Katherine Douglas Public Comment - Dorwin # 3

From: John Dorwin <johnkdorwin@gmail.com>
Sent: Thursday, December 21, 2023 4:38 AM
To: sbcob
Subject: Objection to Proposed Ordinance Regulating Roosters as Agricultural Activity. Hearing Date 1/9/24

Categories: Public Comment

There are several issues with the Proposed Ordinance which are preempted and in conflict with State Law.

The first issue is there are vested property rights for existing Rooster husbandry under the express provisions of the California Civil Code Right to Farm Act, Civil Code Section 3482. The County is proposing to take these vested rights and deny due process to the holder of these rights in violation of State law. The application of the proposed ordinance to three year, or older, operations without exemption will violate State Law. The County may only regulate future operations which have no vested rights under State law.

The annual fee is a hidden tax upon business operations for a specific purpose and violates the State Constitution's Article XIII. A vote of the people is required to impose this special tax upon Rooster Farming. The fee is really a tax on the Farming of Roosters and illegal without a vote of the people.

The terms of the proposed ordinance prohibit open range chicken farming which has a beneficial environmental impact for landowners.The finding the ordinance is exempt from environmental review is not correct because chickens provide insect control and soil enrichment by nitrogen deposition. There is a CEQA issue presented by this proposed ordinance. Environmental impact analysis required.

The proposed ordinance impairs the rights of holders of existing Ag Preserve Contracts and any such Ag Preserve Contracts should be excluded from regulation, registration, or payment of any fees to conform with the Uniform Rules. The Ordinance was not reviewed by the Ag Preserve Advisory Committee.This is a due process problem and conflict for the County adopting the proposed ordinance as drafted.

Please submit this opposition letter for the Board's consideration.

Kindest Regards;
John Kenneeth Dorwin State Bar No. 111082 805-698-0002