

**JANUARY 25, 2023**  
**PLANNING AND ZONING COMMISSION MEETING**  
**ADDITIONAL MATERIALS/REVISIONS**  
**REQUESTED REVISIONS TO THE PACKET**

<b>ACTION</b>	<b>ITEM</b>	<b>REQUESTED BY</b>
Add to item F.2	<b>Action/Approval</b> – Recommending the Kenai City Council Enact Ordinance No. 3332-2023 <ul style="list-style-type: none"><li>• Public Comments</li></ul>	Planning Director

**From:** [Rachael Gaedeke](#)  
**To:** [City Clerk](#)  
**Subject:** Public comment regarding chicken rearing in Kenai city limits  
**Date:** Sunday, January 22, 2023 6:02:00 PM

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To Whom it May Concern:

I'm writing to express my support in allowing the citizens of Kenai to be allowed to keep chickens in their backyards.

Keeping a small flock of chickens in your own backyard has many benefits from supplying you with fresh, healthy eggs from well-cared-for animals, to giving you great fertilizer for gardening, to providing lively pets—as well as being part of the drive to local, sustainable food systems.

Sustainable food systems have always been a top priority for Alaskans. Now more than ever, we need to be able to count on reliable, nutritious food sources.

Eggs laid from healthy chickens provide a much needed kitchen staple. Currently the price of eggs is skyrocketing and many grocery stores have empty shelves where their eggs used to be plentiful. Home-raised hens produce eggs that are fresher, better tasting and often more nutritious than their commercially farmed counterparts.

Millions of people keep backyard chickens responsibly. Let our children have the opportunity to understand where food comes from and contribute to its production.

Please include this email in public comment for the upcoming meeting.

Sincerely,

**Rachael Gaedeke**  
[rgaedeke@gmail.com](mailto:rgaedeke@gmail.com)

## Linda Mitchell

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**From:** Kristine Schmidt <kristine@kenai.alaska.us>  
**Sent:** Friday, January 20, 2023 3:49 PM  
**To:** Linda Mitchell  
**Subject:** Chicken Ordinance 3332-2023: for January 25, 2023 P&Z Commission Meeting

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Dear Planning & Zoning Commissioners:

I am opposed to the chicken ordinance, Ordinance No. 3332-2023, as written. I agree with the three letters in your 1/25/23 meeting packet opposing this ordinance.

This ordinance is a major disruption to City of Kenai land use rules, and has the potential to harm our (Kenai residents') quality of life very greatly. Our family lives in Woodland Subdivision, on a very small lot (less than 1/3 acre). Our lot has 5 lots right next to us, and under this ordinance there could be as many as 60 chickens kept right next to our backyard.

Kenai residents went through a divisive process on chickens just a few years ago, and the two chicken ordinances were both failed, even the second one, which had only 2 chickens. Ordinance 3332-2023 allows 12 chickens — that is a chicken farm, not just "backyard chickens."

There are many many other problems with this ordinance. Just one example: there is a bird flu epidemic across the United States, including Alaska, killing millions of birds, especially wild birds, and much of the infection comes from backyard chickens! Do we really want to destroy the wild bird population in Kenai?

I will be sending a second letter detailing the many problems with this ordinance before your 1/25/23 meeting.

I am also extremely disappointed with the City's process for consideration of this ordinance. With no notice to Kenai residents, the ordinance was introduced ONE DAY after the Christmas/New Year's holidays, in the dead of winter, when many Kenai residents are out of town. It was put on the fast track to be heard and enacted within 2 weeks of introduction. Call me cynical, but this process seems designed to ensure that the public who might oppose the ordinance get as little time and input as possible. Luckily, Councilman Knackstedt convinced the City Council to send it to the Planning & Zoning Commission first.

However, there is no work session at either City Council or Planning & Zoning Commission scheduled to consider this ordinance and changes to it. Most if not all major ordinance changes like this one go through at least one work session, which allows the public and Council/Commission members to consider amendments.

I request that the Planning & Zoning Commission postpone action on Ordinance 3332-2023 and schedule a work session on it.

Thank you for your consideration of these comments.

Kristine Schmidt  
513 Ash Avenue  
Kenai, Alaska 99611  
(907) 283-7373 (work)

January 24, 2023

City of Kenai  
210 Fidalgo Avenue  
Kenai, AK 99611

Dear Commissioners:

**RE: Ordinance No. 3332-2023**

***Amending KMC 3.10.070 to Allow a Maximum of Twelve (12) Chickens to Be Kept on Lots Less Than 40,000 Square Feet - Except for RU, RS-1, RS-2 and TSH Zoning Districts***

I oppose ordinance No. 3332-2023 as written and ask that the Commission recommend to Council that: (1) this ordinance not be enacted as written; (2) the ordinance be amended to also except the RS Zone from its scope; and (3) the Council otherwise postpone action and refer the ordinance back to the Commission for a public work session or sessions for consideration.

My spouse and I purchased our home on Ash Avenue in Woodland Subdivision, Kenai, Alaska, in 1985. When we bought our home in 1985, our property in Woodland Subdivision was zoned Suburban Residential (RS). We specifically chose to purchase a home in Woodland Subdivision because there were covenants restricting use to residential and there were the protections of the RS Zone. We raised our daughter there and have lived there for the last thirty-eight (38) years.

**Land Use Inequity in Suburban Residential Zones.**

The Suburban Residential Zone is intended to provide for medium density residential development and to prohibit uses which would violate the residential character of the environment. The Suburban Residential Zone includes the RS, RS-1, and RS-2 Zones.

Our lot is a small lot, 0.31 acre, which is approximately 13,504 s.f. The majority of lots in Woodland Subdivision, properties zoned RS, are of similar size. Some lots in Inlet View Subdivision, property zoned RS-1, are of slightly larger size, approximately 16,500 s.f., but are still small lots. The RS-2 Zone also has small lots.

The raising of chickens will have similar impacts on all of these RS Zones, but only properties in RS Zone are subject to the impacts that will be caused by this ordinance as written. There is no explanation of the policy reason supporting excepting all properties in the RS-1 and RS-2 Zones while including all properties in the RS Zone. This is arbitrary.

As you know, the City's Land Use Table establishes the land uses in the RS Zone (like the other zones) that are Permitted (P), Conditional (C), Secondary (S), and Not Permitted (N). "Chickens" are defined to be "livestock", and "agriculture" includes "raising livestock." The Land Use Table for RS, RS-1 and RS-2 Zones all have a "N" for **Not Permitted** for "general agriculture." Raising 12 chicken hens in small lots can qualify as "general agriculture" in a small lot, and would violate the residential character of the environment.

Even if the Commission and the Council deem raising 12 chicken hens on a small lot to be not “general agriculture,” this ordinance does not distinguish between raising chickens for personal use and for commercial use. There is at least one tenant in Woodland Subdivision who offers eggs for sale, and chicks for individuals who want to raise chickens, through use of social media. That is a retail business.

Retail business and wholesale business are both “N” in RS-1 and RS-2, but are a C in RS Zone. But this ordinance does not provide that commercial use is prohibited, nor does it require a conditional use permit or any application at all for any use, or the written consent of the property owner who has leased the property to the tenant who is raising livestock.

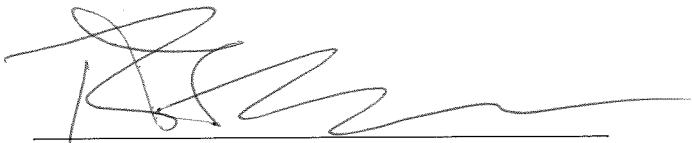
The ordinance should be amended to add the RS Zone to the exceptions, or to limit the lot sizes to lots greater than 20,000 s.f., while also limiting the maximum number of chicken hens to six (6) hens.

**Other issues.**

There are many other issues not addressed in this ordinance, such as:

- Nothing limits containment areas to back yards;
- Nothing about setbacks from streams and other waters;
- Free range within a fence is allowed, since enclosed shelters such as coops are optional;
- Nothing specific about standards for the dimensions, materials, and appearance of a “containment structure” such as a coop, or for protections against bears and other predators;
- Nothing requiring the containment area to be kept clean and sanitary, and nothing about removal of waste or other issues regarding odor;
- Nothing about enforcement and resources for enforcement.

Thank you for your consideration.

A handwritten signature in black ink, appearing to be 'Bob Molloy', written over a horizontal line.

Bob Molloy

January 24, 2023

Planning & Zoning Commission  
City of Kenai  
210 Fidalgo Avenue  
Kenai, Alaska 99611

**Chicken Ordinance No. 3332-2023**

Dear Commissioners:

I do not support Ordinance 3332-2023, which would allow keeping of 12 chickens in RS (Suburban Residential) zones with very little regulation of this practice to protect the neighbors. Currently, chickens are not allowed on property in RS zones. For some reason, the ordinance singles out RS zones to allow chickens, while keeping a no chicken rule in RU, RS-1, RS-2 and TSH zones, with no explanation. Also, the RS zone currently does not permit agriculture such as chicken raising without a conditional use permit, in the Land Use Table.<sup>1</sup>

My neighborhood, Woodland Subdivision, is zoned RS. My family has lived in the subdivision since 1985. Our subdivision consists of small lots of one-quarter to one-third acre. Allowing large flocks of unregulated chickens would be a nuisance -- noise, odor, unsightly sheds and pens -- and disturb the quality of life in our neighborhood. There is little to nothing in the ordinance to address these concerns. Just take a look at the photo in your packet (page 38) of what one Woodland Subdivision owner gets to look at out their side window, and ask yourself *if this is what you would want to see on five sides around you.*<sup>2</sup>

Here is a partial list of reasons why you should give this ordinance a “no” recommendation if you have to vote on it Wednesday 1/25/2023. It would be better if you had a work session on the ordinance, to bring out all the issues with it, and address them.

**1. The Planning Commission and City Council Voted Down Chicken Ordinances in 2013 and 2015, and Nothing Has Changed.** The Planning Commission (6-0) and the Kenai City Council (4-3) voted down a similar unregulated 12-chicken ordinance in 2013, even when the ordinance sponsor agreed to reduce the number of chickens to 6. The City Council also voted down a similar ordinance two years later, in 2015.<sup>3</sup> Nothing has changed since 2013 and 2015 that would make this chicken ordinance any more acceptable. The Commission really needs to review what happened in 2013 and 2015, and the reasons why these ordinances failed.

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<sup>1</sup> The ordinance does not address the conflict with the land use table.

<sup>2</sup> Woodland Subdivision lots are staggered, so there could be five lots with chickens around a lot such as our lot, for a total of 60 chickens. See attached photo; our lot has yellow borders.

<sup>3</sup> See, “Kenai Chicken Ordinance Fails Again,” Peninsula Clarion 11/6/2015.

**2. Chickens Are A Nuisance And Ordinance 3332-2023 Does Nothing To Reduce Or Prevent the Nuisance.** There is nothing in the ordinance that reduces or prevents the well known nuisances of barnyard animals, such as noise, odor, open waste, close proximity to residences, and attractiveness to dangerous predators such as bears. The setbacks are not sufficient. The ordinance merely recites that chicken keeping should not be a public nuisance (undefined). That is not enough.

**3. Ordinance 3332-2023 Is Discriminatory, In Ways That Do Not Make Sense.** For some unexplained reason, this ordinance singles out the RS zone to allow chickens, but excepts the RU, RS-1, RS-2 and TSH zones – why? The ordinance does not distinguish between large lots in the RS zone, where keeping chickens might be less burdensome on the neighbors, and small lots such as those in Woodland Subdivision – why not? Traditionally the City of Kenai has recognized that there can be more negative impacts on high density subdivisions versus lower density subdivisions in land use decisions – why is this not a consideration in this ordinance?<sup>4</sup>

The Animal Control Code, Title 3, has substantial regulations on keeping more than 3 dogs, or keeping bees, but few regulations on keeping chickens, which doesn't make sense. I can't see how bees in the summer are more of a problem than having up to 60 chickens living around you, year round.

**4. The Price Or Scarcity of Eggs Are Red Herrings.** You will no doubt hear that the price or scarcity of eggs are factors in favor of the ordinance. However, the reason for the increase in price or scarcity of eggs involves several factors, all of which are temporary, such as the bird flu pandemic (spread by backyard chickens), and egg farmers holding back product because retailers won't pay the prices they want. These temporary issues will resolve in a short period of time, but the ordinance, if passed, could have a very negative effect on people owning homes in Kenai, over the long term.

**5. The Ordinance Has Insufficient Protection For Homeowners/Neighborhoods.** This ordinance has little to no regulation to protect adjacent homeowners or neighborhoods from the negative effects of chickens. Even Wasilla, Alaska has chicken keeping regulations that provide some protections, including requiring administrative approval or permits. Some examples of regulations that should be in the ordinance:

- (a) Prohibit keeping chickens in front yards (allowed under Ord. 332-2023);
- (b) Require licenses, like dogs (currently required in the Animal Code);
- (c) Require that the chickens be kept for personal use only, and that the chicken farming can't be spread over multiple lots;
- (d) Require the homeowner's written consent for tenants keeping chickens;
- (e) Regulate the location, number and materials of pens or sheds to reduce nuisances such as noise, odor, waste and unsightliness;
- (f) Stiff fines for roosters, because of course chicken farmers will keep them too.

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<sup>4</sup> See, "Kenai Chicken Ordinance Fails Again," Peninsula Clarion 11/6/2015.

Also, the ordinance is written to be self-enforcing, or complaint-driven. That won't work, especially when you are allowing 3,000+ more lots to have chicken farms, but no more funding for enforcement. The days when most people recognized a responsibility to be good citizens and obey municipal laws and regulations are over. Now people do what they want until they are caught. That is why permits should be required; so that the Animal Control Office has a handle on where potential problems may arise.

**6. The Ordinance Does Not Protect Public Safety.** In 2013, Larry Lewis from the Alaska Department of Fish and Game testified that backyard chickens were bear attractants. Brett Reid, Kenai Animal Control officer, testified that backyard chickens caused bear and other problems. There is nothing different now.

Now there is also a bird flu epidemic worldwide, that is killing millions of birds, especially wild birds. Backyard chickens are a major reason for the spread of bird flu. Many Kenai residents enjoy the wild birds that live here, and Kenai is known throughout Alaska and Outside for its wild birding – we even built a platform on the Kenai River Flats for better birding. It doesn't make sense to risk more bird flu infection by opening up 3,000+ more Kenai lots to infection.

These are just a few reasons why Ordinance 3332-2023 is a bad fit for Kenai as written. Please vote “no” on this ordinance.

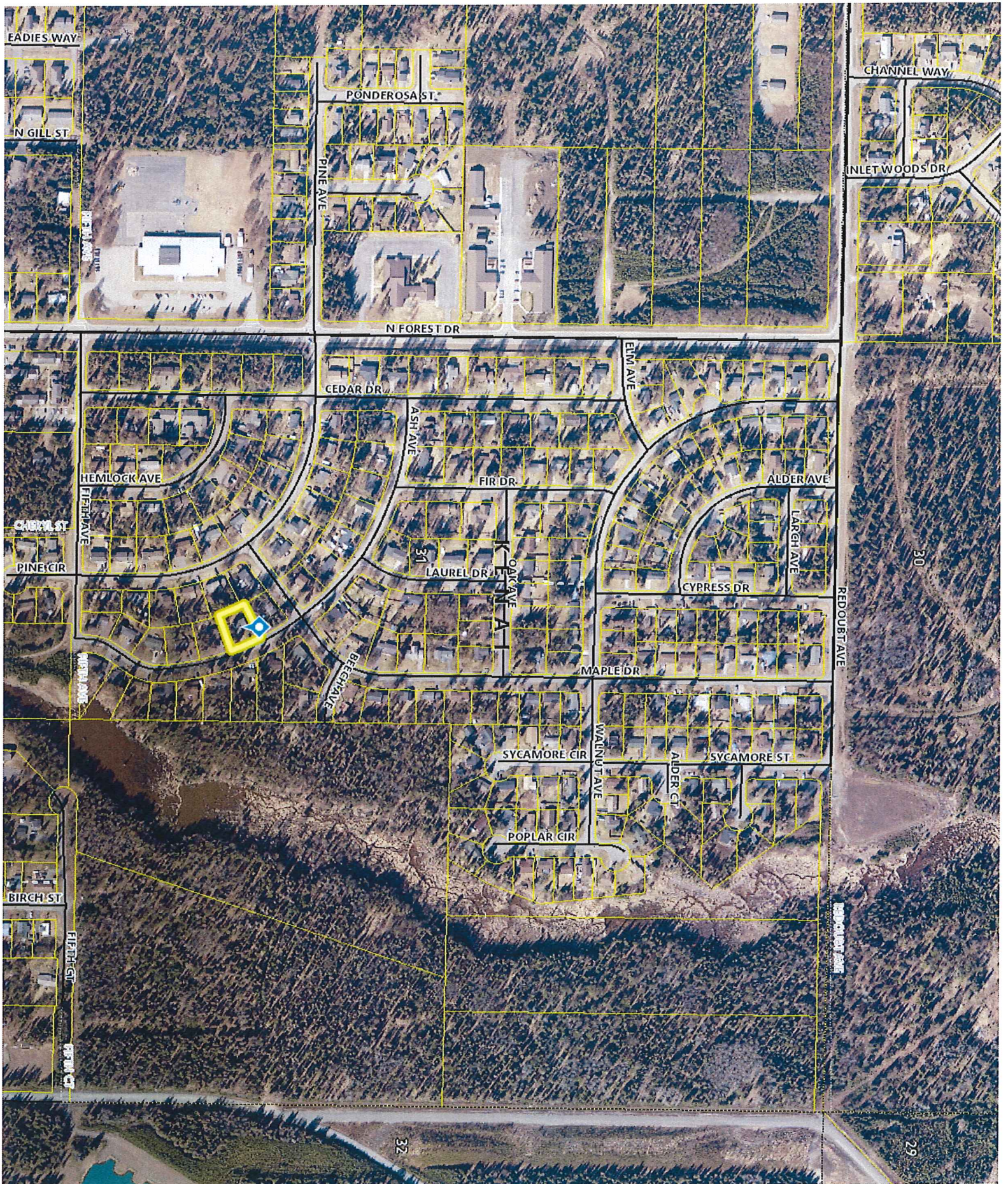
Sincerely,



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Kristine A. Schmidt  
513 Ash Avenue  
Kenai, Alaska 99611  
(907) 283-7373





# Kenai chicken ordinance fails again

ADVERTISEMENT

By Ben Boettger

Friday, November 6, 2015 6:07pm | NEWS KENAI

Kenai city council members Terry Bookey and Ryan Marquis introduced an ordinance allowing up to twelve hens to be kept on Kenai residential properties under 40,000 square feet — an activity that currently violates city code. At Wednesday's council meeting, the council voted down the ordinance 4-3. A similar chicken ordinance, introduced by then-member Mike Boyle, failed in 2013.

Marquis, who declined to run in the recent election and will soon leave the council after two terms, said that voting against the 2013 chicken ordinance was one of his few regrets.

"At that time, my primary reason for voting against it was bears being attracted to residential areas because of the chickens," Marquis said.

"Since then, I've spent a lot of time walking through residential neighborhoods, and I realize how many people have chickens within the city — I'm assuming illegally — and I haven't heard much about any increased bear activity within the city."

Mayor Pat Porter was the first to oppose the ordinance.

"I live within 15 feet of my neighbor," Porter said. "The subdivision I live in is really tight quarters, and I cannot imagine having to live next door to chickens. Particularly where they don't have to be fenced off where I can't see them, or they can get loose."

Asked about bear activity by Porter, Kenai Police Chief Gus Sandahl said that bear reports in Kenai have been "significantly lower in the past two summers." When Porter asked again at a later point, Sandahl said bear encounters in Kenai have been "minimal."

"Maybe it's because we don't have any chickens," Porter said.

Chickens can be legally kept in Kenai — on lots greater than 40,000 square feet, or if the owner applies for and receives a conditional use permit from the Planning and Zoning Commission. Kenai City Manager Rick Koch said no chicken permits had been applied for in his nine years as City Manager.

Council member Henry Knackstedt is a legal Kenai chicken owner — he said he keeps about 30 egg-laying hens on about 30 acres.

"I really haven't had any problems with bears..." Knackstedt said. "I haven't had any problems with my neighbors because of the size of the lot. The zoning works, because I'm greater than 40,000 square feet."

Knackstedt said he “spent a lot of time” with the 2013 chicken ordinance as a then-member of the Planning and Zoning commission. According to previous Clarion reporting, the 2013 chicken ordinance was debated by the city council and Planning and Zoning for 7 months.

“If it’s done right, I don’t think anyone would have a problem with (hen-keeping),” Knackstedt said. “And I think there are people who should have conditional use permits, but don’t. It goes on just fine, just like a lot of other things. But when I look at this, it looks like it has Planning and Zoning written all over it... the way it should be managed, supervised. I think neighbors should have a say if they don’t want to have chickens next door. I’m conflicted because I think it can be done, but not the way it’s written at this point.”

Knackstedt encouraged Marquis and Bookey to send the ordinance to the Planning and Zoning commission, pointing out that “it’s a different planning and zoning than we had a few years ago.”

Council member Tim Navarre said he opposed allowing hen-keeping, not because of bears but because of “health issues that come with chickens.” Council member Brian Gabriel said the present permit allowance was sufficient to allow hen-keeping where appropriate.

“The fact is that when you get into smaller lot sizes, you run into issues that aren’t really relevant to larger lot sizes,” Gabriel said. “Such as proximity to your neighbors. Your neighbors might have dogs on several sides of your chicken coop. The effect on them could be pretty dramatic... I don’t have an objection to chickens, but the idea of having neighbors weigh in on the effects it might have on them in high-density neighborhoods, there’s a value to that I don’t think we should overlook.”

Bookey responded to Gabriel.

“To address the dogs, I think that’s more an issue of property-owners having dogs and not controlling them,” Bookey said. “I understand the reasoning and the need for zoning and planning and things like that. But when we continually reference ‘your neighbors should have a say in what you do on your property,’ I think that’s true to some extent. But in many, many cases we’re putting more value on what the neighbors think I should do on the parcel of land that I own than what I think I should do on the parcel of land that I own.”

Council members Gabriel, Knackstedt, Navarre, and Mayor Porter voted against chicken legalization.

*Reach Ben Boettger at [ben.boettger@peninsulaclarion.com](mailto:ben.boettger@peninsulaclarion.com)*

**From:** Deni Oren <mrsoren23@gmail.com>  
**Sent:** Tuesday, January 24, 2023 6:19 PM  
**To:** City of Kenai Planning Department  
**Subject:** Ordinance No. 3332-2023a

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To whom it may concern,

Good evening, I am writing to express my support in favor of City of Kenai's Ordinance No. 3332-2023a; in regards to allowing residents on properties less than 40k square feet in size to own up to 12 laying hens.

As a City of Kenai resident I think this is a great idea to help offset some of the food supply issues and food insecurities my fellow neighbors and myself are starting to face in regards to inflation and supply chain issues lately. I do understand the concerns of some when it relates to how the city will pass this in a manner that doesn't create neighborhood nuisances. But as homeowners, I think this can be done in a responsible and appropriate way just as we are expected to do with any of our pets.

I think passing this ordinance would be so beneficial for local residents, not only for just each individual property/homeowner, but as well as for our neighbors who may benefit from receiving or purchasing fresh local eggs when our local stores are depleted. With rising costs of food, lack of food on shelves, it would be a world of difference to be able to offset some of these worries by having a more sustainable way to provide food for our families. I have read through the expectations listed and I find them to be very fair, and do believe it would help to reduce any issues in regards to having the hens. I also believe the allowance of up to 12 hens is perfect for a majority of the properties in the City of Kenai.

Thank you for your time and I hope that the City of Kenai takes my support into consideration.

Respectfully,  
Mr. & Mrs. Oren

Jeremy & Bridget Grieme  
PO Box 2066  
Kenai, AK 99611  
bhgrieme@gmail.com

January 24, 2023

City of Kenai Planning & Zoning Members and Kenai City Council Members

To Whom It May Concern:

We are writing to express our support for City Ordinance No. 3332-2023a to allow residents on properties less than 40,000 square feet in size to own up to twelve laying hens to address food security issues.

The cost of a dozen eggs has increased sixty-percent in the last few months. This is on top of consistent and drastic rising food costs over the last three years. At last check, a dozen fresh local eggs was selling for \$10. Eggs are not isolated in these drastic increases. Allowing residents to keep up to twelve hens on their property to provide eggs for their family would help alleviate the financial burden that rising food costs have on Kenai residents.

Chickens require a small amount of space to be healthy and happy. Three square feet per chicken is recommended by Rural Living Today. That means that a thirty-six square foot coop could easily accommodate up to twelve chickens. That equates to a relatively small (6'x6') coop, which is smaller than most backyard sheds in Kenai neighborhoods. Chickens, unlike dogs and other animals, do not need to be outside and have room to roam – and actually are quite content to not be outside in the winter months. To this end, giving residents the option to keep up to twelve laying hens will not create an eye sore, or reduce the aesthetic appearance of our neighborhoods and homes.

Some may raise concerns about the potential noise nuisance that chickens could create in residential neighborhoods. People, such as myself, who choose to live in residential neighborhoods accept the noise that comes with living in close proximity to others. These sources of noise are often dogs, loud vehicles, and even children. A dozen laying hens would not create additional noise pollution or raise it to an unbearable level. Not unlike homeowners who have multiple dogs, it would be chicken owners' responsibility to be considerate of others and be sure their pets are not interfering with the quality of life for their neighbors. Homeowners who have pets have to perform "poop patrol" to clean up after their pets in their yards. Similarly, chicken owners would clean up after their chickens. Spring time in Alaska is an odorific experience – with or without chickens. I feel confident that home owners can and will do this in a responsible and appropriate way, no different than other pet owners.

Alaskans pride themselves on being self-sufficient and providing for themselves and their families. How many members of the council or committee have proudly announced to

friends and family that they harvested a moose or filled the freezer with salmon to feed their family all winter. Eggs are no different, and allowing up to twelve hens reinforces the Alaskan way of life that we are proud of and what sets us apart from other parts of the country.

Amending the current ordinance to allow up to twelve laying hens for residents of Kenai would be beneficial for families to provide for themselves and to share with their neighbors. Being an Alaskan is also about never knowing a stranger. Through this amendment, chicken owners will have the opportunity to share eggs with others who are also struggling to make ends meet due to the current economic climate we are experiencing.

Mr. Douthit's proposed amendment is fair, reasonable, and attainable. It is a small change in policy that has the potential to make a huge change for residents. For these reasons, and those outlined above, I urge you to pass this ordinance.

Respectfully,  
Jeremy & Bridget Grieme

**From:** [Amanda Smith](#)  
**To:** [City Clerk](#)  
**Subject:** Comment for Ordinance No. 3332-2023  
**Date:** Wednesday, January 25, 2023 2:56:13 PM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon,

As a resident who would be directly impacted by the proposed amendment of Kenai Municipal Code Section 3.10.070, I am writing to express my support.

Removing barriers to individual food security and self-reliance only serves to improve the lives of residents of the City of Kenai. When individuals are able to provide for themselves, their family, and friends, the entire community becomes more economically resilient. This is always important, but has become especially critical during the economic crises that have continued to impact various sectors since the start of Covid-19.

With no end in sight for the current economic downturn, I implore you to allow Kenai residents the freedom to feed their families.

Sincerely,  
Amanda Smith

**From:** [Nathan Smith](#)  
**To:** [City Clerk](#)  
**Subject:** Ordinance No. 3332-2023  
**Date:** Wednesday, January 25, 2023 1:37:48 PM

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Afternoon,

I send you this due to the email address posted( [city\\_council@kenai.city](mailto:city_council@kenai.city))to send any support or concern continues to reject mine and my wife's email in support of this email. It comes up with a 550 code which is due to a spam blocker the city uses. This is concerning of itself as how many people attempt to have their voices heard but are met with this Code when attempting to email city council.

It would be foolish to not pass this ordinance and allow the citizens of kenai to raise Chickens. This could help provide food to low income families as well as teach children a valuable skill of raising and harvesting their own food.

I encourage the council to pass this ordnance and look forward to being allowed to raise my own chickens within city limits.

Thank you,

Nathan Smith