



Cotati City Council Agenda Staff Report

Item type: REGULAR AGENDA (ACTION)
To: City Council
Subject: **CONSIDERATION OF A RESOLUTION OPPOSING SONOMA COUNTY INITIATIVE PETITION MEASURE J**
Date: October 8, 2024
Written by: Damien O'Bid, City Manager

Recommendation

It is recommended that the City Council review and discuss the attached materials and consider adoption of a resolution opposing Measure J.

Background

A coalition of animal rights activists and others have qualified an initiative measure entitled Sonoma County Prohibition on Concentrated Animal Feeding Operations, designated as Measure J. Measure J (2024) is a ballot measure that will be put before Sonoma County voters on the November 5, 2024 General Election.

On Jan. 1, 2024, California's Proposition 12 (Prop 12) went into full effect, requiring certain farm owners, operators and distributors of covered farm animals such as egg-laying hens, commercial breeding pigs and veal calves (covered entities) to provide more humane living conditions for these animals. The regulations apply to both in-state entities and out-of-state entities that intend to sell in California, and failure to comply with the regulations will render the food products unsaleable in California.

At the City Council meeting on August 13, 2024, the City Council requested a future agenda item to discuss and potentially oppose Measure J.

At the City Council meeting on August 27, 2024, the City Council considered a resolution opposing Measure J, but ultimately decided not to take any position on the measure.

At the City Council meeting on September 24, 2024, the City Council again requested a future agenda item to discuss and potentially oppose Measure J.

Analysis/Discussion

According to the County of Sonoma's title and summary (see attachments) performed by County Counsel, Measure J, if adopted by the voters, "would amend the Sonoma County Code to phase-out existing and prohibit future Concentrated Animal Feeding Operations (CAFO) in all zoning districts in the unincorporated areas of the County outside of the coastal zone. Existing operations would have three years to phase out operations in violation. It would not apply to a registered non-profit animal shelter, sanctuary, or rescue organization which does not sell animals or animal products. It would not apply to a temporary stable of animals during a natural disaster or a declared state of emergency." Accordingly, Measure J only applies to CAFOs within unincorporated California and not CAFOs within Petaluma's jurisdiction. Financial penalties of up to \$10,000 per day of violation are possible.

According to the summary, the animals covered under the CAFO regulations include "cattle or cow/calf pairs, mature dairy cattle, veal calves, swine, horses, sheep or lambs, turkeys, chickens, laying hens or broilers, and ducks. CAFOs would be categorized as large, medium, or small, depending on the number and type of confined animals and other factors such as waste disposal systems. A small CAFO is one that is smaller than a medium CAFO and designated by the permitting agency as a significant contributor of pollutants. The proposed ordinance would consider animals confined if stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and when crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more operations could together be considered a CAFO if certain criteria are met."

Measure J would "require registration for existing CAFOs, which would have three years to cease operations. The ordinance would also require the Agricultural Commissioner to establish Best Management Practices to phase-out CAFO operations, developed in collaboration with a California-based humane society and/or a California-based society for the prevention of cruelty to animals. It would require the Agricultural Commissioner to present an annual report on ordinance compliance to the Board of Supervisors at a noticed public meeting. The ordinance would require the Agricultural Commissioner to create a job-retraining program for CAFO Workers."

The website of Measure J's proponents lists 21 Sonoma County farms that would be phased out over a 3-year period under Measure J, including 15 poultry farms and 6 dairies, with most of the farms in south Sonoma County. The website advocating for the approval of Measure J can be found here: <https://www.endfactoryfarming.vote/>

To date, the Sonoma County Board of Supervisors (BOS), the City of Petaluma and City of Healdsburg have taken positions opposing Measure J. The BOS requested an impact analysis of the measure prior to placing the initiative on the ballot. To respond to that direction, a number of County of Sonoma departments and agencies have provided analysis of the effects of Measure J including the following excerpts (full analyses attached):

- Sonoma County Department of Agriculture/Weights & Measures – "It represents a

completely new program that is anticipated to have ongoing expenses reaching or exceeding \$1.6 million in county general fund support. It is not eligible for current state funding mechanisms that support the programs and services administered by Agricultural Commissioners in the state.”

- Sonoma County Agricultural Preservation and Open Space District – “There is potential that seven of the eight active dairy operations that we have protected could be impacted by this proposed ordinance... Our conservation purpose will not be fully realized if agricultural production is no longer viable on these properties. In addition, Ag+ Open Space has conserved less than 15% of grasslands in Sonoma County. The remaining grasslands are more threatened by subdivision and development when agriculture is no longer possible. Therefore, the proposed ordinance has the potential to increase the threat to the remaining grasslands throughout the county.” The Sonoma County Agricultural Preservation and Open Space District has worked with owners of working farms and ranches throughout Sonoma County, especially those most at risk for conversion to nonagricultural uses, through purchase of conservation easements to preserve the scenic and natural resources of agricultural lands, and has invested approximately \$126 million in local sales tax proceeds to conserve more than 90 farms and ranches totaling nearly 60,000 acres, and 16 of the District’s agricultural easements are on dairy land or land that supports dairy operations, and seven of the eight active dairy farms protected by the District could be impacted by Measure J.
- Sonoma County Assessor’s Office – “The Assessor does not track the data necessary to identify large or medium CAFOs and, since each property’s base year value is determined individually, the Assessor cannot make a generalized estimate of the impact of value.” The Assessor’s office also notes that agricultural properties under a Williamson Act contract typically see reduced assessed values of a minimum of 25% for the agricultural component. Removing property from a Williamson Act contract takes 10 years, whether it is the request of the property owner or for non-compliance.
- Economic Development Board – “The results of this analysis presented a significant impact to the Sonoma County economy referencing losses in agricultural products (\$259 million), reductions in spending through the region (\$38 million) in addition to a significant loss of labor income and employment. The findings of the report conclude that for every job lost from the livestock and poultry production sector, we can expect to lose one additional job from the Sonoma County economy.” The attached summary contains the Economic Development Board’s analysis which details the number of Medium and Large CAFOs by Supervisor District. Cotati is wholly within District 2, which has 30 medium CAFOs and 5 large CAFOs. The analysis contains details about the economic value of agricultural operations.
- County of Sonoma, Human Services Department – “The primary and most predictable impact would be to our Employment and Training Division, which provides services to employers and employees in the community. A secondary and more difficult to predict impact could be to our Economic Assistance Division, where there may be an increased demand for CalFresh and Medi-Cal benefits. In order to provide intensive services to

impacted individuals who are likely to seek assistance, Job Link estimates needing additional funding in the amount of \$1,496,000. This is based on an assumption of 25% uptake of the total number of affected employees, which would equate to 110 individuals, using our known per person training cost and the cost of employment counselors. If additional funding was not available, it would take 24-30 months for Job Link to serve all affected individuals and would cause displacement of other job seekers in the community in need of Job Link services.”

- County of Sonoma, Permit Sonoma – “The proposed ordinance could support County initiatives for improved biodiversity in agricultural and a reduction of some negative environmental impacts such as green house gas emissions however as proposed the definitions would conflict with existing code and stated County objectives. If passed, the proposed ballot initiative to prohibit CAFOs in the unincorporated County could impact County organizational resources, both staffing and fiscal; the local economy and businesses; and agricultural workers and the general public through job loss and food system changes... Business closures and job losses are likely to have disproportionate impacts on low income, immigrant farmworker families. Potential reductions to the supply of locally sourced food products could affect the local food system, including food prices.

Preserving agricultural lands and food production are integral to Sonoma County’s identity and a large part of our economy. They provide local food options and are a significant part of the economy and tourism in Sonoma County.

In 2008, the City in partnership with the Open Space District, purchased the Veronda Falletti Ranch as a demonstration farm for agriculturally based education. The City also has an urban growth boundary (UGB) to maintain a greenbelt, which relies on preservation of viable agricultural lands outside of the UGB.

Depending on the ultimate scope of farm closures, there will be some level of impact to local food production, the economy (including tourism), jobs and the ability to preserve greenbelts.

Based on the City Council discussion on August 27, 2024 and the request to discuss Measure J again, this item includes a much more focused resolution of opposition that makes clear that Cotati is concerned about animal welfare but by using CAFO as the metric to regulate, Measure J is too broad in it's application.

Financial Considerations

If Measure J is approved by voters, there is not expected to be any direct financial impact to the City. Depending on the ultimate scope of farm closures in Sonoma County, there would be some level of indirect impacts on residents and businesses who work with or in the agricultural sector, such as job loss, tourism and lower economic activity overall. Farms generally could also be subject to third party lawsuits with the private right of action.

Environmental Issues

The proposed resolution opposing Measure J has no environmental impact. Where it can be determined with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. This general rule can be applied to activities which could be subject to the CEQA process, but which logic dictates should not be subject to CEQA review. Therefore, based on the information provided above, the proposed resolution is exempt from CEQA pursuant to Section 14.03.021 of the CEQA Guidelines in that there is no possibility that the activity may have a significant impact on the environment.