

Public Statements 2/13/21
5:15

Because of the hen ordinance passed by Council in 2015, I excitedly began preparations for being able to own hens. Over the span of about 7 weeks and at the cost of \$1,000, I designed, constructed, and painted our 6'x4' coop and an attached 12' enclosed run. On November 22, we brought our chickens home, only to find out a few day later that a suspension was in place prior to it going into effect.

Now, with this threat rescission, I look at that coop and those hens every day and wonder if I have any recourse to recoup those costs if the ordinance is rescinded because of a questionable lawsuit.

Would I and others in my position have to file a lawsuit on our own behalf? Is that even an option?

Can we apply for a conditional-use permit like people who want to own more than three dogs can do?

I am ONLY in this position because council passed the ordinance in the first place. I never would have built a coop and run and purchased chickens without your legislative action.

Obviously, I am in favor of this ordinance, and the fact that almost three-dozen California cities allow residential hens--nearly twenty of which used the same common-sense waiver that you did--tells me that the legislative precedent exists in order to fight this lawsuit in court.

The majority opinion when this was passed was that residents wanted the ability to use their own property in ways that have little-to-no encroachment on any surrounding homes. The ability to raise hens should absolutely be an approved use.

Why are you willing to allow a lawsuit based on questionable merit to derial the legislative will of the people and the council?

I have looked into CEQA, and in the "Guidelines of Implementation of the California Environmental Quality Act," it plainly states with zero ambiguity that "CEQA applies to government actions" that involve projects "directly undertaking by a governmental agency," projects "financed in whole or in part by a governmental agency," or private projects "which require approval from a governmental agency."

Directly following that information in CEQA, it says, and I quote: "Private action is not subject to CEQA unless the action involves governmental participation, financing, or approval."

Last time I looked, the City of Bakersfield was not offering to help build our coops, provide funding for anything related to residents owning and housing hens, or require any approval from the city in order to have hens.

So I ask the Council, why have you allowed what appears to be such a frivolous lawsuit to cause us to be here today? Our city attorney should be doing everything in her power to show that your passage of the ordinance in September was valid and lawful.

Again, we have numerous cities in California who have done the same as you with no problems or issues, but because we have an anonymous group with a lawyer trying to bully you into rescission or a seemingly unnecessary EIR, those of us in support of this ordinance are forced to once again show reason why it should remain on the books in Bakersfield, wasting everybody's time here tonight.

I implore you to please keep your word to the residents of Bakersfield and to not rescind this ordinance for fear of a questionable lawsuit.