

January 28, 2018

John F. Lateulere III, AICP  
18756 Sharon Dr.  
Chagrin Falls, OH 44023

Representative Brian Hill, Chairman Agriculture and Rural Development  
District 97  
77 S. High St  
13th Floor  
Columbus, OH 43215

Re: HB175 – Small Agricultural: January 30, 2018 hearing

Representative Hill:

I write in support of HB175 which would provide landowners the freedom to provide healthy and nutritious food sources for their family. If it weren't for a scheduling conflict I would have been at the hearing myself to speak, but must alternately provide this written testimony providing my support. As a Township resident, I recognize the central foundation of the Township is to preserve the rights of agriculture. The current status of 519.21 removes this protection, and confers Townships the rights to independently regulate agriculture for personal use. Under the premise of protection of the "public health, safety, and general welfare", I do understand and can support prohibitions on commercial agriculture within subdivided lands, as commercial agriculture would provide the use of large equipment, large numbers of animals, or potentially the use of pesticides that could be detrimental within a subdivision with children, water wells, and predominantly residentially designed streets. HB175 is a permissive regulation that restores the rights of the Citizens, while still providing reasonable limits on what can be done, which at its face, is a de-facto protection of public health, safety, and general welfare.

When considering the general welfare component of land use restrictions, often zoning officials consider this to address the general welfare of the community, and often construe this to be focused on controlling impacts of a land use decision on neighbors or constituents. I can only surmise that, many years ago, the legislature put these seemingly reasonable modifications to the Ohio Revised Code on the books to provide Townships the authority to control small agriculture because of a perceived protection for neighboring properties within a subdivision. Small agriculture, for use by the land owners, does not carry the same impacts as large agriculture which is done on a commercial scale for profit. The only protection of public health safety and general welfare that I can consider this revision would have provided, is a protection for adjacent property owners based on a fear that these uses might become noxious in some way. HB175, as drafted, provides reasonable restrictions to ensure that these small animals are kept in reasonable populations, in line with a property owner's potential needs to provide food for a reasonably sized family (and not used for commercial gain).

Local boards and commissions rarely, if ever, consider the general welfare of the individuals most impacted by the land use decision. As a profession, I regularly attend zoning and planning meetings and observe progress at the local level. Consideration of underlying property rights lacks in local land use decisions, as is evidenced by the proliferation of law suits against local governments regarding the

constitutionality of land use decisions. Many times, the politics of a decision are weighed in opposed constituents, and the rights of an applicant are under-represented in numbers. That said, as unpopular as it might be at the local level (where there may be vocal fears of impacts to health), and in an age where many factors can impact the safety and reliability of our food supply (nuclear war, terrorism, pesticides, side effects from pharmaceuticals in our water sources, and trade restrictions) the ability to produce food for my family on my own property is actually *central* to the health, safety, and general welfare of my family, my neighbors, and all the voting constituents in the State of Ohio. The ability for each family to provide some of its own food will only provide greater security for our nation throughout time. As consumers, we cannot control the food stream into our grocery stores, we are beholden to enterprise and governmental regulation to ensure our health, both current and future. Food recalls for Lysteria, Salmonella, E.Coli are a weekly event in our new sources. As a consumer that is unable to raise your own sustainable food sources, you are forced to rely on government watchdogs to ensure your health, then you are left questioning if you consumed any tainted food once a recall is issued.

As a result of growing and raising my own food, I control how my family's garden and flock are cared for. I control if pesticides are used and if hormones are used. I understand how large agriculture could impact my neighbors, and therefore resign myself that raising a cow or pig would be detrimental to my neighbors and community. I, however, do not understand how my ability to raise a small flock of hens, a few rabbits, or even a small goat would be detrimental to the general health, safety, and general welfare. I, on the contrary, feel that prohibiting my ability to do so in in direct conflict with the rights set forth by our country's founding fathers. Our founding fathers established America as an independent government where you can provide for your family – independent of government. It provided the right to arm ourselves, in an effort to protect ourselves from the government, and its control over its citizens. How is it possible that we can, then, remove the right to provide food for our own families (independent of Government oversight)? The current status of the ORC provides for a community's ability to remove a land owner's right to provide for his or her family on his or her own land. Provisions for small agriculture benefit the health and general welfare of citizens of the State of Ohio, and if properly limited, do not have an adverse impact on communities as a whole.

I urge the Agriculture and Rural Development Committee to consider the benefits to the state and the general constituents in the State of Ohio. This revision restores our rights to provide healthy options for our families, and protect ourselves against unknown externalities that could impact the health and safety of our families. This is what is right for the State of Ohio.

Sincerely,



John F. Lateulere III, AICP

Cc: Rep. Sarah LaTourette (Co-Sponsor – District Rep)  
Rep. Thomas Brinkman (Sponsor)