

**B. CONSIDERATION OF A RESOLUTION OPPOSING SONOMA COUNTY
INITATIVE PETITION MEASURE J**

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



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.

RESOLUTION NO. (XX)
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI OPPOSING
SONOMA COUNTY MEASURE J AT THE NOVEMBER 5, 2024 GENERAL
ELECTION

WHEREAS, Sonoma County and Cotati have rich farming history dating back more than a century; and

WHEREAS, many Cotati residents—and California residents more broadly—have a deep interest in protecting animal welfare, as reflected by the fact that our state’s animal welfare laws are among the strongest in the nation; and

WHEREAS, farms subject to closure by Measure J include some that hold Organic certification, are American Humane Certified™, and practice additional regenerative and restorative agriculture; and

WHEREAS, Measure J uses a definition of Confined Animal Feeding Operation (CAFO) based on number of animals and not on animal welfare practices, and thus broadly targets farmers observing best practices for animal welfare along with potential bad actors who might generate understandable concern for animal welfare.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Cotati opposes Measure J and urges a “No” vote on Measure J.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Cotati held on October 8, 2024, by the following vote, to wit:

Approved: _____

Mayor

Attest: _____

Kevin Patterson, Deputy City Clerk

Approved as to form: _____

City Attorney

County Counsel's Title & Summary

Sonoma County Prohibition on Concentrated Animal Feeding Operations

This measure, 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.

The proposed ordinance would provide for a daily penalty of \$1,000 for the first day, \$5,000 for the second day, and \$10,000 for the third and subsequent days in violation. It authorizes enforcement by any interested party or the Sonoma County Department of Agriculture, Weights and Measures ("Agricultural Commissioner"). The Agricultural Commissioner would be required to establish a system for receiving, investigating, and retaining complaints. The proposed ordinance would provide for attorneys' fees and costs to the prevailing party. It would make it a misdemeanor to retaliate against another person for making a good-faith complaint.

The proposed ordinance would define CAFO in accordance with federal regulations. The animals covered would be 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.

The proposed ordinance 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.

s/Robert Pittman

County Counsel

FILED

SEP · 7 2023

SONOMA COUNTY CLERK

By _____

Deputy Clerk

PROHIBITION ON CONCENTRATED ANIMAL FEEDING OPERATIONS

WHEREAS, the people of Sonoma County value healthy communities and a healthy environment; and

WHEREAS, the people of Sonoma County value the humane treatment of animals; and

WHEREAS, the U.S. Supreme Court upheld California's Proposition 12 (the Farm Animal Confinement Initiative), the nation's strongest farm animal welfare law¹, which was supported by 61.6% of Sonoma County voters²; and

WHEREAS, hundreds of Concentrated Animal Feeding Operations (CAFOs) presently operate in California³, including over a dozen in Sonoma County; and

WHEREAS, millions of animals are confined in CAFOs across California⁴; and

WHEREAS, it is a well-established scientific fact, as supported by thousands of studies exploring animal cognition, that animals have emotions, personalities, and the ability to feel pain, fear, and stress⁵; and

WHEREAS, every day, animals are treated inhumanely at CAFOs⁶; and

WHEREAS, the treatment of animals in CAFOs routinely violates California animal cruelty laws, with little to no accountability; and

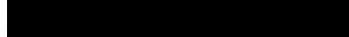
WHEREAS, CAFOs have severe negative public health and environmental impacts due to the large amounts of concentrated, potentially toxic waste they produce and the infectious diseases they facilitate and harbor⁷; and

WHEREAS, investigators have found antibiotic-resistant bacteria and infectious diseases in CAFOs in California⁸ and across the U.S.⁹; and

FILED

AUG 21 2023

SONOMA COUNTY CLERK

By  Deputy Clerk

¹ https://www.supremecourt.gov/opinions/22pdf/21-468_5if6.pdf

² <https://sonomacounty.ca.gov/administrative-support-and-fiscal-services/clerk-recorder-assessor-registrar-of-voters/registrar-of-voters/elections/november-6-2018-general-election-final-results>

³ <https://www3.epa.gov/npdes/pubs/region9.pdf>

⁴ <https://www3.epa.gov/npdes/pubs/region9.pdf>

⁵ <https://www.livescience.com/39481-time-to-declare-animal-sentience.html>

⁶ <https://www.centerforfoodsafety.org/issues/307/animal-factories/animal-factories-and-animal-welfare>

⁷ https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf

⁸ <https://www.vice.com/en/article/g5bjjb/the-next-pandemic-could-come-from-an-american-factory-farm>

⁹ <https://www.scientificamerican.com/article/how-drug-resistant-bacteria-travel-from-the-farm-to-your-table/>

WHEREAS, given that three out of four emerging infectious diseases are zoonotic¹⁰, CAFOs pose a serious risk to public health¹¹; and

WHEREAS, emissions from industrial animal agricultural operations are a significant cause of climate change, with livestock contributing 14.5 percent of all greenhouse gas emissions¹²; and

WHEREAS, by worsening climate change via the release of greenhouse gasses such as methane, CAFOs are a major contributor to the drought and wildfires in California^{13,14}; and

WHEREAS, it is projected that the global industrial agricultural sector will nearly double in greenhouse gas emissions by 2050¹⁵; and

WHEREAS, globally, CAFOs and other intensive farming practices are the primary driver of biodiversity loss through dependence on inputs such as fertilizer, pesticides, energy, land, and water, and on practices such as monocropping and heavy tilling, which in turn reduces the variety of landscapes and habitats¹⁶; and

WHEREAS, biodigesters (which can convert animal waste into energy) have been shown to be ineffective at mitigating the public health and environmental impacts of CAFOs, as they can produce other harmful chemicals without fully removing toxins from the environment¹⁷; and

WHEREAS, workers at CAFOs face health risks due to exposure to harmful substances and antibiotic-resistant bacteria, as well as high rates of respiratory injuries, musculoskeletal injuries, and anxiety and depression¹⁸; and

WHEREAS, CAFOs disproportionately affect low-income and disadvantaged communities, raising social and environmental justice concerns¹⁹; and

¹⁰ <https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html>

¹¹ https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf

¹² <https://www.fao.org/news/story/en/item/197623/icode/>

¹³ <https://vitalsigns.edf.org/story/what-does-californias-flooding-and-drought-have-do-climate-change>

¹⁴ <https://www.ppica.org/publication/climate-change-and-californias-water/>

¹⁵

<https://www.ewg.org/news-insights/news/2023/02/will-agriculture-be-americas-leading-source-greenhouse-gas-emissions>

¹⁶

https://www.chathamhouse.org/sites/default/files/2021-02/2021-02-03-food-system-biodiversity-loss-benton-et-al_0.pdf

¹⁷

https://www.foodandwaterwatch.org/wp-content/uploads/2021/03/ib_1906_biogas_manure-2019-web.pdf

¹⁸

https://clf.jhsph.edu/sites/default/files/2021-05/essential-and-in-_crisis-a-review-of-the-public-health-threats-facing-farmworkers-in-the-us.pdf

¹⁹

<https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2020/01/13/precautionary-moratorium-on-new-and-expanding-concentrated-animal-feeding-operations>

WHEREAS, proximity to CAFOs significantly decreases property values, with a 2015 study showing that properties within 3 miles of a CAFO lost up to 26% of their value and properties within ¼ mile of a CAFO lost up to 88% of their value²⁰; and

WHEREAS, legislation (the Farm System Reform Act) has been proposed in U.S. Congress which would place a moratorium on the construction of large CAFOs and enact other restrictions on resource-intensive factory farming²¹; and

WHEREAS, the American Public Health Association has called for federal, state, and local governments to impose a moratorium on new and expanding CAFOs²²; and

WHEREAS, several other jurisdictions across the U.S. have placed restrictions on CAFOs²³; and

WHEREAS, the County of Sonoma has a legitimate and substantial interest in promoting public health and encouraging responsible environmental practices; and

WHEREAS, it is the intent of Sonoma County to prohibit CAFOs in order to protect the environment, animals, and the health and well-being of its residents and communities; and

WHEREAS, it is also the intent of Sonoma County to provide a retraining and employment assistance program for workers at CAFOs to facilitate the transition to safer forms of work; and

WHEREAS, the present Ordinance is in line with Sonoma County's values as an agricultural community that respects the environment and responsible agricultural practices;

NOW, THEREFORE, the People of the County of Sonoma ordain as follows:

SECTION 1: ADDITION OF §26-18-075.

Section 26-18-075 is hereby added to read as follows:

Sec. 26-18-075 Animal Keeping: Concentrated Animal Feeding Operations

A.Purpose.

The Purpose of this Section is to protect the environment, animals, and the health and well-being of Sonoma County residents and communities by prohibiting the

²⁰ <https://www.nar.realtor/animal-feedlots>

²¹ <https://www.congress.gov/bill/117th-congress/senate-bill/2332>

²²

<https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2020/01/13/precautionary-moratorium-on-new-and-expanding-concentrated-animal-feeding-operations>

²³

<https://www.wisfarmer.com/story/news/2023/07/07/officials-in-the-remaining-towns-with-livestock-regulations-wonder-whether-they-too-are-in-legal-cro/70387371007/>

operation of CAFOs, as defined herein, within the unincorporated areas of the County.

B. Definitions.

The following words and phrases as used in this Chapter shall be defined as follows:

“Animal feeding operation” or “AFO” means a lot or facility that meets the regulatory definition of an AFO as set out by the Environmental Protection Agency in 40 CFR 122.23 as of August 2023²⁴. Specifically, a lot or facility (other than an aquatic animal production facility) is deemed an AFO where the following conditions are met:

- (i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
- (ii) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

“Concentrated Animal Feeding Operation” or “CAFO” means an AFO which meets the definition of a Medium CAFO or Large CAFO, as defined herein, and set out by the Environmental Protection Agency in 40 CFR 122.23 as of August 2023, or which is designated as a CAFO of any size by the permitting authority²⁵.

“Large CAFO” means an AFO which confines at least the number of animals described in Table 18-0.

“Medium CAFO” means an AFO which falls within the size range in Table 18-0 and either:

- (i) has a man-made ditch or pipe that carries manure or wastewater to surface water; or
- (ii) the animals come into contact with surface water that passes through the area where they're confined; or
- (iii) is designated as a Medium CAFO by the permitting authority due to being a significant contributor of pollutants.

“Pre-Existing CAFO” means a CAFO currently in existence in Sonoma County at the time this Ordinance becomes effective.

“Small CAFO” means an AFO which confines fewer than the number of animals listed in Table 18-0 and which has been designated as a CAFO by the permitting authority as a significant contributor of pollutants.

²⁴ Available at <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.23>.

²⁵ Available at <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.23>.

Table 18-0: Size Thresholds for CAFOs

Animal Sector	Size Threshold: Large CAFOs	Size Threshold: Medium CAFOs
Cattle or cow/calf pairs	1,000 or more	300 - 999
Mature dairy cattle	700 or more	200 - 699
Veal calves	1,000 or more	300 - 999
Swine (weighing over 55 pounds)	2,500 or more	750 - 2,499
Swine (weighing less than pounds)	10,000 or more	3,000 - 9,999
Horses	500 or more	150 - 499
Sheep or lambs	10,000 or more	3,000 - 9,999
Turkeys	55,000 or more	16,500 - 54,999
Laying hens or broilers (liquid manure handling systems)	30,000 or more	9,000 - 29,999
Chickens other than laying hens (other than a liquid manure handling systems)	125,000 or more	37,500 - 124,999
Laying hens (other than a liquid manure handling systems)	82,000 or more	25,000 - 81,999
Ducks (other than a liquid manure handling systems)	30,000 or more	10,000 - 29,999
Ducks (liquid manure handling systems)	5,000 or more	1,500 - 4,999

C. Aggregation.

Two or more lots or facilities that collectively meet the definition of a CAFO shall together be deemed a CAFO if they are under common ownership and are either on adjoining parcels or share a waste disposal system.

D. Prohibition of CAFOs; Exceptions.

1. No person shall establish, operate, expand, or maintain a CAFO in unincorporated Sonoma County on or after the date of the enactment of this Section.

2. This Section does not limit or impact the availability of remedies under other applicable local, state and federal laws, regulations, and ordinances, including but not limited to laws, regulations, and ordinances regarding environmental protection and animal cruelty.
3. The prohibitions in this Section shall not apply to an evacuation area set up to temporarily stable animals in the case of a natural disaster or a declared state of emergency, or to a registered non-profit animal shelter, sanctuary, or rescue organization which does not sell animals or animal products.

E. Existing CAFOs; Phase-Out Period.

1. Notwithstanding anything in this Section, Pre-Existing CAFOs shall be deemed a nonconforming use and shall be required to register on a public database maintained by the Sonoma County Department of Agriculture, Weights and Measures.
2. Pre-Existing CAFOs shall be given a phase-out period of no more than three (3) years from the effective date of this Section to modify or terminate their operations such that they are no longer classified as a CAFO. Proof of this shall be provided to the Agricultural Commissioner prior to the end of the phase-out period. During the phase-out period, Pre-Existing CAFOs shall not increase the number of animals in confinement.
3. The Agricultural Commissioner or his/her designee shall inspect closed CAFOs within one month of receiving such proof of termination from a Pre-Existing CAFO to ensure that all relevant operations have ceased or been appropriately modified.
4. Any Pre-Existing CAFO taking advantage of the phase-out period mentioned in Subsection (E)(1) shall comply with Best Management Practices set forth by the Agricultural Commissioner, which shall be developed in collaboration with a California-based humane society and/or a California-based society for the prevention of cruelty to animals. The foregoing shall be in addition to any requirements imposed on CAFOs by County, State and Federal environmental protection agencies.
5. The Agricultural Commissioner shall establish a system to receive, investigate, and retain complaints related to this Section.

F. Violations.

1. Any person who continues to operate a Pre-Existing CAFO after the three (3) year phase-out period elapses, or who establishes or maintains a CAFO following the enactment of this Section, or who violates any other provision of this Section, shall be subject to a civil penalty of one thousand dollars (\$1,000) for the first offense, five thousand dollars (\$5,000) for the second offense, and ten thousand dollars (\$10,000) for the third and any subsequent offenses, payable to the Sonoma County General Fund.
2. Notwithstanding the foregoing, the Agricultural Commissioner or his/her designee may also pursue on behalf of the county any other civil or administrative penalty or remedy otherwise available for failure to comply with the requirements of this Section.

3. Each day, or portion thereof, during which the violation occurs shall be treated as a separate offense.
4. Nothing herein shall impact the standing of other interested parties, or the availability of remedies under other applicable federal, state and local laws, regulations and ordinances, including the remedies afforded any person set forth in Subsection I of this Ordinance.
5. The availability of funds under this Section shall not restrict any obligation by the County to provide retraining and employment assistance opportunities to CAFO workers.
6. For the purposes of this Subsection (F), "person" includes any owner, officer, or director of a CAFO. No penalties shall be issued to individuals solely for working at a CAFO operation unless they also meet one of the foregoing criteria.

G. Retraining for CAFO Workers

The County shall provide a retraining and employment assistance program for current and former CAFO workers during the phase-out period in Subsection (E)(1) and for an additional one year thereafter. The purpose of this program is to provide individuals who worked at a CAFO at the time of this Ordinance's enactment or who worked at a CAFO at any point during the phase-out period with the training needed to work at a legally acceptable agricultural operation or in a different job sector. This program shall be administered by the Agricultural Commissioner or his/her designee, along with qualified experts in employment law, animal rights, farm labor, and best agricultural practices. Such experts shall provide proof of their qualifications, which shall be subject to public disclosure. The County's obligation under this Subsection (G) to provide retraining and employment assistance to CAFO workers shall not depend on the fines and penalties collected pursuant to Subsection (F).

H. Annual Report.

The Agricultural Commissioner or his/her designee shall prepare an annual report containing the following information: the number of CAFOs currently operating in unincorporated Sonoma County; the number of CAFO termination notices received in the previous year; the number of CAFO termination inspections conducted in the previous year; the number of CAFO workers in the retraining program; and the amount of penalties assessed and collected in the previous year. Such report shall be presented to the Board of Supervisors at a duly-noticed public hearing and posted on the Agricultural Commissioner's webpage, beginning one year after the effective date of this Section and continuing until all CAFOs, as defined herein, have been phased out of the County.

I. Right of Action.

Any interested party may institute a civil proceeding for injunctive relief against a violation of this Section, and for whatever other additional relief the court deems appropriate. In any action brought pursuant to this Section, the prevailing party shall be entitled to reasonable attorney's fees and costs. The remedies available under this Section shall be in addition to, and shall not in any way restrict, any other rights

or remedies under law. Nothing in this Section is intended to, or shall be interpreted to, conflict with the Constitution of the United States, the Constitution of the State of California, or with any state or federal law. For the purposes of this Section, "interested party" shall include but not be limited to any association, organization, society, or corporation organized for the purpose of protecting animals or the environment.

J. Retaliation Prohibited.

Any person who retaliates against another person for making a good-faith complaint that there has been a failure to comply with this Section is guilty of a misdemeanor.

K. Severability.

The provisions of this Section are declared to be separate and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section or portion of this Section, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this Section, or the validity of its application to other persons or circumstances. In the event that any provision is severed, the remaining provisions of this Section shall be interpreted in light of its stated purpose and intent.

SECTION 2. AMENDMENT OF OTHER COUNTY CODE SECTIONS.

Section 26-04-020(C) is hereby amended by inserting the following between "Composting" and "Condominium" as Section 26-04-020(C)(31.5):

Concentrated Animal Feeding Operations (CAFOs). Concentrated animal feeding operation, or CAFO, shall have the meaning set forth in Section 26-18-075.

Section 26-18-070(A) is hereby amended to read as follows:

Definition. The raising, feeding, maintaining and breeding of farm animals where animals are continuously confined in enclosed pens or similar structures, the majority of animal feed is provided by facility management rather than grazing, and animal wastes are concentrated on site. In the event that an operation falls under this definition and is also defined as a CAFO pursuant to Section 26-18-075, then Section 26-18-075 shall control.

1. Includes: Dairies, hog farms, veal production, and chicken and turkey ranches, and similar livestock where animals are continuously confined.
2. Excludes: Horses, goats, sheep, and _____

Section 26-18-080(A)(1) is hereby amended to read as follows:

Excludes: Confined farm animal facilities, Concentrated Animal Feeding Operations (CAFOs), the keeping of household pets and wild or exotic animals.

Section 26-18-090(A)(2) is hereby amended to read as follows:

Excludes: Slaughterhouses, rendering plants, Concentrated Animal Feeding Operations (CAFOs).

SECTION 3. FUTURE AMENDMENTS.

In addition to the foregoing, the Board of Supervisors shall amend the County Code as needed within a reasonable time following the adoption of the Ordinance to effectuate this Ordinance, and from time-to-time as the necessity of any other amendments becomes clear.

SECTION 4. CONSTRUCTION & INTERPRETATION.

This Ordinance and its provisions shall be broadly construed and interpreted to accomplish its purpose and intent.

SECTION 5. CEQA.

This Ordinance is exempt from the California Environmental Quality Act (CEQA) as a citizen-sponsored initiative.

SECTION 6. SEVERABILITY.

If any provision of this Ordinance, or part thereof, or the application of any provision or part to any person or circumstance is held for any reason to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, and the Ordinance as a whole shall be interpreted in light of its stated Purpose and Intent. The People of the County of Sonoma hereby declare that they would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon approval by the voters, or as soon as otherwise allowable under applicable law.

SECTION 8. CERTIFICATION; PUBLICATION.

Upon approval by the voters, the County Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 5/14/2024

To: Board of Supervisors

Department or Agency Name(s): County Counsel

Staff Name and Phone Number: Chief Deputy Joshua Myers (707) 565-2421

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

Initiative Petition for Sonoma County Prohibition on Concentrated Animal Feeding Operations Ordinance.

Recommended Action:

- A) Pursuant to Elections Code sections 9115 and 9111, and Board direction given on April 14, 2024, receive reports regarding the impacts on Sonoma County from the Initiative Petition entitled "Sonoma County Prohibition on Concentrated Animal Feeding Operations." from the Agricultural Commissioner, Permit Sonoma, the Auditor-Controller-Treasurer-Tax Collector, UCCE Sonoma County, Department of Health Services, Human Services Department, Sonoma County Agricultural Preservation and Open Space District, and Economic Development Board.
- B) After receiving the County department reports, take one of the allowable actions pursuant to Elections Code section 9118, subdivision (c):
 - i) Adopt the proposed Ordinance, without alteration; or
 - ii) Submit the proposed Ordinance to the voters by adopting a Resolution calling a special election for November 5, 2024, on the proposed Initiative Petition entitled "Sonoma County Prohibition on Concentrated Animal Feeding Operations," and combining the special election with the statewide election on November 5, 2024, pursuant to Elections Code section 1405.
- C) Consider providing comment on the proposed Initiative Petition entitled "Sonoma County Prohibition on Concentrated Animal Feeding Operations" and taking a position in support of or opposition to the proposed Initiative.

Executive Summary:

On April 14, 2024, your Board accepted the Registrar of Voter's certificate of sufficiency demonstrating that the proponents of the Sonoma County Prohibition on Concentrated Animal Feeding Operations Initiative Petition gathered sufficient valid signatures to qualify the initiative for the ballot.

Once the Registrar of Voters certifies the sufficiency of signatures to the Board, Elections Code section 9118 requires the Board to take one of three actions: (1) adopt the ordinance (2) submit the ordinance to the voters, or (3) order a report on the ordinance. Your Board requested reports from County agencies and departments on the proposed ordinance.

Attached to this Board item are reports from the Agricultural Commissioner, Permit Sonoma, the Auditor-Controller-Treasurer-Tax Collector, UCCE Sonoma County, Department of Health Services, Human Services Department, and Economic Development Board.

Further, Elections Code section 9118, subdivision (c), requires that when the reports described above are

“presented to the board of supervisors, the board shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).” Attached to this Board item is a resolution to place the proposed Initiative Petition entitled “Sonoma County Prohibition on Concentrated Animal Feeding Operations” on the November 5, 2024, general election ballot.

Discussion:

Reports from County Agencies and Departments

In response to a proposed ballot initiative, California Elections Code section 9111(a) allows the Board of Supervisors to “refer the proposed initiative measure to a county agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
- (2) Its effect on the internal consistency of the county’s general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on county actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
- (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the county to meet its regional housing needs.
- (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (5) Its impact on the community’s ability to attract and retain business and employment.
- (6) Its impact on the uses of vacant parcels of land.
- (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- (8) Any other matters the board of supervisors requests to be in the report.”

Any such reports “shall be presented to the board of supervisors within the time prescribed by the board of supervisors, but no later than 30 days after the county elections official certifies to the board of supervisors the sufficiency of the petition.” Elections Code section 9111(b).

At the April 14, 2024, Board meeting, your Board accepted the Registrar of Voter’s certificate of sufficiency demonstrating that the proponents of the Sonoma County Prohibition on Concentrated Animal Feeding Operations Initiative Petition gathered sufficient valid signatures to qualify the initiative for the ballot. At the same meeting, your Board requested reports from any County agency or department with information responsive to the categories of impacts described in Elections Code section 9111(a).

Your Board additionally asked staff to analyze the ballot measure through an equity lens. Unfortunately, because the ballot measure is not a County initiative and due to the short timeframe for these section 9118 reports, it is not possible to conduct an equity review through the County’s Equity Toolkit at this time. Because the measure is not a County project, there is no opportunity to establish goals and shape the ordinance in accordance with the equity analysis. Further, there is no time to do outreach or research on the effect of the CAFO ordinance from an equity perspective. Some of the equity considerations that have been raised by staff

include the potential unemployment of disadvantaged workers and food security issues and on the other side the potential for improved water and air quality that often disproportionately impact marginalized communities. There are many possible angles to explore beyond unemployment or environmental justice, such that it is not possible to do a comprehensive equity analysis under the time constraints in the Elections Code. That does not mean there are not impacts to equity, only that there is insufficient time to meaningfully identify and quantify them. However, if the measure passes, the implementing departments with support from the Office of Equity would employ the Racial Equity Toolkit to conduct an equity analysis that could help shape implementing policies and activities such as the job retraining program.

Pursuant to the time limits contained in Elections Code section 9111(b), County Agencies and Departments have produced the attached reports for your Board's consideration.

Resolution Placing Initiative Measure on the Ballot

Pursuant to Elections Code section 9118, subdivision (c), your Board must now take one of the following actions:

- i) Adopt the proposed Ordinance, without alteration; or
- ii) Submit the proposed Ordinance to the voters by adopting a Resolution calling a special election for November 5, 2024, on the proposed Initiative Petition entitled "Sonoma County Prohibition on Concentrated Animal Feeding Operations," and combining the special election with the statewide election on November 5, 2024, pursuant to Elections Code section 1405.

If your Board selects the second option and decides to submit the Ordinance to the voters, a Resolution placing the proposed initiative measure on the November 5, 2024, ballot is attached to this Board item.

Comment on the proposed Initiative Petition and consider taking a position in support of or opposition to the proposed Initiative.

If your Board desires to take a position in support of or in opposition to the proposed Initiative, the County Administrator's Office can assist the Chair in drafting a letter of support or opposition.

Strategic Plan:

N/A
This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

On April 14, 2024, your Board accepted the sufficiency from the Registrar of Voters demonstrating that the proponents of the Sonoma County Prohibition on Concentrated Animal Feeding Operations Initiative Petition gathered sufficient valid signatures to qualify the initiative for the ballot and ordered County agencies and departments to report on the impacts of the Initiative Petition.

FISCAL SUMMARY

Expenditures	FY23-24 Adopted	FY24-25 Projected	FY25-26 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

N/A

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- CAFO Initiative -Resolution for 11-5-2024 Election
- Ag Weights and Measures Report CAFO
- APOSD Report CAFO Initiative
- EDB Board Report CAFO Initiative
- HSD Report CAFO Initiative
- Permit Sonoma Report CAFO Initiative
- UCCE Sonoma County Report CAFO Initiative
- Assessor Report CAFO Initiative
- Full Text of Proposed Ordinance
- Ballot Title and Summary

Related Items "On File" with the Clerk of the Board:

None



County of Sonoma

State of California

Date: May 14, 2024

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Submitting the Sonoma County Prohibition on Concentrated Animal Feeding Operations
Initiative Petition to the Voters of Sonoma County at the November 5, 2024, Presidential
General Election**

Whereas, on August 21, 2023, proponents of an ordinance filed with the Sonoma County Registrar of Voters Office a notice of intent to circulate an initiative petition of an ordinance to phase out existing and prohibit future Concentrated Animal Feeding Operations (CAFOs) in most unincorporated areas of Sonoma County; and

Whereas, County Counsel prepared a ballot title and summary for the proposed Initiative, as required by law, entitling the Initiative “Sonoma County Prohibition on Concentrated Animal Feeding Operations” (hereinafter the “Initiative”); and

Whereas, the proponents of the Initiative thereafter published a Notice of Intent to Circulate Petition, circulated their petition for signature, and on March 4, 2024, filed the petition and signatures with the Registrar of Voters; and

Whereas, the Registrar of Voters Office has examined the signatures and verified that sufficient signatures support placing the Initiative on the ballot at the November 5, 2024, Presidential General Election; and

Whereas, the Registrar of Voters Office certified the results of the examination to the Sonoma County Board of Supervisors on April 16, 2024; and

Now, Therefore, Be It Resolved That:

1. The Board of Supervisor submits the Sonoma County Prohibition on Concentrated Animal Feeding Operations Petition to the Voters of Sonoma County at the November 5, 2024, Presidential General Election.
2. The Initiative shall be submitted to the voters in the following form:

<p>SONOMA COUNTY PROHIBITION ON CONCENTRATED ANIMAL FEEDING OPERATIONS</p> <p>To promote animal welfare, water quality, and other goals, should the County Code be amended to prohibit, outside of the Coastal Zone, farms and other animal production operations that meet the definition of “Concentrated Animal Feeding Operations” (CAFOs), as defined by federal regulations, require phase out of existing CAFOs over three years, authorize daily financial penalties for violations, and require, among other things, the Agricultural Commissioner to create a job retraining program for CAFO workers?</p>	<p>YES</p> <p>NO</p>
---	----------------------

3. The County Clerk is hereby authorized, instructed, and directed to provide and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct an election.
4. The County Clerk is hereby further directed to take the necessary and appropriate actions to provide the necessary election officers, polling places, and voting precincts.
5. Arguments for and against the Initiative may be submitted to the Registrar of Voters Office by August 16, 2024, in accordance with the deadlines established for the November 5, 2024, Presidential General Election.
6. In accordance with the provisions of the Elections Code, the County Counsel is

authorized to prepare an impartial analysis of the Initiative, and the Auditor is directed to review the Initiative and determine whether the Initiative, if adopted, would affect the revenues or expenditures of the County, and, if so, to prepare a fiscal analysis.

7. Notice of time and place of holding the election, together with any other notices required by law, shall be given to the County Clerk.

Supervisors:

Gorin:

Rabbitt:

Gore:

Hopkins:

Coursey:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



Assessor Division
585 Fiscal Dr., Rm. 104
Santa Rosa, CA 95403

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Deva Marie Proto
Clerk-Recorder-Assessor

Rhiannon Yeager
Chief Deputy Assessor

May 9, 2024

Sonoma County Assessor Response to Concentrated Feeding Operations Petition Report

Under Proposition 13, a property is appraised at market value as of the date of the transfer or the completion of construction. That value becomes the assessed value and increases no more than 2% a year based on the CPI that the State Board of Equalization publishes. Under the Williamson Act, a property must be in contract to remain in agricultural operation for a minimum of 10 years. Under the contract, the Assessor must annually value the agricultural component at a restricted value based on income. This typically results in a significant reduction in the assessed value. At a minimum, a property should see a reduction of 25% of the agricultural component under California Revenue and Taxation Code § 423.3. The reduction varies per property as the Proposition 13 base year value of each property is individually dependent on when that assessment was made. Should a property owner decide to not renew their Williamson Act contract, they must record the nonrenewal, which is a process that takes 10 years. Each year following the nonrenewal, the value increases towards the Proposition 13 value and at year 10, the property is at its full Proposition 13 value. If the County enacts the nonrenewal process due to non-compliance, that nonrenewal period is also 10 years. The property owner could protest and the increase in value would be halted for 5 years while they work with the County to bring the property into compliance.

In order to determine what the property tax implications would be from this initiative, the Assessor would need a list of properties that would be impacted. 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.



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Tennis Wick
Director

Scott Orr
Assistant Director

Michelle Arellano
Deputy Director, Administration

Nathan Quarles
Deputy Director, Engineering and Construction

Emi Theriault
Deputy Director, Planning

MEMORANDUM

DATE: 07 May 2024

TO: Board of Supervisors

FROM: Permit Sonoma

SUBJECT: Impacts of Proposed Ballot Initiative to Prohibit Concentrated Animal Feeding Operations (CAFOs)

A proposed ballot initiative aims to prohibit medium and large Concentrated Animal Feeding Operations (CAFOs) in Sonoma County. The intention of the initiative is to reduce inhumane animal treatment, greenhouse gas emissions, water use and its contribution to drought, water and air pollution, and biodiversity loss. A phase-out period is proposed for existing medium and large CAFOs, along with employee re-training and assistance programs for workers in existing CAFOs. The initiative includes the addition of Section 26-18-075 to Chapter 26 of the Sonoma County Code and amendments to Sections 26-04-020(C), 26-18-070(A), 26-18-080(A)(1), and 26-18-090(A)(2) of the Sonoma County Zoning Code.

This memo includes a preliminary analysis of the proposal's consistency with existing County land use policy and a high-level discussion of the potential organizational, economic, and social impacts.

GENERAL PLAN CONSISTENCY

Select Applicable General Plan Goals, Objectives, and Policies

Agricultural Resources Element

GOAL AR-1: Promote a healthy and competitive agricultural industry whose products are recognized as being produced in Sonoma County.

Objective AR-1.1: Create and facilitate opportunities to promote and market all agricultural products grown or processed in Sonoma County.

Policy AR-1b: The Economic Development Board shall promote agriculture as a major County industry.

Policy AR-1e: Encourage and support farms and ranches, both large and small, that are seeking to implement programs that increase the sustainability of resources, conserve energy, and protect water and soil in order to bolster the local food economy, increase the viability of diverse family farms and improve the opportunities for farm workers.

Policy AR-1f: Recognizing the benefits that a flourishing organic sector industry can provide, encourage and support those agricultural businesses seeking to use organic practices.

Policy AR-1g: Support the activities of the Sonoma County Agricultural Commissioner's Office and the Farm Advisors Office in promoting sustainable and organic agricultural production and encourage the exploration of possibilities for production of other diverse agricultural products.

Objective AR-3.1: Avoid the conversion of agricultural lands to residential or nonagricultural commercial uses.

Goal AR-4: Allow farmers to manage their operations in an efficient, economic manner with minimal conflict with nonagricultural uses.

Policy AR-4a: The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.

Objective AR-7.1: Encourage farm operators to provide sufficient housing in addition to housing permitted by applicable density for permanent and seasonal agricultural employees and for family members to maintain agricultural production activities.

Policy AR-7a: Permit permanent employee housing in addition to permitted density according to the needs of a particular sector of the agricultural industry. Express in the Development Code specific criteria to establish the number of agricultural employee units.

Policy AR-8b: Encourage programs for promotion and marketing of agricultural products grown in the County.

Open Space and Resource Conservation Element

Goal OSRC-16: Preserve and maintain good air quality and provide for an air quality standard that will protect human health and preclude crop, plant and property damage in accordance with the requirements of the Federal and State Clean Air Acts.

Objective OSRC-16.1: Minimize air pollution and greenhouse gas emissions.

Objective OSRC-16.2: Encourage reduced motor vehicle use as a means of reducing resultant air pollution.

Land Use Element

GOAL LU-11: Promote a sustainable future where residents can enjoy a high quality of life for the long term, including a clean and beautiful environment and a balance of employment, housing, infrastructure, and services.

Discussion

Goal AR-1, Objective AR-1.1, Policy AR-1b, and Policy AR-8b of the Agricultural Resources Element of the Sonoma County General Plan center around promotion of locally produced agricultural products. Prohibition of medium and large CAFO's would likely conflict with stated General Plan goals to support local agricultural industry and result in a reduction of locally produced agricultural products.

Policy AR-1e, Policy AR-1f, and Policy AR-1g promote sustainable and organic agricultural production to increase biodiversity and reduce negative impacts of farm animal operations. The stated goals of the proposed CAFO prohibition are generally consistent with goals, objectives, and policies for reduced environmental impacts and improved biodiversity from farming operations.

Policy AR-4a establishes the County's policy that the primary use of any parcel under one of the three agricultural land use categories shall agricultural production and related processing or service. Objective AR-3.1, along with other policies, are intended to avoid conversion of agricultural lands into residential or non-agricultural uses. If CAFOs are prohibited, existing operations that are required to be phased-out may be unable to continue with productive agriculture on those properties, which could lead to the conversion of agricultural lands to other uses.

Objective AR-7.1 and Policy AR-7a discuss the supply of housing for full-time agricultural employees. Existing full-time agricultural employee housing would not be impacted by the proposed prohibition of CAFOs, but could impact an applicant's ability to apply for full-time agricultural employee housing after taking effect.

Goal OSRC-16 and Objectives OSRC-16.1 and 16.2 encourage reduced greenhouse gas emissions and air pollution through reduced reliance on motor vehicles. If passed, the prohibition on CAFOs could result in impacts to local food and resource supply chains, requiring increased reliance on out-of-county sources thereby increasing vehicle miles traveled.

Goal LU-11 highlights the County's commitment to economic and environmental sustainability. Prohibiting a local industry may significantly impact the local economy and land use patterns through reduced agricultural production and limitations on uses of agricultural land.

ZONING CONSISTENCY

The Zoning Code allows CAFOs of any size by right, with Zoning Permit approval, on properties within the LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), and DA (Diverse Agriculture) zoning districts if the facility is 500 feet or more from a nonagricultural land use category. If the facility would be within 500 feet of a non-agricultural land use category, a discretionary Use Permit is required. There may be existing operations that have not been permitted through Permit Sonoma. The proposed code changes would be a significant shift in allowed uses in agricultural zoning districts, converting what is largely by-right uses to prohibited uses. By some of the definitions in the proposed ordinance, the changes could affect more than what the County Code currently defines for animal keeping categories as confined or not confined farm animals, pursuant to County Code Sections 26-18-070 and 26-17-080, respectively. Existing grazing operations could potentially be affected if they are providing supplemental feed or housing for more than 45 days over a 12-month period.

Additionally, if the proposed CAFO initiative results in a major change of land use away from agricultural uses that qualify properties for agricultural employee housing units (as allowed under Zoning Code Sec. 26-24-030, -040, -050, -060, and -070); the initiative may limit the quantity of parcels qualifying for agricultural employee housing and result in conflicts with existing agricultural employee housing agreements made between the County and individual landowners. As a result of losing the qualifying agricultural use agricultural employee housing units may become legal nonconforming residential uses subject to the nonconforming use provisions of the Zoning Code.

SONOMA COUNTY LAND CONSERVATION ACT (WILLIAMSON ACT) PROGRAM

The goal of the County's Land Conservation Act Program is long-term preservation of agricultural and open space lands. The program is governed by the California Land Conservation Act (also known as the Williamson Act), the County's Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules), and the recorded contract between the owner and the County, which automatically transfers with the property in the case of ownership change. The California Land Conservation Act allows the County and owners of agricultural and open space land to voluntarily enter into agreements that restrict the owner's use of the land to agricultural and/or open space uses and uses compatible with those agricultural and/or open space uses, in exchange for a reduction in property tax assessment.

Landowners must remain in compliance during the entire life of the contract, even after transfer of ownership or during phase out after nonrenewal has been initiated. Land Conservation Contracts have ten (10)-year automatically renewing terms. When a contract phases out, the property no longer is restricted and the property is not required to be used for agricultural use or limit non-agricultural uses to those that are compatible with agricultural uses, and as a result, the property taxes increase to what they would be absent the restriction, which will vary depending on a variety of factors consistent with Proposition 13. According to the Department of Conservation, the Williamson Act is estimated to save agricultural landowners from 20 percent to 75 percent in property tax liability each year.¹

According to the California Department of Conservation:

The Williamson Act Program has remained stable and effective as a mechanism for protecting agricultural and open space land from premature and unnecessary urban development. Participation in the program has been steady, hovering at about 16 million acres enrolled under contract statewide since the early 1980s. This number represents about one third of all privately held land in California, and about one half of all the state's agricultural land. ²

Approximately 27 percent of unincorporated land in Sonoma County is subject to a Williamson Act or open space land conservation contract. The County's Uniform Rules require all agriculturally contracted properties be continuously used or maintained for a qualifying commercial agricultural production use, generate certain levels of income from commercial agricultural use of the land, and meet a minimum size - either 10 or 40 acres depending on the type of land. And any non-agricultural use of the land must be an allowable compatible use as defined and listed by the Uniform Rules.

Uniform Rule 7.2(A) identifies the agricultural uses eligible for Williamson Act contracts, including the commercial raising of livestock, swine, goats, poultry, and similar animals produced for food or fiber.

1. General farming and the raising, growing, and harvesting of vegetables, field, orchard, bush and berry crops, vineyards, and trees.
2. Commercial growing of flowers.
3. Stock nurseries, greenhouses, floriculture, and horticulture.
4. Commercial growing of irrigated pasture crops.
5. Commercial growing of ornamental trees.
6. Commercial raising of livestock, swine, goats, llamas, poultry, rabbits, birds, fish, frogs, and similar animals produced for food or fiber.
7. Commercial growing of mushrooms.
8. Commercial vermiculture.
9. Beekeeping.
10. Commercial raising of fur-bearing animals.
11. Commercial horse breeding, when the annual breeding operation consists of at least 15 brood mares.
12. Forestry, when at least 50 percent of the parcel is classified as timberland and is subject to an approved timber management plan.

Uniform Rule 7.2(B) allows accessory agricultural uses and structures on contracted lands which include fencing, corrals, paddocks, and other similar structures used in the commercial raising of plants or animals for food or fiber.

Uniform Rule 8.3(B) allows agricultural support uses a compatible use on contracted lands and include processing of agricultural commodities beyond the natural state, including processing by pressing, pasteurizing, slaughtering, cooking, freezing, dehydrating, and fermenting. This use includes facilities for processing and storage of agricultural commodities beyond the natural state such as wineries, dairies, slaughterhouses, and mills.

If the proposed CAFO initiative results in a major change of land use away from qualifying commercial agricultural use of agricultural contracted lands, the initiative may result in lands that are in breach of Williamson Act contract restrictions. Properties are individually subject to demonstrating compliance

with their land conservation contracts and a site-specific assessment may be required to determine the appropriate remedy for breach of contract. Options to remedy the breaches would include:

1. Landowner brings the property into compliance by establishing a qualifying commercial agricultural use in accordance with the Uniform Rules.
2. Landowner files an application with Permit Sonoma to convert the contract from an agricultural contract to an Open Space Contract if the property qualifies as suitable habitat for wildlife use or other qualifying open space use. Properties subject to open space contracts must be devoted to a qualifying open space use, such as a wildlife habitat area, must be a minimum size of 40 acres, and any non-open space use of the land must be an allowable compatible use as defined and listed by the Uniform Rules. Due to the required parcel sized this option may not be available to some agricultural operators.
3. Landowner or the Board of Supervisors initiates nonrenewal of the contract(s) pursuant to Uniform Rule 9.0. Restrictions and provisions of the contract will generally be applied throughout the whole phase out period.

To the extent the initiative impairs the ability of a restricted parcel to comply with the terms of a Williamson Act contract, for instance, by leading to the cessation of the production of animal products, that are not replaced by any other qualifying form of agricultural use, it could lead to contract breaches and the ultimate removal of land from contract protections designed to protect and preserve agricultural lands. On the other hand, if properties convert from a CAFO use to another qualifying agricultural use, then the requirement to affirmatively utilize the land for agricultural use would continue to be satisfied. The County recognizes that there may be short periods of time when land is not used for agriculture but is not in breach, such as when strategically leaving crop lands fallow to improve soil productivity, actively converting to a different agricultural use, or recovering following a natural disaster. If land restricted by a Williamson Act contract is ultimately removed from the contract, then the property's land use would be governed by its zoning and General Plan designation.

IMPACTS OF PROPOSAL

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.

If the ballot measure passed, Permit Sonoma Planning and Code Enforcement would bear costs of staff time associated with implementing and enforcing the prohibition, which may involve revising existing or establishing new County policies to align with the measure. Additional staff time would be expected for in-office and media public communications about the change to County policy.

Other County departments may also be affected, including but not limited to the Agricultural Commissioner's Office, County Counsel, ACTTC, County Human Resources, and the Economic Development Board. As written, the measure identifies the Agricultural Commissioner as responsible for job retraining and employment assistance to former CAFO workers. County Counsel may experience costs associated with potential takings claims.

If passed, the ballot measure would directly affect the operations of local businesses, including dairy farms and poultry/bird producers, and may lead to business closures and job loss. In 2022, the value of the County's livestock and poultry was \$34,876,700 and the value of livestock and poultry products was \$106,771,000, according to the annual [Sonoma County Crop Report](#). Agriculture and natural resource extraction jobs make up approximately three percent of Sonoma County's total employment, according to the County Economic Development Board's [2023 Workforce Development Survey](#).

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.



COUNTY OF SONOMA

Human Services Department

3600 Westwind Blvd., Santa Rosa, CA 95403
P.O. Box 1539, Santa Rosa, CA 95402

ANGELA STRUCKMANN
Department Director

p: (707) 565-5800
f: (707) 565-5890

MEMORANDUM

DATE: May 9, 2024

TO: Board of Supervisors

FROM: Angela Struckmann, Director, Human Services Department

RE: Report on Impacts of Concentrated Animal Feeding Operations Prohibition Measure

The Human Services Department (HSD) has evaluated the potential impacts of passage of the Concentrated Animal Feeding Operations prohibition measure. 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.

The employment related services administered through HSD Job Link that would be responsive to the potential community needs created by passage of the measure include:

- Rapid response services for affected employers/employees, providing information about unemployment insurance, job search, training programs and other helpful information designed to assist with minimizing the length of time individuals are unemployed.
- An array of basic career services for affected employees provided at the Job Link center: assistance with resumes, access to a computer lab and online trainings, access to group workshops, and access to Employment Development Department staff. These services are universally available on a drop-in basis as space allows with no formal enrollment process.
- Intensive 1:1 services for 10-12 laid off individuals (with existing funding), including individualized vocational assessment and counseling, tailored assistance with job search and placement, and financial assistance for training programs. These services are provided based on available Job Link funding. The program currently has a 10-week waiting period to see a counselor.

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. The cost breakdown below reflects a six-month program for affected workers.

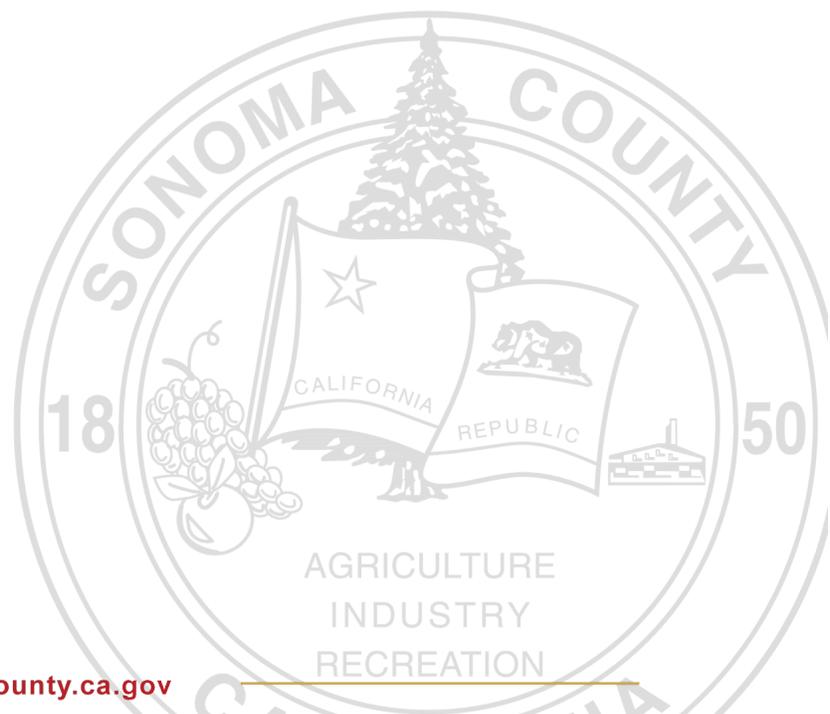
Training cost per person	\$10,000
Number of people	110
Caseload per counselor	25
Number of counselors	4.4
Cost of counselor position	\$90,000
Total	\$1,496,000

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.

Sincerely,



Angela Struckmann
Director
(707) 565-5800
astruckmann@schsd.org





Proposed Prohibition on Concentrated Animal Feeding Ordinance in Sonoma County

MEMORANDUM

To: Board of Supervisors

From: Economic Development Board

Date: May 14, 2024

Re: Proposed Prohibition on Concentrated Animal Feeding Ordinance in Sonoma County

Economic Impact

In response to the proposed ordinance, the local University of California Cooperative Extension contracted with the College of Agriculture at California State University, Chico Agribusiness Institute to conduct an Economic Impact Analysis of the Prohibition on Concentrated Animal Feeding Operations in Sonoma County. 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 estimated production value of Sonoma County’s agricultural animal sector is approximately \$180,119,777 (2022 Sonoma County Crop Report). Out of thirteen different animal sectors within the region, there are five that could be impacted by the approval of this ordinance including: Cattle or cow/calf pairs, Mature or dairy cattle, Chicken other than laying hens, laying hens or broilers and ducks, equating to approximately 97% (\$175,146,377) of the region’s total production value.

Large Size Threshold – Confined Animal Feeding Ordinance (CAFO)

Animal Sector	Total Businesses	District 1	District 2	District 3	District 4	District 5
Mature or dairy cattle	5	1	3	-	-	1
Chicken other than laying hens	2	1	-	-	-	1
Laying hens or broilers	4	-	2	-	2	-
Total	11	2	5	0	2	2



Medium Size Threshold – Confined Animal Feeding Ordinance (CAFO)

Animal Sector	Total Businesses	District 1	District 2	District 3	District 4	District 5
Cattle or cow/calf pairs	5	1	1	-	1	2
Mature or dairy cattle	33	-	21	1	-	11
Chicken other than laying hens	5	1	2	1	-	1
Laying hens or broilers	5	-	5	-	-	-
Ducks	1	-	1	-	-	-
Total	49	2	30	2	1	14

- A total of 60 varying agriculture businesses may be directly impacted by the passing of this ordinance, 49 of which may fall within the Medium Confined Animal Feeding Ordinance size threshold.
- All businesses that potentially fall within either the Large or Medium CAFO size threshold are in Unincorporated Sonoma County.
- While impacted businesses are spread across all five Supervisorial Districts of Sonoma County, 58% (35) are located within the Second District and 27% (16) within the Fifth District.

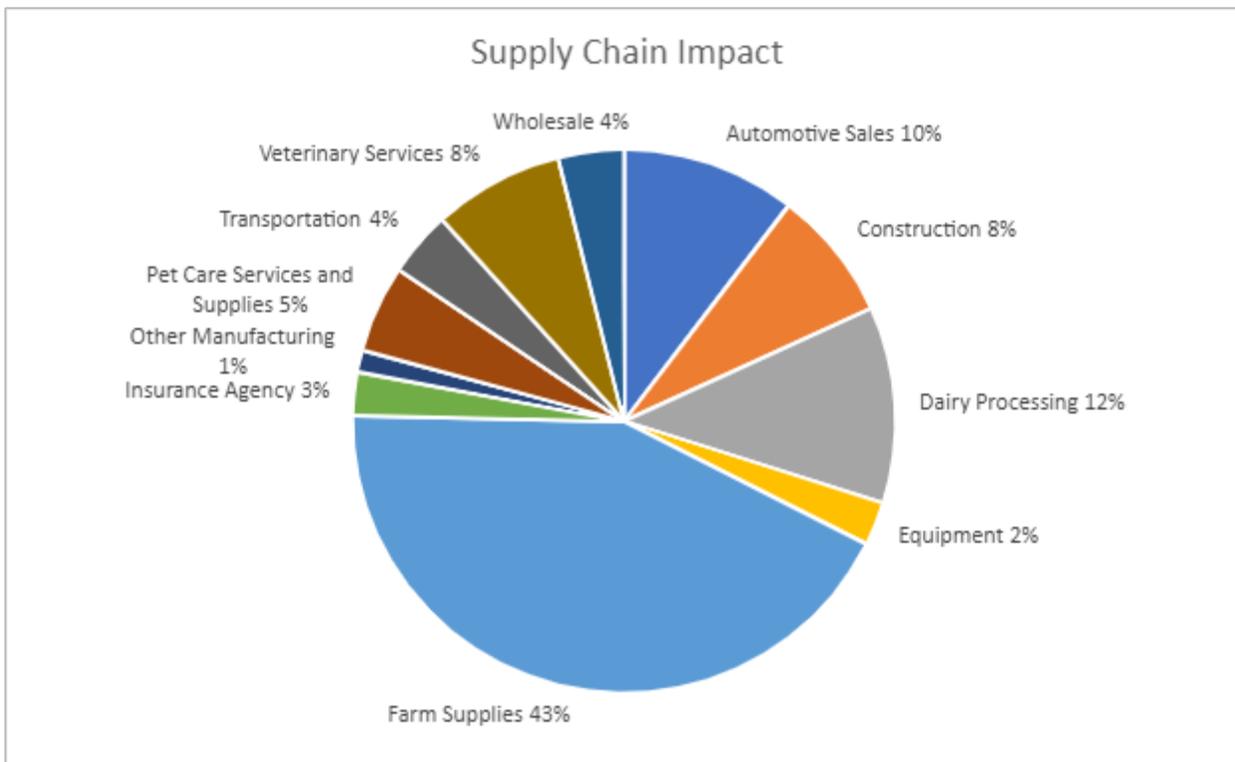
As stated in the Executive Summary of the “Prohibition on Concentrated Animal Feeding Operations” Supporting Arguments document produced by the University of California Cooperative Extension, Sonoma County dairies and poultry facilities represent the most impacted animal sectors for this proposed ordinance. These sectors implement animal care standards through those required by the National Organic Program or through third-party welfare certification programs. 100% of dairies managing 200 or more cows (medium and large size per CAFO index) implement one or more of these tools. Additionally, Proposition 12 is a voter driven initiative requiring space minimums for egg-laying hens, veal, and breeding hog operations. Those operations regulated under this law in Sonoma County retain Distributor Registration and comply with the law. Humane handling and disease prevention directly help achieve the ethical and financial goals of farms.

Production of local food and the establishment of food security as well as food mileage are important for not only the local economy but for the business owners and families of our surrounding areas and communities. The farther away food must travel to get to consumers, the more emissions are created and higher the cost of that food.



For the impacted businesses referenced above to successfully comply with the requirements of this proposed ordinance, in addition to any existing regulatory requirements, the necessary livestock reductions would be insurmountable given the standard business model for agriculture and/or farming.

In addition to businesses within the agriculture sector directly impacted by this ordinance, there will also be an additional impact to businesses that provide a variety of supplies and services to the local agriculture sector. Examples of these businesses include, but aren't limited to veterinary services, farm product/feed suppliers, automotive and tractor retailers as well as construction equipment and materials.



- More than 80 additional local businesses located in both Unincorporated and Incorporated areas of Sonoma County, as well as outside of the county may be indirectly impacted by the passing of this ordinance.
- 43% (33) of these businesses are retailers providing local agriculture businesses with basic farm and feed supplies.
- While impacted businesses are spread across all five Supervisorial Districts of Sonoma County, 51% (42) are located within the Second District.

Sonoma County Prohibition on Concentrated Animal Feeding Ordinance

Animal Sector	Size Threshold			Business County			Monetary	Total Land Acreage			Workforce	Housing	Business Impact by District															County Jurisdiction					
	Large CAFOs (Large)	Medium CAFOs (Medium)	Small	Large	Medium	Small	Estimated Production Value	Large	Medium	Small	# of Employees Impacted	# of Persons Housed	District 1			District 2			District 3			District 4			District 5			Unincorporated			Incorporated		
													Large	Medium	Small	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small
<i>Cattle or cow/calf pairs</i>	1,000+	300 0 999	<300	0	5	75	\$ 20,880,400.00	0.00	15,000.00	225,000.00			0	1	15	0	1	20	0	0	10	0	1	10	0	2	20	0	5	75	0	0	0
<i>Mature or dairy cattle</i>	700+	200 0 699	<200	5	33	12	\$ 114,869,077.00	13,899.96	35,983.70	1,998.23	323	642	1	0	1	3	21	8	0	1	0	0	0	0	1	11	3	5	33	12	0	0	0
<i>Veal calves</i>	1,000+	300 0 999	<300	0	0	0	\$ -	0.00	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<i>Swine <55 lbs</i>	2,500+	750 0 2,499	<750	0	0	10	\$ 472,300.00	0.00	0.00	1,500.00	0	0	0	0	0	0	0	4	0	0	0	0	0	2	0	0	4	0	0	0	0	0	
<i>Swine >55 lbs</i>	10,000+	3,000 0 9,999	<3,000	0	0	0	\$ -	0.00	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<i>Horses</i>	500+	150 0 499	<150	0	0	0	\$ -	0.00	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<i>Sheep or lambs</i>	10,000+	3,000 0 9,999	<3,000	0	0	100	\$ 4,501,100.00	0.00	0.00	30,000.00	0	0	0	0	20	0	0	20	0	0	20	0	0	20	0	0	20	0	0	0	0	0	
<i>Turkeys</i>	55,000+	16,500 0 54,999	<16,500	0	0	0	\$ -	0.00	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<i>Laying hens or broilers</i>	30,000+	9,000 0 29,999	<9,000	0	0	0	\$ -	0.00	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<i>Chicken other than laying hens</i>	125,000+	37,500 0 124,999	<37,500	2	5	0	\$ 39,396,900.00	35.41	45.15	0.00	15	33	1	1	0	0	2	0	0	1	0	0	0	1	1	0	2	5	0	0	0	0	
<i>Laying hens or broilers</i>	82,000+	25,000 0 81,999	<25,000	4	5	2		220.00	120.00	100.00	85		0	0	0	0	2	5	2	0	0	0	2	0	0	0	0	5	5	2	0	0	0
<i>Ducks</i>	30,000+	10,000 0 29,999	<10,000	0	1	2		0.00	350.00	20.00	31		0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	1	2	0	0	0
<i>Ducks</i>	5,000+	1,500 0 4,999	<1,500	0	0	0	\$ -	0.00	0.00	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

DEPARTMENT OF AGRICULTURE/WEIGHTS & MEASURES

Andrew F. Smith

Agricultural Commissioner
Sealer of Weights & Measures



133 Aviation Blvd., Suite 110
Santa Rosa, CA 95403-8279

(707) 565-2371 Fax (707) 565-3850

sonomacounty.ca.gov/AWM

MEMORANDUM

TO: Board of Supervisors

FROM: Andrew F. Smith, Agricultural Commissioner/Sealer of Weights & Measures

DATE: May 7, 2024

RE: Impacts of Prohibition on Concentrated Animal Feeding Operations Ballot Initiative

Summary

The Sonoma County Department of Agriculture/Weights & Measures (AWM) has a mission to promote and protect agriculture, the health and safety of our community, environment and the economy through education and the enforcement of laws and regulations. The department functions as the local administrative body for the California Department of Food and Agriculture (CDFA), the United States Department of Agriculture (USDA), and the California Department of Pesticide Regulations (CDPR). Through cooperative agreements, contracts, and mandates the department administers numerous programs and provides services to public, agricultural, and business stakeholders in the county of Sonoma. Whenever new policies and regulations are proposed or enacted, which are intended to be administered by the department of Agriculture/Weights & Measures (AWM), it is imperative that we evaluate the impacts of that policy and its implementation with respect to current and anticipated workload. This ballot initiative to prohibit agricultural businesses defined as Concentrated Animal Feeding Operations (CAFOs) from operating in the county of Sonoma represents an unfunded mandate restricting the type of livestock agriculture that landowners may practice. 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. The activities and anticipated staffing impacts of each are identified hereafter.

Activities and Impacts

The following activities and workload are identified in the text of the proposed ordinance in sections E, F G, and H respectively.

E. Existing CAFOs; Phase-Out Period.

1. Notwithstanding anything in this Section, **Pre-Existing CAFOs shall be deemed a nonconforming use and shall be required to register on a public database maintained by the Sonoma County Department of Agriculture, Weights and Measures.**

Identify all pre-existing CAFOs in the county: This would require AWM to locate and identify husbandry practices for nearly every livestock operation in the county unincorporated area to determine if they meet the definition of a CAFO according to the initiative definition from EPA. Anticipated to need up to 5 FTEs in the inspector classification positions in order to understand the

initial and ongoing workload over time. Consideration shall be made for the biosecurity requirement of individual facilities which require 72 hours between visits and the need to clean equipment.

Create a public-facing database: for registering identified CAFOs subject to the initiative to monitor identified CAFOs over time. It is unclear as to what type of information should be populated in this database or how it is intended to be used both during and after the phase out period identified in Section E of the initiative. The charter, build, and maintenance of a database is anticipated to cost \$50K to build, and \$20K a year to maintain.

2. **Pre-Existing CAFOs shall be given a phase-out period of no more than three (3) years from the effective date** of this Section to modify or terminate their operations such that they are no longer classified as a CAFO. **Proof of this shall be provided to the Agricultural Commissioner prior to the end of the phase-out period.** During the phase-out period, Pre-Existing CAFOs shall not increase the number of animals in confinement.

This action will require initial, regular and ongoing periodic inspections throughout the three-year phase out period, the development of forms and workflows. This is in order to identify benchmarks for the number of animals to determine CAFO status, monitor over time, and ensure ongoing compliance with the ordinance. In addition to inspection, staff will need to review ownership records to determine aggregate operations identified in section C of the initiative language.

3. **The Agricultural Commissioner or his/her designee shall inspect closed CAFOs within one month of receiving such proof of termination from a Pre-Existing CAFO to ensure that all relevant operations have ceased or been appropriately modified.**

This action will require initial (one-month), as well as follow-up inspections, documentation of compliance to ensure that “all relevant operations have ceased or been appropriately modified”. According to this statement and based on the definition provided in the initiative this would require reduction in the number of animals, reduction in the stabling or confinement and feeding or maintenance of animals for fewer than 45 days or more in any 12-month period, increase in crops, vegetation, forage growth, or post-harvest residues being sustained in the normal growing season over any portion of the lot or facility, or not being identified as a point-source of pollution by the permitting authority (Regional Water Quality Control Boards).

4. **Any Pre-Existing CAFO** taking advantage of the phase-out period mentioned in Subsection (E)(1) **shall comply with Best Management Practices set forth by the Agricultural Commissioner, which shall be developed in collaboration with a California-based humane society and/or a California-based society for the prevention of cruelty to animals.** The foregoing shall be in addition to any requirements imposed on CAFOs by County, State and Federal environmental protection agencies.

Development of a Best Management Practices (BMP) document: for publication and sharing. This is identified to be developed in consultation with an SPCA or animal welfare organization. The Department would consider trying to work with our state agency partner in CDFA. Likely would require a bidding and contracting period and associated costs. This would take approximately 6 months to complete and require at least one inspector classification to accomplish once a contracting partner is found. Additionally, it is anticipated that the SPCA or an animal welfare organization will require being paid to help develop the BMP document. This would result in additional costs to the county general fund.

5. **The Agricultural Commissioner shall establish a system to receive, investigate, and retain complaints related to this Section.**

Establishment of a system for processing and responding to complaints: This will include a workflow development for handling and responding to complaints, assigning cases to inspection staff, reporting, issuance of violations, due process proceedings. This work is assumed to require an inspector classification to monitor and respond to this complaint system and maintain a case assignment log to monitor responses. The county currently uses Accela software for permit management. The licensing for this platform is facing increases in cost for county use and total cost is unknown at this point in time.

F. Violations.

1. **Any person who continues to operate a Pre-Existing CAFO after the three (3) year phase-out period elapses, or who establishes or maintains a CAFO following the enactment of this Section, or who violates any other provision of this Section, shall be subject to a civil penalty of one thousand dollars (\$1,000) for the first offense, five thousand dollars (\$5,000) for the second offense, and ten thousand dollars (\$10,000) for the third and any subsequent offenses, payable to the Sonoma County General Fund.**
2. **Notwithstanding the foregoing, the Agricultural Commissioner or his/her designee may also pursue on behalf of the county any other civil or administrative penalty or remedy otherwise available for failure to comply with the requirements of this Section.**
3. **Each day, or portion thereof, during which the violation occurs shall be treated as a separate offense.**

Enforcement: Given that this ordinance is identified as resting in county zoning code, Chapter 26, is assumed that both the Ag Commissioner and the Permit Sonoma Director would have the authority to administratively enforce the ordinance. The administrative enforcement provisions contained in Chapter 1 apply by default to any code section, ordinance, rule of the county, so we would anticipate following the standard County Code Section 1-7.3 administrative abatement procedure (with the option of bypassing to litigation).

4. **Nothing herein shall impact the standing of other interested parties, or the availability of remedies under other applicable federal, state and local laws, regulations and ordinances, including the remedies afforded any person set forth in Subsection I of this Ordinance.**
5. **The availability of funds under this Section shall not restrict any obligation by the County to provide retraining and employment assistance opportunities to CAFO workers.**
6. **For the purposes of this Subsection (F), "person" includes any owner, officer, or director of a CAFO. No penalties shall be issued to individuals solely for working at a CAFO operation unless they also meet one of the foregoing criteria.**

G. Retraining for CAFO Workers

The County shall provide a retraining and employment assistance program for current and former

CAFO workers during the phase-out period in Subsection (E)(1) and for an additional one year thereafter. The purpose of this program is to provide individuals who worked at a CAFO at the time of this Ordinance's enactment or who worked at a CAFO at any point during the phase-out period **with the training needed to work at a legally acceptable agricultural operation or in a different job sector. This program shall be administered by the Agricultural Commissioner or his/her designee,** along with qualified experts in employment law, animal rights, farm labor, and best agricultural practices. Such experts shall provide proof of their qualifications, which shall be subject to public disclosure. **The County's obligation under this Subsection (G) to provide retraining and employment assistance to CAFO workers shall not depend on the fines and penalties collected pursuant to Subsection (F).**

Retraining for CAFO workers: Per the initiative language this program shall be administered by the Agricultural Commissioner or his/her designee. This will require a bid process and contracting with outside agencies and businesses to provide training on topics outside of the subject matter expertise of the Agricultural Commissioner or their staff in AWM. This will pull resources away from funded programs and services of the department and would require a Department Program Manager, Administrative Aide, and at least 2 Senior Office Assistants to develop and manage a training program, contracts, accounting work including at least one Accounting Tech position. This will also require language access considerations including contracts with interpretation and translation services.

The ordinance mentions an "Employment Assistance Program." This requirement is not well defined, but must serve the purpose of providing training and possibly additional resources toward enabling former CAFO workers to be employed in a different job sector. Regardless of the scope, it is outside the expertise of AWM to provide job retraining and employment assistance and so the department would need to contract with outside agencies or service providers in order to fulfill this requirement.

H. Annual Report

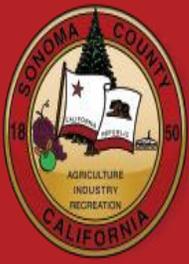
The **Agricultural Commissioner or his/her designee shall prepare an annual report** containing the following information: the **number of CAFOs currently operating** in unincorporated Sonoma County; the **number of CAFO termination notices received in the previous year**; the **number of CAFO termination inspections conducted in the previous year**; the **number of CAFO workers in the retraining program**; and the **amount of penalties assessed and collected in the previous year**. Such report **shall be presented to the Board of Supervisors at a duly-noticed public hearing** and posted on the Agricultural Commissioner's webpage, beginning one year after the effective date of this Section and **continuing until all CAFOs, as defined herein, have been phased out** of the County.

Preparation of a report and regular calendar board item will necessitate approximately 100 hours of staff time to prepare in addition to the lead time and the cost of getting a regular public hearing item for the Board of Supervisors' agenda.

Conclusion

This ballot initiative will create an unfunded mandate to prohibit a majority of our county's poultry and dairy livestock populations in the county according to the Coalition to End Factory Farming's report on the Proposed Prohibition of Concentrated Animal Feeding Operations and the farms they have identified. This amounts to the removal of an estimated 2.9 million animals, which would lead to significant reductions in the amount of organic milk and dairy products produced locally. Administering this ordinance and program would create a significant cost burden for the county's general fund and would require substantial increases in staffing capacity in AWM to

carry out the initiative's assigned actions. Additionally, AWM would need to contract with outside agencies and service providers to perform some of the tasks that are outside the department's areas of expertise.



PROHIBITION ON CONCENTRATED ANIMAL FEEDING OPERATIONS

A Report to the Sonoma County Board of Supervisors

On the Issues & Impacts of the Proposed Ballot Measure

May 14, 2024

AGRICULTURE
INDUSTRY
RECREATION

BACKGROUND

On April 16, 2024, the Sonoma County Board of Supervisors (BOS) accepted the certification of the ballot initiative signatures, as present by the Registrar of Voters. The BOS directed staff to return May 14, 2024, with information on the impact of this proposed initiative.

Participating County Departments:

- Auditor, Controller, Treasurer, Tax Collector
- CAO
- Clerk, Recorder, Assessor
- County Council
- Department of Agriculture Weights and Measures
- Department of Human Services
- Economic Development Board
- Permit Sonoma
- UC Cooperative Extension (UCCE)

DEFINITIONS

CAFO & AFO:

Terms developed by the US EPA Clean Water Act to assist in identifying & preventing pollution risks to US waterways.

AFO: Animals brought into an area to feed for 45 days or more annually, area not used to graze.

CAFO: based on herd or flock size (EPA Table 18-0)*

*pollution source / delivery method

Animal Sector	Large	Medium*
Cattle or cow/calf pairs	1,000 +	300 – 999
Mature dairy cattle	700 +	200 – 699
Veal calves	1,000 +	300 – 999
Swine (more than 55 pounds)	2,500 +	750 – 2,499
Swine (less than 55 pounds)	10,000 +	3,000 – 9,999
Horses	500+	150 - 499
Sheep or lambs	10,000+	3,000 – 9,999
Turkeys	55,000 +	16,500 – 54,999
Laying hens/broilers (liquid manure handling system)	30,000 +	9,000 – 29,999
Chickens other than laying hens (other than a liquid manure handling system)	125,000 +	37,500 – 124,999
Laying hens (other than a liquid manure handling system)	82,000 +	25,000 – 81,999
Ducks (other than a liquid manure handling system)	30,000 +	10,000 – 29,999
Ducks (liquid manure handling system)	5,000 +	1,500 – 4,999

WHEREAS CLAUSES SCIENTIFIC FINDINGS

GHG Emissions

- Grazed pastures provide scenic open space to Sonoma County while increasing carbon sequestration through managed grazing.
- Managed grazing by dairies, combined with seeding, leads to sequestering 22,768 MTCO₂ annually over lands that are unmanaged.
- Dairies identified in Sonoma County Climate Action Plan to help achieve the goals of AB32; reducing methane emissions by 2030 by implementing manure management practices.
- Climate smart agricultural practices implemented on local dairy and livestock farms; seventy-eight Sonoma County agricultural operations have implemented a variety of practices to reduce or sequester greenhouse gas emissions by 17,438 MTCO₂ annually (CDFA OEFI).

Animal Welfare

- Organic dairies must meet the National Organic Program (NOP) animal care standards to ensure animal welfare.
- Proposition 12 requires animals (egg-laying hens, veal, and breeding hogs) housed in confinement systems be managed with a minimum amount of space to allow movement. Those operations regulated under this law in Sonoma County retain Distributor Registrations and comply with the law.
- 100% of the dairies (organic and conventional) with 200 or more cows address animal welfare through NOP standards and/or third-party animal welfare auditing.*

*American Humane Certified and Validus

WHEREAS CLAUSES SCIENTIFIC FINDINGS

Public & Environmental Health

- Antimicrobial resistance in Northern California dairies (non-organic) is reported as lower than other regions in California, likely due to the management of cows (Abdelfattah et al., 2021).
- 84% of dairies in Sonoma County are certified organic and do not utilize antibiotics with regular herd management.
- Water quality impacts from Sonoma County dairies are highly regulated by the Regional Water Quality Control Board.

Property Values

- Research determined that, while new AFOs developed in areas with no existing livestock decreased property value, if a house was previously surrounded by livestock, a new AFO facility would increase property value ([AAEA](#)).
- Forested, publicly owned and privately owned open space and privately owned open space in grass, pasture, and crops had similar high amenity values. Vacant open land was the least valued type of open space ([JSTOR](#)). Loss of managed lands could impact land and house values more than continuing to manage land with animals.
- 56% of Sonoma County dairies reside in the 94952-area code, an area considered an area of positive home value growth, with values averaging \$1.1 million, up 0.4%, according to the [North Bay Business Journal](#).

Ecosystem Services

- Conservation easements were estimated to return between \$1.35 and \$3.47 for every dollar invested. If ecosystem services are completely lost through development without a conservation easement in place, conservation value rises to between \$42.20 and \$167.76 per dollar invested.*

*Evaluating Ecosystem Services, California Rangelands Trust, 2020.

AWM STAFFING IMPACTS

Agricultural Commissioner

- Ballot initiative creates an unfunded mandate that will require increased ongoing General Fund support for AWM; Approx. \$1.6 million in S&B
 - Identify, inspect and monitor all pre-existing CAFOs over the phase-out period. Respond to complaints; ongoing.
 - Build and maintain a public facing database.
 - Contract for development of BMP manual.
 - Support an employment assistance program for current and former CAFO employees.
- 

The Economic Impacts of a Proposition Limiting Livestock & Poultry Production in Sonoma County (9111 REPORT)

UCCE commissioned a report from CSU, Chico, Agribusiness Institute. The report used IMPLAN, the industry's standard for conducting agriculture economics & change analysis.

	OUTPUT	LABOR INCOME	TOTAL EMPLOYMENT
DIRECT IMPACT	\$259,049,852	\$36,058,857	701
INDIRECT IMPACT	\$121,666,257	\$31,391,115	469
INDUCED IMPACT	\$37,583,610	\$12,934,169	211
TOTAL IMPACT	\$418,299,719	\$80,384,141	1,381

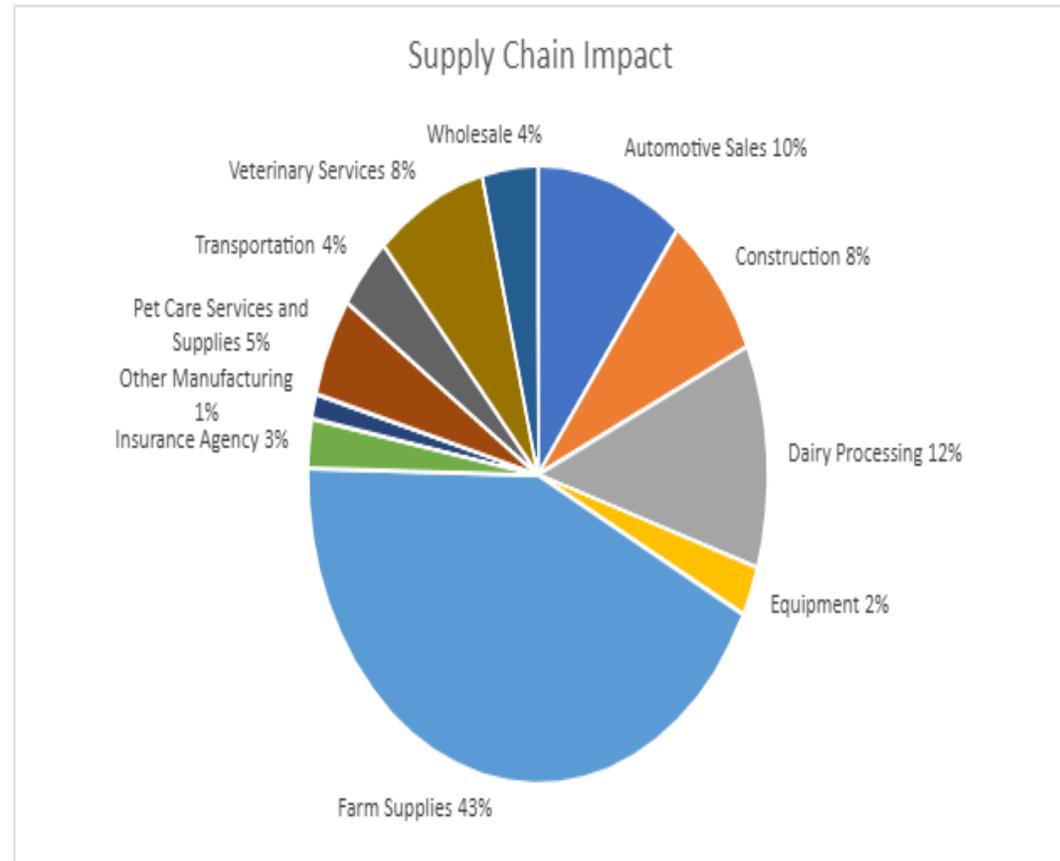
For every job lost from the livestock & poultry production sector, we can expect to lose one additional job from the Sonoma County economy.

SUPPLY CHAIN IMPACTS (Economic Dev.)

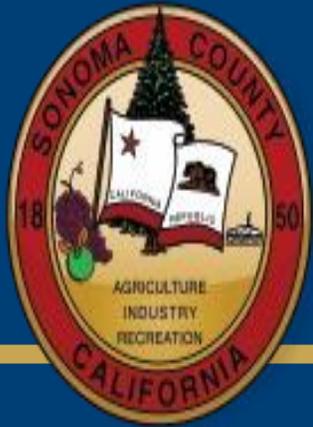
Supply Chain

In addition to businesses within the agriculture sector directly impacted by this ordinance, there will also be an additional impact to businesses that provide a variety of supplies and services to the local agriculture sector.

Examples of these businesses include but are not limited to veterinary services, farm product/feed suppliers, automotive and tractor retails as well as construction equipment and materials.



- More than 80 additional local businesses located in both Unincorporated and Incorporated areas of Sonoma County, as well as outside of the county may be indirectly impacted by the passing of this ordinance.
- 43% (33) of these businesses are retailers providing local agriculture businesses with basic farm and feed supplies.



Thank you. Questions?

