



**Kenai Planning & Zoning Commission -
Regular Meeting**

February 22, 2023 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Info on Page 2****

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda
5. *Excused Absences

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. APPROVAL OF MINUTES

1. *Regular Meeting of January 25, 2023

C. SCHEDULED PUBLIC COMMENT

(Public comment limited to ten (10) minutes per speaker)

D. UNSCHEDULED PUBLIC COMMENT

*(Public comment limited to three (3) minutes per speaker;
thirty (30) minutes aggregated)*

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-03** – Recommending Approval for Preliminary Plat – Janousek Subdivision 2023 Replat to Consolidate Lots 2 and 3, of Janousek Subdivision into one (1) lot.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-02** - Granting a Variance Permit to Allow Additional Signage on the Properties Located at 508 Upland Street and 1000 Mission Avenue (Parcel IDs: 04707134 and 04707136) in the Townsite Historic (TSH) Zoning District.

- 2. Action/Approval** – Recommending the Kenai City Council Enact 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.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. PENDING ITEMS

J. REPORTS

- 1.** City Council
- 2.** Kenai Peninsula Borough Planning
- 3.** City Administration

K. ADDITIONAL PUBLIC COMMENT

(Public comment limited to five (5) minutes per speaker)

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

- 1.** Next Meeting: March 8, 2023

N. COMMISSION COMMENTS AND QUESTIONS

O. 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/88933677308>

Meeting ID: 889 3367 7308 **Passcode:** 752772

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

Meeting ID: 889 3367 7308 **Passcode:** 752772

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
JANUARY 25, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on January 25, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Commissioners present: J. Twait, G. Woodard, G. Greenberg, J. Glendening, D. Fikes, J. Coston

Commissioners absent: J. Halstead

Staff/Council Liaison present: Planning Director L. Mitchell, Vice Mayor J. Baisden, Deputy Clerk M. Thibodeau, City Attorney S. Bloom, Chief Animal Control Officer J. Hendrickson

A quorum was present.

3. Agenda Approval

Chair Twait noted the following revisions to the agenda and packet:

ACTION

ITEM

Add to item F.2

Action/Approval – Recommending the Kenai City Council Enact Ordinance No. 3332-2023

- Public Comment

MOTION:

Commissioner Greenberg **MOVED** to approve the agenda with the requested revisions. Commissioner Fikes **SECONDED** the motion. There being no objection; **SO ORDERED.**

4. Consent Agenda

MOTION:

Commissioner Greenberg **MOVED** to approve the consent agenda. Commissioner Fikes **SECONDED** the motion. There being no objection; **SO ORDERED.**

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a commission member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

5. *Excused Absences – J. Halstead

B. APPROVAL OF MINUTES

1. *Regular Meeting of December 28, 2022

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS – None.

D. UNSCHEDULED PUBLIC COMMENTS – None.

E. CONSIDERATION OF PLATS – None.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-01** – A Request by Joe Rizzo for a Conditional Use Permit to Allow a Performing Arts Center on the Eastern Portion of the Property Described as Tract 4A of Baron Park 2020 Replat, Located at 450 Marathon Road in the Light Industrial (IL) Zone.

MOTION:

Commissioner Fikes **MOVED** to adopt Resolution PZ2023-01. Commissioner Greenberg **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting a Conditional Use Permit (CUP) for a Performing Arts Center. Clarification was provided that the proposed use would be on the eastern portion, approximately two acres of the 5.844 acre lot, and that the plan would be to construct a two-story building to accommodate an audience of up to 150 people. It was noted that the City Council had enacted an ordinance to conditionally donate the land for this project, and the stipulations have been extended for completion of the improvement. The criteria for CUPs were reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. Prior to issuance of a building permit, a landscape/site plan must be reviewed and approved by the Planning and Zoning Department.

Applicant Joe Rizzo explained that Triumvirate has raised approximately \$800,000 from various sources, including corporations, small foundations, and local donors. The project also has secured a grant of \$1 million from the Rasmussen Foundation and has been awarded an additional \$1 million grant through the USDA and Rural Development, through a congressionally directed spending through Senator Murkowski's office. The project team includes an architect from K&A Design Studio, as well as an experienced project manager. A survey to subdivide the property has been ordered and scheduled, and the cost of the survey will be covered by Triumvirate.

Chair Twait opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

The Commission expressed support, noting that the project will be a great asset to the community, has been well thought out, and that Mr. Rizzo has been faithful in coming to the City with updates and planning a realistic timeline.

VOTE:

YEA: Fikes, Woodard, Greenberg, Coston, Glendening, Twait

NAY: None.

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

2. **Action/Approval** – Recommending the Kenai City Council Enact 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.

MOTION:

Commissioner Fikes **MOVED** to recommend the Kenai City Council enact Ordinance No. 3332-2023. Commissioner Woodard **SECONDED** the motion.

Director Mitchell noted that the ordinance is Council-sponsored and proposes to amend the current livestock code to allow a maximum of twelve chicken hens to be kept on certain lots less than 40,000 square feet within city limits. The ordinance addresses the zones prohibited under the current code and provides guidelines for setbacks for coops and enclosures for the allowed chicken hens.

Council Member Douthit explained that he sponsored this ordinance to allow food security in the community by allowing residents to keep a limited number of chickens for eggs and a food source, independent from grocery stores. The ordinance was proposed before the current egg shortage but aligns with the current situation. Douthit cites that many other communities in Alaska and nationwide have similar ordinances and it is becoming a popular trend. The ordinance allows for a small enclosure of up to 12 chickens, enough for a reasonably sized family to have a source of eggs. Douthit also mentioned that this will address the issue of illegal chicken coops in the city, as they are only addressed when there are complaints.

Planning Director Mitchell pointed out that the amendment would be to Title III which is the purview of Animal Control, and requires the keeping of chicken hens to be consistent with the terms of this title, including sanitary conditions. Further discussion involved chicken locations on smaller lots, sizing requirements, current CUP process for keeping chickens, prohibition of roosters in the ordinance, and staff enforcement.

Chair Twait opened for public hearing.

Dan Conetta spoke in opposition to the proposed ordinance, noting that allowing chickens in densely populated neighborhoods like Woodland Subdivision would compromise the character and integrity of the residential neighborhood and create an imbalance between those who want chickens in their residential neighborhoods and those who do not. He suggested alternatives such as adding the RS zone to the prohibit zoning districts, establishing a minimum lot size for raising chickens, or equal treatment for subdivisions with similar profiles.

Dave Howard testified in opposition to the ordinance, citing a personal experience of having a neighbor's renters build a chicken farm with a CUP that did not meet the required conditions. He noted that there is a lack of resources and manpower in the City to enforce code and property lines and that this could lead to conflicts in the neighborhood. He suggested that the City should focus on enhancing and enforcing Animal Control and Planning and Zoning to enforce the code as it is.

Barbara Kennedy testified in support of the ordinance. She emphasized the importance of building proper enclosures for chickens and the responsibility that comes with owning them and spoke about the educational value of raising chickens and the positive impact it has had on her family, specifically her

child and her elderly mother. She also mentioned that not everyone will want chickens and that the ordinance is simply legalizing what is already happening in the community.

Ryan Tedford testified in support of the ordinance, noting that he supported allowing residents to raise chickens on their property as long as they are contained in coops and runs. He believes this is a sustainable idea, particularly in light of rising egg prices and the cost of shipping goods to rural areas in Alaska. He does not believe there should be a limit on the number of chickens that can be kept as long as they are properly maintained and confined. He emphasized the importance of sustainability and the positive impact it can have on the community.

Lisa Hansen testified in support of the ordinance, and shared personal experience with keeping chickens on her lot. She stated that 12 hens is not very many and she was easily able to maintain 25-30 hens on an 11,000 foot lot. She highlighted the importance of food security in Alaska, and stated that the noise from chickens is a minor inconvenience compared to the benefits of having a local food source. She also argued that allowing chickens is a step towards legalizing an already common practice in the area, and that a boom in chicken ownership would be short lived if the ordinance passes.

Bob Molloy expressed that he does not support the ordinance as written, and requested that the Commission consider recommending that it not be enacted as written and that it be referred back to the Commission for work sessions. He highlighted several issues with the ordinance, including inequity in zones; lack of regulations for locations of containment areas; and lack of standards for dimensions, materials, and appearance of containment structures; lack of protection against predators; lack of regulations for waste removal and odor; and lack of enforcement and resources for enforcement.

Kristine Schmidt testified in opposition to the ordinance, stating that the current ordinance is unclear and vague and that the same ordinance failed 10 years ago. She also stated that people need specific regulations, enforcement mechanisms, and more Planning and Animal Control staff to make the ordinance work. She also expressed concerns about commercial sales, homeowner consent for tenants, and the appearance of the neighborhood with multiple chicken pens.

Carol Freas stated that she believes that there are many areas of the ordinance that need further review and consideration, as shown by the concerns expressed in letters submitted to the Commission. She also pointed out that other areas of the code could be affected if the ordinance is passed. Freas urged the Commission to refer the ordinance back to the Council, taking into account the points of concern that have been submitted and discussed during the meeting.

Lisa Hansen noted that 40 members of the Woodland Estate Facebook group expressed favor for the ordinance and were excited about the opportunity to have chickens for themselves and their families. She pointed out that there are no setback rules for dog houses or fences, and that chickens can provide food for the community in case of economic shut down.

Council Member Douthit provided clarification in response to questions from the Commission, including omission of RS1 and RS2 from the ordinance and the possibility of additional work sessions to get public consensus. Support was expressed for the ordinance, stating that it provides a path forward for those who want to have chickens.

There being no one else wishing to be heard, the public hearing was closed.

Chief Animal Control Officer Hendrickson clarified the mechanism for Animal Control code enforcement, stating that her department is complaint-driven and would not know about illegal chicken coops until it was reported to them.

Further discussion involved enforcement of a previous Board of Adjustment decision involving livestock, code definitions of livestock including other aviary species, possible postponement of the ordinance to provide more time to hold work sessions and address public concerns, Council's motion to refer the ordinance to the Commission for recommendation, the potential burden of this ordinance on Animal Control staff, the responsibility of paying for surveys to validate complaints about chicken coop locations, the average number of chickens to supply a family with eggs.

The Commission deliberated how best to provide their recommendations to Council. Some members expressed their support for the ordinance, stating it provides a path forward for those who wish to have chickens as pets or for food. Concerns were also expressed over the ordinance's lack of clarity, the possibility of disputes between neighbors, and the need to clarify issues such as setbacks. It was suggested that a work session be scheduled to further refine the ordinance.

Additional clarification was provided that commercial production of eggs in a residential zone would be in violation, and that the ordinance as written provides that the containment structure may be up to 25 feet from the front yard. Further discussion involved scalability of allowed chickens per household size or residential zone.

MOTION TO INCLUDE CONDITION:

Commissioner Greenberg to **MOVED** recommend that the City Council schedule a Planning & Zoning and/or City Council Work Session prior to enactment of Ordinance No. 3332-2023. Commissioner Woodard **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION:

YEA: Greenberg, Coston, Glendening, Twait, Fikes, Woodard
NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

MOTION TO INCLUDE CONDITION:

Commissioner Greenberg **MOVED** to recommend Council amend Ordinance No. 3332-2023 to include provisions that containment of chickens be restricted to the back of the house in the rear yard. Commissioner Glendening **SECONDED** the motion.

Clarification was provided that the rear yard is defined as everything behind the rear building façade.

VOTE ON MOTION TO INCLUDE CONDITION:

YEA: Glendening, Twait, Fikes, Woodard, Greenberg, Coston
NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

VOTE ON PRIMARY MOTION AS AMENDED TO INCLUDE CONDITIONS:

YEA: Coston, Glendening, Twait, Fikes, Woodard, Greenberg
NAY: None.

PRIMARY MOTION TO INCLUDE CONDITIONS PASSED UNANIMOUSLY.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

- 1. Action/Approval** - Time Extension for Compliance with the Conditional Use Permit Conditions in Resolution PZ2021-38.

MOTION:

Commissioner Glendening **MOVED** to approve a Time Extension for Compliance with the Conditional Use Permit Conditions in Resolution PZ2021-38. Commissioner Fikes **SECONDED** the motion.

Planning Director Mitchell presented her staff report explaining that the application is requesting a one-year time extension for a Conditional Use Permit (CUP) that was approved on November 10, 2021 for a recreational vehicle park. According to Title 14, the permit has one year to establish the operation before it lapses. However, due to time constraints and the winter season, the applicant had not been able to properly pave for the RV park and is not ready to operate, and an extension is needed to comply with the conditions listed in the resolution PZ2021-38.

VOTE:

YEA: Woodard, Greenberg, Coston, Glendening, Twait, Fikes

NAY: None.

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. City Council – Vice Mayor Baisden noted that he appreciated the public’s input and the Commission’s discussion during the meeting, and the issue will be taken up by Council at their next meeting on February 1, 2023.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the January 23, 2023 Kenai Peninsula Borough Planning Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - Tentative work session schedule provided in the packet.
 - Update on CUP annual reports: CUP transfers were previously issued as a resolution separate from original resolution; will be working to clean up the record and streamline the process for the future.
 - Planning Administrative Assistant III position has been posted and will close next week.
 - She will be meeting with the State Historic Preservation Office to update them on the City’s historic preservation; the City is eligible for grants if we meet requirements which include holding historic preservation meetings with commissioners that have backgrounds in architecture, history, or archaeology.

K. **ADDITIONAL PUBLIC COMMENTS**

Kristine Schmidt shared information about the changes to the RS zone restrictions in the 90s, and how zoning changes came about when planning responsibilities were transferred from the Borough to the City. She explained that the City of Wasilla requires administrative approval or permits for chickens and advocated for permits to keep track of chicken ownership in the neighborhood.

L. **INFORMATION ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting Date: February 8, 2023

Commissioner Greenberg noted that he may be absent.

N. **COMMISSION COMMENTS & QUESTIONS**

Commissioner Glendening thanked everyone for their hard work, expressed appreciation for the discussion, and thanked Planning Director Mitchell for her leadership.

Commissioner Coston thanked Chair Twait.

Commissioner Greenberg noted that the Commission had a good discussion, and there would be value in having a work session where experts could weigh in on the issue.

Commissioner Fikes noted the difficulty in finding a solution that would address all concerns in the timeframe provided, and said she hoped the Council will listen to the Commission's recommendations moving forward.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:49 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

DRAFT



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-03**

A RESOLUTION **RECOMMENDING** THAT JANOUSEK SUBDIVISION 2023 REPLAT ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from McLane Consulting, Inc. on behalf of the property owners, Richard A. Johnson and Kim M. Johnson and,

WHEREAS, the plat meets Kenai Municipal Code preliminary plat requirements of the Rural Residential 1 (RR1); and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, the consolidated lot will have access off of Magic Avenue and Princess Street, which are City maintained roads; and

WHEREAS, City water and sewer lines are available to serve the new lot along Magic Avenue; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot consolidation would provide satisfactory and desirable building site, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lot meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lot meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the preliminary plat of Janousek Subdivision 2023 Replat be approved.

Resolution No. PZ2023-03

Page 2 of 2

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 22nd day of February, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: February 17, 2023
SUBJECT: Resolution No. PZ2023-03 – Preliminary Plat – Janousek Subdivision 2023 Replat

Request The applicant is proposing a preliminary plat to consolidate two (2) lots into one (1) lot.

Staff Recommendation Adopt Resolution No. PZ2023-03 recommending approval for a preliminary plat to consolidate Lots 2 and 3, of the Janousek Subdivision into one (1) lot.

Applicant: McLane Consulting Inc.
Attn: James Hall
P.O. Box 468
Soldotna, AK 99669

Property Owners: Richard A. Johnson and Kim M. Johnson

Legal Description: Lots 2 and 3, of the Janousek Subdivision, according to Plat No. 85-163

Property Addresses: 402 Princess Street and 603 Magic Avenue

KPB Parcel Nos.: 04503020 (Lot 3) and 04503021 (Lot 2)

Lot Sizes (acreage): 0.46 (Lot 2) and 0.46 (Lot 3)

Zoning: Rural Residential 1 (RR1)

Current Use: Vacant (Lot 2) and Single-Family Dwelling (Lot 3)

Land Use Plan: Suburban Residential

SUMMARY

The proposed preliminary plat will consolidate Lots 2 and 3, of the Janousek Subdivision into one (1) lot with an approximate lot size of 0.92 acre. The subject lots are located in the northeast corner of Princess Street and Magic Avenue. There is a single-family dwelling on Lot 3 and Lot 2 is vacant. Surrounding uses are primarily residential uses and vacant parcels.

Kenai Municipal Code (KMC) Chapter 14.10 *Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review and recommendation the Kenai Peninsula Borough Planning Commission.

ANALYSIS

The parent plat, Janousek Subdivision was approved by the Kenai Peninsula Borough Planning Commission on June 10, 1985. For the proposed lot consolidation of parcels subdivided under an approved plat, the design and layout requirements were met under the parent plat. The new consolidated lot will continue to have access off of Princess Street and Magic Avenue, which are City maintained roads. City water and sewer lines are available to serve the new lot along Magic Avenue.

The proposed preliminary plat meets the general standards of KMC Chapter 14.10 *Subdivision Regulations*.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat meets the general standards of Kenai Municipal Code Chapter 14.10 *Subdivision Regulations*, and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2023-03 to Kenai Peninsula Borough.

ATTACHMENTS

Aerial Map
Application
Preliminary Plat, Janousek Subdivision 2023 Replat
Janousek Subdivision Plat



PRELIMINARY PLAT

Lot Consolidation

402 Princess St. and 603 Magic Ave.

KPB Parcel IDs: 04503020 and 04503021



Date Printed: 2/17/2023

Map for Reference Only
NOT A LEGAL DOCUMENT





Preliminary Plat Submittal Form

City of Kenai
 Planning and Zoning Department
 210 Fidalgo Avenue
 Kenai, AK 99611
 (907) 283-8200
 planning@kenai.city
 www.kenai.city/planning

APPLICANT (SURVEYOR)

Name:	McLane Consulting						
Mailing Address:	PO BOX 468	City:	Soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	907-283-4218						
Email:	JHALL@MCLANECG.COM						

PROPERTY OWNER

Name:	Richard and Kim Johnson						
Mailing Address:	603 Magic Ave	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):							
Email:							

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04503020 & 04503021				
Current City Zoning:	Rural Residential 1				
Use:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial		
	<input type="checkbox"/> Other:				
Water:	<input type="checkbox"/> On Site	<input checked="" type="checkbox"/> City	<input type="checkbox"/> Community		
Sewer:	<input type="checkbox"/> On Site	<input checked="" type="checkbox"/> City	<input type="checkbox"/> Community		

PLAT INFORMATION

Preliminary Plat Name:	Janousek Subdivision 2023 Replat				
Revised Preliminary Plat Name:					
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No		
Street Name (if vacating ROW):					

Exceptions Required and Requested:

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Comments:

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REQUIRED ATTACHMENTS

<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat	<input checked="" type="checkbox"/> (2) 11" x 17" Plats
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SIGNATURE

Signature:	<i>Richard Johnson</i>	Date:	1/11/23
Print Name:	Richard Johnson	Title/Business:	Owner

Stewart Title of the Kenai Peninsula, Inc.

35096 Kenai Spur Hwy.
Soldotna, AK 99669
Tel: (907) 260-8031 Fax: (907) 260-8036

CERTIFICATE TO PLAT

McLane Consulting, Inc.
PO Box 468
Soldotna, AK 99669
Attention: James Hall

File Number: 22630
Premium: \$263.00
Tax:

Gentlemen:

This is a certificate as of January 03, 2023 at 8:00 A.M. for a plat out of the following property:

Lots Two (2) and Three (3), JANOUSEK SUBDIVISION, according to Plat No. 85-163, Kenai Recording District, Third Judicial District, State of Alaska.

The Company certifies that record title is vested in

Richard A. Johnson and Kim M. Johnson, husband and wife as to Lot 2 and Richard A. Johnson and Kim Johnson, husband and wife as to Lot 3
an estate in fee simple, free from all liens, encumbrances, and objections except for as follows:

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **RESERVATIONS AND EXCEPTIONS** as contained in Mineral Patent from the United States of America to the State of Alaska
Recorded: September 27, 1982
Volume/Page: 194/764

FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.
3. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:
Taxing Authority: KENAI PENINSULA BOROUGH
4. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. 85-163.
5. **EFFECT** of the notes on said Plat No. 85-163.
6. **DEED OF TRUST**, including terms and provisions thereof, to secure an indebtedness of the amount herein stated and for any other amounts payable under the terms thereof:
Amount: \$198,900.00
Dated: June 25, 2020
Recorded: June 26, 2020
Serial No.: 2020-005825-0
Trustor: Richard A. Johnson and Kim Johnson, husband and wife
Trustee: First American Title
Beneficiary: Wells Fargo Bank, N.A.
(Affects Lot 3)

Stewart Title of the Kenai Peninsula, Inc.

By *Terri Cotterell*
Authorized CounterSignature

Terri Cotterell
Authorized Signator

NOTE: We will update this certificate to comply with Kenai Peninsula Borough Ordinance 90-38 upon notification from surveyor.



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

ABBREVIATED PRELIMINARY PLAT SUBMITTAL FORM KPB 20.10.040

PROPOSED SUBDIVISION PLAT NAME: must be a unique name, contact staff for assistance if needed.

Janousek Subdivision 2023 Replat	
PROPERTY INFORMATION:	
Lot, Block subdivision name for parent parcel(s) Lot 2 & 3 Janousek Subdivision KN85-163	
Section, township, range Sec. 33, T6N, R11W, SM AK	
General area description Magic Ave and Princess St	
City (if applicable) Kenai	Total acreage 0.921
SURVEYOR	
Business Name: McLane Consulting, Inc.	Contact Person: James Hall
Mailing address PO BOX 468	City, State, Zip Soldotna, AK 99669
Phone: 907-283-4218	e-mail: JHALL@MCLANECG.COM

PROPOSED WASTEWATER AND WATER SUPPLY

WASTEWATER: on site City community WATER: on site City community

SUBMITTAL REQUIREMENTS

- 1 - full size paper copy
- preliminary plat **NON-REFUNDABLE** submittal fee \$400
- ENSTAR natural gas company plat review
- Homer Electric Association (HEA) plat review
- Alaska Communication Systems (ACS) plat review
- General Communication Inc. (GCI) plat review
- TeleAlaska plat review N/A
- Chugach Electric Association plat review N/A
- Seward Utilities Plat review N/A
- Department of Transportation & Public Facilities comments if plat fronts a State right of way
- Kenai Peninsula Borough Roads Service Area if plat fronts a right of way under KPB jurisdiction.
- Minutes from the Kenai City Advisory Planning Commission N/A
- Certificate to Plat for all parcels within the subdivision.
- Boundary and Lot closure computations.

The subdivider is responsible for submitting plats to the appropriate review agencies and the appropriate city if the subdivision is within the City of Homer, Kachemak City, Kenai, Seldovia, Seward, or Soldotna.

APPLICANT: SIGNATURES OF ALL LEGAL PROPERTY OWNERS ARE REQUIRED. When signing on behalf of another individual, estate, corporation, LLC, partnership, etc., documentation is required to show authority of the individual(s) signing. Contact KPB staff for clarification if needed.

OWNER(s)

Name (printed): Richard Johnson	Signature:
Phone: 907-987-2302	e-mail: rj216576@gmail.com
Name (printed): Kim M. Johnson	Signature:
Phone: (907) 987-2301	e-mail: kjdjak@gmail.com
Name (printed):	Signature
Phone:	e-mail:
Name (printed):	Signature
Phone:	e-mail:

FOR OFFICE USE ONLY

RECEIVED BY _____ DATE SUBMITTED _____ KPB FILE # _____

C1/4 SEC. 33
RECORD
BLM BRASS CAP
1953

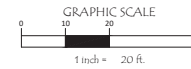
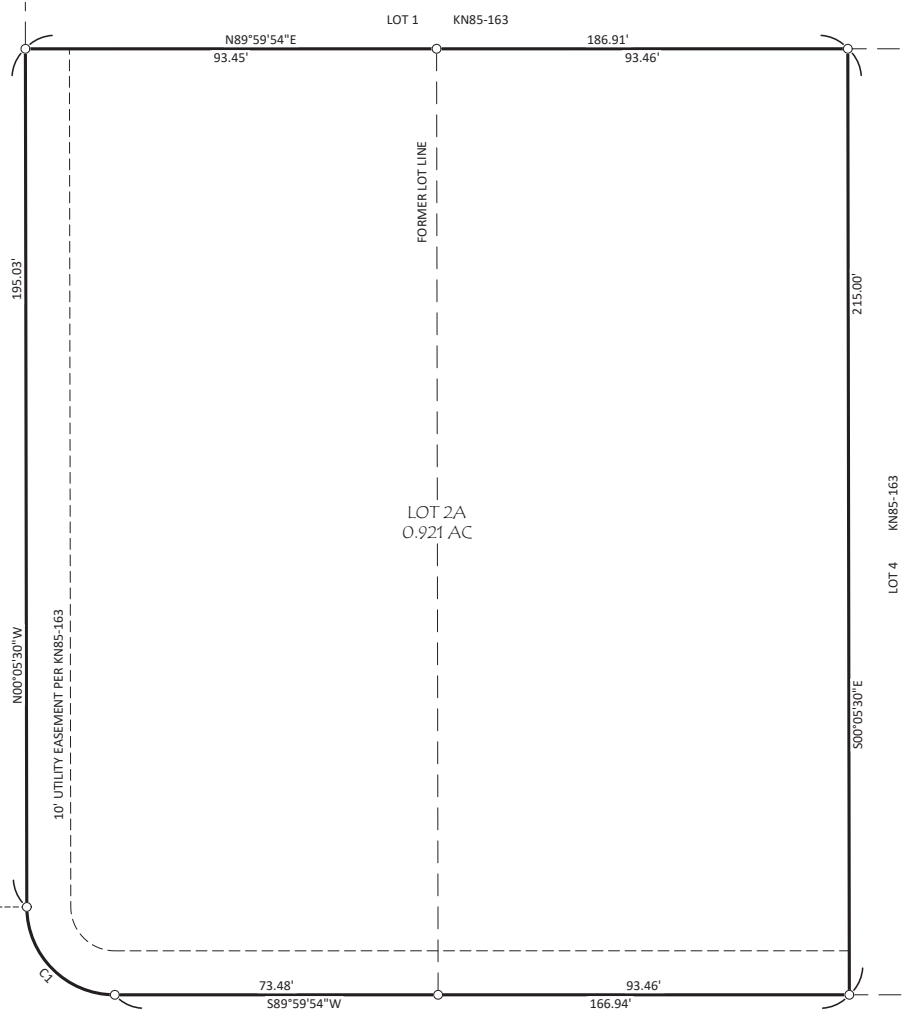
UNSUBDIVIDED

PRINCESS ST 50' R/W

"BASIS OF BEARING"
KN85-163
N00°05'30"W

713.35'

CS1/16 SEC. 33
RECORD
2-1/2" AL CAP
6089-S 1983



LEGEND

- ⊕ RECORD PRIMARY MONUMENT AS DESCRIBED
- RECORD YPC C-263 ON 1/2" REBAR UNLESS NOTED

WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
4. CITY WATER AND SEWER ARE AVAILABLE TO SERVE THE PARCELS.
5. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
6. THIS PLAT WAS PREPARED FROM DATA OF RECORD (KN85-163). NO ADDITIONAL FIELD SURVEY WAS PERFORMED THIS DATE.

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

RICHARD A. JOHNSON
603 MAGIC AVE, KENAI, AK 99611

KIM JOHNSON aka KIM M. JOHNSON
603 MAGIC AVE, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

FOR: RICHARD AND KIM JOHNSON
ACKNOWLEDGED BEFORE ME THIS

____ DAY OF _____, 2023

MY COMMISSION EXPIRES : _____

NOTARY PUBLIC FOR THE
STATE OF ALASKA



Plat #	
Rec Dist	_____
Date	____/____/20____
Time	____:_____M

JANOUSEK SUBDIVISION 2023 REPLAT
RESUBDIVISION OF LOT 2 AND 3 JANOUSEK SUBDIVISION KN85-163

RICHARD A. JOHNSON KIM M. JOHNSON
603 MAGIC AVE 603 MAGIC AVE
KENAI, AK 99611 KENAI, AK 99611

0.921 AC. M/L SITUATED IN THE SE1/4 OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, AK, THE CITY OF KENAI, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT.

	ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM	KPB File No. 2023-xxx
	Project No. 232001	

Scale: 1" = 20' Date: JAN 2023 Drawn by: JAH

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH IN ACCORDANCE WITH KPB 20.10.040.

AUTHORIZED OFFICIAL

LOT 3
K1347

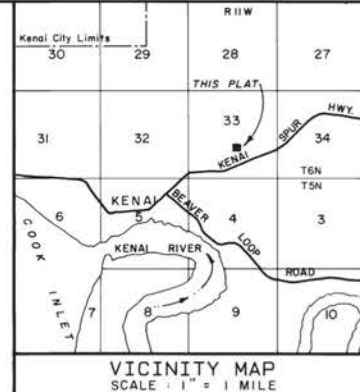
LOT 4
K1347



CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BRG
1	89°54'38"	20.00	31.38	19.97	28.26	

BLM
S 33
C 1/4
1953

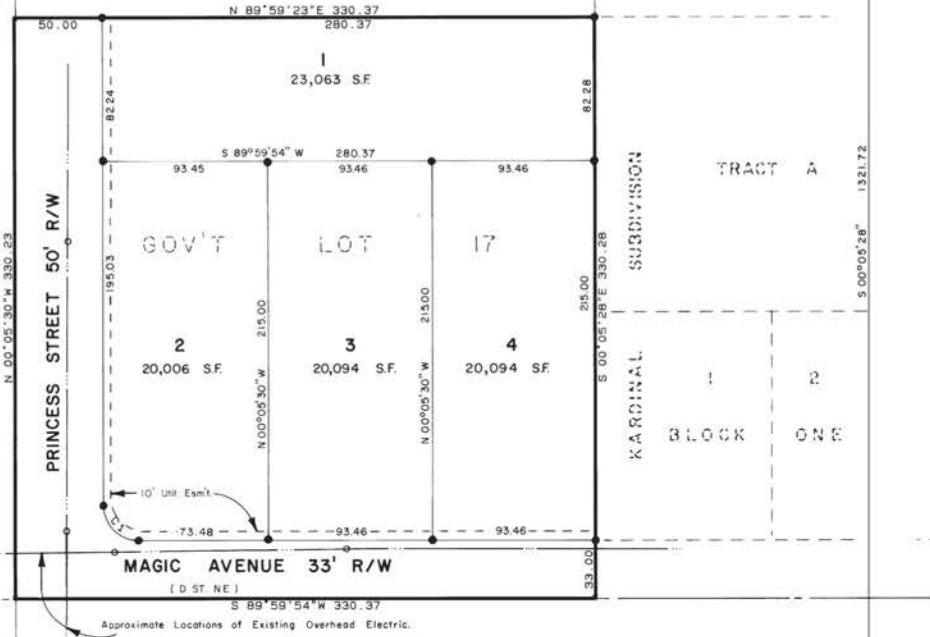
CE 1/16
+
4637-S
1985



CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
This subdivision has been reviewed in accordance with 18AAC72.065 and is approved, subject to any noted restrictions.

SIGNATURE: *M. Scott McLane* TITLE: Notary Public DATE: 6-7-85

UNSUBSIDIZED



BELOGA SUBDIVISION
LOT 2 BLOCK 3

CINDERELLA SUBDIVISION

STATE OF ALASKA
NOTARY PUBLIC
M. SCOTT McLANE
My Commission Expires 11-9-87

CS 1/16
+
6089 S
1983

SE 1/16
+
4637-S
1985

NOTARY'S ACKNOWLEDGEMENT
FOR: Terry L. Janousek
Subscribed and sworn before me this 25th day of June, 1985.
My commission expires Nov. 9, 1987.
M. Scott McLane
Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION
We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision and dedicate all right-of-ways to public use and grant all easements to the use shown.

William Starnes *Sandra L. Starnes*
William Starnes Sandra L. Starnes

Terry Janousek
Terry Janousek

PLAT APPROVAL
This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of June 10, 1985.
Richard B. Tingle
KENAI PENINSULA BOROUGH
Authorized Official

LEGEND

- ⊕ BLM or GLD monument recovered, 2-1/2" Brass cap
- BLM or GLD monument not recovered
- ⊕ Found official survey monument, 2-1/4" Aluminum cap
- ⊕ Set Bernsten 3 1/4" x 30" aluminum survey monument
- Monument of record not recovered
- Found 5/8" rebar
- Set 5/8" x 30" rebar with 2" aluminum cap
- Found 1/2" rebar
- Set 1/2" x 24" rebar with plastic cap C-263
- Indicates data of record

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) Primary monuments will be set in conjunction with City of Kenai L.I.D. construction. Secondary monuments will be set prior to August 1, 1985.
- 3) No direct access to state maintained ROWs permitted unless approved by State of Alaska Department of Transportation.

JANOUSEK SUBDIVISION
(A RESUBDIVISION OF GOV'T LOT 17 SECTION 33, T6N, R11W, S.M. AK.)

TERRY JANOUSEK, owner
P.O. Box 3632 Kenai, AK 99611

LOCATION
2.505 ACRES M/L SITUATED WITHIN THE NW 1/4 SEC. 33, T6N, R11W, S.M. AK. THE CITY OF KENAI AND THE KENAI PENINSULA BOROUGH.

Surveyed by: McLANE and ASSOCIATES, INC., Soldotna, AK 99669

DATE OF SURVEY 8/1/85	SCALE 1" = 50'	SHEET 1 of 1
DRAWN BY GB	BK. No. JOB No. 84-2204	K.P.B. FILE No. 85-178



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-02**

A RESOLUTION **GRANTING** THE APPLICATION FOR A VARIANCE PERMIT.

APPLICANT: Peter Evon

PROPERTY ADDRESSES: 508 Upland Street and 1000 Mission Avenue

LEGAL DESCRIPTIONS: Tract B-1, Block 5 of Townsite of Kenai Kenaitze Courthouse Replat; Lot 16B of Townsite of Kenai 2016 Addition

KENAI PENINSULA BOROUGH PARCEL NUMBERS: 04707134 and 04707136

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.185(c) was submitted to the City on December 27, 2022; and,

WHEREAS, the applicant has demonstrated that the prerequisites of a Variance Permit have been met pursuant to Kenai Municipal Code 14.20.180(b); and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on February 15, 2023, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds the criteria are met as set forth in KMC 14.20.180(c):

1. *Special conditions or circumstances are present which are peculiar to the land or structures involved which are not applicable to other lands or structures in the same land use or zoning district.*

Findings: The subject properties encompasses a mixed use campus with four (4) buildings on adjoining properties that have three (3) street frontages. As summarized by the applicant, the campus is a unique location that provides numerous critical health, welfare, and legal services to Alaska Natives and American Indians. The proposed gateway signs are necessary to assist visitors and patrons in identifying their campus.

2. *The special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.*

Findings: As stated by the applicant, the requested variance is not intended to redress a pecuniary hardship or inconvenience by the applicant; rather, it would address a non-pecuniary hardship to persons who visit the campus for services.

3. *The granting of the variance shall not authorize a use that is not a permitted principal use in the zoning district in which the property is located.*

Findings: The proposed gateway signs are intended as site identification of the campus. The existing uses are not changing. The granting of this variance permit is limited to allowing two (2) gateway signs, where gateway signs or site identification signs are not permitted in the TSH zoning district.

4. *The granting of a variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure.*

Findings: The granting of the variance will allow two (2) gateway signs to be installed along the street frontage, near the intersections of Highland Avenue/Upland Street and Mission Avenue/Overland Avenue. The proposed gateway signs will provide site identification on opposite sides of an approximate 6-acre campus. The size of the proposed gateway signs do not exceed the maximum sign size allowance of 32 square feet in the TSH zoning district. The proposed gateway signs meet other standards in the sign ordinance, such as minimum distances from any intersection and any property line.

5. *The granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district.*

Findings: The granting of this variance permit is not based upon other non-conforming land uses or structures within the same land use or zoning district.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the request for a variance permit for installation of two (2) gateway signs to be installed along the street frontage, near the intersections of Highland Avenue/Upland Street and Mission Avenue/Overland Avenue.

Section 2. That the variance permit is subject to the following conditions:

1. Applicant must comply with all federal, State of Alaska, and local regulations.
2. Applicant must obtain for a sign permit issued by the Building Official.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 22nd day of February, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
THROUGH: Linda Mitchell, Planning Director
DATE: February 17, 2023
SUBJECT: Resolution No. PZ2023-02 - Variance Permit – Additional Signage

Request The applicant is requesting for a variance permit to obtain relief from the sign ordinance for additional signage.

Staff Recommendation Adopt Resolution No. PZ2023-02 Approving a Variance Permit to Allow Two (2) Gateway Signs for the Kenaitze Indian Tribe Campus.

Applicant: Peter Evon
Property Owner: Kenaitze Indian Tribe
Legal Descriptions: Tract B-1, Block 5 of Townsite of Kenai Kenaitze Courthouse Replat Lot 16B of Townsite of Kenai 2016 Addition
Property Addresses: 508 Upland Street and 1000 Mission Avenue
KPB Parcel Nos.: 04707134 and 04707136
Lot Sizes: 5 Acres (508 Upland Street) and 0.73 acre (1000 Mission Avenue)
Zoning: Townsite Historic (TSH)
Current Land Use: Mixed Use
Land Use Plan: Mixed Use

SUMMARY

The Kenaitze Indian Tribe has requested a variance permit to exceed the number of signs allowed in the Townsite Historic (TSH) Zoning District at the Tribal Campus “Kahtnuht’ana Qayeh” centrally located in the historic district. The approximate 6-acre mixed use campus has four (4) buildings on adjoining properties that have three (3) street frontages.

In the proposed plans (see attached), the applicant proposes three (3) wayfinding signs, three (3) building name signs, and two (2) gateway signs. Under the Kenai Municipal Code Section

14.20.220 *Signs*, in the TSH zoning district, wayfinding are not subject to a permit and a sign is limited to one (1) per use, not to exceed 32 square feet. Each of the proposed building name signs would be allowed since each building serves a different use. Gateway signs and site identification signs are not permitted in the TSH zoning district. The applicant is requesting a variance permit to allow the installation of the gateway signs on the opposite sides of the campus to assist visitors and patrons to identify the campus and safely find their destination.

ANALYSIS

Pursuant to KMC 14.20.180(a), the intent of a variance permit is to provide relief to the development requirements of KMC Chapter 14.20 when the literal enforcement would deprive a property owner of the reasonable use of his/her real property.

Prior to granting a variance permit, the Commission shall find that all of the conditions have been met as set forth in KMC 14.20.180(c) [Variance Permit] *Review Criteria*.

Criteria 1: Special conditions or circumstances are present which are peculiar to the land or structures involved which are not applicable to other lands or structures in the same land use or zoning district.

Findings: The subject properties encompasses a mixed use campus with four (4) buildings on adjoining properties that have three (3) street frontages. As summarized by the applicant, the campus is a unique location that provides numerous critical health, welfare, and legal services to Alaska Natives and American Indians. The proposed gateway signs are necessary to assist visitors and patrons in identifying their campus.

Criteria 2: The special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.

Findings: As stated by the applicant, the requested variance is not intended to redress a pecuniary hardship or inconvenience by the applicant; rather, it would address a non-pecuniary hardship to persons who visit the campus for services.

Criteria 3: The granting of the variance shall not authorize a use that is not a permitted principal use in the zoning district in which the property is located.

Findings: The proposed gateway signs are intended as site identification of the campus. The existing uses are not changing. The granting of this variance permit is limited to allowing two (2) gateway signs, where gateway signs or site identification signs are not permitted in the TSH zoning district.

Criteria 4: The granting of a variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure.

Findings: The granting of the variance will allow two (2) gateway signs to be installed along the street frontage, near the intersections of Highland Avenue/Upland Street and Mission Avenue/Overland Avenue. The proposed gateway signs will provide site identification on opposite sides of an approximate 6-acre campus. The size of the proposed gateway signs do not exceed the maximum sign size allowance of 32 square feet in the TSH zoning district. The

proposed gateway signs meet other standards in the sign ordinance, such as minimum distances from any intersection and any property line.

Criteria 5: The granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district.

Findings: The granting of this variance permit is not based upon other non-conforming land uses or structures within the same land use or zoning district.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.280 notices of the public hearing for the variance permit were mailed to property owners within a three hundred-foot (300') periphery of the subject properties. City staff published notice of the public hearing in the *Peninsula Clarion* on February 15, 2023. The property owner submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the variance permit request.

One public comment was received and stated no objections to the variance permit.

STAFF RECOMMENDATION

Staff finds that the proposed gateway signs meets the criteria for issuance of a Variance Permit as set forth in Kenai Municipal Code Section 14.20.180(c), and hereby recommends that the Planning and Zoning Commission approve the variance permit, subject to the following conditions:

1. Applicant must comply with all federal, State of Alaska, and local regulations.
2. Applicant must obtain a sign permit issued by the Building Official.

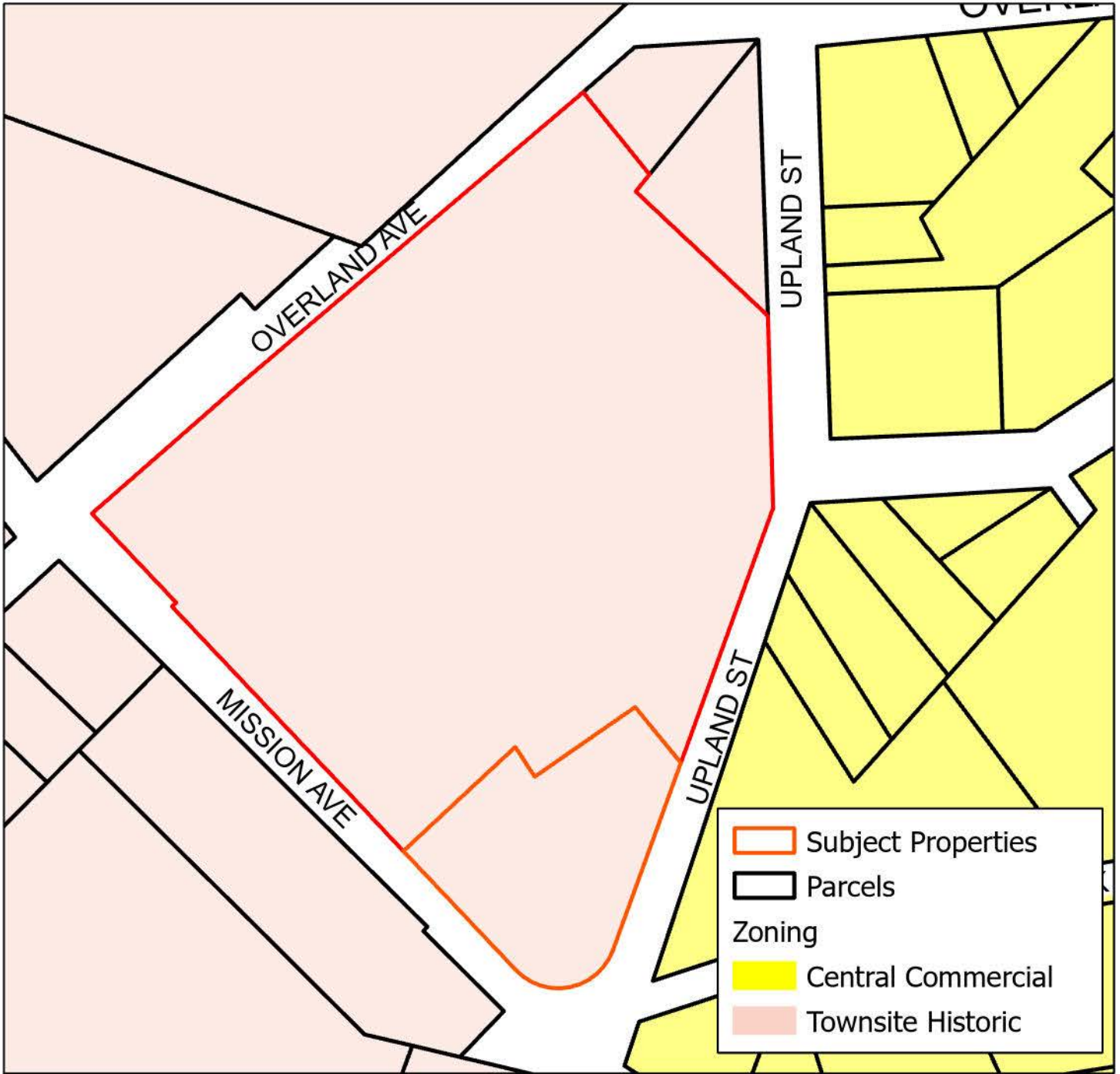
ATTACHMENTS

Aerial Map
Application
Plans
Public Comment



VARIANCE PERMIT
Additional Signage

508 Upland St. and 1000 Mission Ave.
KPB Parcel IDs: 04707134 and 04707136



Date Printed: 2/17/2023

Map for Reference Only
NOT A LEGAL DOCUMENT





Variance Permit Application

City of Kenai
 Planning and Zoning Department
 210 Fidalgo Avenue
 Kenai, AK 99611
 (907) 283-8200
 planning@kenai.city
 www.kenai.city/planning

PROPERTY OWNER

Name:	Kenaitze Indian Tribe			
Mailing Address:	P.O. Box 988			
City:	Kenai	State:	Alaska	Zip Code: 99611
Phone Number(s):	907-335-7200			
Email:	vstanford@kenaitze.org			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Peter Evon			
Mailing Address:	P.O. Box 988			
City:	Kenai	State:	Alaska	Zip Code: 99611
Phone Number(s):	907-335-7200			
Email:	pevon@kenaitze.org			

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	
Physical Address:	508 Upland Street, Kenai, Alaska 99611
Legal Description:	<small>T 05N R 11W SEC 06 SEWARD MERIDIAN KN 2021056 TOWNSITE OF KENAI KENAITZE COURTHOUSE REPLAT AND UTILITY EASEMENT VACATION BLK 5 TRACT B-1</small>
Zoning:	Townsite Historical (TSH)
Acres:	5 (Five)

VARIANCE DESCRIPTION

(include site plan with square footages and elevations of all existing/proposed buildings)
 (use additional pages if necessary to answer questions)

A variance permit is the relaxation of the development requirements to provide relief when the literal enforcement would deprive a property owner of the reasonable use of their real property. The requirements for a variance permit in City Code must be met for a variance to be granted.

How is this property currently being used?	Campus style with multiple Un'ina service support buildings
Use of surrounding property - north:	Parking and rentals / DIOCESE OF SITKA & ALASKA ORTHODOX CHURCH buildings
Use of surrounding property - south:	Parking / vacant lots / resident
Use of surrounding property - east:	Apartment rentals
Use of surrounding property - west:	Kenaitze Indian property office complex / resident

Variance Requested for (attach additional sheets if necessary):

Kenaitze Indian Tribe requests a variance to install gateway signs, building name signs, and wayfinding signs at the Tribal Campus "Kahtnuht'ana Qayah" located at the above address. These signs would provide directional information to assist Campus visitors to navigate the Campus. Additional information regarding this proposed variance, including a site plan marking the locations of the proposed signs, is attached.

Explain the special conditions or circumstances present which are peculiar to the land or structure involved which are not applicable to other land or structures in the same land use or zoning district:

The Campus is made up of four unique buildings: the Dena'ina Wellness Center, the Tyotkas Elder Center, the Chuq'eya Qenq'a (Birch Tree House), and the Qiz'unch' Tribal Court. Because the Campus consists of separate buildings, visitors to the Campus would benefit from additional directional signs to assist them in identifying their precise destination upon arriving at the Campus. The signs would also promote a safe, efficient flow of traffic within the Campus.

Explain the special conditions or circumstances present that have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary (monetary) hardship or inconvenience:

The requested variance is not intended to redress a pecuniary hardship or inconvenience to the applicant; rather, it would address a non-pecuniary hardship to persons who visit the Campus for services. The proposed directional signs would assist visitors to the Campus to safely navigate the Campus and identify the precise location of the services sought. The Campus is a unique location that provides numerous critical health, welfare, and legal services to Alaska Natives and American Indians, and is designed to efficiently fulfill these disparate functions. The requested variance would facilitate provision of these important services to members of the Kenai community.

Explain how this variance will not authorize a use that is not a permitted principal use in the zoning district in which the property is located:

The requested variance would not alter the use of the property. It would not authorize any additional use of the property (including any additional principal, conditional, or secondary use, see Kenai Municipal Code 14.22.010) or change how the property is used in any respect, except that visitors to the Campus could more easily navigate the Campus and locate their destination.

Explain how the variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure:


The proposed variance would allow installation of simple, unobtrusive directional signs at the Campus. The signs would be placed at a small number of points (identified on the attached site plan) where additional directional information would be most useful to visitors. No other changes to the Campus are proposed. While the proposed variance would have minimal impact on the Campus property, the proposed signs would serve an important function by enabling visitors to easily and safely navigate the Campus.

Explain how the granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district:

The proposed variance is not based upon other nonconforming land uses or structures within the TSH Zoning District. Applicant is not aware of any nonconforming uses within the district that bear similarity to the variance applicant has requested. Applicant has requested the proposed variance because the addition of directional signs to the Campus would assist visitors to the Campus to safely navigate the Campus and identify their destination.

AUTHORITY TO APPLY FOR A VARIANCE:

I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a variance permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the variance. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.

Signature:		Date:	12/2/2022
Print Name:	Peter Evul	Title/Business:	Executive Director of Tribal / Kenaitze Tribe
For City Use Only		Date Application Fee Received:	12/27/2022
		PZ Resolution Number:	PZ 2023 -02



NO.	REVISION	DATE

CONSULTING ENGINEERS
STRUCTURAL/CIVIL

NELSON ENGINEERING
1556 MIDKAPKOT
KENAI, ALASKA
TEL: 907/71-2833 - 35893
LICENSE NO. 4832 12/19
NELSONENGINEER@ALASKA.NET

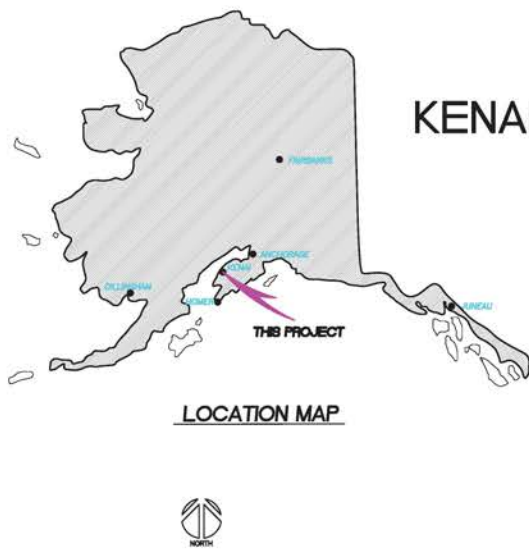
KENAITZE INDIAN TRIBE
KENAITZE TRIBAL CAMPUS SIGN FOUNDATIONS
KENAI, ALASKA

TITLE PAGE, LOCATION MAP, AND NOTES

PROJECT NO.	2022059
DRAWN BY:	GTP
CHECKED BY:	MJD
DATE:	10/14/2022
SCALE:	NOTED
HORIZ. VERT.	NOTED
SHEET:	1.0
	1 OF 3

KENAITZE INDIAN TRIBE

KENAITZE TRIBAL CAMPUS MONUMENT SIGN FOUNDATIONS



COMMON ABBREVIATIONS

AC	ASPHALT CONCRETE, ACRE	ESMT	EASEMENT	PT	PRESSURE TREATED
ADA	AMERICAN DISABILITIES ACT	EXIST	EXISTING	PVMT	PAVEMENT
APPROX	APPROXIMATE	F&I	FURNISH AND INSTALL	R	RADIUS, RECORD
AVG	AVERAGE	FF	FINISH FLOOR	REQ'D	REQUIRED
BLDG	BUILDING	FG	FINISH GRADE	ROW	RIGHT-OF-WAY
BOP	BOTTOM OF PIPE	FT	FOOT, FEET	S	SOUTH
CO	CLEANOUT	INV	INVERT	S/W	SIDEWALK
CL	CENTER LINE, CLASS	L	LENGTH	SD	STORM DRAIN
CMP	CORRUGATED METAL PIPE	LF	LINEAR FEET	SDMH	STORM DRAIN MANHOLE
CNTR	CENTER	LT	LEFTMAX. MAXIMUM	SW	SWALE
CONC	CONCRETE	ME	MATCH EXISTING	SS	SANITARY SEWER
CP	CONTROL POINT	MIN	MINIMUM	TBC	TOP BACK OF CURB
DIA	DIAMETER	MON	MONUMENT	TBM	TEMPORARY BENCHMARK
DWG	DRAWING	N	NORTH	TC	TOP OF CONCRETE
E	EAST, ELECTRIC	NFS	NON FROST SUSCEPTIBLE	TH	TEST HOLE
EG	EXISTING GROUND	NTS	NOT TO SCALE	TYP	TYPICAL
E,ELEV	ELEVATION	OC	ON CENTER	W	WATER, WEST
EP	EDGE OF PAVEMENT	OHE	OVERHEAD ELECTRIC		

NOTES AND SPECIFICATIONS

GENERAL
ALL MATERIALS AND CONSTRUCTION SHALL CONFORM TO REQUIREMENTS OF THE INTERNATIONAL CODE COUNCIL INTERNATIONAL BUILDING CODE (IBC) 2018 EDITION, WHERE EXPLICIT DETAILS ARE NOT SHOWN OR DESCRIBED, THE MINIMUM REQUIREMENTS OF THE ABOVE CODE SHALL APPLY, UNLESS OTHERWISE NOTED, ALL CODES, STANDARDS AND OTHER PUBLICATIONS CITED SHALL REFER TO THE LATEST EDITION.

LOCATION
THESE STRUCTURAL DRAWINGS ARE INTENDED FOR THE CONSTRUCTION OF PRECAST SIGN FOUNDATIONS IN KENAI, ALASKA

DESIGN LOADS
IN ADDITION TO DEAD LOADS, THE FOLLOWING LIVE LOADS WERE USED FOR DESIGN:

BASIC WIND SPEED (3 SEC GUST) $V = 140$ MPH
EXPOSURE C
WIND LOAD IMPORT FACTOR $I_w = 1.0$

METHOD 1 SIMPLIFIED PROCEDURE USED FOR DESIGN COMP & CLADDING WIND LOADS TO BE USED FOR DESIGN PER ASCE 7-05.

SEISMIC: SEISMIC IMPORTANCE FACTOR $I_e = 1.0$
SPECT. RESPONSE ACCEL. $S_s = 150\%$, $S_1 = 60\%$
SITE CLASS D
SPECTRAL RESPONSE COEFF. $S_{ds} = 1.00$
SEISMIC DESIGN CATEGORY: D
SEISMIC RESPONSE COEFF. $C_s = 0.33$
RESPONSE MODIFICATION FACTOR $R = 3.0$

FOUNDATION DESIGN IS BASED ON THE "CAMPUS SIGNS" DRAWINGS PRODUCED FOR THE KENAITZE INDIAN TRIBE BY UNIVSERAL PRECAST CONCRETE ON 01/17/2022.

FOUNDATIONS
EXCAVATE AND REMOVE ALL ORGANIC MATTER, DEBRIS, SOFT, AND FROST SUSCEPTIBLE SOILS FROM UNDER THE BUILDING FOOTPRINT AND TO 24" BEYOND THE BUILDING FOOTPRINT. FIRM FROST SUSCEPTIBLE SOILS SHALL BE REMOVED TO THE DEPTHS INDICATED IN THE DRAWINGS SET. PRIOR TO PLACEMENT OF BACKFILL AN INSPECTION SHALL BE COMPLETED BY THE ENGINEER OF RECORD TO VERIFY THAT THE SUB-GRADE MEETS THE REQUIREMENTS OF THIS DESIGN. PLACE ALL INTERIOR AND EXTERIOR FOOTINGS ON NATURAL UNDISTURBED, NON-FROST SUSCEPTIBLE (N.F.S.) SOIL OR ON COMPACTED NON-FROST SUSCEPTIBLE GRAVEL BACKFILL FREE OF ORGANIC MATTER AND DEBRIS, AND CONFORMING TO THE FOLLOWING GRADATION:

NON-FROST SUSCEPTIBLE GRAVEL BACKFILL	
SIEVE:	PERCENT PASSING:
3"	100
1"	80 - 100
#4	30 - 70
#200	0 - 5

NO MORE THAN 3% OF PARTICLES BY WEIGHT SHALL BE FINER THAN 0.02 MM. BACKFILL SHALL BE PLACED IN LIFTS NOT EXCEEDING 12 INCHES IN LOOSE THICKNESS AND COMPACTED TO 95% OF MAXIMUM DENSITY IN ACCORDANCE WITH ASTM SPECIFICATION D-1557.

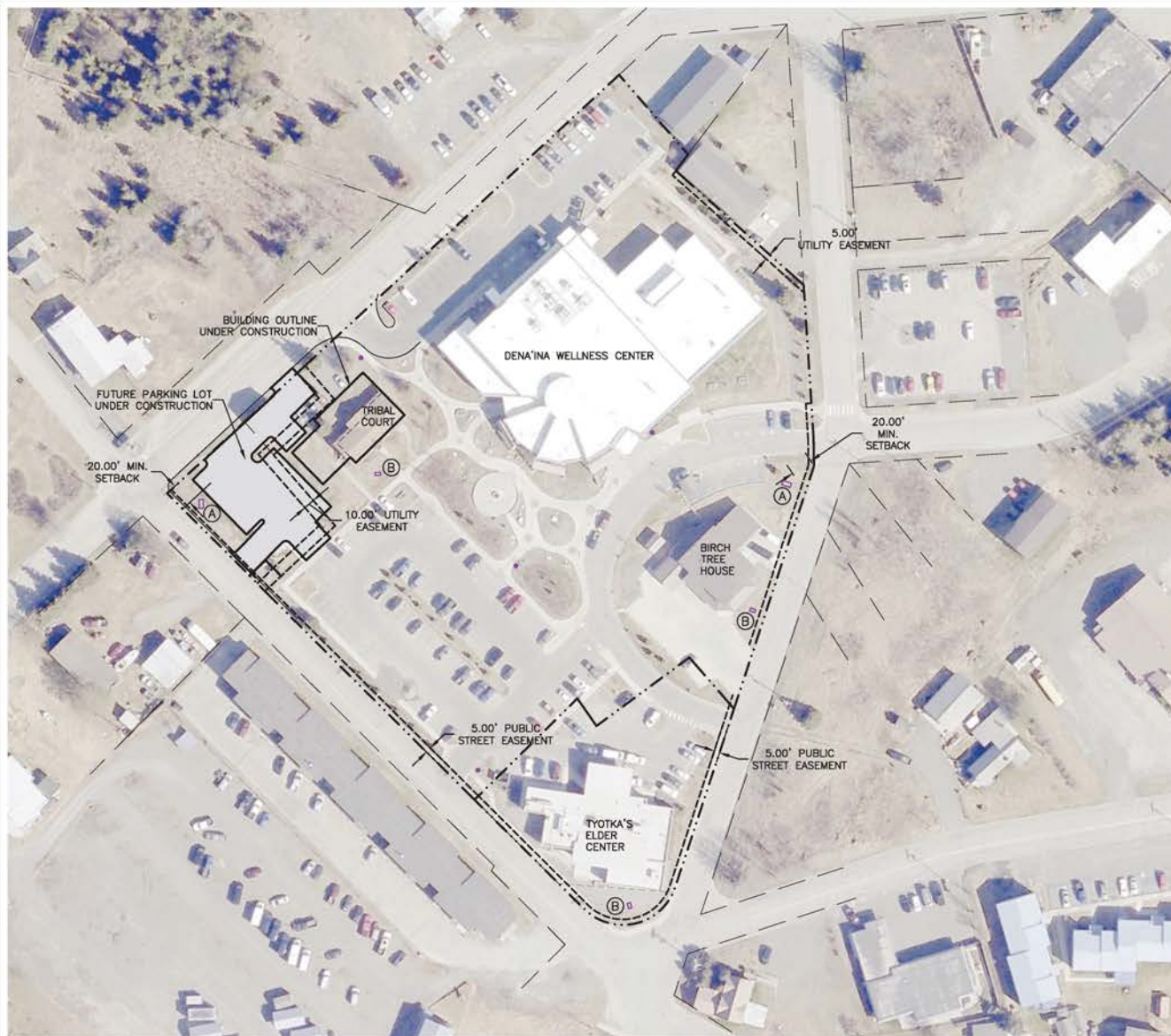
CONCRETE
MIXING, SELECTION OF MATERIALS, AND PLACING OF ALL CONCRETE SHALL CONFORM TO THE REQUIREMENTS OF THE IBC, CHAPTER 19. AN AIR ENTRAINMENT AGENT SHALL BE USED IN ALL CONCRETE MIXES FOR CONCRETE WORK WHICH IS TO BE EXPOSED TO EARTH OR WEATHER. AIR ENTRAINMENT SHALL BE 5% +/- 1% BY VOLUME. ALL CONCRETE SHALL HAVE A MINIMUM 28 DAY COMPRESSIVE STRENGTH (F°C) = 3000 P.S.I.

REINFORCING STEEL
UNLESS NOTED OTHERWISE, ALL REINFORCING STEEL SHALL BE DEFORMED BARS CONFORMING TO IBC CHAPTER 19. REINFORCING BARS SHALL BE GRADE 60. REINFORCING STEEL SHALL BE SECURELY TIED IN PLACE WITH NO. 16 DOUBLE ANNEALED IRON WIRE. REINFORCING IN FOOTINGS SHALL BE SUPPORTED ON WELL CURED CONCRETE BLOCKING OR APPROVED METAL CHAIRS. REINFORCING BARS NO. 6 AND SMALLER SHALL BE SPLICED BY A LAP OF AT LEAST (44) BAR DIAMETERS. REINFORCING BARS NO. 7 OR LARGER SHALL BE SPLICED BY A LAP OF AT LEAST (55) BAR DIAMETERS. A MINIMUM LAP FOR ALL BARS SHALL BE 24". CONCRETE COVER OVER REINFORCING SHALL BE 3" FOR CONCRETE CAST AGAINST EARTH. CONCRETE COVER FOR FORMED CONCRETE THAT WILL BE EXPOSED TO WEATHER OR EARTH SHALL BE 2" MINIMUM FOR NO. 6 THROUGH NO. 18 BARS AND 1 1/2" MINIMUM FOR NO. 5 BARS AND SMALLER, INCLUDING WELDED WIRE FABRIC (WWF). OTHER REINFORCEMENT SHALL HAVE A MINIMUM COVERAGE OF NOT LESS THAN 3/4".

ADHESIVE ANCHORING SYSTEM
THREADED ROD ANCHORS AND REINFORCING BAR DOWELS SHALL BE SET IN HITI HIT-RE 500 V3 ADHESIVE OR STRUCTURAL EQUIVALENT. ADHESIVE ANCHORS SHALL BE INSTALLED IN ACCORDANCE WITH THE ADHESIVE MANUFACTURER'S RECOMMENDED INSTALLATION PROCEDURES. MINIMUM EMBEDMENT IN CONCRETE FOR ALL ANCHORS SHALL BE AS NOTED ON DRAWINGS. COIL ROD SHALL HAVE A MINIMUM YIELD STRESS OF 60 KSI.



DRAWING	SHEET
TITLE SHEET / LOCATION MAP / NOTES	10
MONUMENT SIGN SITE PLAN	20
SIGN FOUNDATION DETAILS	30



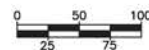
SIGN PLACEMENT NOTES

1. SET BACK ALL SIGNS A MINIMUM OF 5 FEET FROM PROPERTY LINES AND OUTSIDE OF ANY INDICATED UTILITY OR PUBLIC STREET EASEMENTS.
2. DO NOT PLACE SIGNS WITHIN 20 FEET OF ANY ROAD INTERSECTION, AS MEASURED FROM THE NEAREST INTERSECTION OF RIGHT-OF-WAY LINES.
3. PROPERTY LINES AS SHOWN ARE APPROXIMATE. FIELD VERIFY PRIOR TO PLACING SIGNS.
4. CALL 811 FOR LOCATES PRIOR TO DIGGING FOR SIGNS. UTILITY LOCATES WERE NOT PERFORMED BY THE ENGINEER. IF UTILITY CONFLICTS EXIST, NOTIFY THE ENGINEER IMMEDIATELY.
5. THE FOLLOWING ALASKA STATUTES APPLY TO WORK NEAR OVERHEAD ELECTRIC LINES:
 AS 18.60.670 PROHIBITION AGAINST PLACEMENT OF EQUIPMENT NEAR ELECTRICAL LINES AND CONDUCTORS. A PERSON INDIVIDUALLY OR THROUGH AN AGENT OR EMPLOYEE MAY NOT:
 (1) PLACE ANY TYPE OF TOOL, EQUIPMENT MACHINERY, OR MATERIAL THAT IS CAPABLE OF LATERAL, VERTICAL OR SWINGING MOTION 10 FEET OFF A HIGH VOLTAGE OVERHEAD ELECTRICAL LINE OR CONDUCTOR.
 (2) STORE, OPERATE, ERECT, MAINTAIN, MOVE, OR TRANSPORT TOOLS, MACHINERY, EQUIPMENT, SUPPLIES, MATERIALS, APPARATUS, BUILDINGS, OR OTHER STRUCTURES WITHIN 10 FEET OF A HIGH VOLTAGE OVERHEAD ELECTRICAL LINE OR CONDUCTOR.
 AS 18.60.680 ANY WORK WITH MINIMUM DISTANCE STATED ABOVE SHALL REQUIRE CONTACT WITH HEA TO INSTALL TEMPORARY DE-ENERGIZATION AND GROUNDING, OR TEMPORARY RAISING OF CONDUCTORS.

LEGEND

EXISTING (E)	PROPOSED (P)	DESCRIPTION
---	---	PROPERTY LINE
---	---	PROPERTY LINE - ADJACENT
---	---	EASEMENT
---	---	FORMER LOT LINE
---	---	CURB
	■	SITE OF FUTURE PARKING LOT
	Ⓐ	GATEWAY SIGN PER DTL A/3.0
	Ⓑ	SMALL BUILDING SIGN PER DTL B/3.0
	□	SIGN FOOTPRINT
	●	22"x14" WAYFINDING SIGN*

* SEE UNIVERSAL PRECAST DRAWINGS FOR DETAILS, DESIGN & FOUNDATION BY OTHERS



A SITE PLAN

GRAPHIC SCALE: 1" = 50' (22X34), 1" = 100' (11X17)

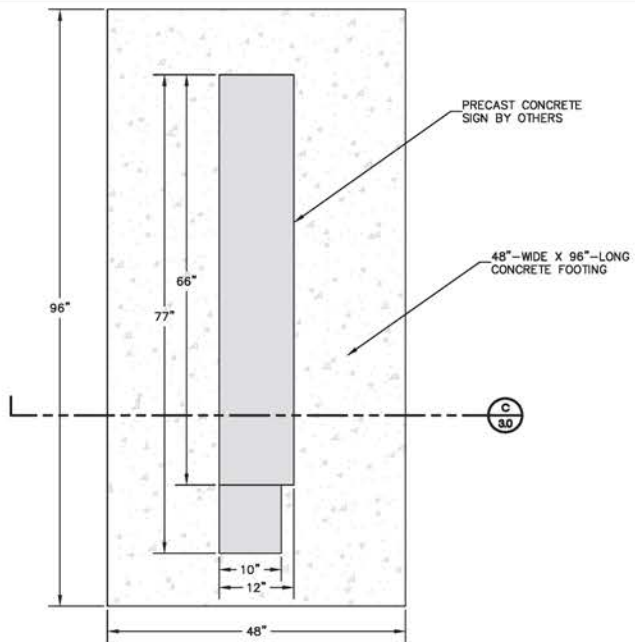


NO.	REVISION	DATE

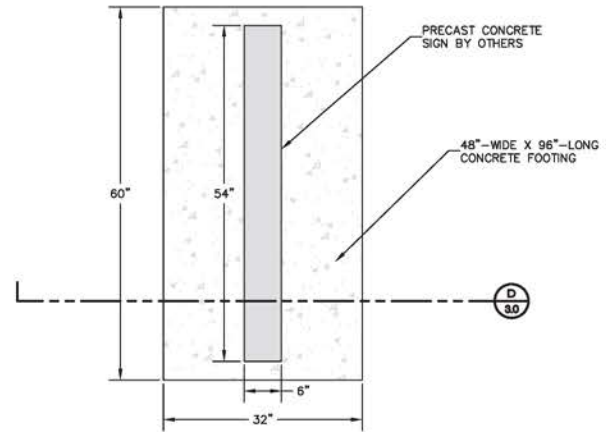
CONSULTING ENGINEERS
 STRUCTURAL/CIVIL
 VES RUDAKOJA, P.E.
 LICENSE NO. 11
 TEL: 907.263.3503
 LICENSE NO. 48031219
 NELSONENGINEER@ALASKA.NET

**KENAITZE INDIAN TRIBE
 KENAITZE TRIBAL CAMPUS SIGN FOUNDATIONS
 KENAI, ALASKA
 MONUMENT SIGN SITE PLAN**

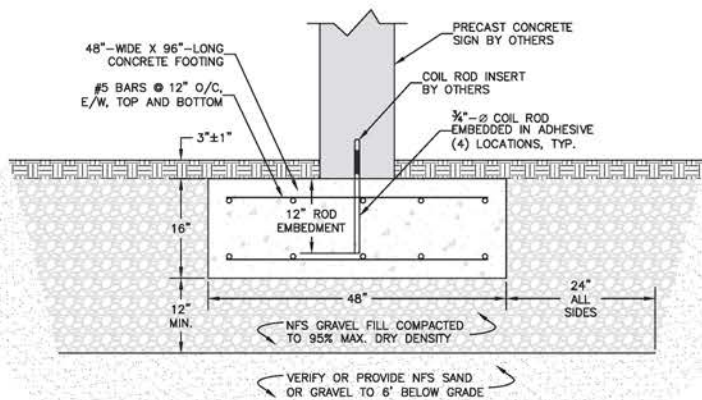
PROJECT NO.	2022059
DRAWN BY:	GTP
CHECKED BY:	MJD
DATE:	10/14/2022
SCALES:	NOTED
HORIZ.:	NOTED
VERT.:	NOTED
SHEET:	2.0
	2 OF 3



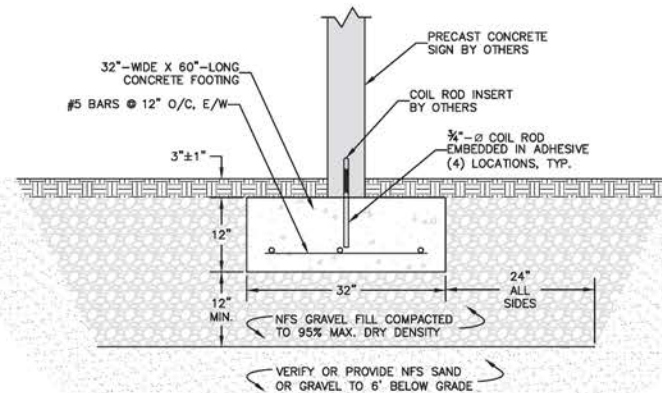
A
3.0 GATEWAY SIGN FOUNDATION - PLAN
GRAPHIC SCALE: NTS



B
3.0 SMALL BUILDING SIGN FOUNDATION - PLAN
GRAPHIC SCALE: NTS



C
3.0 GATEWAY SIGN FOUNDATION - TYPICAL SECTION
GRAPHIC SCALE: NTS



D
3.0 SMALL BUILDING SIGN FOUNDATION - TYPICAL SECTION
GRAPHIC SCALE: NTS



NO.	REVISION	DATE

CONSULTING ENGINEERS
STRUCTURAL/CIVIL
155 MIDARKA ST
SHEENIK, AK 99581
TEL: 907/712-3503
LICENSE NO. 48031219
NELSONENGINEER@ALASKA.NET

KENAITZE INDIAN TRIBE
KENAITZE TRIBAL CAMPUS SIGN FOUNDATIONS
KENAI, ALASKA
FOUNDATION DETAILS

PROJECT NO.
2022059
DRAWN BY:
GTP
CHECKED BY:
MJD
DATE: 10/14/2022
SCALES: NOTED
HORIZ. NOTED
VERT. NOTED
SHEET: 3.0



KENAITZE
INDIAN
TRIBE

www.kenaitze.org

Phone: 907-335-7200 • FAX: 855-335-8865

P.O. Box 988 • Kenai, AK 99611

Sign Code Variance Request

Kenaitze Indian Tribe

The Kahtnuht'ana Dena'ina have inhabited the Kenai Peninsula since time immemorial. The area now known as Old Town Kenai was the site of an ancient Dena'ina village.

Over the past several years, the Kenaitze Indian Tribe, descendants of the Kahtnuht'ana Dena'ina, has developed a campus in Old Town Kenai. The Tribe has named the campus Kahtnuht'ana Qayeh, which is a Dena'ina language phrase meaning "the Kenai River People's Village."

The Kenaitze Indian Tribe serves approximately 1,800 Tribal Members and more than 4,000 Alaska Native and American Indian people, many of whom visit Kahtnuht'ana Qayeh for services.

The Kahtnuht'ana Village is made up of four unique buildings:

- Dena'ina Wellness Center – an integrated health care facility;
- Tyotkas Elder Center – an integrated Elder program;
- Chuq'eya Qenq'a (Birch Tree House) – Tribe's Behavioral Health services;
- Qiz'unch' Tribal Court.

All these buildings are joined together with sidewalks and parking lots. Each sidewalk and parking lot has multiple entrances. However, not all entrances are clearly marked for direction purposes.

The Kenaitze Indian Tribe is seeking a variance to install the following signs:

- Tribal Campus gateway signs;
- Tribal Campus building name signs;
- Tribal Campus wayfinding signs.

These signs will be placed in the locations marked on the site plan provided.

GENERAL NOTES:

TOLERANCES:

PRODUCTION TOLERANCES SHALL BE GOVERNED BY APPLICABLE PCI, NPCA OR CALTRANS CERTIFICATION REQUIREMENTS LISTED IN THE WRITTEN SPECIFICATION OF THIS PROJECT AND PROVIDED TO UNIVERSAL PRECAST CONCRETE, INC. AT THE TIME OF BID, UNLESS OTHERWISE NEGOTIATED DURING THE BID PHASE. IF THE PROJECT REQUIRES TIGHTER TOLERANCES THAN PCI, NPCA OR CALTRANS ALLOWS, THEN ADDITIONAL COSTS MAY APPLY TO ENSURE MODIFIED TOLERANCE RESTRICTIONS ARE MET.

TYPICAL DIMENSIONAL TOLERANCES:

- OVERALL HEIGHT AND WIDTH:
 - 10 FT OR UNDER ± 1/8"
 - 10 TO 20 FT + 1/8", - 3/16"
 - 20 TO 40 FT ± 1/4"
- EACH ADDITIONAL 10 FT ± 1/16" PER 10 FT
- ARCHITECTURAL FEATURES AND RUSTICATIONS ± 1/8"
- WELD PLATES ± 1"
- REINFORCEMENT ± 1/2"
- INSERTS ± 1/2"
- BLOCK OUTS & OPENINGS (LENGTH & WIDTH) ± 1/4"
- LOCAL SMOOTHNESS 1/4" IN 10 FT
- WARPING ± 1/16" PER FT
- VARIATION FROM SQUARE ± 1/8" PER 6FT UP TO 1/2"

COLOR AND TEXTURE:

CONCRETE PRODUCTS MAY VARY FROM PART TO PART IN BOTH TEXTURE AND COLOR DUE TO THE NATURAL MATERIALS THAT CONCRETE IS MADE WITH. IF RANGE SAMPLES ARE NOT REQUIRED PER SPECIFICATIONS AND REQUESTED AFTER THE TIME OF BID, ADDITIONAL COSTS MAY APPLY.

OFF-LOADING, HANDLING & STORAGE:

OFF-LOADING IS THE RESPONSIBILITY OF THE CONTRACTOR. INSPECTION OF THE PARTS FOR DAMAGE DURING SHIPPING IS REQUIRED BEFORE OFF-LOADING. IF ANY PARTS ARRIVE DAMAGED, THEY MUST BE DOCUMENTED PRIOR TO OFF-LOADING. ANY CRATED OR BOXED ITEMS MUST BE INSPECTED WITHIN 24 HOURS OF DELIVERY. ANY DAMAGE THAT OCCURS DURING OFF-LOADING OR THEREAFTER IS THE SOLE RESPONSIBILITY OF THE PURCHASING PARTY.

UNLESS OTHERWISE NEGOTIATED WITH UNIVERSAL PRECAST, PURCHASING PARTY SHALL ENSURE THAT ONLY APPROVED LIFTING METHODS AND EQUIPMENT WHICH IS CAPABLE OF HANDLING THE WEIGHT OF THE PRECAST ITEMS DELIVERED, IS USED. PLEASE CONSULT YOUR EQUIPMENT SAFETY GUIDELINES TO ENSURE ADEQUACY. FOR FURTHER ASSISTANCE CONSULT YOUR LOCAL RIGGING PROFESSIONAL.

STORAGE OF PRECAST COMPONENTS ON SITE SHALL BE CONDUCTED WITH CARE AND CONSIDERATION FOR THE PROTECTION OF YOUR PRODUCTS SO AS TO MINIMIZE RISK OF DAMAGE AND UNDESIRE WEATHERING TO PRECAST ELEMENTS PRIOR TO INSTALLATION.

TEXTURES:

T1 - SMOOTH

AFTER PRODUCT IS REMOVED FROM MOLDING, IT IS TYPICALLY BUFFED WITH A LIGHT ABRASIVE PAD AND SEALED IF NECESSARY, WITH OUR STANDARD SEALER UNLESS SOME OTHER SPECIFIC SEALER IS REQUESTED AT TIME OF BID. THIS TEXTURE IS RECOMMENDED FOR TABLETOPS, BENCHES AND UTILITY PRODUCTS AS SEAM LINES WILL BE EVIDENT. PRODUCTS WITH THIS TEXTURE ARE NOT SACKED.

T1A - SMOOTH (SACKED)

SAME AS T1 FINISH EXCEPT THAT THE SURFACES WILL RECEIVE A SACKING TO MINIMIZE SURFACE AIR VOIDS (BUG- HOLES) THAT ARE 1/8" AND GREATER.

T2 - LIGHT SANDBLAST

PRODUCT IS TREATED WITH AN ABRASIVE BLASTING THAT EXPOSES THE SANDS AND SOME OF THE EDGES AND FACES OF THE MEDIUM SIZED AGGREGATE UNDER THE CEMENT PASTE. IT IS THEN SEALED WITH OUR STANDARD SEALER UNLESS OTHERWISE SPECIFIED. PRODUCTS WITH THIS TEXTURE ARE NOT SACKED. SEAM LINES MAY BE EVIDENT BUT LESS PRONOUNCED THAN PRODUCTS WITH A T1 FINISH.

T2A - LIGHT SANDBLAST (SACKED)

SAME AS T2 FINISH EXCEPT THAT THE SURFACES WILL RECEIVE A SACKING TO MINIMIZE SURFACE AIR VOIDS (BUG- HOLES) THAT ARE 1/8" AND GREATER.

T3 - SANTA FE SANDBLAST

A MORE AGGRESSIVE BLASTING THAT GIVES THE SURFACE A ROUGHENED TERRAZZO APPEARANCE. THIS FINISH BRINGS OUT THE NATURAL COLOR AND BEAUTY OF THE AGGREGATE WHILE ALLOWING THE COLOR OF THE CEMENT, (INTEGRALLY PIGMENTED OR NATURAL COLORED) TO STILL ENHANCE THE PRODUCT'S APPEARANCE. PRODUCTS WITH THIS TEXTURE ARE NOT SACKED. SEAM LINES ARE VIRTUALLY REMOVED WITH THIS FINISH.

T4 - MEDIUM SANDBLAST

FINE, MEDIUM AND COARSE AGGREGATE ARE EXPOSED REVEALING A UNIFORM NATURAL FINISH. THIS TEXTURE WILL DRAMATICALLY AFFECT THE INTENSITY OF INTEGRAL PIGMENTS IN CONCRETE PRODUCTS. THIS TEXTURE IS NOT RECOMMENDED FOR PRODUCTS WITH FINE DETAIL. HOWEVER, IT IS EXTREMELY RESISTANT TO VISUAL EFFECTS OF WEATHERING AND USE. PRODUCTS WITH THIS TEXTURE ARE NOT SACKED.

T5 - EXPOSED AGGREGATE

THIS FINISH HAS A ROUGHENED FINISH THAT REMOVES THE CEMENT PASTE FROM THE PRODUCT TO REVEAL THE NATURAL BEAUTY OF THE AGGREGATE IN THE CONCRETE MATRIX. PRODUCTS WITH THIS TEXTURE ARE NOT TYPICALLY PIGMENTED AND NOT RECOMMENDED FOR TABLES OR BENCHES. PRODUCTS WITH THIS TEXTURE ARE NOT SACKED.

T7 - ACID ETCH

ACID ETCHING EXPOSES ONLY THE FINE AGGREGATES AT THE SURFACE OF THE PRODUCT, GIVING IT A "SANDY" APPEARANCE THAT IS SUITABLE FOR ALL PRODUCTS. PRODUCTS WITH THIS TEXTURE ARE NOT SACKED.

T7A - ACID ETCH (SACKED)

SAME AS T7 FINISH EXCEPT THAT THE SURFACES WILL RECEIVE A SACKING TO MINIMIZE SURFACE AIR VOIDS (BUG- HOLES) THAT ARE 1/8" AND GREATER.

ADDITIONAL CUSTOM FINISHES AVAILABLE: WOODGRAIN, LIGHT BROOM, MEDIUM BROOM, HEAVY BROOM, CUSTOM LINED/STAMPED. INQUIRE WITH YOUR PROJECT MANAGER FOR APPLICABLE FEES ASSOCIATED WITH CUSTOM FINISHES.



16538 CLEAR CREEK RD.
REDDING, CALIFORNIA 96001
Phone: (530) 243-6477
Fax: (530) 243-6466

CLIENT NAME:

KENAITZE INDIAN TRIBE

PROJECT NAME:

CAMPUS SIGNS

JOB NO.:

2102-06B

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REVISIONS



SIGNS

SHOP DRAWINGS

NOTES:

- COLOR: DAVIS SEQUOIA SAND
- FINISH:
- SEALER: STANDARD
- MIX #: 4
- fc: 4,000 PSI
- AIR: 4-6%
- REINF: ASTM A706 GRADE 60

DRAWN:	CLW	PAGE:	1
CHECKED:	MDB		of
DATE:	01/17/22		4
SCALE:	AS NOTED (DRAWN 11x17)		

APPROVED BY:

TITLE: **JUST EXEC** DATE: **1-31-22**
NAME: **CWA**

DATE PRINTED: 1/17/2022

CLIENT NAME:
KENAITZE INDIAN TRIBE

PROJECT NAME:
CAMPUS SIGNS

JOB NO.:
2102-06B

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REVISIONS

SIGNS

SHOP DRAWINGS

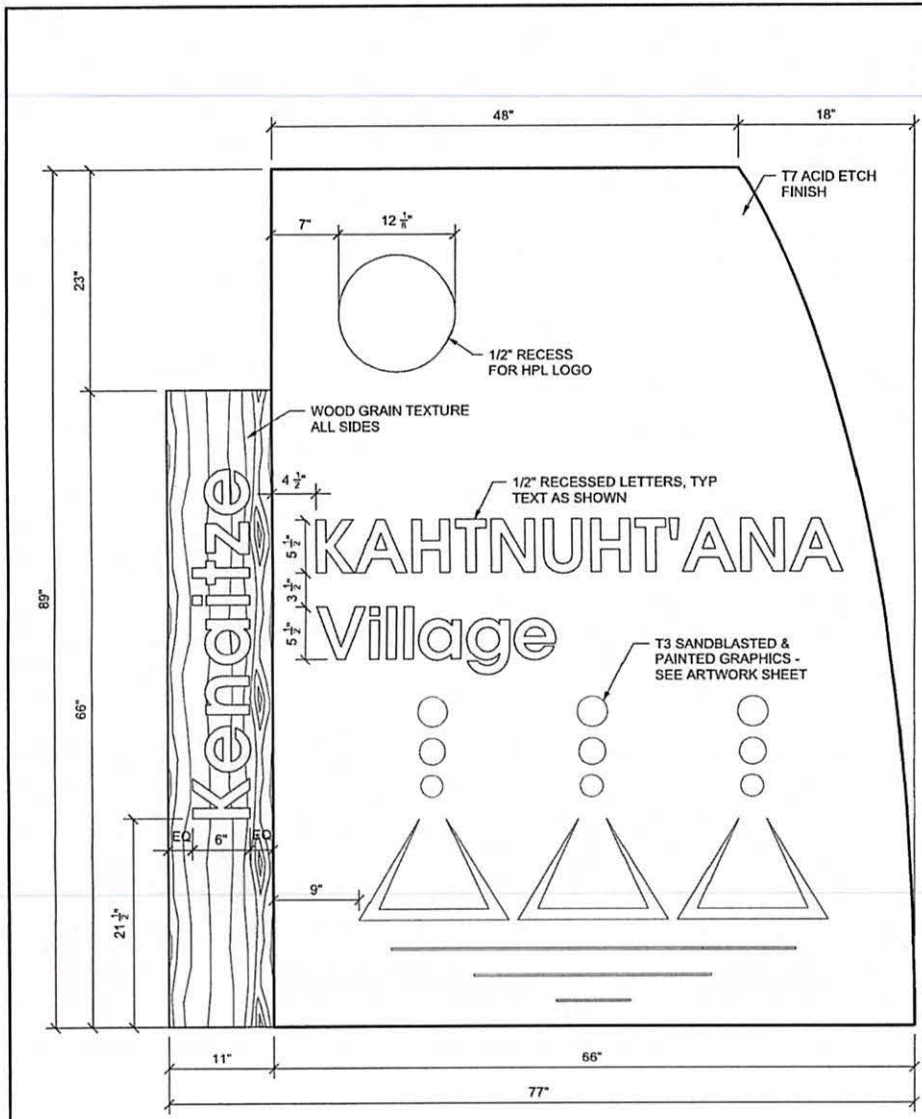
GATEWAY SIGN

NOTES:
COLOR: DAVIS SEQUOIA SAND
FINISH: T7 ACID ETCH / WOODGRAIN
SEALER: STANDARD
MIX #: 4
f_c: 4,000 PSI
AIR: 4-6%
REINF: ASTM A706 GRADE 60
QTY: 2
VOL: 1.55 YD
WEIGHT: 6,200 LBS

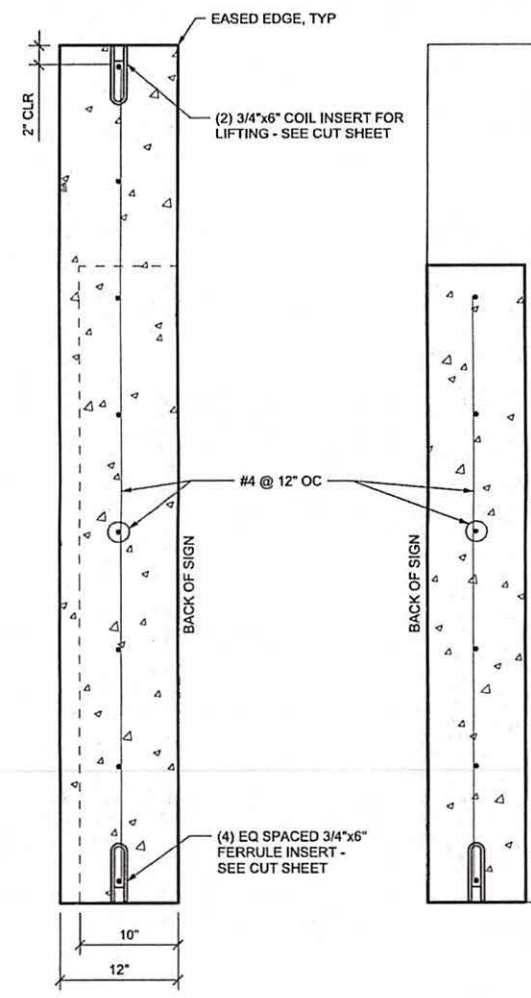
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CHECKED: MDB	of
DATE: 01/17/22	4
SCALE: AS NOTED (DRAWN 11x17)	

APPROVED BY: _____

TITLE: **INT EXEC** DATE: **1-31-22**
NAME: **CUA**



ELEVATION VIEW
SCALE: 1"=1'-0"



SIDE VIEW
SCALE: 1"=1'-0"

SIDE VIEW
SCALE: 1"=1'-0"



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REDDING, CALIFORNIA 96001
Phone: (530) 243-6477
Fax: (530) 243-6466

CLIENT NAME:
KENAITZE INDIAN TRIBE

PROJECT NAME:
CAMPUS SIGNS

JOB NO:
2102-06B

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REVISIONS

1	

SIGNS

SHOP DRAWINGS

BUILDING SIGNS

NOTES:

COLOR: DAVIS SEQUOIA SAND
FINISH: T7 ACID ETCH / T1 SMOOTH
SEALER: STANDARD
MIX #: 4
f_c: 4,000 PSI
AIR: 4-6%
REINF: ASTM A706 GRADE 60
QTY: 3
VOL: 0.29 YD
WEIGHT: 1,160 LBS

DRAWN: CLW
CHECKED: MDB
DATE: 01/17/22
SCALE: AS NOTED (DRAWN 11x17)

PAGE: **3**
of
4

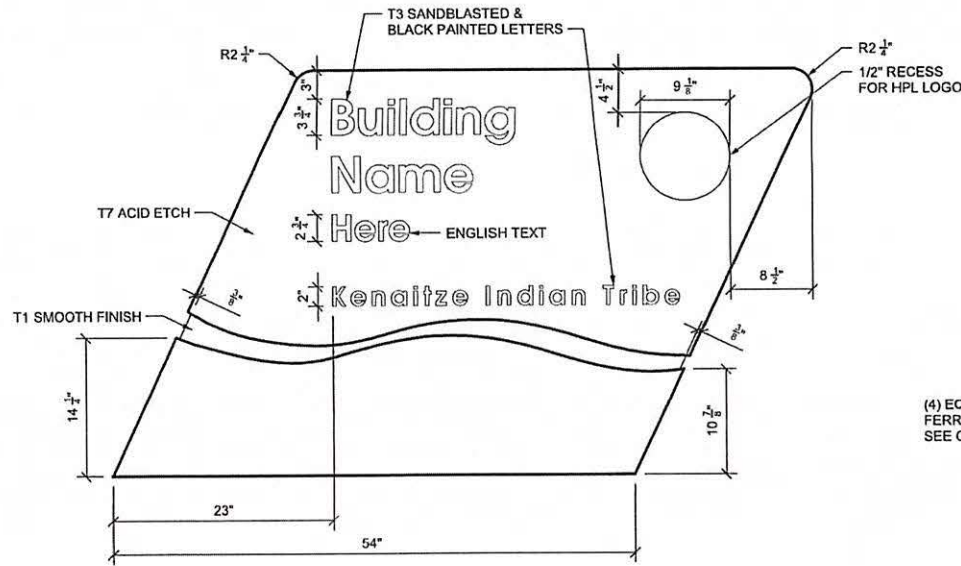
APPROVED BY:

TITLE: **JNT EXEC** DATE: **1-31-22**
NAME: **CMD**

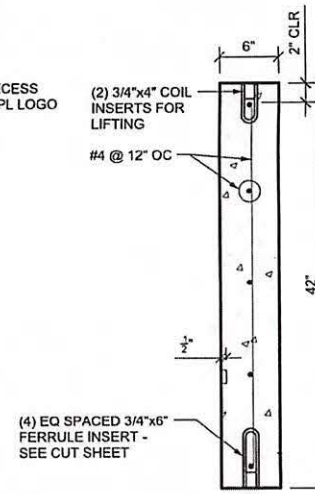
DATE PRINTED: 1/17/2022



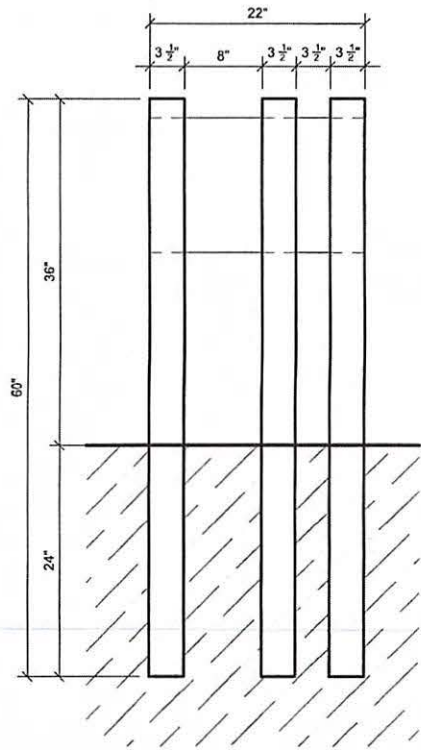
LETTERING LAYOUTS
SCALE: 1/2"=1'-0"



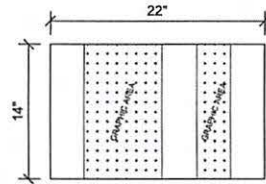
ELEVATION VIEW
SCALE: 1"=1'-0"



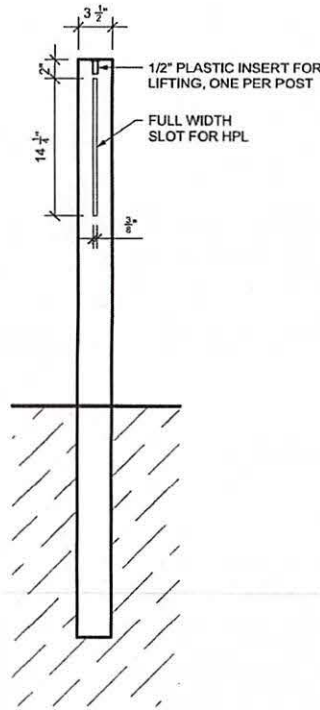
SIDE VIEW
SCALE: 1"=1'-0"



ELEVATION VIEW
SCALE: 1"=1'-0"



HPL PANEL
SCALE: 1"=1'-0"



SIDE VIEW
SCALE: 1"=1'-0"

NOTE:
SIGN WILL BE SHIPPED IN
SEPARATE PIECES. INSTALLER
TO ASSEMBLE ON SITE



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CLIENT NAME:
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PROJECT NAME:
CAMPUS SIGNS

JOB NO.
2102-06B

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REVISIONS

#	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

SIGNS

SHOP DRAWINGS

WAYFINDING SIGNS

NOTES:

COLOR: DAVIS SEQUOIA SAND
FINISH: WOODGRAIN
SEALER: STANDARD
MIX #: 4
f_c: 4,000 PSI
AIR: 4-6%
REINF: ASTM A706 GRADE 60
QTY: 4 (3 PER SET)
VOL: 0.05 YD
WEIGHT: 200 LBS

DRAWN:	CLW	PAGE:	4 of 4
CHECKED:	MDB		
DATE:	01/17/22		
SCALE:	AS NOTED (DRAWN 11x17)		

APPROVED BY:

TITLE: **INT EXEL** DATE: **1-31-22**
NAME: **CWA**

DATE PRINTED: 1/17/2022

GENERAL NOTES

Tolerances:

Production tolerances shall be governed by applicable PCI, NPCA or Caltrans certification requirements listed in the written specification of this project and provided to Universal Precast Concrete, Inc. at the time of bid, unless otherwise negotiated during the bid phase. If the project requires tighter tolerances than PCI, NPCA or Caltrans allows, then additional costs may apply to ensure modified tolerance restrictions are met.

Typical Dimensional tolerances:

- Overall height and width
 - 10 ft or under $\pm 1/8"$
 - 10 to 20 ft $+1/8"$, $- 3/16"$
 - 20 to 40 ft $\pm 1/4"$
- Each additional 10 ft $\pm 1/16"$ per 10 ft
- Architectural features and rustications $\pm 1/8"$
- Weld Plates $\pm 1"$
- Reinforcement $\pm 1/2"$
- Inserts $\pm 1/2"$
- Block outs & openings (length & width) $\pm 1/4"$
- Local smoothness $1/4"$ in 10 ft
- Warping $\pm 1/16"$ per ft
- Variation from square $\pm 1/8"$ per 6ft up to 1/2"

Color and texture:

Concrete products may vary from part to part in both texture and color due to the natural materials that concrete is made with. If range samples are not required per specifications and requested after the time of bid additional costs may apply.

Off-loading Handling & Storage:

Off-loading is the responsibility of the contractor. Inspection of the parts for damage during shipping is required before off-loading. If any parts arrive damaged they must be documented prior to off-loading. Any crated or boxed items must be inspected within 24 hours of delivery. Any damage that occurs during off-loading or thereafter is the sole responsibility of the purchasing party.

Unless otherwise negotiated with Universal Precast, purchasing party shall ensure that only approved lifting methods and equipment which is capable of handling the weight of the precast items delivered is used. Please consult your equipment safety guidelines to ensure adequacy. For further assistance consult your local rigging professional.

Storage of precast components on site shall be conducted with care and consideration for the protection of your products so as to minimize risk of damage and undesired weathering to precast elements prior to installation.

TEXTURES:

T1 - Smooth

After product is removed from molding, it is typically buffed with a light abrasive pad and sealed if necessary with our standard sealer unless some other specific sealer is requested at time of bid. This texture is recommended for Table tops, benches and utility products as seam lines will be evident. Products with this texture are not sacked.

T1A - Smooth (Sacked)

Same as T1 finish except that the surfaces will receive a sacking to minimize surface air voids (bug- holes) that are $1/8"$ and greater.

T2 - Light Sandblast

Product is treated with an abrasive blasting that exposes the sands and some of the edges and faces of the medium sized aggregate under the cement paste. It is then sealed with our standard sealer unless otherwise specified. Products with this texture are not sacked. Seam lines may be evident but less pronounced than products with a T1 finish.

T2A - Light Sandblast (Sacked)

Same as T2 finish except that the surfaces will receive a sacking to minimize surface air voids (bug- holes) that are $1/8"$ and greater.

T3 - Santa Fe Sandblast

A more aggressive blasting that gives the surface a roughened terrazzo appearance. This finish brings out the natural color and beauty of the aggregate while allowing the color of the cement, (integrally pigmented or natural colored) to still enhance the product's appearance. Products with this texture are not sacked. Seam lines are virtually removed with this finish.

T4 - Medium Sandblast

Fine, medium and course aggregate are exposed revealing a uniform natural finish. This texture will dramatically affect the intensity of integral pigments in concrete products. This texture is not recommended for products with fine detail. However, it is extremely resistant to visual effects of weathering and use. Products with this texture are not sacked.

T5 - Exposed Aggregate

This finish has a roughened finish that removes the cement paste from the product to reveal the natural beauty of the aggregate in the concrete matrix. Products with this texture are not typically pigmented and not recommended for tables or benches. Products with this texture are not sacked.

T7 - Acid Etch

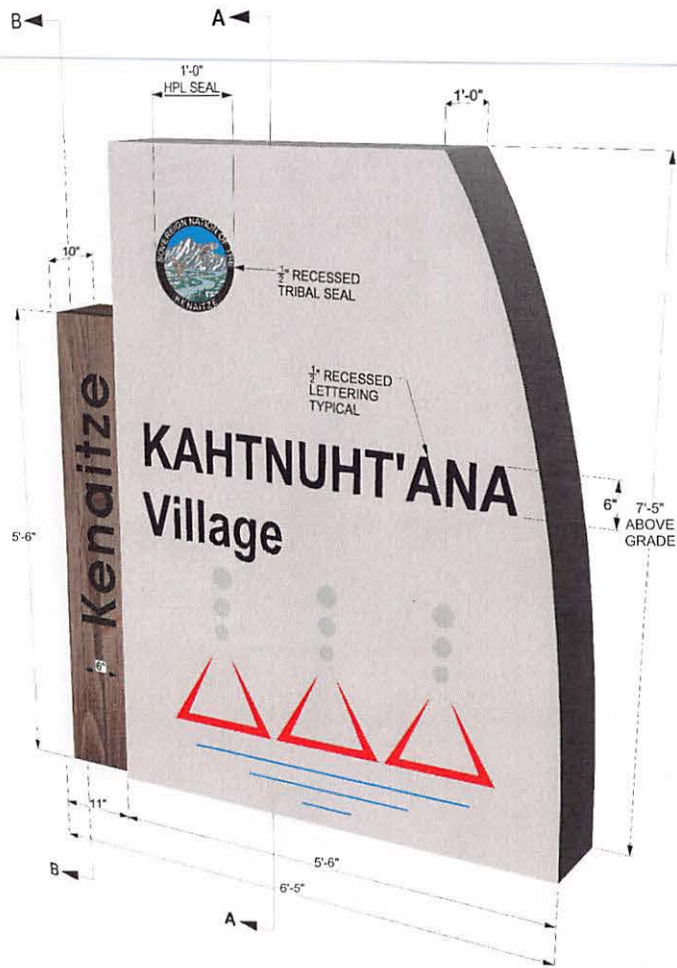
Acid Etching exposes only the fine aggregates at the surface of the product, giving it a "sandy" appearance that is suitable for all products. Products with this texture are not sacked.

T7A - Acid Etch (Sacked)

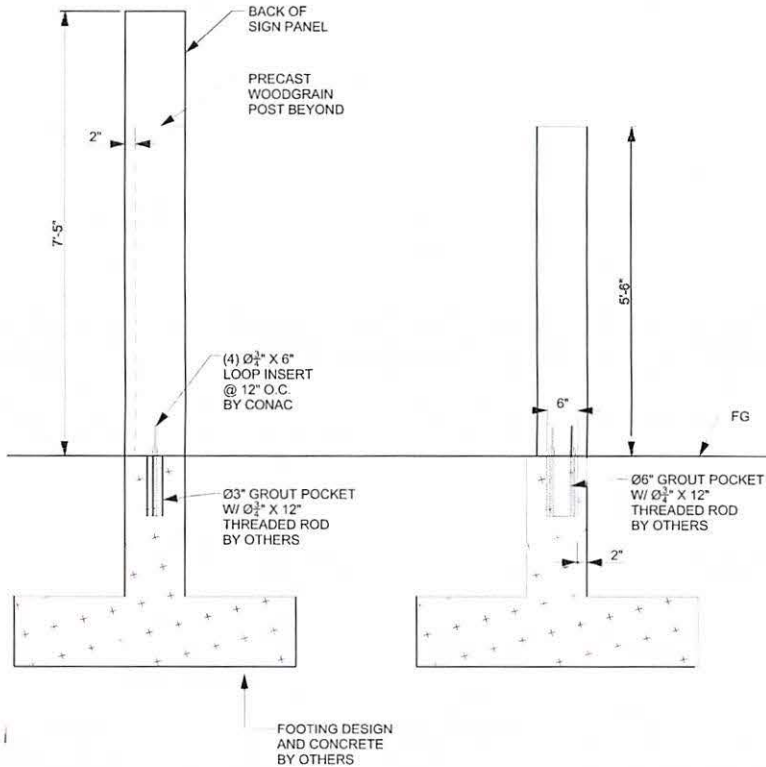
Same as T7 finish except that the surfaces will receive a sacking to minimize surface air voids (bug- holes) that are $1/8"$ and greater.

ADDITIONAL CUSTOM FINISHES AVAILABLE: Woodgrain, Light Broom, Medium Broom, Heavy Broom, Custom Liner or Stamped. Inquire with your Project manager for applicable fees associated with CUSTOM FINISHES.

CLIENT NAME: Kenaitze Indian Tribe	
PROJECT NAME: Tribal Campus Gateway Signs	
JOB NO.: 2102-06A	
These drawings & designs are the property of Universal Precast Concrete, Inc. and no part thereof shall be copied or used in connection with any other work or project without the written consent of Universal Precast Concrete, Inc.	
# Revisions	
16538 CLEAR CREEK RD. REDDING, CALIFORNIA 96001 Phone: (530) 243-6477 Fax: (530) 243-6466	
DESC.: Precast Components	
SHOP DRAWINGS	
NOTES: CONC. COLOR: Sequoia Sand FINISH: Acid Etch & Woodgrain SEALER: STANDARD Fc: 5,000 PSI REBAR: A706 AIR: 6% QTY: XXX VOL: XXX YDS WEIGHT: XXX LBS	
DRAWN: CH/BB	PAGE: 4
CHECKED:	of
DATE: 10/5/2021	7
SCALE: AS NOTED	
APPROVED BY:	
TITLE:	DATE:
NAME:	



1 LARGER GATEWAY SIGN
 7'-5" X 5'-6" X 1'-0" SIGN PANEL
 WITH 5'-6" X 11" X 10" WOODGRAIN POST
 Scale: N.T.S.



A SECTION VIEW A
 Scale: 1/2" = 1'-0"

B SECTION VIEW B
 Scale: 1/2" = 1'-0"

CLIENT NAME: Kenaitze Indian Tribe	
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DRAWN: CH/BB	PAGE: 5
CHECKED:	of
DATE: 10/5/2021	7
SCALE: AS NOTED	
APPROVED BY:	
TITLE: _____	DATE: _____
NAME: _____	

CLIENT NAME:
Kenaitze Indian Tribe

PROJECT NAME:
Tribal Campus Gateway Signs

JOB NO:
2102-06A

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Revisions

16538 CLEAR CREEK RD.
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DESC:
Precast Components

SHOP DRAWINGS

NOTES:
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 FINISH: Acid Etch & Woodgrain
 SEALER: STANDARD
 f_c: 5,000 PSI
 REBAR: A706
 AIR: 6%
 QTY: XXX
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 WEIGHT: XXX LBS

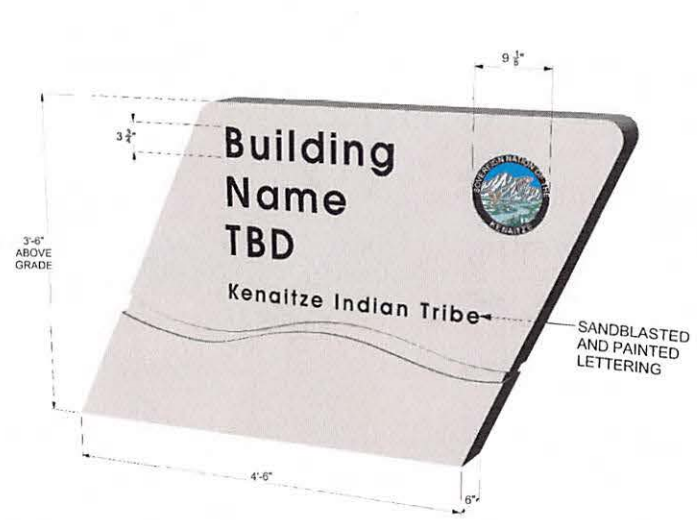
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 DATE: 10/5/2021
 SCALE: AS NOTED

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6
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7

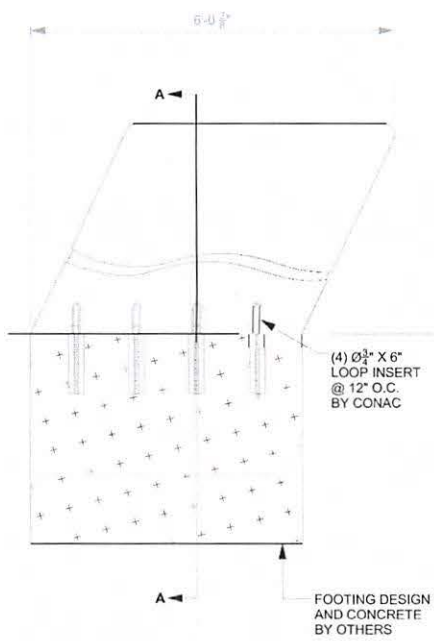
APPROVED BY: _____

TITLE: _____ DATE: _____

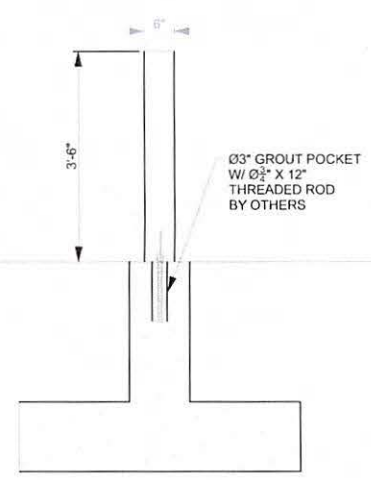
NAME: _____



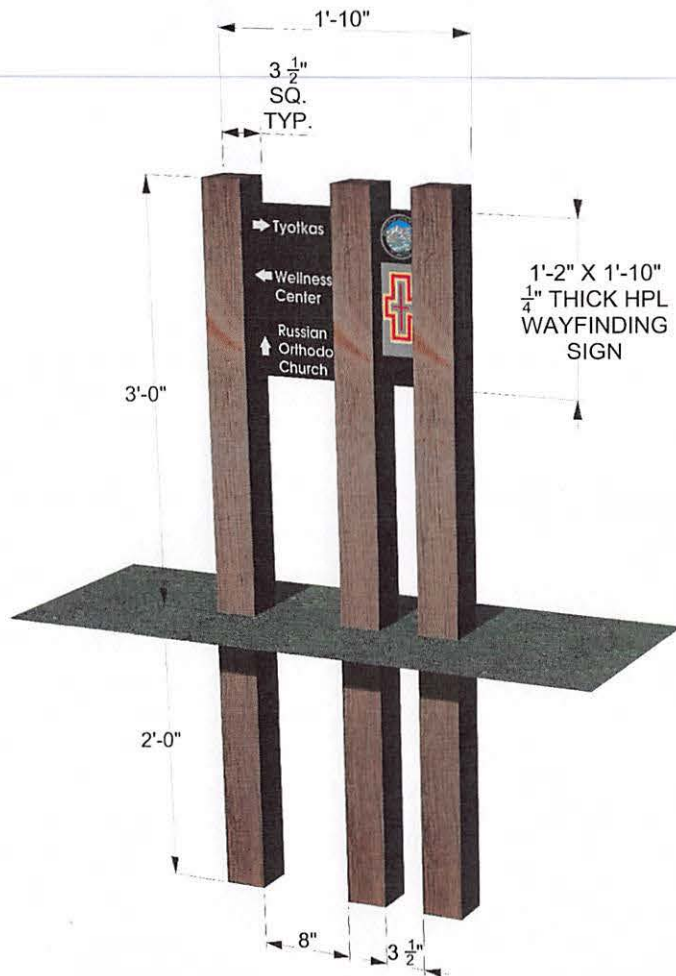
1 BUILDING SIGN - NA ES TBD
 Scale: N.T.S.



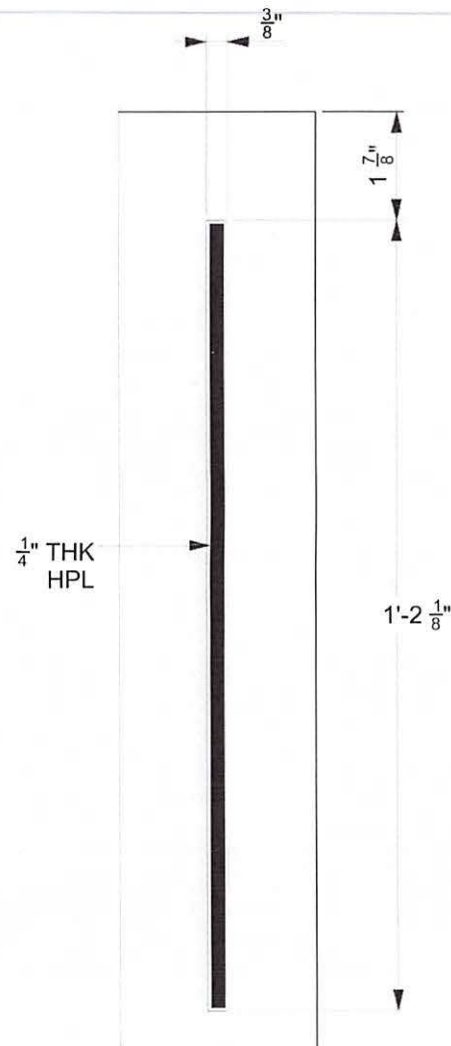
1 BUILDING SIGN - Connection Detail
 Scale: 1/2" = 1'-0"



A SECTION VIEW A
 Scale: 1/2" = 1'-0"



SLOT DETAIL FOR HPL - Side View



1 WAYFINDING SIGNS - NAMES TBD
Scale: N.T.S.

CLIENT NAME: Kenaitze Indian Tribe	
PROJECT NAME: Tribal Campus Gateway Signs	
JOB NO: 2102-06A	
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NOTES: CONC. COLOR: Sequoia Sand FINISH: Acid Etch & Woodgrain SEALER: STANDARD fc: 5,000 PSI REBAR: A706 AIR: 6% QTY: XXX VOL: XXX YDS WEIGHT: XXX LBS	
DRAWN: CH/BB	PAGE: 7
CHECKED:	of
DATE: 10/5/2021	7
SCALE: AS NOTED	
APPROVED BY:	
TITLE:	DATE:
NAME:	

From: [Charlene Vozar](#)
To: [City of Kenai Planning Department](#)
Subject: Re: Variance Parcels 04707134 and 04707136
Date: Tuesday, February 14, 2023 10:32:32 AM
Attachments: [image001.jpg](#)

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

Thank you.

I have no objections to the variances for the site specific signs or the wayfinder signs.

Owner: 909 Highland Avenue; Property ID 04709214

-Charlene Vozar

From: City of Kenai Planning Department <planning@kenai.city>
Date: Tuesday, February 14, 2023 at 9:33 AM
To: Charlene Vozar <cvozar@bgbalaska.com>
Subject: RE: Variance Parcels 04707134 and 04707136

Charlene,
Attached are the requested documents.
Please let me know if you have any questions.
Sincerely,

Linda Mitchell

Planning Director

City of Kenai | 210 Fidalgo Avenue | Kenai, AK 99611
(907) 283-8235 | lmitchell@kenai.city



From: Charlene Vozar <cvozar@bgbalaska.com>
Sent: Tuesday, February 14, 2023 8:43 AM
To: City of Kenai Planning Department <planning@kenai.city>
Subject: Variance Parcels 04707134 and 04707136

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

Would you please email me the variance applications for these parcels?

I received the yellow card in the mail about the Feb 22 meeting – thank you.

I would like a little more information on the signage requested.

Regards,

Charlene F. Vozar



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MEMORANDUM

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: January 20, 2023
SUBJECT: **Action/Approval – Recommending the Kenai City Council Enact Ordinance No. 3332-2023 – Amendment of KMC Section 3.10.070 - Livestock within City Limits**

At their regular meeting held on January 4, 2023, City Council referred Ordinance No. 3332-2023 to Planning and Zoning Commission for a recommendation. Ordinance No. 3332-2023 is an amendment to Kenai Municipal Code (KMC) 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.

Please find the attached memo from Council Member Douthit on Ordinance No. 3332-2023, the Ordinance that would make these amendments, along with the Ordinance itself. Technical corrections have been identified within Ordinance No. 3332-2023 and will be forwarded to the Council for correction during their meeting on February 1, 2023.

Pursuant to KMC 14.20.280(b) and (c) notice of the public hearing was published in the *Peninsula Clarion* on January 18, 2023 and posted in three (3) public places. Attached are public comments received before the publication of the agenda packet.

The commission may make a recommendation to enact the ordinance, enact it with modifications recommended by the commission, or to not enact the ordinance.

The commission is not making a final decision, so the commission action is not subject to appeal.

Attachments

Memo from Council Member Douthit
Memo from City Clerk
Public Comments



KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Council Member Alex Douhit

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.

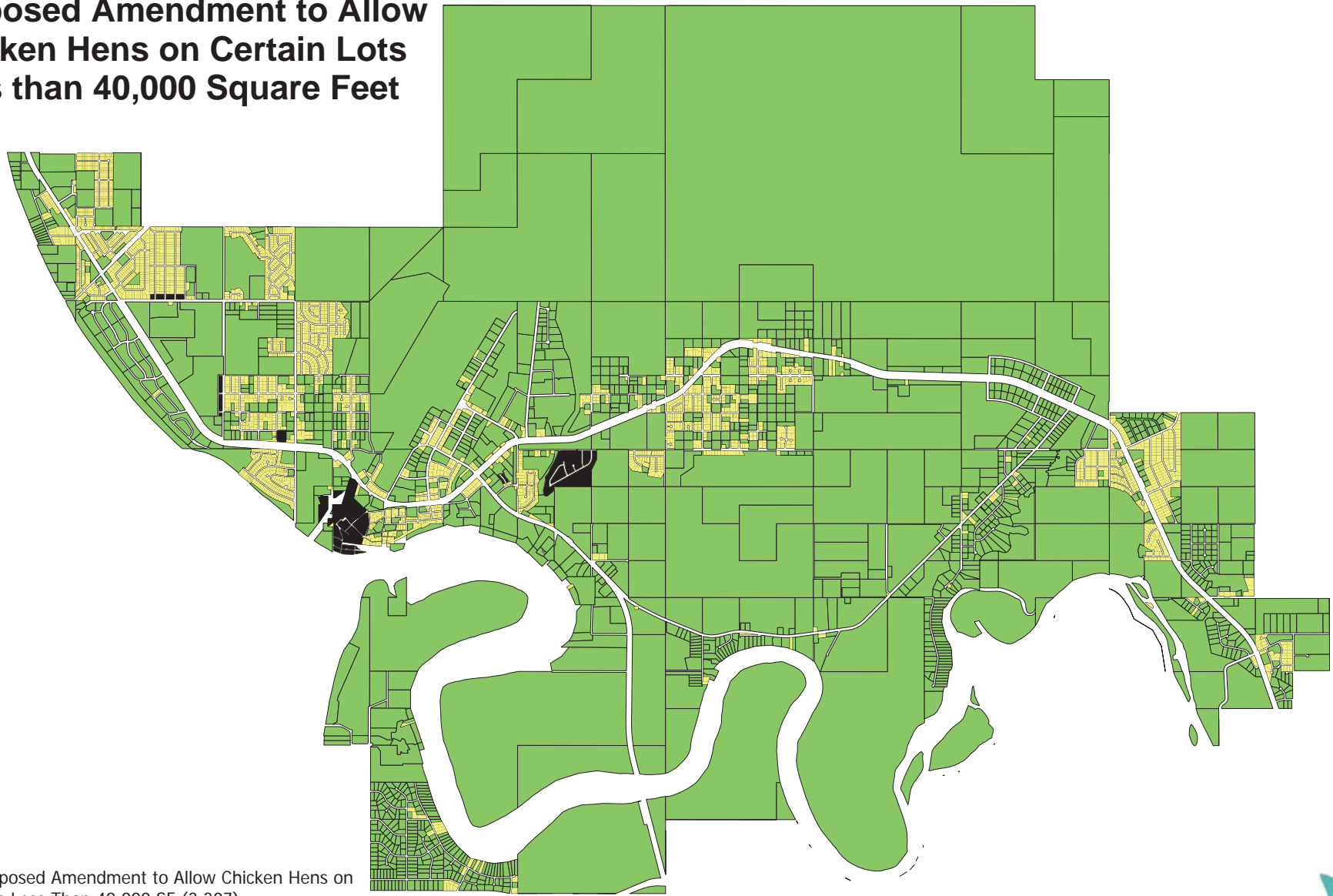
The proposed changes will allow a maximum of 12 chicken hens to be kept on lots less than 40,000 square feet except for the following zones: RU, RS1, RS2, and TSH, these four zones uniquely prohibit the keeping of any livestock regardless of lot size. Attached is a map of where chicken hens will be permitted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



-  Proposed Amendment to Allow Chicken Hens on Lots Less Than 40,000 SF (3,307)
-  Livestock are Permitted
-  Prohibited Zones (RU, RS1, RS2, and TSH)



This is only a graphic representation of Kenai and assumes no errors on this map.





**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 18TH DAY OF JANUARY, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: January 4, 2023
Enacted: January 18, 2023
Effective: February 17, 2023



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Chair Twait and Planning Commission Members
FROM: Shellie Saner, City Clerk
DATE: January 18, 2023
SUBJECT: **City Council Ordinance No. 3332-2023** - Technical Corrections

Technical corrections have been identified within Ordinance No. 3332-2023, the following technical amendments will be forwarded to the Council for correction during their meeting on February 1, 2023:

- Section 1, paragraph c. 1. References subsection (k); the reference should be to subsection (h).
- Section 1 paragraph c. 3.: References subsection (l); the reference should be to subsection (i).
- Section 1 paragraph h: Exception RSL should be RS2.



KENAI

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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.

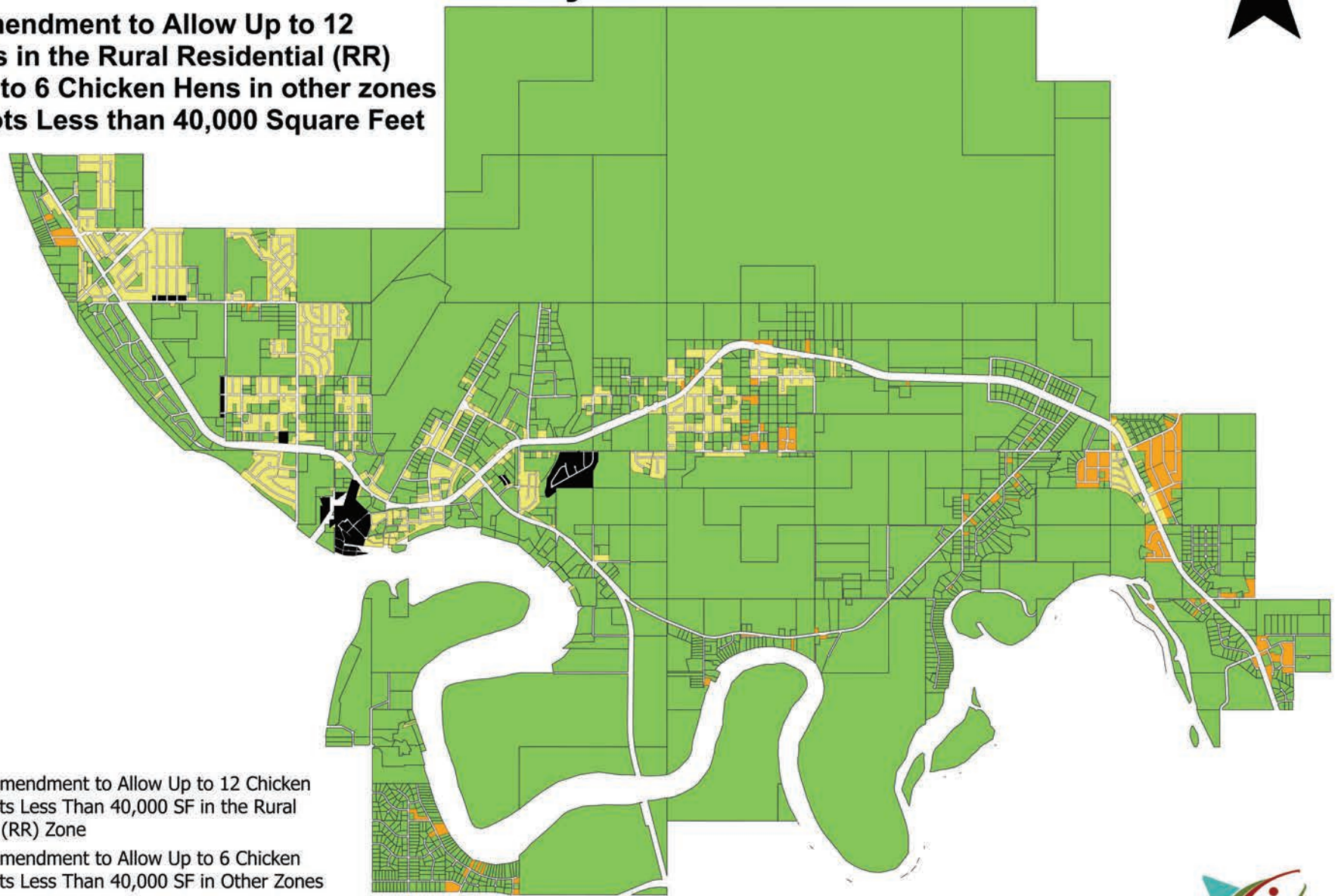
New Text Underlined





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)

0 0.5 1 2 Miles

This graphic representation of Kenai assumes no 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]

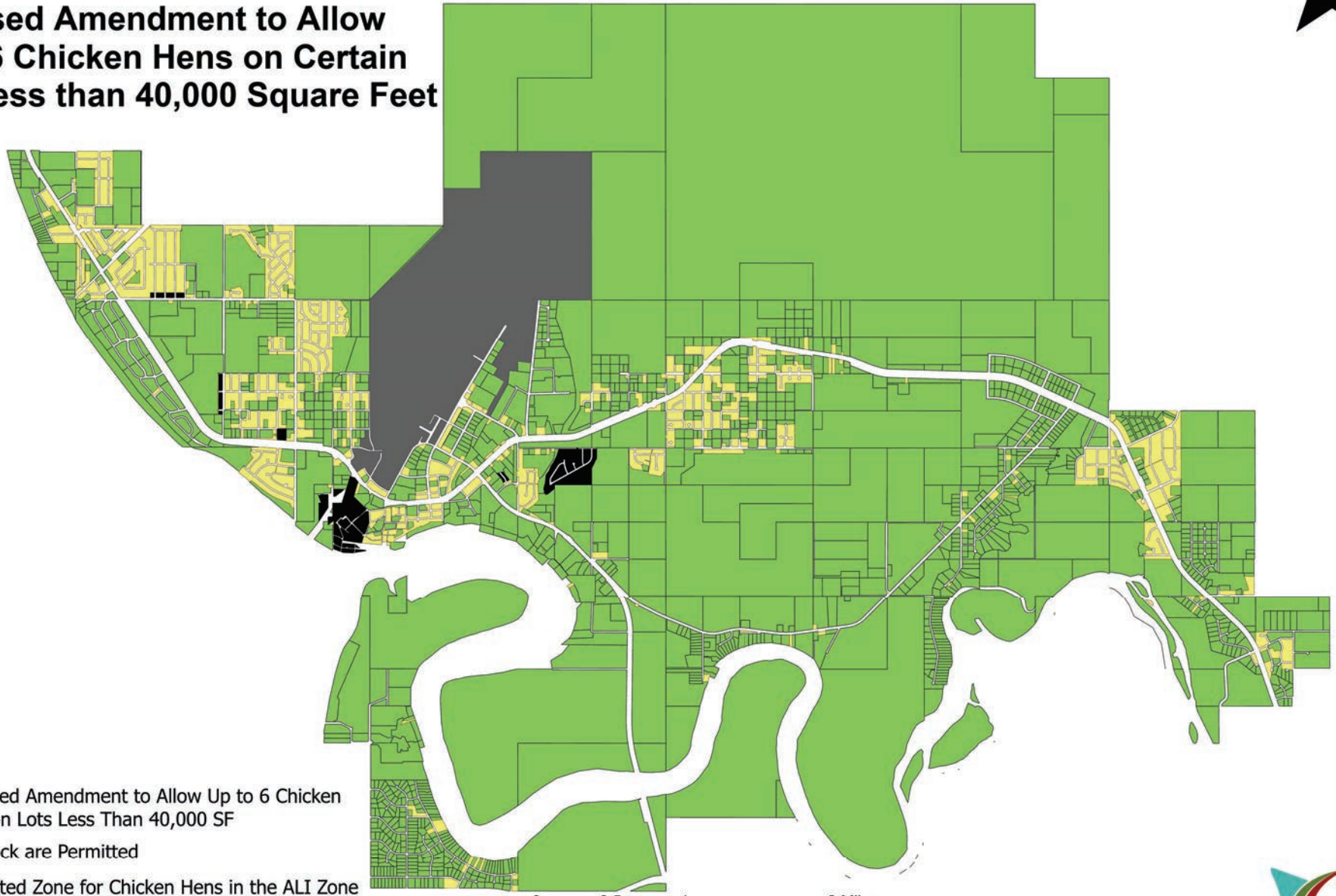
Thank you for your consideration.





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





KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: February 17, 2023
SUBJECT: Ordinance 3332-2023 Requested Amendments

At the February 8, 2023 Planning and Zoning (P&Z) Work Session, the P&Z Commission requested the following amendments for recommendations to City Council on Ordinance 3332-2023.

The following amendments are respectfully requested.

Motion 1

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

- (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). This allowance for the keeping of chicken hens does not permit commercial activities where otherwise prohibited or additional permitting or licensing is required.

New Text Underlined

Motion 2

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

- (1) Up to four (4) chicken hens may be kept on lots of 24,000 square feet or less [A MAXIMUM OF TWELVE (12) CHICKEN HENS MAY BE KEPT ON LOTS] with a permitted principal structure. One (1) additional chicken hen is allowed for each additional 2,000 square feet of lot area.

New Text Underlined; [DELETED TEXT BRACKETED]

Motion 3

Amend Section 1, paragraph h. 5. that reads:

- (5) All shelters or containment structures must be constructed of durable weather resistant materials, secured, and kept in good repair. The siding and roofing must be constructed with solid and durable construction materials.

New Text Underlined

Motion 4

Amend Section 1, paragraph h. by adding a new line that reads:

- (9) All feed for chickens must be stored securely to prevent access from rodents and other non-domestic animals.

New Text Underlined

Motion 5

Amend Section 1, paragraph h. by adding a new line that reads:

- (10) On lots twenty thousand square feet or less, a registration for chicken hens must first be obtained from animal control prior to moving any number of chicken hens onto the property. The registration will require certification that all provisions of this title are complied with.

New Text Underlined

Motion 6

Amend Section 1, paragraph h. by adding a new line that reads:

- (12) Chicken coops, hutches or other fully enclosed shelters may not exceed eight feet (8') in height.

New Text Underlined

Motion 7

Amend Section 1, paragraph h. by adding a new line that reads:

- (13) All enclosures, coops, hutches, pens, or appurtenances for chicken hens must be fully screened from public view and neighboring properties with fences, walls, obstructions, or natural screening not less than six feet (6') in height.

New Text Underlined

Thank you for your consideration.





KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Planning & Zoning Commission
FROM: Meghan Thibodeau, Deputy City Clerk
DATE: February 17, 2023
SUBJECT: Ordinance No. 3332-2023 Public Comments

To provide a consistent record of all public comment received on Ordinance No. 3332-2023, we have included all written comments that has been submitted for this ordinance, including those that had been included in previous meeting packets or laydown.

- Pages 59 - 63: included in January 25, 2023 Planning & Zoning Meeting Packet
- Pages 64 - 78: included in January 25, 2023 Planning & Zoning Meeting Laydown
- Pages 79 - 115: included in February 8, 2023 Planning & Zoning Work Session Packet
- Pages 116 - 135: included in February 8, 2023 Planning & Zoning Work Session Laydown
- **Pages 136 - 165: public comments that are first being published in this meeting packet (February 22, 2023)**

By including all public comments on this ordinance, we hope to provide a complete and transparent record of the feedback that has been received from the community.

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 for Dave Howard is on top, and the signature for 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@kenaialaska.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 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).

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.

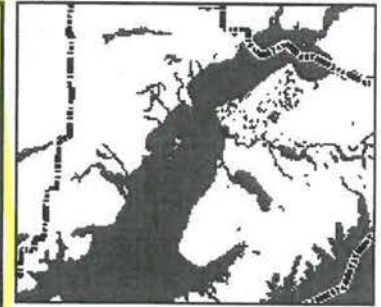
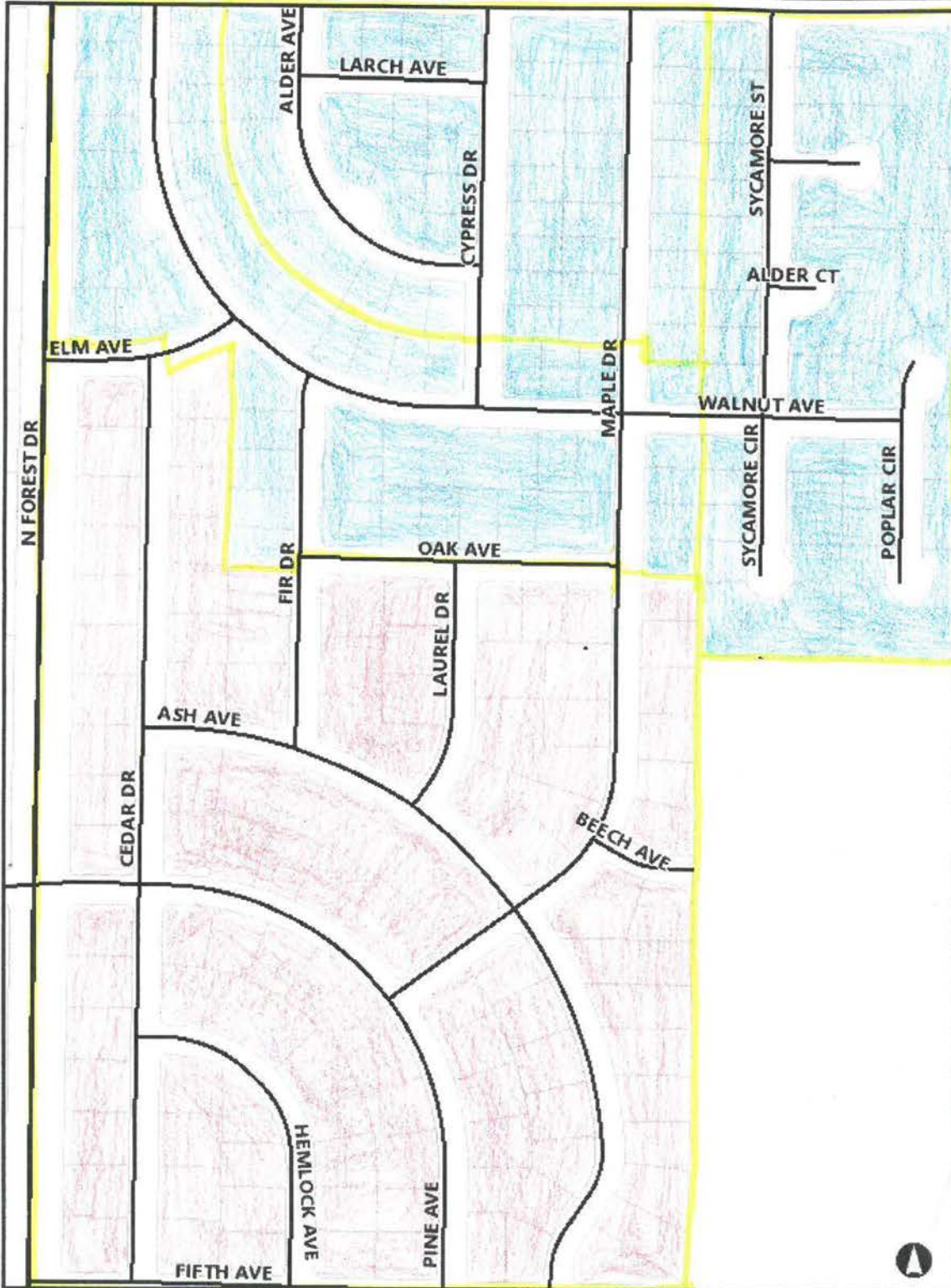
Sincerely,

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;

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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.

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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

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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 Page 104

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 IF NOT LOUDER!!!

page 2 of 2

HUARD

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

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

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

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

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

From: [Kiley Hansen](#)
To: [City Clerk](#)
Subject: Allowing chickens in Kenai
Date: Friday, February 3, 2023 9:34:16 AM

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

Hello! I understand that there's currently an ongoing discussion about whether chickens (specifically hens) should be allowed in city limits in Kenai. I live on Fathom dr. and with the cost of eggs and poultry, being able to keep chickens would help those who really need to budget their groceries. Having chickens has a lot of benefits and I believe it would help the community immensely. Thank you so much for considering it.
Kiley Hardesty

February 2, 2023

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

Ordinance No. 3332-2023 (Chickens)

Dear Commissioners:

I do not support Ordinance 3332-2023 – it is too broad: “anything goes.” This ordinance as written does not provide sufficient limitations to protect the residential character of our neighborhoods in the RS zone. Please adopt *reasonable standards* that would maintain the quality of life in our neighborhoods. Several amendments have been offered and discussed; many I agree with. Please consider and adopt the following standards.

- Remove the RS zone from the ordinance, or have a lot size minimum such as 20,000 square feet (1/2 acre);
- Reduce the number of hens from 12 to 6 in the RS zone (I would prefer more like 4);
- Don't allow keeping chickens in front yards (allowed under Ord. 3332-2023);
- Require licenses, like dogs (currently required in the Animal Code);
- Limit chickens for personal use only; and provide that chicken farming can't be spread over multiple lots;
- Require the homeowner's written consent for tenants keeping chickens;
- Provide standards for the location, number and materials of pens or sheds to reduce nuisances such as noise, odor, waste and eyesores;
- Require that chicken waste be removed promptly.

One argument for Ordinance 3332-2023 is that other cities in Alaska allow chickens, such as Wasilla, Juneau, Fairbanks, Anchorage, Palmer. However, those cities have many more regulations regarding chickens than Ordinance 3332-2023. For example, both Juneau and Wasilla require administrative approval or a license to keep chickens. Please review these city code regulations, and find out what works and what doesn't work. Thank you.

Sincerely,



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

PROPOSED AMENDMENTS TO ORD. 3332-2023

(from City Council/P&Z Commission/Public Comments)

- 1. Zoning.**
 - Remove Airport Light Industrial zone from allowed zones. (Knackstedt 2/1/23 p. 14).
 - Remove RS (Suburban residential) zone from allowed zones.
 - Many subdivisions in this zone have small lot sizes (1/3 acre or less) and restrictive covenants banning poultry: Central Heights (off Walker Lane), Woodland Parts I-II-III-IV (off North Forest Drive), Redoubt Terrace (off South Forest Drive), Inlet Woods (off Redoubt Ave).
 - Add to land use table (see Wasilla ordinance).

- 2. Lot Size/Configuration.**
 - Minimum lot size 20,000 s.f. (1/2 acre).
 - Avoids conflict between ordinance and numerous subdivisions with small lot sizes and covenants banning poultry.
 - Limit to lots with no more than 3 adjacent lots or a maximum number of chickens on adjacent lots (first come first served).
 - Because subdivisions with staggered lots may have 5 adjacent lots (60 chickens).
 - Maximum of one lot/owner – avoid “chicken farm.”

- 3. Number/Gender.**
 - Limit to 12 in RR zone, reduce to 6 in other zones (Askin-2/1/23 p. 12).¹
 - Reduce to 6 hens Knackstedt-2/1/23 p. 14).
 - Reduce from 12 to 4-6.
 - Specify that roosters are prohibited.

- 4. Land Use.**
 - Limit to back of house in rear yard (PZC 2/1/23 p. 11).
 - Limit housing or fencing to rear yard (Knackstedt 2/1/23 pp. 14-15).
 - Setbacks, not free range with fences.
 - Limit to personal use, not commercial use.
 - Setbacks from water bodies (see Wasilla ordinance).
 - Prohibit storage of manure or waste outside containment structure.

- 5. Other.**
 - No killing chickens on site.
 - No keeping chickens or containment structures/fences on City-owned property.
 - Property owner written consent required.
 - Standards for containment area/structures (see Wasilla ordinance).

- 6. Enforcement/Public Safety.**
 - Burden of proof on owner to prove accessory structure setbacks.
 - Require license (like dogs) or registration with administration like Wasilla.
 - Require removal of chickens with bird flu.

¹ Compiled by Kristine Schmidt, 513 Ash Ave, Kenai 99611



DECLARATION AND ESTABLISHMENT OF
CONDITIONS, RESTRICTIONS AND COVENANTS FOR
WOODLAND SUBDIVISION, PART IV, KENAI, ALASKA

This Declaration of Covenants, Conditions, Restrictions, and Charges is made this 1st day of June, 1978, by Hall Construction Company, Inc., an Alaskan Corporation, hereinafter referred to for the purpose of convenience as "Declarant".

WHEREAS, Declarant is owner of the real property situated in the State of Alaska, Third Judicial District, Kenai Recording District, legally described as set forth in the attached "Exhibit A" which is incorporated herein by reference; and

WHEREAS, Declarant has established a general plan for the improvement and development of said real property and desires to create covenants, conditions and restrictions upon which and subject to which that portion of said real property shown and legally described in "Exhibit B", incorporated herein by reference, shall be improved, or sold and conveyed by it, as owner thereof.

NOT THEREFORE, Declarant does hereby establish and impose upon said Lots described in said "Exhibit B", provisions, conditions, restrictions, covenants, easements and reservations upon and subject to which each and all of said Lots as provided for herein shall be held, occupied, leased, sold, and/or conveyed by Declarant or Declarant's successors. Said covenants shall run with said lots for the benefit of said Subdivision and each and every such lot, and for the benefit of each owner of one or more lots therein, and their assigns and successors in interest, and shall apply to and bind the respective successors in interest of Declarant and the owners of each and every lot in said Subdivision from and after the recordation of these Declarations. Said provisions, conditions, restrictions, covenants, easements and reservations now made applicable to said lots are as follows:

1. LAND USE AND BUILDING TYPE

No lot or other portion of the real property described shall be used for any purpose other than described in the following paragraph.

Block H
Lots 11 through 21, single family.

Block N
Lots 11 through 20, single family.

Block T
Lots 1 through 8, single family.

Block U
Lots 1 through 20, single family.

2. DWELLING COST AND QUALITY

No dwelling shall be permitted on any lot at a cost of less than \$45,000.00 based upon cost levels prevailing on the date these conditions, restrictions, and covenants are recorded, it being the intention and purpose of such conditions, restrictions, and covenants to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date such conditions, restrictions, and covenants are recorded at the minimum cost stated herein.

3. BUILDING LOCATION

(a) No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum setback lines shown on the recorded plat. In any event, no building shall be located on any lot nearer than 25 feet to the front line, or nearer than 20 feet to any side street line.

(b) No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 60 feet or more from the minimum building setback line.

(c) No dwelling shall be located on any lot nearer than 15 feet to the rear lot line.

(d) For the purpose of these conditions, restrictions and covenants, eaves, steps, and open porches shall not be considered as a part of the building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

4. TIME FOR CONSTRUCTION

Any and all improvements erected upon any lot in said Subdivision shall be completed with reasonable diligence.

5. EASEMENTS

Easements for installation and maintenance of utilities, drainage facilities, and natural vegetation screening, are reserved as shown on the recorded plat. Within these easements no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of the utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

6. NUISANCES

No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

7. TEMPORARY STRUCTURES

No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

8. SIGNS

No signs of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by owner or a builder to advertise the property during the construction and/or sales period for marketing Subdivision lots.

9. LIVESTOCK AND POULTRY

No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose. And

further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.

10. GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish. Trash or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the disposal or storage of such material shall be kept in a clean and sanitary condition.

11. WATER SUPPLY

No individual water supply system shall be permitted on any lot.

12. SEWAGE DISPOSAL

No individual sewage disposal system shall be permitted on any lot.

13. SIGHT DISTANCE AT INTERSECTIONS

No fence, wall, hedge or shrub plantings which obstruct sight lines at elevations of between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property line and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property line extended. The same sight line limitations shall apply to any lot within 10 feet from the intersection of a street property line with the edge of a driveway. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

14. TREES

No owner shall be permitted to completely clear a lot on which standing trees of size and beauty exist. Space may be cleared for construction, and trees may be thinned so long as maximum natural beauty and esthetic values of such trees are retained.

15. RESUBDIVISION

The area of the lots herein described shall not be

reduced in size by resubdivision, except that owners of three (3) contiguous lots may divide the inner lot, or middle lot, thus increasing the size of the two remaining lots which shall then be treated for all purposes pertinent to these conditions, restrictions and covenants, as enlarged single lots.

16. TERM

These conditions, restrictions and covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty (30) years from the date these conditions, restrictions and covenants are recorded, after which time said conditions, restrictions shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said conditions, restrictions and covenants in whole or in part.

17. REMEDIES FOR VIOLATIONS - INVALIDATIONS

(a) Declarant may abate Violation. For a violation or breach of any of these conditions, restrictions or covenants by any person claiming by, through, or under the Declarant, or by virtue of any judicial proceedings, the Declarant, and the lot owners, or any of them severally shall have the right to proceed at law or in equity to compel a compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing right, the Declarant shall have the right whenever there shall have been built on any lot any structure which is in violation of these restrictions, to enter upon the property where such violation of these conditions, restrictions and covenants exists and summarily abate or remove the same at the expense of the owner, and any such entry and abatement or removal shall not be deemed a trespass. The failure to promptly enforce any of these conditions, restrictions or covenants shall not bar their enforcement.

(b) Record Notice. Notwithstanding anything contained in this article, there shall be no right of re-entry as provided thereinabove, nor shall there be any right to enforce any remedies set forth in these Declarations until ten (10) days after there is recorded with the Recorder of Kenai District a Notice of Breach of this Declaration, which Notice shall state: The provisions hereof which have been breached, a description of the lot, the name of the person who has breached these restrictions, the name of the record owner of said lot, and an affidavit that a copy of said notice was served on any person present, if any, on the lot, and a copy

of said notice posted on a stake in a conspicuous place on said lot or common area. Any such Notice must be signed by Declarant, or the record owner of one or more lots in the Subdivision.

(c) Attorneys Fees and Costs. Whenever the Declarant, or any person entitled to enforce any rights hereunder, engages in legal proceedings to enforce the same, and prevails in said proceedings, the person violating said restrictions by acceptance of the title to said lot does hereby agree to pay to the prevailing party such reasonable attorney's fees and court costs as are awarded by any court.

18. RESERVATIONS

Declarant, its successors and assigns, for the purpose of further insuring the development of the real property which is the subject of these conditions, restrictions and covenants, as an area of high standards, reserves the right:

- (1) to change, lay out a new, or discontinue any street, avenue or way shown on a filed plat which is not necessary for ingress or egress to or from an owner's premises, subject to the approval of the City of Kenai, or the platting authority, or both, if required.
- (2) to make such further exceptions, amendments and additions to these conditions, restrictions and covenants as it shall deem reasonably necessary and proper.

19. ASSIGNMENT OF RIGHTS AND POWERS

Any and all of the rights and powers and reservations of the Declarant herein contained may be deeded, conveyed and/or assigned to any other corporation or association which is now organized, or which may hereafter be organized, and which will assume the duties of Declarant hereunder pertaining to the particular rights and powers and reservations assigned, and upon any such corporation or association evidencing its consent in writing to accept such assignment and assume such duties, it shall, to the extent of such deed, conveyance or assignment, have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by Declarant herein; and thereafter, upon the sale by Declarant of all lots in the Subdivision covered herein, Declarant shall be relieved from that time on of the performance of any further duty and/or obligation hereunder.

20. WAIVER

Any delay or omission on the part of the Declarant, or its successors or assigns, or the owners of other lots or parcels in the Woodland Subdivision, in exercising any rights, powers, remedy or remedies provided by law or herein, in the event of any breach of the conditions, restrictions and covenants herein contained, shall not be construed as a waiver thereof or acquiescence therein, and no right of action shall accrue nor shall any action be brought or maintained by anyone whatsoever against the Declarant for on account of its failure to bring any action on account of the breach of these conditions, restrictions and covenants, or for imposing restrictions herein which may be unenforceable.

*Hall Construction Co.
Jens A. Hall*

In witness whereof I have set my hand and seal this
4th day of December, 1978
Clarence Ullsten
NOTARY PUBLIC IN AND FOR ALASKA
My Commission Expires 12/13/82

STATE OF ALASKA)
Third JUDICIAL DISTRICT) ss:

Jens G. Hall and _____
appeared before me, the undersigned Notary Public in and for Alaska, on this 4th
day of December, 1978, at Anchorage, Alaska. I know them to be
the President and Kenai of
Hall Construction Company, an Alaskan corporation.
They said that they knew the contents of the foregoing instrument and acknowledged
the same to be the act of said corporation, done by authority of its Board of Directors.

WITNESS my hand and official seal.

Clarence Ullsten
Notary Public in and for Alaska
My commission expires: 12/13/82

78 010739
1700
INDEXED-FILED
ALASKA REC.
DISTRICT
Dec 4 3 54 PM '78
REQUESTED BY Clint Hall
ADDRESS Box 2829, Kenai
667

Hello, long-time City of Kenai and Woodland Subdivision (1078 Walnut Ave) resident Joseph Huard here.

I strongly oppose the disaster otherwise known as Ordinance No. 3332-2023 ...

Some random thoughts ...

Question: Why are there RS1 and RS2 zones in the City of Kenai?

Answer: Because the residents of the RS1 and RS2 zones said 'enough is enough' with the perennial attempts at getting chickens crammed down their throats, so they organized to get rezoned as chicken-free areas.

Question: If chickens in the city are so great, why are they banned in the RS1 and RS2 zones?

Answer: Maybe because chickens in the city are not so great?

If I wanted to live among chickens, I would have purchased a home in an area that allowed chickens. But I didn't want to live among chickens, so in 1997 I purchased my home in Kenai in an area that didn't allow chickens. It's a betrayal if I will now be forced to live among chickens. It's not what I signed up for.

I know from bitter experience how easily a mismanaged chicken operation can adversely impact the quality of life in a neighborhood. I live right around the corner from the chicken fiasco on Poplar Circle that is now, blessedly, gone. All that remains of the operation is the blue tarp eyesore they left behind. Keep in mind, that enterprise was run by a chicken 'pro'; I can only imagine how badly things might end up when amateurs set up shop around here.

I live next door to the smallest lot in the entire Woodland Subdivision at 7,288 sq ft. My lot, at 7,350 sq ft is the second smallest in Woodland. The largest lot contiguous to my lot is 11,278 sq ft. I share a corner post with four other lots. That's five lots sharing one corner post. From my backyard I have a view of six backyards besides my own. Yes I said six. Six backyards with 12 chickens per back yard equals 72 chicken hens. That's a lot of those adorable little mother cluckers I may have to live with. There'll be quite the cloud of bloody chicken feathers floating in the air if all six of my neighbors decide at the same time to start chopping the heads off their adorable chickens.

Some people might dismiss the idea that what I describe (72 chickens) could actually happen. These same people tell us how popular chickens would be if only they were allowed in the city. If chickens end up being as popular as they tell us, I could very well end up looking at 100 hens, due to a lack of enforcement of what are, essentially, unenforceable requirements. They say it won't happen, but what if it does happen? Where does that leave me?

Barbara Kennedy, in her January 25 testimony in front of the Kenai Planning and Zoning Commission, said where she lives, on North Lupine Ave, 'there are chickens everywhere'. The same thing could happen in Woodland Subdivision. I don't want to see 'chickens everywhere'. It's the Woodland Subdivision, not the Woodland Zoo.

Predators like the taste of chicken, I'm not sure why, maybe because it tastes like chicken. No chickens means less predators.

Dogs bark at chickens. No chickens = less barking.

What is it about blue tarps and chicken wire? They always seem to go together (see photo on page 6).

Don't like looking at your neighbor's dirty, disgusting chickens? Do you consider them to be a nuisance? Chicken owners refuse to put up privacy fencing? Remember, chickens in and of themselves can not be considered a nuisance if the Ordinance passes. Your option: Put up a tarp (preferably blue).

If I decide to sell and I have chickens on either or both sides of me, my property will likely take much longer to sell and I will likely have to settle for a lower amount than I could get otherwise. That's despite all the starry-eyed claims of chicken popularity; most people, if given a choice, simply do not want to live next door to a freaking chicken coop. Chickens have never been a selling point. Anywhere. You don't find real estate agents using chickens as a selling point in their listings. And we all know why.

Woodland Subdivision could easily end up having many more chickens than people. And that's with just a few coops. If I wanted to live in an area with more chickens than people I would have bought a farm outside of town. A farm is a place where farmers grow crops and raise livestock, such as chickens. You know. A farm. Not a Woodland Subdivision back yard.

We aren't living in the food-insecure Bush. We've got plenty of food security around here. It's called IGA, Walmart, Safeway, Fred Meyer, Arby's, McDonald's, Subway, and most importantly, Taco Bell. I've worked in the Bush. The Bush has food insecurity. The Bush would love to have to suffer under the jack boot heel of our so-called 'food insecurity'. You want food security? Plant a garden. Tomatoes, cucumbers, rhubarb. Just don't plant eggplant. I *hate* eggplant.

First marijuana moves in, next the chickens move in, then it will be the potheads chasing their loose chickens around the neighborhood (and scaring the moose) because they were too stoned to remember to close the door to their chicken pen.

Instead of a mere seven politicians deciding on whether to destroy the character of the city, why not instead let we the people decide. Let's vote on it! Or you could instead do what all the previous City Councils did when this issue popped up-- they killed it in its cradle.

Let's keep the status quo. If people are keeping chickens under the table, they know they'll have to be discreet, and they'll be more likely to want to keep their neighbors happy. If chickens are made legal, unscrupulous people will be able to say EFF OFF to their neighbors, secure in the knowledge that the law is unenforceable.

However, if you insist on going forward with this fiasco:

A permitting process is an absolute must. That way, at least initial compliance with the law is ensured. It won't change the reality that the law will be unenforceable after initial compliance is achieved, but at least it's something.

The clause in the proposed law that says, 'The keeping of chicken hens ... does not in or of itself constitute a nuisance or a disturbance' needs to be carefully looked at. It was included for a reason. I don't believe dogs and cats enjoy that same kind of protection. I wonder why chickens get that protection and dogs and cats don't. Why are chickens granted 'protected class' status? There has to be a reason.

The Kenai City Attorney is tasked with looking out for the City of Kenai's best interests. Among his duties is one that commits him to ensure that any law passed by the City Council has minimal adverse financial impact on the City's coffers. The successful EXCLUSION from the Ordinance of the expensive, time-consuming, logistically night-marish permitting process will be a tremendous victory for the City Attorney and will make the City of Kenai very happy. With a permit process excluded from the Ordinance, the City Attorney will have done a good job in looking out for the interests of his boss, the City of Kenai.

The Kenai City Council is tasked with looking out for the residents of the City of Kenai's best interests. Among its duties is one that commits it to ensure that any law passed by the City Council has minimal adverse quality-of-life impact on the City's residents. The successful INCLUSION in the Ordinance of the quality-of-life-enhancing permitting process will be a tremendous victory for the City Council and will make the residents of the City of Kenai very happy. With a permit process included in the Ordinance, the City Council will have done a good job in looking out for the interests of its boss, the residents of the City of Kenai.

With the Ordinance soon to be in City Council's hands for final decision, now all the slick, fast-talking City Attorney has to do is relax and play the waiting game to find out if he was able to successfully sneak one past a majority of those gullible rubes on the City Council ...

If the City Council wants to make the vast majority of the residents of the City of Kenai supremely ecstatic, then with extreme prejudice they will proceed to nuke from orbit the entire Ordinance, or if not from orbit, at least from the tip of the spire of the Holy Assumption Russian Orthodox Church. It's the only way to be sure ...

Let me tell you about the fever dream I had the other night ...

Kenai City Council Member Alex Douthit ambles into Kenai City Attorney Scott Bloom's office on a blustery December 2022 morning and says, 'I want chickens, can you help me write up an Ordinance?'

Bloom says, 'Sure, I'll help, but keep in mind, I represent the City, and my goal will be to ensure the financial burden on the City is kept to a minimum. Do you want a permitting process?'

Douthit says, 'Permitting process? Good God no, not if I can get away without one.'

Bloom responds, 'Whoopee! You just saved the City a ton of expense and headache.'

Bloom then asks, 'How many chickens do you want?'

Douthit says, 'Put me in for twelve. I'll get the City Council to settle for six. The City Council will then be able to tell the hayseed constituents that they were able to win a tremendous victory for them, by fighting hard to whittle down the chicken count by fifty percent. Heck, it won't matter anyway-- without a permitting process, the entire law will be pretty much completely unenforceable. Am I right, or am I right? BWA-HA-HA-HA-HA-HA!'

Bloom joins in, 'BWA-HA-HA-HA-HA-HA!'

Douthit asks, 'When can you get on this?'

Bloom replies, 'I'll start to work on this bad-boy as soon as I'm done with my three-hour lunch.'

Douthit says, 'Okay, I don't care how you go about it, I just want me some of them thar chickens!'

Bloom says, 'Oh by the way, congrats on your getting elected to the City Council. I saw that you attended your first Council meeting on October 19th. Here it is December, and you're working on your first piece of legislation. Chickens. I don't recall you having run on the Chickens in Every Backyard platform. Or did I miss something?'

Douthit replies, 'What, are you kidding? If I tried running on the chicken platform, I would have been defeated in a landslide at the polls. And then I probably would have been tarred and feathered and run out of town on a rail. No, the chickens are for me.'

Bloom says, 'Tarred and feathered? You mean like with chicken feathers?'

Douthit says, 'Yea, like with chicken feathers. BWA-HA-HA-HA-HA-HA!'

Bloom joins in, 'BWA-HA-HA-HA-HA-HA!'

Bloom then says, 'So you're one of those 'self-serving politicians' I've heard so much about.'

Douthit says, 'Yup, that's me! BWA-HA-HA-HA-HA-HA!'

Bloom once again joins in, 'BWA-HA-HA-HA-HA-HA!'

After the exchange of a vigorous series of 'high fives', Douthit proceeded on his way and Bloom commenced to grapple with his three-hour lunch.

I woke up screaming, my sheets drenched in sweat, my heart pounding, body trembling. And so my fever dream came to it's frightening end. You will not be surprised when I tell you that I've been afraid to go to sleep ever since ...

Update with a twist:

The update:

At the 02/01 Kenai City Council meeting my letter to Council, addressing Ordinance 3332-2023, along with its attachment, was placed on the laydown table for public perusal. Included in today's package is said letter, along with it's attachment (see pages 8 and 9). That night, after the City Council meeting was adjourned, the author of the Facebook post shown in the attachment went on Facebook and edited her post by removing the post's first sentence, which had read:

"I mean 'egg songs' by hens can be just as loud if not louder than rooster crows."

The 'Edit History' of her post can be found on page 7 .

The twist:

I said all that to say this: By her removing the first sentence, it focused my attention on the second sentence, which I never really noticed before, what with the shock I felt when I read her '*admission accablante*' in her first sentence that CHICKEN HENS CAN BE JUST AS LOUD IF NOT LOUDER THAN ROOSTER CROWS. Her second sentence reads as follows:

"Folks just need to accept animals make noise."

Here we have another damning admission. I believe what the author is implying is, 'I don't mind the chicken noise, and neither should you. So you might as well get used to it, because chickens make a LOT of noise.'

I'm confident I speak for many when I say this:

I accept that animals make noise, I just don't want to have to start getting used to being surrounded by constant noise from my neighbors' chickens. I enjoy my peace and quiet. I don't want to have to hear a bunch of chicken hens at times squawking LOUDER than roosters can crow.

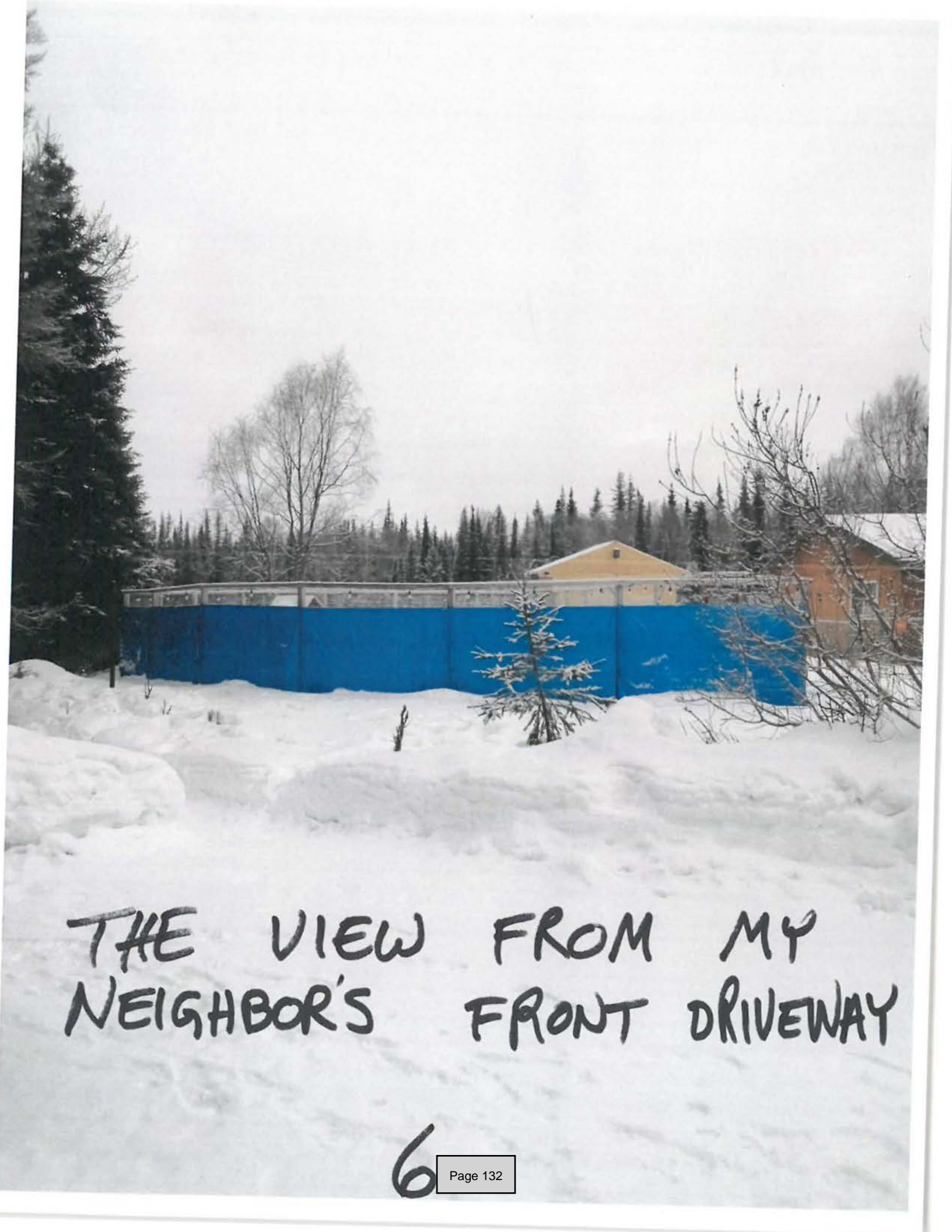
In conclusion:

At the 01/25 Planning and Zoning Commission Regular Meeting, the City of Kenai Chief Animal Control Officer was asked for is opinion on what kind of impact the passing of Ordinance 3332-2023 might have on his ability to do his job. His response:

'I don't have an answer to that ... I don't know what the future holds.'

Yikes. Methinks we're about to find ourselves in some big trouble around here. In the words of the immortal Bette Davis,

***'FASTEN
YOUR
SEATBELTS,
IT'S GOING TO
BE A BUMPY
RIDE'***



THE VIEW FROM MY
NEIGHBOR'S FRONT DRIVEWAY

6

ORIGINAL

Edit History



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.

January 9 at 11:32 AM



Lisa Marie Hansen

Sarah Rigsby 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.

February 1 at 10:06 PM

Edits to comments are visible to everyone who can see this comment.

EDITED

VERSION

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

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



Sarah Rigsby

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

Like Reply 3w



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



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



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!!!

9

Uncle Sam Expects You To Keep Hens and Raise Chickens



Two Hens in the Back Yard for Each Person in the House Will Keep a Family In Fresh Eggs

EVEN the smallest back yard has room for a flock large enough to supply the house with eggs. The cost of maintaining such a flock is small. Table and kitchen waste provide much of the feed for the hens. They require little attention—only a few minutes a day.

An interested child, old enough to take a little responsibility, can care for a few fowls as well as a grown person.

Every back yard in the United States should contribute its share to a bumper crop of poultry and eggs in 1918.

In Time of Peace a Profitable Recreation

In Time of War a Patriotic Duty

For information about methods of Back-Yard Poultry Keeping suited to your location and conditions, write

Your State Agricultural College

or

The United States Department of Agriculture
Washington, D. C.

From: Krystal Ruiz <krystalruiz920@gmail.com>
Sent: Thursday, February 9, 2023 4:27 PM
To: City Clerk
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.

Good afternoon,

I'm writing to whomever it may concern, my name is Krystal Ruiz (Phoebe Ruiz is my social media name) it was brought to my attention that a comment of mine on social media was used on the opposing side of Ordinance No. 3332-2023a. I'd like it publicly known that I am against Joesph Huards opposition, I fully disagree with him. I am in FULL SUPPORT of Ordinance No. 3332-2023a. My husband Anthony Ruiz and I both are. Below you will see the picture of the comments I am referencing too. Thank you for your time.

Krystal Ruiz
907-215-0335

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

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

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

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: [Lupine Orlob](#)
To: [City Clerk](#)
Subject: ATT. planning and zoning and council meeting regarding chickens
Date: Friday, February 10, 2023 11:13:56 AM

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

My name is Lupine Orlob, I am an OWNER of property in the Woodland subdivision. I have owned my home for over 12 years, I ABSOLUTELY support having chickens in our neighborhood. As a owner who used to have a neighbor with chickens I do know all that it intails and had no problem with it. Many people need chickens for food, eggs, and income. or 4h, help youngers learn about life and earning money with it. obviously a limit/number of them needs to be reasonable, . Please add my email to the ordinance in support of the 12 chickens in city limits..... Thank u for your time, Lupine Orlob

February 13, 2023

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

Ordinance No. 3332-2023 (Chickens)

Dear Council Members and Commissioners:

Attached to this letter is a map showing (in orange highlight) the many small lot subdivisions in the Kenai core which have “no poultry” covenants, together with cites from those subdivision covenants.¹ Six (6) of the seven (7) subdivisions are in the RS Zone. As you can see, there are at least 927 lots in the Kenai core/RS zone with poultry bans.² There are 2,453 lots in the RS zone; these “poultry ban” lots are **at least 38%** of the total RS-zoned lots.

The point of this research is to show you that many hundreds of people bought residential lots in the Kenai core/RS zone knowing their lots had poultry bans; yet there has been no vast outcry from these residential lot owners for the City of Kenai to pass an ordinance like 3332-2023. So far as I have seen in the public comments, there have only been a few RS zoned-lot **owner/occupants** that support Ordinance 3332-2023. Please vote Ordinance 3332-2023 down as written; it has too many problems with it as is. Or, at least remove the RS zone from the ordinance. Thank you for considering my request.

Sincerely,



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

¹ This is a just a partial list, of the largest subdivisions -- what I was able to complete by today.

² The 927 lot count does not include Inlet View Subdivision (off Rogers Road), which has a poultry ban covenant but which is zoned RS-1, which is excepted from Ordinance 3332-2023.



- 1 = MEMMONS'
- 2 = Windhaven
- 3 = Inlet Woods
- 4 = Woodland I-II-III-IV
- 5 = Redoubt Terrace
- 6 = Central Heights
- 7 = Inlet View (RS-1)

Some Subdivisions in Kenai with poultry bans = 927 Lots in RS zone

**PARTIAL LIST OF RESIDENTIAL SUBDIVISIONS IN THE KENAI
CORE (RS ZONE) WITH POULTRY BANS**

Central Heights Subdivision, Plat No. K-1546 etc.: **86 lots**; smallest 6,004 s.f., largest 13,639 s.f.
Inlet Woods Subdivision Part I, Plat No. 84-279: **178 lots**, smallest 7,455 s.f., largest 26,500 s.f.
Mommsen's Subdivision, Plat No. K-1222 etc.: **187 lots**.
Redoubt Terrace Subdivision, Plat No. K-1474 etc.: **180 lots**; smallest 7,499 s.f., largest 25,418 s.f.
Windhaven Estates Phase 1, Plat No. 98-26: **33 lots**; smallest 15,000 s.f., largest 18,488 s.f.
Woodland Subdivision Part I, Plat No. K-1522: **113 lots**, smallest 9,773 s.f., largest 22,073 s.f.
Woodland Subdivision Part II, Plat No. K-1543: **51 lots**, smallest 8,211 s.f., largest 13,529 s.f.
Woodland Subdivision Part III, Plat No. K-1571: **49 lots**, smallest 7,397 s.f., largest 10,795 s.f.
Woodland Subdivision Part IV, Plat No. 78-208: **50 lots**, smallest 7,288 s.f., largest 23,259 s.f.

Total residential subdivision lots listed above with poultry bans: 927 lots

Central Heights Subdivision, Developer: M & S Development Company

- Subdivision Plat No. K-1546, recorded 5/14/1968, Kenai Recording District.
- Covenants recorded 5/14/1968, Misc. Book 31 Page 61, Kenai Recording District:¹

“11. Livestock and Poultry.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

Inlet Woods Subdivision Part One, Developers: MSM and San Lar, Inc.

- Subdivision Plat No. 84-279, recorded 10/23/1984, Kenai Recording District.
- Covenants recorded 8/15/1985, Book 268 Page 636, Kenai Recording District:

“No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.”

Mommsen's Subdivision Addition No. 1, Developer: Morris Killen

- Subdivision Plat No. K-1222 recorded 7/3/1962, Kenai Recording District.
- Covenants recorded 4/3/1964, Misc. Book 13 Page 48, Kenai Recording District:²

“C11. LIVESTOCK AND POULTRY. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes. No more than two dogs of the “husky” or “sled” type or breed may be kept or permitted on any lot.”

¹ These covenants apply to the entire piece of property owned by the developer, including original subdivision lots in Plat No. K-1546, and later additions, Plat Nos. 83-66 and 88-54.

² These covenants apply to the entire piece of property owned by the developer, including original subdivision lots in Plat No. K-1222, and later additions (many).

Reboubt Terrace Subdivision, Developer: Fourth Avenue Investment Company

- Subdivision Plat No. K-1474, recorded 5/31/1967, Kenai Recording District.
- Covenants recorded 5/31/1967, Misc. Book 26 Page 312, Kenai Recording District:³

“13. Livestock and Poultry.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

Windhaven Estates Phase 1, Developer: Clint D. Hall

- Subdivision Plat No. 98-26, recorded 6/22/1998, Kenai Recording District.
- Covenants recorded 7/22/1998, Book 535 Page 567, Kenai Recording District:

“No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets, limited to three (3), may be kept provided that they are not kept, bred or maintained for any commercial purpose.”

Woodland Subdivision Part I, Developer: Collier Carbon and Chemical Corporation

- Subdivision Plat No. K-1522, recorded 12/15/1967, Kenai Recording District.
- Covenants recorded 12/15/1967, Misc. Book 29 Page 187, Kenai Recording District:

“13. LIVESTOCK AND POULTRY.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

Woodland Subdivision Part II, Developer: Collier Carbon and Chemical Corporation

- Subdivision Plat No. K-1543, recorded 4/18/1968, Kenai Recording District.
- Covenants recorded 4/19/1968, Misc. Book 30 Page 292, Kenai Recording District:

“12. LIVESTOCK AND POULTRY.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

³ These covenants apply to the entire piece of property owned by the developer, including original subdivision lots in Plat No. K-1474, and later additions, Plat Nos. K-1519, 75-86, 76-96, 81-134, 83-7, 83-29, 83-207, 94-49.

Woodland Subdivision Part III, Developer: Woodland Development Corporation

- Subdivision Plat No. K-1571, recorded 8/23/1968, Kenai Recording District.
- Covenants recorded 8/23/1968, Misc. Book 32 Page 223, Kenai Recording District:

“12. LIVESTOCK AND POULTRY.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

Woodland Subdivision Part IV, Developer: Hall Construction Company Inc.

- Subdivision Plat No. 78-208, recorded 12/1/1978.
- Covenants recorded 12/4/1978, Misc. Book 136 Page 499, Kenai Recording District:

“9. LIVESTOCK AND POULTRY.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. And further provided that no more than one dog of sled type breed may be maintained, and all dogs shall be restrained as necessary, to prevent their becoming nuisances.”

February 15, 2023

City Council, Planning & Zoning Commission
City of Kenai

Dear Councilors and Commissioners:

RE: Ordinance No. 3332-2023

Property owners in Woodland Subdivision, zoned RS (one of the three Suburban Residential Zones), questioned the inequity (and lack of rational basis) for excepting RS-1 and RS-2, but not RS, from KMC 3.10.070 Livestock within city limits, when all three are Suburban Residential Zones. The Land Use Table for RS, RS-1 and RS-2 Zones all have a "N" for **Not Permitted** for "general agriculture." The minimum lot size in RS and RS-2 is 7,200 s.f., while the minimum lot size in RS-1 is 12,500 s.f. The raising of chickens will have similar impacts on all of these Suburban Residential Zones, but only properties in RS Zone are subject to the impacts that will be caused by this ordinance as written.

At a recent council meeting, an answer was offered: that residents in RS-1 and RS-2 Zones had asked for more restrictions. We did not find that answer to be true when we researched the facts of the introduction and passage of the Title 3 livestock ordinance, that was enacted by Substitute Ordinance No. 1864-2000, *An Ordinance Of The Council Of The City Of Kenai, Alaska, Prohibiting The Keeping Of Livestock On Certain Lots Within The City Of Kenai* (Suggested by the Planning & Zoning Commission).


The Minutes and Notes of the P&Z Commission meetings and work sessions show that Ordinance No. 1864-2000 originated at the Commission. These Minutes and Notes do not show that residents of RS-1 and RS-2 Zones requested prohibition. The Commissioners considered zones and lot sizes and what livestock should be allowed in what zones and at what minimum lot sizes.

And the Notes of the 4/12/2000 Work Session of the PZC, page 2, contain the following key paragraph:

Graves indicated that the list of animals was developed in a brainstorm session and that the list could be changed. Graves addressed Option (d)(1), the circus option and asked if anyone had a problem with it. Discussion took place and it was recommended that RS1, RS2, RU and TSH zones be listed. This would leave the RR and commercial zones available.

The intent was to allow livestock, including chickens, in the RR and commercial zones, and to restrict livestock in the zones listed as excepted zones. It doesn't appear that the RS Zone was intentionally excluded from the excepted zones. This appears to be an oversight in the legislative process, and this has resulted in an arbitrary outcome that continues in Ordinance 3332-2023.

As Dan Conetta, Dave and Kim Howard, and Kristine Schmidt have also requested, the Commission can recommend to Council, and the Council can amend the ordinance to except the RS Zone from the keeping of chickens, just like the RS-1 and RS-2 Zones are excepted zones.



Bob Molloy, 513 Ash Avenue, Kenai, AK

**CITY OF KENAI
PLANNING & ZONING COMMISSION
KENAI CITY COUNCIL CHAMBERS
APRIL 12, 2000 - 7:00 P.M.
CHAIRMAN CARL GLICK PRESIDING**

WORK SESSION

The Proposed Livestock Ordinance work session began at 7:17 p.m.

Members Present: Carl, Glick, Phil Bryson, Ron Goecke, Barb Nord, Amy Jackman

Members Absent: Donald Erwin, Don Gough

Others Present: Councilman Duane Bannock, Chief Animal Control Bill Godek, City Attorney Cary Graves, Administrative Assistant Marilyn Keschull, Contract Secretary Barb Roper

Goecke, who introduced the proposed livestock ordinance again expressed his strong desire to have an ordinance which the Commission could refer to when situations arise involving livestock in certain zones and lots under three acres within the City of Kenai.

P&Z Commissioners had the following comments regarding the proposed ordinance:

- Jackman referenced the list of animals that should not be allowed within the City and thought that bees should not be included, as they didn't appear to be a problem to those individuals she knows who have bees. She noted, bees are only kept for a short period during the year. Jackman also felt the lot size should be limited to 1.5 or 2 acres.
- Nord also referenced the list and thought that pigeons should be allowed, as they are not a detriment. With regard to lot size, Nord didn't think the lot should be less than 20,000 sq. ft.
- Bryson explained the handout provided prior to the work session (which he prepared). He noted, the spreadsheet listed various subdivisions with the total lots less than 14,000 and 20,000 sq. ft. The spreadsheet was discussed in detail.

Bryson referred to the draft ordinance included in the packet with options listed. With regard to Option 1, Bryson indicated he was receptive to 20,000 sq. ft or greater. In Option 2, Option 2.1 to 18,000 sq. ft. This could increase with the number of living units on the parcel. Bryson didn't think livestock should be allowed in the RU, RS1, RS2, and TSH zones. On page two of the draft ordinance, Item (d)(2), Bryson stated he would like RU inserted in the blank to indicate the zone. Further, Bryson would like the permit not to exceed two years (Option 1.2). In regard to Item (d)(3) regarding variances, Bryson

explained situations where variances may be necessary. Bryson thought Item (e) was reasonable and in Item (f) Option 1, 25' was appropriate on the side yard setback, 50' from the front and 10' from the back. This should also include 50' from the adjacent residences.

Bryson pointed out the ordinance did not address pets that may fall on the list of livestock (referring to the list of animals not allowed). With regard to the list, Bryson looked at it with size of animal, odor, noise and safety. Bryson thought buffalo should be changed to bison; Items 11 and 12 should not be on the list; and Items 17, 18 and 23 should also be removed.

Bryson indicated he was not in support of the ordinance but would try to suggest something workable.

- Godek thought that if there was going to be a livestock ordinance, individuals living in rural residential areas could have what they want within reason as they were living in a RR zone for the purpose of having animals. Godek indicated he added the rare birds as they were becoming more and more popular and could be dangerous if let loose. Godek indicated there is a rather large pigeon population in Kenai and that cats are a constant complaint at the animal shelter. Godek thought that Bryson's recommendations were very reasonable. Godek provided Commissioners with a list of properties with large animals.

-
- Graves indicated the list of animals was developed in a brainstorm session and the list could be changed. Graves addressed Option (d)(1), the circus option and asked if anyone had a problem with it. Discussion took place and it was recommended that RS1, RS2, RU and TSH zones be listed. This would leave the RR and commercial zones available.

-
- Kebschull echoed Bryson and Godek's comments regarding lot sizes.

After individual comments were made, a lengthy discussion ensued. It was decided that on Attachment A, the list of animals not allowed, Item 3 would be changed to Bison; and Items 17 and 23 would be removed. Rabbits and ducks would remain for now and a public hearing would be scheduled.

Prior to closing the work session, Graves requested anyone with ideas or input for the sign code re-write to contact him and noted, the sign code needed to be addressed as variances for signs had become the rule and not the exception.

Graves congratulated Kebschull on the grant for economic development. The City had received very positive comments regarding the grant application.

Work session ended at 8:20 p.m.

Respectfully submitted,

Barbara L. Roper, Contract Secretary

CITY OF KENAI
PLANNING AND ZONING COMMISSION

RESOLUTION NO. PZ00-09

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, RECOMMENDING THE KENAI MUNICIPAL CODE AT 3.10 BE AMENDED.

WHEREAS, the keeping of livestock on small lots within the City of Kenai creates sanitary, hygiene and odor problems; and

WHEREAS, the keeping of livestock on small lots within the City of Kenai in some instances reduces nearby property values; and

WHEREAS, restricting the keeping of livestock to lots of adequate size will reduce such problems; and

WHEREAS, it is in the best interest of the City of Kenai to restrict the keeping of livestock within the City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THAT KMC 3.10.070 is enacted as follows:

3.10.070 Livestock within the city limits:

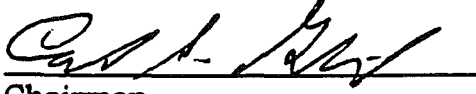
- (a) Except as otherwise provided in this section, no person shall keep or maintain livestock within the City of Kenai.
- (b) Livestock may be kept on lots of 20,000 square feet or greater. On lots containing two-family or multiple family dwelling units, no livestock shall be allowed on lots containing less than 18,000 square feet per dwelling unit. 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.
- (c) In this section "livestock" is defined as the following animals:

- | | |
|-------------------|-------------|
| 1. Cow | 11. Ratite |
| 2. Horse | 12. Duck |
| 3. American bison | 13. Goose |
| 4. Llama | 14. Chicken |
| 5. Alpaca | 15. Turkey |
| 6. Sheep | |
| 7. Swine | |
| 8. Goat | |
| 9. Mule | |
| 10. Donkey | |

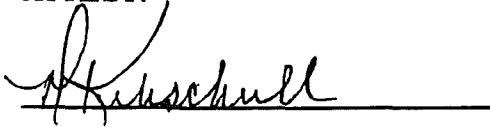
- (d) (1) Except for the RS1, RS2, RU, TSH zone(s), the Chief Animal Control Officer may issue temporary permits of not more than fourteen (14) days for the keeping of livestock not otherwise allowed for public exhibitions or entertainment events. The Chief Animal Control Officer may impose conditions 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 Manager may set a permit fee as set out in KMC 7.15.100.
- (d)(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 ordinance. 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 Manager may set a permit fee as set out in KMC 7.15.100.
- (d)(3) If two or more lots of continuous frontage are owned or leased by the same person(s) and the combined square footage of such lots otherwise meets the requirements of this ordinance for the keeping of livestock, such lots shall be considered a single lot for purposes of this ordinance.
- (e) Lots on which livestock are kept on the effective date of this ordinance which are not eligible for the keeping of livestock under this ordinance 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 this ordinance.
- (f) Corrals, pens, hutches, coops or other animal containment structures must have a minimum setback of twenty-five (25) feet from the property's side yards, fifty (50) feet from the front yard, and ten (10) feet from the back yard; and must be secure and in good repair.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING AND ZONING COMMISSION RECOMMENDS TO THE KENAI CITY COUNCIL THAT KMC 3.10 BE AMENDED.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 10th day of May, 2000.


Chairman

ATTEST:



CITY OF KENAI

ORDINANCE NO. 1864-2000

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, PROHIBITING THE KEEPING OF LIVESTOCK ON CERTAIN LOTS WITHIN THE CITY OF KENAI.

WHEREAS, the keeping of livestock on small lots within the City of Kenai creates sanitary, hygiene and odor problems; and

WHEREAS, the keeping of livestock on small lots within the City of Kenai in some instances reduces nearby property values; and

WHEREAS, restricting the keeping of livestock to lots of adequate size will reduce such problems; and

WHEREAS, it is in the best interest of the City of Kenai to restrict the keeping of livestock within the City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THAT KMC 3.10.070 is enacted 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) Livestock may be kept on lots of 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.
- (c) In this section "livestock" is defined as the following animals:

- | | |
|-------------------|-------------|
| 1. Cow | 9. Mule |
| 2. Horse | 10. Donkey |
| 3. American bison | 11. Ratite |
| 4. Llama | 12. Duck |
| 5. Alpaca | 13. Goose |
| 6. Sheep | 14. Chicken |
| 7. Swine | 15. Turkey |
| 8. Goat | 16. Rabbit |

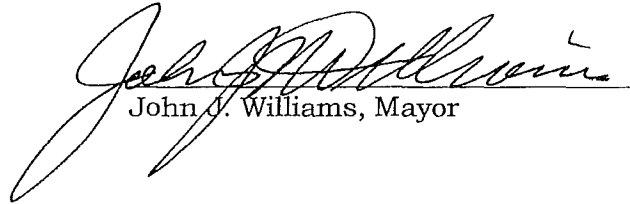
- (d) (1) Except for the RS1, RS2, RU, TSH zone(s), the Chief Animal Control Officer may issue temporary permits of not more than fourteen (14) days for the keeping of livestock not otherwise allowed for public exhibitions or

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 Manager may set a permit fee as set out in KMC 7.15.100.

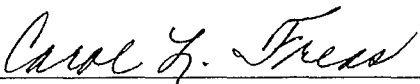
- (d)(2) Except in the RU zone, the Chief Animal Control Officer may, after notifying adjoining property owners in writing and allowing reasonable time for comment, issue a permit for the keeping of livestock for educational or youth activities, such as 4-H, Future Farmers of America, or Boy/Girl Scouts on lots not otherwise eligible under this ordinance. 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 Manager may set a permit fee as set out in KMC 7.15.100.
- (e) Lots on which livestock are kept on the effective date of this ordinance which are not eligible for the keeping of livestock under this ordinance 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 this ordinance. 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 ordinance or outside of the city limits.
- (f) Corrals, pens, hutches, coops or other animal containment structures must have a minimum setback of twenty-five (25) feet from the property's side yards, fifty (50) feet from the front yard, and ten (10) feet from the back yard; and must be secure and in good repair.
- (g) A person seeking relief from the provisions of this section may apply for a conditional use permit under KMC 14.20.150.
- (h) This ordinance will come back to the City Council for review 24 months after the effective date.

SUBSTITUTE
Ordinance No. 1864 -2000
Page 3 of 3

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19th day of July,
2000.


John J. Williams, Mayor

ATTEST:


Carol L. Freas, City Clerk

Introduced:	May 17, 2000
Adopted:	July 19, 2000
Effective:	August 19, 2000

From: [Don Pearce](#)
To: [City Clerk](#)
Subject: Chickens
Date: Wednesday, February 15, 2023 2:19:56 PM

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

I am writing this e-mail in support of allowing chickens within the city limits of Kenai.
Thank you
Don Pearce

Sent from my iPhone

From: [Dan Wolverton](#)
To: [City Clerk](#)
Subject: Chickens inside of City Limits
Date: Wednesday, February 15, 2023 2:59:12 PM

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

Sir/Ma'am,

As a resident of Kenai, I am writing you to provide my opinion on the matter of raising and keeping Chickens inside of city limits.

I have my reservations about this based on concerns of waste, pests, odor, and noise. Although I am not in favor of allowing Chickens to be raised inside City Limits, I believe a compromise could be reached. Maybe Chickens could be allowed for owners of lots/properties in the size of 1 Acre or greater. I think this would allow room for noise and odor dissipation, while making sure pests attracted to waste maintain a distance from neighboring lots.

If you wish to display or read this email publicly, I respectfully request you withdraw my contact information.

Thank you for your time,

Dan Wolverton

From: [Jen Brighton](#)
To: [City Clerk](#)
Subject: chickens in city limits
Date: Wednesday, February 15, 2023 3:39:38 PM

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

Hello,

I am a homeowner in Kenai writing to give my support to having chickens allowed inside city limits.

We have raised chickens for 7 years, and our neighbors have chickens as well. Over the years we and they have had several arrangements for the birds, including free ranging and three different coop styles. Chickens do need a place to roost safely (we lost one to a neighborhood dog and a few to eagles), but they are not loud or destructive animals. They help eat bugs and kitchen scraps, and turn out excellent compost for our garden. The only time they have been disruptive was the one year we accidentally got a rooster, but even he was not as loud as the average pet dog.

Chickens are environmentally friendly and economically practical. A small flock of 6-8 birds can live happily and healthily in a small space and are appropriate for within city limits. Increasing chicken-raising in the area also brings an economic boost, through sharing or sale of eggs, compost, feed, and chicks.

Thank you,
Jen Brighton

From: [Loretta Pearce](#)
To: [City Clerk](#)
Subject: Chickens
Date: Wednesday, February 15, 2023 4:50:58 PM

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

I am writing this to inform you that I am in favor of having chickens. Thank you.
Loretta Pearce

From: [Abe Pellegrom](#)
To: [City Clerk](#)
Subject: Chicken
Date: Wednesday, February 15, 2023 5:17:17 PM

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

Will the city impose a tax on chickens? If I remember correctly the city has a tax for each dog owned by a resident. Who will enforce the rules ? I all about having chickens and livestock. But at what cost ?

RedLine welding
Abe Pellegrom
907-394-2709

From: [Antonio Andrade](#)
To: [City Clerk](#)
Subject: Chickens.
Date: Wednesday, February 15, 2023 6:33:45 PM

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

Please allow chickens within city limits in kenai.

From: germainepatchett@gmail.com
To: [City Clerk](#)
Subject: Chickens
Date: Thursday, February 16, 2023 7:50:21 AM

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

Hello,

Please allow chickens in Kenai city limits. This is Alaska where we strive to be self sustainable. High tunnels, fishing, hunting, foraging... Chickens are not loud, give great fertilizer and double as meat. It'll help feed supply business as feed will be bought, lumber for coops, caterers, feeders, treats and the list goes on. Please say yes.

Germaine Patchett

Sent from my LG V20, an AT&T 4G LTE smartphone

February 16, 2023

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

Re: Opposition to Ordinance No. 3332-2023

We wish to express our strong opposition to the passage of Ordinance No. 3332-2023. We purchased our home in Woodland Subdivision in 1988 (zoned Suburban Residential) because we wanted to live in a residential neighborhood. As responsible home buyers, we read the covenants and the zoning for Woodland Subdivision. 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.

For 35 years we have paid property taxes on a modest home (Lot is 10,170 s.f.) on a cul-de-sac in a nice neighborhood, raised our children here and now are retired here. Passage of this ordinance will dramatically change the residential character of our neighborhood. There is no question that having chickens next door to us has lessened our property value. We and others expressed opposition to our adjacent neighbor's Livestock Permit for Chickens at the June 20, 2022 Board of Adjustment Hearing (Case No. BA-22-01). 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. For nearly three years we witnessed blatant violation of the terms of our neighbor's 2020 permit. If the current laws can't be managed, new and broader allowances won't be enforced either!

This ordinance severely limits the number of properties for residents who don't want to reside near chickens.

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.

We can vouch that a dozen chickens, or several dozen chickens, are a public nuisance in a densely populated subdivision on lots smaller than 40,000 square feet. We prefer to enjoy our front, side and back yard without a dozen or more chickens cackling when the UPS truck shows up or someone walks by, not to mention the squawking as they lay eggs. Along with elevated noise, odors and spread of disease, there is an increased potential for predators, wild and domestic. A press release by the Alaska Dept. of Environmental Protection in October 2022 states at least four backyard flocks had detections of the highly pathogenic avian influenza statewide.

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

As Kenai taxpayers, we feel enough city resources have been spent on this issue. We don't want any chickens next to us. We should not be forced to live next door to chickens. Enforcement of the keeping of chickens parameters in this ordinance should not be complaint driven and the responsibility of the neighbors. We hope the City Council will reject this ordinance entirely. However, if you feel you must take action, please recommend to the City Council to prohibit the keeping of chickens in the RS Zone, like the other residential RS-1 and RS-2 Zones.

Thank you for your consideration in this matter.

Sincerely,

Handwritten signatures of Kim and Dave Howard in black ink. The signature for Kim is above the signature for Dave.

Kim and Dave Howard
P.O. Box 2823
(703 Poplar Circle)
Kenai, AK 99611

February 16, 2023

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

Planning & Zoning Commission, City Council, and Mayor Gabriel,

Subject: Opposition to Ordinance No. 3332-2023
Opposition to chickens being raised in RS Zones like the Woodland Subdivision

I feel that any ordinance that allows for the raising of chickens in the Woodland Subdivision is a violation of public trust. And here's why:

When I bought my house in 1988 I trusted the covenants to protect the values and integrity of the Woodland Subdivision and I trusted our City to honor those covenants. The covenants for the Woodland Subdivision expressly prohibits the raising of poultry. We're not asking the city to enforce the covenants but instead we're asking the city not to pass an ordinance that they know is in direct conflict with our property rights. Passing an ordinance that is in direct conflict with the covenants would cause an obvious dilemma as it provides an avenue for a violation of our covenants. Does the City really want to pass an ordinance that they know is in direct conflict with the covenants of the Woodland Subdivision? I urge the City to comply with our covenants and not compromise the property rights that have been established for our residential neighborhoods. This ordinance, as written, violates the covenants of at least 8 Subdivisions and more than 900 lots. (See comments submitted by Kristine Schmidt)

If we want to open up more areas for raising chickens there are more responsible ways to accomplish this without causing a direct conflict with neighborhood covenants. We already have a zoning district that is set up to do just that. This would be the RR Zone (Rural Residential). I urge the city to use our planning tools correctly and not cause a conflict with our covenants.

At the February 8, 2023 Planning & Zoning Work Session there were concerns from three main parties:

Party 1: Those who don't want chickens in a densely populated neighborhood (RS Zones).

Main Concern: The city will pass an ordinance in direct conflict with the neighborhood covenants which prohibits the raising of poultry and cause an obvious dilemma.

Party 2: Those who want to raise chickens.

Main Concerns: 1) Open up more areas for raising chickens. 2) The regulations that were discussed at the last work session were overkill.

Party 3: The City of Kenai

Main Concern: Having a provision for a Conditional Use Permit for smaller lots would become a budgetary problem to administer.

I have come up two options that address the concerns of each party as follows:

Page 1 of 3

Option 1: Amend the proposed ordinance to prohibit the raising of chickens in **RS Zones (Suburban Residential)** and open up more area in the **RR Zone (Rural Residential)** for raising chickens 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...:

Results of Option 1: Excepting the **RS zone (Suburban Residential)** from Sections (b) and (h) of the ordinance will avoid a conflict with neighborhood covenants that prohibit the raising of poultry and save the city from causing an obvious conflict with our covenants. And because the **RR Zone (Rural Residential)** is not included in Section (h) it will lower the threshold for raising 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. The RR Zone accounts for 72% of Kenai's total land mass and is well suited for raising chickens and livestock while the RS Zone was never intended for this kind of impact. Lots in the RR Zone would need few regulations as they are generally large enough and rural enough to provide natural buffers and practical setbacks to protect neighboring properties. Option 1 would seem to be a reasonable compromise as it would uphold the covenants in our RS Zoned neighborhoods while allowing more lots in the RR Zone to raise chickens.

Option 2: Amend the proposed ordinance to establish a minimum lot size of 20,000 s.f. to raise chickens. Also strike the provision for a conditional use permit. Lots that are 20,000 s.f. or greater would need few regulations as they are large enough to provide natural buffers and practical setbacks to protect neighboring properties.

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...:

The results of Option B for each party would be this:

Party 1: For those who don't want chickens this will avoid a conflict with the covenants that prohibit poultry in their subdivision.

Party 2: For those who want to raise chickens this would add an additional 617 lots for raising chickens. Option B would increase the number of lots to raise chickens from 1,384 lots (28%) to 2001 lots (41%).

Party 3: Striking the provision for a conditional use permit will avoid a budgetary problem for the city to administer. Option B will also save the city from promoting an ordinance that is in direct conflict with neighborhood covenants.

Both Options A and B address the main concerns that were expressed at the February 8, 2023 P&Z work session and would be a win-win-win for each party. Both Options A and B also make sensible use of the current zoning districts in a way they were intended to be used.

Bob Molloy's letter of February 15, 2023, which is in this packet, also outlines the intent of our residential zoning districts and how to use them in a way they were intended to be used.

Sincerely,

Daniel A. Conetta

Daniel A. Conetta



Kenai City Council - Regular Meeting

February 01, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

****Telephonic/Virtual Information on Page 3****

www.kenai.city

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

1. City of Kenai Marketing Presentation, by Coy West, CEO and Founder of Divining Point.
2. College Campus Update, Dr. Keith Hamilton, President of the Alaska Christian College.

C. UNSCHEDULED PUBLIC COMMENTS (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

D. PUBLIC HEARINGS

1. **POSTPONED UNTIL 3/1/2023 FOR A 2ND PUBLIC HEARING, AND REFERRED TO THE PLANNING & ZONING COMMISSION FOR A WORK SESSION. 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. (Douthit and Winger) [01/04/23 Introduced by Council; Referred for recommendation to the 01/25/23 Planning and Zoning Commission Meeting; Public Hearing by Council Scheduled for 02/01/23.]
2. **ENACTED UNANIMOUSLY. Ordinance No. 3333-2023** - Amending Kenai Municipal Code 8.05.010 - Adoption of Fire Prevention Standards, and Repealing and Replacing Kenai Municipal Code 8.05.030 - Local Amendments to the 2009 International Fire Code, to Adopt the 2021 International Fire Code with Local Amendments. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3334-2023** - Amending Kenai Municipal Code Title 4 - Uniform Codes, to Adopt the 2021 Editions of the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, Uniform Plumbing Code, International Existing Building Code, International Property Maintenance Code and the 2020 National Electrical Code and Incorporate Local Amendments. (Administration)

4. **ADOPTED UNANIMOUSLY. Resolution No. 2023-04** - Authorizing a Service Contract and Corresponding Purchase Order to Peninsula Refuse for Fiscal Year 2023 and Fiscal Year 2024 Dumpsters Services for the Waste Water Plant. (Administration)
5. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2023-05** - Adopting the City's Capital Improvement Plan for Fiscal Years 2024-2028. (Administration)

E. MINUTES

1. *Regular Meeting of January 18, 2023. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Ordinance No. 3335-2023** - Increasing Estimated Revenues and Appropriations in the Airport Fund Fiscal Year 2023 Budget for Utility Costs Associated with the Alaska Regional Fire Training Center. (Administration)

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

1. City Manager
2. City Attorney
3. City Clerk

K. ADDITIONAL PUBLIC COMMENTS

1. Citizens Comments (*Public comments limited to five (5) minutes per speaker*)
2. Council Comments

L. EXECUTIVE SESSION

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

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/87511680894>

Meeting ID: 875 1168 0894 **Passcode:** 240755

OR

Dial In: (253) 215-8782 or (301) 715-8592

Meeting ID: 875 1168 0894 **Passcode:** 240755



Kenai City Council - Regular Meeting

February 15, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

****Telephonic/Virtual Information on Page 3****

www.kenai.city

Action Agenda

Work Session - Review of Council Adopted Policies 3:30 p.m. - 5:30 p.m.

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

1. Kenai Permanent Fund Annual Review, 2022 Financial Performance, Financial Projections and Recommended 2023 Asset Allocations for the City's Permanent Fund, Brandi Niclai and Bill Lierman, from Alaska Permanent Capital Management.
2. Project Homeless Connect 2023 Report, Jodi Stuart, Project Homeless Connect Publicity Chair.

C. UNSCHEDULED PUBLIC COMMENTS (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3335-2023** - Increasing Estimated Revenues and Appropriations in the Airport Fund Fiscal Year 2023 Budget for Utility Costs Associated with the Alaska Regional Fire Training Center. (Administration)
2. **ADOPTED UNANIMOUSLY. Resolution No. 2023-06** - Authorizing the City Manager to Accept a Donation, on Behalf of the City, of Property Described as Lot 4, Block 8 of the Original Townsite of Kenai, Kenai, Alaska from the Trust Agreement of Thelma M. Bagoy, for a Public Purpose and Determining that the Public Interest will Not be Served by an Appraisal. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2023-07** - Designating the Investment and Allocation Plan for the City's Permanent Funds and Establishing Appropriate Benchmarks to Measure Performance for Calendar Year 2023. (Administration)

4. **ADOPTED UNANIMOUSLY. Resolution No. 2023-08** - Repealing City Council Adopted Policy 2018-02 - Procedures for Including Contingency Funding in Contracts. (Administration)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2023-09** - Renumbering Kenai City Council Travel Policy No. 2014-02 to Policy No. 20.200. (City Clerk)
6. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2023-10** - Renumbering Kenai City Council Public Recognition Policy No. 2014-01 to Policy No. 20.210. (City Clerk)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2023-11** - Amending the City Council Agenda and Packet - Preparation, Distribution and Publication Policy No. 2019-01 and Renumbering to Policy No. 20.000. (City Clerk)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2023-12** - Amending the City Council Procedures for Recording City Council Meetings and Work Sessions Policy No. 2017-03 and Renumbering to Policy No. 20.010. (City Clerk)
9. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2023-13** - Repealing the Unnumbered City Council Electronic Devices During Meetings of the Council Policy and Adopting City Council Policy No. 20.110 Use of Electronic Devices During Meetings. (Gabriel, Baisden, Knackstedt)
10. **ADOPTED UNANIMOUSLY. Resolution No. 2023-14** - Amending the City Council Mobile Device Use and Management Policy No. 2017-01 and Renumbering to Policy No. 20.120. (City Clerk)
11. **POSTPONED UNTIL 3/15/2023. Resolution No. 2023-15** - Amending the City Council Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council Policy No. 2021-01 and Renumbering and Renaming to City Council Policy No. 20.220 - Filling Council Vacancies by Appointment. (City Clerk)

E. MINUTES

1. *Regular Meeting of February 1, 2023. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Approval of the First Extension to the Agreement with Redline Sports for Management Services at the Kenai Multi-Purpose Facility. (Administration)
3. ***Ordinance No. 3336-2023** - Accepting and Appropriating an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)
4. ***Ordinance No. 3337-2023** - Accepting and Appropriating an Increase from the Kenai Peninsula Borough for the Senior Citizen Program Grant. (Administration)

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission

4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

1. City Manager
2. City Attorney
3. City Clerk

K. ADDITIONAL PUBLIC COMMENTS

1. Citizens Comments (*Public comments limited to five (5) minutes per speaker*)
2. Council Comments

L. EXECUTIVE SESSION

M. PENDING ITEMS

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. (Douthit and Winger)

[01/04/23 Introduced by Council; Referred for recommendation to the 01/25/23 Planning and Zoning Commission Meeting; First Public Hearing by Council Scheduled for 02/01/23; 02/01/23 Referred to the Planning & Zoning Commission for a Work Session; Second City Council Public Hearing Scheduled for March 1, 2023.]

N. ADJOURNMENT

O. INFORMATION ITEMS

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Join Zoom Meeting

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Meeting ID: 854 8789 7501 **Passcode:** 397933

OR

Dial In: (253) 215-8782 or (301) 715-8592

Meeting ID: 854 8789 7501 **Passcode:** 397933



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Jeremy Brantley, Chair – District 5 Sterling/Funny River
Blair Martin, Vice Chair – District 2 Kenai
Pamela Gillham – District 1 Kalifornsky
Virginia Morgan, Parliamentarian – District 6 East Peninsula
John Hooper – District 3 Nikiski
Michael Horton – District 4 Soldotna
VACANT – District 7 Central
David Stutzer – District 8 Homer
Dawson Slaughter – District 9 South Peninsula
Diane Fikes – City of Kenai
Franco Venuti – City of Homer
Charlene Tautfest – City of Soldotna
Troy Staggs – City of Seward
VACANT – City of Seldovia

Monday, February 13, 2023

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.*

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

1. Time Extension Request
2. Planning Commission Resolutions
3. Plats Granted Administrative Approval
4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-4909](#) January 23, 2023 Planning Commission Meeting Minutes

Attachments: [C7. 012323 PC Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4910](#) Utility Easement Vacation
Mullen Homestead Subdivision Addition No. 5, Plat KN 2007-12

Attachments: [E1. UEV_Mullen Homestead Sub Addn No 5_Packet](#)

2. [KPB-4911](#) Right-Of-Way Vacation
Vacate a Portion of McNamara Court Cul-de-sac Bulb
Attachments: [E2. ROWV McNamara Court Packet](#)
3. [KPB-4912](#) Conditional Use Permit; PC Resolution 2023-04
Applicant: State of Alaska Dept. of Transportation & Public Facilities
Cooper Landing Area
Attachments: [E3. CUP ADOT MP 58 RES 2023- 4 Packet](#)
[E3. CUP - PC RES 2023-04 Desk Packet](#)
4. [KPB-4913](#) Ordinance 2023-06: Approving an amendment to Snomads Community Trail Management Agreement.
Attachments: [E4. ORD 2023-06 Snomad CTMA Amendment Packet](#)

F. PLAT COMMITTEE REPORT

G. OTHER

- [KPB-4914](#) Cooper Landing Unit 395 Land Planning Presentation
Attachments: [G. Cooper Landing Unit 395 Land Planning Presentation](#)

H. PUBLIC COMMENT/PRESENTATION

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS NO ACTION REQUIRED

- [KPB-4915](#) APC Meeting Minutes
Attachments: [Misc. Info](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, February 27, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION
KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.



Meeting Agenda Plat Committee

Monday, February 13, 2023

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID; 907 714 2200

The hearing procedure for the Plat Committee public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-4916](#) January 23, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 012323 Plat Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4917](#) Jesse Lee Heights Great Bear Addition
KPB File 2023-008
Attachments: [E1. Jesse Lee Heights Great Bear Addn Packet](#)
2. [KPB-4918](#) New Homestead Subdivision
KPB File 2023-007
Attachments: [E2. New Homestead Subdivision Packet](#)
3. [KPB-4919](#) Silkok Creek Alaska Subdivision Moore Replat
KPB File 2023-005
Attachments: [E3. Silkok Creek Alaska Sub Moore Replat Packet](#)
4. [KPB-4920](#) Leisure Time Estates Ivy Replat
KPB File 2022-130
Attachments: [E4. Leisure Time Estates Ivy Replat Packet](#)
5. [KPB-4921](#) Lucky Horseshoe Estates 2023 Addition
KPB File 2023-010
Attachments: [E5. Lucky Horseshoe Estates 2023 Addn Packet](#)
6. [KPB-4922](#) Mallette Homestead Subdivision No. 3
KPB File 2023-001
Attachments: [E6. Mallette Homestead Subdivision No. 3 Packet](#)
[E6. Mallette Homestead Sub No. 3 Desk Packet](#)

F. PUBLIC COMMENT

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

G. ADJOURNMENT**MISCELLANEOUS INFORMATIONAL ITEMS****NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING**

The next regularly scheduled Plat Committee meeting will be held Monday, February 27, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KP.B 2.40.080.



KENAI

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MEMORANDUM

TO: Planning & Zoning Commission
FROM: Linda Mitchell, Planning Director *LM*
DATE: February 17, 2023
SUBJECT: Revised Tentative Work Sessions

The tentative work session dates have been revised. The work sessions are subject to change.

Work Session Date	Subject
March 22, 2023	Code Amendment KMC 14.20.200 Accessory Structures
April 26, 2023	Historic Preservation
TBD	Short-Term Rentals (STRs)
TBD	Sign Code
TBD	Land Use Table – Conditional Uses
TBD	Zoning Code Clean-up