

Code Ordinance

By: Planning
Introduced: July 8, 2019
Public Hearing: July 22, 2019
Amended: July 22, 2019
Adopted: July 22, 2019
Yes: Burney, Dryden, Graham, Harvey, Ledford, O'Barr
No: None
Absent: None

**City of Wasilla
Ordinance Serial No. 19-16 (AM)**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Section 16.04.070, Definitions, To Add A Definition For “Domestic Animal”; Amend Section 16.04.070, Definitions, To Revise The Definition For “Farm Animal”; Amend Section 16.16.060, Specific Approval Criteria, To Revise The Criteria That Regulates Farm Animals And Poultry; Amend Section 16.16.060, Specific Approval Criteria To Add A Nonconforming Use Provision; Amend Section 16.20.020, District Use Chart, To Amend The Permit Approval Required For Farm Animals And Poultry In The Industrial Zoning District; 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, or pleasure, ~~or research~~.

“Domestic animal” means an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter. This includes dogs, cats, parrots, parakeets, canaries, guinea pigs, pot-bellied pigs, hamsters, turtles, or any other animals that are tame by nature and not defined as a farm animal, exotic animal, wild animal, or poultry in this section, so long as they are kept and maintained in compliance with other provisions of this article.

Bold & Underline, added. Strikethrough, deleted

“Farm animal” means any domestic species of cattle, sheep, swine, goat, horse, mule, donkey, llama, and alpaca ~~which~~ that is normally and has 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~~ for personal utility (e.g. meat or fur), sport, or pleasure.

Section 3. Amendment of section. WMC 16.16.060, Specific approval criteria, is hereby amended to read as follows:

The following uses are subject to the preceding general **approval** criteria and these additional approval standards:

E. *Farm Animals, Poultry, and Beehives.* Farm animals, poultry, and beehives are allowed as indicated in the district use chart in WMC 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 WMC 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. *Farm Animals.* The keeping of farm animals is **allowed**, subject to the following standards:

a. ~~Farm animals are prohibited on lots with a total lot area of less than 40,000 square feet;~~ **Rural Residential zoning district.**

i. Lots with a minimum of two acres total lot area are permitted the following quantities of farm animals. Additional farm animals in the quantities indicated below may be allowed for each additional acre of lot area:

Bold & Underline, added. Strikethrough, deleted

(A) Two farm animals (e.g. cows, horses, pigs, and other similar size animals) with an adult weight typically equal to or greater than 250 pounds per animal; or

(B) Ten farm animals (e.g. goats, sheep, and other similar size animals) with an adult weight typically less than 250 pounds per animal but greater than 25 pounds per animal; and/or

(C) Fifty farm animals (e.g. rabbits, chinchillas, mink, and other similar size animals) with an adult weight typically equal to or less than 25 pounds per animal.

(D) In addition to the farm animals(s) permitted above, additional juvenile farm animals may be approved as a temporary use for up to six months by the city planner, provided that a determination is made that the additional animal(s) will not create a nuisance or disturb nearby property owners.

ii. Lots with a minimum of 40,000 square feet total lot area are permitted the following quantities of farm animals:

(A) One farm animal (e.g. cows, horses, pigs, and other similar size animals) with an adult weight typically equal to or greater than 250 pounds per animal; or

(B) Five farm animals (e.g. goats, sheep, and other similar size animals) with an adult weight typically less than 250 pounds per animal but greater than 25 pounds per animal; and/or

(C) Twenty-five farm animals (e.g. rabbits, chinchillas, mink, and other similar size animals) with an adult weight typically equal to or less than 25 pounds per animal.

(D) In addition to the farm animal(s) permitted above, additional juvenile farm animals may be approved as a temporary use for up to six months by the city planner provided that a determination is made that the additional animal(s) will not create a nuisance or disturb nearby property owners.

b. Single Family Residential (R1) and Residential (R2) zoning districts.

i. Lots with a minimum of 40,000 square feet total lot area are permitted the following quantities of farm animals. Additional farm animals in the quantities indicated below may be allowed for each additional 40,000 square feet of lot area:

(A) One horse; or

(B) Twenty-five farm animals (e.g. rabbits, chinchillas, mink, and other similar size animals) with an adult weight typically equal to or less than 25 pounds per animal.

(C) In addition to the farm animal(s) permitted above, a maximum of two additional juvenile farm animals may be approved as a temporary use for up to six months by the city planner, provided that a determination is made that the additional animal(s) will not create a nuisance or disturb nearby property owners.

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

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

~~ed.~~ All fenced areas, pens, enclosures, stables, shelters, food storage areas/structures, or other similar buildings or improvements for a farm animal ~~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. For lots with more than one dwelling on the same lot, the areas above must also be a minimum of 25 feet from all other dwellings on the lot except the dwelling of the farm animal owner;

~~de.~~ All fenced areas, pens, enclosures, stables, shelters, or other similar buildings or uses for a farm animal must be a minimum of ~~75~~100 feet from the ~~high~~ water~~high-water~~ mark of any water course or body of water, excluding manmade ponds on private property;

~~ef.~~ 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 nor 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; and

~~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:~~

Bold & Underline, added. Strikethrough, deleted

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

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

h. An administrative approval permit may be approved by the city planner to allow the temporary addition of one additional farm animal for a period of up to six months.

2. *Poultry.* The keeping of poultry is allowed as an accessory use ~~to a residential dwelling and must meet~~ subject to 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;

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

ii. 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 facility ~~will~~ may 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; ~~and~~

iv. Free-ranging within fenced yards is only allowed under direct supervision by the poultry owner and with the consent of all tenants and/or property owners who have legal access to the premises at the time of permit application.

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

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 owner's dwelling;

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

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

- 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~~maximum number of permitted poultry;
- ~~ii. Free-ranging within fenced yards is only allowed under direct supervision by the poultry owner and with consent of all tenants 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 feet 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 an additional full 10,000 square feet of lot area. Poultry under the age of six months do not count towards ~~the allowed numbers~~the maximum number of poultry permitted above for lots greater than 80,000 square feet in area. For lots less than 80,000 square feet, in addition to the maximum number of poultry allowed above, an additional 24 poultry under the age of six months may be approved as a temporary use for up to six months by the city planner;
and
- h. In the industrial zoning district, poultry is only allowed as an accessory use to a primary industrial use.

Bold & Underline, added. Strikethrough, deleted

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 **an additional** 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 25 feet from any lot line not in common ownership; or
 - 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 10 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.

Bold & Underline, added. Strikethrough, deleted

4. Nonconforming use. Those possessing farm animals in compliance with the provisions of city code in effect immediately prior to July 22, 2019, may be grandfathered in as a nonconforming use if they possess or obtain the necessary permit from the Planning Department by January 22, 2020. Permits for nonconforming uses described in this section will remain valid so long as the permit holder is compliant with the provisions of city code in existence immediately prior to July 22, 2019. This permit and the exemption for the nonconforming use are not transferable and will lapse upon transfer, sale, lease, or sublease of the property.

Section 4. Amendment of section. WMC 16.20.020, 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.

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							
Agriculture	UP	EX	EX	EX	EX	EX	EX
Beehives ¹	AA	AA	AA	UP	UP	UP	EX
Farm Animals ¹	AA	UP	UP	EX	EX	AA UP	EX
Poultry ¹	AA	AA	AA	UP	UP	CU UP	EX

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 July 22, 2019.


BERT L. COTTLE, Mayor

ATTEST:


JAMIE NEWMAN, MMC, City Clerk

[SEAL]

CITY OF
WASILLA
 • ALASKA •

CITY COUNCIL LEGISLATION STAFF REPORT

Ordinance Serial No. 19-16: Amending Wasilla Municipal Code Section 16.04.070, Definitions, To Add A Definition For “Domestic Animal”; Amend Section 16.04.070, Definitions, To Revise The Definition For “Farm Animal”; Amend Section 16.16.060, Specific Approval Criteria, To Revise The Criteria That Regulates Farm Animals And Poultry; Amend Section 16.16.060, Specific Approval Criteria To Add A Nonconforming Use Provision; Amend Section 16.20.020, District Use Chart, To Amend The Permit Approval Required For Farm Animals And Poultry In The Industrial Zoning District; And Other Minor Revisions.

Originator: Tina Crawford, AICP, City Planner *K*
 Date: 6/26/2019 Agenda of: 7/8/2019

Route to:	Department Head	Signature	Date
X	Public Works Director	<i>[Signature]</i>	6/29/19
X	Finance Director	<i>[Signature]</i>	6/27/19
X	Deputy Administrator	<i>[Signature]</i>	6/29/19
X	City Attorney	<i>[Signature]</i>	7/1/19
X	City Clerk	<i>[Signature]</i>	6/28/19

Reviewed by Mayor Bert L. Cottle: *[Signature]* 6/27/2019

Fiscal Impact: yes or no

Attachments: Ordinance Serial No. 19-16 (11 pages)
 Planning Commission Resolution Serial No. 19-03AM (12 pages)
 Planning Commission Minutes (Draft) – May 14, 2019 (5 pages)

Summary Statement: The farm animal regulations for the city have been in place since 1996 with no updates except for the recent amendment to address “urban” chickens and beehives. After completion of that amendment in February 2018, the Planning Commission began a review of the regulations for larger farm animals. The item was scheduled on the Committee of the Whole for discussion and review at five meetings in 2018 and four meetings in 2019.

On May 14, 2019, the Planning Commission conducted a public hearing to consider the final draft of the proposed amendments to Title 16. After considering the recommendations and concerns provided via email and public testimony at the meeting, the Planning Commission approved Resolution Serial No. 19-03(AM).

Staff Recommendation: Introduce and set the ordinance for public hearing.

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5 **WASILLA PLANNING COMMISSION**
6 **RESOLUTION SERIAL NO. 19-03(AM)**
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8 **A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING**
9 **THAT THE CITY COUNCIL AMEND WASILLA MUNICIPAL CODE SECTION**
10 **16.04.070, DEFINITIONS, TO ADD A DEFINITION FOR “DOMESTIC ANIMAL”;**
11 **AMEND SECTION 16.04.070, DEFINITIONS, TO REVISE THE DEFINITION FOR**
12 **“FARM ANIMAL”;** AMEND SECTION 16.16.060, SPECIFIC APPROVAL CRITERIA,
13 **TO REVISE THE CRITERIA THAT REGULATES FARM ANIMALS AND POULTRY;**
14 **AMEND SECTION 16.16.060, SPECIFIC APPROVAL CRITERIA TO ADD A**
15 **NONCONFORMING USE PROVISION; AMEND SECTION 16.20.020, DISTRICT USE**
16 **CHART, TO AMEND THE PERMIT APPROVAL REQUIRED FOR FARM ANIMALS**
17 **AND POULTRY IN THE INDUSTRIAL ZONING DISTRICT; AND OTHER MINOR**
18 **REVISIONS.**
19

20 WHEREAS, the Planning Commission is required to make recommendations to
21 the Wasilla City Council for amendments to Title 16 of the Wasilla Municipal Code; and

22 WHEREAS, the public hearing date and time was publicly advertised; and

23 WHEREAS, on May 14, 2019, the Wasilla Planning Commission held a public
24 hearing on the proposed amendments; and

25 WHEREAS, the Wasilla Planning Commission deliberated on this request taking
26 into account the current provisions of the Wasilla Municipal Code and the 2011 City of
27 Wasilla Comprehensive Plan; and

28 WHEREAS, after due consideration, the Wasilla Planning Commission determines
29 that the proposed amendment is appropriate and is consistent with the goals and
30 objectives of the Wasilla Municipal Code and the 2011 City of Wasilla Comprehensive
31 Plan;

Strikethrough indicates deleted language and **Underline** indicates new language

32 NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission
33 hereby approves this resolution recommending that the City Council adopt the following:

34 **Amendment of section.** WMC 16.04.070, Definitions, is hereby amended as
35 follows:

36 **16.04.070 Definitions.**

37 When used in this title, the following words and phrases shall have the meanings set forth
38 in this section:

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

43 "Domestic animal" means an animal of a species that has been bred and
44 raised to live in or about the habitation of humans and is dependent on people for
45 food and shelter. This includes dogs, cats, parrots, parakeets, canaries, guinea
46 pigs, pot-bellied pigs, hamsters, turtles, or any other animals that are tame by
47 nature and not defined as a farm animal, exotic animal, wild animal, or poultry in
48 this section, so long as they are kept and maintained in compliance with other
49 provisions of this article.

50 "Farm animal" means any domestic species of cattle, sheep, swine, goat, horse,
51 mule, donkey, llama, and alpaca ~~which~~ that is normally and has historically been kept
52 and raised on farms in the United States and used or intended for use as food or fiber, or
53 for improving animal nutrition, breeding, management, or production efficiency. This term

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54 also includes animals such as rabbits, mink, and chinchilla when they are used ~~solely for~~
55 ~~purposes of meat or fur~~ for personal utility (e.g. meat or fur), sport, or pleasure.

56 **Amendment of section.** WMC 16.16.060, Specific approval criteria, is hereby
57 amended as follows:

58 16.16.060 Specific approval criteria.

59 The following uses are subject to the preceding general **approval** criteria and these
60 additional approval standards:

61 E. *Farm Animals, Poultry, and Beehives.* Farm animals, poultry, and beehives are
62 allowed as indicated in the district use chart in WMC 16.20.020(A) as an accessory use
63 subject to the standards below. The uses identified in this section are not subject to the
64 provisions in WMC Title 7. The keeping of these uses consistent with the terms of this
65 title does not in and of itself constitute a nuisance or a disturbance.

66 1. *Farm Animals.* The keeping of farm animals is **allowed**, subject to the
67 following standards:

68 a. ~~Farm animals are prohibited on lots with a total lot area of less~~
69 ~~than 40,000 square feet;~~ Rural Residential zoning district.

70 i. Lots with a minimum of two acres total lot area are
71 permitted the following quantities of farm animals. Additional
72 farm animals in the quantities indicated below may be allowed
73 for each additional acre of lot area:

74 (A) Two farm animals (e.g. cows, horses, pigs, and
75 other similar size animals) with an adult weight typically
76 equal to or greater than 250 pounds; or

Strikethrough indicates deleted language and **Underline** indicates new language

77 (B) Ten farm animals (e.g. goats, sheep, and other
78 similar size animals) with an adult weight typically less
79 than 250 pounds but greater than 25 pounds; and/or

80 (C) Fifty farm animals (e.g. rabbits, chinchillas, mink,
81 and other similar size animals) with an adult weight
82 typically equal to or less than 25 pounds.

83 (D) In addition to the farm animals(s) permitted above,
84 additional juvenile farm animals may be approved as a
85 temporary use for up to six months by the city planner,
86 provided that a determination is made that the additional
87 animal(s) will not create a nuisance or disturb nearby
88 property owners.

89 ii. Lots with a minimum of 40,000 square feet total lot area
90 are permitted the following quantities of farm animals:

91 (A) One farm animal (e.g. cows, horses, pigs, and other
92 similar size animals) with an adult weight typically equal
93 to or greater than 250 pounds; or

94 (B) Five farm animals (e.g. goats, sheep, and other
95 similar size animals) with an adult weight typically less
96 than 250 pounds but greater than 25 pounds; and/or

97 (C) Twenty-five farm animals (e.g. rabbits, chinchillas,
98 mink, and other similar size animals) with an adult weight
99 typically equal to or less than 25 pounds.

~~Strikethrough~~ indicates deleted language and Underline indicates new language

100 (D) In addition to the farm animal(s) permitted above,
101 additional juvenile farm animals may be approved as a
102 temporary use for up to six months by the city planner
103 provided that a determination is made that the additional
104 animal(s) will not create a nuisance or disturb nearby
105 property owners.

106 b. Single Family Residential (R1) and Residential (R2) zoning
107 districts.

108 i. Lots with a minimum of 40,000 square feet total lot area
109 are permitted the following quantities of farm animals.
110 Additional farm animals in the quantities indicated below may
111 be allowed for each additional 40,000 square feet of lot area:

112 (A) One horse; or

113 (B) Twenty-five farm animals (e.g. rabbits, chinchillas,
114 mink, and other similar size animals) with an adult weight
115 typically equal to or less than 25 pounds.

116 (C) In addition to the farm animal(s) permitted above, a
117 maximum of two additional juvenile farm animals may be
118 approved as a temporary use for up to six months by the
119 city planner, provided that a determination is made that
120 the additional animal(s) will not create a nuisance or
121 disturb nearby property owners.

~~Strikethrough~~ indicates deleted language and Underline indicates new language

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

124 cd. All fenced areas, pens, enclosures, stables, shelters, food
125 storage areas/structures, or other similar buildings or improvements
126 for a farm animal ~~Stables or buildings used as shelter or storage of~~
127 ~~food for farm animals~~ must be a minimum of 25 feet from any exterior lot
128 line. For lots with more than one dwelling on the same lot, the areas
129 above must also be a minimum of 25 feet from all other dwellings on
130 the lot except the dwelling of the farm animal owner;

131 de. All fenced areas, pens, enclosures, stables, shelters, or other similar
132 buildings or uses for a farm animal must be a minimum of ~~75~~100 feet from
133 the ~~high water~~high-water mark of any water course or body of water,
134 excluding manmade ponds on private property;

135 ef. All facilities shall be kept in good repair, maintained in a clean and
136 sanitary condition, and be free of vermin, obnoxious smells and substances
137 to the greatest extent feasible. The facilities may not create a nuisance nor
138 disturb neighboring residents due to excessive noise, odor, damage, or
139 threats to public health. No storage of manure or other waste materials shall
140 be permitted within 50 feet of any exterior lot line; and

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

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

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

148 iii. ~~Three or fewer animals with an adult weight less than 250~~
149 ~~pounds;~~

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

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

154 h. An administrative approval permit may be approved by the city
155 planner to allow the temporary addition of one additional farm animal
156 for a period of up to six months.

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

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

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

Strikethrough indicates deleted language and **Underline** indicates new language

- 167 i. Maximum height of structures, coops, enclosures, or runs is
168 15 feet in height;
- 169 ii. All facilities shall be kept in good repair, maintained in a clean
170 and sanitary condition, and be free of vermin, obnoxious smells and
171 substances to the greatest extent feasible. The facility ~~will~~ may not
172 create a nuisance or disturb neighboring residents due to excessive
173 noise, odor, damage, or threats to public health; ~~and~~
- 174 iii. Chicken coops or other shelters may not be located in a front
175 yard or side yard that abuts a street in the R1, R2, and RM zoning
176 districts; and
- 177 iv. Free-ranging within fenced yards is only allowed under
178 direct supervision by the poultry owner and with the consent of
179 all tenants and/or property owners who have legal access to the
180 premises at the time of permit application.
- 181 c. No storage of manure shall be permitted within 50 feet of the exterior
182 lot line;
- 183 d. If the applicant does not own the property, written proof of the
184 owner's consent must be submitted with the application;
- 185 e. All structures, runs, and enclosures must be a minimum of 25 feet
186 from residential dwellings on neighboring lots. For lots with more than one
187 dwelling on the same lot, the structures, runs, and enclosures must also be
188 a minimum of 25 feet from all other dwellings on the lot except the poultry
189 owner's dwelling;

Strikethrough indicates deleted language and **Underline** indicates new language

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

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

197 ~~ii. Free-ranging within fenced yards is only allowed under~~
198 ~~direct supervision by the poultry owner and with consent of all~~
199 ~~tenants and/or property owners who have legal access to the~~
200 ~~premises at the time of permit application;~~

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

203 i. Maximum of 15 poultry on lots between 40,000 square feet
204 but less than 50,000 square feet; an additional three poultry are
205 allowed for each additional full 10,000 square feet of lot area. No
206 proration of the number of poultry is allowed for lots with less than
207 an additional full 10,000 square feet of lot area. Poultry under the
208 age of six months do not count towards ~~the allowed number~~the
209 maximum number of poultry permitted above for lots greater
210 than 80,000 square feet in area. For lots less than 80,000 square
211 feet, in addition to the maximum number of poultry allowed
212 above, an additional 24 poultry under the age of six months may

~~Strikethrough~~ indicates deleted language and Underline indicates new language

213 be approved as a temporary use for up to six months by the city
214 planner; and

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

217 3. *Beehives*. The following standards apply:

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

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

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

225 i. Be situated at least 25 feet from any lot line not in common
226 ownership; or

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

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

230 iv. Placed behind a fence at least six feet in height and extending
231 at least 10 feet beyond each hive in both directions;

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

Strikethrough indicates deleted language and **Underline** indicates new language

236 height above the surface of the rooftop or deck and the rooftop or deck is a
237 minimum of eight feet above ground level;

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

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

241 **4. Nonconforming use. Those possessing farm animals in compliance**
242 **with the provisions of city code in effect immediately prior to the effective**
243 **date of the ordinance adopting Planning Commission Resolution Serial No.**
244 **19-03 may be grandfathered in as a nonconforming use if they possess or**
245 **obtain the necessary permit from the Planning Department within six months**
246 **of the effective date of the ordinance adopting Planning Commission**
247 **Resolution Serial No. 19-03. Permits for nonconforming uses described in**
248 **this section will remain valid so long as the permit holder is compliant with**
249 **the provisions of city code in existence immediately prior to the effective**
250 **date of the ordinance adopting Planning Commission Resolution Serial No.**
251 **19-03. This permit and the exemption for the nonconforming use are not**
252 **transferable and will lapse upon transfer, sale, lease, or sublease of the**
253 **property.**

254 **Amendment of section.** WMC 16.20.020, District use chart, is hereby amended
255 as follows:

256 **16.20.020 District use chart.**

257 A. The following chart summarizes the uses allowed and the standard of review for
258 each use. In the commercial and industrial districts, more than one building housing a

~~Strikethrough~~ indicates deleted language and **Underline** indicates new language

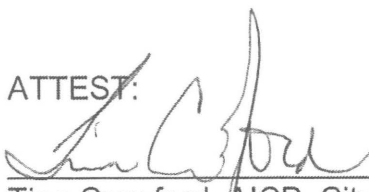
259 permissible principal use may be erected on a single lot; provided, that each building and
 260 use shall comply with all applicable requirements of this chapter and other borough, state
 261 or federal regulations.

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							
Agriculture	UP	EX	EX	EX	EX	EX	EX
Beehives ¹	AA	AA	AA	UP	UP	UP	EX
Farm Animals ¹	AA	UP	UP	EX	EX	<u>AA UP</u>	EX
Poultry ¹	AA	AA	AA	UP	UP	<u>CU UP</u>	EX

262 ¹Must comply with specific approval criteria in Section 16.16.060.

263 NOW, THEREFORE BE IT RESOLVED that the Wasilla Planning Commission
 264 approves of these code amendments and enactment of the proposed new code and
 265 hereby forwards their support for adoption to the Wasilla City Council and to take effect
 266 upon adoption by the Wasilla City Council.

267 APPROVED by the Wasilla Planning Commission on May 14, 2019.

268
 269
 270 ATTEST:
 271 
 272 _____
 273 Tina Crawford, AICP, City Planner

APPROVED:
 5-20-2019
 Eric Bushnell, Chair Date

274
 275 VOTE: Passed Unanimously

REGULAR MEETING

1. CALL TO ORDER

The regular meeting of the Wasilla Planning Commission was called to order at 6:01 PM on Tuesday, May 14, 2019, in Council Chambers of City Hall, Wasilla, Alaska by Eric Bushnell, Chair.

2. ROLL CALL

Commissioners present and establishing a quorum were:

Eric Bushnell, Seat A
Darrell Breese, Seat B (via teleconference)
Simon Brown, Seat D
Nikki Velock, Seat E

Commissioner absent and excused were:

Jessica Dean, Seat C

Staff in attendance were:

Lyn Carden, Deputy Administrator
Archie Giddings, Public Work Director
Leslie Need, City Attorney (via teleconference)
Tahirih Revet, Planning Clerk

3. PLEDGE OF ALLEGIANCE

Commissioner Brown led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

GENERAL CONSENT: The agenda was approved as presented.

5. REPORTS

5.1 City Deputy Administrator

Ms. Carden stated that City Hall has changed their hours to 8:00 AM to 6:00 PM and provided information on upcoming activities within the City.

5.2 City Public Works Director

Mr. Giddings stated that the air show is progressing and provided what activities that will be held on Saturday and Sunday. Also, the City submitted a request to Rasmuson Foundation for help with funding on the Veterans Wall and an update on the new police station.

5.3 City Attorney

Ms. Need provided a brief report and stated she is available for any questions.

5.4 City Planner

No report given.

6. PUBLIC PARTICIPATION *(Three minutes per person for items not on agenda)*

Mr. Noel Kopperud provided a presentation and stated that he is not in favor of short-term rentals.

The following individuals spoke in favor of short-term rentals:

- Mr. Noel Lowe, city resident
- Mr. Chris McGinty, city resident
- Mr. Christian Lowe, city resident

Mr. Stu Graham stated that he is on the City Council but is speaking as a city resident. He asked the Commission if they would be interested in putting something in place that makes the City responsible to ensure that landscape waivers that were approved be followed up on.

Ms. Kate Lawton recommending limiting the number of guests allowed in a short-term rental.

Ms. Courtney Lowe stated she would appreciate the Planning Commission taking into account large families traveling together and how they wouldn't be able to stay together.

7. CONSENT AGENDA

7.1 Minutes of April 9, 2019 regular meeting

GENERAL CONSENT: Minutes were approved as presented.

8. NEW BUSINESS *(five minutes per person)*

8.1 Public Hearing

1. **Resolution Serial No. 19-03:** Recommending that the City Council amend Wasilla Municipal Code Section 16.04.070, Definitions, to add a definition for "Domestic animal"; amend Section 16.04.070, Definitions, to revise the definition for "Farm animal"; amend Section 16.16.060, Specific Approval Criteria, to revise the criteria that regulates farm animals and poultry; amend Section 16.16.060, Specific Approval Criteria, to add a nonconforming use provision; amend Section 16.20.020, District Use Chart, to amend the permit approval required for farm animals and poultry in the industrial zoning district; and other minor revisions.

a. City Staff

Mr. Giddings provided a brief summary of the proposed recommendation to amend Title 16 regarding farm animals.

b. Private person supporting or opposing the proposal

No public comments.

MOTION: Commissioner Brown moved to approve Resolution Serial No. 19-03, as presented.

Discussion moved to the Commission.

MOTION: Commissioner Brown moved to amend the main motion to remove the strikethrough for the word “towards” on line 208 to read as follows:

16.16.060(E)(2)(g)

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 feet 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 an additional full 10,000 square feet of lot area. Poultry under the age of six months do not count towards ~~the allowed numbers~~ the maximum number of poultry permitted above for lots greater than 80,000 square feet in area. For lots less than 80,000 square feet, in addition to the maximum number of poultry allowed above, an additional 24 poultry under the age of six months may be approved as a temporary use for up to six months by the city planner; and

VOTE: The motion to amend the main motion, passed unanimously.

Discussion ensued.

VOTE: The motion to approve Resolution Serial No. 19-03 as amended, passed unanimously.

2. **Resolution Serial No. 19-04:** Recommending the Wasilla City Council approve the sale of Lot 2, Broadview Acres Subdivision to A & A Commercial LLC, consistent with Wasilla Municipal Code 5.32.060(B).

a. City Staff

Mr. Giddings provided a brief report on the proposed sale of City property.

MOTION: Commissioner Brown moved to approve Resolution Serial No. 19-04, as presented.

VOTE: The motion to approve Resolution Serial No. 19-04 as presented, passed unanimously.

3. **Resolution Serial No. 19-05:** Recommending the Wasilla City Council approve the sale of Lot 21, Block 1, Wasilla Airport Heights Subdivision, to Valentin Fonov, consistent with Wasilla Municipal Code 5.32.060(B).

a. City Staff

Mr. Giddings provided a brief report on the proposed sale of City property.

MOTION: Commissioner Velock moved to approve Resolution Serial No. 19-05, as presented.

VOTE: The motion to approve Resolution Serial No. 19-05 as presented, passed unanimously.

8.2 Committee of the Whole

1. Discussion regarding food trucks within city limits
2. Discussion regarding short term rentals within city limits

MOTION: Commissioner Brown moved to enter into the Committee of the Whole to discuss Title 16 revisions regarding food trucks and short-term rentals at 6:56 PM.

Discussion moved to the Commission.

MOTION: Commissioner Breese moved to exit the Committee of the Whole at 7:08 PM.

9. UNFINISHED BUSINESS

No unfinished business.

10. COMMUNICATIONS

No statements made regarding the following items.

- 10.1 Permit Information
- 10.3 Enforcement Log
- 10.3 Matanuska-Susitna Borough Planning Commission agenda

11. AUDIENCE COMMENTS (*three minutes per person*)

No comments.

12. STAFF COMMENTS

Ms. Need stated she took notes regarding short-term rentals and will follow up with the City Planner when she returns.

13. COMMISSION COMMENTS

No comments.

14. ADJOURNMENT

The regular meeting adjourned at 7:10 PM.

ERIC BUSHNELL, Chair

Date

ATTEST:

TAHIRIH REVET, Planning Clerk

Adopted by the Wasilla Planning Commission June 18, 2019.