



City of Valdez

212 Chenega Ave.
Valdez, AK 99686

Meeting Agenda

Planning and Zoning Commission

Wednesday, February 22, 2017

6:00 PM

Council Chambers

Regular Meeting

WORK SESSION AGENDA - 6:00 pm

1. [Work Session: Valdez Glacier Stream Bridge Easement](#)

Attachments: [Mountain Map updated.jpg](#)
 [EAST PEAK photos by Harro 002.jpg](#)
 [Luke and Dad.JPG](#)
 [RydorEasementConcept121216.pdf](#)
 [bridge construction drawings.pdf](#)
 [AML Permit & Flood Email.pdf](#)
 [flood zone map.pdf](#)

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

1. [Approval of Regular Meeting Minutes of February 8, 2017](#)

Attachments: [P&Z MeetingMinutes 08-Feb-2017-03-16-50](#)

IV. PUBLIC BUSINESS FROM THE FLOOR

V. NEW BUSINESS

1. [Ordinance No. 17-02 Amending Title 17 Zoning of the Valdez Municipal Code Related to Breweries, Wineries and Distilleries](#)

Attachments: [Brewery Ordinance](#)

2. [Approval of Homeowners Association Covenants for CUP #14-03 for a Planned Unit Development - Eisley Grove Townhomes. Applicant: Cody Galipeau](#)

Attachments: [Eisley Townhome Declarations.pdf](#)
 [14006 VALDEZ EISLEY GROVE PLAT 150701B.pdf](#)

3. [Discussion Item: Waterfront Master Planning](#)

Attachments: [Valdez Waterfront and Harbor Master Plan Proposal 10FEB17.docx](#)

4. [Discussion Item: Chickens in Residential Subdivisions](#)

Attachments: [Urban Farm Information.pdf](#)
 [how-much-room-do-chickens-nee.pdf](#)

VI. REPORTS

VII. COMMISSION BUSINESS FROM THE FLOOR

VIII. ADJOURNMENT



Agenda Statement

File #: 17-0106 **Version:** 1

Type: Work Session Item **Status:** Agenda Ready

File created: 2/17/2017 **In control:** Planning and Zoning Commission

On agenda: 2/22/2017 **Final action:**

Title: Work Session: Valdez Glacier Stream Bridge Easement

Sponsors:

Indexes:

Code sections:

Attachments: [Mountain Map updated.jpg](#)
[EAST PEAK photos by Harro 002.jpg](#)
[Luke and Dad.JPG](#)
[RydorEasementConcept121216.pdf](#)
[bridge construction drawings.pdf](#)
[AML Permit & Flood Email.pdf](#)
[flood zone map.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Work Session: Valdez Glacier Stream Bridge Easement

SUBMITTED BY: Lisa Von Bargen, CED Director

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

None. Work session only.

SUMMARY STATEMENT:

Ryan McCune, champion of the proposed East Peak location to develop a year-round mountain recreation site, has requested the City approve a bridge easement over the northern portion of the Valdez Glacier Stream where the Valdez Glacier Lake empties into the Stream. The purpose of the bridge easement is to preserve this location for installation of a bridge which would allow road access into the eastern portion of ASLS 79-116 which includes both City land and 100 acres owned by Mr. McCune at the base of East Peak.

To begin a more comprehensive discussion on this topic a work session is being held with the

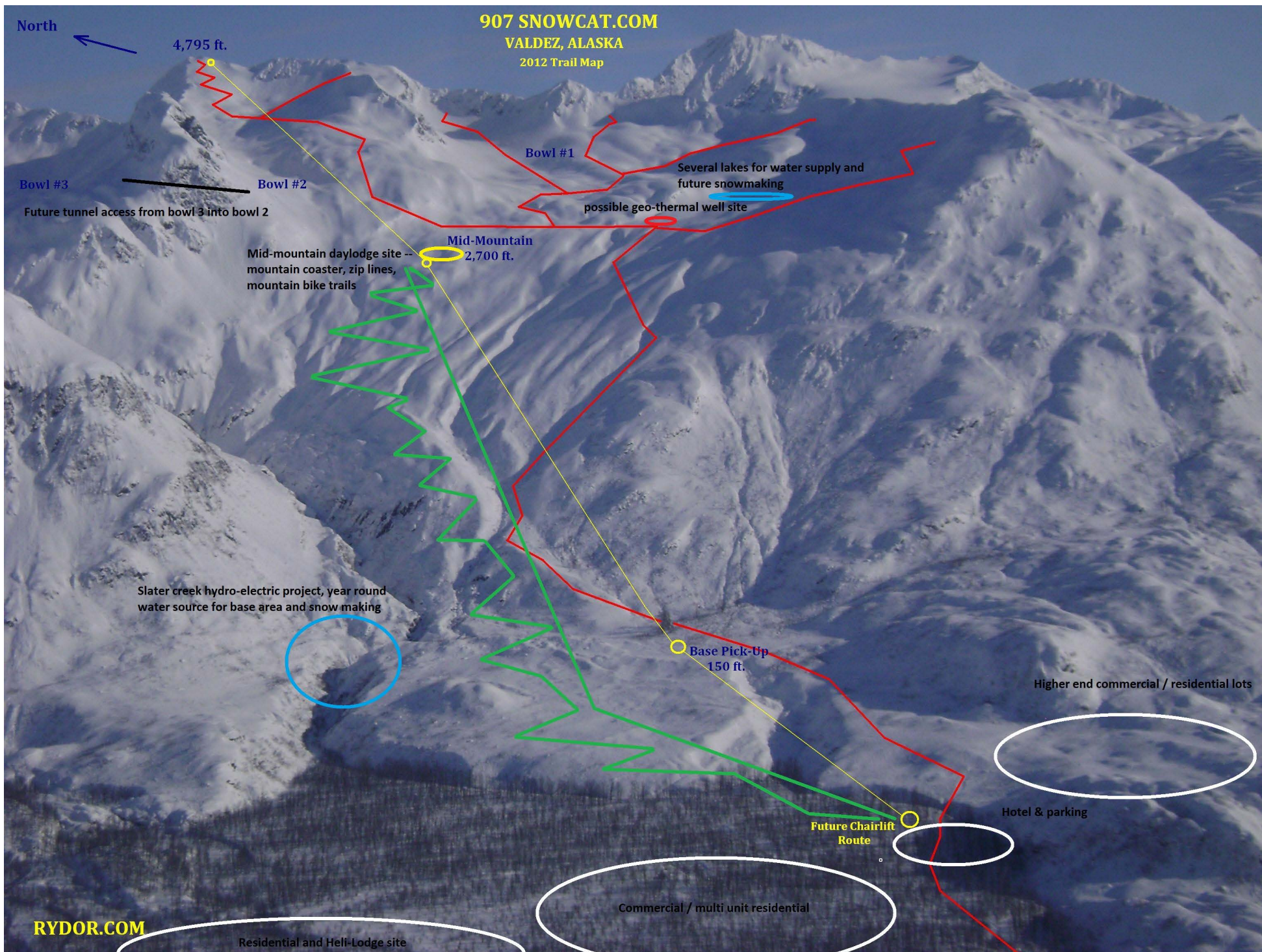
Commission. There are a number of points to consider outlined below:

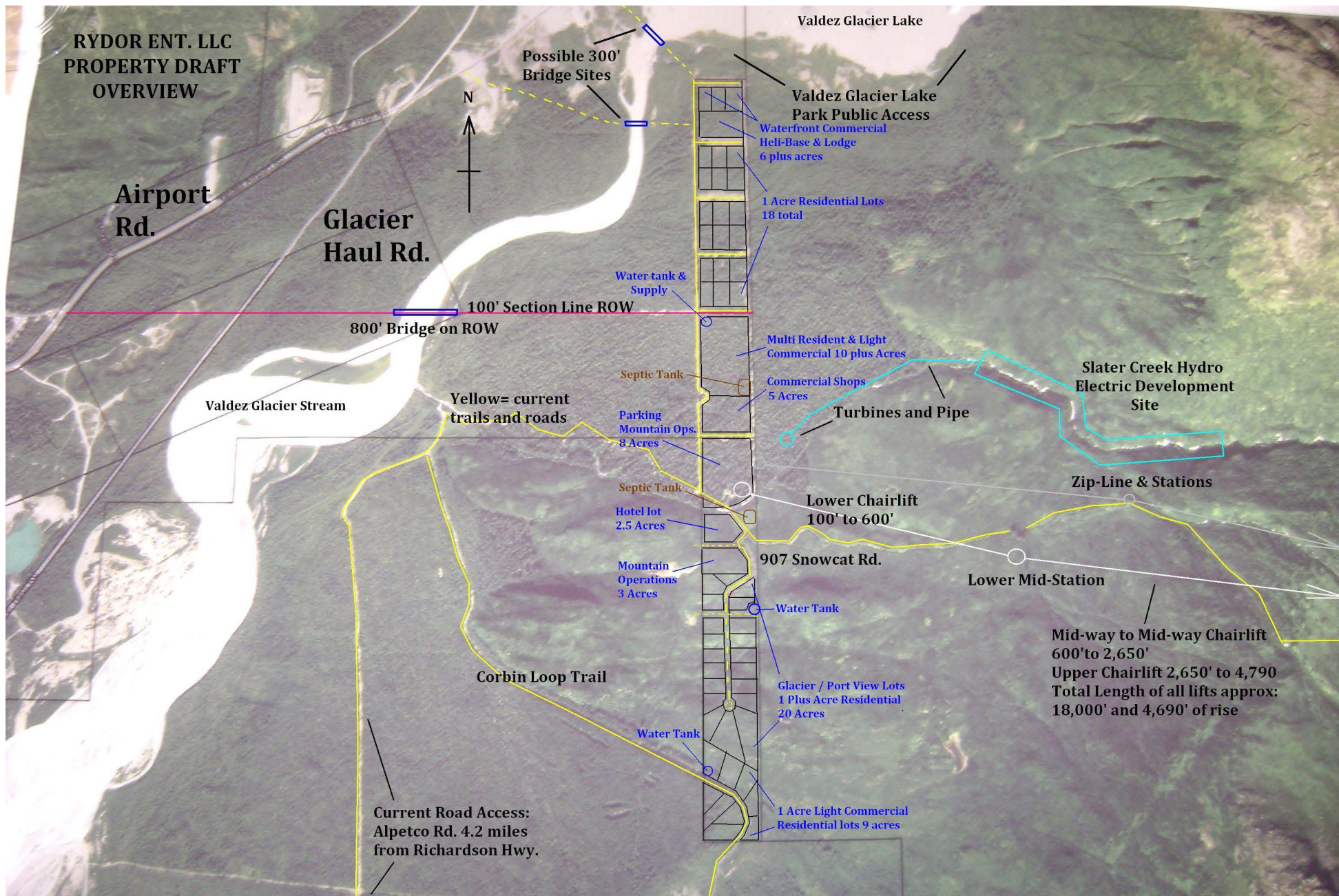
- Should this be the primary access into this area, or should it be a secondary access to the ALPETCO Road?
- Will this be a private easement, or a public easement?
- Who will be responsible for the installation construction?
- Who will be responsible for operations and maintenance?
- Will a bridge in this location negatively impact use of the area for recreational purposes (both private and commercial)?
- What permits will be required for installation of a bridge? (AnnMarie Lain has provided a list of potential permits, including requirements for construction in Flood Zone A.)

There are compelling reasons to support both sides of the easement issue - should it be private or public - and therefore, who is responsible for the capital construction/installation and operations and maintenance costs.

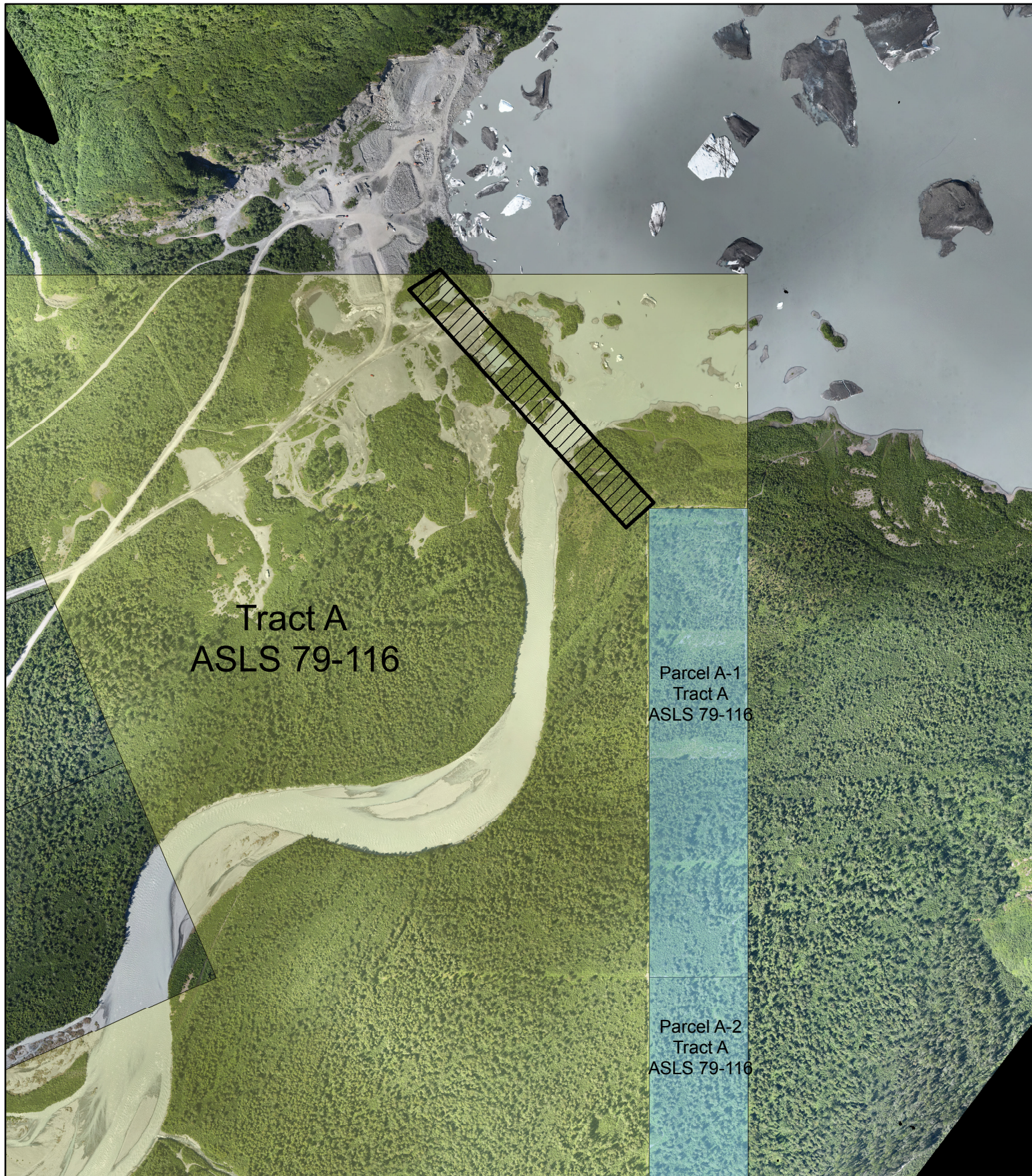
Attached to this agenda statement are several documents: 1) Layout of the Proposed East Peak Development; 2) Proposed bridge easement map; 3) Drawings of a proposed bridge construction configuration; 4) Flood map; and 5) Email from AnnMarie Lain regarding permits and flood zone requirements.

Mr. McCune and Community Development staff look forward to your input on this matter.


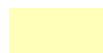



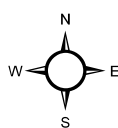






Concept Easement

-  200ft Wide Easement
-  City Owned Property
-  Private Property



BASE MAP PROVIDED BY: COV ComDev Dept.
ALL FEATURES ASSOCIATED WITH THIS MAP
ARE SUBJECT TO THE COV DISCLAIMER FOR
ACCURACY AND USE. IMAGERY DATE: 2016
SCALE: 1 in =682 ft

EAST & WEST ABUTMENTS

- 16 - 12" x 12" x 16' I BEAM PILINGNS - DROVE TO 10' PLUS
- 24 - 12" x 6" x 24' BACKING TIMBERS
- 16 - 12" x 6" x 22' BACKING TIMBERS
- 2 - 12" x 12" x 18' I BEAM BRIDGE SUPPORTS W/ VERTICAL SUPPORT @ BEAM & FOUNDATION LOCATIONS

RIP-RAP & FILL

MID-RIVER PILING

- 4 - 18" x 16' ROUND PILING
- 4 - 18" x 15' ROUND PILING SET @ 60° ANGLE W/ 4 - 2' x 4' x 8' CONCRETE FOUNDATIONS
OR / MOUNT TO BED ROCK
- 2 - 12" x 18' I BEAM BRIDGE SUPPORTS W/ VERTICAL SUPPORT @ BEAM LOCATIONS

DECK

- 12 - 24" x 100' I-BEAMS
- 1,800' 12" x 6" MOUNTING TIMBERS
- 300 - 12" x 6" x 16' SUB-DECK TIMBERS
- 4,200' 12" x 6" DECKING & GAURD RAIL TIMBERS
- 100 - 6" x 6" x 5' GUARD RAIL UPRIGHTS
- 600' GALVANIZED GUARD RAIL

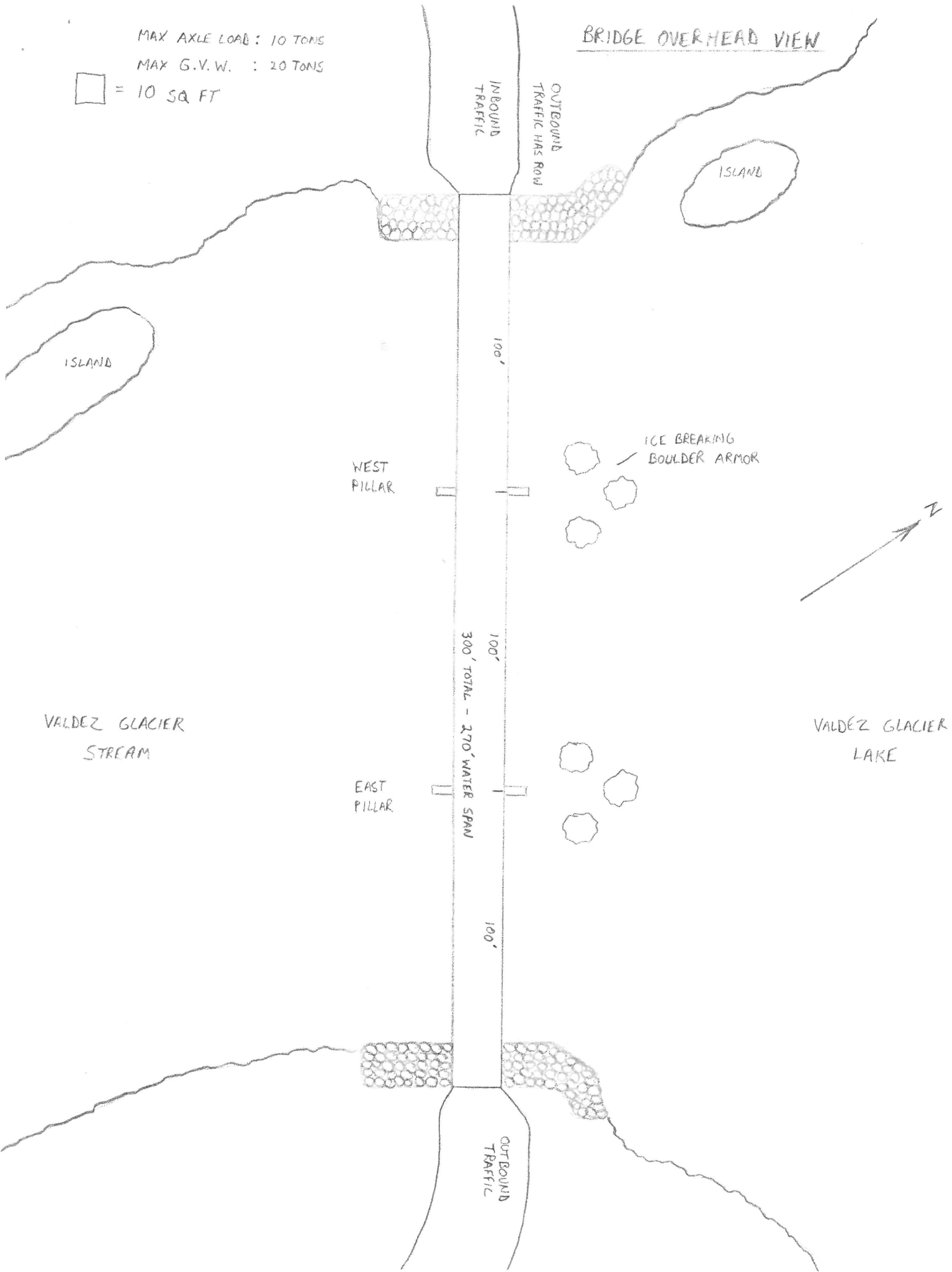
BOLTS, NUTS, PLATES, SPACERS, ECT.

MAX AXLE LOAD : 10 TONS

MAX G.V.W. : 20 TONS

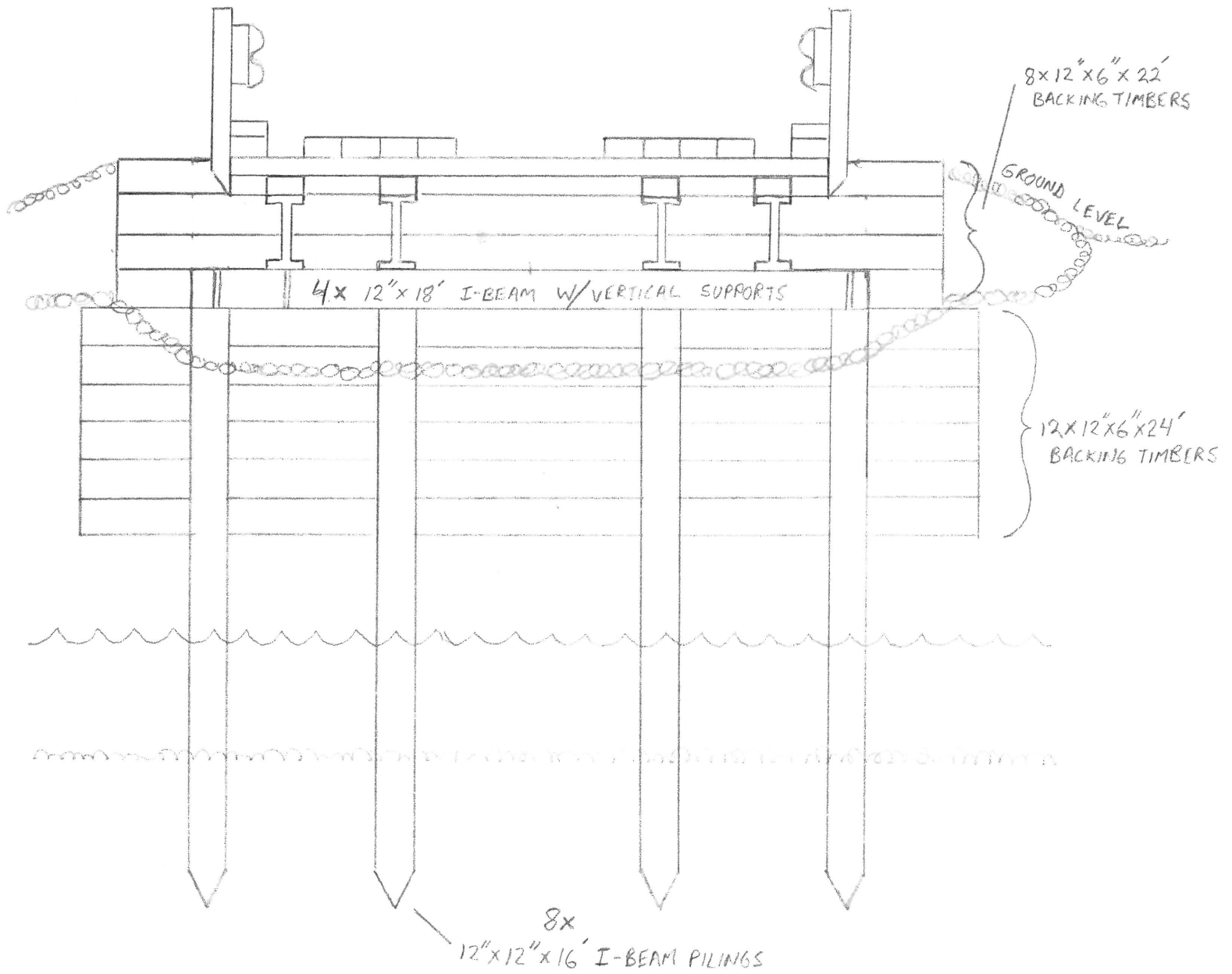
□ = 10 SQ FT

BRIDGE OVERHEAD VIEW



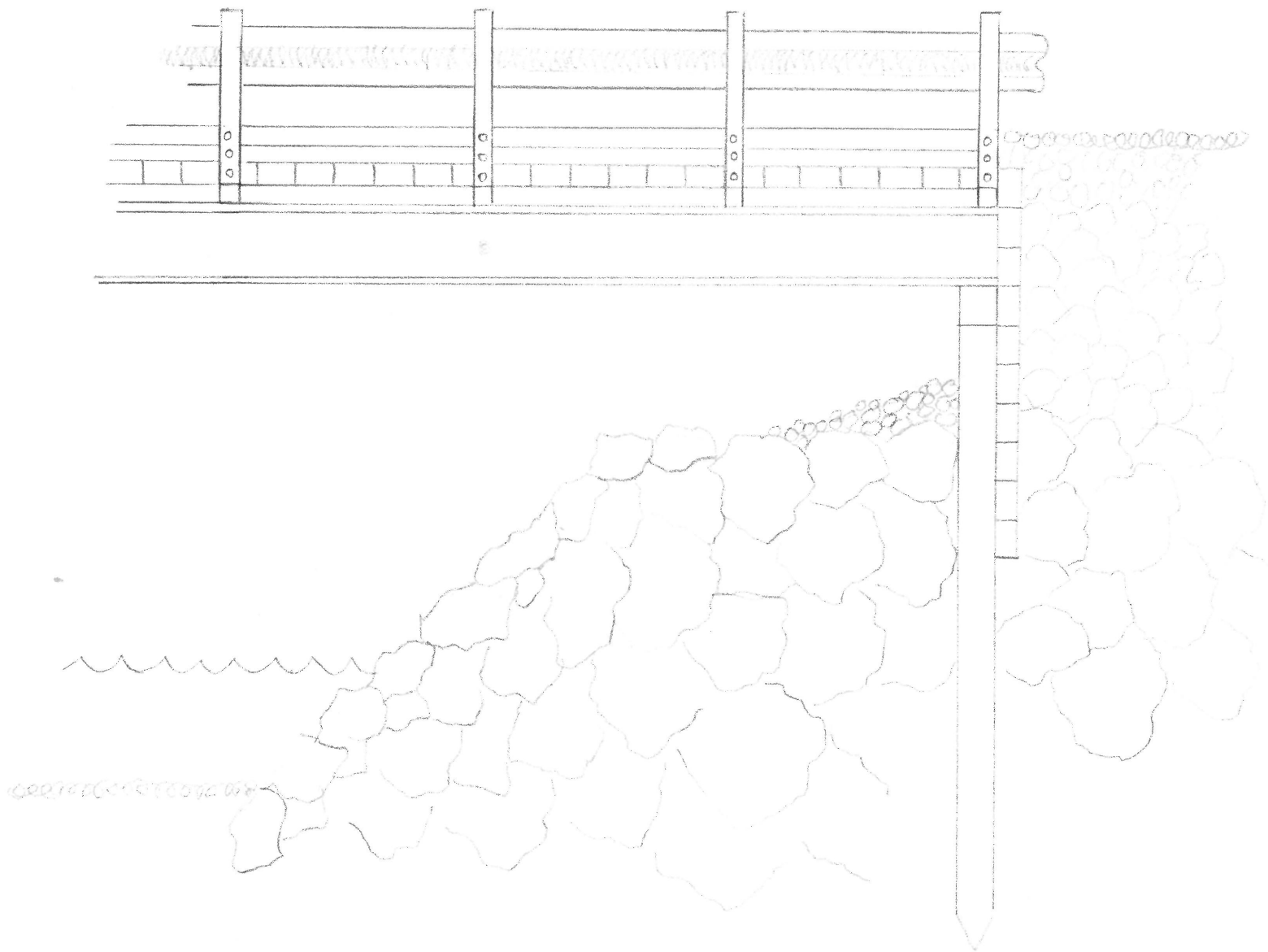
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FRONT VIEW OF BRIDGE ABUTMENT



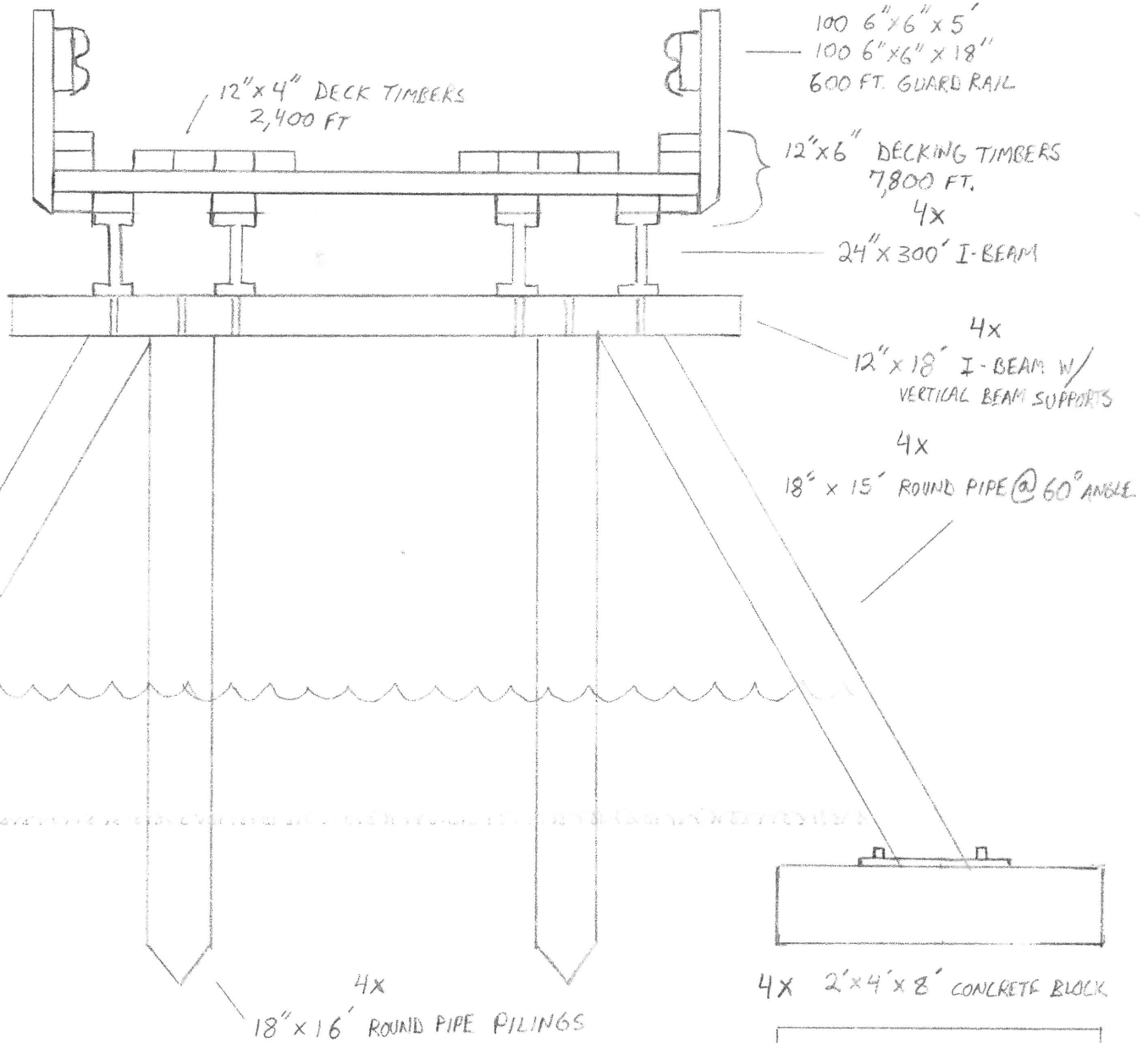
□ = 1 SQ. FT.

SIDE VIEW OF BRIDGE ABUTMENT



□ = 1 SQ. FT.

MID-RIVER PILINGS & SUPPORT



Lisa Von Bargaen

From: AnnMarie Lain
Sent: Tuesday, January 31, 2017 10:34 AM
To: Lisa Von Bargaen
Subject: Bridge Easement - Flood Info
Attachments: 0200940168D.pdf

Hi Lisa-

The bridge easement is located in a Flood Zone A and would require a floodplain development permit before construction. This permit will require that the applicant obtain all required state and federal permits. The more common federal regulations that may require a permit are listed below:

- U.S. Army Corps of Engineers Section 404- permits for wetlands filling
- U.S. Army Corps of Engineers Section 10 – permits for work in navigable waterways
- U.S. Coast Guard – permits for bridges and causeways that may affect navigation
- U.S. Fish and Wildlife Service- consultation required under Sections 7 and 10 of the Endangered Species Act of 1973

The proposed development must not increase the flood hazard on other properties. Each project proposed in the floodway is required to have an encroachment review. The developer will be required to obtain a “no-rise” certification supported by technical data.

Please let me know if this answered your question.

Cheers

-AML





Agenda Statement

File #: 17-0107 **Version:** 1

Type: Minutes **Status:** Agenda Ready

File created: 2/10/2017 **In control:** Planning and Zoning Commission

On agenda: 2/22/2017 **Final action:**

Title: Approval of Regular Meeting Minutes of February 8, 2017

Sponsors:

Indexes:

Code sections:

Attachments: [P&Z MeetingMinutes 08-Feb-2017-03-16-50](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Approval of Regular Meeting Minutes of February 8, 2017

SUBMITTED BY: Selah Bauer, Senior Administrative Assistant

FISCAL NOTES:

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

RECOMMENDATION:

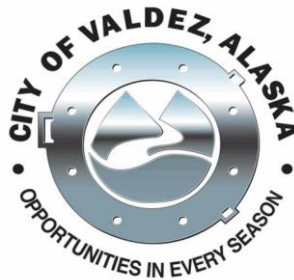
Approve Regular Meeting Minutes of February 8, 2017.

SUMMARY STATEMENT:

Please see the attached draft minutes of the regular meeting of February 8, 2017.

City of Valdez

212 Chenega Ave.
Valdez, AK 99686



Meeting Minutes - Draft

Wednesday, February 8, 2017

7:00 PM

Regular Meeting

Council Chambers

Planning and Zoning Commission

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

Present 10 - Chair Donald Haase
Chair Pro Tempore Jess Gondek
Commission Member Brandon Reese
Commission Member Harold Blehm
Commission Member Kristian Fagerberg
Commission Member Roger Kipar
Commission Member Victor Weaver
Planning Technician Keri Talbott
Sr. Office Assistant Selah Bauer
Director of Community & Economic Development Lisa Von Bargaen

Excused 1 - Sr. GIS Planning Tech AnnMarie Lain

II. ROLL CALL

III. APPROVAL OF MNUTES

MOTION: Commission Member Fagerberg moved, seconded by Commission Member Reese, To approve the Regular Meeting Minutes of January 25, 2017. The motion carried by the following vote after the following discussion occurred.

Commissioner Blehm said he'd like to add clarification to the January 25th minutes regarding his comment about the outdated City website. He said he was specifically speaking about the Ski Hill website. Commissioner Fagerberg said his name was misspelled in the "Commission Business from the Floor" section of the same minutes. Chairman Haase pointed out another needed change to the title of Subdivision 02; that it should read 03- and a description change.

Yays: 7 - Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Blehm, Commission Member Fagerberg, Commission Member Kipar, and Commission Member Weaver

Approval of Regular Meeting Minutes from January 25, 2017.

IV. PUBLIC APPEARANCES

Public Appearance: Wendy Goldstein, Zoning Ordinance Change Request to Allow for Subsistence Urban Farming in Single-Family Zoning District.

Ms. Wendy Goldstein came to the podium to discuss her request of the Commission to amend residential zoning to allow chickens. Wendy Goldstein said she's not planning on having a rooster, but rather three to four hens. She said she will keep her chicken coop small enough to manage, clean, presentable, and positioned away from her neighbors' boundary lines. Ms. Goldstein said she will keep the chicken feed inside her house, in

order to keep bears away. Commissioner Gondek, said he remembered that the chicken ownership issue came up before, and it's something that needs to be decided on, and he believes the Commission should work on this issue again now, and in coming weeks. Commissioner Gondek clarified that his following comments are only coming from him as a Commissioner of the Planning and Zoning Commission, not as a police officer; nor does he speak for anyone in the Police Department. However, he said he researched records of police calls dating back to 2006 through 2011, looking for how many calls were related to bear issues of all sorts. Commissioner Gondek said all together he counted 717 bear-related calls, and of those calls, only 7 were specifically related to domestic animals (with the exception of dogs) and bear interaction. He said from his experience, bears usually come around domestic animals when there is some kind of food left outside. Commissioner Gondek said he's had quite a few members of the community express the desire to have small livestock and/or small, hobby- type farms.

Commissioner Weaver said he has some safety concerns regarding extension cords permanently running power to buildings outside. Commissioner Reese said the Commission should decide and outline the specifics of the ordinance, if they are going to allow people to have chickens, etc. He then asked Ms. Goldstein if she has a fence surrounding her yard to keep the chickens from escaping. Ms. Goldstein replied that she would put a fence up around the chicken coop. She went on to address the concerns of Commissioner Weaver regarding extension cords. "From a little research, with four hens, the ideal size would be about four foot by 13 foot; inside and outside combined. That's my plan for four hens," Goldstein said. Community Development Director, Lisa Von Borgen, asked how Ms. Goldstein plans on heating the coop. Ms. Goldstein replied that she would run an extension cord, specifically made for outdoors, from her house to the coop.

Community Development Director, Lisa Von Borgen, recommended that this particular issue be brought back to the Commission as a discussion item, in order to decide what way the Commission wants to go with it, including creating some fairly clear direction and parameters, and then send a notification to the residents in zoning districts where allowing chicken ownership is being considered. "My recommendation is that we allow chickens to be in the residential zoning districts under certain parameters, and that the building inspector has to go out and inspect it," Von Borgen said. She added that what she doesn't want to happen is that people have to get a Conditional Use permit in order to have chickens. Von Borgen, went on to say that she imagines that once the public is notified of the potential change, there will be lots of community members who will have varying opinions on the matter.

Commissioner Reese agreed with Community Development Director, Lisa Von Borgen, about not making people get a Conditional Use Permit to own chickens, but rather to set the parameters clearly about what's ok and what's not, then allow it for the community to go forward with.

Commissioner Weaver said chickens can be at a high risk of salmonella. He said he read an article about people who had chickens sharing their eggs with others, and salmonella was spread through the eating the eggs. He said it came back on the City where this

happened, because some people were getting sick. He said it was an interesting case.

Community Development Director, Lisa Von Bargaen, replied that the Commission should involve the legal team as well. The two biggest requests the department gets for "urban farming" in residential zoning districts is for bees and chickens. She said her recommendation is that if the Commission is going to go into the more dense, residential neighborhoods, that perhaps they should start by allowing those two species in order to start small and see how that works out before allowing larger animals such as goats, etc.

Commissioner Gondek said Keri Talbot, from the Community Development Department, supplied the Commission with some good information to study the last time the Commission faced this issue. He requested that that information be given to the Commission again, so they can refresh their memories and have some educational materials to study.

Chairman Haase said he thinks the chicken issue is doable, as the City already allows chickens in one zoned area, so there's a roadmap to help them figure out where to go on the subject. Community Development Director, Lisa Von Bargaen said the City of Valdez has a zoning district that exists only in a portion of Corbin Creek Subdivision, and it's zoned as RN, which stands for Rural Residential No Animals. She said it was set up specifically because people wanted a rural setting, but specifically designed to disallow animals. Ms. Von Bargaen suggested the Commission keep the zoning in that particular area unchanged. "What's interesting to me is that Corbin Creek is a mix of RN (Rural Residential No Animals) and Single-Family Residential; so if we are about to let chickens and bees in Single-Family Residential, it doesn't make sense to not have it in the RN zoning district," Von Bargaen said. Commissioner Gondek asked if that came about because of the "mule incident." Ms. Von Bargaen said that before she worked for the City, there were some "horse wars" in Alpine Woods when the City was determining whether or not to let animals in that area. She said it came back up when they were determining the zoning for Corbin Creek. She said she believes that the people who wanted to live in Single-Family Residential areas wanted to make sure they weren't living next to a lot that had animals living on it, which is where the mixed-use zoning came about as a compromise. Ms. Von Bargaen suggested the Commission disallow any animals larger than chickens or bees in that area.

V. PUBLIC BUSINESS FROM THE FLOOR

There was no Public Business from the Floor.

VI. PUBLIC HEARINGS

Public Hearing: Ordinance No. 17-02 Amending Title 17 Zoning of the Valdez Municipal Code related to Breweries, Wineries and Distilleries.

Community Development Director, Lisa Von Bargaen, said the department staff proposes to allow breweries, wineries, distilleries, and brew pubs, in the Central Business District and the General Commercial Zoning district; as well as the allowance

of breweries, wineries, and distilleries in the Light Industrial zoning district. "As it says in the Agenda Statement, because we are changing those three zoning districts; substantively adding to those zoning districts, we had to send out notifications to everyone who was in a 300 foot radius of any place those zoning districts exist. That was more than 500 households. So, I am astounded, given the fact that this is alcohol related, and that we just went through similar hearings regarding marijuana businesses, that there is perhaps only one person in the audience here (or perhaps not) to speak to this issue," Von Bargaen said.

Only one person called to ask her for clarification regarding the public notice, but no other phone calls came in opposing or supporting the proposed change, Von Bargaen said. She stated that there is one application with the Alcohol Beverage Control Board waiting for approval, pending the approval of the zoning; more specifically there is a person who has submitted an active Brewery license request with the ABC Board.

Chairman Haase reminded the audience that this meeting is a Public Hearing regarding the rezoning issue proposed, that no voting will take place tonight, but he welcomed the audience member to speak to the Commission- if he choose to do so. The audience member declined the offer, stating that he was just there to observe. There being no one from the public who wanted to speak, Chairman Haase closed the Public Hearing.

VII. REPORTS Aleutian Village Update Report

Regarding the Aleutian Village Update Report, Community Development Director, Lisa Von Bargaen said the survey for the preliminary plat is finished and submitted to the appraiser. She added that the Community Development Department will be giving additional information to the appraiser, so he can not only appraise the land in question, but everything on that land, with the exception of individual trailers. She said this will allow the City to have a comprehensive evaluation of the land, to help identify potential solutions- whatever they may be. On a separate note, Ms. Von Bargaen also informed the Commission that the Community Development Department ordered and received reflective flags to help locate electrical shut-off locations throughout the park.

VIII. COMMISSION BUSINESS FROM THE FLOOR

None of the Commissioners had any business to comment on. However, Ms. Von Bargaen informed the Commission that Keri Talbot is leaving her City job on February 21st, as she is moving. She went on to say that the additional Senior Planning Technician position is still not filled as needed space was not available all last year. Space now is available given the relocation of other departments. However, the new City Manager requested the hiring of that position be put on hold until she has time to review the department organization. There are many active and proposed changes for the

department including 1) new senior planner; 2) replacement of Keri's position, Planning Technician; 3) Rusty's retirement at the end of June; 4) the possible shift of GIS functions to IT; 5) the shift of economic development functions to its own department; and 6) the increase in flood mitigation work. With the arrival of the new City Manager the department will take this opportunity to assess how best to organize the work load so it makes the most sense for the department, the organization as a whole, and for service delivery to the community. She said she'll keep the Commission apprised of the process as it goes along.

Ms. Von Barga also told the Commission that the new City Manager plans on attending a P&Z Commission meeting in the near future.

IX. ADJOURNMENT

There being no further business, Chairman Haase adjourned the meeting at 7:28pm.



Agenda Statement

File #: 17-0108 **Version:** 1

Type: New Business **Status:** Agenda Ready

File created: 2/17/2017 **In control:** Planning and Zoning Commission

On agenda: 2/22/2017 **Final action:**

Title: Ordinance No. 17-02 Amending Title 17 Zoning of the Valdez Municipal Code Related to Breweries, Wineries and Distilleries

Sponsors:

Indexes:

Code sections:

Attachments: [Brewery Ordinance](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Ordinance No. 17-02 Amending Title 17 Zoning of the Valdez Municipal Code Related to Breweries, Wineries and Distilleries

SUBMITTED BY: Lisa Von Bargaen, CED Director

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Approve Ordinance No. 17-02 amending Title 17 Zoning of the Valdez Municipal Code related to breweries, wineries, and distilleries

SUMMARY STATEMENT:

The Planning & Zoning Commission held a public hearing on this item on February 8, 2017. There was no public comment. The rest of this agenda statement remains unchanged from February 8th.

For the past couple of years individuals in Valdez have expressed an interest in opening breweries in the community. Despite having had one in Old Town, New Town has yet to be home to any commercial "adult beverage" developer. Late last fall the City received an application for a brewery through the Alcohol Beverage Control Board (ABC Board). Applications are required to get approval from the local municipality. The Council approved the application pending amendments to the zoning

code. Currently breweries are not allowed in any zoning district.

The attached draft ordinance amends Title 17 (Zoning) of the of the Valdez Municipal Code to allow Breweries, Wineries, Distilleries and Brew Pubs as permitted uses in the Central Business and General Commercial Zoning Districts. It also provides for Breweries, Wineries, and Distilleries in the Light Industrial Zoning Districts, also as permitted uses. The definitions of these four types of facilities are included in the definitions section of the zoning code by adopting, by reference, the existing State definitions. The definitions and descriptions of all four facilities are outlined below in this agenda statement.

This is a public hearing, designed to take input from the public on this matter. The three zoning districts contemplated for change encompass significant area around the community. Notice had to be sent to everyone owning property within a 300-foot radius of the zoning districts. The mailing was sent to more than 500 commercial and residential property owners.

Please see the State definitions below. The City is not recommending any changes or additions to the existing State license standards.

Sec. 04.11.130. Brewery license. (a) A brewery license authorizes the holder to operate a brewery where beer is manufactured and bottled or barreled for sale.

(b) The holder of a brewery license may sell beer in quantities of

(1) not more than five gallons a day to an individual who is present on the licensed premises for consumption off the premises;

(2) more than five gallons a day to a person who is licensed under this title, or in another state or country.

(c) The holder of a brewery license may permit a person to sample small portions of the brewery's product free of charge unless prohibited by [AS 04.16.030 <<http://www.legis.state.ak.us/basis/statutes.asp>>](#).

(d) The biennial brewery license fee is \$1,000.

(e) Unless prohibited by [AS 04.16.030 <<http://www.legis.state.ak.us/basis/statutes.asp>>](#), a holder of a brewery license may sell not more than 36 ounces a day of the brewery's product to a person for consumption on the premises if

(1) the brewery does not allow live entertainment, televisions, pool tables, dart games, dancing, electronic or other games, game tables, or other recreational or gaming opportunities on the premises where the consumption occurs;

(2) the brewery does not provide seats at the counter or bar where the product is served; and

(3) the room where the consumption occurs is not open before 9:00 a.m. and serving of the product ends not later than 8:00 p.m.

Sec. 04.11.135. Brewpub license. (a) A brewpub license authorizes the holder of a beverage dispensary license to

(1) manufacture on premises licensed under the beverage dispensary license not more than 465,000 gallons of beer in a calendar year;

(2) sell beer manufactured on premises licensed under the beverage dispensary license for consumption on the licensed premises or other licensed premises of the beverage dispensary licensee that are also licensed as a beverage dispensary;

(3) sell beer manufactured on the premises licensed under the beverage dispensary license in quantities of not more than five gallons a day to an individual who is present on the licensed premises for consumption off the premises;

(4) provide a small sample of the brewpub's beer manufactured on the premises free of charge unless prohibited by [AS 04.16.030 <<http://www.legis.state.ak.us/basis/statutes.asp>>](#);

(5) sell beer manufactured on the premises licensed under the beverage dispensary license to a person

licensed as a wholesaler under [AS 04.11.160 <http://www.legis.state.ak.us/basis/statutes.asp>](http://www.legis.state.ak.us/basis/statutes.asp); sales under this paragraph may not exceed 37,200 gallons in a calendar year, including sales under (6) of this subsection; and

(6) sell not more than 6,200 gallons in a calendar year of beer manufactured on the premises to a person who is licensed under this title, or in another state or country, if the premises licensed under the beverage dispensary license are located in a community with a population of 75,000 or more.

(b) Except as provided under [AS 04.11.360 <http://www.legis.state.ak.us/basis/statutes.asp>](http://www.legis.state.ak.us/basis/statutes.asp)(10), the brewpub license is not transferable, shall remain the property of the state, and is not subject to any form of alienation.

(c) The biennial brewpub license fee is \$500.

(d) Notwithstanding (a) of this section, the holder of a brewpub license who, under the provisions of [AS 04.11.450 <http://www.legis.state.ak.us/basis/statutes.asp>](http://www.legis.state.ak.us/basis/statutes.asp)(b), formerly held a brewery license and a restaurant or eating place license and who, under the former brewery license, manufactured beer at a location other than the premises licensed under the former restaurant or eating place license may

(1) manufacture not more than 465,000 gallons of beer in a calendar year on premises other than the premises licensed under the beverage dispensary license;

(2) provide a small sample of the manufactured beer free of charge at the location the beer is manufactured unless prohibited by [AS 04.16.030 <http://www.legis.state.ak.us/basis/statutes.asp>](http://www.legis.state.ak.us/basis/statutes.asp); and

(3) sell the beer authorized to be manufactured under this subsection

(A) on the premises licensed under the beverage dispensary license or other licensed premises of the beverage dispensary licensee that are also licensed as a beverage dispensary;

(B) to a wholesaler licensed under [AS 04.11.160 <http://www.legis.state.ak.us/basis/statutes.asp>](http://www.legis.state.ak.us/basis/statutes.asp); sales under this subparagraph may not exceed 37,200 gallons in a calendar year, including sales under (D) of this paragraph;

(C) to an individual who is present on the premises described under (A) of this paragraph, or where the beer is manufactured, in quantities of not more than five gallons a day for consumption off the premises; and

(D) to a person licensed under this title, or in another state or country, if the premises where the beer is manufactured are located in a community with a population of 75,000 or more; sales under this subparagraph may not exceed 6,200 gallons in a calendar year.

(e) Notwithstanding (a) of this section, a brewpub license authorizes the holder of a restaurant or eating place license to (1) manufacture on premises licensed under the restaurant or eating place license not more than 465,000 gallons of beer in a calendar year; (2) sell beer manufactured on premises licensed under the restaurant or eating place license for consumption on the licensed premises; (3) sell beer manufactured on the premises licensed under the restaurant or eating place license in quantities of not more than five gallons a day for consumption off the premises to an individual who is present on the licensed premises; and (4) provide a small sample of the brewpub's beer manufactured on the premises free of charge unless prohibited by [AS 04.16.030 <http://www.legis.state.ak.us/basis/statutes.asp>](http://www.legis.state.ak.us/basis/statutes.asp). A person who holds a brewpub license under this subsection may not hold more than one brewpub license.

Sec. 04.11.140. Winery license. (a) A winery license authorizes the holder to operate a winery where wine is manufactured and bottled or barreled for sale.

(b) The holder of a winery license may sell wine in quantities of

(1) not more than five gallons

(A) to an individual who is present on the licensed premises; or

(B) by shipping to an individual if the shipment is not to an area that has prohibited the importation or possession of alcoholic beverages under this chapter or to an area that has limited the importation or possession of alcoholic beverages unless the sale complies with the limitation;

(2) more than five gallons to a person who is licensed under this title, or in another state or country.

(c) The holder of a winery license may permit a person to sample small portions of the wine free of charge unless prohibited by [AS 04.16.030 <http://www.legis.state.ak.us/basis/statutes.asp>](http://www.legis.state.ak.us/basis/statutes.asp).

(d) The biennial winery license fee is \$500.

Sec. 04.11.170. Distillery license. (a) A distillery license authorizes the holder to operate a distillery where alcoholic beverages are distilled and bottled or barreled for sale.

(b) A distillery license authorizes the holder to sell alcoholic beverages in

(1) quantities of not more than one gallon a day to a person who is present on the licensed premises for consumption off the premises;

(2) any amount to a person who is licensed under this title or in another state or country.

(c) The biennial distillery license fee is \$1,000.

(d) The holder of a distillery license may permit a person to sample small portions of the distillery's product free of charge unless prohibited by AS 04.16.030 <<http://www.legis.state.ak.us/basis/statutes.asp>>.

(e) Unless prohibited by AS 04.16.030 <<http://www.legis.state.ak.us/basis/statutes.asp>>, a holder of a distillery license may sell not more than three ounces a day of the distillery's product to a person for consumption on the premises if

(1) the distillery does not allow live entertainment, televisions, pool tables, dart games, dancing, electronic or other games, game tables, or other recreational or gaming opportunities on the premises where the consumption occurs;

(2) the distillery does not provide seats at the counter or bar where the product is served; and

(3) the room where the consumption occurs is not open before 9:00 a.m. and serving of the product ends not later than 8:00 p.m.

CITY OF VALDEZ, ALASKA
ORDINANCE NO. 17-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ ALASKA
AMENDING TITLE 17 ZONING OF THE VALDEZ MUNICIPAL CODE
RELATING TO BREWERIES, WINERIES AND DISTILLERIES

WHEREAS, the state of Alaska has experienced significant growth in the craft of beer, wine and spirit making; and

WHEREAS, local entrepreneurs wish to develop such business in Valdez; and

WHEREAS, there is currently no provision for these types of establishments within Title 17 Zoning of the Valdez Municipal Code; and

WHEREAS, to facilitate this type of business development in Valdez amendments to Title 17 Zoning are necessary; and

WHEREAS, the State of Alaska has definitions of these types of establishments that can be adopted in Valdez; and

WHEREAS, sound zoning practices suggest these types of establishments are most suited to the business and light industrial zoning districts of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that:

Title 17 Zoning of the Valdez Municipal Code is amended to read as follows:

Section 1: Chapter 17.04 of the Valdez Municipal Code is hereby amended to read as follows:

Chapter 17.04

DEFINITIONS

Sections:

- 17.04.010 Rules of construction.
- 17.04.020 Definitions—Generally.
- 17.04.030 Abut.
- 17.04.040 Access.
- 17.04.050 Accessory use or accessory structure.
- 17.04.060 Administrative officer.
- 17.04.070 Affected persons.

17.04.090 Alteration.
17.04.100 Apartment.
17.04.110 Apartment house.
17.04.120 Aquaculture operation.
17.04.140 Automobile sales.
17.04.150 Automobile service station.
17.04.160 Automobile wrecking yard.
17.04.170 Bed and breakfast home.
17.04.180 Boardinghouse.
17.04.190 Boat repair facility.
17.04.192 Brewery.
17.04.193 Brewpub.
17.04.200 Building.
17.04.210 Building, accessory.
17.04.220 Building, agricultural.
17.04.230 Building area.
17.04.240 Building code.
17.04.250 Building, existing.
17.04.260 Building height.
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17.04.280 Building, principal or main.
17.04.290 Bunkhouse.
17.04.300 Child care center.
17.04.310 Child care home.
17.04.320 Church.
17.04.330 Church services.
17.04.340 Clinic.
17.04.350 Club.
17.04.360 Cluster housing development.
17.04.370 Collector street.
17.04.380 Commercial.
17.04.390 Commercial cold storage.
17.04.400 Community building.
17.04.405 Commercial antenna.
17.04.410 Comprehensive plan.
17.04.420 Conditional use.
17.04.430 Condominium.
17.04.435 Co-generation facility.
17.04.440 Contiguous.
17.04.445 Corral.
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17.04.450 Country club.
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- 17.04.1600 Yard, side.
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17.04.010 Rules of construction.

For the purpose of this title, certain terms or words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. The singular number includes the plural.
- C. The word “person” includes a partnership and corporation as well as the individual.
- D. The word “lot” also includes the words “plot,” “parcel” or “tract.”
- E. The term “shall” is always mandatory.
- F. The words “used” or “occupied,” as applied to any land or building, include the words “intended,” “arranged” or “designed” to be used or occupied. (Ord. 03-15 § 1 (part): prior code § 30-8(a))

17.04.020 Definitions—Generally.

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section. When a word or term is not specifically stated, the city manager or designee shall have the authority to interpret the meaning or description most comparable, subject to appeal to the planning and zoning commission, then city council. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.030 Abut.

“Abut” means to physically touch or border upon; or to share a common property line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.040 Access.

“Access” means a way or means of approach to provide physical entrance to a lot. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.050 Accessory use or accessory structure.

“Accessory use or accessory structure” means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.060 Administrative officer.

“Administrative officer” means a municipal officer appointed by the city manager to administer and enforce this chapter. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.070 Affected persons.

“Affected persons” means and includes those owners of record of real property located within a distance of three hundred feet, including public street and other rights-of-way. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.090 Alteration.

“Alteration” means any change, addition or modification in the construction, location, occupancy or use classification. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.100 Apartment.

“Apartment” means any portion of a building which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of a family unit living and doing their own cooking independently of any other. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.110 Apartment house.

Apartment house. See “Dwelling, multiple-family.” (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.120 Aquaculture operation.

“Aquaculture operation” means any establishment or facilities where aquatic plants and animals are regulated and cultivated. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.140 Automobile sales.

See “Vehicle and trailer sales.” (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.150 Automobile service station.

“Automobile service station” means a retail place of business engaged primarily in the sale of motor fuels, lubricants and other petroleum products, but also in supplying accessories and services generally required in the normal operation and maintenance of motor vehicles. The servicing of motor vehicles shall be generally limited to lubrication, nonmechanical washing, installation or replacement of accessory items and the performance of minor maintenance and repair. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.160 Automobile wrecking yard.

“Automobile wrecking yard” means any lot or portion of a lot used for the purpose of dismantling used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled, obsolete or wrecked vehicles. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.170 Bed and breakfast home.

“Bed and breakfast home” means a home occupation where lodging, and no more than one meal per day, is provided by the homeowner for compensation to transient guests on a day-to-day basis. (Ord. 03-15 § 1 (part): Ord. 98-03 § 1: prior code § 30-8(b) (part))

17.04.180 Boardinghouse.

“Boardinghouse” means a building, residential in character, other than a hotel or motel, with not more than five guest rooms where lodging, with or without meals, is provided for compensation for three or more persons, but not exceeding fifteen persons, on other than a day-to-day basis, and which is not open to transient guests. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.190 Boat repair facility.

“Boat repair facility” means a facility (which could include a boat repair garage, boat storage yard) where boats are repaired and stored until repairs are completed. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.192 Brewery.

“Brewery” has the meaning given in AS 04.11.130. A brewery must have a valid brewery license under AS 04.11.130 and comply with all requirement set forth therein.

17.04.193 Brewpub.

“Brewpub” has the meaning given in AS 04.11.135. A brewpub must have a valid brewpub license under AS 04.11.135 and comply with all requirements set forth therein.

17.04.200 Building.

“Building” means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.210 Building, accessory.

“Accessory building” means a detached building, the use of which is appropriate, subordinate and customarily incidental to that of the main building or to the use of land and which is located on the same lot as the main building or use. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.220 Building, agricultural.

“Agricultural building” means a building used to shelter agricultural equipment, implements, hay, grain, poultry, livestock or other produce, in which no human habitation is present and which is not used by the public. The term “agricultural” shall include the terms “farming,” “fishing,” “gardening,” “horticultural” and “ranching.” (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.230 Building area.

“Building area” means the total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of external steps. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.240 Building code.

“Building code” means the Uniform Building Code and Chapters 8.12, 15.04, 15.08, 15.12 and 15.16 and Title 13 of this code, including local amendments, applicable to the city. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.250 Building, existing.

“Existing building” means a building erected prior to the adoption of this code for which a legal building permit has been issued. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.260 Building height.

“Building height” means the vertical distance from the average elevation of the finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hip roof. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.270 Building line, front.

“Front building line” means the foundation line of any structure to be erected on the property. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.280 Building, principal or main.

“Principal or main building” means a building in which is conducted the principal or main use of the lot on which the building is situated. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.290 Bunkhouse.

“Bunkhouse” means a building used as living quarters for people such as cannery workers or construction laborers where shower and sanitary facilities are shared by several rooms. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.300 Child care center.

“Child care center” means a facility, including an occupied residence, in which day care is regularly provided for six or more unrelated children. A child care center does not include any public or private school registered with the State of Alaska Department of Education as providing legally authorized educational and related functions, but it does include a pre-elementary school for children aged three through five years, whether certified or not by the Department of Education. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.310 Child care home.

“Child care home” means a facility, including an occupied residence, in which day care is regularly provided for not more than six unrelated children. A child care home does not include any public or private school registered with the State of Alaska Department of Education as providing legally authorized educational and related functions, but it does include pre-elementary school for children age three through five years, whether certified or not by the Department of Education. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.320 Church.

“Church” means a building or structure generally open to the public and used as a place of gathering for the purpose of religious worship or related activities. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.330 Church services.

“Church services” means a gathering of people for the purpose of religious worship. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.340 Clinic.

“Clinic” means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.350 Club.

“Club” means a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.360 Cluster housing development.

“Cluster housing development” means two or more independent single-family dwellings developed as a cluster or group requiring a conditional use permit, the plan of which may not conform to the minimum yard and lot requirements of the district in which the development is located. Cluster developments may not exceed the density allowed within the district in which they are located and are specifically intended to provide a method to allow development of unusual terrain where standard development would be prohibitive. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.370 Collector street.

“Collector street” means a street designed and intended to carry traffic from residential street systems to arterial street systems or state highways. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.380 Commercial.

“Commercial” means activity involving sales or the rental of any article, substance or commodity and the provision of all commercial services including financial institutions and personal services. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.390 Commercial cold storage.

“Commercial cold storage” means storage of perishable goods, such as food or furs, in a refrigerated or very cold place for commercial enterprise. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.400 Community building.

“Community building” means a building or structure owned and operated by an agency or political subdivision of the United States, state of Alaska, or city of Valdez providing service to the public. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.405 Commercial antenna.

“Commercial antenna” means an antenna that is used for commercial purposes. (Ord. 03-15 § 1 (part))

17.04.410 Comprehensive plan.

“Comprehensive plan” means an officially adopted document including text, charts, graphics or maps, or any combination, designed to portray general long-range proposals for the arrangement of land uses and development of an economic base and human resources and which is intended to guide government policy towards achieving orderly and coordinated development of the entire community. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.420 Conditional use.

“Conditional use” means a provision which allows for flexibility within this chapter by permitting certain specified uses in zoning districts where such uses are generally considered appropriate, but only after additional conditions and safeguards are applied to ensure their compatibility with permitted principal uses. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.430 Condominium.

“Condominium” means a dwelling composed of two or more dwelling units where each separate unit is individually owned with common areas of the structure, if any, and common land area being owned, according to fixed percentages, by the owners of the separate dwelling units in a cooperative manner. This requires compliance with the Alaska Horizontal Property Regimes Act and the formulation of a legal homeowner’s association to guide the financial and maintenance arrangements for the units in total. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.435 Co-generation facility.

“Co-generation facility” means a non-utility, privately owned installation that produces useful energy, but not limited to electricity, water, thermal, and gas; or produces a service as waste disposal to create or convert to a usable energy; that is intended for sale to the public by use of a distribution system or connection to an existing system, such as a utility, which is owned by an agency which is under public franchise or ownership, or under certificate of convenience and necessity which provides the public with electricity, gas, heat, steam, communication, water, sewerage collection or other similar services. Co-generation facilities will be required to comply with Title 15 of the Valdez Municipal Code. (Ord. 03-15 § 1 (part): Ord. 97-17 § 1)

17.04.440 Contiguous.

“Contiguous” means next to, abutting, or touching and having a boundary, or portion thereof, which is common, coterminous or coextensive. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.445 Corral.

“Corral” means the primary enclosure for confining livestock. (Ord. 03-15 § 1 (part): Ord. 96-19 § 1)

17.04.446 Correctional facility.

“Correctional facility” means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, borough, municipal, and contract jails, and other facilities operated by the department of corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.

17.04.450 Country club.

“Country club” means a land area and buildings containing recreational activities, clubhouse and associated accessory uses, usually open only to members and their guests for a membership fee. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.460 Coverage.

“Coverage” means the percentage of the total area allowed to be covered by buildings or structures of any type or size. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.470 Day care.

“Day care” means the care, supervision and guidance, on a regular basis, of a child or children under the age of fourteen years unaccompanied by a parent or legal guardian, for periods of less than twenty-four hours a day. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.475 Density.

“Density” means the number of inhabitants, or dwellings, per unit of geographical region; may refer to population or housing density. (Ord. 03-15 § 1 (part))

17.04.477 Distillery.

“Distillery” has the meaning given in AS 04.11.170. A distillery must have a valid distillery license under AS 04.11.170 and comply with all requirements set forth therein.

17.04.480 Dormitory.

“Dormitory” means a residential building, other than a hotel or motel, with six or more guest rooms, where lodging with or without meals is provided for compensation on other than a day-to-day basis for students, employees or the like and which is not open to transient guests. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.490 Drinking establishment.

“Drinking establishment” means a building or place of business involving the retail sale or dispensing of alcoholic beverages by the drink. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.500 Dwelling.

“Dwelling” means a building designed or used exclusively as living quarters for one or more families. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

17.04.510 Dwelling, multiple-family.

“Multiple-family dwelling” means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

17.04.520 Dwelling, single-family.

“Single-family dwelling” means a detached building constructed on a permanent foundation, designed for long-term human habitation exclusively and constituting one dwelling unit. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

17.04.530 Dwelling, two-family.

“Two-family dwelling” means a detached building designed for or to be occupied exclusively by two families and constituting two dwelling units, set side by side or one on top of the other with a common wall and/or a floor/ceiling assembly between, whichever is appropriate and having a common roof. (Ord. 03-15 § 1 (part); Ord. 95-01 § 1; prior code § 30-8(b) (part))

17.04.540 Dwelling unit.

“Dwelling unit” means a structure or portion thereof containing a kitchen, living, toilet and sleeping accommodations and designed to be occupied by one family. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

17.04.550 Easement.

“Easement” means an interest in land owned by another that entitles the easement holder to a specified limited use or enjoyment. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

17.04.560 Eating establishment.

“Eating establishment” means a place, building or structure where the preparation or serving of food for sale or consumption is conducted. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

17.04.570 Exception.

“Exception” means a new structure constructed in violation of this title by innocent error. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

17.04.575 Excessive.

“Excessive” means beyond normal or reasonable limits. (Ord. 03-15 § 1 (part))

17.04.580 Factory-built or prefabricated building.

“Factory-built or prefabricated building” means a detached building designed for long-term habitation and use and having complete facilities, constructed and fabricated into one or more

sections at a factory and designed to be joined at location of use on a permanent foundation and meeting all applicable building codes and housing codes. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.590 Family.

“Family” means any number of individuals related by blood or marriage or an unrelated group of not more than five persons living together as a single housekeeping unit. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.600 Fence.

“Fence” means a barrier which is constructed of wood, metal, plastics, masonry materials or a combination thereof. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.610 Fence height.

“Fence height” means the vertical distance between the ground, either natural or filled, directly under the fence and the highest point of the fence, excluding ornamental projections at no closer than five-foot intervals. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.620 Floor area.

“Floor area” means the total horizontal area of each floor of a building within the surrounding outer walls but excluding vent shafts and courts. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.630 Frozen food lockers.

“Frozen food lockers” means refrigerated lockers provided for the storage of frozen food, either private or rented, for a fee. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.640 Garage.

“Garage” means a building or portion thereof in which motor vehicles containing gasoline, distillates or other volatile, flammable liquids are stored. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.650 Garage, body and fender repair.

“Body and fender repair garage” means a garage used for major automobile repairs, especially body and fender work involving repair of damaged vehicles. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.660 Garage, mechanical repair.

“Mechanical repair garage” means any garage available to the public operated for gain, and which is used for storage, major mechanical repair including but not limited to engine, transmission or differential repair or replacement, greasing, washing, servicing or adjusting or equipping of automobiles or other vehicles. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.670 Garage, private.

“Private garage” means an accessory building or any portion of a main building used in connection with residential purposes for the storage of passenger motor vehicles. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.680 Grade or ground level.

“Grade or ground level” means the average level of the finished ground at the center of all exterior walls of a building; in case walls are parallel to and within five feet of a public sidewalk, the ground shall be measured at the sidewalk. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.690 Group care facility.

“Group care facility” means any private or public institution maintained and operated for the care, boarding, housing or training of five or less physically, mentally or socially handicapped or delinquent dependent persons by an unrelated person. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.700 Guest room.

“Guest room” means any room in a dormitory, boarding or lodginghouse used for and maintained to provide sleeping accommodations for not more than two persons. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.710 Home occupation.

“Home occupation” means an accessory use of service character customarily conducted within a dwelling unit which is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof. (Ord. 03-15 § 1 (part): Ord. 98-03 § 2: prior code § 30-8(b) (part))

17.04.720 Hospital.

“Hospital” means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.730 Hospital, animal.

“Animal hospital” means a facility, which may include animal runs, in which veterinary services are rendered to animals and domestic pets, and which may include clipping, bathing, boarding, and other services. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.735 Hostel.

“Hostel” means any building or group of buildings in which there are five or less guest rooms, used for the purpose of offering public lodging on a day-to-day basis, not including bed and breakfast homes. (Ord. 03-15 § 1 (part))

17.04.740 Hotel.

“Hotel” means any building or group of buildings in which there are six or more guest rooms, used, designed or intended for use for the purpose of offering public lodging on a day-to-day basis. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.750 Industrial.

“Industrial” means activity including resource extraction, manufacturing, warehousing, storage, distribution, shipping and other related uses. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.755 Industrial, heavy.

“Heavy industrial” means activity including heavy manufacturing, shipping terminals, natural resource extraction, and other processes or operations which involve one or more of the following: large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water and sewer service. (Ord. 03-15 § 1 (part))

17.04.756 Industrial, light.

“Light industrial” means light industrial manufacturing, processing, warehousing, storage, wholesale and distribution operations, and similar processes and operations. (Ord. 03-15 § 1 (part))

17.04.760 Inn.

“Inn” means any building or group of buildings in which there are five or less guest rooms, used for the purpose of offering public lodging on a day-to-day basis, not including a bed and breakfast home. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.770 Institutions of higher learning.

“Institutions of higher learning” means an organization whose purpose is post-secondary education. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.780 Insure.

“Insure” means guarantee; make sure or certain something will happen. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.790 Junkyard.

“Junkyard” means any lot or portion of a lot used for the storage, salvage, keeping or abandonment of junk or waste material including worn out, wrecked, scrapped, partially or fully dismantled discarded tangible materials, combination of materials, or items, such as machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot, without further reconditioning, be used for their original purpose. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.800 Kennel.

“Kennel” means any enclosure, building, shelter, area or establishment used for the purpose of breeding, buying, selling, keeping or boarding three or more dogs over the age of four months either for profit, pleasure or as pets. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.810 Laboratory.

“Laboratory” means a room or building used for scientific experimentation, research or preparing chemicals or drugs. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.811 Light manufacturing or processing.

“Light manufacturing or processing” means small-scale industrial operations in the production of some commodity. (Ord. 03-15 § 1 (part))

17.04.815 Livestock.

“Livestock” means generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs and other house pets.

A. Large Livestock. “Large livestock” means livestock two hundred fifty pounds and over, and older than twelve months.

B. Small Livestock. “Small livestock” means livestock under two hundred fifty pounds and older than six months.

C. Livestock under six months of age is considered to be in the weaning process and is not included in the total number of countable livestock on a piece of property. (Ord. 03-15 § 1 (part): Ord. 96-19 § 2)

17.04.820 Loading berth.

“Loading berth” means an off-street space used for the temporary parking of commercial vehicles while unloading merchandise, materials or supplies at a building or structure and located upon the same lot as the building. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.825 Lodge.

“Lodge” means the same as “inn” as defined in Section 17.04.760 of this code. (Ord. 03-15 § 1 (part): Ord. 97-12 § 1 (part))

17.04.830 Lot.

“Lot” means a parcel of land shown as an individual unit on the most recent plat of record and intended to be used for one principal building and use. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.840 Lot, corner.

“Corner lot” means a lot situated at the junction of, and bordering on, two intersecting streets. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.850 Lot, depth of.

“Depth of lot” means a mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.860 Lot, interior.

“Interior lot” means a lot located within a group of lots other than on intersecting streets. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.870 Lot line, front.

“Front lot line” means the lot line adjacent to a public street. In the case of a corner lot, the front line shall be the shorter of the street lot lines. In the case of a triangular lot located on a curved street, the front lot line shall be the chord line of the curve measured from the points where property intersects the street. In no case should this line be less than ten feet. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.880 Lot line, rear.

“Rear lot line” means the lot line opposite and most distant from the front lot line, and in the case of a triangular, irregular or other odd-shaped lot, the line not less than ten feet in length, within the lot, parallel to and at the maximum distance from the front lot line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.890 Lot line, side.

“Side lot line” means any lot line not a front lot line or a rear lot line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.900 Lot lines.

“Lot lines” means the property lines bounding a single parcel of property. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.910 Lot width.

“Lot width” means the mean horizontal distance separating side lot lines of an individual lot. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.920 Lot, zero line.

“Zero line lot” means a technique whereby two adjacent buildings from adjacent lots can be constructed with a common wall providing a proper fire wall rating is utilized. All other aspects are the same as in conventional development. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.921 Major street.

“Major street” means a roadway which serves as the principal artery of through traffic movement. They are generally high-speed highways with limited access. (Ord. 05-12 § 3)

17.04.925 Master plan.

“Master plan” means a plan for a subdivision or similar improvement that includes development aspects, including, but not limited to, zoning, lot size, utilities, recreational/public facilities, biological issues, snow removal, geological hazards, drainage, access, streets, public areas, rights-of-way, easements, and future expansion options. A master plan is designed to be a living document that changes based on survey results, community needs, environmental and geological changes or impacts. (Ord. 03-15 § 1 (part))

17.04.926 Marijuana concentrate manufacturing facility.

“Marijuana concentrate manufacturing facility” has the meaning given in AS 17.38.900 (10) and is subject to the privileges set out in 3 AAC 306.515 and the prohibitions set out in 3 AAC 306.510. Marijuana concentrate manufacturing facilities are a limited version of marijuana product manufacturing facilities and are permitted wherever marijuana product manufacturing facilities are permitted.

17.04.927 Marijuana cultivation facility.

“Marijuana cultivation facility” has the meaning given in AS 17.38.900(8) and is subject to the privileges and prohibitions set out in 3 AAC 306.405.

17.04.928 Marijuana cultivation facility, limited.

“Marijuana cultivation facility, limited” has the meaning given in AS 17.38.900(8) and is subject to the privileges and prohibitions set out in 3 AAC 306.410. Limited marijuana cultivation facilities are a limited version of marijuana cultivation facilities and are permitted wherever marijuana cultivation facilities are permitted. “Marijuana cultivation facility, limited” and “limited marijuana cultivation facility” have the same meaning as used herein.

17.04.929 Marijuana product manufacturing facility.

“Marijuana product manufacturing facility” has the meaning given in AS 17.38.900(10) and is subject to the privileges set out in 3 AAC 306.305 and prohibitions set out in 3 AAC 306.310.

17.04.930 Marijuana retail store.

“Marijuana retail store” has the meaning given in AS 17.38.900(13) and is subject to the privileges set out in 3 AAC 306.305 and prohibitions set out in 3 AAC 306.310. “Marijuana retail store” and “retail marijuana store” have the same meaning as used herein.

17.04.931 Marijuana testing facility.

“Marijuana testing facility” has the same meaning given in AS 17.38.900(12) and is subject to the privileges and prohibitions set out in 3 AAC 306.610.

17.04.932 Marine equipment and repair facilities.

“Marine equipment and repair facilities” means an establishment where marine equipment is sold and repaired. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

17.04.933 Minor street.

“Minor street” means that which is used primarily for access to the abutting properties. (Ord. 05-12 § 4)

17.04.940 Mobile home.

“Mobile home” means a detached single-family dwelling designed for long-term human habitation and having complete living facilities; constructed and fabricated into a complete unit in a factory and capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer, meeting the mobile home manufacturer’s association codes and designed primarily for placement on an impermanent foundation. Travel trailers as defined in this title are not to be construed as mobile homes. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.950 Mobile home court.

“Mobile home court” means any area, lot or portion of a lot where space for two or more mobile homes is leased, rented or held out for rent for occupancy, having separate attachments for normal public utilities; this does not include automobile or trailer sales lots on which unoccupied mobile homes are parked for inspection and sale. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.960 Mobile home subdivision.

“Mobile home subdivision” means two or more mobile homes on separate lots developed under the subdivision regulations and the conditional use procedures of this title, where mobile homes are permanently installed for residential use on individually owned parcels of property. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.970 Motel.

“Motel” means an establishment providing transient accommodations commonly containing six or more rooms with complete sanitary facilities intended primarily for those traveling by car, usually with direct access from each room to an area for cars. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.980 Natural resource extraction.

“Natural resource extraction” means commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel, rock or any operations having similar characteristics. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.990 New construction.

“New construction” means any structure for which the start of construction commenced on or after the effective date of the ordinance codified in this title. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1000 Nonconformity.

“Nonconformity” means any lot, structure, use of land, use of a structure or characteristics of such use which does not conform to the terms of this title or future amendments, but which was lawful or in active use before or on January 17, 1983. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1010 Open space.

“Open space” means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1020 Open space, common.

“Common open space” means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1030 Owner or manager apartment.

“Owner or manager apartment” means a defined area within a building that is designed to be used exclusively as the living quarters for the owner or manager of that building. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1040 Park.

“Park” means a tract of land, designated and used by the public for active and passive recreation. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1050 Parking, public.

“Public parking” means a structure or open area other than a street, alley or other right-of-way used for the temporary parking of automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1060 Parking space, off-street.

“Off-street parking space” means a space located off any street, alley or other right-of-way which is adequate for parking an automobile with room for opening the doors and adequate maneuvering room on a parking lot with access to a public street or alley. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1070 Parsonage.

“Parsonage” means the permanent place of residence of the pastor or minister of a church. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1075 Passive.

“Passive” means existing, conducting or experiencing without active or concerted effort; receiving an action without responding or initiating a return action. (Ord. 03-15 § 1 (part))

17.04.1080 Permitted use.

“Permitted use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1090 Personal services.

“Personal services” means establishments primarily engaged in providing individual services generally related to personal needs such as a tailor shop. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1100 Pharmacy.

“Pharmacy” means a place where drugs and medicines are prepared and dispensed. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1110 Planned unit development.

“Planned unit development” means a group or combination of dwellings and associated uses developed as a functional unit under conditional use procedures, the plan of which may not conform to the regulations established in any one or more zoning districts with respect to lot size, mixture of uses, density, lot coverage or required open space. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1120 Playing field.

“Playing fields” means grounds and facilities for open-air games. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1130 Port and harbor facilities.

“Port and harbor facilities” means those facilities generally associated with a port or harbor such as docks, piers, floats, and the harbormaster structure. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1140 Principal use.

“Principal use” means the primary or predominant use of any lot or tract. The first use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1150 Private club or lodge.

“Private club or lodge” means a building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1160 Profession.

“Profession” means an occupation or calling requiring the practice of a learned art through specialized knowledge, training, experience or a degree issued by an institute of higher learning, e.g., doctor of medicine, lawyer, engineer or real estate broker. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1170 Professional office.

“Professional office” means the office of a member of a recognized profession maintained for the conduct of that profession. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1180 Property line.

“Property line” means a demarcation limit of a lot dividing it from other lots or parcels of land. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1190 Quasi-institutional homes.

“Quasi-institutional homes” means a residential facility located in a residence or living unit, the principal use being to serve as a place for no more than six persons seeking rehabilitation, counseling, self-help and family environment. This includes recovery from a physical, emotional or legal infirmity. Such homes are commonly called half-way houses, children’s homes or self-help facilities. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1195 Quasi-public.

“Quasi-public” means in a manner or degree of being public, having some, but not all of the particular attributes of being public. (Ord. 03-15 § 1 (part))

17.04.1200 Recreation camps or resorts.

“Recreation camps or resorts” means a camp designed and equipped for the conduct of sports, leisure time activities or other customary and usual recreational activities. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1201 Recreation or youth center.

“Recreation or youth center” means a building, structure, athletic playing field, or playground run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.

17.04.1205 Recreational park trailer.

“Recreational park trailer” means a unit designed for use as temporary or seasonal nonpermanent overnight accommodations that is built on a single chassis, mounted on wheels, and is permanently towable by a light duty vehicle. It may not exceed four hundred square feet in the set-up mode when measured at the largest horizontal projections. The unit must be certified by a manufacturer complying with ANSI standard A 119.5 and must be registered in the state in which it is domiciled. (Ord. 03-15 § 1 (part))

17.04.1210 Recreational vehicle.

“Recreational vehicle” means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or other temporary occupancy use, which either has its own motive power, or is mounted on or drawn by another vehicle. By way of illustration and not limitation the basic entities are: travel trailer, camping trailer, truck camper, house trailer, motor home, and other similar vehicles. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1220 Recreational vehicle park or campground.

“Recreational vehicle park or campground” means a parcel of land where two or more recreational vehicles or tents are parked, camped, leased or rented for temporary occupancy for recreation or vacation purposes. A recreational vehicle park or campground may be improved or unimproved providing remote, rural or nonrural settings that may or may not include improvements and amenities such as restrooms, water, showers, electricity, a dump station, cable television, Internet service or similar services.

17.04.1225 Recreational vehicle park or campground site.

“Recreational vehicle park or campground site” means a plot of ground within a recreational vehicle park or campground intended for the accommodation of a recreational vehicle, a tent, or other individual camping unit on a temporary basis.

17.04.1230 Related.

“Related” means any of the following relationships by marriage, blood, or legal adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt; it also means the relationship of a legal guardian or ward.

17.04.1231 Religious services.

See “Church services.”

17.04.1235 Rental cabins.

“Rental cabins” means a single-family dwelling that does not exceed seven hundred square feet in total area and contains no more than one sleeping room or area, and is available for rent on a limited or long-term basis. (Ord. 03-15 § 1 (part): Ord. 97-12 § 1 (part))

17.04.1240 Residential.

“Residential” means activity involving the occupation of a building for living, cooking, sleeping and recreation. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1245 Retail store.

“Retail store” means a business engaged in the sale of commodities in small quantities to the consumer. (Ord. 03-15 § 1 (part))

17.04.1250 Retirement center.

“Retirement center” means a development designed to meet the needs of, and exclusively for, the residences of retired individuals. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1260 Riding stable.

“Riding stable” means an establishment where horses are boarded and cared for and where the general public may, for a fee, hire horses for riding. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1270 Right-of-way.

“Right-of-way” means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1280 School.

“School” means any building or part thereof which is designed, constructed or used for educational purposes or instruction in any branch of knowledge. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1290 School, private.

“Private school” means any building or group of buildings the use of which meets state requirements for primary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1300 Setback.

“Setback” means that line that is the required minimum distance from the street right-of-way or any other lot line that establishes the area within which the principal structure must be erected or placed. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1305 Shooting range.

“Shooting range” means a facility or area used for controlled, live discharge at a target, by firearm instruments, including, but not limited to, archery items, rifles, pistols, air guns and shotguns. (Ord. 03-15 § 1 (part))

17.04.1310 Sign.

“Sign” means any device, flat, light, figure, picture, letter, message, symbol, plaque or poster visible outside the lot on which it is located and which is designed to inform or attract the attention of the public, excluding murals or architectural designs which do not advertise a business, product or service. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1320 Sign, real estate.

“Real estate sign” means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1330 Stable.

“Stable” means a structure or establishment that is used for the shelter or care of horses and cattle. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1340 State highway.

“State highway” means a right-of-way classified by the state as a primary, secondary A or secondary B highway. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1350 Story.

“Story” means that portion of a building between any floor and the next floor above; except, that the topmost story shall be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor level directly above a basement, cellar or unused floor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such basement, cellar or unused floor space shall be considered a story. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1360 Street.

“Street” means a permanently designed way, open to general public use, which affords the principal means of access to abutting property, such as an avenue, place, drive, boulevard, highway and any other similar public thoroughfare. (Ord. 05-12 § 5: Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1370 Street line.

“Street line” means the property line bordering the street right-of-way. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1380 Structure.

“Structure” means anything which is constructed or erected and which is located on or under the ground, or attached to something fixed to the ground. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1390 Subdivision.

“Subdivision” means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1400 Tank farms.

“Tank farms” means any and all lots that contain one or more tanks or enclosed storage facilities with an aggregate total capacity capable of holding ten thousand gallons of a liquid or

more, and designed for the purpose of containing liquids other than water. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1410 Tent.

“Tent” means a portable, collapsible, enclosed shelter made of canvas or nylon, or comparable material, which has been specifically designed and manufactured for temporary use for camping. (Ord. 03-15 § 1 (part): Ord. 96-07 § 2: prior code § 30-8(b) (part))

17.04.1420 Townhouse.

“Townhouse” means a building containing single-family dwelling units erected in a row, on adjoining lots, each being separated from the adjoining units by an approved party wall or fire wall extending from the basement or cellar floor through the roof along the linking lot line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1425 Trail.

“Trail” means a marked, worn or beaten path, as through woods or wilderness. (Ord. 03-15 § 1 (part))

17.04.1430 Trailer.

“Trailer” means a utility structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1460 Tree nurseries.

“Tree nurseries” means land or greenhouses used to raise trees for sale. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1470 Truck gardening.

“Truck gardening” means the growing of farm products which are trucked to a local market. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1480 Use.

“Use” means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1490 Use, accessory.

See “Accessory use.” (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1500 Use, principal.

See “Principal use.” (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1510 Utility installation.

“Utility installation” means an installation owned by any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity,

gas, heat, steam, communication, water, sewage collection or other similar service. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1520 Variance.

“Variance” grants an exception to a standard of a zoning district but not to the use restriction of that zoning district and then only when unusual physical characteristics of the lot make application of the standard an undue hardship. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1530 Variety store.

“Variety store” means a retail store that sells a wide variety of relatively small and inexpensive items. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1540 Vehicle and trailer sales.

“Vehicle and trailer sales” means the use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other minor repair service conducted as an accessory use. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1550 Vocational school.

“Vocational school” means a secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade and meets the state requirements as a vocational facility. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1560 Warehouse.

“Warehouse” means a building used primarily for the storage of goods and materials. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1570 Watchman or caretaker dwelling.

“Watchman or caretaker dwelling” means an accessory dwelling associated with a commercial or industrial building or structure for the purpose of housing a watchman or caretaker. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1575 Watershed.

“Watershed” means an area in which all water, sediments, and dissolved materials flow or drain into a common river, lake, ocean or other body of water. (Ord. 03-15 § 1 (part))

17.04.1577 Winery.

“Winery” has the meaning given in AS 04.11.140. A winery must have a valid winery license under AS 04.11.140 and comply with all requirements set forth therein.

17.04.1580 Yard, front.

“Front yard” means a yard extending the full width of the lot across the front of a lot adjoining a public street and measured horizontally at right angles to the front lot line or future street right-of-way line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1590 Yard, rear.

“Rear yard” means a yard extending the full width of the lot across the rear of the lot and measured horizontally at right angles to the rear lot line, future alley right-of-way or access easement. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1600 Yard, side.

“Side yard” means a yard extending from the front yard to the rear yard and measured horizontally at right angles to the side lot line. In the case of a corner lot or side yard abutting a public street, the side yard shall be measured horizontally at right angles to the side lot line or future street right-of-way. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

17.04.1610 Zero lot line.

See “Lot, zero line.” (Ord. 03-15 § 1 (part))

Section 2: Chapter 17.28 of the Valdez Municipal Code is hereby amended to read as follows:

Chapter 17.28

CBD CENTRAL BUSINESS DISTRICT

Sections:

- 17.28.010 Intent.
- 17.28.020 Permitted principal uses and structures.
- 17.28.030 Permitted accessory uses.
- 17.28.040 Conditional uses.
- 17.28.050 Prohibited uses and structures.
- 17.28.060 Minimum lot requirements.
- 17.28.070 Minimum setback requirements.
- 17.28.080 Maximum height of buildings and structures.
- 17.28.090 Required off-street parking and loading.
- 17.28.100 Signs.
- 17.28.110 Maximum lot coverage by all buildings and structures.

17.28.010 Intent.

The CBD (central business district) area is served by a full range of utilities and services and is established as a district in which the principal use of land is for retail and parking, personal and business services of all kinds, satisfying the needs of residents of the entire community in one central location. The zone is intended to permit convenient expansion of permitted uses and to

provide the proper amount of light and space needed for streets and more exposure of buildings. The CBD district should protect businesses within the zoning district from over-congestion, and should prohibit exclusive residential and industrial uses or any other uses which would substantially interfere with the development and continuation of a cohesive central business district. (Ord. 03-15 § 11 (part); prior code § 30-21(a))

17.28.020 Permitted principal uses and structures.

In the CBD zone, the following uses and structures are permitted outright:

1. Agencies and offices rendering specialized professional services such as finance, real estate and brokerage, including service agencies not involving on-premises retail or on-premises maintenance of the stock of goods for sale to the general public;
2. Alcoholic beverages, packaged retail sales; alcoholic beverages, licensed premises;
3. Antiques and gift stores;
4. Appliance distributors;
5. Art and supply retail shops;
6. Automobile commercial parking enterprises;
7. Bakery shops and confectioneries, operating as both wholesale and retail businesses; provided, that such operations are limited to one thousand five hundred square feet of manufacturing area;
8. Banks, barber, beauty and other personal services;
9. Books and stationery stores;
10. Brewery;
11. Brewpub;
1240. Child care centers;
1344. Clothing sales;
1442. Department retail stores;
15. Distillery;
1643. Drugstores;
1744. Eating and drinking establishments, including clubs and places of entertainment;
1845. Finance and loan companies;
1946. Food processing for sale and retail on the premises, but excluding the killing or dressing of any flesh or fowl;
2047. Food stores (retail only), grocery, delicatessen, meat or fish stores, but excluding the killing or dressing of any flesh or fowl;
2148. Furniture retail sales and outlets;
2249. Governmental and private office buildings, including professional offices;
2320. Hardware, appliance and electrical items for retail sale;
2421. Hotels;
2522. Jewelry and watch sales and manufacturing;
2623. Laundries, laundromats;
2724. Laundry pickup stations;
2825. Libraries;
2926. Locksmiths and gunsmiths;
3027. Lodges of fraternal labor or social organizations;

- ~~31~~28. Marijuana retail store;
- ~~32~~29. Marijuana testing facilities;
- ~~33~~30. Mortuaries/funeral homes;
- ~~34~~31. Museums and art galleries;
- ~~35~~32. Music stores;
- ~~36~~33. Newsstands;
- ~~37~~34. Office and secretarial service establishments;
- ~~38~~35. Office equipment supplies, sales and service;
- ~~39~~36. Opticians and optical supplies and sales;
- ~~40~~37. Pawnshops or secondhand stores;
- ~~41~~38. Photographic studios and camera supply stores;
- ~~42~~39. Police and fire stations;
- ~~43~~40. Public or private schools and institutions of higher learning;
- ~~44~~41. Radio, television sales (retail) and services;
- ~~45~~42. Radio and television broadcast stations including transmission towers and masts;
- ~~46~~43. Retail stores;
- ~~47~~44. Shoe repair shops;
- ~~48~~45. Sporting goods sales;
- ~~49~~46. Tailors, dressmakers and milliners;
- ~~50~~47. Taxi stands;
- ~~51~~48. Testing laboratories.
- ~~52.~~ Winery.

17.28.030 Permitted accessory uses.

In a CBD zone, the following uses and structures, which are incidental to the permitted principal uses and structures listed in Section 17.28.020, are permitted:

- A. Accessory buildings in conjunction with a permitted or conditional use such as a private garage or workshop;
- B. Automobile parking in conjunction with the permitted or conditional uses;
- C. One or more apartments;
- D. Home occupations;
- E. Small wind energy systems in conformance with Section 17.48.150. (Ord. 08-11 § 9: Ord. 03-15 § 11 (part): Ord. 94-03 § 1: Ord. 93-17 § 1: prior code § 30-21(c))

17.28.040 Conditional uses.

In a CBD zone, subject to the conditional use provisions of this title, the following uses and structures may be permitted:

- A. Assembly halls;
- B. Commercial planned unit developments;
- C. Gymnasiums and similar structures.
- D. Limited marijuana cultivation facilities (only in conjunction with a marijuana retail store or a retail store).

17.28.050 Prohibited uses and structures.

In the CBD zone, any uses or structures not of a character indicated under permitted principal uses and structures or permitted as a conditional use are prohibited. (Ord. 03-15 § 11 (part): prior code § 30-21(e))

17.28.060 Minimum lot requirements.

- A. Lot width: none.
- B. Lot area: none. (Ord. 03-15 § 11 (part): prior code § 30-21(f))

17.28.070 Minimum setback requirements.

- A. Front yard, side yard and rear yard: subject to building code regarding firewalls and separation of buildings.
- B. Side yard where it abuts a residential zoning district: same as that required for the residential district.
- C. Rear yard where it abuts a residential zoning district: same as that required for the residential district.
- D. Proper area for parking is required. (Ord. 03-15 § 11 (part): prior code § 30-21(g))

17.28.080 Maximum height of buildings and structures.

- A. Principal buildings and structures shall not exceed thirty-five feet in height, except as otherwise provided in this chapter.
- B. Accessory buildings shall not exceed sixteen feet in height. (Ord. 03-15 § 11 (part): prior code § 30-21(h))

17.28.090 Required off-street parking and loading.

Adequate off-street parking and loading spaces shall be provided in connection with any permitted use in accordance with the requirements set forth in Sections 17.48.100 and 17.48.110. (Ord. 03-15 § 11 (part): prior code § 30-21(i))

17.28.100 Signs.

Signs may be allowed in conjunction with any permitted use subject to the provisions of Section 17.48.090. (Ord. 03-15 § 11 (part): prior code § 30-21(j))

17.28.110 Maximum lot coverage by all buildings and structures.

Unrestricted. (Ord. 03-15 § 11 (part))

Section 3: Chapter 17.30 of the Valdez Municipal Code is hereby amended to read as follows:

Chapter 17.30

G GENERAL COMMERCIAL DISTRICT

Sections:

17.30.010 Intent.

- 17.30.020 Permitted principal uses and structures.
- 17.30.030 Permitted accessory uses.
- 17.30.040 Conditional uses.
- 17.30.050 Prohibited uses and structures.
- 17.30.060 Minimum lot requirements.
- 17.30.070 Minimum setback requirements.
- 17.30.080 Maximum lot coverage by all buildings and structures.
- 17.30.090 Maximum height of buildings and structures.
- 17.30.100 Required off-street parking and loading.
- 17.30.110 Signs.

17.30.010 Intent.

The G (general commercial) district is served by the major and essential utilities of sewer, water and electricity and is intended to include those areas which are heavily exposed to automobile traffic. The district is intended specifically for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the G district commercial uses along arterials in a “strip” fashion is discouraged. (Ord. 03-15 § 12 (part): prior code § 30-22(a))

17.30.020 Permitted principal uses and structures.

In a G zone, the following uses and structures are permitted outright:

- A. All principal uses permitted within the central business district;
- B. Automobile service stations and automobile mechanical repair garages;
- C. Bowling alleys;
- D. Brewery;
- E. Brewpub;
- ~~F~~D. Child care facilities;
- GE. Community buildings, assembly halls and recreation centers;
- H. Distillery;
- ~~I~~F. Fraternal organizations, private clubs and theaters;
- JG. Hardware buildings, materials, supply establishments; provided, that such activities shall be conducted within a completely enclosed building;
- ~~K~~H. Hotels and inns;
- LI. Marijuana retail stores;
- MJ. Marijuana testing facilities;
- ~~N~~K. Motels;
- OL. Pet stores;
- PM. Print shops;
- QN. Public parks and open space for informal recreation;
- RO. Retail stores;
- SP. Utilities installations, except dams, water reservoirs, sewer treatment plants and solid waste disposal facilities. (Ord. 03-15 § 12 (part): prior code § 30-22(b))
- T. Winery.

17.30.030 Permitted accessory uses.

In a G zone, the following uses and structures, which are incidental to the permitted principal uses and structures listed in Section 17.30.020, are permitted:

- A. Accessory buildings;
- B. Automobile parking in conjunction with a permitted or conditional use;
- C. One or more apartments;
- D. Home occupations;
- E. Small wind energy systems in conformance with Section 17.48.150. (Ord. 08-11 § 10: Ord. 03-15 § 12 (part): Ord. 94-04 § 1: Ord. 93-16 § 1: prior code § 30-22(c))

17.30.040 Conditional uses.

In a G zone, subject to the conditional use provisions of this title, the following uses and structures may be permitted:

- A. Boat and marine equipment repair facilities;
- B. Boat storage;
- C. Commercial planned unit developments;
- D. Limited marijuana cultivation facilities (only in conjunction with a marijuana retail store or a retail store).
- E. Marijuana manufacturing facilities (only in conjunction with a marijuana retail store or a retail store).
- F. Playgrounds;
- G. Recreational vehicle campground.

17.30.050 Prohibited uses and structures.

In a G zone, any uses or structures not of a character indicated under permitted principal uses and structures or permitted as a conditional use are prohibited. (Ord. 03-15 § 12 (part): prior code § 30-22(e))

17.30.060 Minimum lot requirements.

- A. Lot width: fifty feet.
- B. Lot area: six thousand feet. (Ord. 03-15 § 12 (part): prior code § 30-22(f))

17.30.070 Minimum setback requirements.

- A. Front yard, side yard and rear yard: subject to building code regarding fire walls and separation of buildings.
- B. Side yard where it abuts a residential zoning district: same as that required for the residential district.
- C. Rear yard where it abuts a residential zoning district: same as that required for the residential district. (Ord. 03-15 § 12 (part): prior code § 30-22(g))

17.30.080 Maximum lot coverage by all buildings and structures.

Unrestricted. (Ord. 03-15 § 12 (part): prior code § 30-22(h))

17.30.090 Maximum height of buildings and structures.

- A. Principal buildings and structures shall not exceed thirty-five feet in height, except as otherwise provided in this title.
- B. Accessory buildings shall not exceed sixteen feet in height. (Ord. 03-15 § 12 (part): prior code § 30-22(i))

17.30.100 Required off-street parking and loading.

Adequate off-street parking and loading spaces shall be provided in connection with any permitted use in accordance with the requirements set forth in Sections 17.48.100 and 17.48.110. (Ord. 03-15 § 12 (part): prior code § 30-22(j))

17.30.110 Signs.

Signs may be allowed in conjunction with any permitted use subject to the provisions of Section 17.48.090. (Ord. 03-15 § 12 (part): prior code § 30-22(k))

Section 4: Chapter 17.36 of the Valdez Municipal Code is hereby amended as follows:

Chapter 17.36

L-I LIGHT INDUSTRIAL DISTRICT

Sections:

- 17.36.010 Intent.
- 17.36.020 Permitted principal uses and structures.
- 17.36.030 Permitted accessory uses and structures.
- 17.36.040 Conditional uses.
- 17.36.050 Prohibited uses and structures.
- 17.36.060 Minimum lot requirements.
- 17.36.070 Minimum setback requirements.
- 17.36.080 Maximum lot coverage by all buildings and structures.
- 17.36.090 Maximum height of buildings and structures.
- 17.36.100 Required off-street parking and loading.
- 17.36.110 Signs.

17.36.010 Intent.

The L-I (light industrial) district is intended for light industrial development including light manufacturing, processing, warehousing, storage, wholesale and distribution operations, and similar processes and operations. Limited commercial uses and accessory residential uses are allowed in the L-I district to serve the uses for which the district is primarily intended. (Ord. 03-15 § 16 (part): prior code § 30-25(a))

17.36.020 Permitted principal uses and structures.

In an L-I zone, the following uses and structures are permitted outright:

- A. Automobile service stations;

- B. Sales and repair facilities (i.e., equipment, boat, auto body);
- C. Building material supply establishments;
- D. Brewery;
- E~~D~~. Bunkhouses;
- F. Distillery;
- G~~E~~. Professional offices;
- H~~F~~. Maintenance and service shops, construction offices and equipment storage yards;
- I~~G~~. Marijuana cultivation facilities;
- J~~H~~. Marijuana product manufacturing facilities;
- K~~I~~. Marijuana retail stores
- L~~J~~. Marijuana testing facilities;
- M~~K~~. Light manufacturing and processing operations;
- N~~L~~. Open space for recreation;
- O~~M~~. Principal permitted uses of waterfront industrial district;
- P~~N~~. Agricultural nurseries and greenhouses;
- Q~~O~~. Utilities installations, except dams, water reservoirs and sewage treatment plants;
- R~~P~~. Warehousing and indoor/outdoor storage. (Ord. 03-15 § 16 (part): prior code § 30-25(b))
- S. Winery

17.36.030 Permitted accessory uses and structures.

In an L-I zone, the following uses and structures, which are incidental to the permitted principal uses and structures listed in Section 17.36.020, are permitted:

- A. Accessory buildings;
- B. Owner/operator dwellings;
- C. Sales and service uses accessory to permitted principal uses;
- D. Watchman's facilities;
- E. Small wind energy systems in conformance with Section 17.48.150. (Ord. 08-11 § 14: Ord. 03-15 § 16 (part): prior code § 30-25(c))

17.36.040 Conditional uses.

In an L-I zone, subject to the conditional use provisions of this title, the following uses and structures may be permitted:

- A. Airports and landing fields for rotary or fixed-wing aircraft;
- B. Animal hospitals, veterinary practices and kennels;
- C. Asphalt and concrete plants;
- D. Correctional facilities;
- E. Hazardous, volatile and flammable storage and distribution;
- F. Recreational vehicle campground;
- G. Sawmills;
- H. Solid waste processing facility on tracts of not less than ten acres;
- I. RV park or campground;
- J. Mobile home courts;
- K. Outdoor shooting ranges;
- L. Restaurants, taverns and cocktail lounges;

M. Structures over 35 feet. (Ord. 03-15 § 16 (part): prior code § 30-25(d))

17.36.050 Prohibited uses and structures.

Any use or structure not of a character indicated under permitted principal uses and structures or permitted as a conditional use is prohibited. (Ord. 03-15 § 16 (part): prior code § 30-25(e))

17.36.060 Minimum lot requirements.

Width and area are determined by use and other codes. (Ord. 03-15 § 16 (part): prior code § 30-25(f))

17.36.070 Minimum setback requirements.

Front yard, side yard and rear yard subject to building code regarding fire walls and separation of structures. (Ord. 03-15 § 16 (part): prior code § 30-25(g))

17.36.080 Maximum lot coverage by all buildings and structures.

Unrestricted within setbacks. (Ord. 03-15 § 16 (part): prior code § 30-25(h))

17.36.090 Maximum height of buildings and structures.

Principal buildings and structures shall not exceed thirty-five feet in height, except as otherwise provided in this title. (Ord. 03-15 § 16 (part): prior code § 30-25(i))

17.36.100 Required off-street parking and loading.

Adequate off-street parking and loading spaces shall be provided in connection with any permitted use in accordance with the requirements set forth in Sections 17.48.100 and 17.48.110. (Ord. 03-15 § 16 (part): prior code § 30-25(j))

17.36.110 Signs.

Signs may be allowed in conjunction with any permitted use subject to the provisions of Section 17.48.090. (Ord. 03-15 § 16 (part): prior code § 30-25(k))

Section 5. This ordinance takes effect immediately upon passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ,
ALASKA this ____ day of _____, 2017.

CITY OF VALDEZ, ALASKA

Ruth E. Knight, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

First Reading:
Second Reading:
Adoption:
Ayes:

APPROVED AS TO FORM:

Anthony S. Guerriero, City Attorney

Noes:

Absent:

Abstaining:



Agenda Statement

File #: 17-0109 **Version:** 1
Type: New Business **Status:** Agenda Ready
File created: 2/17/2017 **In control:** Planning and Zoning Commission
On agenda: 2/22/2017 **Final action:**
Title: Approval of Homeowners Association Covenants for CUP #14-03 for a Planned Unit Development - Easley Grove Townhomes. Applicant: Cody Galipeau
Sponsors:
Indexes:
Code sections:
Attachments: [Easley Townhome Declarations.pdf](#)
[14006 VALDEZ EISLEY GROVE PLAT 150701B.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Approval of Homeowners Association Covenants for CUP #14-03 for a Planned Unit Development - Easley Grove Townhomes. Applicant: Cody Galipeau

SUBMITTED BY: Keri Talbott, Planning Technician & Lisa Von Bargen, CED Director

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Approve Homeowners Association Covenants for CUP #14-03 for a Planned Unit Development - Easley Grove Townhomes.

SUMMARY STATEMENT:

In 2014, resident Cody Galipeau started the process for building two townhome projects and brought forth his Planned Unit Development (PUD) project to the City. The original concept plan for the PUD was approved on September 10th, 2014 by the Planning and Zoning Commission. To finalize the Conditional Use Permit (CUP) for the PUD a final plan is required.

E. Final Plan.

1. Upon receipt of a PUD final plan, the community development department shall review and prepare a recommendation for action by the planning and zoning commission on the PUD plan.

The administration shall give consideration to the conformance of the final plan to the concept plan.

2. Before the final plan is approved by the planning and zoning commission, a preliminary subdivision plat may be prepared to be considered in conjunction with the final plan.
3. The final plan shall include all information and maps submitted for the concept plan in their finalized, detailed form. This includes site plans sufficient for recording and detailed engineering drawings, including contours at two-foot intervals. In addition, a statement of methods to be employed to assure maintenance of any common areas and facilities shall be submitted.
4. Upon receipt of the administrative review and recommendation, the planning and zoning commission shall establish a finding that the final plat is consistent with the conditional use, or that it is inconsistent.
5. In the event it is determined that the final plan is consistent with the approved conditional use, the planning and zoning commission shall approve the final plan with the modifications or conditions.

Mr. Galipeau must bring a final plan before the Commission. One component of that plan is the Homeowners Association Covenants. Mr. Galipeau brought these to staff for an initial review in the summer of 2015. Following an exhaustive review by staff and a meeting with Mr. Galipeau he revised the Covenants and brought them back in for review and approval. Given the time associated with the review, several hours in one sitting, it took staff a year to do the review. The Director finally took the covenants with her on vacation to have the uninterrupted time to do the review. The changes were given to Mr. Galipeau in late January. He was able to get the revised document back to staff on February 17th. They are attached for Commission review and approval.

Although this is just action on the covenants, Mr. Galipeau's plat, which is part of the Final Plan, was approved in September of last year and is also attached to this agenda statement for reference. Staff will be working with Mr. Galipeau to finish the final plan and get that to the Commission in the next few weeks.

DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
EISLEY GROVE TOWN HOMES.

THIS DECLARATION Made this day of , 2017, by Heritage Development, of Valdez, Alaska (hereinafter called the "Developers").

WITNESSETH:

WHEREAS, the Developers are the owners of the real property described in Article II of this Declaration, and the Developer desires to create or have created thereon a residential planned community, and

WHEREAS, the Developers of Eisley Grove Town homes, under the laws of the State of Alaska, to which shall be assigned the powers and duties of maintaining and administering the common areas and facilities, and administering and enforcing the covenants and restrictions, and collection and disbursing the assessments and charges herein created.

NOW, THEREFORE, the Developers hereby declare that the real property described in Article II is and shall be held, transferred, sold, conveyed, and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth.

ARTICLE I

DEFINITIONS

Section 1. The following words, when used in this Declaration, or any supplemental Declaration (unless the context shall prohibit) shall have the following meaning:

- a. "Association" shall refer to Eisley Grove Town homes, its successors and assigns.
- b. "Lot" shall refer to that portion of the below described lots depicted in plat (on that portion of the Replat referred to as the lots numbered from "5A" to "5F" of Eisley Grove Subdivision). The unimproved areas of the above described Lots shall be included in the common area defined in subsection (h) below.
- c. "Owner" shall refer to the holder of the fee simple title, a contract vendee, life tenants, or lessee under a lease having a term of more than one (1) year. The term "Owner" and "Unit Owner" when used in this Declaration shall include the term "Member".

- d. "Member" shall refer to a member of the Association as provided in Section 1 of Article III hereof.
- e. "Developers" shall refer to Heritage Development, its successors and assigns.
- f. "Mortgage" shall mean and refer to any mortgage of record or other security instrument by which a lot or any part thereof is encumbered.
- g. "Mortgagee" shall mean and refer to any person named as a mortgagee under any mortgage or any successors of the interest of such person under such mortgage.
- h. "Common Area" shall refer to Lot 5 Easley Grove Subdivision, along with any portion of the Lots described in subsection (b) above not included in the plat. Common Area shall also include all installations of power lines, electrical lines, sewer lines, gas lines, water lines, cable lines and snow removal area for common use; and, all parking spaces, sidewalks, driveways, and other open areas as designated in the Replat.
- i. "Recreational Facilities" shall refer to structures, buildings, and personal property, whether attached or detached from the Common Area, acquired by the Association for the use and benefit of the owners, including, any structure located upon the Common Area. These facilities must fit within the scope of the Planned Unit Development as deemed by the City of Valdez.
- j. "Capital Improvement" shall refer to any construction of, reconstruction of, substantial alteration of, substantial repair of, or substantial addition to the physical amenities on the Common Area, exterior amenities such as road maintenance, roofing, building painting, and driveway and parking space sealing, excepting that any construction of a capital improvement shall not refer to any construction by the Developers at its expense, or any duly authorized work performed by governmental bodies.
- k. "Improvements". The separate Improvements constructed upon a Lot are the undecorated or unfinished interior surfaces of the perimeter and all items permanently attached to the interior surfaces of the interior, including but not limited to cabinets, doors, window, door frames and window frames and ceilings, and interior walls and doors. The Improvements attributed to a Lot include the portion of the building constructed upon the Lots encompassing the building as a whole. The paint, tile, wallpaper, or other covering on the interior side of the walls, carpet or other floor coverings on the floors, and the tile or other covering on the interior side of the

Improvements constructed upon a Lot shall be part of a unit and the repair and maintenance of the same shall be the responsibility of the Lot Owner.

1. "Person". The term person shall include an individual, partnership (whether general or limited), trust, corporation, limited liability company, or any other entity.

ARTICLE II

SUBJECT OF DECLARATION

The real property which is and shall be held, transferred, leased, conveyed, and occupied subject to this Declaration is located in the City of Valdez, State of Alaska, and is more particularly described as follows:

Lots 5A-5F, Easley Grove Subdivision

and subject to all of the dedications, restrictions, easements, and agreements shown on or made in connection with said plat.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS

Section 1. Every Owner of a Lot that is subject to assessment shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot that is subject to assessment pursuant to Article VI and other provisions related there to.

Section 2. The Association shall have two (2) classes of voting membership:

Class A. Class A Members shall be all Owners, with the exception of the Developers, who shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members, and the vote for such Lot shall be exercised as they determine, and notice of such determination shall be filed with the Secretary of the Association, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B Member shall be the Developers who shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership upon the happening of either of the following events, whichever occurs earlier:

- a. When the total votes outstanding in the Class A membership equal the total votes outstanding the Class B membership, or

- b. When the Developers elect to have their Class B membership classed as a Class A membership, by filing such election with the Secretary of the Association, who shall upon such filing give notice thereof to all of the Class A members.

Section 3. FUNDS

The share of an Owner in the funds and assets of the Association cannot be assigned, pledged, encumbered, or transferred in any manner, except as an appurtenance to the lot of which he or she is an Owner, or upon the sale of the lot, and only then to the new Owner/Owners.

ARTICLE IV

Section 4. MEMBERS RIGHTS TO COMMON AREA

Every Member and his or her family, guests and tenants use and enjoyment to the Common Areas; including but not limited to the right of ingress and egress; and parking privileges, as designated by the Association.

Subject to the following and other provisions contained herein:

1. The right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated on the Common Area;
2. The right of the Association to suspend the voting rights and rights to use the recreation facilities by any Owner or Member for any period during which any assessments against his Lot remains unpaid; and for a period not to exceed 60 days for any infraction of its published rules and regulations, and to impose a fine of not to exceed \$10.00 for each infraction of its published rules and regulations, which said fine shall be treated for all purposes as an Assessment under Article VI hereof.
3. The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority or utility for such purposes and subject to such conditions as may be agreed to by the members, providing that no such dedication or transfer shall be effective unless the amount of area does not go below the amount as required by the PUD/CUP as deemed by the City of Valdez. If the amount of area in accordance to the PUD/CUP, an instrument in writing agreeing to such dedication or transfer must be duly signed by 2/3rds of the owners and the same has been duly recorded in the Recorder's Office of the State of Alaska.
4. Any dedications, restrictions or agreements contained in the Plat described in Article II hereof.

5. Easements for water, sewer, and other utilities;
6. The right of the Association to make and enforce reasonable rules and regulations governing the use of the common Area and facilities thereon.

Section 5. TITLE AND IMPROVEMENTS

- a. The Developers shall convey and record marketable record title to the Common Area, subject to the dedications, restrictions or agreements contained with the Plat described in Article II hereof, to the Association, prior to the conveyance of a fee title to any Lot. The Association shall assume any sewer connection and water line fees existing or pending at the time of the conveyance. The acceptance by the Association of such conveyance shall constitute an assumption by the Association of all obligations and duties of the Developers arising out of the Plat described in Article II hereof as to such conveyed property and any federal, state, and local regulations.
- b. The Developers covenant and agree with the Association that it will construct and install, in a workmanlike manner, and pay for all improvements as set forth in the plans and specifications on file with the Association and delivery of the conveyance to the Common Area to the Association shall not constitute a release of the Developers from the obligations to construct and install, in a workmanlike manner, and pay for all such improvements, unless such improvements are to be paid by the Association as provided herein; nor shall this paragraph release the Association from any obligations assumed by it upon the acceptance of such conveyance until the Developers have completed the construction and installation as set forth in the plans and specifications.

ARTICLE V

RIGHTS AND OBLIGATIONS OF THE ASSOCIATION

Section 1. COMMON AREAS

The Association, subject to the rights of the Owners and Members as set forth in this Declaration, shall be responsible for the exclusive management and control of the Common Area and all improvements thereon (including the furnishings and equipment related thereto) and shall keep the same in good, clean, attractive, and sanitary condition, order and repair, and the Association, its agents and employees shall have the right to enter upon any Lot and/or Lots for the purpose of maintaining the common plumbing, sewer, water and utility lines, and the removal of snow.

Section 2. EXTERIOR OF BUILDINGS

The Association shall be responsible for the maintenance and repair of the exterior surfaces of all buildings on any Lot, including, without limitations, the painting of the same as often as is necessary, the replacement of trim and caulking, the maintenance and repair of roofs, gutters, downspouts and overhangs.

In the event any Owner and/or Owners of a Lot and/or Lots desire to provide the exterior maintenance and repair on said Lot and/or Lots, at their own expense, the approval of the Association shall be first obtained in writing in order that the harmony of the external design and location in relation to surrounding structures may be maintained. Easley Grove Town Home Association will give the approval.

Section 3. SERVICES

The Association may obtain and pay for the services of any person or entity to manage its affairs, or perform its duties and obligations under this Declaration, or any part thereof, not prohibited by Heritage Development, or this Declaration as it shall be deemed advisable, as well as such other personnel as the Association shall determine to be necessary or desirable for the property operation of the real property described in Article II hereof for the purposes as set forth in this Declaration, whether such personnel are furnished or employed directly by the Association, or by any person or entity with whom or which it has a contract.

The Association may obtain and pay for legal and accounting services as are necessary or deemed advisable in connection with the fulfillment of its duties and obligations under this Declaration and the enforcement of any of the terms, conditions and/or provisions of this Declaration.

The Association may arrange with others to furnish water, trash collection, sewer service, and other common services to each Lot and the cost thereof shall be charged to each Lot on the basis of the cost thereof divided by the number of Lots so served.

Section 4. PARKING

The Association shall maintain upon the Common Area vehicle parking spaces conveniently located for the use of the Owners, Members, tenants and guests, and shall have the exclusive authority to designate such parking areas for the use of the Owners, Members, tenants and guests limited to three (3) vehicles per town home, provided however, that no boats or trailers over 25 feet, or any vehicles, other than passenger or recreational vehicles shall be parked thereon by anyone for a period of longer than seventy-two (72) hours; nor shall any boat, trailer, recreational vehicles or any vehicles be parked on any driveway so as to interfere with ingress or egress onto any other Lot or any yard. Any violation of the restrictions on parking as contained herein will authorize the Association to approve the removal of any boat, trailer, recreational vehicle or other vehicle and charge the cost of the same to the Owner of the Lot and/or Lots

responsible for such violation.

Section 5. INTERIOR MAINTENANCE

The Owner of any Lot shall be responsible for the repair and maintenance of the interior of any building upon the Owner's lot; provided, however, that in addition to the maintenance of the exterior as provided by Section 2 of this Article, the Association may also provide the maintenance of sewer and water lines and systems which may lead to or are under any Lot, and which lines and systems are owned by the Association or serve two (2) or more Lots.

The cost of such interior maintenance performed by the Association shall be assessed against the Lot and/or Lots upon which such maintenance is done and shall be added to and become a part of any association fees to which such Lot and/or Lots are subject under Article VI hereof.

Section 6. RULES AND REGULATIONS

The Association may adopt reasonable rules and regulations governing the use of the Lots and of the Common Area, which rules and regulations shall be consistent with the rights and duties established by this Declaration for the purpose of promoting the health, safety, and welfare of the residents on the property and to maintain the property values.

ARTICLE VI

COVENANTS FOR ASSESSMENTS

Section 1. LIEN FOR ASSESSMENTS

The Developers, for each Lot within the property described in Article II hereof, covenant, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant, and agree to pay to the Association:

1. Annual assessments or charges, payable as determined by the Association.
2. Special assessments for capital improvements, such as assessments to be established and collected as hereinafter provided.

The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the lot against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorney's fees shall also be the personal obligation of the person who was the owner of the lot at the time when the assessment fell due. The personal obligation for delinquent

assessments shall not pass to his successors in title unless expressly assumed by such successor and/or successors.

Section 2. PURPOSE OF ASSESSMENTS

The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety and welfare of the residents on the Lots, to pay for charges for water, garbage pickup, and sewer, for the improvement and maintenance of the Common Area, and any exterior or interior maintenance as might be provided for in this Declaration.

Section 3. MAXIMUM ANNUAL ASSESSMENT

Until January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment shall be determined at the completion of the project.

- a. From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased each year not more than 5% above the maximum assessment for the previous year without a vote of the membership.
- b. From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased above 5% by a vote of 2/3rds of the Owners entitled to vote in person or by proxy, at a meeting duly called for this purpose.
- c. The Association may fix the annual assessment at an amount not in excess of the maximum.

Section 4. SPECIAL ASSESSMENTS FOR CAPITAL IMPROVEMENTS

In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3rds) of the votes of each class of Members who are voting in person or by proxy at a meeting duly called for this purpose.

Section 5. NOTICE, QUORUM, AND MEETINGS

Written notice of any meeting called for the purpose of taking any action authorized under Sections 3 and 4 of this Article shall be sent to all Owners entitled to vote, not less than 15 nor more than 50 days prior to such meeting. At the first such meeting called, the presence in person or by proxy of 60% of all Owners entitled to vote shall be a quorum. If the required quorum is not present, another meeting may be called, subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

Section 6. UNIFORM RATE OF ASSESSMENT

Both annual and special assessments must be fixed at a uniform rate for all Lots and may be collected on a monthly basis, provided, however, that any special assessment for exterior maintenance, repair, or improvements on any Lot and/or Lots, to the exclusion of any Lot and/or Lots, for the benefit of such Lot and/or Lots, shall be on the basis of the benefit to any Lot and/or Lots, as determined by the Association, and shall be payable as determined by the Association at the time of making such special assessment.

Section 7. DATE OF COMMENCEMENT

The annual assessments provided for herein shall commence as to the Lots on the first day of the month following the conveyance of the Common Area to the Association. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Association shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period, and written notice of the annual assessment shall be sent to every Owner subject thereto. The due dates shall be established by the Association. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot is binding upon the Association as of the date of its issuance.

Section 8. EFFECT OF NONPAYMENT

Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the statutory rate of interest on judgments. The lien of the unpaid sums assessed with interest, costs, and reasonable attorney's fees may be foreclosed by action in like manner as a foreclosure of a mortgage or such other action as is permitted by the Laws of the State of Alaska. The Association shall have the power to bid in at such foreclosure sale, and to hold, lease, mortgage, and convey the Lot and/or Lots so acquired. An action to recover a money judgment for unpaid sums assessed, with interest, costs, and reasonable attorney's fees may be brought against the Owner of a Lot and/or Lots against which said unpaid sums were assessed. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of the Lot and/or Lots.

Section 9. SUBORDINATION

The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage on any Lot and/or Lots. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot and/or Lots pursuant to foreclosure of a first

mortgage lien or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien therefor.

ARTICLE VII

COVENANTS FOR INSURANCE

Section 1. MAINTENANCE OF INSURANCE

The Association shall secure a master policy of fire, extended coverage, vandalism, and malicious mischief with an all risk endorsement insurance, in an amount at the minimum to cover the entire replacement cost of the improvements located on the Common Area in the name of the Association. In addition to such insurance on the Common Area the Association may elect to obtain and continue in effect, on behalf of all owners, a master policy of fire, extended coverage, vandalism, and malicious mischief with an all risk endorsement insurance, in an amount at the minimum to cover the entire replacement cost, without deduction for depreciation or coinsurance, of the improvements located on every lot, and said insurance shall be issued in the name of the Association as insurance trustee for all owners, and shall provide that losses shall be payable to the trustee and the mortgagee and/or mortgagee of record of the Lots, if any.

Section 2. DAMAGE OR DESTRUCTION

In the event of damage to or destruction of any part of the Common Area improvements, the Association shall repair or replace the same from the insurance proceeds available. If such insurance proceeds are insufficient to cover the costs of repair or replacement of the property damaged or destroyed, the Association may make a reconstruction assessment against all Lot Owners to cover the additional cost of repair or replacement in addition to any other assessments against such Lot.

Such insurance costs on the Common Area shall be prorated on the basis of 1/6 of the cost thereof to each Lot.

Such insurance costs shall constitute an assessment within the meaning of Article VI, and assessed as the Association shall determine.

Section 3. INSURANCE TRUSTEE

In the event of destruction or damage by causes covered by the insurance referred to above, all proceeds of said insurance coverage shall be payable to the Association as insurance trustee for the owner of the damaged Lot and/or Lots. Said insurance proceeds

shall be applied and administered as follows,

- a. In the event of such insurance loss, all insurance proceeds paid to the Association, shall be held by them in escrow for restoration or reconstruction.
- b. In the event of an insured loss, the Owner and/or Owners of the insured Lot and/or Lots and the improvements thereon shall within thirty (30) days after the insurance proceeds are deposited with said insurance trustee and mortgagee and/or mortgagees enter into a firm contract with a qualified builder providing for the reconstruction of the insured Lot and/or Lots, and the improvement and/or improvements, in substantially the same condition as existed immediately prior to such insured loss; provided, however, that no contract shall be entered into by such Owner and/or Owners for an amount in excess of the insurance proceeds then held in escrow, until additional funds are deposited in escrow, as above provided for insurance proceeds, by such Owner and/or Owners sufficient to cover the reconstruction costs as determined by the Association. Said proceeds are deposited in escrow as aforesaid, unless an extension is granted by the Association. The Association and the mortgagee and/or mortgagees of record to the Lot and/or Lots affected shall have the right, but not the obligation, to deposit such additional funds in excess of the insurance proceeds in further escrow as may be required to permit the reconstruction as herein provided. Dependent upon inclement weather restrictions, the thirty (30) day dead line may be extended to an acceptable working season with written acknowledgment and confirmation of contract by the qualified builder.
- c. In the event such Owner and/or Owners fail to enter into a contract or in the event that reconstruction is not commenced or completed, as provided in Paragraph B above, then the insurance trustee with the consent of the owner of record, or the owner of record with the consent of the insurance trustee shall have the right, but not the obligation, to enter into those contracts which either shall deem necessary to complete said reconstruction, and the insurance trustee and the owner of record shall have the right to have said insurance proceeds applied in satisfaction of any obligations incurred pursuant to said contract, without liability of any kind to any Owner and/or Owners.

The Association as insurance trustee or the owner of record are empowered to employ any party or parties as agent in exercising those functions given to it in this Section 3, and to pay said agent and/or agents a reasonable fee for the services rendered by such agent and/or agents, and collect said fee and/or fees from the Owner and/or owners by means of an assessment under Article VI.

- d. Disbursement of the insurance proceeds or additional funds placed in escrow, as herein above provided, for the payment and/or payments on a contract and/or contracts for reconstruction or restoration entered into under paragraph b and c

above, shall be made subject to the following:

- (1) Receipt of written consent of any party holding a lien or encumbrance upon said Lot and/or Lots.
 - (2) Receipt of such construction statements, lists of subcontractors, lien waivers and such other receipts as shall be determined by the Association to be appropriate. Disbursements may be periodic or progress payments, and the payments may be withheld as is deemed necessary to insure completion in compliance with the plans and specifications. A reasonable fee may be charged for any inspection of the reconstruction or restoration or the making of any of such payments, and such fees shall be paid by the owner and/or owners by means of an assessment under Article VI.
 - (3) In the event the Owner and/or Owners enter into a contract as provided in paragraph b above, then with the written consent of said owner and/or owners.
- e. Nothing contained in this Section 3 shall be construed to make the Association or any mortgagee and/or mortgagees of record responsible for the collection or non collection of any insurance proceeds, and they shall only, in the case of a dispute with any insurance carrier, take what action said Owner and/or Owners shall legally direct them to take, and only then at the cost and expense of such Owner and/or Owners making such legal directions.

Section 4. WAIVER OF SUBROGATION

All policies for physical damage insurance shall contain waivers of subrogation and waivers of any defense based upon co-insurance or of invalidity arising from any act and/or acts of the insured, and/or any Lot Owner and/or member and it shall be provided that such policy and/or policies may not be cancelled or substantially modified without at least ten (10) days prior written notice to all of the insureds, all Lot Owners and/or Members, and all mortgagees of record of any lot.

ARTICLE VIII

PARTY WALLS

Section 1. GENERAL RULES OF LAW APPLY

Each common wall which is built as part of the original construction of the improvements on a Lot covered by this Declaration shall be conclusively presumed to have been constructed and placed on the dividing line between Lots, notwithstanding any errors in surveying in the

plating of said Lots which might subsequently be asserted, and shall constitute a party wall and to the extent not inconsistent with the provisions of this Article. The general rules of law regarding party walls and of liability for property damage due to negligent or willful acts or omissions shall apply thereto.

Section 2. SHARE OF REPAIR AND MAINTENANCE

The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use.

Section 3. DESTRUCTION BY FIRE OR OTHER CASUALTY

If a party wall is destroyed by fire or other casualty, either Owner who has used the wall may restore it, and if any Owner thereafter makes use of the wall he shall contribute to the cost of reconstruction or restoration thereof in proportion to such use, without prejudice, however, to the right of any such Owner to call for a larger contribution from others under any rule of law regarding the liability for negligent or willful acts or omissions.

Section 4. WEATHERPROOFING

Notwithstanding any provision of this Article, any owner, who by his negligent or willful act, causes the party wall to be exposed to the elements, shall bear the whole cost of furnishing the necessary protection against such elements.

Section 5. RIGHT OF CONTRIBUTION RUNS WITH THE LAND

The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to and run with the Lot and shall pass to such Owner's successors in title.

Section 6. ARBITRATION

In the event of any dispute arising concerning a party wall, or under the provisions of this Article, each party shall choose one arbitrator and such arbitrators shall choose an additional arbitrator and the decision of a majority of the arbitrators shall be final and conclusive of the question involved. If any Owner shall fail to choose an arbitrator the Board of Directors of the Association may make a choice in the Owner's behalf.

ARTICLE IX

Section 1. EXTENT OF MUTUAL EASEMENTS

The title to a Lot shall include an exclusive easement on the adjoining Lot or Lots on areas occupied by fireplaces, roof overhangs, air conditioning compressors, decks, balconies, flower boxes, utility installments, and other appurtenances, which are part of the original construction of any improvement on a Lot.

Section 2. DEDICATIONS

Subject to the dedications contained in the Plat described in Article II hereof, nothing contained in this Declaration shall be construed or deemed to constitute a dedication, express or implied, of any part of the Common Area to or for any public use or purpose whatsoever.

ARTICLE X

ADDITIONAL RESTRICTIONS

Section 1.

No Lot shall be used except for residential purposes, except that the Developer shall be entitled to lease each home, and the Association may allow for permitted and conditional uses as permitted by the Valdez Municipal Code. No more than 25% of any home, how ever, shall be used for the commercial purposes.

Section 2.

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot or any of the improvements thereon, excepting that dogs, cats and other household pets may be kept, provided that they are not kept for any commercial purpose, and are controlled at all times so as not be an annoyance to any other Owner and/or Member. The Association may order the removal of any such household pet which it shall determine is an annoyance to any other Owner and/or Member.

Section 3.

No sign of any kind shall be displayed to public view on any Lot, any improvement on any Lot, or the Common Area, except that a "For Sale" sign may be displayed on any Lot, provided that it is in such form as the Association may require, except that the Developer shall be permitted to erect and maintain on any Lot such signs as he deems appropriate to advertise the Development until the Developer conveys the fee title to said Lot. The Association may also allow signs for the purposes of the allowed permitted and home occupations, the size, placement and design of which may be limited as reasonably deemed by the Association, and in conformance with Valdez Municipal Code.

Section 4.

No garbage, rubbish or trash shall be kept on any Lot, except in sanitary containers. These containers must be kept inside until the morning of trash pick up and taken in the same evening of pick up. All incinerators or other equipment used or kept for the storage or disposal of any such material shall be kept in a clean and sanitary condition. Should there be maintained on any Lot any materials, vehicles, or other objects which the Association deems to be detrimental to the health, safety and welfare of the residents on the property, or tends to depreciate the property values, the Association may give the Owner and/or Owners of said Lot written notice requiring the removal of the same within ten (10) days, and if not removed after that time the Association shall be authorized to remove the same, without any liability whatsoever to the Owner and/or Owners of the lot on which the same is located, and assess the cost of such removal to such Owner and/or Owners as provided in Article VI of this Declaration.

Section 5.

No noxious or offensive activities shall be carried on upon any Lot nor within any improvement upon any Lot, nor shall any trade or business be carried on upon any Lot nor within any improvement upon any Lot which requires a permit or license from any governmental agency or body, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood, or any Lot Owner and/or Member.

Section 6.

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

Section 7.

No television, radio antennas or broadcast receiving devices shall be erected or placed upon the exterior of any Lot or improvement without the written permission or 75% of the Association under Article III.

Section 8.

All sporting equipment, toys, outdoor cooking equipment, and other equipment and supplies necessary or convenient to residential living shall, when not in use, be stored within the town home or improvement on the Lot, or shall be screened from view, if not part of the original construction by the Developers.

Section 9.

No Lot or improvement thereon shall be used for the storage of materials not customary, necessary, or convenient for residential living.

Section 10.

The harboring of the source of any noise or activity which disturbs the peace, tranquility, comfort or serenity of other owners and/or members is prohibited.

ARTICLE XI

GENERAL PROVISIONS

Section 1. DURATION

The easements created hereby shall be permanent and shall run with the land. The covenants and restrictions contained in this Declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by the Association or the Owner and/or Owners of any Lot subject to this Declaration, their respective legal representatives, heirs, successors, and assigns, from the date this Declaration recorded in the Recorder's Office Valdez Recording District, State of Alaska.

Section 2. ENFORCEMENT OF COVENANTS

Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain the violation or to recover damages, or against the land to enforce any lien created under the provisions of this Declaration. Failure of the Association or any Owner and/or Member to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter, unless otherwise specifically provided in this Declaration.

Section 3. NOTICES

Any notices required to be sent to any Owner and/or Member under the provisions of this Declaration shall be deemed to have been properly sent when mailed prepaid to the last known address of the person and/or persons who appear as a Member and/or Owner on the most recent records of the Association.

Section 4. INTERPRETATION

The singular shall be deemed to include the plural, wherever appropriate, and unless the context clearly indicates to the contrary any obligations of the Owners and/or Members shall be joint and several.

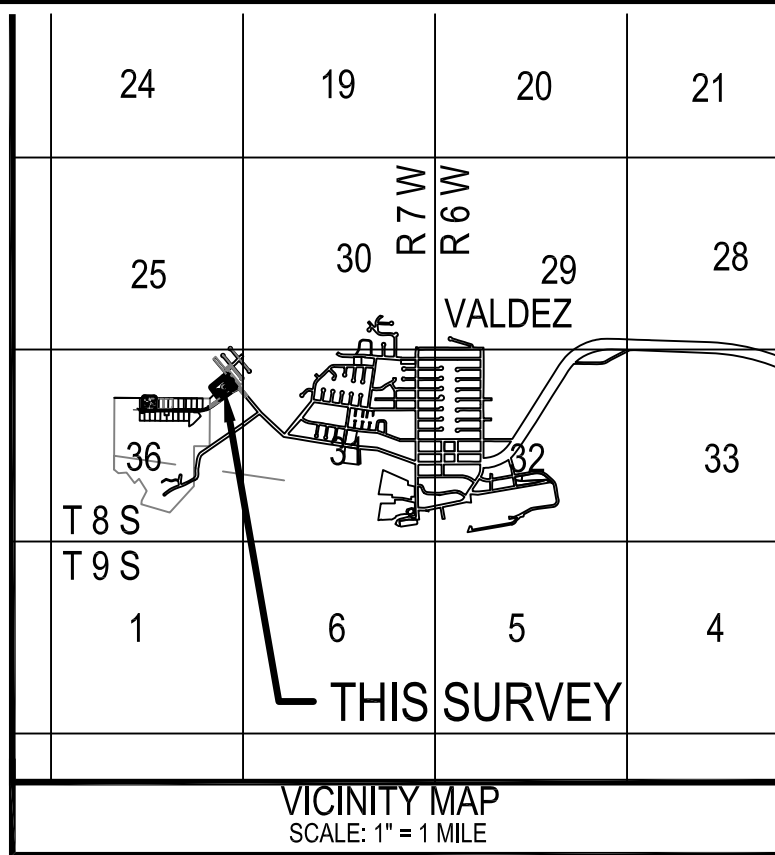
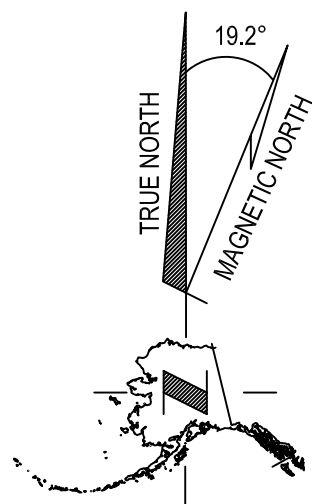
Section 5. SEVERABILITY

Invalidation of one of the covenants or restrictions by judgment or Court Order shall in no

way affect any other provisions which shall remain in full force and effect.

Section 6. AMENDMENT

This Declaration may be amended by an instrument in writing signed by not less than 5/6ths of the Lot Owners (each Lot having one vote notwithstanding Article III above). All amendments shall be recorded in the Recorder's Office; Valdez Recording District, State of Alaska



CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF EISLEY GROVE SUBDIVISION, AS SHOWN ON THIS PLAT. I APPROVE THIS SURVEY AND PLAT AND DEDICATE OR RESERVE FOR PUBLIC OR PRIVATE USE, AS SHOWN, ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED ON THIS PLAT.

CODY GALIPEAU
PO BOX 3484
VALDEZ, AK 99686
(907) 461-0374

DATE

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ BY

NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES:

TAX CERTIFICATE

I, SHERI L. PIERCE, CITY CLERK FOR THE CITY OF VALDEZ, ALASKA DO HEREBY CERTIFY THAT ALL TAXES LEVIED AGAINST THE PROPERTIES REPRESENTED BY THESE LOT LINES ARE PAID AS OF _____.

SIGNED

SHERI PIERCE
CITY CLERK, CITY OF VALDEZ

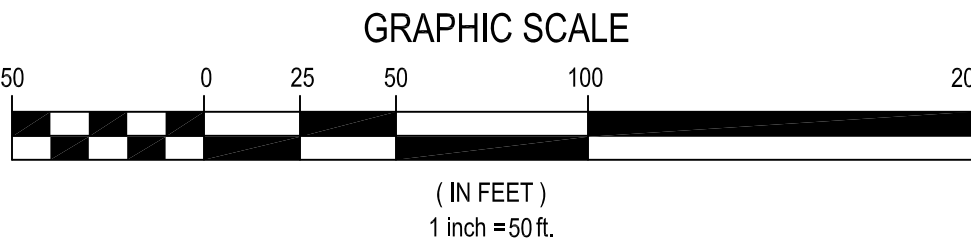
PLAT APPROVAL

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE CITY OF VALDEZ PLANNING AND ZONING COMMISSION FOR RECORDING.

SIGNED

DONALD HAASE
CHAIR OF THE PLANNING AND ZONING COMMISSION
CITY OF VALDEZ

DATE



SURVEYOR'S CERTIFICATE

I CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: _____ REGISTRATION No. 8205 S

ALLEN MINISH
REGISTERED LAND SURVEYOR



LEGEND

- SET SECONDARY MONUMENT
- FOUND SECONDARY MONUMENT 2" ALU CAP ON REBAR
- FOUND REBAR MONUMENT
- SURVEYED
- UNSURVEYED
- EASEMENT

NOTES

- THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.
- BASIS OF BEARING AND ALL BEARINGS SHOWN ARE BASED ON HIGH PRECISION GPS ORIENTED TO AK SPZ ZONE 3.
- REF. PLATS: 95-3, 99-2 VALDEZ R.D.
- REF. FIELD BOOK: 15-01
- LOT 5 AND LOTS 5A THROUGH 5F ARE ZONED NC.
- LOT 5 CORNERS WILL BE SET AFTER CONSTRUCTION NO LATER THAN NOVEMBER 2015.

PUD STRUCTURES MAY COMPRISE A TOTAL FOOT-PRINT OF NOMORE THAN 3,876 SF ON LOTS 5A THROUGH 5F COMBINED. TOTAL OPEN SPACE SF IS REQUIRED TO BE GREATER THAN 170% OF THE COMBINED STRUCTURE FOOT-PRINT, WHICH RESULTS IN A TOTAL OPEN SPACE REQUIREMENT OF 6,589 SF. OPEN SPACE OF THE REMAINING AREA ON LOTS 5A THROUGH 5F AND LOT 5 IS 28,100 SF.

PLANNED UNIT DEVELOPMENT LOT 5 AND LOTS 5A THROUGH 5F.

THE CITY OF VALDEZ PLANNING AND ZONING COMMISSION APPROVED A CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT WITHIN LOT 5 OF THIS PLAT ON SEPTEMBER 10, 2014. THE FOLLOWING ARE CONDITIONS REQUIRED BY THAT PERMIT:

- A 10 FEET VEGETATION BUFFER ON THE NORTHEAST, NORTHWEST AND SOUTHEAST BOUNDARY WITHIN LOT 5 EXCLUDING THE ACCESS AND UTILITY EASEMENT TO THE SOUTHWEST.
- LOT 5 IS DESIGNATED AS COMMON SPACE, AND IS JOINTLY OWNED BY THE OWNERS OF LOTS 5A THROUGH 5F. EACH OF THE OWNERS THROUGH 5F OWNS AN UNDIVIDED 1/6TH INTEREST OF LOT 5.
- SNOW STORAGE IS TO BE PROVIDED WITHIN THE PUBLIC ACCESS, UTILITY AND SNOW EASEMENT OF LOT 5. SNOW STORAGE AREA OF 4584 SF IS BASED ON A CONSTRUCTED ROAD 24 FEET WIDE BY 183.76 FEET LONG ON THE NORTHEAST SIDE OF THE EASEMENT.
- ACCESS TO LOTS 5A THROUGH 5F ARE FROM THE ACCESS EASEMENT ONLY.
- THE PUBLIC ACCESS EASEMENT ON LOT 5 CAN BE USED BY LOT 1 AND LOT 4.
- A HOMEOWNER'S ASSOCIATION IS REQUIRED TO BE FORMED FOR LOT 5 AND LOTS 5A THROUGH 5F.
- TOTAL OPEN SPACE REQUIRED FOR THIS PUD IS 170% OF THE COMBINED FOOT PRINT OF THE STRUCTURES. THE PLANNED AND PROVED STRUCTURES FOR THIS PUD COMPRISE A TOTAL FOOT PRINT OF 3,876 SF. THE OPEN SPACE REQUIRED IS 6,589 SF. OPEN SPACE OF REMAINING AREA ON LOTS 5A THROUGH 5F AND LOT 5 IS 28,100 SF.

OF LOTS

1.

Public Access



Agenda Statement

File #: 17-0110 **Version:** 1

Type: Discussion Item **Status:** Agenda Ready

File created: 2/10/2017 **In control:** Planning and Zoning Commission

On agenda: 2/22/2017 **Final action:**

Title: Discussion Item: Waterfront Master Planning

Sponsors:

Indexes:

Code sections:

Attachments: [Valdez Waterfront and Harbor Master Plan Proposal 10FEB17.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE: Discussion Item: Waterfront Master Planning

SUBMITTED BY: Jenessa Ables, Port Operations Manager

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Discussion item only.

SUMMARY STATEMENT:

The Ports and Harbor Commission has undertaken preparation of a viable master plan for community waterfront, port, and harbor facilities. Working cooperatively with other commissions and organizations, completing this effort can be accomplished locally.

To aid the Planning & Zoning Commission in providing feedback, necessary project questions and supporting waterfront master planning documents have been included with this agenda item. It is important that all ideas are presented and explored without prejudgment. Ideas and proposed projects may work together in ways not originally envisioned.

Project Questions and Feedback for Other Commissions

1. Identify waterfront, port and harbor user groups. Who should be involved?
2. Which properties should be part of an overall waterfront master plan?
3. Considering all user groups, what waterfront or marine related services or facilities need to be developed or improved? Is there anything missing from the list in Appendix One?
4. Looking at the suggestions found in Appendix One, where would you locate proposed facilities or services?
5. As they develop, how should the various waterfront properties work together? Do you see any natural connections or groupings of projects or ideas?

February 9, 2017

Valdez Harbor and Waterfront Master Planning

The Valdez Ports and Harbors Commission has undertaken preparation of a viable master plan for community waterfront and harbor facilities. Working cooperatively with other commission and organizations, completing this effort can be accomplished locally. The only outside support we anticipate for the project is the use of a civil engineering firm to help develop concept drawings and rough cost estimates. This would likely be less than \$50,000 versus the extreme costs recently proposed by outside consultants. This planning effort recognizes construction already authorized at the new harbor; its in-water facilities, drive down dock, harbor office/support building and bilge water treatment building.

Initial Questions: Development of an overarching master plan for municipal waterfront property and harbors have not been adequately prepared. Our marine assets represent a significant contribution to the economic health of the community. Proper master planning needs to address the needs of residents and maximize the investments being made in these waterfront areas.

There are questions that should be asked initially in the development of a waterfront master plan that speaks to future development of port and harbor infrastructure in Valdez. Planning efforts also need to consider long term and deferred maintenance issues that have yet to be resolved.

A few basic questions need to be explored at the beginning of the master planning process. It is important that all ideas are presented and explored without prejudice. Ideas and proposed projects may work together in ways not originally envisioned.

The Port Commission or a sub-committee of the Commission should be tasked with initially developing answers to these questions. A concerted effort needs to be made to involve key stakeholders in the planning process. To this end, a questionnaire should be sent to every customer of the port and harbors, asking for their thoughts. A well-advertised Port Commission meeting needs to be held soliciting public comments and ideas. Ideally this session would be held in conjunction with the City Council.

Questions concerning development of the port and harbor facilities need to be open ended and encourage development of a wide range of potential options. A successful master plan will consider use of the natural, public and working waterfronts. Suggested questions could be:

1. Name all waterfront, port and harbor user groups. Who should be involved?
2. Considering all the user groups, what waterfront or marine related services need to be developed or improved?
3. What needs to be built to support desired waterfront or marine related services?
4. Which properties should be part of an overall waterfront master plan?

5. As they develop, how should the various waterfront properties work together?

An appendix is included in this outline that lists some of the many projects that have been proposed for the waterfront in the past. This should spark further discussion of potential projects.

Integration and Synthesis: Staff will gather feedback from stakeholders coming out of the initial survey effort. A joint planning group might be formed. An effort will be made to gauge overall support for project ideas and an attempt will be made to group related concepts. One or more alternatives will be developed that best incorporate public comments on waterfront and harbor development efforts. Alternatives may be developed for specific business operations (port, airport, harbor, recreation, etc.) as well. These alternatives will address the optimum scope and sequence of proposed development plans.

Project Development: Each proposed project needs to be vetted. Will the idea benefit the community and add value to the municipal waterfront. Proponents will be asked to help complete a project review form that spells out the project in more detail. Once proposed projects are integrated into one of the planning alternatives, an engineering firm will help develop a concept drawing and rough cost estimate for each unique project. Project proponents will be asked to help identify potential funding sources.

Review and Readjustment: Staff and the Port Commission will review proposed alternatives together, seeking consensus on what best works for the community. A work session with the City Council should be considered once the Port Commission has finished its review of the project alternatives.

Adoption and Action: Staff will compile recommendations made during the public process and develop a final draft of the master plan for the approval of the Port Commission and then the City Council. An important part of the master plan will be an implementation plan. It is essential that construction projects be completed in their correct sequence.

Periodic Review: A master plan should be updated and reevaluated regularly. Checking up on progress every few years allows new thoughts to be incorporated and costs adjusted. This should not be a static document or process.

Tentative Timeline:

January 12, 2017 – Port Commission Work Session

February 15, 2017 – Meeting with Economic Diversification Commission

February 22, 2017 – Meeting with Planning and Zoning Commission

March 14, 2017 – Meeting with Parks and Recreation Commission

April 4, 2017 – Work session with PC and City Council exploring initial questions.

April 15, 2017 – Receive feedback from other Commissions

April 15, 2017 – Formulate survey questions for stakeholders and explore use of Survey Monkey or mailed questionnaires to gather feedback

May 15, 2017 – Staff and PC sub-committee have planning alternatives, project worksheets, concept drawings and budget prepared for discussion by PC.

June 5, 2017 – Finalize draft plan at PC

August 1, 2017 – Final draft to be presented to the City Council.

Appendix One: Potential Waterfront Uses and Needed Improvements
Developed at the Valdez Ports and Harbor Commission on January 12, 2017.

During this work session, the Ports and Harbors Commission (PC) tried to identify potential waterfront needs and projects. Any project brought up during the meeting was added to the list for future evaluation. The same project or idea may have been suggested for multiple sites. The PC started the discussion at Mineral Creek and work their way around Port Valdez in a clockwise direction.

MINERAL CREEK

Kayak Launch Area

Recreational Non-Motorized Access

Erosion Control

Parks

Boat Launch Ramp

Elevated Trails

BLUE BERRY HILL- ALASKA STATE FERRY LANDING

Potential City Land Trade

Trails and Outdoor Recreation Features

KELSEY DOCK AREA

Port Office Work Space

Waterfront Retail Business Space

Hotel Lease Space

Interpretive Center

Improved Kayak Launch and Support Area

Paddle Vessel Storage

Public Beach Access

Year-Round Pavilion

EXISTING SMALL BOAT HARBOR

Kobuk Street Widening

Dry Stack Boat Storage

Expanded Vessel Lay Down Yard

H-K Float Re-Construction

Sheet Pile Installation at East End

Sheet Pile Installation at Silver Bay Dock

Ice Plant at Fisherman's Dock

Commercial Net Storage at Fisherman's Dock

Additional Launching Lane

Power Lines Underground for Travelift

SEA OTTER PROPERTY

Fishing Pier

Public Access

Commercial Business

Lay Down Yard

Coast Guard Base

Large Vessel Mooring

Commercial Business Lease Space

Vessel Haul Out

Fill in Additional Area

NEW BOAT HARBOR

Ice Plant

Dry Stack Boat Storage

Create Additional Uplands / Remove Hotel Hill

Marine Railway

Commercial Business Area

Vessel Storage / Boat Lay Down Area

HARBOR COVE – DOCK POINT PARK

Kayak Launch and Storage

Future Boat Harbor

Float Plane Dock

THE MUD FLATS

Wetlands Boardwalk and Viewing Area

Potential Mitigation Offset Area

VALDEZ CONTAINER TERMINAL (AMMO ISLAND)

Additional Fill for Truck Turn-out and Parking

Underground Power Lines

Widen Area Around the Scale House

Add Additional Fill / Create Additional Uplands

Increase Large Vessel Moorage

Rail Landing

Add Additional Power for Refrigeration Units

Demolish Silos

Comfort Stations

Warming Huts

Improve the Barge Landing

Bollards

Dredge

Conditional Assessment, Maintenance & Repair of Dry Bulk Facilities

LOOP ROAD

Boat Launch / Kayak Area

Parks & Trails

Water Front Community Access

OLD TOWN / PIPE YARD

Marine Railway

Travel Lift

Ship Repair / Inspection Yard

Lay Down yard

Boat Ramp Barge Landing

Interpretation Old Town Area

Tourism

Additional Dockage

DAYVILLE ROAD AREA

Fishing Pier and Public Waterfront Access Improvement

Bear Viewing and Interpretation

Boat Launching

RV Dump

Additional RV Parking and Improvement

ROBE LAKE

Float Plane Landing Floats

Park

Appendix Two: Past Proposed or Potential Project Ideas

General:

- Relocation of Alyeska Pipeline Service Company bronze statue from the Valdez Marine Terminal to a waterfront location in the Valdez townsite.
- Seek return of the old ferry dock taken by the US Coast Guard once accommodations are made to better support their operations.
- Consider potential sites for seaplane moorage and operations.
- Certification as a clean harbor.

Old Harbor:

- Update layout and replace floating docks from the lift dock to the launch ramp.
- Construct the proposed third lane at the launch ramp that incorporates use of sheet piling to cut the shore bank back.
- Deepen entrance channel to support larger vessels.
- Development of a “Charter Boat Row”
- Renovate Travelift Dock.

New Harbor or Sea Otter Property:

- Installation of a heavy-duty sheet pile bulkhead dock to support cargo and fuel movement.
 - Heavy-duty hoist.
- Install semi-penetrating wave barrier dock that could support:
 - Operations by a seafood processor
 - Industrial ship maintenance
 - Deployment US Coast Guard cutters
- Subdivision and lease of property to support marine related support businesses (restaurant, chandler, welding, machine shop, refrigeration, electronics, safety equipment, charter boat offices, etc.). This could be at Sea Otter or the new harbor uplands.
- Dry stack boat storage with forklift dock and courtesy mooring.
- Boat launch ramp
- Create additional uplands
- Consider potential uses for Hotel Hill, including value derived from removing it.
- Development of a marine fueling facility.
- Development of a fresh seafood market.
- Install rail based boat launcher.
- Complete construction of the fish cleaning station.
- Bulk ice plant.
- Net loft/gear sheds.
- Lifejacket loaner stations.

Kelsey Dock:

- Water and sewer line improvements.
- There is a \$2.5 million grant that can be used for some projects at the dock that need to be used soon.

Valdez Container Terminal (VCT) and Foreign Trade Zone:

- Improve access to the Richardson Highway by expanding the turning lane and evaluating powerline heights.
- Construct existing platted road from VCT entrance to Richardson Highway.
- Consider construction of a truck staging area.
- Upgrade and replace grain silo transformer.
- Replace existing dock capstan winches.
- Repair fendering on VCT Dock.
- Add an additional mooring dolphin to support military transport vessels.
- Move scale house to a better position or consider widening the road around it to facilitate truck movements.
- Move warehouse and support building to back of laydown yard to improve utilization of space.
- Improve landing craft dock.

Old Town or Loop Road:

- Install all weather boat launch ramp capable of supporting landing craft operations.
- Install a large Marine Travelift. Size should be determined through a user survey.

Recreation and Public Access:

- View area overlooking commercial fishing operations that allows interpretation and public education about the industry.
- Trail/boardwalk that encompasses the entire waterfront from Sea Otter to the new harbor to the existing harbor.
- Continue access improvements from the Kelsey Dock to North Harbor Drive.
- Identify potential public fishing locations.
- Identify kayak storage and launch location.



Agenda Statement

File #: 17-0111 **Version:** 1
Type: Discussion Item **Status:** Agenda Ready
File created: 2/17/2017 **In control:** Planning and Zoning Commission
On agenda: 2/22/2017 **Final action:**
Title: Discussion Item: Chickens in Residential Subdivisions
Sponsors:
Indexes:
Code sections:
Attachments: [Urban Farm Information.pdf](#)
[how-much-room-do-chickens-nee.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Discussion Item: Chickens in Residential Subdivisions

SUBMITTED BY: Lisa Von Bargen, CED Director

FISCAL NOTES:

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

RECOMMENDATION:

None. Discussion item only.

SUMMARY STATEMENT:

The Community Development staff and the P&Z Commission are receiving ever-increasing inquiries about allowing chickens in residential subdivisions. Currently, there is only one residential zoning district in which chickens are allowed. That is Rural Residential (RR). What is titled "Raising of Livestock" is allowed under the following guidelines:

17.48.130 Raising of livestock.

The raising of livestock when allowed as a permitted use shall comply with the following:

- A. The number of large livestock does not exceed two;
- B. The number of small livestock does not exceed three;
- C. The number of barnyard fowl does not exceed twenty-four;
- D. An approved surface water drainage plan is submitted;
- E. An approved manure disposal plan is submitted;

- F. The manure storage pile and corral are located at least one hundred feet from any private well;
- G. The manure storage pile shall not be closer than twenty-five feet from any property line;
- H. The corral will be set back a minimum of five feet from the property line;
- I. The number of animals permitted in subsections A, B and C of this section shall not be exceeded without an approved conditional use permit. (Ord. 96-19 § 5)

Barnyard fowl are permitted, up to 24, under specific conditions. It is important to remember the minimum lot size for the RR zoning district is 40,000 ft² which is nearly an acre. This same number is not appropriate on Single-Family zoned lots, which have a minimum area of 8,800 ft².

As a starting point, staff is offering the following for consideration by the Commission:

- Allow barnyard fowl (excluding Roosters) in the following zoning districts:
 - R-A Single-Family Residential
 - R-B Single and Two Family Residential
 - R-R Rural Residential (already allowed)
 - R-M Residential Mobile Home (if over a certain lot size)
 - R-N Semi-Rural Residential
 - N-C Neighborhood Commercial
 - C-R Commercial Residential
- Up to 6 hens (again Roosters prohibited) on lots 10,000 ft² or less
- On lots greater than 10,000 ft² one additional hen for every 2,000 ft², not to exceed a maximum of 24
- Unless constructed as a permanent structure, meeting local building codes, Coops may not exceed 200 ft²
- Coops are required to have heat lamps. Heat lamps are required to have some type of shut-off or disconnect switch at the lamp. Electrical for Coop may run off house power, but must be direct buried from the house to the Coop
- The Coop shall be a minimum of 10 feet from any other structure on the property
- The Coop shall meet the minimum setback requirements for the zoning district
- The Coop shall not exceed the maximum lot coverage within the zoning district
- Barnyard fowl must be kept enclosed either by a fence surrounding the entire yard, or a fence surrounding the Coop area
- Feed must be stored indoors - outdoor feed storage is prohibited
- A waste management plan is required
- A chicken permit is required

The agenda statement from last year is attached to this packet, along with the urban farm information from Seattle and Juneau collected by Keri. Also attached is an online article about considerations on chicken space needs. There is no magic number, but it has some great consideration points.

Staff is looking forward to Commission feedback on this item.

PLANNING & ZONING AGENDA STATEMENT

AGENDA ITEM NO. _____

MEETING DATE: November 13, 2015

ITEM TITLE:

Discussion Item: Definition of Urban Farm
and Use Within Certain Zoning Districts

SUBMITTED BY: Lisa Von Barga, Director

DIRECTOR: 

Community & Economic Development

REVIEWED BY: Other Commission:

Finance:

Other:

EXHIBITS ATTACHED:

Resolution ___ Ordinance ___ Plan ___ Map ___ Report ___ Minutes _ Plat: ___
Other: Seattle & Juneau Information

RECOMMENDATION:

None. Discussion only.

SUMMARY STATEMENT:

When considering allowable uses in the newly proposed zoning district for Airport Industrial Subdivision, the Commission requested small animals be included. Currently that draft code includes a line item allowing for rabbits and chickens and goats (and bees). Oh my! Rather than reading like a weird version of the line from The Wizard of Oz, it is best to create a more appropriate definition of an "urban farm" within the code. Keri did some research and the best example of information she found is from Seattle. Juneau's one sheet handout is quite underwhelming, but is also attached. Other Alaskan communities really had no helpful information (including Anchorage, Homer and Fairbanks).

Please read over the Seattle Tip Sheet #244. This will provide some insight into how that community regulated urban farming. They are surprisingly lenient. Given the conversation by the Commission, it is staff's impression the Commission would like to make urban agriculture as accessible as possible.

Tonight is just an initial starting discussion. Given the feedback, staff will come back to the Commission with more specific recommendations. Currently, in Valdez, animals (other than dogs and cats) are only allowed in the Rural Residential and Public zoning districts.

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Urban Agriculture

November 17, 2010

WHAT IS URBAN AGRICULTURE?

Urban agriculture can be loosely defined as growing plants and raising animals within and around cities. In August 2010, the Seattle City Council voted to expand opportunities for urban agriculture in the City of Seattle. These code changes help create a more sustainable and secure local food system by increasing opportunities to grow and sell food in all zones.

Seattle's Land Use Code recognizes five different urban agriculture uses: Animal Husbandry, Aquaculture, Community Gardens, Horticulture and Urban Farms.

1. ANIMAL HUSBANDRY

Animal Husbandry is a use where animals are reared or kept in order to sell the animals or their products, such as meat, fur or eggs, but does not include pet daycare centers or animal shelters and kennels.

Residential Zones: Not permitted, except through specific regulations related to the keeping of small animals and domestic fowl.

Commercial Zones: In NC1, 2, 3, C1 zones, permitted as an accessory use. Can be a primary use in C2 zone.

Industrial Zones: Not permitted.

Keeping of Animals

In addition to animal husbandry regulations, the City has specific regulations for the keeping of small animals, which is not considered animal husbandry. The keeping of small animals, farm animals, domestic fowl, and bees is permitted outright in all zones as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the standards of Section 23.42.052. Small animals, domestic fowl, farm animals and bees have specific regulations as follows:

Small Animals

Up to three small animals are allowed (cats, dogs, rabbits, goats, etc.), accessory to each dwelling unit or business establishment. On lots of 20,000 sf. ft. or more, up to four small animals are allowed. One additional small animal is permitted for each 5,000 sf. ft. of lot area in excess of 20,000 sf. ft.

- In no case is more than one miniature potbelly pig allowed. Miniature potbelly pigs may be no greater than 22 inches in height at the shoulder or more than 150 pounds.
- Goats may be kept if they are Miniature, Dwarf or Pygmy. Goats must be dehorned, and male goats must be neutered.

Domestic Fowl

Up to eight domestic fowl may be kept on any lot in addition to the small animals allowed. On lots greater than 10,000 sf. ft. that include either a community garden or an urban farm, one additional fowl is permitted for every 1,000 sf. ft. of lot area over 10,000 sf. ft. in community garden or urban farm use.

- Roosters are not permitted.
- Structures housing domestic fowl must be located at least 10 feet away from any residential structure on an adjacent lot. Other code restrictions regarding structures in yards may also apply.

Farm Animals

Farm Animals: Cows, horses, sheep and other similar farm animals are permitted only on lots at least 20,000 sf. ft. On these lots, one farm animal for every 10,000 sf. ft. of lot area is permitted. Farm animals and structures housing them must be 50 feet from any other lot in a residential zone.

- In Single-Family zones, commercially operating horse farms in existence before July 1, 2000 on lots greater than 10 acres are considered a permitted use.



Bees

Bees are allowed outright when registered with the State Department of Agriculture. No more than four hives, each with only one swarm, are allowed on lots less than 10,000 sf. ft. Hives may not be located within 25 feet of any lot line, except when hives are 8 feet or more above or below the grade immediately adjacent to the lot on which they are located.

2. AQUACULTURE

Aquaculture is a use in which fish, shellfish and other marine foods, aquatic plants, or aquatic animals are cultured or grown in fresh or salt waters in order to sell them or the products they produce.

- Residential Zones: Not permitted.
- Commercial Zones: Permitted as primary or accessory use with size-of-use restrictions. NC1 – limited to 10,000 sf. ft. NC2 – limited to 25,000 sf. ft. NC3 and C zones permitted with no size-of-use restrictions.
- Industrial Zones: Permitted as primary or accessory use.

3. COMMUNITY GARDEN

Community Garden is a use in which land managed by a public or nonprofit organization or group of individuals is used to grow plants and harvest food or ornamental crops for donation or for use by those cultivating the land. Examples include P-Patch community gardens administered by the Department of Neighborhoods.

All Zones: Allowed as a primary use in all zones, but community gardens are restricted to rooftops and sides of buildings in designated Manufacturing and Industrial Centers (MICs).

- The total gross floor area of all structures for community garden use may not exceed 1,000 sf. ft. on any lot.
- Structures are limited to 12 feet in height, including pitched roof.
- Structures are subject to the development standards of the zone as they apply to accessory structures. Structures over 120 sq. ft. of gross floor area require a building permit.

4. HORTICULTURE

Horticulture is a use other than an urban farm, in which plants are grown for sale of them, or their products, or for use in any business, and in which

other customarily incidental products may be sold. Examples include nurseries with greenhouses and garden stores.

- Residential Zones: Not permitted.
- Commercial Zones: Permitted as primary or accessory use with size-of-use restrictions. NC1 – limited to 10,000 sf. ft. NC2 – limited to 25,000 sf. ft. NC3 and C zones permitted with no size-of-use restrictions.
- Industrial Zones: Not permitted.

5. URBAN FARM

Urban Farm is a use in which plants, and products derived from them, are grown and sold on the same lot or off site. No other items can be sold onsite. Examples may include flower and vegetable raising orchards and vineyards.

- An urban farm does not have to be on the same lot as the principal use; the planting area may be within 800 feet of the principal use.
- In all zones, odor and fumes, are limited to "what a reasonable individual could tolerate" at a distance of more than 200 feet from the urban farm.

Residential Zones: Permitted as accessory use; no permit required up to 4,000 sf. ft. of planting area. Over 4,000 sf. ft. of planting area requires an administrative conditional use permit (ACU).

SMC 23.42.051.A provides the requirements for urban farms in Residential zones as follows:

1. Only mechanical equipment designed for household use may be used.
2. Retail sales and all other public use of the farm shall begin no earlier than 7:00 a.m. and end by 7:00 p.m. every day of the week.
3. Commercial deliveries and pickups are limited to one per day. On-site sales are not considered commercial pickups.
4. No more than two motor vehicles, each with a gross vehicle weight of 10,000 pounds or less, may be used for farm operations.
5. The farm shall be located on the same lot as the principal use to which it is accessory or on a lot where the planting area is within 800 feet of the lot where the principal use is located.
6. One identification sign is permitted, not exceeding 64 square inches in area.

7. On a lot with no principal structure:

- a. The total gross floor area of all structures for urban farm use may not exceed 1,000 sf. ft.
- b. Structures for urban farm use may not exceed 12 feet in height, including any pitched roof.

An urban farm in a residential zone requires an ACU permit if the planting area exceeds 4,000 sf. ft., and must provide a management plan. The provisions of subsection 23.42.051.B apply, and the Director may approve, condition or deny a conditional use permit based on the general conditional use criteria applicable in the zone and based on potential impacts of the types described in the management plan.

1. Management Plan. The applicant shall provide a proposed urban farm management plan that addresses any probable impacts and includes any proposed mitigation measures. The plan shall include:

- a. A site plan;
- b. The type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
- c. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;
- d. Disclosure of whether the operation of the farm would involve 750 square feet or more of land-disturbing activity, or would otherwise require drainage approval under Chapter 22.800; and
- e. A proposed sediment and erosion control plan.

Commercial Zones: Permitted as a primary or accessory use with no size of use restrictions.

Industrial Zones: Permitted as a primary or accessory use, but restricted to rooftops and sides of buildings in designated Manufacturing and Industrial Centers (MICs).

Greenhouses

In all zones except Lowrise and Single-Family, greenhouses dedicated to food production are allowed a fifteen foot exception to the height limit of that zone. In most instances the structure cannot exceed 50 percent of the roof area and must adhere to setback

requirements. Applicants should check the specific requirements that each zone has for rooftop features.

The Land Use Code defines greenhouses and solariums as follows:

Greenhouse: A structure, or portion of a structure, made primarily of glass or other translucent material, for which the primary purpose is the cultivation or protection of plants.

Solarium: A room, porch or other area that is designed to admit sunlight, is part of a larger structure, is enclosed substantially or entirely by glass or another transparent material, and is not primarily used for the cultivation or protection of plants.

WHAT OTHER PERMITS DO I NEED?

This Tip applies exclusively to permits administered by DPD. Other permits from other departments, agencies, or jurisdictions may be required.

Business Licenses

The City of Seattle requires a business license for any produce that is processed for sale. For example, berries grown onsite that are processed to make jam (SMC 5.55.030.O. Exception, Farmers).

A Master Business License from Washington State may be required. You need a license if your business meets one or more of the following criteria:

- Your business grosses \$12,000 or more per year.
- You are doing business using a name other than your full legal name.
- You plan to hire employees within the next 90 days.
- You sell a product or provide a service that is taxable. To find out more information about what products or services are taxable, Department of Revenue's business tax guide can answer most of your questions or call them at 1-800-647-7706. The guide is available at this link: and that guide can be found at: <http://www.dor.wa.gov/Docs/Pubs/ExciseTax/FilTaxReturn/BusTaxGuide.pdf>.
- Your business has specialty licenses available through the Master License Service, which can be found here: <http://www.dol.wa.gov/business/specialtylicenses.html>.

For more information, please visit www.dol.wa.gov/business.

King County Public Health

Unprocessed fruits and vegetables that are non-potentially hazardous, non ready-to-eat, and minimally cut are exempt from Seattle-King County Public Health food code. Produce that is processed must be made in a licensed commercial kitchen. For more information visit: www.kingcounty.gov/healthservices/health/ehs/foodsafety.

Washington State Department of Health

Egg producers who sell eggs from their own flock at the place of production directly to consumers for their own personal use are not required to be licensed or buy egg seals. For more information visit: <http://agr.wa.gov/FoodAnimal/Eggs/Licensing.aspx>.

CAN I GARDEN IN A PLANTING STRIP?

Yes, however you are not allowed to sell or conduct business in a planting strip. Fruit trees are not allowed in the planting strip. Healthy trees cannot be removed to plant a garden and any other tree removal in the planting strip requires a permit from the Seattle Department of Transportation (SDOT). For more information on planting or gardening in the right-of-way, see SDOT CAM 2305, *Gardening in Planting Strips* at: <http://www.seattle.gov/transportation/cams/cam2305.pdf>.

DO I NEED TO TEST MY SOIL?

Although the Land Use Code does not require soil testing, it is highly encouraged. This is particularly encouraged for areas of West Seattle that may have been impacted by the Tacoma Smelter Plume, which caused lead and arsenic to be carried by wind over a wide expanse of King, Pierce, Thurston and Kitsap counties. For more information visit: <http://www.kingcounty.gov/healthservices/health/ehs/toxic/TacomaSmelterPlume/background.aspx>.

King Conservation District provides free soil nutrient testing for residents of King County excluding Issaquah and Federal Way. Gardeners can send up to five samples, including compost, once per year through this program. This service is funded by a local special assessment and state grants with the goal of helping farmers and gardeners to fertilize wisely and reduce water pollution from over-fertilization. Detailed information is available at http://kingcd.org/pro_far_soi.htm

The Garden Hotline is a free service that provides expert information on natural lawn and garden care

to Seattle and King County residents and landscape professionals. The team of hotline experts can answer a wide range of inquiries about environment-friendly gardening for our area, from soil building, composting, and creating healthy lawns to water conservation, plant care, and alternatives to pesticide use. Printed materials include copies of the natural lawn and garden guides, fact sheets, and research reports that can be mailed to Seattle and King County residents at no charge. The hotline is managed by the Seattle Tilth Association as part of Seattle Public Utility's Natural Soil Building Program, with additional sponsorship by the Local Hazardous Waste Management Program (LHWMP) in King County and the Saving Water Partnership. Contact: (206) 633-0224 or help@gardenhotline.org.

CAN I USE HARVESTED RAINWATER FOR MY GARDEN?

Rainwater harvesting is the capture and storage of rainwater and is considered the clearest form of harvested rainwater. Using harvested rainwater can be highly beneficial. For more information, see Tip 701, *Rainwater Harvesting for Beneficial Use* at: <http://www.seattle.gov/dpd/toolsresources/>.

HOW CAN I HAVE A P-PATCH COMMUNITY GARDEN IN MY NEIGHBORHOOD?

For information on how to get a P-Patch community gardening plot or start a new community garden, visit the Department of Neighborhoods P-Patch community gardening program website at: <http://www.seattle.gov/neighborhoods/ppatch>. With the huge and growing interest in gardening and urban agriculture, you will have to wait awhile before getting a community garden plot.

Access to Information

Links to electronic versions of DPD **Tips**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Tools & Resources" page of our website at www.seattle.gov/dpd. Paper copies of these documents, as well as additional regulations mentioned in this Tip, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.

Keeping chickens & other farm animals in Juneau

In all cases check with Community Development

- About setbacks for chicken coops and stables.
- Whether building permits are needed for chicken coops and stables.
- To find out which zoning district your property is in.

In zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, LC, GC, WC, WI, and I

- Up to six hens (no roosters) may be kept with out any special permits (49.25.300 Use Category 14.253)

In zoning districts: D-15, D-18, MU, MU2

- Up to three chickens may be kept with out any special permits IF the chicken coop and yard are more than 100 feet from the nearest neighboring residence.
- When the coop & yard are closer than 100 feet from the nearest neighboring residence a conditional use permit is required. (49.25.300.230 and Note M)
- If more than three chickens are to be kept a conditional use permit is required.

For all other farm animals in the following zoning districts: RR, D-1 and D-3 (49.25.300 Use Category 14.230 and Note M)

- Up to three farm animals may be kept with out any special permits IF the stable and running area are more than 100 feet from the nearest neighboring residence.
- When the stable or running area is closer than 100 feet from the nearest neighboring residence a conditional use permit is required.
- If more than three farm animals are to be kept a conditional use permit is required.

Things to keep in mind:

- Store feed inside to avoid attracting bears.
- Store feed in rodent resistant containers and avoid spilling on to the ground.
- Compost manure and bedding in a closed container or concrete pad with a roof. This is to avoid leaching nitrates into the ground water and reduce odors.
- Consider electric fencing to discourage bears.
- Make sure any exterior lighting does not shine onto neighbor's property.

<https://sb.scorecardresearch.com/p?c1=2&c2=11307464&cv=2.0&cj=1>

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How much room do chickens need



By: [Ridgerunner](#)

Posted 12/1/13 • Last updated 1/24/15 • 185,863 views • [37 comments](#)

I don't believe in magic numbers for chickens. We keep them in so many different conditions, in different climates, with different flock make-ups, use so many different management techniques, and have different goals so no one magic number will cover us all. Summer in Miami may be different from winter in Nova Scotia, for example. I find that the tighter I crowd them the more behavioural problems I am likely to have, the less flexibility I have in dealing with problems, and the harder I have to work.



The behavioral problems from overcrowding could be anywhere from them being loud, feather-picking, bullying, fighting, all the way to cannibalism. Flexibility is not just dealing with behavioral problems but maybe integration and broody hens, predator problems or many other things. As an extreme example, say you have damage to your run where you cannot safely keep your chickens penned during the day. Do you have to miss a day's work or not take your kids to school to deal with it immediately or can you lock them in the coop until you have time to deal with it on your schedule? As for hard work, think poop management. The smaller space they are in the more you have to physically manage the poop.

What is important is how much space is available when they need it. Whether that space is in your coop, coop and run, or they sleep in trees and totally free range doesn't matter. If all you use your coop for is to provide a safe place for them to sleep and you commit to getting up when they do 365 days a year so you can open the pop door, you really don't need much space in the coop itself. The space available is the coop plus the run or maybe free range. But the more you commit yourself to a specific way of managing them, the less flexibility you have. For instance, how hard will it be to find someone to take care of your chickens when you go on vacation if they have to be there at dawn as opposed to 9:00 a.m. being OK?



I understand that people without experience need general guidelines to go by. There are several rules of thumb to help people get started. A popular one on this forum is 4 square feet per chicken in the coop along with 10 square feet per chicken in the run. This is geared toward people with a small backyard flock in suburbia, not a big flock in a rural setting. It will keep most people out of trouble in a wide range of climates and using different

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management techniques. That means it is overkill for a lot of people as far as the bare absolute minimum they could get by with, but occasionally it proves to be a bit tight. Still it is a good starting point.

Some of the things that make up the space requirement are, in my opinion:

1. Personal space for the birds. They have different personalities and different individual requirements. Some are very possessive of personal space and some can share. Each flock has its own dynamics. There are breed tendencies but individual birds of the same breed can have totally different personalities.

2. Access to feeder and waterer.

3. Being able to put the feeder and waterer where they will not poop in it when they roost.

4. [Roost spacing](#). They not only need to have enough room to sleep on the roost, they need to have enough room for them to spread their wings and fly to the roost and to sort out who gets to sleep next to whom and who gets the prime spots once they get on the roost. When they get on, they may jump from some midway support or fly directly to the roost, but either way, they like to spread their wings. And some chickens seem to enjoy blocking the entry points if there are limits. When they get off, mine tend to want to fly down, not jump to a halfway point. They need room to fly down without bumping into feeders, waterers, nesting boxes, or a wall.

The more chickens you have the less roost space per chicken you need. They don't take up a lot of room when they are roosting once access and maneuvering room is provided. But I find that mine can be pretty vicious on the roosts as they are settling down, especially when I am integrating. I find it helps to have lots of roost space, not the bare minimum.

5. Poop load. The larger area they have the less often you have to actively manage the poop. They poop a lot while on the roost so you may have to give that area special consideration, but mucking out the entire coop can be backbreaking work plus you have to have some place to put all that bedding and poop. In my opinion, totally cleaning out the coop is something that needs to happen as seldom as possible.

You can help manage poop load by using a [droppings board](#) but that commits you to regularly scraping the poop off and dealing with it.

6. How often are they able to get out of the coop? How often they are allowed out of the coop may depend on a lot more than just weather. Your work schedule, when you are able to turn them loose, what time of day you open the pop door to let them out or lock them up at night, all this and more enters into the equation. The 4 square feet recommendation assumes they will spend extended time in the coop and not be able to get in the run occasionally. What that extended time can safely be depends on a lot of different factor so there is no one correct length of time for everyone.

7. Do you feed and water in the coop or outside. The more they are outside, the less pressure on the size of the coop.

8. The size of the chicken. Bantams require less room than full sized chickens. This has to be tempered by breed and the individual personalities. Some bantams can be more protective of personal space than others, but this is also true of full sized breeds. Young chicks need less space than mature adults but in a mixed age flock, extra room is important.

9. The [breed](#) of the chicken. Some handle confinement better than others.

10. The number of chickens. The greater the number of chickens, the more personal space they can have if the square foot per chicken stays constant. Let me explain. Assume each chicken occupies 1 square foot of space. If you have two chickens and 4 square feet per chicken, the two chickens occupy 2 square feet, which leaves 6 square feet for them to explore. If you have ten chickens with 4 square feet per chicken, each chicken has 30 unoccupied square feet to explore. A greater number also can give more space to position the feeders and waterers properly in relation to the roosts and provide

access. In general the more chickens you have the less space per chicken you need.

11. What is your flock make-up? Adding one rooster to a flock of hens does not greatly increase the required space needed, though it sometimes helps flock dynamics if they have more space. But adding a second or additional roosters can greatly affect the amount of room they need. Often multiple roosters will split the flock into separate harems with each rooster claiming his own territory. That reduces conflict.

12. What is the maximum number of chickens you will have. Consider hatching chicks or bringing in replacements. Look down the road a bit.

13. Do you want a broody to raise chicks with the flock? A broody needs sufficient room to work with.

14. The more space you have, the easier it is to integrate chickens. Chickens have developed a way to live together in a flock. It's called the pecking order. But establishing that pecking order can sometimes be pretty violent. One method they use to take most of the danger out of establishing the pecking order is that the weaker runs away from the stronger when there is a confrontation or they just avoid the stronger to start with. They need room to run away and avoid.

15. The more space you have the more flexibility you have dealing with problems or altering your management techniques. That's just basic.

I'm sure I am missing several components, but the point I'm trying to make is that we all have different conditions. There is no magic number that suits us all. I generally cringe when I see a post asking "How many chickens can I shoehorn into this size space?" I think the better way to look at it is to first decide how many chickens you want, then ask "How can I provide sufficient space?"

Some people consider giving chickens extra space to be coddling the chickens. Let's examine that. If I give them extra space I have to deal with fewer behavior problems, I have more flexibility in managing them or in dealing with problems that come up, and I don't have to work as hard. Is that coddling the chickens or is that not going out of my way to make my life harder than it has to be?

For more discussions on the coop sizes and flock management see the [Coop & Run](#) and the [Managing Your Flock](#) forum sections.

Comments (37)



ChickKat 12/4/13 at 5:08am

Thanks for the posting -- good article and lots of common sense.



1000yearoldeggs 12/7/13 at 8:16pm

Very nice article. I admit I don't wake up early and don't let them out until about 10 am, but they don't mind since they have enough room in their coop (Plus I keep their food in the coop, I think that helps, haha). I would give them as much room as you can, but I understand that everyone has a different way of doing things. This list makes a lot of sense, good job.



Sam3 Abq 12/8/13 at 3:25pm

This helped narrow down this topic for our 1st flock in spring 2014 - Thank you.



KellyS 12/9/13 at 4:53pm

Excellent points made here.



Mac14 12/12/13 at 11:34am

Wow. I wish that I read this before I got chickens. Very useful! :)



chickwhispers 12/15/13 at 5:02pm

Great article! Makes one think! I agree the more space for them the less work for me!



Hooligans7 3/18/14 at 12:31pm

On the other side of considering space allotment, for example, if you provide the space equivalent of a two-car garage for five hens with several roosting areas means you have the potential of