



CITY OF SALINAS COUNCIL STAFF REPORT

DATE: December 7, 2021

DEPARTMENT: COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE OF THE CITY ATTORNEY

FROM: MEGAN HUNTER, COMMUNITY DEVELOPMENT DIRECTOR
LISA BRINTON PLANNING MANAGER
CHRISTOPHER A. CALLIHAN, CITY ATTORNEY

TITLE: PROPOSED ORDINANCE ALLOWING DOMESTIC CHICKENS

RECOMMENDATION MOTION:

City staff does not have a recommendation associated with the City Council's consideration of this item.

RECOMMENDATION:

It is recommended that the City Council consider whether to adopt an ordinance allowing domestic chickens. Upon the unanimous consent of all members of the City Council, the ordinance shall be passed on the day of its introduction. If the ordinance is not approved by the unanimous consent of the City Council on the day of its introduction, it will return to a subsequent meeting for additional consideration and will be adopted upon the affirmative vote of at least a majority of the members of the City. (Salinas Charter Article 11) If adopted, the ordinance will become effective thirty (30) days after.

EXECUTIVE SUMMARY:

An ordinance permitting the keeping of domestic chickens (hens) within city limits was previously suggested by then Mayor Pro Tem Cromeenes and Council member McShane. In November 2020, the City Council considered whether to adopt an ordinance allowing the keeping of domestic chickens, generally, with no other specific direction as to the permissible number, the applicable restrictions (e.g., only in certain zoning districts and only in certain types of coops or pens), or whether a fee should be imposed. The City Council determined not to move forward with an ordinance.

Council member McShane requested that the City Council again consider whether to adopt an ordinance allowing the keeping of domestic chickens, this time with the support of Council

member González. Council member González's support of the City Council's consideration of such an ordinance is only provided the ordinance prohibits the keeping of roosters.

DISCUSSION:

Several local jurisdictions including the County of Monterey and the cities of Marina, Seaside, Monterey, and Pacific Grove allow for chickens to be maintained subject to permits, a limit on the number which may be kept, and standards for the housing of chickens, particularly to avoid the odors, rodents, and other nuisance factors which may come from the keeping of chickens. The consensus among those local jurisdictions which allow the keeping of chickens is that roosters are not permitted and up to four hens may be kept.

Similarly, the attached ordinance amends sections of the Municipal Code to allow for the keeping of up to four (4) chickens per residential lot only in the low-density residential zoning districts. Roosters are expressly prohibited and may not be kept under any conditions at any location in the city. Under the proposed regulations, chickens may be kept only on residential lots in the low-density residential zoning district (R-L District) of at least 5,500 square feet in size, with chicken coops set back at least ten (10) feet from all property lines to avoid impacts on adjacent properties. Coops are an important part of mitigating potential negative impacts on neighboring properties; the coops must be properly constructed and be kept clean to maintain the health of the chickens and to prevent the spread of odors and other nuisances beyond the property's boundaries. The chickens may not be allowed to run at large, except when attended by a person. Chickens may not be slaughtered on site and the eggs harvested from the chickens may not be sold.

A resident desiring to raise domestic chickens subject to these regulations must obtain an annual permit and obtain a license for each chicken. Requiring a permit will allow City staff to educate potential chicken owners of the regulations and provide best practice recommendations for constructing coops. Attached to this Report is a Resolution setting the fees for the annual permits and for the licenses to allow the City to recover its costs incurred in implementing and managing this program: The proposed permit fee is \$150.94, which is the same as a Home Occupational Permit. The Home Chicken Permit may be issued over the counter and is a one-time permit that runs with the land.

CEQA CONSIDERATION:

The City Council's adoption of the ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that implementation of the ordinance may have a significant effect on the environment.

STRATEGIC PLAN INITIATIVE:

The City Council's adoption of an ordinance to allow for the keeping of chickens does not align with any of the City Council's 2020-2023 Goals.

FISCAL AND SUSTAINABILITY IMPACT:

The City Council's consideration whether to direct staff to prepare an ordinance to allow for the keeping of chickens does not have a direct fiscal impact on the City's General Fund or Measure E or Measure G funds. The nominal permit and license fees are intended to allow the City to recover its costs incurred in implementing and managing the program.

DEPARTMENTAL COORDINATIONS

The Community Development Department and the City Attorney's Office coordinated on the preparation of the ordinance, resolution, and this Report.

ATTACHMENTS:

Ordinance
Resolution

RESOLUTION NO. _____ (N.C.S.)

**A RESOLUTION ESTABLISHING AN ANNUAL PERMIT FEE AND LICENSE FEE
ASSOCIATED WITH THE KEEPING OF DOMESTIC CHICKENS**

BE IT RESOLVED BY THE COUNCIL OF SALINAS as follows:

1. Annual Domestic Chicken Keeping Permit. The non-refundable permit fee associated with the submittal of an application for a permit for keeping domestic chickens pursuant to the Salinas Municipal Code is set at \$150.94 and may be adjusted from time-to-time by Resolution of the City Council.

PASSED AND APPROVED this 7th day of December by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Kimbley Craig, Mayor

ATTEST:

Patricia M. Barajas, City Clerk