SIMULATION



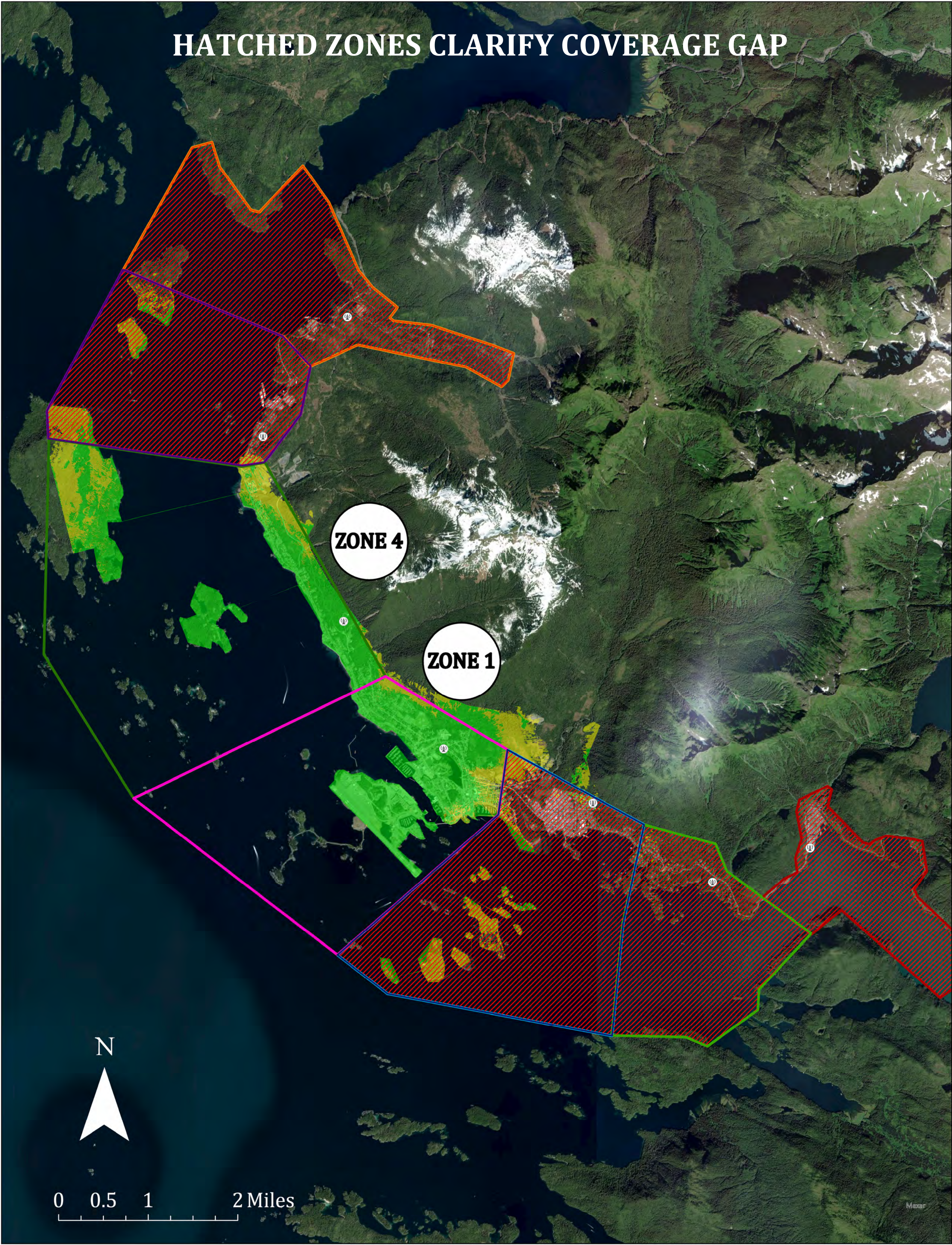
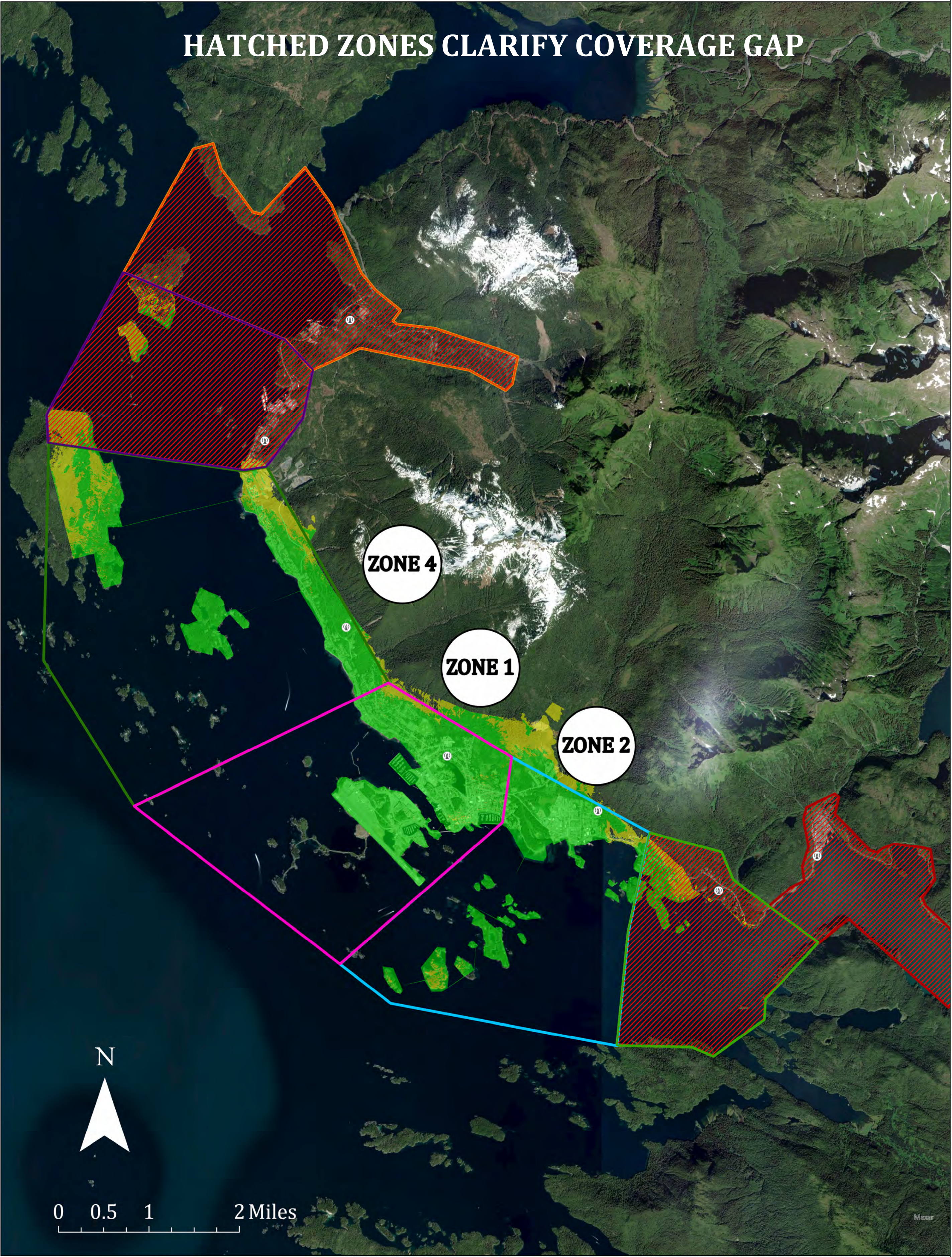
SHEET NUMBER

TIDAL NETWORK RF COVERAGE: ALL ZONES ACTIVE –COVERAGE SIMULATION



SHEET NUMBER

TIDAL NETWORK RF COVERAGE: PRIORITY AREAS & COVERAGE GAPS





Central Council of the Tlingit & Haida Indian Tribes of Alaska

Tidal Network

Physical Address: PO Box 25500 • Juneau, Alaska 99802

Mailing Address: PO Box 25500 • Juneau, Alaska 99802

Exhibit 2 – Sample Engagement Letter



MONTH DAY, YEAR

NAME

STREET

CITY STATE ZIP

RE: Proposed Broadband Cellular Tower

To Property Owners Name,

Tidal Network is a broadband service provider committed to providing affordable high-speed internet to underserved communities throughout Southeast Alaska.

On behalf of our client, Tlingit & Haida Central Council Indian Tribes of Alaska's broadband division Tidal Network, we are seeking a location to build a new cellular tower for improved broadband connectivity in [City], Alaska. Your property, Parcel ID XXXXXXXXX is within our desired location.

If you are interested in discussing compensation for the acquisition of your property, please contact me at trevor.newton@kimley-horn.com or (470) 299-7052.

Your consideration is greatly appreciated!

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.
Trevor Newton



Central Council of the Tlingit & Haida Indian Tribes of Alaska

Tidal Network

Physical Address: PO Box 25500 • Juneau, Alaska 99802

Mailing Address: PO Box 25500 • Juneau, Alaska 99802

Exhibit 3 – Due Diligence Report

Zoning Site Scrub of:



Prepared For:

T I D A L  N E T W O R K



Kimley-Horn Job Number: 017619000

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City and Borough of Sitka Variance Application	

INTRODUCTION

At the request of Pierson Wireless and Tidal Network (Collectively the “Client”), Kimley-Horn and Associates, Inc. performed a zoning site scrub of the City and Borough of Sitka Alaska to understand the various zoning and permitting processes, constraints, and timelines that may affect development of a cell tower. The following document outlines the findings based on conversations with Kim Davis (Planner 1, City and Borough of Sitka Planning Department) and reading and interpretation of the City and Borough of Sitka General Code.

SUMMARY OF FINDINGS

- Section 22.20.055 provides City and Borough of Sitka’s standard on Communications antennas and Towers.
 - Communication antennas and towers are permitted accessory uses within the following zoning districts as long as the tower height does not exceed the allowable height within the specific zoning district.
 - R-1 – Maximum Height of 35’
 - R-2 MH – Maximum Height of 35’
 - R-1 LDMH – Maximum Height of 35’
 - R-2 – Maximum Height of 40’
 - R-2 MHP – Maximum Height of 40’
 - Towers exceeding the allowable height for that specific zoning district will require a variance. This variance would qualify as a “Variance involving major structures or expansions” (Section 22.30.160(D)2) which has an application fee of \$75 + sales tax.
 - Towers to be located on a parcel zoned outside the above listed zoning districts will require owner permission and application for a Conditional Use Permit as well as the same above-mentioned height variance.
- Conditional Use Permit – Section 22.24.010
 - Towers not in the above stated zoning districts will likely need a Conditional Use Permit.
 - Argument could be made based on Table 22.16.015-6 that a tower falls within “Communication Services” as a business use, which would expand the permitted zones.
 - General Process
 - Table 22.24.010-1 Details the requirements as follows:
 - Applicant to be willing and able to communicate with other agencies deemed necessary for certain portions of the project review.
 - Provide legal description of all properties involved in the project
 - Provide statement of objectives
 - Provide detailed description of all aspects of the project (i.e. Land Use, Building Types, parking/traffic information)
 - Provide drawings showing site grading and drainage plan as well as industry standard site plan requirements
 - Provide preliminary subdivision plat (if required)
 - Provide answers and clarification to comments and questions submitted as response from planning review
 - Issuance of conditional use permit by zoning administrator.
 - Permit expires after two (2) year if no construction has occurred.
- This permitting process will trigger a thorough review by the planning commission followed by a scheduled public hearing. City and Borough of Sitka will send an announcement of the planned

tower by mail to all property owners within 300' of the subject parcel at least 2 weeks prior to the meeting.

- Issuance of conditional use permit by zoning administrator.
 - Permit expires after two (2) year if no construction has occurred.
- Building and Electrical Permits will be last step before construction can commence.

TIMELINES

- Conditional Use Permit and Variance – 3 months
 - Public Hearing – 60 days
 - Planning Commission Decision – 30 days
- Building Permits – 2-4 weeks
- **Total – 8 months**
 - Assuming approvals granted at each step on first attempt.
 - Assuming high end of Sitka provided timelines

MISCELLANEOUS

- Construction Documents (CDs) and survey will be needed for CUP.
 - Shortened Zoning Drawings (ZDs) may do the trick for these steps.
- Additional fees may be incurred in the variance process to be determined during review
- Kim Davis – Planner 1 – City and Borough of Sitka
 - Address: 100 Lincoln Street, Sitka AK 99835
 - Phone: (907) 747-1814
 - Email: kim.davis@cityofsitka.org







CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out **completely**. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

APPLICATION FOR:

☒ VARIANCE

☐ CONDITIONAL USE

☐ ZONING AMENDMENT

☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: T&H is requesting a tower height variance to allow for a tower taller than 35' in an otherwise permitted zone for communications towers. This variance will allow T&H to provide infrastructure that immediately supports bringing fixed wireless broadband to Sitka. It also provides infrastructure for potential, future cellular coverage in Sitka.

PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): Vacant PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: James Penrose

PROPERTY OWNER ADDRESS: 110 Chirikov Street, Sitka, AK 99835

STREET ADDRESS OF PROPERTY: 112 & 116 Nancy Court, Sitka, AK 99835

APPLICANT'S NAME: Richard Peterson

MAILING ADDRESS: P.O. Box 25500, Juneau, AK 99802

EMAIL ADDRESS: rpeterson@tlingitandhaida.gov DAYTIME PHONE: 907-463-8009

Peterson

112 and 116 Nancy Court, Sitka, Alaska 99835

Last Name

Date Submitted

Project Address

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☒ Completed General Application form
- ☒ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☒ Proof of filing fee payment
- ☐ Other: _____

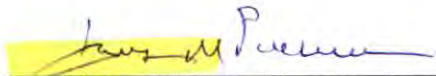
For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

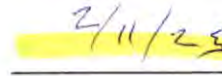
For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)
- ☐ Documentation establishing property as primary residence (motor vehicle registration, voter registration, etc.)
- ☐ Signed Affidavit of Primary Residence for Short-term Rental Conditional Use Permit

CERTIFICATION: I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.



Owner

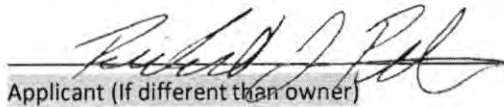


Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.


Applicant (If different than owner)

2/10/2025

Date

Peterson

112 and 116 Nancy Court, Sitka, Alaska 99835

Last Name

Date Submitted

Project Address



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM VARIANCE

APPLICATION FOR

- ☐ ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS
- ☒ ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS
- ☐ PLATTING VARIANCE – WHEN SUBDIVIDING

RATIONALE - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

We are requesting a tower height variance to support providing adequate broadband coverage to the citizens of Sitka. A 35' tower would not allow proper propagation of signal for good coverage.

POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- **TRAFFIC** None. Towers are unmanned facilities.
- **PARKING** None. Towers are unmanned facilities.
- **NOISE** None. Our tower would not produce any noise nor light.
- **PUBLIC HEALTH AND SAFETY** None. Our tower ultimately will get approvals from the FCC and local building officials to ensure our design is code compliant, thus safe.
- **HABITAT** Tree clearing will be required, but the tower will be subject to federal environmental review from the NTIA prior to construction.
- **PROPERTY VALUE/NEIGHBORHOOD HARMONY** A taller tower will support broadband access to all surrounding properties and the neighborhood that may otherwise lack adequate coverage.
- **COMPREHENSIVE PLAN** A taller tower height will allow more opportunity for economic development through providing broadband access for existing and new businesses.

REQUIRED FINDINGS (Choose **ONE** applicable type and explain how your project meets these criterion):

Major Zoning Variance (Sitka General Code 22.30.160(D)1)

Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

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. Explain the special circumstances:*

Our project is otherwise permitted by right. The variance merely allows us to more effectively meet our broadband coverage goals for Sitka.

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. Explain the use/ enjoyment this variance enables:* The variance allows for adequate

broadband connectivity to all surrounding areas.

c. *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. Initial Here*

Minor Zoning Variance (Sitka General Code 22.30.160(D)2)

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

a. *The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions. My request should be considered a minor zoning variance because:* N/A

b. *The granting of the variance furthers an appropriate use of the property. Explain the use or enjoyment this variance enables:* N/A

c. *The granting of the variance is not injurious to nearby properties or improvements. Initial Here* N/A

Platting Variance (Sitka General Code 21.48.010)

a. A variance from the requirements of this title may be granted only if the planning commission finds that the tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. Explain the conditions of the lot that warrant a variance: N/A

b. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property. Initial Here N/A

ANY ADDITIONAL COMMENTS A variance is being requested for a 120' total tower height.


Applicant

2/26/25
Date

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'Neill](#)
To: [Growing Pains](#)
Subject: Macy don't 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=aHR0aHM6Lm9la2EubXMvTG9icm5BYn91dF8ibmRickkZW50aWZpY2F0aW9u&p=m&i=NjVJMc3MTgZlZyZGMzMzZm4YjZ0Tc4&t=ZlZub0hhRkV3Sm1iS3VtY2F0aW9uMVBhS0hZm4YjZ0Tc4&u=50436f107194289672feef9d5b9621e&s=AVNPUEBUTONFTLNSWVBUSVZJksdu5aE52-VMRfhfCShCRPsApGSZ9p7rEDZgUQqQ>]

Hello, this is Dan O'Neill
I live at 306 Ellason 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 ellason loop in 2024 and if this project moves forward you will be affecting my financial well being. Imagine being Jon Martin property, *jeez*.
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 Commission:

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 camouflage 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 (enthurst.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, enthurst.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.

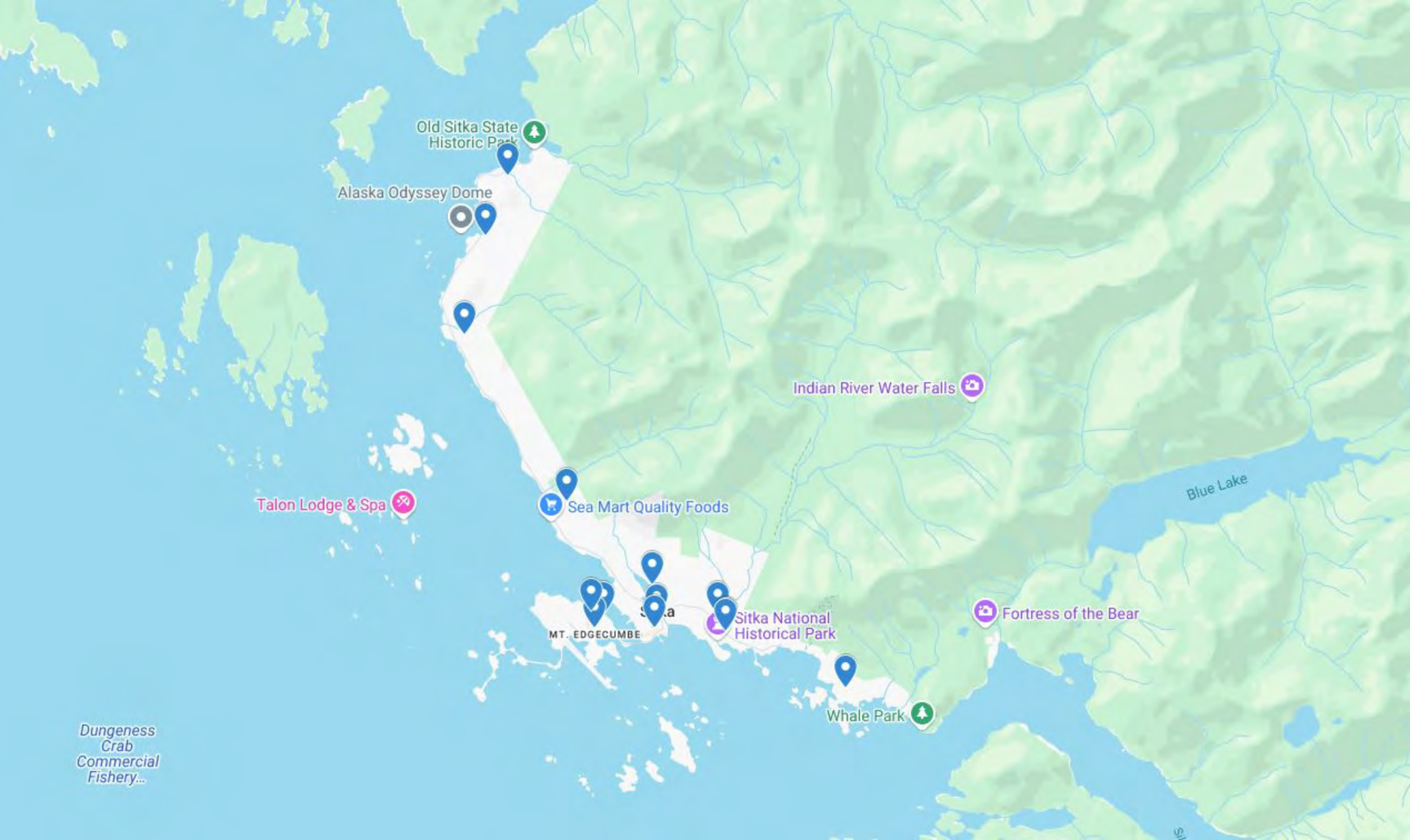
The heading of the CBS Planning Department webpage reads “Facilitating citizen directed community growth” and “Together, the Planning and Community Development Department strives to create a safe, functional, and attractive city through coordinated community visioning, comprehensive planning, and development 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



Old Sitka State
Historic Park

Alaska Odyssey Dome

Indian River Water Falls

Talon Lodge & Spa

Sea Mart Quality Foods

MT. EDGE CUMBE

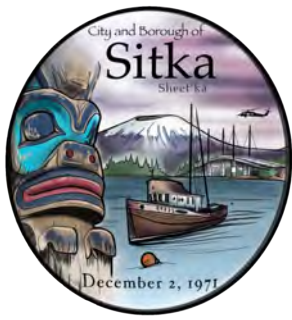
Sitka
National
Historical Park

Fortress of the Bear

Whale Park

Blue Lake

Dungeness
Crab
Commercial
Fishery...



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 25-01
Proposal: Variance to increase maximum height from 35' to 120' for communication tower
Applicant: Richard Peterson for Tlingit & Haida, Tidal Network
Owner: James Penrose
Location: 112 & 116 Nancy Court
Legal: Lots 1 and 2, Briggs Subdivision
Zone: R-1 - Single-Family/Duplex Residential District
Size: 27,210 and 23,810 square feet
Parcel ID: 3-0648-001 and 3-0648-002
Existing Use: Residential
Adjacent Use: Residential
Utilities: Nancy Court
Access: Nancy Court

KEY POINTS AND CONCERNS

- Sitka General Code sets a maximum allowable height in the R-1 district at 35'
- Increase maximum height from 35' to 120' for communication tower.
- Property proposed to be purchased by Tidal Network.
- Tower design will allow for future collocations by other providers, further increasing competitive telecommunication service.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: Site Plan and Elevation View
Attachment D: Design
Attachment E: Photos
Attachment F: Applicant Materials
Attachment G: Public Comment

BACKGROUND/PROJECT DESCRIPTION

The request is to increase the maximum allowable height of principle structures from 35' to 120' in the R-1 single-family/duplex residential district at 112 and 116 Nancy Court for the placement of a communications tower. The proposal would allow the anchor tenant, Tidal Network, to provide adequate broadband coverage to the citizens of Sitka. The maximum height of a principal structure in the R-1 single-family/duplex residential district is 35'. The proposal for a 120' tower would allow for appropriate antenna height for optimized coverage.

The applicant has provided two different communication tower designs, a monopole tower and a self-support tower. The site plan depicts the communication tower on Lot 1 (116 Nancy Court) with proposed extension of the existing gravel access drive, retaining wall, filled building pad, wooden stairs, chain link fence and tree buffer. Lot 2 (112 Nancy Court) has no proposed structures and will be used as a buffer. Nancy Court is platted as a 20-foot municipal right-of-way but is not maintained by the city. The street is partially developed, served by municipal utilities, and there is a recorded access and utility maintenance agreement.

ANALYSIS

The Sitka General Code limits the maximum height of principal structures to 35' in the R-1 single-family/duplex residential district¹. The Code states that communications towers or antenna requests exceed the height limit require the granting of a variance².

Justification

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving major structures or expansions in the Sitka General Code echoes this statement by stating that there must be "...special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, 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". In this case, the applicant's ability to provide cellular and wireless coverage is dependent upon the height of the proposed structure and can therefore be considered a special circumstance that is unique to the proposed use.

Potential Impacts

Granting of this variance is likely to result in minimal impact to surrounding uses. The proposed site location is towards the northeast side of 116 Nancy Court. This is an undeveloped lot. Development of the site will attempt to preserve as many trees and other vegetation as possible to provide screening. The site will also be secured with fencing and a gate. The request to increase the

¹ SGC Table 22.20-1

² SGC 22.20.055

maximum height allowance to 120' can be justified by the allowance of requests made for communication towers at other locations. For comparison, the communication tower at 1000 Raptor Way is approximately 130'.

Comprehensive Plan Guidance

While the Comprehensive Plan does not specifically address telecommunications infrastructure, Comprehensive Plan support for this proposal can be found in actions ED 5.3 to “maintain well-functioning infrastructure upon which commerce and economic activity depend”, ED 5.4 “advocate for faster, more reliable cell and internet services” and LU 8.2 to “amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate.” Granting of this variance would increase Sitka’s cross-network telecommunications coverage, which would benefit both commercial and personal use of cellular and wireless infrastructure.

RECOMMENDATION

Staff recommends approval of the height variance at 112 and 116 Nancy Court.

MOTIONS TO APPROVE THE ZONING VARIANCE

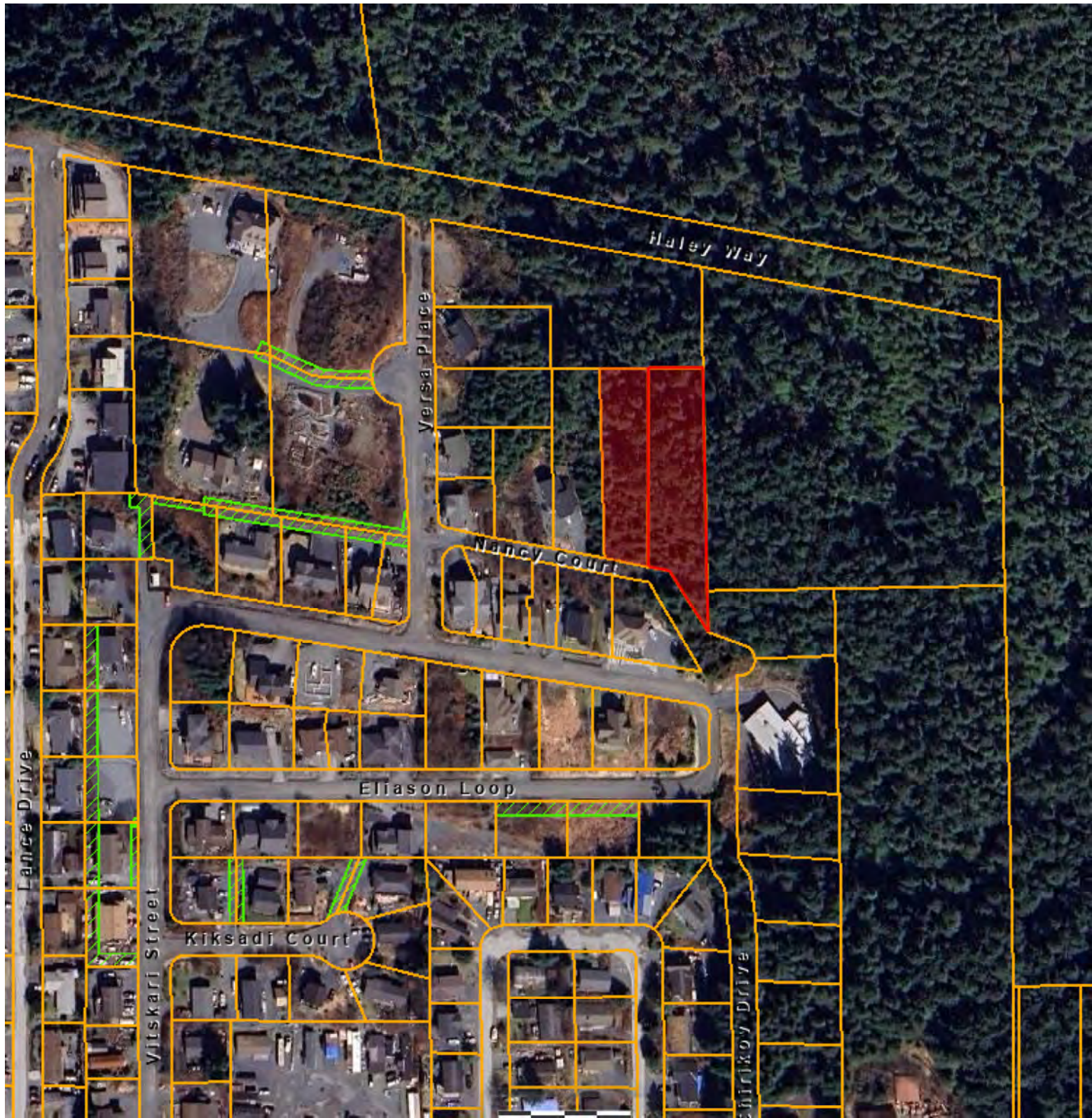
1. **“I move to approve the zoning variance for increased height of an communications tower at 112 and 116 Nancy Court in the R-1 - Single-Family/Duplex Residential District. The property is also known as Lots 1 and 2, Briggs Subdivision. The request is filed by Richard Peterson for Tlingit & Haida, Tidal Network. The owner of record is James Penrose.”**
2. **“I move to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report.”**

Before any variance is granted, it shall be shown²:

- 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; *in this case the applicant’s ability to provide cellular and wireless coverage is dependent upon the height of the proposed structure and can therefore be considered a special circumstance that is unique to the proposed use.*

² Section 22.10.160(D)(1)—Required Findings for Major Variances

- 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; *the variance will allow the applicant to more effectively meet broadband coverage goals for Sitka, as the project is otherwise permitted by right. The variance will allow for adequate broadband connectivity to all surrounding areas and is in line with existing variances applying to properties that house cellular towers elsewhere within the city.*
- 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; *the proposed structure will have minimal impact on existing infrastructure as it is unmanned, thus not creating additional traffic or other wear and tear on public utilities.*
- d. That the granting of such a variance will not adversely affect the comprehensive plan; *conversely, the proposal supports the Comprehensive Plan, specifically, ED 5.3 to “maintain well-functioning infrastructure upon which commerce and economic activity depend”, ED 5.4 “advocate for faster, more reliable cell and internet services” and LU 8.2 to “amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate.”*



CERTIFICATE OF OWNERSHIP

I the undersigned, hereby certify that I am the owner of the property shown hereon. I hereby approve this survey and plat.

9-15-77 date *Thomas B. Briggs*

Subscribed and sworn before me on

Notary Public for the State of Alaska

My commission expires

LEGEND

- REBAR & PLASTIC CAP (SET)
- 4 x 4 WOOD POST (FOUND)
- BRASS CAP MON. (FOUND)

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 19, DATED 1977, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 29, 1977 CHAIRMAN, PLATTING BOARD

SECRETARY

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK, PAGE 19, DATED 1977, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 7/29/77 OF SITKA MAYOR

CITY AND BOROUGH CLERK

SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered Surveyor, licensed in the State of Alaska, and that in JULY 1977 a survey of the herein described lands was conducted under my direct supervision and that this plat is a true and accurate representation of the field notes of said survey, and that all dimensions and other details are correct according to said field notes.



BRIGGS SUBDIVISION

LOT 32 & POR. LOT 31

USSURVEY 3718

FOR: VERDELL & BETTY BRIGGS

BOX 554 SITKA, ALASKA

DAVIS - SWANSON

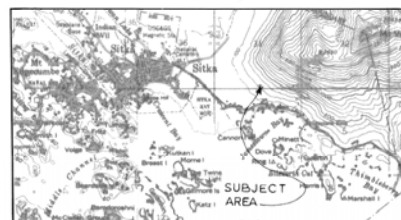
AN AFFILIATE OF CHARLES POOL & ASSOCIATES CONSULTING ENGINEERS AND SURVEYORS

P.O. BOX 1849, SITKA, ALASKA 99835

DATE JULY 1977 NAME OF SURVEYOR PHIL DAVIS PROJ. NO. 15208-01-00 SCALE: 1:500 DRAWN BY: B.D.

VICINITY MAP

SCALE: 1" = 1 MILE



CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED

DATE 7/15/77 OWNER *Verdell W. Briggs* *Betty J. Briggs*

NOTARY'S ACKNOWLEDGEMENT

STATE OF ALASKA) SS FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY THAT ON THIS DAY OF 1977, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, PERSONALLY APPEARED *Verdell W. Briggs*, *Thomas B. Briggs* AND *Betty J. Briggs*. TO ME KNOWN AND KNOWN TO ME TO BE THE PERSONS NAMED IN THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION AND THAT THEY INDIVIDUALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND THE YEAR IN THIS CERTIFICATE NAMED FIRST ABOVE.

MY COMMISSION EXPIRES 10/11/79

CERTIFICATE STATE OF ALASKA)

FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY AND BOROUGH OF SITKA IN THE NAME OF:

Verdell W. Briggs
Betty J. Briggs
Thomas B. Briggs

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 1978 ARE PAID IN FULL; THAT BEFORE JULY 31, 1978 DATED THIS 6th DAY OF SEPT. 1977

John C. Alheim
ASSESSOR, CITY AND BOROUGH OF SITKA

U.S.S. 2078

SITKA
Book No. 77.1924

RECORDED - FILED 3rd
SITKA REC. DIST.

DATE 10/12, 1977

TIME 1:33 P.M.

Received by
Address City-Branch SITKA

CURVE DATA

① Δ = 79° 24'
R = 15.00
L = 20.79
T = 12.45'
C = 19.18
C.BRG. = S 39° 40' 22" E

Plat No. 77-30 Drawer No. 10

K:\ATL_Wireless\Pierson_Wireless\Tidal_Network\Sitka_Zone_2\CAD\ZD\SEAK_RAWLAND_CD.dwg 02/12/25 7:32 PM by: trevor.newton



POLICE DEPARTMENT:
304 LAKE STREET, SUITE #102
SITKA, AK 99835
PHONE: (907) 747-3245
ATTN: NON-EMERGENCY

FIRE DEPARTMENT:
209 LAKE STREET
SITKA, AK 99835
PHONE: (907) 747-3233
ATTN: NON-EMERGENCY

BUILDING DEPARTMENT:
100 LINCOLN STREET
SITKA, AK 99835
PHONE: (907) 747-1832
EMAIL: PAT.SWEDEEN@CITYOFSITKA.COM
ATTN: PATRICK SWEDEEN

PLANNING & COMMUNITY DEVELOPMENT:
100 LINCOLN STREET
SITKA, AK 99835
PHONE: (907) 747-1814
EMAIL: KIM.DAVIS@CITYOFSITKA.COM
ATTN: KIM DAVIS

PERMIT INFORMATION



VICINITY MAP

PREPARED FOR:

T I D A L NETWORK



SITE NAME:

SITKA ZONE 2

SITE ADDRESS (E-911 AND COORDINATES TO BE VERIFIED)

112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY
LATITUDE: 57° 03' 04.57" N
LONGITUDE: 135° 17' 47.00" W
PARCEL ID: 3-0648-002 & 3-0648-001
ZONING: R1

DEVELOPER:
CENTRAL COUNCIL OF THE TLINGIT AND
HAIDA INDIAN TRIBES OF ALASKA
(DBA TIDAL NETWORK)
PO BOX 25500
JUNEAU, AK 99802
PHONE: (907) 538-8255
ATTN: CHRIS CROPLEY

POWER PROVIDER:
SITKA ELECTIC DEPARTMENT
105 JARVIS STREET
SITKA, AK 99835
PHONE: (907) 747-4000
ATTN: MAIN OFFICE

PROJECT COORDINATOR:
PIERSON WIRELESS
7534 F STREET
OMAHA, NE 68127
PHONE: (402) 429-7660
ATTN: JESSIE RICO

A/E CONSULTANT:
KIMLEY-HORN AND ASSOCIATES, INC.
11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: (470) 299-7052
ATTN: TREVOR NEWTON, P.E. (GA)

PROJECT CONTACTS

JURISDICTION:
CITY AND BOROUGH OF SITKA

STATE:
ALASKA

TOWER TYPE:
MONOPOLE (OR SELF-SUPPORT TOWER)

TOWER HEIGHT:
110' (120' TO HIGHEST APPURTENANCE)

NUMBER OF CARRIERS:
0 EXISTING, 1 PROPOSED

USE:
PROPOSED TELECOMMUNICATIONS TOWER AND
UNMANNED GROUND EQUIPMENT

FLOOD INFO:
SITE IS LOCATED WITHIN FEMA FLOOD MAP AREA
02220C0416D DATED 08/01/19 WITHIN FLOOD ZONE X.

PROJECT SUMMARY

Sheet Number	Sheet Title
G0	COVER SHEET
-	SURVEY SHEET (1 OF 1)
C0	AERIAL PLAN VIEW
C1	OVERALL SITE PLAN
C2	COMPOUND SITE PLAN
C3	FENCE, GATE AND COMPOUND DETAILS
C4	ANTENNA AND TOWER ELEVATION DETAILS

SHEET INDEX

PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02

112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:



PLANS PREPARED BY:

Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

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ZONING

NOT FOR CONSTRUCTION

KHA PROJECT NUMBER:

017619005

DRAWN BY: CHECKED BY:

JW

TRN

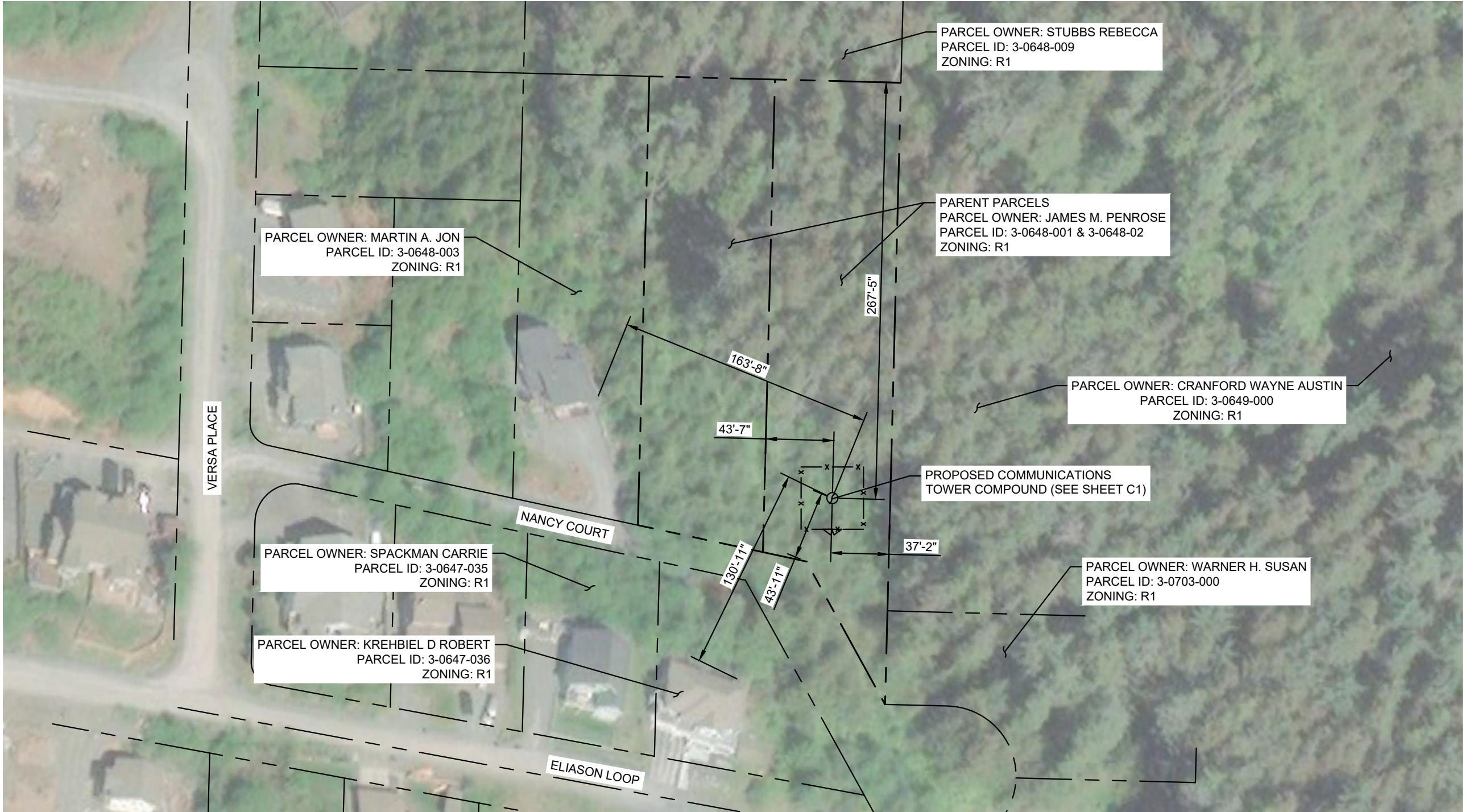
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COVER SHEET

SHEET NUMBER:

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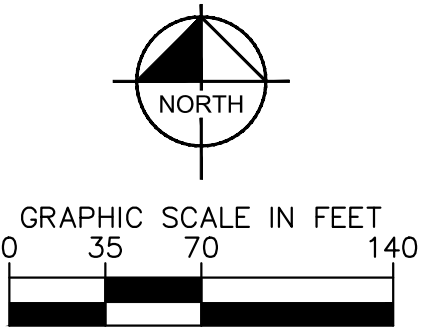


1
C0

AERIAL PLAN VIEW

SCALE: 1" = 70'

SURVEY NOTE:
1. PROPOSED COMPOUND LAYOUT IS BASED ON SURVEY PROVIDED BY NORTH 57 LAND SURVEYING, LLC. DATED 01/28/2025 AND SITE VISIT ON 01/28/2025





PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02


112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:


TIDAL NETWORK


PIERSON WIRELESS

PLANS PREPARED BY:


11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

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LICENSER:

ZONING
NOT FOR CONSTRUCTION

KHA PROJECT NUMBER:

017619005

DRAWN BY: _____ CHECKED BY: _____

JW

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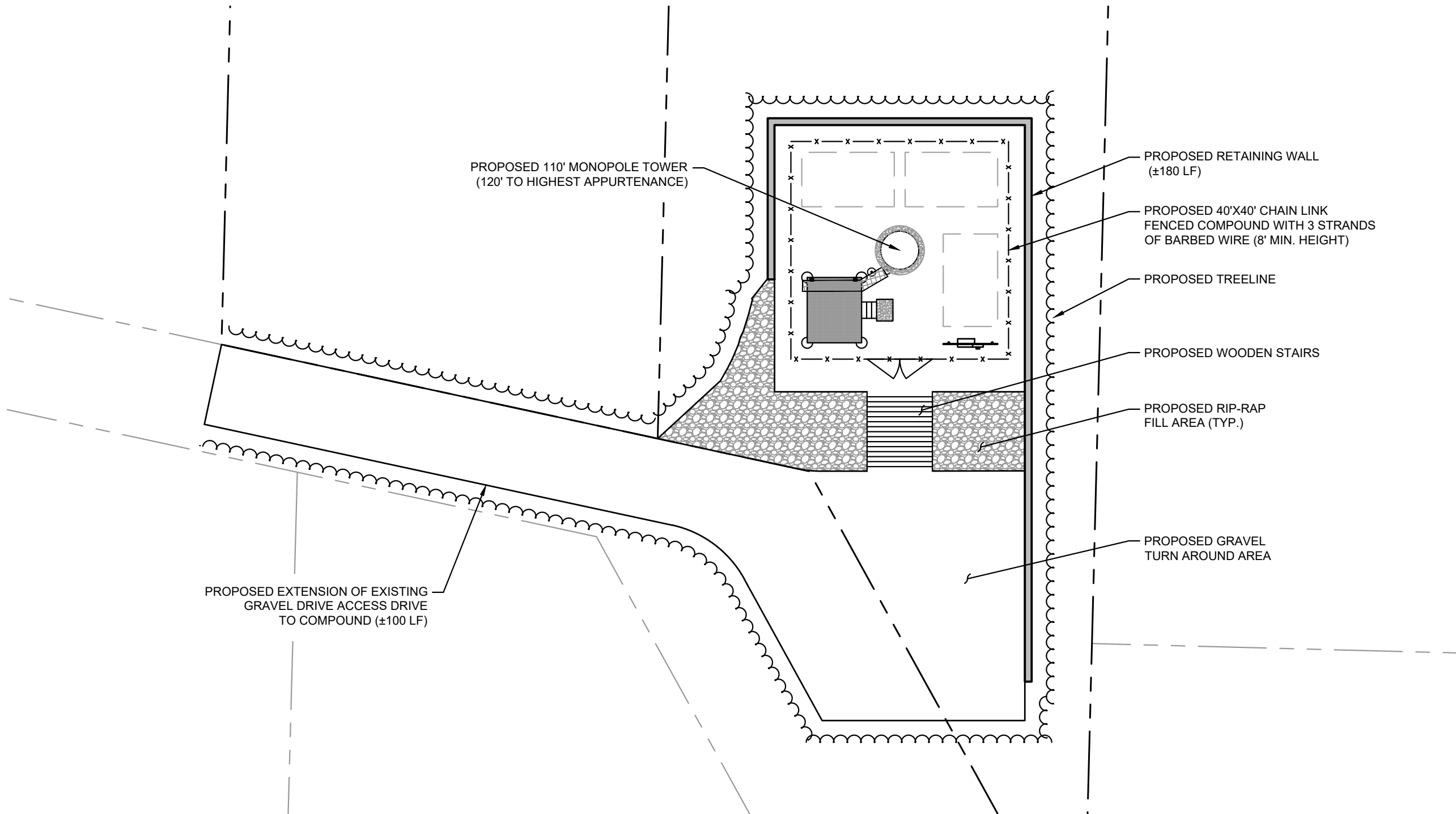
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AERIAL PLAN VIEW

SHEET NUMBER:

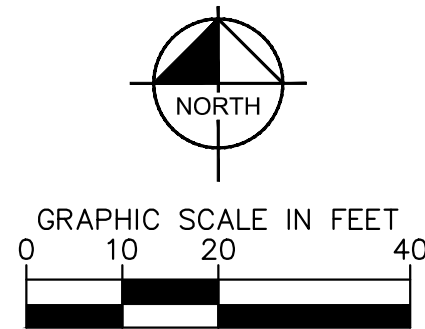
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1 OVERALL SITE PLAN
C1 SCALE: 1" = 20'

SURVEY NOTE:
1. PROPOSED COMPOUND LAYOUT IS BASED ON SURVEY PROVIDED BY R&M
ENGINEERING-KETCHIKAN, INC. DATED 01/28/2025 AND SITE VISIT ON 01/28/2025



PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02

112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:

TIDAL NETWORK

PIERSON
WIRELESS

PLANS PREPARED BY:

Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

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KHA PROJECT NUMBER:

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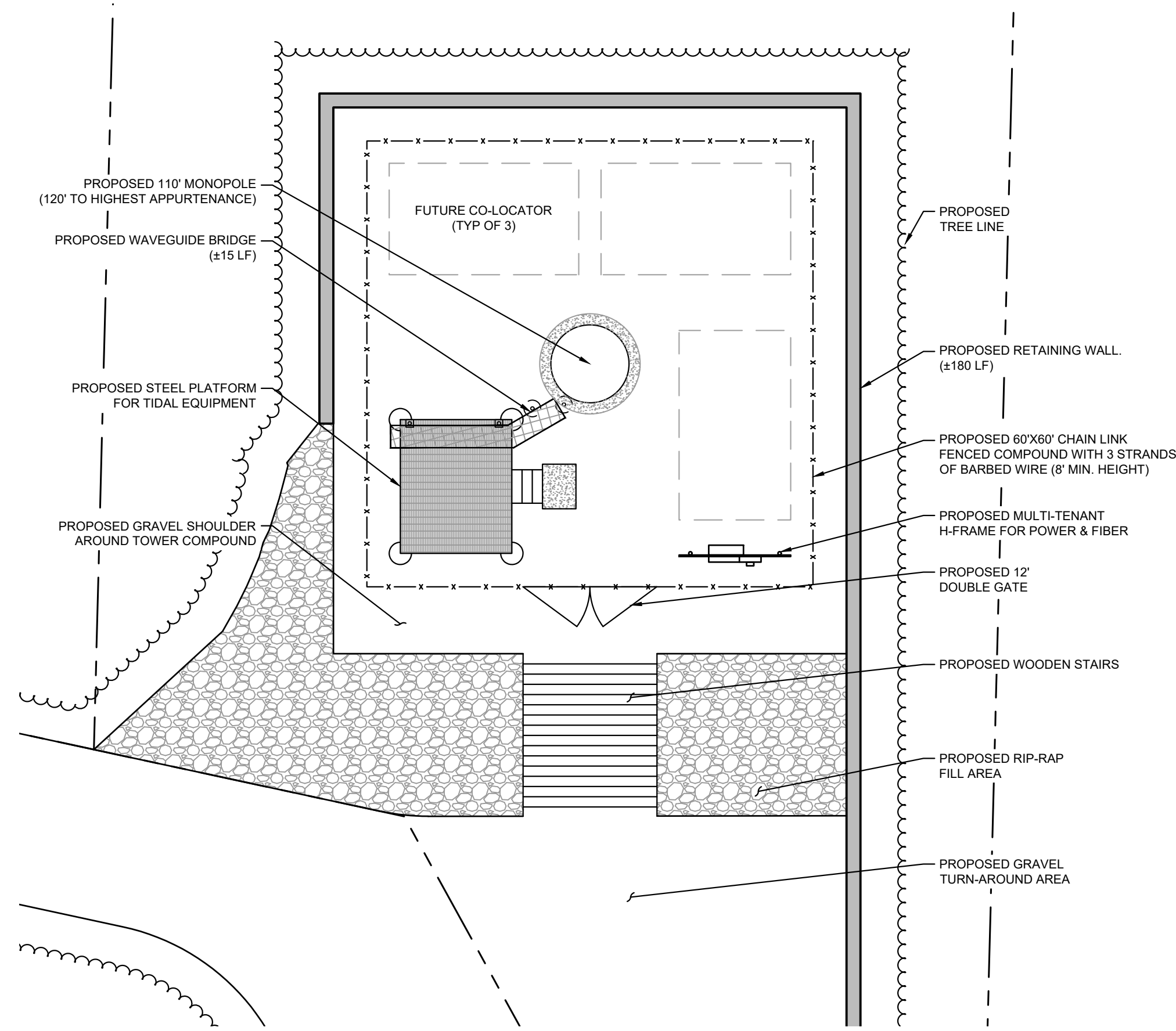
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OVERALL SITE
PLAN

SHEET NUMBER:

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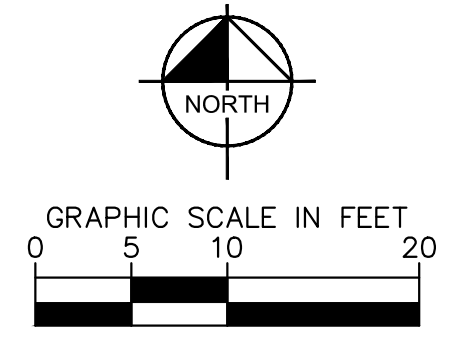
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1
C2

COMPOUND SITE PLAN

SCALE: 1" = 10'



PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02

112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:

PLANS PREPARED BY:

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

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LICENSER:

ZONING

NOT FOR CONSTRUCTION

KHA PROJECT NUMBER:

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DRAWN BY: CHECKED BY:

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SHEET TITLE:

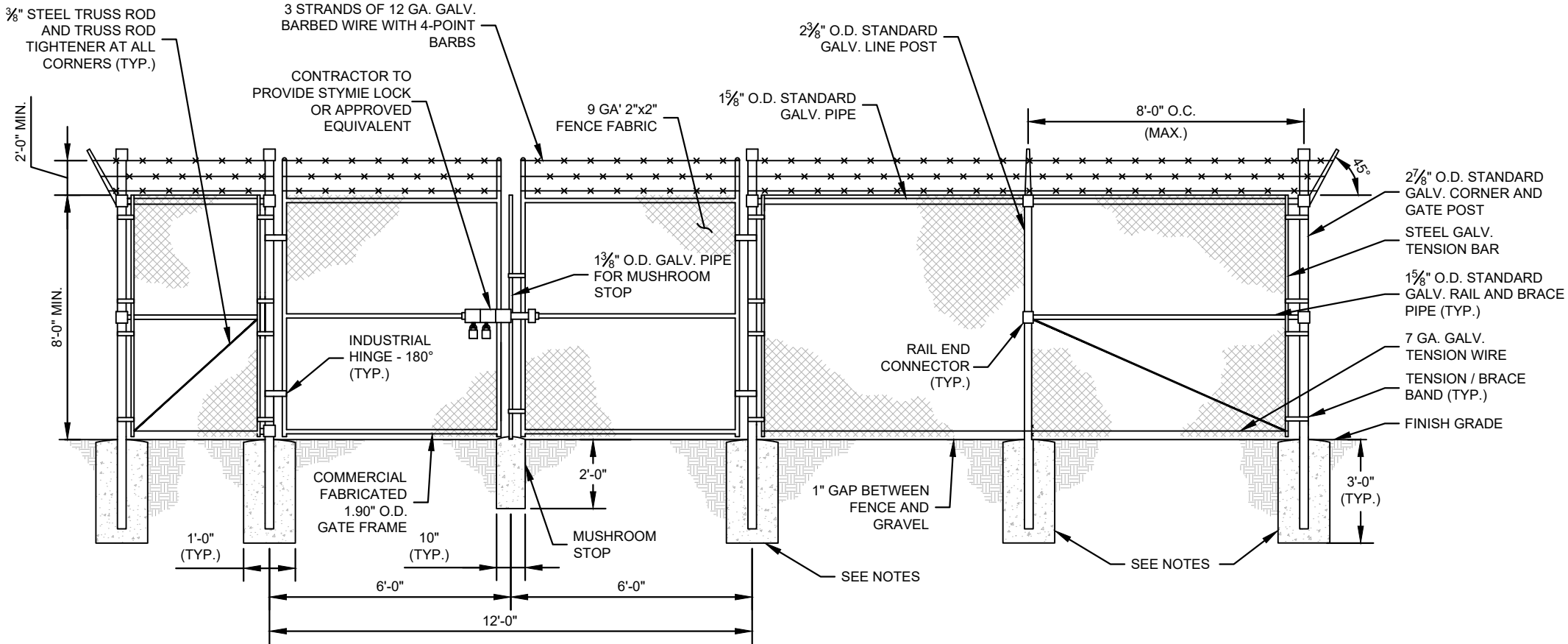
COMPOUND SITE PLAN

SHEET NUMBER:

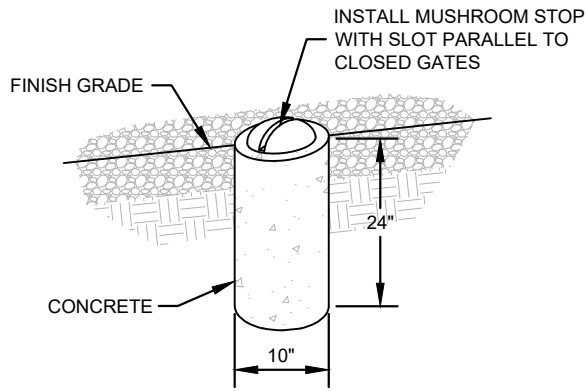
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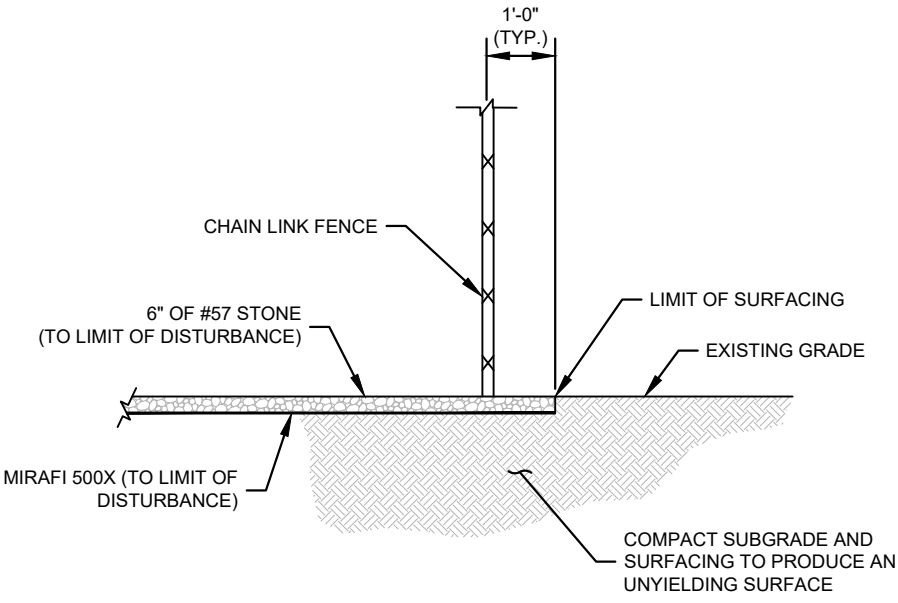
- FENCE NOTES:**
1. USE 3,000-PSI CONCRETE, FULLY CONSOLIDATED AROUND THE POST.
 2. WHERE THE POST IS SET IN ROCK OR CONCRETE, CORE A HOLE 12" DEEP AND 1" LARGER IN DIAMETER THAN THE POST. SET THE POST AND GROUT IN PLACE USING NON-SHRINK GROUT.
 3. ALL POSTS MUST BE PLUMB AND ALIGNED WITH ONE ANOTHER IN BOTH HORIZONTAL AND VERTICAL PLANES.
 4. CORNERS AND GATEPOSTS FOR CHAIN LINK FENCES SHALL EXTEND ABOVE THE TOP STRAND OF BARBED WIRE TO PROVIDE TENSIONING FOR THE BARBED WIRE.
 5. PROVIDE MIDRAILS AND BRACING AT ALL CORNER POSTS WHERE THE FENCE CHANGES DIRECTION BY MORE THAN 30 DEGREES.
 6. THE GRADE OF THE SITE AND INSTALLATION OF THE FENCE SHALL PROVIDE FOR NO MORE THAN A 1" GAP BETWEEN THE BOTTOM OF THE FENCE MATERIAL AND FINISH GRADE.
 7. CONTRACTOR SHALL PROVIDE HOLD OPEN DEVICES FOR ALL GATES AT THE SPECIFIED OPEN POSITIONS, DRIVEN PIPE TYPE RECEIVERS ARE NOT AUTHORIZED.
 8. CONTRACTOR SHALL ALSO PROVIDE A MUSHROOM TYPE RECEIVER AT THE CLOSE POSITION.



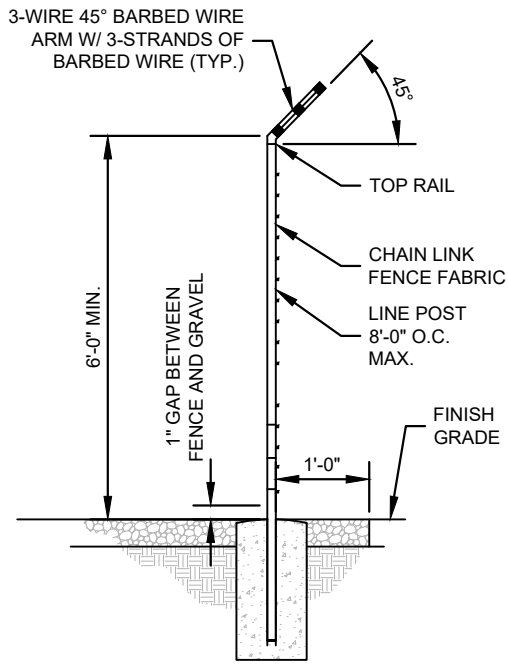
1
C3 CHAIN LINK FENCE AND GATE ELEVATION
NOT TO SCALE



2
C3 MUSHROOM STOP
NOT TO SCALE



3
C3 SITE COMPOUND SURFACE DETAIL
NOT TO SCALE



4
C3 SECTION AT FENCE
NOT TO SCALE

PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02

112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:



PLANS PREPARED BY:

Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

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ZONING
NOT FOR CONSTRUCTION

KHA PROJECT NUMBER:

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JW TRN

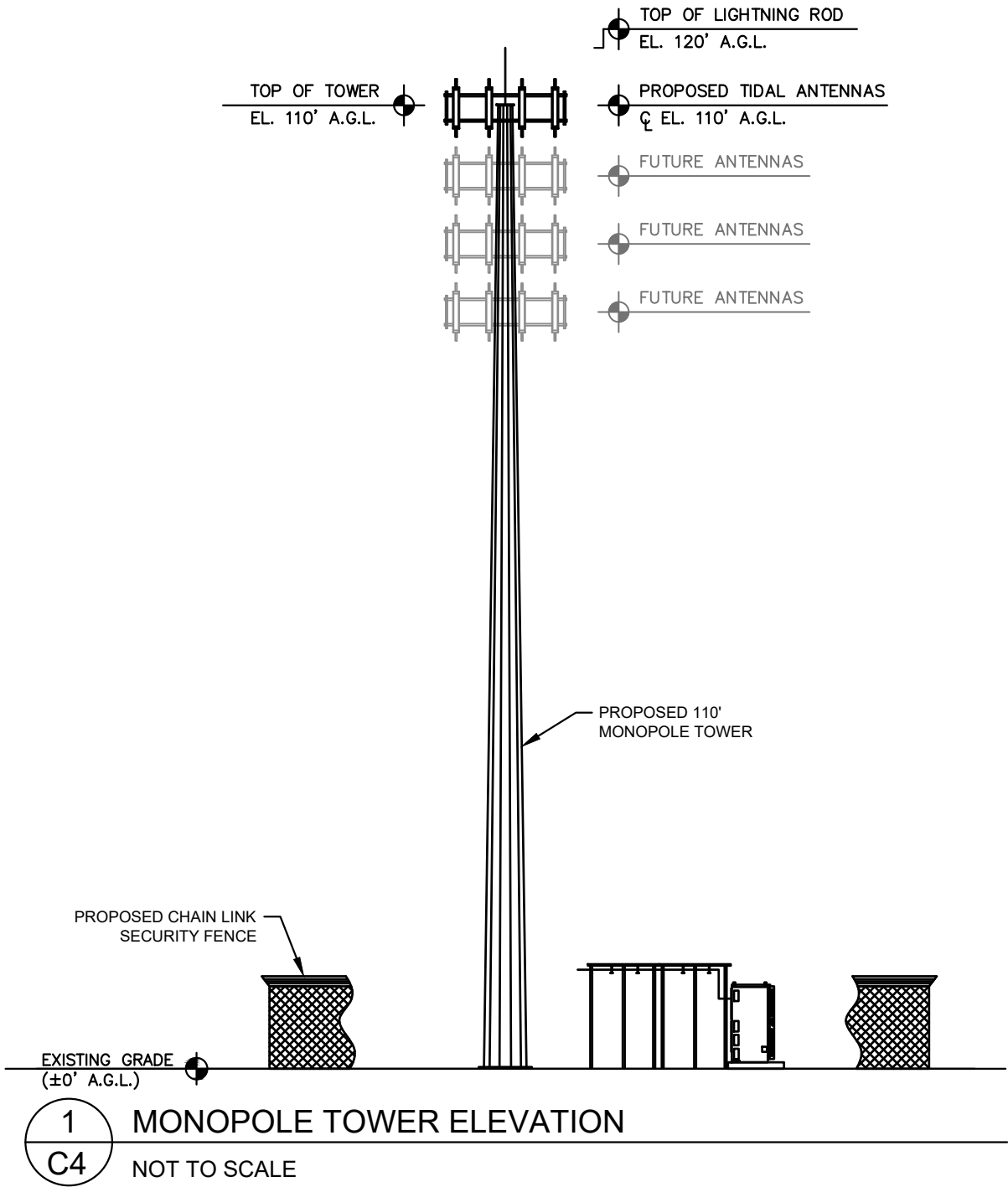
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**FENCE, GATE AND
COMPOUND
DETAILS**

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PROJECT INFORMATION:

SITE NAME:
SITKA ZONE 2
SITE No.: SIT-Z02

112 & 116 NANCY COURT
SITKA, AK 99835
SITKA COUNTY

PLANS PREPARED FOR:



PLANS PREPARED BY:



11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

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LICENSER:

ZONING
NOT FOR CONSTRUCTION

KHA PROJECT NUMBER:

017619005

DRAWN BY: CHECKED BY:

JW

TRN

SHEET TITLE:

ANTENNA AND
TOWER ELEVATION
DETAILS

SHEET NUMBER:

C4



View looking northeast from above Kiksadi Court

Existing

Kimley»Horn

Tidal Network/Pierson Wireless - Sitka Zone 2
112 Nancy Court
Sitka, AK





View looking northeast from above Kiksadi Court

Proposed

Kimley»Horn

Tidal Network/Pierson Wireless - Sitka Zone 2
112 Nancy Court
Sitka, AK

Tidal
NETWORK

PIERSON
WIRELESS



View looking northeast from above Kiksadi Court

Proposed

Kimley»Horn

Tidal Network/Pierson Wireless - Sitka Zone 2
112 Nancy Court
Sitka, AK

Tidal
NETWORK

PIERSON
WIRELESS



View looking south from above Kiksadi Court

Existing

Kimley»Horn

Tidal Network/Pierson Wireless - Sitka Zone 2
112 Nancy Court
Sitka, AK

Tidal
NETWORK

PIERSON
WIRELESS



View looking south from above Kiksadi Court

Proposed

Kimley»Horn

Tidal Network/Pierson Wireless - Sitka Zone 2
112 Nancy Court
Sitka, AK

Tidal
NETWORK

PIERSON
WIRELESS



Proposed Tidal Network/Pierson Wireless 110' self-support tower (120' top of lightning rod)

View looking south from above Kiksadi Court

Proposed

Kimley»Horn

Tidal Network/Pierson Wireless - Sitka Zone 2
112 Nancy Court
Sitka, AK

Tidal
NETWORK

PIERSON
WIRELESS







CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out **completely**. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

APPLICATION FOR:

☒ VARIANCE

☐ CONDITIONAL USE

☐ ZONING AMENDMENT

☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: T&H is requesting a tower height variance to allow for a tower taller than 35' in an otherwise permitted zone for communications towers. This variance will allow T&H to provide infrastructure that immediately supports bringing fixed wireless broadband to Sitka. It also provides infrastructure for potential, future cellular coverage in Sitka.

PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): Vacant PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: James Penrose

PROPERTY OWNER ADDRESS: 110 Chirikov Street, Sitka, AK 99835

STREET ADDRESS OF PROPERTY: 112 & 116 Nancy Court, Sitka, AK 99835

APPLICANT'S NAME: Richard Peterson

MAILING ADDRESS: P.O. Box 25500, Juneau, AK 99802

EMAIL ADDRESS: rpeterson@tlingitandhaida.gov DAYTIME PHONE: 907-463-8009

Peterson

112 and 116 Nancy Court, Sitka, Alaska 99835

Last Name

Date Submitted

Project Address

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☒ Completed General Application form
- ☒ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☒ Proof of filing fee payment
- ☐ Other: _____

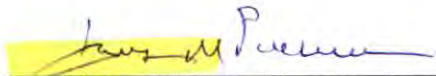
For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

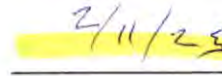
For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)
- ☐ Documentation establishing property as primary residence (motor vehicle registration, voter registration, etc.)
- ☐ Signed Affidavit of Primary Residence for Short-term Rental Conditional Use Permit

CERTIFICATION: I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.



Owner

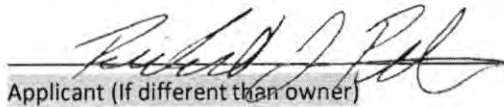


Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.


Applicant (If different than owner)

2/10/2025

Date

Peterson

112 and 116 Nancy Court, Sitka, Alaska 99835

Last Name

Date Submitted

Project Address



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM VARIANCE

APPLICATION FOR

- ☐ ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS
- ☒ ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS
- ☐ PLATTING VARIANCE – WHEN SUBDIVIDING

RATIONALE - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

We are requesting a tower height variance to support providing adequate broadband coverage to the citizens of Sitka. A 35' tower would not allow proper propagation of signal for good coverage.

POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- **TRAFFIC** None. Towers are unmanned facilities.
- **PARKING** None. Towers are unmanned facilities.
- **NOISE** None. Our tower would not produce any noise nor light.
- **PUBLIC HEALTH AND SAFETY** None. Our tower ultimately will get approvals from the FCC and local building officials to ensure our design is code compliant, thus safe.
- **HABITAT** Tree clearing will be required, but the tower will be subject to federal environmental review from the NTIA prior to construction.
- **PROPERTY VALUE/NEIGHBORHOOD HARMONY** A taller tower will support broadband access to all surrounding properties and the neighborhood that may otherwise lack adequate coverage.
- **COMPREHENSIVE PLAN** A taller tower height will allow more opportunity for economic development through providing broadband access for existing and new businesses.

REQUIRED FINDINGS (Choose **ONE** applicable type and explain how your project meets these criterion):

Major Zoning Variance (Sitka General Code 22.30.160(D)1)

Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

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. Explain the special circumstances:*

Our project is otherwise permitted by right. The variance merely allows us to more effectively meet our broadband coverage goals for Sitka.

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. Explain the use/ enjoyment this variance enables:* The variance allows for adequate

broadband connectivity to all surrounding areas.

c. *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. Initial Here*

Minor Zoning Variance (Sitka General Code 22.30.160(D)2)

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

a. *The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions. My request should be considered a minor zoning variance because:* N/A

b. *The granting of the variance furthers an appropriate use of the property. Explain the use or enjoyment this variance enables:* N/A

c. *The granting of the variance is not injurious to nearby properties or improvements. Initial Here* N/A

Platting Variance (Sitka General Code 21.48.010)

- a. A variance from the requirements of this title may be granted only if the planning commission finds that the tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. **Explain the conditions of the lot that warrant a variance:** N/A
- b. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property. **Initial Here** N/A

ANY ADDITIONAL COMMENTS A variance is being requested for a 120' total tower height.

Applicant

2/26/25

Date _____

Last Name

Date Submitted

Project Address

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

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 (enthurst.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, enthurst.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

