



**Kenai Planning & Zoning Commission –
Work Session**

February 8, 2023 – 5:30 p.m.

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Info Below****

Agenda

- A. CALL TO ORDER**
- B. INTRODUCTION** – Linda Mitchell, Planning Director
- C. PUBLIC COMMENT**
(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)
- D. COMMISSION DISCUSSION**
 - 1. Ordinance No. 3332-2023 - Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai.
- E. PUBLIC COMMENT**
(Public comment limited to three (5) minutes per speaker; thirty (30) minutes aggregated)
- F. ADJOURNMENT**

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

Join Zoom Meeting

<https://us02web.zoom.us/j/84608991657>

Meeting ID: 846 0899 1657 **Passcode:** 349304

OR Call: (253) 215-8782 or (301) 715-8592

Meeting ID: 846 0899 1657 **Passcode:** 349304



**CITY OF KENAI
ORDINANCE NO. 3332-2023**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE SECTION 3.10.070-LIVESTOCK WITHIN THE CITY LIMITS, TO ALLOW A MAXIMUM OF TWELVE (12) CHICKEN HENS TO BE KEPT ON CERTAIN LOTS LESS THAN 40,000 SQUARE FEET WITHIN THE CITY OF KENAI.

WHEREAS, the keeping of chicken hens within the City of Kenai on lots less than forty thousand (40,000) square feet and in the Urban Residential (RU), Suburban Residential 1 (RS1) Suburban Residential 2 (RS2), and Townsite Historic (TSH) zoning districts is currently prohibited; and,

WHEREAS, residents have expressed an interest in keeping chicken hens on lots less than forty thousand (40,000) square feet for personal use; and,

WHEREAS, outside the RU, RS1, RS2, and TSH zoning districts, a relatively small number of chicken hens may be kept within populated areas of the City without causing an unreasonable risk of nuisance or wild animal attractant if the hens are properly located, contained, managed and maintained; and,

WHEREAS, twelve (12) chicken hens or less is a reasonable number to provide a household with eggs without having too high a density of chickens, which could increase the likelihood of causing a nuisance or wild animal attractant.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. Amendment of Section 3.10.070 of Kenai Municipal Code: That Kenai Municipal Code, Section 3.10.070, Livestock within the city limits, is hereby amended as follows:

3.10.070 Livestock within the city limits.

(a) Except as otherwise provided in this section, no person shall keep or maintain livestock within the City of Kenai.

(b) No livestock shall be allowed in the RU, RS1, RS2 or TSH zones.

[(B)c] Except in the RU, RS1, RS2, or TSH zones, [L]livestock, other than bees, may be kept on lots of forty thousand (40,000) square feet or greater. [NO LIVESTOCK SHALL BE ALLOWED IN THE RU, RS1, RS2 OR TSH ZONES. ANIMALS RAISED FOR A FUR-BEARING PURPOSE ARE NOT ALLOWED IN ANY ZONE. BEEKEEPING WILL BE RESTRICTED AS DESCRIBED IN SUBSECTION (G).]

(1) The keeping of chicken hens on lots less than forty thousand (40,000) square feet will be subject to the standards in subsection (k).

(2) Animals raised for a fur-bearing purpose are prohibited within the city limits.

(3) Beekeeping will be restricted as described in subsection (l).

[(C)d] In this section "livestock" is defined as the following animals:

(1) Cow

- (2) Horse
- (3) American bison
- (4) Llama
- (5) Alpaca
- (6) Sheep
- (7) Swine
- (8) Goat
- (9) Mule
- (10) Donkey
- (11) Ratite
- (12) Duck
- (13) Goose
- (14) Chicken
- (15) Turkey
- (16) Rabbit
- (17) Honey bees (*Apis mellifera*)

([D]e) (1) Except for the RS1, RS2, RU, TSH zone(s), the Chief Animal Control Officer may issue temporary permits of not more than fourteen (14) days for the keeping of livestock not otherwise allowed for public exhibitions or entertainment events. The Chief Animal Control Officer may impose conditions on the permits as reasonably necessary for sanitation, safety, or hygiene. The permit may be revoked for a violation of the conditions of the permit or pertinent section of the Kenai Municipal Code. The City may charge a permit fee, which fee shall be as set forth in the City's schedule of fees adopted by the City Council.

(2) Except in the RU zone, the Chief Animal Control Officer may, after notifying adjoining property owners in writing and allowing reasonable time for comment, issue a permit for the keeping of livestock for educational or youth activities, such as 4-H, Future Farmers of America, or Boy/Girl Scouts on lots not otherwise eligible under this section. The permit shall state the duration of the permit, which shall not exceed two (2) years, and the type and number of livestock to be kept. The Chief Animal Control Officer may impose conditions on the permits as reasonably necessary for sanitation, safety, or hygiene. The permit may be revoked for a violation of the conditions of the permit or Title 3 of the Kenai Municipal Code. Appeal of issuance or revocation of a permit may be made in writing to the board of adjustment. A permit may be renewed following written notice and reasonable time for comment to the adjoining property owners. The City may charge a permit fee, which fee shall be as set forth in the City's schedule of fees adopted by the City Council.

([E]f) Lots on which livestock are kept on the effective date of the ordinance codified in this section which are not eligible for the keeping of livestock under this section shall be considered a non-conforming use of land under KMC 14.20.050. No new or replacement livestock may be kept or introduced on such lots after the effective date of the ordinance codified in this section. Offspring of livestock allowed as a non-conforming use under this section may be kept on such lots only until they are old enough to be relocated to a site conforming to this section or outside of the city limits.

- ([F]g) Except as set forth in subsections ([G]h) and (i), below, corrals, pens, hutches, coops, fences or other animal containment structures must have a minimum setback of twenty-five feet (25') from the property's side yards, fifty feet (50') from the front yard, and ten feet (10') from the back yard. All animal containment structures must be secure and in good repair.
- (h) The keeping of chicken hens on lots less than forty thousand (40,000) square feet is allowed, except in the RU, RS1, RSL, and TSH zoning districts, subject to the following standards:
- (1) A maximum of twelve (12) chicken hens may be kept on lots with a permitted principal structure.
 - (2) Chicken hens must be kept in an enclosed shelter or fully fenced-in at all times.
 - (3) Chicken coops, hutches or other fully enclosed shelters may not be located in a front yard or side yard that abuts a street in a residential zoning district and must have a minimum setback of fifteen feet (15') from the side yards, ten feet (10') from the rear yard, and twenty-five feet (25') from residential dwellings on neighboring lots.
 - (4) Fences, corral, pen, or other similar containment structures must have a minimum setback of fifteen feet (15') from the side yards, twenty-five feet (25') from the front yard, ten feet (10') from the rear yard, and twenty-five feet (25') from residential dwellings on neighboring lots.
 - (5) All shelters or containment structures must be constructed of durable weather resistant materials, secured, and kept in good repair.
 - (6) No person may slaughter chickens on-site except when in an area of the property not visible to the public or adjoining properties.
 - (7) Chicken hens may not be kept in such a manner as to constitute a public nuisance as defined by Kenai Municipal Code.
 - (8) The keeping of chicken hens must be consistent with terms of this title and does not in or of itself constitute a nuisance or a disturbance.
- ([G]i) No person may keep honey bees, *Apis mellifera*, in a manner that is inconsistent with the following requirements or that is inconsistent with any other section of this code.
- (1) Colonies shall be managed in such a manner that the flight path of bees to and from the hive will not bring the bees into contact with people on adjacent property. To that end, colonies shall be situated at least twenty-five feet (25') from any lot line not in common ownership; or oriented with entrances facing away from adjacent property; or placed at least eight feet (8') above ground level; or placed behind a fence at least six feet (6') in height and extending at least ten feet (10') beyond each hive in both directions.
 - (2) No person shall keep more than four (4) hives on a lot of ten thousand (10,000) square feet or smaller, nor shall any person keep more than one (1) additional hive for each additional two thousand four hundred (2,400) square feet over ten thousand (10,000) on lots larger than ten thousand (10,000) square feet.
 - (3) It shall be a violation for any beekeeper to keep a colony or colonies in such a manner or in such a disposition as to cause any unhealthy condition to humans or animals.
 - (4) Beekeepers shall take appropriate care according to best management practices when transporting hives of bees. Bees being transported shall have entrance screens or be secured under netting.
 - (5) The term "hive" as used in this section means the single structure intended for the housing of a single bee colony. The term "colony" as used in this section means a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

[(H) A PERSON SEEKING RELIEF FROM THE PROVISIONS OF THIS SECTION MAY APPLY FOR A CONDITIONAL USE PERMIT UNDER KMC 14.20.150.]

Section 2. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 3. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1ST DAY OF FEBRUARY, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: January 4, 2023
Enacted: February 1, 2023
Effective: March 3, 2023



KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Council Member Alex Douthit

DATE: December 29, 2022

SUBJECT: **Ordinance No. 3332-2023 Amending KMC Section 3.10.070-Livestock Within the City Limits**

This Ordinance addresses proposed changes to KMC Section 3.10.070 that will allow a relatively small number of chicken hens to be kept on certain lots within the city limits. Under the current ordinance, the keeping of chicken hens on lots less than 40,000 square feet is prohibited. Residents have expressed an interest in keeping chicken hens on lots less than 40,000 square feet to provide a supply of fresh eggs. The raising of chicken hens for their eggs helps to promote food security in our community.

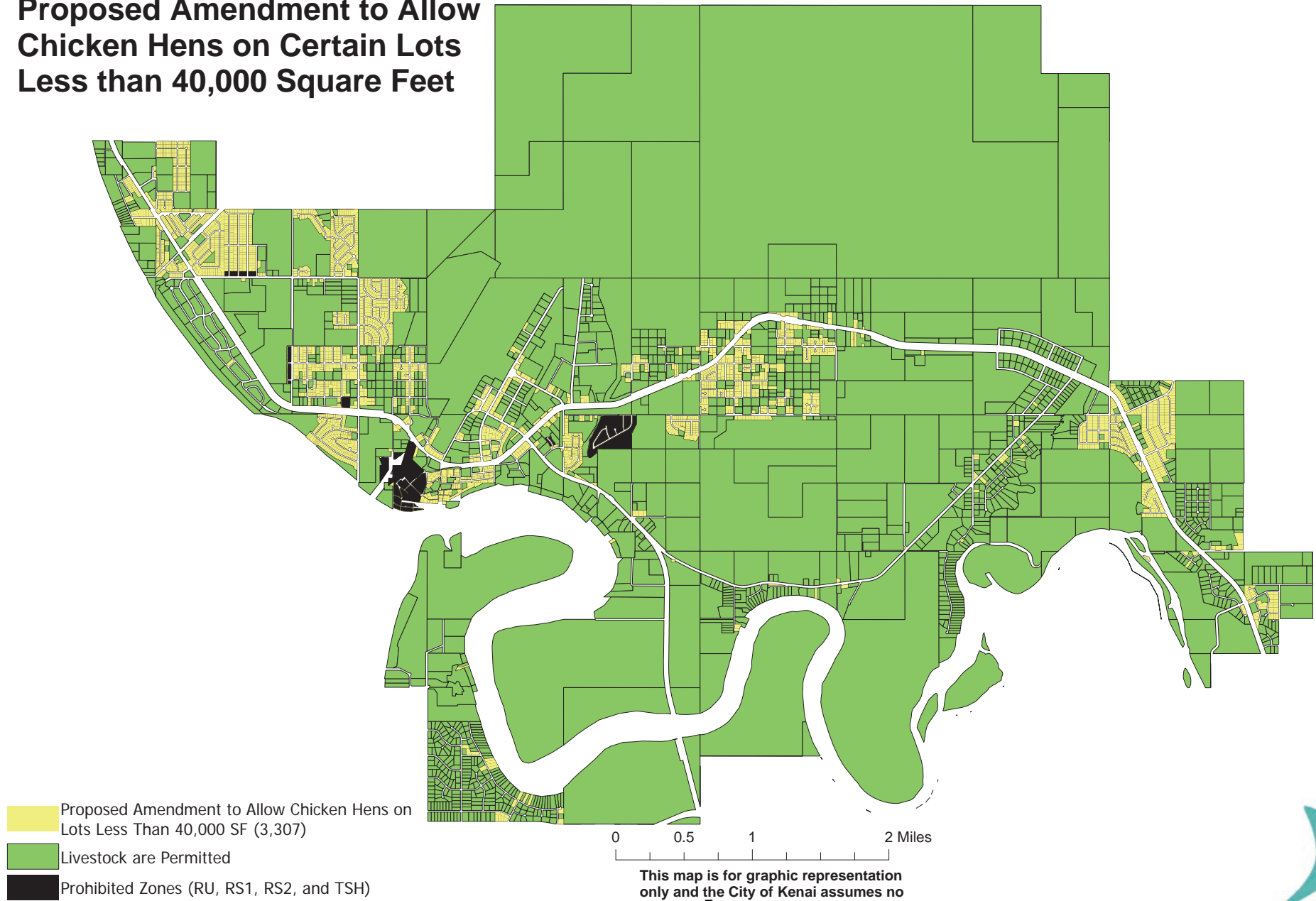
The proposed changes will allow a maximum of 12 chicken hens to be kept on lots less than 40,000 square feet except for the following zones: RU, RS1, RS2, and TSH, these four zones uniquely prohibit the keeping of any livestock regardless of lot size. Attached is a map of where chicken hens will be permitted under the proposed amendment. The proposed changes also includes specific conditions under which the keeping of chicken hens will be permitted.

Your consideration is appreciated.

City of Kenai

KMC 3.10.070-Livestock within city limits

Proposed Amendment to Allow
Chicken Hens on Certain Lots
Less than 40,000 Square Feet





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MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Shellie Saner, City Clerk
DATE: January 23, 2023
SUBJECT: **Ordinance No. 3332-2023 Requested Technical Amendment**

The purpose of this memo is to request technical amendment to Ordinance No. 3332-2023.

The following technical amendments are respectfully requested.

Motion

Amend Section 1, paragraph c. 1. by replacing the reference to subsection (k), with reference subsection (h); and

Amend Section 1, paragraph c. 3. By replacing the reference to subsection (L), with reference to subsection (i); and

Amend Section 1, paragraph h. by removing RSL from the listed exceptions and replacing with RS2.

And renumber the current Sections 2 and 3 to 3 and 4.

Thank you for your consideration.



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MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Meghan Thibodeau, Deputy City Clerk
DATE: January 26, 2023
SUBJECT: Ordinance No. 3332-2023 Requested Amendment

The purpose of this memo is to request an amendment to Ordinance No. 3332-2023 based on the Planning and Zoning Commission's recommendations.

The following amendment is respectfully requested.

Motion

Add a final WHEREAS that reads:

At its meeting on January 25, 2023, the Planning and Zoning Commission recommended enactment of this Ordinance with the following conditions:

- That a Planning & Zoning and/or City Council Work Session be scheduled prior to enactment.
- Include provisions that containment of chickens be restricted to the back of the house in the rear yard.

Thank you for your consideration.



KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Victoria Askin, Council Member

DATE: January 26, 2023

SUBJECT: Ordinance No. 3332-2023 Requested Amendment

Ordinance 3332-2023 should be amended to address the number of chicken hens allowed based on the geographic zone. The keeping of 12 chicken hens on smaller lots within denser areas is excessive for providing eggs for the average household or as household pets. The raising of chicken hens could affect or benefit the community and it is important to balance the number of chicken hens accordingly.

The following amendment is proposed.

- 1) 3.10.070(h)(1) Allow a maximum of 12 chicken hens in the Rural Residential (RR) zone and allow a maximum of six (6) chicken hens in the other zones, except in the prohibited zones.

The RR zone is generally located in the outlying and rural areas. Most of lots in the RR zone are surrounded by lots greater than 40,000 square feet where livestock are generally permitted. The keeping of 12 chicken hens would be better suited for lots within the RR zone based how it is dispersed away from the centrally developed area, where it would not significantly affect the surrounding neighbors.

The keeping of six (6) chicken hens is a reasonable amount for other zones since it is estimated that three (3) chickens per two (2) household members is the rule of thumb to support egg consumption needs. The other zones, specifically the residential zones are generally located in the dense residential neighborhoods and limiting the number of chicken hens to six (6) would balance the benefits and minimize the potential nuisance.

Attached is a map of the proposed amendment.

Motion

Amend Section 1, paragraph h. 1. that reads:

A maximum of twelve (12) chicken hens may be kept on lots in the Rural Residential (RR) zone and a maximum of six (6) chicken hens on lots in other allowed zones with a permitted principal structure.

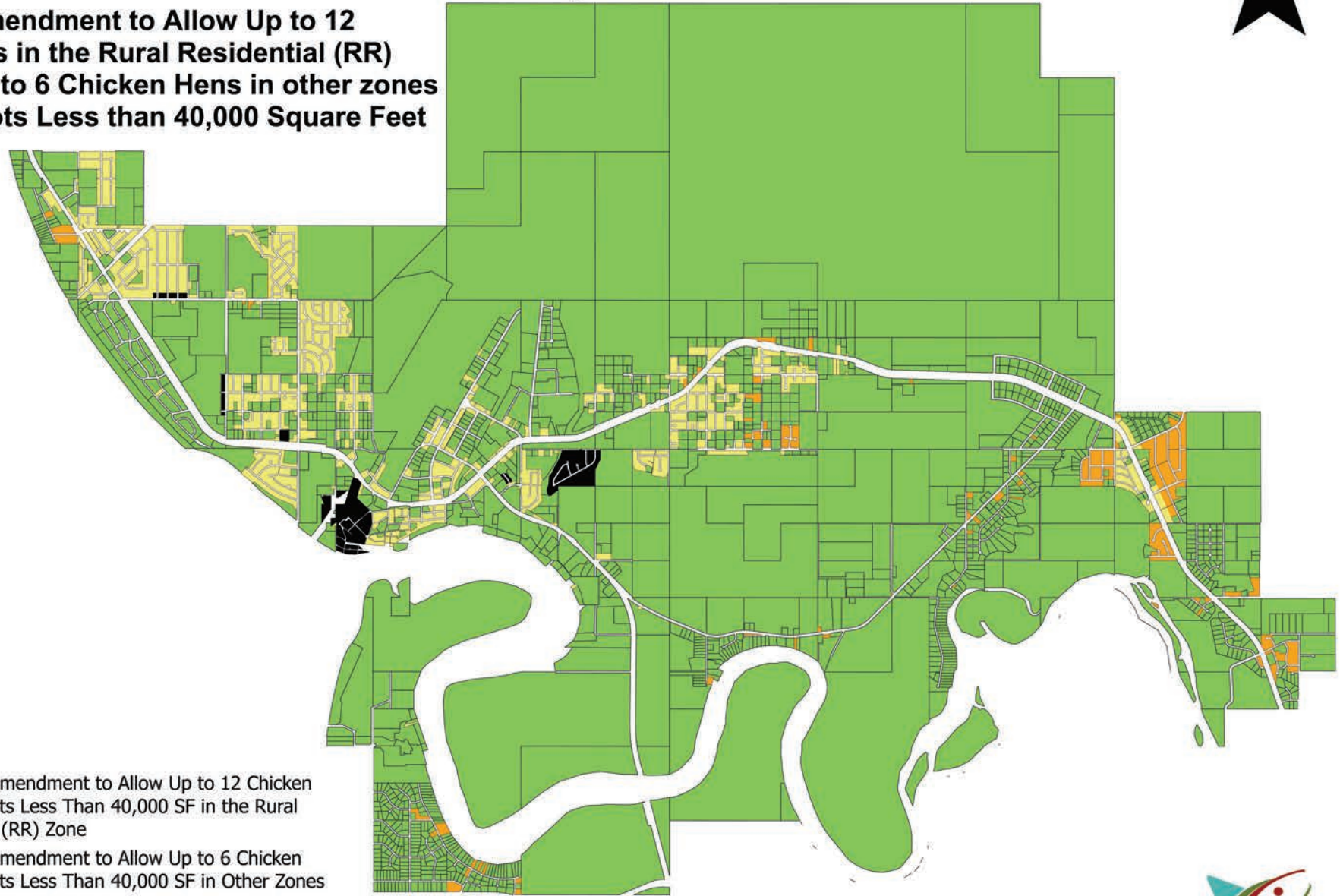
New Text Underlined





Thank you for your consideration.

City of Kenai

KMC 3.10.070-Livestock within city limits

Proposed Amendment to Allow Up to 12 Chicken Hens in the Rural Residential (RR) Zone and Up to 6 Chicken Hens in other zones on Certain Lots Less than 40,000 Square Feet



-  Proposed Amendment to Allow Up to 12 Chicken Hens on Lots Less Than 40,000 SF in the Rural Residential (RR) Zone
-  Proposed Amendment to Allow Up to 6 Chicken Hens on Lots Less Than 40,000 SF in Other Zones
-  Livestock are Permitted
-  Prohibited Zones (RU, RS1, RS2, and TSH)



This map is for graphic representation only and the City of Kenai assumes no responsibility for errors on this map.





KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Henry Knackstedt, Council Member
DATE: January 26, 2023
SUBJECT: **Ordinance No. 3332-2023 Comments and Proposed Amendments**

Ordinance 3332-2023, an amendment to KMC 3.10.070-Livestock within City Limits should be more restrictive to provide low visibility and minimize impacts on the surrounding neighbors and community.

The following are my proposed amendments to the Ordinance:

- 1) 3.10.070(h) Add the Airport Light Industrial (ALI) Zone to the list of zoning districts that prohibits the keeping of any chicken hens.

Lots within the Airport Light Industrial Zone are reserved for aviation-related commercial and industrial uses. The keeping of chicken hens should be prohibited in the ALI Zone to be consistent with the intent of the zone.

- 2) 3.10.070(h)(1) Reduce the number of permitted chicken hens from 12 to 6.

The allowance of raising 12 chicken hens would provide a surplus of eggs for the average household. Additionally, fewer chicken hens would produce less waste and may be generally more acceptable to neighbors.

- 3) 3.10.070(h)(3) and (4) Restrict the location of the enclosed shelters and containment structures to the rear yard.

The ordinance provides lenient setback requirements for the location of housing and fencing of chicken hens that may detract from the neighborhood appearance. The Ordinance would potentially allow fencing of chicken hens in the front yard if a house has a setback greater than 25 feet from the front property line; therefore, chicken hens may roam in the front yard under the Ordinance. The potential of unobscured chicken hens in the front yard would diminish the neighborhood streetscape. To minimize the visual impact and nuisance complaints, the location of the housing and fencing for the chicken hens should be limited to the back yard.

Attached is a map of the proposed amendment.

Motion

Amend Section 1, paragraph h as follows:

- (h) The keeping of chicken hens on lots less than forty thousand (40,000) square feet is allowed, except in the ALI, RU, RS1, RS2, and TSH zoning districts, subject to the following standards:

Amend Section 1, paragraph h. 1. that reads:

- (1) A maximum of six (6)[TWELVE (12)] chicken hens may be kept on lots with a permitted principal structure.

Amend Section 1, paragraphs h. 3. And h. 4. that reads:

- (3) Chicken coops, hutches or other fully enclosed shelters must be located in the rear yard [MAY NOT BE LOCATED IN A FRONT YARD OR SIDE YARD THAT ABUTS A STREET IN A RESIDENTIAL ZONING DISTRICT] and must have a minimum setback of fifteen feet (15') from the side yards, ten feet (10') from the rear yard, and twenty-five feet (25') from residential dwellings on neighboring lots.
- (4) Fences, corral, pen, or other similar containment structures must be located in the rear yard and have a minimum setback of fifteen feet (15') from the side yards, [TWENTY-FIVE FEET (25') FROM THE FRONT YARD,] ten feet (10') from the rear yard, and twenty-five feet (25') from residential dwellings on neighboring lots.

New Text Underlined; [DELETED TEXT BRACKETED]

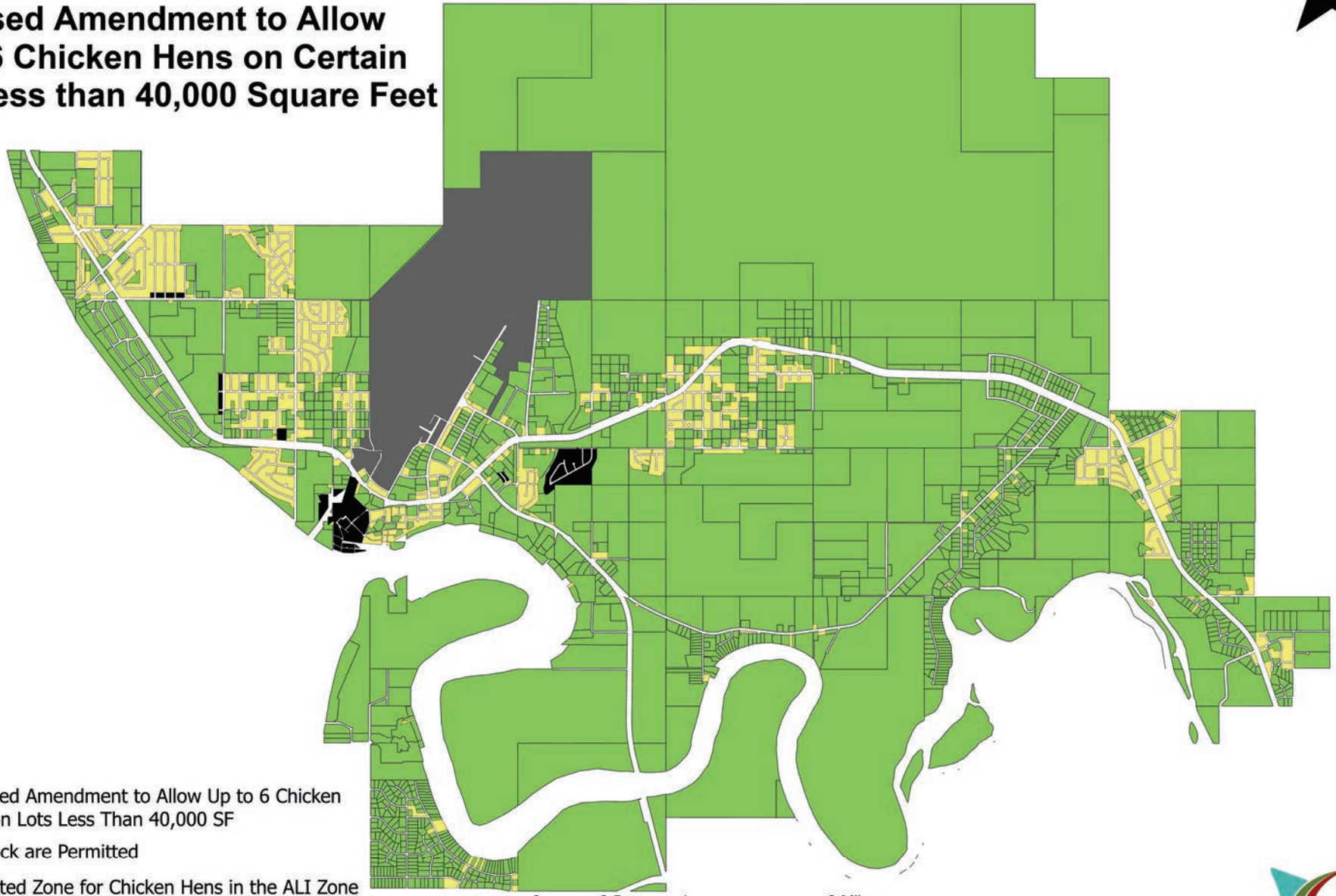
Thank you for your consideration.







City of Kenai

KMC 3.10.070-Livestock within city limits

Proposed Amendment to Allow
Up to 6 Chicken Hens on Certain
Lots Less than 40,000 Square Feet



-  Proposed Amendment to Allow Up to 6 Chicken Hens on Lots Less Than 40,000 SF
-  Livestock are Permitted
-  Prohibited Zone for Chicken Hens in the ALI Zone
-  Prohibited Zones (RU, RS1, RS2, and TSH)

0 0.5 1 2 Miles

This map is for graphic representation only and the City of Kenai assumes no responsibility for errors on this map.



January 18, 2023

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

Re: Opposition to Ordinance No. 3332-2023

To: Mayor Gabriel and Kenai City Council
Kenai Planning and Zoning Commission

Thank you to the City Council for referring this sweeping ordinance (affecting 3,307 parcels) to the Planning and Zoning Commission. This will give the public more opportunity for notice and comment. We wish to express our strong opposition to the passage of Ordinance No. 3332-2023. Passage of this ordinance will dramatically change the character of our neighborhoods. It severely limits the properties for residents who don't want to reside near chickens. Our guess is the majority of Kenai residents would oppose it if they were aware of it and of the impacts.

Most of the City Council was present for the June 20, 2022 Board of Adjustment Hearing (Case No. BA-22-01) where we and others expressed our opposition to our adjacent neighbor's Livestock Permit for Chickens. We purchased our home in Woodland Subdivision in 1988 (zoned Suburban Residential) because we wanted to live in a residential neighborhood. For over two years we witnessed blatant violation of the terms of our neighbor's 2020 permit. It wasn't until a "renewal" was applied for did Animal Control perform inspections in April 2022 and found the applicant violated not only the original permit but also the requested new permit. In addition, fencing and structures violating the setback requirements still have not been removed. This is a prime example of where residents did not comply with their permit. If the current laws can't be managed, new and broader allowances won't be enforced either.

Fresh eggs can be purchased locally. We buy eggs at local businesses where sales tax is collected to help support our community. As far as the increased cost of eggs, there is also an increasing cost to have proper chicken coops, fencing, feed, electricity and other expenses.

It seems this ordinance intends to satisfy a few residents at the expense of many. A similar ordinance failed in 2015.

We can attest that a dozen chickens, or several dozen chickens, are a nuisance in a densely populated subdivision on lots smaller than 40,000 square feet. Along with elevated noise, odors and spread of disease, there is an increased potential for predators, wild and domestic.

We think most homeowners affected by this ordinance bought their property knowing that chickens were not a permitted land use and had an expectation that their neighbors wouldn't have chickens either. Passage of this ordinance will pit neighbor against neighbor.

Please reject this ordinance.

Thank you for your consideration in this matter.

Sincerely,

Handwritten signatures of Dave Howard and Kim Howard in blue ink. The signature of Dave Howard is on top, and the signature of Kim Howard is below it.

Kim and Dave Howard
P.O. Box 2823
Kenai, AK 99611

Attachment: Photo from our side yard window, 3/29/22



March 29, 2022
8:49 PM



Edit



January 19, 2023

Mayor Brian Gabriel and Council Members
Planning & Zoning Commission Members
City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

RE: **ORDINANCE NO. 3332-2023** – Amending Kenai Municipal Code Section 3.10.070-Livestock Within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less Than 40,000 Square Feet Within the City of Kenai.

Thank you for reviewing and considering amendments to Kenai Municipal Code 3.10.070, Livestock. I live in Woodland Subdivision, and due to personal experience during 2022 as well as a neighbor's encounter with the ins and outs of the existing ordinance, it is very apparent the Livestock ordinance sorely needs attention, as well as monitoring of the ordinance.

My concerns with Ordinance No. 3332-2023 are listed below:

- (d) -- In the listing of animals defined as "livestock," should (14) Chicken be amended to read "(14) Chicken Hens?"
- (d) -- Should "roosters" be added to animals defined as "livestock?" Definition of chickens, i.e., the difference between chicken hens and roosters, was pointed out during the appeal for extending a permit for keeping chickens at Hansen Heritage Homestead during 2022.
- (g) -- "All animal containment structures must be secure and in good repair." Fairly subjective. Who will be policing these requirements?
- (h)(1) -- "A maximum of twelve (12) chickens may be kept on lots with a permitted principal structure." Add "hens" to "chickens"; perhaps reference where in the Code "permitted principal structure" is defined to assist the public; and, identify whether it would be the Animal Control Officer or Building Official who would be approving the structure.
- (h)(3)
& (4) -- Happy to see setbacks included, but concerned with the statement "and twenty-five feet (25') from residential dwellings on neighboring lots." Should a statement be included that requires a setback of containment structures from neighboring property lines/fences? Also, who will be inspecting/monitoring where and if containment structures have been placed according to Code?

(h)(5) -- "All shelters or containment structures must be constructed of durable weather-resistant materials, secured, and kept in good repair." Who will be policing whether these requirements are followed? If it is to be the Chief Animal Control Officer or Building Official, then include that information.

(h)(7) -- "Chicken hens may not be kept in such a manner as to constitute a public nuisance as defined by Kenai Municipal Code." Should where in the Code public nuisance is defined be added? Who decides if a public nuisance is taking place?

Add as

(h)(9) -- No keeping of chicken hens, roosters, coops, fences, containment shelters, etc. may be situated on city-owned property without a City-approved permit (which could require a survey taken to identify property corners and whether any of the above are trespassing on city-owned property). (This was an issue raised during the Hansen Homestead appeal.)

During the Hansen appeal, it was apparent follow-up was lacking as to the permitted number of chickens (six (6) were permitted on the Hansen property and I believe it was reported approximately 30+ were actually counted by City officials existing on the property). Woodland Subdivision is a fairly highly populated subdivision. Even if half of the properties decide to raise chicken hens, that a huge amount of chicken hens in one area of the city. If passed as it is, for Animal Control to properly police the potential amount of chickened properties in Woodland Subdivision, along with the number of other under 40,000 sq. ft. properties within the city this ordinance will affect, plus responsibilities already assigned, I am not sure if tighter restrictions would be needed. And, whether additional staff will be needed which will affect the City's overall and year-around budget.

For someone to say, "I want to raise chicken hens in my backyard" takes on year-around responsibilities and issues. Having livestock affects more than just that property. Not everyone lives in a subdivision within the city to now have livestock living next door. City budgetary issues, property values; neighbors with allergies to livestock; avian flu; predatory animals; errant neighborhood dogs; foul/fowl odors, etc. are factors of concern to evaluate when considering Ordinance No. 3332-2023.

Thank you.


Carol L. Freas

609 Maple Drive
Kenai, AK 99611

Linda Mitchell

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

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

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)

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

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

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

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.



Bob Molloy

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

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.¹

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.*²

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 2015.³ 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.

¹ The ordinance does not address the conflict with the land use table.

² 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.

³ 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?⁴

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.

⁴ 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.

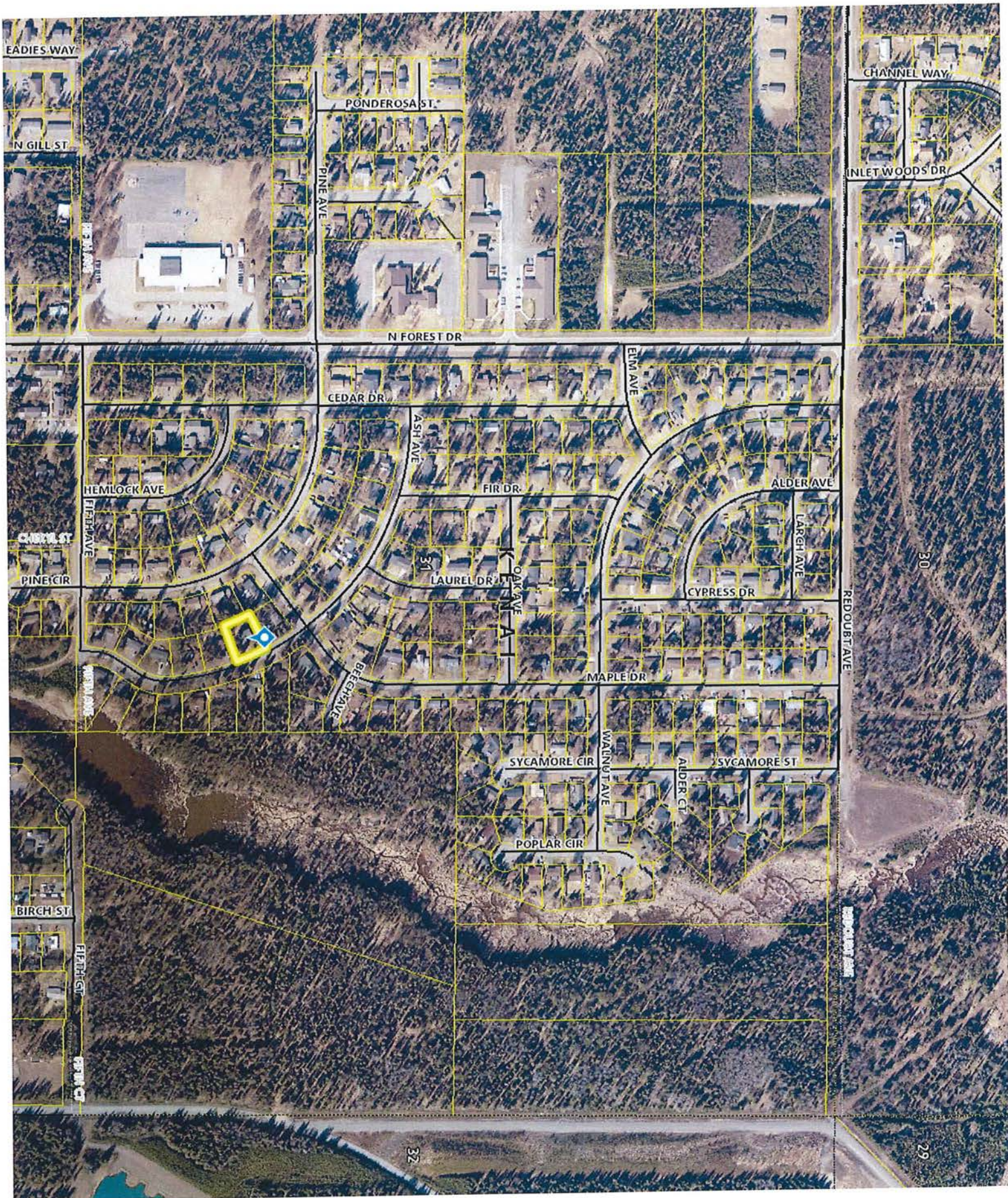
Now there is also a bird flu epidemic worldwide, that is killing millions of birds, especially wild birds. Backyard chickens are a major reason for the spread of bird flu. Many Kenai residents enjoy the wild birds that live here, and Kenai is known throughout Alaska and Outside for its wild birding – 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,



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

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

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

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

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

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

Afternoon,

I send you this due to the email address posted(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

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

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

January 26, 2023

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

City Council, and Mayor Gabriel,

Subject: Opposition to Ordinance No. 3332-2023
Allowing for Chickens to be Kept on Lots Less Than 40,000 s.f.

I urge the city council to NOT support Ordinance No. 3332-2023. I am opposed to Ordinance No. 3332-2023 which would allow chickens to be kept on lots less than 40,000 s.f. in a densely populated residential zone. I live in a residential neighborhood that is zoned RS (Woodland Subdivision, Part 4). I would like the city council to continue to preserve the character and integrity of our residential neighborhoods. Allowing chickens to be kept in a residential neighborhood like the Woodland Subdivision would cause great angst among neighbors. When I bought my house in 1988 I deliberately chose a lot in a residential neighborhood because I didn't want to live next to farm animals, a pack of sled dogs, a gravel pit, or other disruptive nuisances and I certainly didn't want to live next door to where chickens could be slaughtered. If I wanted to live in an area with less regulations, I could have bought property outside city limits as there is plenty of lots to pick from. I enjoy the amenities that the City of Kenai has to offer and I don't want to see the character and integrity of our residential neighborhoods compromised.

In a memorandum from Council Member Alex Douthit, dated December 29, 2022 two reasons were given for the proposed code changes: 1) Provide a supply of fresh eggs, and 2) Promote food security.

I have never had a problem with buying fresh eggs from the local grocery stores, until recently, but the current egg shortage in all likelihood is just temporary. As for food security we first need to understand what it is. One definition of food security is this: *"The state of having reliable access to a sufficient quantity of affordable, nutritious food."* By that definition I don't see a problem in our community. We have four grocery stores in the City of Kenai which seem to provide reliable access to a sufficient quantity of food. If the City of Kenai wants to address food security then maybe it would be better to establish a Food Security Task Force to recommend the best ways to address it. It seems that there are better ways to address this issue without compromising the integrity of our peaceful residential neighborhoods. One way to address food security without impacting one's neighbors is to grow a garden.

To bring further clarity to this issue we need to ask the right question. If you ask the question: Do you want fresh eggs and food security then the answer is yes. But if you ask the question: Are the proposed changes to the city code appropriate for lots less than 40,000 s.f. in a residential zone (RS zone) then the answer is No.

The second Whereas in Ordinance 3332-2023 is also misleading. It states that residents have expressed an interest in keeping chickens hens on lots less than forty thousand (40,000) square feet for personal use. While this statement may be technically true it's really just a few residents that have expressed this interest. There is no massive demand by the residents to raise chickens in residential neighborhoods. This ordinance aims to satisfy the interest of a few residents at the expense of all others. This ordinance reeks of an agenda to be satisfied and appears to be retaliatory in nature due to the last incident involving chickens kept on a residential lot when neighbors expressed opposition to a Livestock Permit for Chickens (Case No. BA-22-01, Board of Adjustment Hearing of June 20, 2022).

Page 1 of 3

The sponsor of this ordinance has clearly demonstrated that he does not know how to balance the interests of residents in the Kenai community. The agenda that is driving this ordinance is simply bias.

Ordinance No. 3332-2023, as written, is not a balanced proposal

Currently the city code allows for chickens to be raised on 28% of the city's lots but if this ordinance passes, then it would allow for chickens to be raised on 96% of the city's lots. This would create a complete imbalance for those who want chickens in their residential neighborhood and those who don't.

Facts and Figures

Total number of Kenai city lots is 4,895

Current number of lots allowed to raise chickens is 1,384 (28%)

The proposed ordinance would allow an additional 3,307 (68%) lots for raising chickens

The result of the proposed ordinance would allow a total of 4,691 (96%) lots for raising chickens

These facts and figures can be verified with City Planning Director, Linda Mitchell

Inequity Among Subdivisions

The Inlet View Subdivision (Rogers Road area) is zoned RS1 and does not allow for raising chickens. But I live in the Woodland Subdivision, Part 4 which is zoned RS and this ordinance would allow for the raising of chickens. However, these two subdivisions have similar profiles (lot sizes, densely populated, street widths, etc.) but yet they are treated differently when it comes to raising chickens. The lot sizes in both of these subdivisions are too small to provide adequate buffers or practical setbacks to protect adjacent neighbors from nuisance activities. The proposed ordinance, as written, would create further inequity among subdivisions with similar profiles.

(To create equity among similar subdivisions, see Alternative 1 and 2 below)

Reasons not to change the code:

- 1) The current code already allows for the raising of chickens on and is adequate.
- 2) There are plenty of parcels outside city limits to raise chickens.
- 3) The city has no practical way to monitor properties for compliance. A complaint-driven system only pits neighbor against neighbor. This type of system only invites conflict and angst among neighbors.
- 4) Setback requirements are based on the property lines, which means that the city would need to hire a surveyor before it could determine compliance. This would be cost-prohibitive for the city or any property owner to do.
- 5) Ordinance No. 3332-2023 is not a balanced proposal. It only considers the will of those who want to raise chickens in a residential area.
- 6) Ordinance No. 3332-2023 creates a situation where the raising of chickens it is likely to be a breeding place for flies, mosquitoes, vermin, or disease. See KMC 12.10.010 (L)
- 7) Ordinance No. 3332-2023 invites the potential for more nuisance in our residential neighborhoods.
- 8) Ordinance No. 3332-2023 would change the character and integrity of our residential neighborhoods that are currently zoned RS.
- 9) Ordinance No. 3332-2023 creates a situation of competing interest among neighbors, inviting angst and conflict in our neighborhoods.
- 10) Ordinance No. 3332-2023 invites the potential to attract predators and rodents into our residential neighborhoods.
- 11) Ordinance No. 3332-2023 invites the potential to attract domestic cats and dogs to prey on neighborhood chickens causing more conflict among neighbors.
- 12) Ordinance No. 3332-2023 will circumvent the conditional use process. The conditional use process helps to decide if a particular parcel has merit for raising chickens. The proposed ordinance is a blanket proposal which would allow chickens to be raised on almost any lot without consideration.

City of Soldotna

The City of Soldotna prohibits the raising of chickens in all residential zones that are less than 1½ acres.

City of Soldotna Municipal Code 17.10.365 – Animals: *“In the Single, Single-Family/Two-Family and Multi-Family Residential Districts and on properties in the Rural Residential District 1½ acres or less in size, the keeping of farm or wild animals shall be prohibited...”*

I urge the Kenai City Council to NOT support Ordinance No. 3332-2023 as written and consider some compromise between those who want chickens in their residential neighborhood and those who don't.

I ask the City Council to consider some alternatives.

Alternative 1: Amend the proposed ordinance as follows:

Prohibit the raising of chickens in Parts 2, 3, and 4 of the Woodland Subdivision. This would be a more balanced proposal and preserve the character and integrity of our neighborhoods. Parts 2, 3, and 4 have a profile that is on par with the Inlet View Subdivision (Rogers Road area) which is zoned RS1 and prohibits the raising of chickens. (See Exhibit A, attached)

Alternative 2: It would make more sense to amend the proposed ordinance to prohibit the raising of chickens in **RS Zones** (Suburban Residential) by inserting the RS Zone into the language below. Also striking the RU Zone from the language below will allow for the raising of chickens in the RU Zones (Rural Residential) as follows:

Please amend Section 1, part (b) to read as follows:

(b) No livestock shall be allowed in the RS, ~~RU~~, RS1, RS2 or TSH zones.

Please amend Section 1, part (h) to read as follows:

(h) The keeping of chickens hens on lots less than 40,000 square feet is allowed, except in the RS, ~~RU~~, RS1, RS2 and TSH zoning districts, subject to the following standards:

Including the **RS zone** into Section 1, part (b) and part (h) above will help to preserve the character and integrity of our residential neighborhoods and removing the RU zone above allows for those who want to raise chickens in a rural residential area.

Alternative 3: Amend the proposed ordinance as follows:

Add language that would establish a minimum lot size of 20,000 s.f. to raise chickens. Lots that are 20,000 s.f. will be large enough to sustain more impactful activities while buffering neighboring properties. Such lots are large enough to provide natural buffers and practical setbacks to protect neighboring properties from impactful activities.

Any of the above alternatives would seem to be a reasonable balance between those who want chickens in their densely populated residential neighborhood and those who don't. If no compromise can be made then I urge the city council to NOT support Ordinance No. 3332-2023.

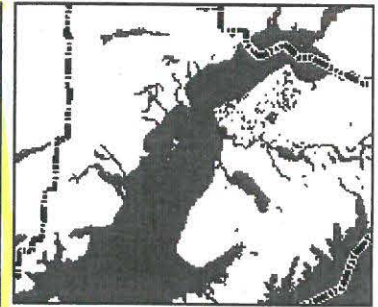
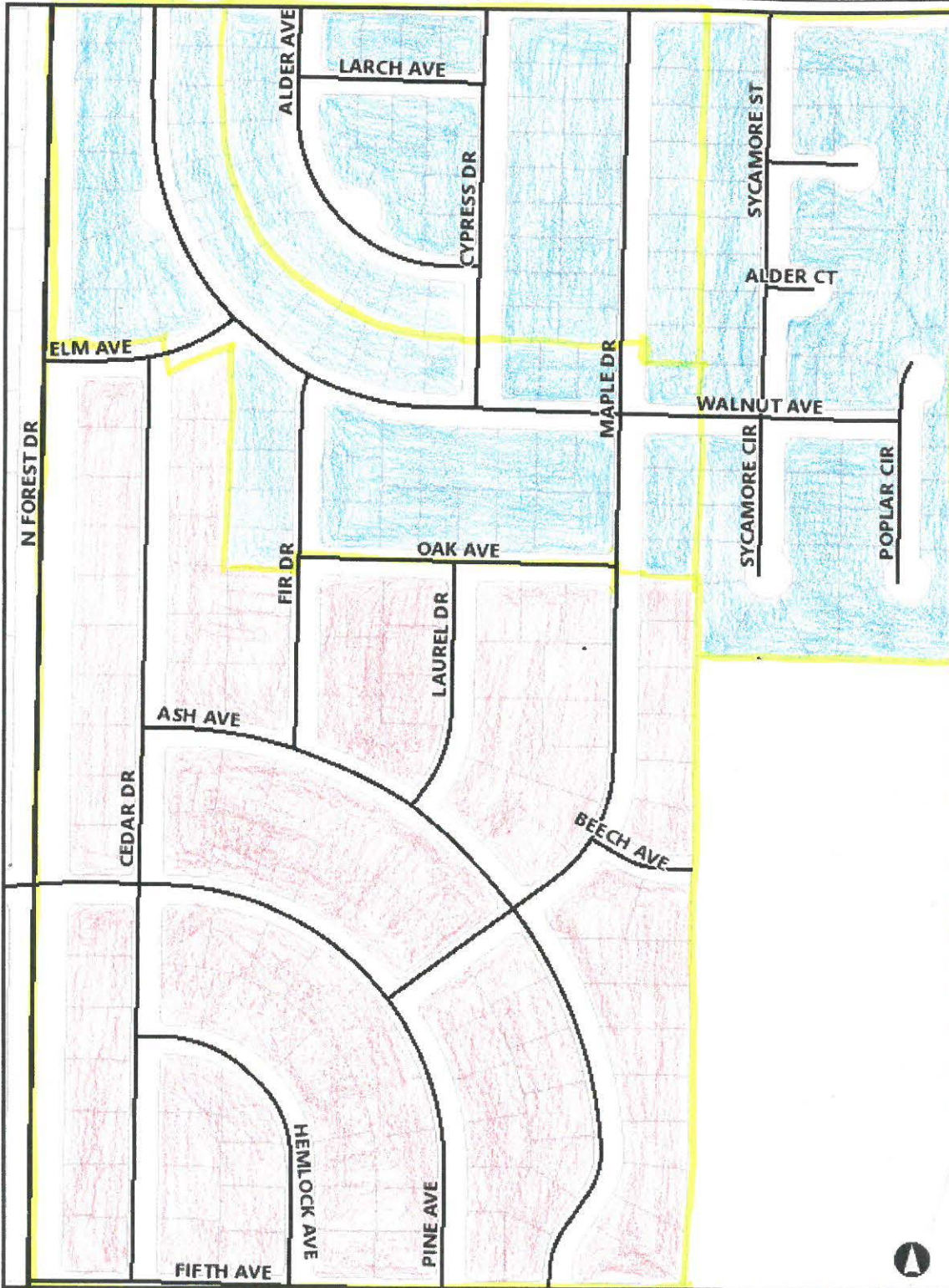
Sincerely,

Daniel A. Conetta

Daniel A. Conetta



EXHIBIT A



Legend

- Mileposts
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Parcels

WOODLAND SUB

PART 1 ■
 PARTS 2,3,4 ■



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

Notes

DATE PRINTED: 1/25/2023

January 26, 2023

Kenai City Council
City of Kenai
210 Fidalgo Avenue
Kenai, Alaska 99611

Opposition To Chicken Ordinance No. 3332-2023

Dear Council Members:

Please vote **NO** on Ordinance No. 3332-2023 as written. It will be harmful to my small lot (high density) subdivision neighborhood, and **has many problems** which were brought up during the January 25, 2023 Planning & Zoning Commission meeting last night.¹ A majority of Commissioners were going to vote against the ordinance because of the problems with it, but then they were convinced by the City Attorney and City Planner to vote for it, on condition that there be a Council/Commission work session, and an amendment for backyard chickens only. Please honor these requests of the Commission: postpone action on the ordinance, hold a work session with the Commission, and adopt amendments to protect homeowners. Last night's Commission meeting proved that this ordinance **affects 96% of City lots**. There is no reason to rush this problematic ordinance through.

Dan Conetta made an important point (in his letter and testimony last night): let's have some balance between protecting the quality of life in high density residential subdivisions, and allowing incompatible uses like barnyard animals. At the Commission meeting last night, the only people who testified in favor of the ordinance were renters, and a woman who lives in the RR zone.² All except one of those who wrote to the Commission in favor of the ordinance were renters. There hasn't been a stampede of **actual homeowners in the RS zone** advocating for this ordinance, while several **actual homeowners** who would be adversely affected have written and testified against the ordinance as written. We Kenai homeowners who live here, located our businesses here, and paid property and sales taxes for decades deserve more consideration than renters, most of whom will be here a short time, and have nothing at stake like a home.

I put together a list of problems and potential solutions discussed last night for your information; see next page. I am also providing the Wasilla ordinance. Thank you for considering my comments and materials.



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

¹ My letters to the Planning & Zoning Commission have details of some problems.

² I am assuming that people who didn't provide physical addresses or telephone numbers in their letters and emails are renters; as they aren't listed in the Borough property owner database.

ORDINANCE 3332-2023

• **Problem:** The ordinance allows lots in the RS (Suburban Residential) zone to have 12 chickens, but exempts RS-1 and RS-2 zones, even though the size and density of lots, and land uses in the three zones are very similar. No property owner living in an RS zone testified or wrote in favor of this before the Commission last night.

-- **Solutions:** Exempt the RS zone from the ordinance, but leave in the rural residential (RR) zone; or reduce incompatible uses by limiting lot sizes to 20,000+ s.f. or limiting number of chickens: for example, no more than 4.

• **Problem:** The ordinance allows chickens to be kept in front yards, which would destroy the residential character of a neighborhood.

--**Solution:** Restrict chickens to the back yard, defined according the City Planner as the area behind the primary residence.

• **Problem:** The ordinance does not state that keeping chickens is for personal use only, not commercial use, although that is supposedly the intent. We are supposed to figure this out by referring to Title 14, the Zoning Code. This is confusing.

-- **Solution:** Add specific language that restricts chickens to “personal use only.”

• **Problem:** The ordinance does not require an application/license to have chickens, however, City Code does require a license to have a dog.³ This makes no sense; licensing is simple, easy and would give Animal Control information about where problems could arise.

-- **Solution:** add “chicken hens” to KMC 3.20 (requiring dog licenses).

• **Problem:** The ordinance appears to allow free range within an existing fenced yard, but then has setbacks for “enclosed shelters” or “containment structures, which are optional. There are no standards for “enclosed shelters” or “containment structures” such as location, materials, dimensions, appearance, protection against bears and other predators.

-- **Solutions:** Require containment within the setbacks, add standards for shelters and structures to avoid eyesores.

• **Problem:** The ordinance does not require proof of homeowner consent; the homeowner may have no idea that their renter is keeping chickens.

-- **Solution:** Require written homeowner consent for application/license.

³ Even Wasilla, Alaska requires some kind of permit for keeping chickens. See Wasilla ordinance attached.

By: Planning
Introduced: March 12, 2018
Public Hearing: April 9, 2018
Amended: April 9, 2018
Adopted: April 9, 2018
Yes: Dryden, Graham, Harvey, Ledford, O’Barr
No: None
Absent: Burney

**City of Wasilla
Ordinance Serial No. 18-12 (AM)**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Section 16.04.070, Definitions, To Add Definitions For “Beehives”, “Exotic Animal”, “Pet Animal”, “Poultry”, And “Wild Animal”; Amending Section 16.04.070, Definitions, To Revise The Definitions For “Agriculture”, “Animal Husbandry”, And “Farm Animal”; Amending Section 16.16.060, Specific Approval Criteria, To Revise The Criteria That Regulates Farm Animals, Poultry, And Beehives; Amending Section 16.20.020, District Use Chart, To Identify The Appropriate Zoning Districts And Permit Types For Beehives, Exotic Animals, Poultry, And Wild Animals; And Other Minor Revisions.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of section. WMC 16.04.070, Definitions, is hereby amended to read as follows:

“Agriculture” is a use involving the commercial growing of vegetation or the raising, **controlled breeding, management, or keeping of beehives, farm animals, or poultry. Animals may be bred and raised for utility (e.g. meat, milk, eggs, fur), sport, pleasure, or research.**

“Animal husbandry” means a use involving the keeping of one or more ~~farm animals.~~

“Beehive” means a man-made housing structure for the keeping of bee colonies and production of honey.

Bold & Underline, added. Strikethrough, deleted

“Exotic animal” means any animal not otherwise identified in the definitions provided in this section that is native to a foreign country or of foreign origin or character, or was introduced from abroad and is not native to the state of Alaska. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, alligators, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak and any animals regulated by the State of Alaska Department of Fish and Game. Exotic animals that are typically kept as indoor pets are exempt from this definition.

~~“Farm animal” means an accessory use involving a single animal with an adult weight over two hundred fifty (250) pounds usually associated with agriculture; or any combination totaling ten (10) poultry or rabbits, three sheep or three goats or other small animals; but not including domestic dogs and cats. Other animals including the orders Felidae (cats) and Ursidae (bears) which, in the opinion of the planner, may pose a threat to human safety are not a farm animal~~ any domestic species of cattle, sheep, swine, goat, horse, mule, donkey, llama, and alpaca, which are normally and have historically been kept and raised on farms in the United States and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur.

“Pet animal” means any animal that has commonly been kept as a pet in family households in the United States, such as, but not limited to, dogs,

~~Strikethrough, deleted~~
Bold & Underline, added.

cats, guinea pigs, rabbits, and hamsters. This term excludes farm, exotic, and wild animals as defined in this section.

“Poultry” means chickens, doves, ducks, geese, grouse, ptarmigan, pigeons, quail, swans, guinea fowl, peacocks, and turkeys.

“Wild animal” means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: Moose, caribou, elk, mink, Dall sheep, deer, bear, coyote, squirrel, fox, and wolf. Also included are any animals regulated by the State of Alaska Department of Fish and Game.

Section 3. Amendment of subsection. WMC 16.16.060(E), within Specific approval criteria, is hereby amended to read as follows:

E. Farm Animals, **Poultry, and Beehives.** ~~Farm animals are allowed as an accessory use to agriculture in the industrial zone. In the rural residential and single family residential farm animal(s) may be allowed as described in the following:~~ **Farm animals, poultry, and beehives are allowed as indicated in the District Use Chart in Section 16.20.020(A), as an accessory use subject to the standards below. The uses identified in this section are not subject to the provisions in Title 7. The keeping of these uses consistent with the terms of this Title does not in and of itself constitute a nuisance or a disturbance.**

~~1. A residential use in the RR, R1 or R2 district with a total lot area of forty thousand (40,000) square feet or more may include the keeping of one farm animal as an accessory use, provided that a suitable fence is provided~~

Bold & Underline, added. Strikethrough, deleted

~~and no stable or building used for farm animals may be closer than twenty-five (25) feet from any exterior lot line. Two farm animals may be kept provided that a site plan is approved by the planner.~~

~~2. A residential use in the RR, R1 or R2 district may include the keeping of three or more farm animals if all of the above is met and the total lot area is eighty thousand (80,000) square feet or more.~~

~~3. Up to three dogs are allowed per residence. Keeping of more than three dogs more than four months of age is a kennel (see kennel in use chart).~~

~~4. No more than four hives per ten thousand (10,000) square feet of lot area shall be allowed and bee colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, the colonies shall:~~

~~a. Be at least twenty-five (25) feet from any exterior lot line not in common ownership and be oriented with entrances facing away from adjacent property; or~~

~~b. Be placed behind a fence at least six feet in height and extending at least ten (10) feet beyond the hive in both directions.~~

1. Farm animals. The keeping of farm animals is subject to the following standards:

a. Farm animals are prohibited on lots with a total lot area of less than 40,000 square feet;

~~Bold & Underline, added. Strikethrough, deleted~~

b. A suitable fence must be provided to safely contain the farm animal(s);

c. Stables or buildings used as shelter or storage of food for farm animals must be a minimum of 25 feet from any exterior lot line;

d. All fenced areas, pens, enclosures, stables, shelters, or other similar buildings or uses for a farm animal must be a minimum of 75 feet from the high-water mark of any water course or body of water, excluding man-made ponds on private property;

e. All facilities shall be kept in good repair, maintained in a clean and sanitary condition, and be free of vermin, obnoxious smells and substances, to the greatest extent feasible. The facilities may not create a nuisance or disturb neighboring residents due to excessive noise, odor, damage, or threats to public health. No storage of manure or other waste materials shall be permitted within 50 feet of any exterior lot line;

f. On lots with a minimum lot area of 40,000 square feet or more in the RR, R1, or R2 zoning districts, the following farm animals are allowed. Additional farm animals in the quantities indicated below may be allowed for each additional 20,000 square feet of lot area:

i. One farm animal (with an adult weight of 250 pounds or greater); or

Bold & Underline, added. Strikethrough, deleted

ii. Ten or fewer rabbits or similarly sized farm animals; or

iii. Three or fewer animals with an adult weight less than 250 pounds.

g. In the Industrial zoning district, farm animals are only allowed as an accessory use to a primary industrial use; and

h. If the applicant does not own the property, written proof of the owner's consent must be submitted with the application.

2. Poultry. The keeping of poultry is allowed as an accessory use to a residential dwelling and must meet the following standards:

a. Excessively noisy poultry including, but not limited to, roosters, turkeys, guinea fowl, peacocks, or geese are prohibited unless the total lot area is a minimum of 80,000 square feet and the animals and supporting structures and pens are a minimum of 100 feet from an adjoining lot;

b. All poultry must be contained by a suitable structure, fenced enclosure, pen, and/or fenced area that safely contains the poultry at all times. All structures, enclosures, and pens must meet the following dimensional standards:

i. Maximum height of structures, coops, enclosures, or runs is 15 feet in height;

ii. All facilities shall be kept in good repair, maintained in a clean and sanitary condition, and be free of vermin.

Bold & Underline, added. Strikethrough, deleted

obnoxious smells and substances to the greatest extent feasible. The facility will not create a nuisance or disturb neighboring residents due to excessive, noise, odor, damage, or threats to public health; and

iii. Chicken coops or other shelters may not be located in a front yard or side yard that abuts a street in the R1, R2, and RM zoning districts.

c. No storage of manure shall be permitted within 50 feet of the exterior lot line; and

d. If the applicant does not own the property, written proof of the owner's consent must be submitted with the application.

e. All structures, runs, and enclosures must be a minimum of 25 feet from residential dwellings on neighboring lots. For lots with more than one dwelling on the same lot, the structures, runs, and enclosures must also be a minimum of 25 feet from all other dwellings on the lot except the poultry owners' dwelling.

f. On lots with a total area less than 40,000 square feet, the following additional standards apply:

i. Maximum of six poultry on lots up to 20,000 square feet and a maximum of 12 poultry on lots greater than 20,000 square feet and less than 40,000 square feet. Poultry under the age of six months do not count towards the allowed numbers;

ii. Free-ranging within fenced yards is only allowed under direct supervision by the poultry owner and with consent of all tenants

Bold & Underline, added. Strikethrough, deleted

and/or property owners who have legal access to the premises at the time of permit application;

g. On lots with a total area of 40,000 square feet or greater, the following additional standards apply:

i. Maximum of 15 poultry on lots between 40,000 square but less than 50,000 square feet; an additional three poultry are allowed for each additional full 10,000 square feet of lot area. No proration of the number of poultry is allowed for lots with less than a full 10,000 square feet of lot area. Poultry under the age of six months do not count towards the allowed numbers.

h. In the Industrial zoning district, poultry is only allowed as an accessory use to a primary industrial use.

3. Beehives. The following standards apply:

a. Beehives are allowed in all zoning districts as an accessory use;

b. Four beehives are allowed per 10,000 square feet of lot area. No proration of the number of beehives is allowed for lots with less than a full 10,000 square feet of lot area;

c. Colonies shall be managed in such a manner that the flight path of bees to and from the hive will not bring the bees into contact with people on adjacent property. To that end, colonies shall:

i. Be situated at least twenty-five feet from any lot line not in common ownership; or

Bold & Underline, added, Strikethrough, deleted

ii. Oriented with entrances facing away from adjacent property; or

iii. Placed at least eight feet above ground level; or

iv. Placed behind a fence at least six feet in height and extending at least ten feet beyond each hive in both directions.

d. The maximum height for a beehive at ground level is eight feet measured from the base of the beehive, inclusive of any temporary or permanent stand or foundation. Beehives are permitted on rooftops or elevated decks provided that the beehive does not exceed five feet in height above the surface of the rooftop or deck and the rooftop or deck is a minimum of eight feet above ground level;

e. If the applicant does not own the property, written proof of the owner's consent must be submitted with the application; and

f. All beekeeping shall comply with applicable laws and regulations.

Section 4. Amendment of subsection. WMC 16.20.020(A), within District use chart, is hereby amended to read as follows:

A. The following chart summarizes the uses allowed and the standard of review for each use. In the commercial and industrial districts, more than one building housing a permissible principal use may be erected on a single lot; provided, that each building and use shall comply with all applicable requirements of this chapter and other borough, state or federal regulations.

Bold & Underline, added. Strikethrough, deleted

AA = Administrative approval UP = Use permit CU = Conditional use
 EX = Excluded Blank = No city approval necessary

Districts	RR Rural	R1 Single- Family	R2 Residential	RM Multi- family	C Commercial	I Industrial	P Public
Uses							
Accessory Uses	AA	AA	AA	AA	AA	UP	AA
Agriculture	UP	EX	EX	EX	EX	EX	EX
Animal Husbandry	UP	EX	UP	EX	EX	EX	EX
<u>Beehives</u> ¹	<u>AA</u>	<u>AA</u>	<u>AA</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>EX</u>
<u>Exotic Animals</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>
Farm Animals ¹	AA	UP	UP	EX	EX	AA	EX
<u>Poultry</u> ¹	<u>AA</u>	<u>AA</u>	<u>AA</u>	<u>UP</u>	<u>UP</u>	<u>CU</u>	<u>EX</u>
<u>Wild Animals</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>

¹Must comply with specific approval criteria in Section 16.16.060.

Bold & Underline, added. Strikethrough, deleted

Section 5. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on April 9, 2018.


BERT L. COTTLE, Mayor

ATTEST:


JAMIE NEWMAN, MMC, City Clerk

[SEAL]

From: [BreAnna Hamman](#)
To: [City Clerk](#)
Subject: Ordinance 3332-2023
Date: Monday, January 30, 2023 10:38:37 PM

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

Hello,

My name is BreAnna Hamman and I am a homeowner in the Woodland subdivision. I would like to voice my support for the passing of the city ordinance 3332-2023. I have a neighbor directly next to us, who under a permit has chickens. The chickens have caused no disturbances and are not bothersome. I have been bothered more by the dogs that get left out to bark by my other neighbor. I have had problems with dogs and cats coming onto our property, I have yet had a chicken do so. I believe people should also have access to fresh eggs and poultry. The uncertainty with food shipments these days has added an extra need for local people to harvest their own eggs. All of these reasons and more contribute to why I think the ordinance needs to be passed. Thank you for your time.

-BreAnna Hamman

From: [Deni Oren](#)
To: [City Clerk](#)
Subject: Ordinance No. 3332-2023a
Date: Tuesday, January 31, 2023 10:46:44 AM

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

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

Glenn & Charlotte Yamada

1806 4th Ave

Kenai, AK 99611

907-398-4170

To Whom It May Concern;

Hello. Our names are Glenn & Charlotte Yamada, we would like to share our enthusiasm for Ordinance No. 3332-2023! We are most definitely in support of property owners being allowed (a maximum) of 12 chickens on lots less than 40,000 square feet. With the current state of the nation, and so many food shortages, combine that with shipping costs to us- we think it prudent that property owners not be restricted with regards to chickens. So, please pass/amend the Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of 12 Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai.

In closing, again please pass/amend this code to allow for chickens in city limits.

Sincerely,

Glenn & Charlotte Yamada

From: [Alice Waarvik](#)
To: [City Clerk](#)
Subject: Chickens in city limits
Date: Wednesday, February 1, 2023 3:07:05 PM

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

Hello,

I'm writing in support of Kenai city residents keeping chickens. I'd like to request this email to be included in the public lay down and forwarded to all council members.

- The number 1 reason people like chickens: Chickens provide a valuable low-cost food source. Home raised eggs are fresher, better tasting, and more nutritious than commercially farmed eggs.
- Chickens provide value as pets and also teach kids about responsibility through caring for an animal. Raising chickens also promotes the humane treatment of food producing animals.
- Chickens divert waste from landfills. Lots of household waste is compostable and chickens are happy to eat much of that waste.

I've researched common complaints that people have about keeping chickens and would like to address a few of those.

- A hen's laying song is about 60 decibels so it would take 12 hens producing noise at the exact same time to produce more noise than 1 dog. I believe our city allows for 3 dogs per household.
- A chicken's manure should not smell if it's processed properly. Cat and dog manure are not advised to add to compost because of the risk of spreading disease to a garden, whereas chicken manure is recommended by the US Extension Colleges for use in composting when it is has been aged for 6 months before application.
- Backyard chickens can present a health risk to humans from salmonella infections, although not as great as simply preparing a meal with chicken in your kitchen. Wild birds also present this risk as do reptiles like turtles and geckos. Dogs transfer diseases to humans such as worms but we are so used to dogs in our lives that we do not normally think of it as a risk.

Before we moved to Kenai, we kept a small backyard flock of chickens. Our chickens not only nourished us with their eggs but enriched our lives in the same way cats and dogs do. They are not just livestock. Chickens are a wonderful hobby that provides companionship, entertainment, comic relief, and food! I look forward to the day we can share our lives with chickens again.

Thanks so much!

Alice Waarvik

Sent from my iPhone

From: [Bill Vedders](#)
To: [City Clerk](#)
Subject: No to chickens
Date: Wednesday, February 1, 2023 12:23:54 PM

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

Please distribute this to all council members.

I chose to live in the city for a reason. Chickens are loud, stinky, and a bear attractant. If this passes I could potentially live between 24 chickens! This is not why I decided to live inside the city limits of the peaceful city of Kenai.

Bill Vedders
504 Ash Avenue
Kenai
907-690-1884

From: [Chelsey Merriman](#)
To: [City Clerk](#)
Subject: Chicken Ordinance
Date: Wednesday, February 1, 2023 12:49:22 PM

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

To whom it may concern,

I support the ordinance on the basis of basic human rights. Anyone should be able to supply food for themselves and/or their family. To deny people the right to supply food for their family is abhorrent. With the supply and demand issues the nation is facing, it would be unwise to deny the ordinance.

Thank you for your time and consideration,

Chelsey

From: [Christina Wood](#)
To: [City Clerk](#)
Subject: Chicken ordinance
Date: Wednesday, February 1, 2023 11:35:39 AM

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

12 chickens is not that many.

Not everyone is going to get chickens.

I have lived on the Peninsula for 19 years and have always had chickens.

Nowadays, it's good to provide for yourself (eggs/meat) since we cannot rely on America's availability. I love my fresh eggs and am thankful on this day that we have no issues in obtaining eggs for meals like most people here in AK.

Living here... isn't that we take pride in? Being self-reliant?

Sincerely,

Mrs. Wood



JoeGoogle GoogleJoe <julietthotelml@gmail.com>

Question Re Ordinance 3332-2023

1 message

JoeGoogle GoogleJoe <julietthotelml@gmail.com>
To: adouthit@kenai.city

Tue, Jan 31, 2023 at 11:15 PM

Hello Kenai City Council Member Alex Douthit, Kenai resident Joseph Huard here ...

I have a question about your Ordinance 3332-2023 that I would like you to answer. In your 12/29/2022 letter introducing this Ordinance to Mayor Gabriel and City Council Members, you stated:

"The proposed changes will allow a maximum of 12 chicken hens to be kept on lots less than 40,000 square feet except for the following zones: RU, RS1, RS2. and TSH, these four zones uniquely prohibit the keeping of any livestock regardless of lot size."

I searched but was unable to corroborate your assertion that the "... RU, RS1, RS2, and TSH ... zones uniquely prohibit the keeping of any livestock regardless of lot size." Specifically, I searched the Land Use Table found in Kenai Municipal Code KMC Section 14.22.010, and came up empty. I don't know where else to look.

Would you please cite for me the source or sources that support your view that zones RU, RS1, RS2, And TSH uniquely prohibit the keeping of any livestock.

Thanks ...

Additional Ordinance 3332-2023 Comments and Attachment from Joseph Huard

1 message

JoeGoogle GoogleJoe <julietthotelml@gmail.com>

Wed, Feb 1, 2023 at 2:05 PM

To: cityclerk@kenai.city

Hello Kenai City Clerk, Kenai City resident Joseph Huard here ...

Attached is a document I printed off the Woodland Subdivision Facebook site today. The highlighted post within this document-- authored by chicken expert and former Woodland Estates resident Lisa Marie Hansen-- discusses the level of noise that chicken hens are capable of versus the level of noise chicken roosters are capable of. At the 01/25 Planning and Zoning Commission Regular Meeting discussion of Ordinance 3332-2023 there was at least one Commission member (Glendening?) who was of the misunderstanding that chicken hens are substantially less noisy than chicken roosters. Lisa Marie Hansen's 'expert testimony' clears up that misunderstanding.

By the way, 'egg songs' isn't an invented phrase, it is indeed a 'real thing'!!!

Please include this email, along with its attachment in tonight's City Council Meeting packet ...

 **Hen Noise Vs Rooster Noise.pdf**
596K

page 1 of 2
HUARD
60

Kelsey Robertson

I got eggs at Walmart in kenai two days ago for regular price ! They did have a limited selection but the prices were not raised any thank goodness.

Like Reply 3w



Carly MacDonald

\$6 ? Lol more like \$10

Like Reply 3w



3



Sarah Rigsby

People need to get on board with chickens they are not that bad unless you have roosters honestly

Like Reply 3w



4



Lisa Marie Hansen

Sarah Rigsby I mean "egg songs" by hens can be just as loud if not louder than rooster crows. However folks just need to accept animals make noise. Dogs bark, cats meow, etc. these are natural noises. Folks have become so desensitized by what used to be normal. Back in the day almost every backyard had a garden and chickens.

Like Reply 3w



5



Miranda Martin

They're even more expensive if you want the cage free, ranch raised (or whatever you call it) kind.

Like Reply 3w



Camy Snyder

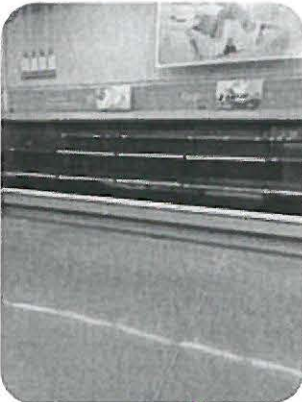


Like Reply 3w



Sean Seyler

Walmart this evening.



Like Reply 3w



3



Phoebe Ruiz

It's the city people that move here that don't want chickens. They apparently don't know Alaska is a survival state and at some point we will have live stock back on our properties

Like Reply 44m



JUST AS
LOUD
NOT
LOUDER!!!

page 2 of 2

From: [Holly Ward](#)
To: [City Clerk](#)
Subject: Woodland subdivision
Date: Wednesday, February 1, 2023 6:20:30 PM

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

I support having chickens in the woodland subdivision.

I live in woodland for accumulative 8 years and have children. Please allow us to have chickens.

From: [Kristina Hamilton](#)
To: [City Clerk](#)
Subject: Chicken vote
Date: Wednesday, February 1, 2023 4:31:17 PM

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Hello! I live in soldotna off gaswell, I'm aware that chickens are allowed only in certain areas of gaswell meaning I could keep chickens where I live, but my friends 2 minutes away from me cannot.

I ask that there's a law passed allowing people to keep live chickens on the kenai peninsula considering the egg shortage.

please consider including my email in the public lay down and to send my email to all council members.

Thank you for your time,
Anonymous chicken lover

[Sent from Yahoo Mail for iPhone](#)

From: [Miranda Lee](#)
To: [City Clerk](#)
Subject: Please Include Public Lay down
Date: Wednesday, February 1, 2023 6:22:36 PM

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Due to lack of childcare I could not attend the meeting regarding a city ordinance to allow backyard chickens.

I would like this included in the public lay down and forwarded to all council members.

Please let it be mentioned that in our multigenerational household of 10 people, we support the allowance of keeping live chickens on residential property. The importance of a continuous and sustainable food source is more critical now than ever, as providing basic sustenance for a family has become especially difficult when relying solely on buying food. The eggs provided by the chickens will offer a critical protein source for growing children and adults alike when other proteins (like meats) cannot be purchased at an amount that would adequately nourish a family.

We live in the Woodland Subdivision and hope to see household in the neighborhood becoming more sustainable with their their food through chickens and gardens. Thank you for your time and consideration.

Respectfully,

The household of Levi Wanstall, Miranda Martin, Myron Martin, Cindy Martin, Kris Giles, Kalli Martin, and Chayton Martin (all the adults of our household)

From: [Miranda Lee](#)
To: [City Clerk](#); [City Council](#)
Subject: Ordinance No 3332-2023
Date: Wednesday, February 1, 2023 7:44:58 PM

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

I am writing in regards to the ordinance number 3332-2023 pertaining to allowing chickens on residential property within city limits.

My name is Miranda Martin and I represent our household within the Woodland Subdivision, (home-owners) which in comparison to a wide variety of living conditions is not actually that “crowded” as previously mentioned. “Crowded” is subjective... not fact. If you have never had a yard smaller than a tenth of an acre, of course the lot sizes can be considered small and crowded. However, that does not apply to many people. The lot sizes not only can easily sustain a dozen small animals, like chickens, but can even grow substantial food gardens. Space is not a feasible issue. I feel this distinction is important based on previous testimony regarding chickens within our neighborhoods.

Please let it be mentioned that in our multigenerational household of 10 people, we support the allowance of keeping live chickens on residential property. The importance of a continuous and sustainable food source is more critical now than ever, as providing basic sustenance for a family has become especially difficult when relying solely on purchasing food. We aren't asking to slaughter chickens on a residential property. We are asking to peacefully raise chickens with love and attention as to harvest their eggs. Eggs to feed to our children in the many forms possible. For french toast, for scrambled eggs for my toddler, for extra protein in pancakes, to mix in fried rice.

It's easy for members of the community that have the means to make a significant purchase of a large piece of land outside of city limits to offer that as a solution to the need to raise chickens, however, for the general public, such expectations aren't realistic. Chickens won't serve the community members that don't have any financial concerns. This is not who the ordinance pertains to, as such, perhaps their opinions should be considered as such. Opinions on a matter that does not, in fact, negatively affect them in the least.

It is probably a safe assumption that these community members have never had to worry about where they or their children were going to get their nourishment from.

The eggs provided by the chickens will offer a critical protein source for growing children and adults alike when other proteins (like meats) cannot be purchased at an amount that would adequately nourish a family. When all things are considered, basic physiological needs of our children should NOT be overshadowed by entitled community members who have full bellies, thick wallets and no young children to feed.

Thank you for your time and consideration.

Miranda Martin and household.

From: mrskwork@aol.com
To: [City Clerk](#)
Subject: Tonight's meeting regarding chickens
Date: Wednesday, February 1, 2023 5:15:22 PM

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

The full City council meeting on chickens

I'm asking that it's included in the public lay down and forwarded to all council members.
Hope to see the chamber full

Hi. We are in full support of allowing chickens inside city limits especially for the Woodland Estates neighborhood. Chickens that lay eggs and/or can be raised for meat In limited numbers (say 12) should be allowed. Not only does it help families help raise awareness to providing food for themselves and neighbors, it's a wonderful lesson of how to care for and where food comes from for children. Residents should have to provide some form of covered enclosure for chickens to protect from predators and escapement. I hope all those involved in the voting to pass this, remember why we love the freedoms Alaska provides us and why we live here.

(We own 5 homes in Woodland Estates so please consider this as 5 yes's for having chickens)

Thank you,
Randy and Karen Work

[Sent from the all new AOL app for iOS](#)

February 8, 2023 Work Session

Planning & Zoning Commission Members

Subject: Opposition to Ordinance No. 3332-2023

Allowing for Chickens to be Kept on Lots Less Than 40,000 s.f.

I am not opposed to the raising chickens or harvesting fresh eggs but I am not supportive of this Ordinance as written which would allow chickens to be raised in a densely populated neighborhood like the Woodland Subdivision and would expand the raising of chickens from 28% to 96% of all lots within the city. This ordinance is not a balanced proposal as it only considers the will of those who want to raise chickens in a residential area at the expense of others. There are more equitable ways to accomplish such changes.

To bring further clarity to this issue we need to ask the right question.

If you ask the question: Do you want fresh eggs and food security then the answer is yes.

But if you ask the question: Are the proposed changes to the city code appropriate for lots less than 40,000 s.f. in a residential zone (RS zone) then the answer is No.

When I bought my house in 1988 I deliberately chose a lot in a residential neighborhood because I didn't want to live next to farm animals, a pack of sled dogs, a gravel pit, or other disruptive nuisances and I certainly didn't want to live next door to where chickens could be slaughtered. If I wanted to live in an area with less regulations I could have bought property outside city limits as there is plenty of lots to choose from. I enjoy the amenities that the City of Kenai has to offer and I don't want to see the character and integrity of our residential neighborhoods compromised.

I feel that this ordinance, as written, is a violation of public trust. And here's why:

When I bought my house I trusted the zoning to protect the values and integrity of the Woodland Subdivision and I trusted the Land Uses within those zones to be upheld but I'm now finding out how easily those values can be compromised by an ordinance and a small group of people.

Ordinance No. 3332-2023, as written, is not a balanced proposal

Currently the city code allows for chickens to be raised on 28% of the city's lots but if this ordinance passes, then it would allow for chickens to be raised on 96% of the city's lots. This would create a complete imbalance for those who want chickens in their residential neighborhood and those who don't.

Facts and Figures for Number of Lots

Total number of Kenai city lots is 4,895

Current number of lots allowed to raise chickens is 1,384 (28%)

The proposed ordinance would allow an additional 3,307 (68%) lots for raising chickens

The result of the proposed ordinance would allow a total of 4,691 (96%) lots for raising chickens

Facts and Figures for Acreage

Total number of acres within the city is 18,536

Current number of acres where chickens can be raised in the city is 16,682 (90%)

Facts and figures can be verified with City Planning Director, Linda Mitchell

I ask the Planning & Zoning Commission to recommend to the City Council one of the following amendments.

Alternative A: Amend the proposed ordinance to prohibit the raising of chickens in **RS Zones** (Suburban Residential) as follows:

Please amend Section 1, part (b) to read as follows:

(b) No livestock shall be allowed in the RS, RU, RS1, RS2, TSH, and ALI zones.

Please amend Section 1, part (h) to read as follows:

(h) The keeping of chickens hens on lots less than 40,000 square feet is allowed, except in the RS, RU, RS1, RS2, TSH and ALI zoning districts, subject to the following standards...:

Including the **RS zone (Suburban Residential)** into Section 1, part (b) and part (h) above will help to preserve the character and integrity of our residential neighborhoods. And because the **RR Zone (Rural Residential)** is not included in the above language it will expand the raising of chickens in the RR zone from lots that are 40,000 s.f. or greater to lots that are less than 40,000 s.f. This would seem to be a reasonable compromise as the RR Zone accounts for 72% of Kenai's total land mass.

Alternative B: Amend the proposed ordinance to establish a minimum lot size of 20,000 s.f. to raise chickens. Lots that are 20,000 s.f. or greater will be large enough to provide natural buffers and practical setbacks to protect neighboring properties from impactful activities.

Please amend Section 1, part (h) to read as follows:

(h) The keeping of chickens hens shall be allowed on lots 20,000 square feet or greater, subject to the following standards...:

Alternative B would reduce the minimum lot size for raising chickens from 40,000 s.f. down to 20,000 s.f. This would add an additional 617 lots for raising chickens. In other words this would increase the number of lots to raise chickens from 1,384 lots (28%) to 2001 lots (41%).

Both Alternatives A & B would seem to be a reasonable compromise between those who want to raise chickens and those who don't want chickens to be raised in their densely populated residential neighborhoods.

Sincerely,

Daniel A. Conetta

Daniel A. Conetta

February 2, 2023

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

Dear Councilors and 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 am a property owner with my home in Woodland Subdivision Part I. At the minimum, please consider these items for amendments to this ordinance:

Except out the RS Zone, just like RS-1 and RS-2 Zones, by adding this exception to proposed 3.10.070(b) and (c); or;

Alternatively, except out Woodland Subdivision, or at least Parts I and IV, by adding this exception to proposed 3.10.070(b) and (c); or

Allow chicken hens to be kept on lots of 20,000 s.f. or greater, by amending proposed paragraph (c)(1) such as:

- “The keeping of chicken hens on lots between twenty thousand (20,000) square feet and forty thousand (40,000) square feet will be subject the standards in subsection (h)”
- And also modify proposed subsection (h) accordingly.

Provide that the keeping of chickens on lots less than 40,000 square feet is for personal use only, and not for commercial use, by adding that text to the standards listed in subsection (h)

Modify proposed paragraph (h)(3) to locate containment structures only in the back yard with appropriate setbacks per code, which was an original recommendation of the Commission;

Add more specific standards for the dimensions, materials, and appearance of a “containment structure” such as a coop, including standards for protections against bears and other predators, by adding to proposed subsection (5) of paragraph (h) or adding another subsection;

Put the Burden of Proof on the chicken keeper to show that his or her containment structure complies with the standards for a “containment structure.” Do not put the burden on the adjacent property owners or on the City.

Require an application, for lots less than 40,000 square feet;

If the applicant is a tenant, require the applicant to submit proof of the owner's consent; or at a minimum, require proof of owner's consent if the City receives a complaint;

3.10.040 doesn't require a person who keeps chickens to destroy diseased chickens infected with diseases like bird flu, and that should be required. Add a standard to paragraph (h) that requires the chicken keeper to destroy chickens infected with disease like bird flu.

Thank you for your consideration.

Bob Molloy