



AGENDA

JOINT MEETING OF THE COTATI CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE FORMER COTATI COMMUNITY REDEVELOPMENT AGENCY

City Council Chamber, City Hall 201 W. Sierra Avenue

Tuesday, October 08, 2024

6:00 PM REGULAR MEETING

The Cotati City Council welcomes you to its meetings that are generally scheduled for the 2nd and 4th Tuesday of every month. Your interest and participation are encouraged and appreciated.

City Council meeting agendas, minutes and recordings are posted on the City's Meeting Portal at www.cotaticity.org. For questions about the agenda or to receive the City Council agenda by e-mail, contact the Deputy City Clerk at kepatterson@cotaticity.org or 707-665-3622.

Cotati City Council Meetings will be conducted in person in the Council Chamber. To guarantee your ability to participate, you must attend the meeting in person. As a courtesy to the public, the City allows citizens the opportunity to view and offer public comments virtually through Zoom Online video conferencing platform. Technical difficulties may occur that make the Zoom platform unavailable. If Zoom is unavailable, the meeting will continue. Participants considering using Zoom should consider attending in person, if they desire to ensure their ability to view the meeting and offer public comments.

Subject to the above disclaimer, Zoom Online video conferencing is available to watch or listen in the following ways:

1. Using the following online livestream meeting portal link: <https://cotaticity.primegov.com/public/portal>
2. Cable T.V. Broadcast, local channel 28

Members of the public can participate in the meeting online by clicking the link below:

<https://us02web.zoom.us/j/81640478501?pwd=fc7JTqiaImQSu1oZ3oPSEAb5lJzpyy.1>

If you do not have the ability to join online, but would like to participate in the meeting, you can call into the meeting using your telephone, by dialing one of the following numbers and entering the meeting credentials:

Webinar ID: **816 4047 8501** Passcode: **692412**

+1 (669) 900-6833 or +1 (346) 248-7799 or +1 (253) 215-8782 or +1 (301) 715-8592 or +1 (312) 626-6799 or +1 (929) 436-2866

Attendees may join the meeting any time after 5:45pm. Attendees will be **muted** until they are called upon for Public Comment. To make a public comment, use the "raise hand" icon on your smart device or desktop computer, or dial *9 if you are using just your telephone. Please listen carefully for the Mayor or City Clerk to address you by name (or phone number) and for the audible Zoom notification that you have been **unmuted**. Once you begin your public comment, your three minutes will begin.

If you would prefer to submit your public comment in writing, please email your comments to kepatterson@cotaticity.org. If you are commenting on a specific agenda item or items, please state the agenda item number(s) in the subject line of the email. All comments received via email will be provided to the City Council or Planning Commission in writing and included as part of the record of the meeting.

Notice is hereby given that Council may discuss and/or take action on any or all of the items listed on this agenda.

Any writings or documents provided to a majority of the Cotati City Council regarding any item on this agenda will be made available for inspection in the online Meeting Portal at www.cotaticity.org and in the City Manager's office located at 201 West Sierra Avenue, Cotati, California, during the City's posted business hours.

Disabled Accommodation: Upon request, this agenda will be made available in appropriate formats to persons with disabilities as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the Deputy City Clerk at (707) 665-3622 at least 48 hours in advance of the meeting.

Rules of Decorum: To avoid distraction, the following meeting etiquette shall be enforced.

- Silence electronic devices, including cell phones.

- Audience members are advised to keep conversations to a minimum or conduct them outside the building.
- Photographs or video recordings using tri-pods or other means that would be distracting are to be taken only from the designated media area.
- The Presiding Officer shall request that the audience withhold expressions of support or opposition for speakers in the interest of time and to encourage the full expression of differing views. (*City Council Policy 2023-01 III.B.1.*)

Public Comment (Action items): Public comment on any one agenda item where the City Council will be taking some action is limited to no more than three (3) minutes per person. Action items are typically designated on the agenda title.

Public Comment (Non-Action items): Public comment on non- action agenda items shall be received during the designated portion of the agenda. Comments shall be limited to no more than three (3) minutes for all non-action agenda items.

Waiver Warning: If you challenge decisions/direction of the City Council of the City of Cotati in court, you may be limited to raising only those issues you or someone else raised at public hearing(s) described in this agenda, or in written correspondence delivered to the City of Cotati at, or prior to, the public hearing(s).

City Council meetings are conducted according to City Council Policy 2023-01: City Council Rules. This policy available for inspection in the online Meeting Portal at www.cotaticity.org and in the City Manager's office located at 201 West Sierra Avenue, Cotati, California, during the City's posted business hours.

Those wishing to address the Council are asked to complete a speaker card and give it to the City Clerk. When you are called, step to the podium and state your name and address for the record. Persons wishing to address the Council are not required to identify themselves or complete a speaker card; (Gov't. Code § 54953.3); however, this information assists the Mayor by ensuring that all persons wishing to address the Council are recognized and it assists the City Clerk in preparing the City Council meeting minutes.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. LAND ACKNOWLEDGMENT**

The City of Cotati recognizes that we're on the ancestral lands of the Coastal Miwok, who are the original caretakers of this area. We respectfully acknowledge the Indigenous peoples who have been stewarding and maintaining a relationship on this land as knowledge keepers for millennia. This acknowledgement does not take the place of authentic relationships with Indigenous communities but serves as a gesture of respect to the land we are on.

- 4. PLEDGE OF ALLEGIANCE**
- 5. APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (ACTION)**

A. COTATI CITY COUNCIL – REGULAR MEETING – SEP 24, 2024

- 6. ANNOUNCEMENTS**

A. Meeting Orientation for New Attendees/Viewers. In conformance with the Brown Act and the adopted City Council Rules, the meeting agenda includes items labeled as Action Items, where the City Council may consider the item. If the City Council considers the item, citizens will be afforded the opportunity to provide comments relevant to the item being discussed. The meeting agenda also includes a Citizens Business item, which is the designated place on the agenda where citizens have the right to say whatever they wish. However, the Brown Act prohibits the City Council from taking action or considering any item that is not on this agenda, to ensure that other members of the community who wish to provide comment are notified in advance through a properly noticed meeting agenda.

B. Measure S supports police services, a variety of recreation programs for all ages, and the

maintenance of our streets, parks, and public buildings. See details on the web at cotaticity.org

C. Citizens interested in receiving City of Cotati community alerts via text or email are encouraged to enroll with CivicReady, by signing up on the City's website, www.cotaticity.org, under the "How do I" link at the top of the homepage.

D. Like always, we love to hear from you, so please feel free to contact the City at 707-792-4600 or info@cotaticity.org. If you have a non-emergency issue after normal business hours, you can contact us at 707-792-4611 and of course if you have an emergency, please contact 9-1-1. Continue to look for updates on the City's website and social media channels available on Facebook, Instagram, and CivicReady.

7. PROCLAMATIONS

A. INDIGENOUS PEOPLES DAY / NATIVE AMERICAN HERITAGE MONTH

B. NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH PROCLAMATION

8. APPROVAL OF FINAL AGENDA (ACTION)

This item will only be opened for the public comment if the City Council proposes to take any action to modify this agenda.

9. CITIZEN BUSINESS AND PUBLIC COMMENT FOR CONSENT CALENDAR ITEMS

Any member of the public wishing to speak to the Council on any item(s) listed on the Consent Calendar or any matter(s) not listed on the agenda that are within the subject matter jurisdiction of the Council may do so at this time. Pursuant to the Brown Act, the Council is not allowed to consider issues or take action on any item not listed on the agenda. Pursuant to City Council Policy 2023-01, comments of any member of the public are normally restricted to a total of three (3) minutes in length per person for matters not on the agenda and a total of three (3) minutes per person in length for any and all items on the Consent Calendar. The Mayor may extend the time limit for a reasonable time where a disability accommodation has been requested. To facilitate public comment, the Deputy Clerk will alert speakers when there are thirty seconds remaining.

10. CONSENT CALENDAR (ACTION)

A. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH HARRIS AND ASSOCIATES TO DESIGN THE 2025 STREET IMPROVEMENTS PROJECT

It is recommended the City of Cotati City Council adopt a resolution approving a professional services agreement with Harris and Associates to design the 2025 Street Improvements Project and authorizing the City Manager to execute said agreement.

B. APPROVAL OF 2024 DIA DE LOS MUERTOS EVENT IN LA PLAZA PARK

It is recommended that the City Council adopt a resolution approving the 2024 Dia De Los Muertos event.

C. APPROVAL OF FISCAL YEAR 24-25 IT SERVICES AND EQUIPMENT REPLACEMENT

It is recommended that the City Council adopt a motion authorizing the City Manager to proceed with the expenditures and agreement amendments necessary to implement the proposed projects and supporting IT services, not to exceed the adopted FY 2024/25 budgeted amount (\$267,000).

11. DIRECTION ON FUTURE AGENDA ITEMS

12. PUBLIC HEARINGS (ACTION)

- A. SECOND READING AND ADOPTION OF AN ORDINANCE (1) AMENDING CHAPTER 17.28 (SPECIAL PURPOSE ZONE AND OVERLAY ZONE STANDARDS) OF TITLE 17 (LAND USE) OF THE COTATI MUNICIPAL CODE TO ALLOW EXISTING PLANNED UNIT DEVELOPMENT (PUDS) TO BE SUBDIVIDED, DEVELOPED, REDEVELOPED OR MODIFIED CONSISTENT WITH THE UNDERLYING ZONING DISTRICT DEVELOPMENT STANDARDS, AND (2) REZONING MULTIPLE PROPERTIES TO BE CONSISTENT WITH THEIR GENERAL PLAN LAND USE DESIGNATIONS**

It is recommended that the City Council conduct a second reading and adopt the attached ordinance that (1) amends Chapter 17.28 (Special Purpose Zone and Overlay Zone Standards) of Title 17 (Land Use) of the Cotati Municipal Code to allow existing Planned Unit Developments (PUDs) to be subdivided, developed, redeveloped, or modified consistent with the underlying zoning district development standards, and (2) rezones multiple properties to be consistent with their General Plan land use designations.

13. REGULAR AGENDA (ACTION)

- A. UPDATE ON OUTREACH TO CELLULAR PROVIDERS**

It is recommended that the City Council receive a report on the status of outreach to cellular providers. No action is requested.

- B. CONSIDERATION OF A RESOLUTION OPPOSING SONOMA COUNTY INITIATIVE 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.

14. CITY MANAGER'S REPORT

15. CITY COUNCIL MEMBER REPORTS

16. PUBLIC COMMENT ON NON-ACTION AGENDA ITEMS

17. INFORMATION RECEIVED AFTER THE AGENDA WAS POSTED

18. ADJOURNMENT

Certification of Posting of the Notice: I declare under penalty of perjury that I am employed by the City of Cotati and that I posted this notice on the City's website, bulletin boards of City Hall, Veterans' Memorial Building and the SMART Train Depot, on or before October 4, 2024.

/s/ Kevin Patterson, Deputy City Clerk



MINUTES

JOINT MEETING OF THE COTATI CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE FORMER COTATI COMMUNITY REDEVELOPMENT AGENCY

City Council Chamber, City Hall 201 W. Sierra Avenue

Tuesday, September 24, 2024

6:00 PM REGULAR MEETING

1. CALL TO ORDER

Mayor Sparks called the meeting to order at 6:00pm.

2. ROLL CALL

<u>Attendee Name</u>	<u>Title</u>	<u>Status</u>
Laura Sparks	Mayor	Present
Ben Ford	Vice Mayor	Present
Susan Harvey	Councilmember	Present
Sylvia Lemus	Councilmember	Present
Kathleen Rivers	Councilmember	Absent

Staff Present: City Manager Damien O’Bid, City Attorney John Bakker, Deputy City Clerk Kevin Patterson, Director of Administrative Services Angela Courter, Director of Community Development Noah Housh, Director of Public Works/City Engineer Craig Scott, Police Chief Chris Simmons, Recreation Manager Ashley Wilson

3. LAND ACKNOWLEDGEMENT

The City of Cotati recognizes that we’re on the ancestral lands of the Coastal Miwok, who are the original caretakers of this area. We respectfully acknowledge the Indigenous peoples who have been stewarding and maintaining a relationship on this land as knowledge keepers for millennia. This acknowledgement does not take the place of authentic relationships with Indigenous communities but serves as a gesture of respect to the land we are on.

4. PLEDGE OF ALLEGIANCE

5. APPROVAL OF MINUTES AND NOTICE OF WAIVING OF READING OF ALL RESOLUTIONS AND ORDINANCES INTRODUCED AND/OR ADOPTED UNDER THIS AGENDA (ACTION)

RESULT:	Approve [4 TO 0]
MOVER:	Ben Ford, Vice Mayor
SECONDER:	Susan Harvey, Councilmember
AYES:	Sparks, Ford, Harvey, Lemus
NAYS:	None
ABSENT:	Rivers

Public Comment:
Laurie Alderman of Cotati

6. ANNOUNCEMENTS

A. Meeting Orientation for New Attendees/Viewers. In conformance with the Brown Act and the adopted City Council Rules, the meeting agenda includes items labeled as Action Items, where the City Council may consider the item. If the City Council considers the item, citizens will be afforded the opportunity to provide comments relevant to the item being discussed. The meeting agenda also includes a Citizens Business item, which is the designated place on the agenda where citizens have the right to say whatever they wish. However, the Brown Act prohibits the City Council from taking action or considering any item that is not on this agenda, to ensure that other members of the community who wish to provide comment are notified in advance through a properly noticed meeting agenda.

B. Measure S supports police services, a variety of recreation programs for all ages, and the maintenance of our streets, parks, and public buildings. See details on the web at cotaticity.org

C. Citizens interested in receiving City of Cotati community alerts via text or email are encouraged to enroll with CivicReady, by signing up on the City's website, www.cotaticity.org, under the "How do I" link at the top of the homepage.

D. Like always, we love to hear from you, so please feel free to contact the City at 707-792-4600 or info@cotaticity.org. If you have a non-emergency issue after normal business hours, you can contact us at 707-792-4611 and of course if you have an emergency, please contact 9-1-1. Continue to look for updates on the City's website and social media channels available on Facebook, Instagram, and CivicReady.

7. APPROVAL OF FINAL AGENDA (ACTION)

Mayor Sparks requested to add an agenda item on a letter of recommendation for a posthumous pardon for Sergeant Richard Penry. Council found that the issue came to the awareness after the agenda was published, and that action needed to be taken prior to the next regular Council meeting. Mayor Sparks motioned to add the item to the beginning of the regular agenda, with a second from Councilmember Harvey. Council voted 4-0 to add the item.

Public Comment:
Laurie Alderman of Cotati

8. CITIZEN BUSINESS AND PUBLIC COMMENT FOR CONSENT CALENDAR ITEMS

Any member of the public wishing to speak to the Council on any item(s) listed on the Consent Calendar or any matter(s) not listed on the agenda that are within the subject matter jurisdiction of the Council may do so at this time. Pursuant to the Brown Act, the Council

is not allowed to consider issues or take action on any item not listed on the agenda. Pursuant to City Council Policy 2023-01, comments of any member of the public are normally restricted to a total of three (3) minutes in length per person for matters not on the agenda and a total of three (3) minutes per person in length for any and all items on the Consent Calendar. The Mayor may extend the time limit for a reasonable time where a disability accommodation has been requested. To facilitate public comment, the Deputy Clerk will alert speakers when there are thirty seconds remaining.

Public Comment:

Jenny Blaker of Cotati

Shelley Berman of Cotati

9. CONSENT CALENDAR (ACTION)

- A. UPDATE OF THE CITY OF COTATI'S CONFLICT OF INTEREST CODE**
- B. APPROVAL OF A RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE SANTERO WAY SPECIFIC PLAN REZONING CONSULTANT CONTRACT WITH 4LEAF INCORPORATED AND APPROVING A TOTAL NOT TO EXCEED PROJECT AMOUNT**
- C. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 17.32 DENSITY BONUSES OF THE COTATI MUNICIPAL CODE**
- D. ACCEPT THE FISCAL YEAR 2023-2024 ANNUAL REPORT OF DEVELOPMENT IMPACT FEE (AB1600)**
- E. APPROVAL OF PAYMENT FOR EMERGENCY SEWER REPAIR WORK IN OLD REDWOOD HIGHWAY TO ARGONAUT CONTRACTORS AND APPROPRIATION FROM SEWER CAPITAL ENTERPRISE FUND**

RESULT:	Adopt [4 TO 0]
MOVER:	Susan Harvey, Councilmember
SECONDER:	Sylvia Lemus, Councilmember
AYES:	Sparks, Ford, Harvey, Lemus
NAYS:	None
ABSENT:	Rivers

10. DIRECTION OF FUTURE AGENDA ITEMS

Councilmember Lemus requested a future agenda item on a youth City Council internship.

Vice Mayor Ford requested a future agenda item on a reconsideration of an opposition resolution to Measure J.

11. REGULAR AGENDA (ACTION)

AA. LETTER OF SUPPORT FOR A POSTHUMOUS PARDON FOR SERGEANT RICHARD PENRY (ADDED ITEM)

Presentation by Mayor Laura Sparks.

Councilmembers comment.

7 of 117

No public comment.

RESULT:	Approve [4 TO 0]
MOVER:	Susan Harvey, Councilmember
SECONDER:	Sylvia Lemus, Councilmember
AYES:	Sparks, Ford, Harvey, Lemus
NAYS:	None
ABSENT:	Rivers

A. APPOINTMENT OF A LIBRARY COMMISSONER

Presentation by City Manager Damien O’Bid.

Councilmembers comment.

No public comment.

Mayor Sparks motioned to appoint Tina Poles as Cotati’s representative on the Sonoma County Library Commission.

RESULT:	Approve [4 TO 0]
MOVER:	Laura Sparks, Mayor
SECONDER:	Susan Harvey, Councilmember
AYES:	Sparks, Ford, Harvey, Lemus
NAYS:	None
ABSENT:	Rivers

B. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH MARK THOMAS & COMPANY, INC FOR DESIGN SERVICES FOR THE HIGHWAY 116/WEST COTATI AVENUE INTERSECTION SAFETY IMPROVEMENTS PROJECT AND AUTHORIZING APPROPRIATION OF FUNDS FOR THE PROJECT

Presentation by Director of Public Works/City Engineer Craig Scott.

Councilmembers comment.

Public Comment:
Neil Hancock of Cotati

RESULT:	Approve [4 TO 0]
MOVER:	Susan Harvey, Councilmember
SECONDER:	Sylvia Lemus, Councilmember
AYES:	Sparks, Ford, Harvey, Lemus
NAYS:	None
ABSENT:	Rivers

C. COTATI CULTURAL GRANT PROGRAM

Presentation by Recreation Manager Ashley Wilson.

Councilmembers comment.

No public comment.

Council provided direction that the scoring rubric could be modified by staff as needed as the program develops.

RESULT:	Adopt [4 TO 0]
MOVER:	Susan Harvey, Councilmember
SECONDER:	Ben Ford, Vice Mayor
AYES:	Sparks, Ford, Harvey, Lemus
NAYS:	None
ABSENT:	Rivers

D. AWARD CONSTRUCTION CONTRACT FOR THE PUTNAM PARK IMPROVEMENTS - PHASE 1 PROJECT

Presentation by Director of Public Works/City Engineer Craig Scott.

Councilmembers comment.

Public Comment:

Jenny Blaker of Cotati

Neil Hancock of Cotati

Shelley Berman of Cotati

Council directed Staff to: ensure lighting installed is shielded or designed to prevent light pollution, explore options to prevent gopher damage outside of turf areas, in case there are further solutions that could be implemented during construction, and ensure straw waddles are removed after construction.

RESULT:	Approve [4 TO 0]
MOVER:	Susan Harvey, Councilmember
SECONDER:	Ben Ford, Vice Mayor
AYES:	Sparks, Ford, Harvey, Lemus
NAYS:	None
ABSENT:	Rivers

E. AWARD OF CONTRACT TO CODA TECHNOLOGY GROUP FOR COTATI CITY HALL, CITY COUNCIL CHAMBERS AUDIO VISUAL SYSTEM UPGRADES

Report by City Manager Damien O'Bid.

Councilmembers comment.

Public Comment:
Neil Hancock of Cotati

RESULT:	Approve [4 TO 0]
MOVER:	Susan Harvey, Councilmember
SECONDER:	Ben Ford, Vice Mayor
AYES:	Sparks, Ford, Harvey, Lemus
NAYS:	None
ABSENT:	Rivers

12. CITY MANAGER'S REPORT

Report by City Manager Damien O'Bid.

13. CITY COUNCIL MEMBER REPORTS

Councilmembers report out on local and regional events and meetings.

14. PUBLIC COMMENT ON NON-ACTION AGENDA ITEMS

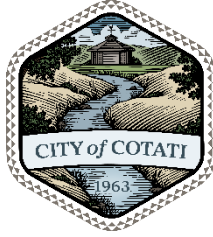
Public Comment:
Jenny Blaker of Cotati

15. INFORMATION RECEIVED AFTER THE AGENDA WAS POSTED

16. ADJOURNMENT

Mayor Sparks adjourned the meeting at 7:57pm.

/s/ Kevin Patterson, Deputy City Clerk



PROCLAMATION
OF THE CITY COUNCIL OF THE CITY OF COTATI
PROCLAIMING THAT THE SECOND MONDAY OF OCTOBER IS INDIGENOUS
PEOPLES DAY AND THAT THE MONTH OF NOVEMBER 2024 SHALL BE NATIVE
AMERICAN HERITAGE MONTH

WHEREAS, the Pomo and Coast Miwok are the original people of the ancestral land now occupied by the City of Cotati; and

WHEREAS, the education and acknowledgement of the Cotati community about the Pomo and Coastal Miwok tribal histories, culture, contemporary issues, and the contributions of the Pomo and Coast Miwok people to Sonoma County is vital to the understanding of our origins and rich heritage; and

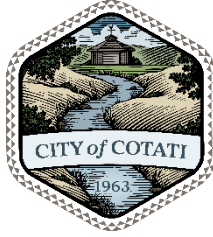
WHEREAS, the Pomo and Coast Miwok people maintain a harmonious relationship with the ecology of this area, including knowledgeable and respectful harvesting of animals, plants, and mineral resources; and

WHEREAS, the traditional cultural and ecological knowledge of the Pomo and Coast Miwok people hold important values for our community; and

WHEREAS, the Cotati community will benefit from more active and visible input of the Pomo and Coast Miwok people.

NOW, THEREFORE, BE IT PROCLAIMED on this day of October 8, 2024, by the City Council of the City of Cotati that the second Monday of October (October 14th) is Indigenous Peoples Day in Cotati and that the month of November is Native American Heritage Month to honor the native Pomo and Coast Miwok Peoples and the City Council encourage business owners, educators, artists, and all our citizens to participate in making this an occasion for joy, learning, collaboration and prosperity.

Approved: _____
Mayor



PROCLAMATION
OF THE CITY COUNCIL OF THE CITY OF COTATI
PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF COTATI
RECOGNIZING OCTOBER 2024 AS NATIONAL DISABILITY EMPLOYMENT
AWARENESS MONTH

WHEREAS, recognition of the contributions of persons with disabilities is an effective way to overcome negative stereotypes and eliminate physical and attitudinal barriers to full participation in all aspects of community life, including education, recreation and employment; and

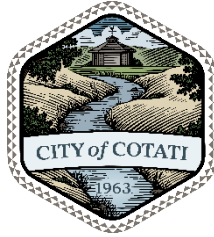
WHEREAS, people with disabilities are an important, vital part of our community as valued workers, civic leaders, business owners, veterans, family members, and friends, and they are innovative and valued contributors in the workplace, the classroom, and the community; and

WHEREAS, the City of Cotati is committed to ensuring that City programs and employment practices effectively serve and benefit persons of all abilities in order to support individual dignity, self-reliance and productive lives for all people; and

WHEREAS, Cotati is proud to renew its dedication to fostering equal access and demonstrating commitment to full inclusion of people with disabilities.

NOW, THEREFORE, BE IT PROCLAIMED on this 8th of October 2024, by the City Council of the City of Cotati, that the month of October 2024 in Cotati is National Disability Employment Awareness Month and encourages all citizens to recognize the accomplishments and contributions of persons with disabilities throughout our community.

Approved: _____
Mayor



Cotati City Council Agenda Staff Report

Item type: CONSENT CALENDAR (ACTION)
To: City Council
Subject: **APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT
WITH HARRIS AND ASSOCIATES TO DESIGN THE 2025
STREET IMPROVEMENTS PROJECT**
Date: October 8, 2024
Written by: Craig Scott, Director of Public Works/City Engineer

Recommendation

It is recommended the City of Cotati City Council adopt a resolution approving a professional services agreement with Harris and Associates to design the 2025 Street Improvements Project and authorizing the City Manager to execute said agreement.

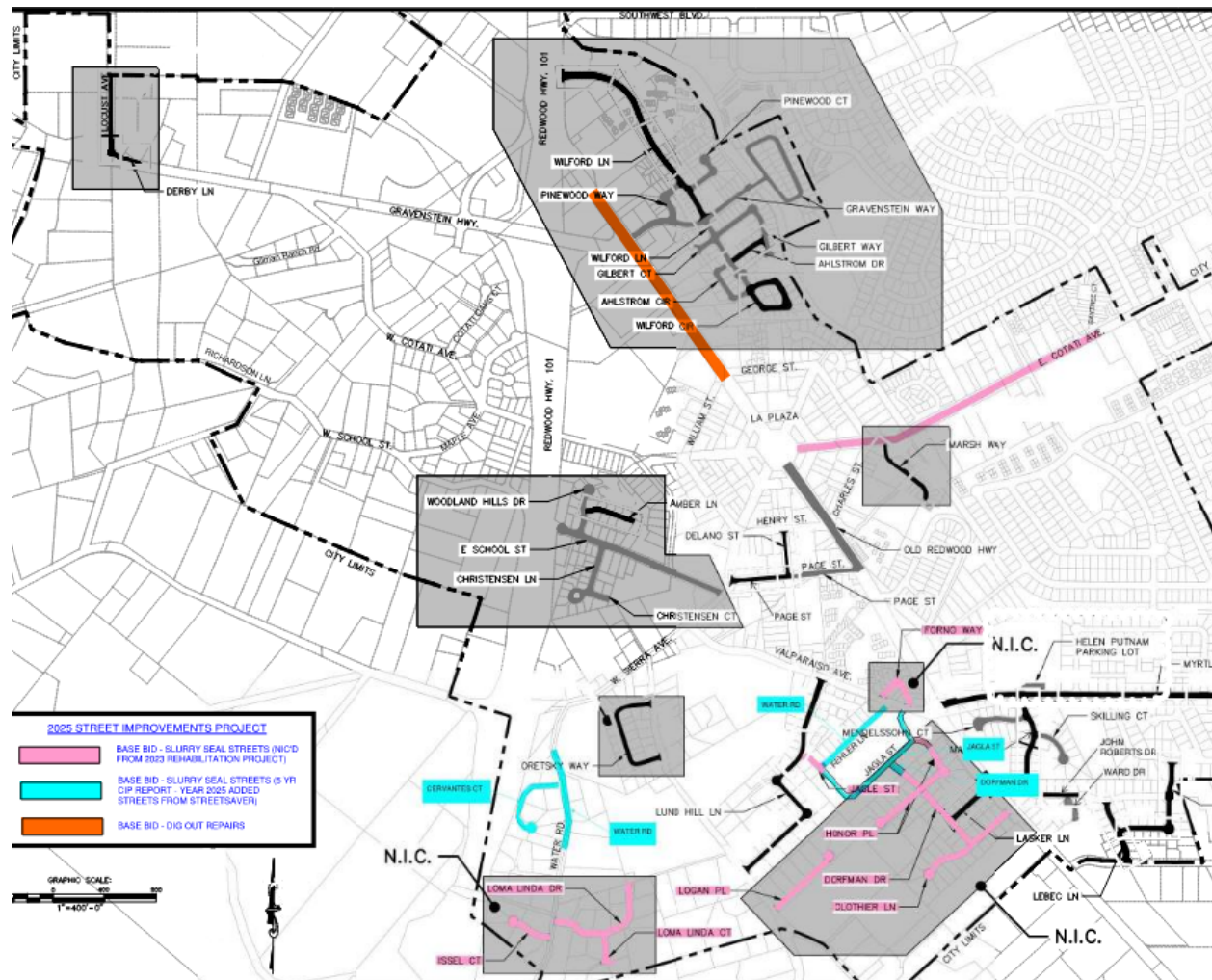
Background

This item is to seek Council approval of a design contract for completion of a street preservation maintenance construction project in early summer of 2025. The Project follows the recommendations of the City's Pavement Management Program and is consistent with its recently adopted Annual and Multi-Year Capital Plans. The City is committed to investing in its roadway infrastructure and the investment includes both higher cost rebuilding streets in poor condition as well as lower cost slurry (i.e. street preservation) of streets in good condition. Every summer for the past several years, the City has completed street pavement preservation and rehabilitation projects and has significantly improved the overall condition of its streets.

Analysis/Discussion

The 2025 Street Improvements Project (Project) is included in the City's adopted FY24/25 Budget. In August 2024, the City Engineering Division issued a request for qualifications, reviewed the qualifications, and City Staff determined Harris and Associates to be the most qualified for the design of the 2025 Street Improvements Project. The City requested, and Harris and Associates has provided, a proposal to prepare construction plans and specifications and bidding services for the City to contract with a construction company for construction in late 2024, or early 2025. City Staff have reviewed the proposal and find it to be fair and reasonable. The streets identified for preservation treatments this Fall are informed by the recently completed Pavement Management

Plan (PMP). This specifically includes the streets indicated in the following figure:



The streets in pink have been designed under a prior design contract but not paved due to higher than anticipated construction costs, and the light blue are streets added from the Pavement Management Program. The orange segment is Old Redwood Highway where repairs will be done for failed patches of pavement. The design fee is lower than what would be expected as it reflects a reduced effort in repackaging the construction plans and specifications. The Project's preliminary schedule is to advertise for bids in December/January with construction to start in early Spring 2025 and wrap up in late Spring or early summer.

Financial Considerations

The City's adopted FY24/25 Annual Budget includes \$664,000 for design, construction and Construction Management and Inspection services. The proposal from Harris and Associates is \$59,935, which is accounted for in the total Project estimated cost and, therefore, no budget amendment is needed for the action of approving the design contract. However, Staff is requesting a total not to exceed design budget of \$65,000, for any needed amendments to the

design agreement. The total Project funding is to come from the City's General Fund, Capital Outlay Funds, Road Impact Fee, Streets Gas Tax, Streets Measure M, and SB1 funds for FY24/25.

Environmental Issues

The Project is Categorically Exempt in accordance with the California Environmental Quality Act Guidelines Section 15301 Existing Facilities as the Project includes repair and maintenance of existing streets in the City. Therefore, no further environmental review is required.

RESOLUTION NO. (XX)
**RESOLUTION OF THE CITY OF COTATI CITY COUNCIL APPROVING A
PROFESSIONAL SERVICES AGREEMENT WITH HARRIS AND ASSOCIATES TO
DESIGN THE 2025 STREET IMPROVEMENTS PROJECT AND AUTHORIZING
THE CITY MANAGER TO EXECUTE SAID AGREEMENT.**

WHEREAS, the 2025 Street Improvements Project (Project) follows the recommendations of the City's Pavement Management Program and is consistent with its recently adopted Annual and Multi-Year Capital Plans; and

WHEREAS, the City is committed to investing in its roadway infrastructure and the investment includes both higher cost rebuilding streets in poor condition as well as lower cost slurry (i.e. street preservation) of streets in good condition, and, every summer for the past several years, the City has completed street pavement preservation and rehabilitation projects and has significantly improved the overall condition of its street; and

WHEREAS, Project is included in the City's adopted FY24/25 Budget, and, in August 2024, the City Engineering Division issued a request for qualifications, reviewed the qualifications, and City Staff determined Harris and Associates to be the most qualified for the design of the 2025 Street Improvements Project; and

WHEREAS, the City requested, and Harris and Associates has provided, a proposal to prepare construction plans and specifications and bidding services for the City to contract with a construction company for construction in late 2024, or early 2025; and

WHEREAS, City Staff have reviewed the proposal and find it to be fair and reasonable and Staff recommends it for approval; and

WHEREAS, the scope of services include streets which had been designed under a prior design contract but not paved due to higher than anticipated construction costs, other streets have not yet been designed, and a segment of Old Redwood Highway is included where repairs will be done for failed patches of pavement; and

WHEREAS, the design fee is lower than what would be expected as it reflects a reduced effort in repackaging the construction plans and specifications due to including streets already designed; and

WHEREAS, the Project's preliminary schedule is to advertise for bids in December/January with construction to start in early Spring 2025 and wrap up in late Spring or early summer; and

WHEREAS, the City's adopted FY24/25 Annual Budget includes \$664,000 for design, construction and Construction Management and Inspection services; and

WHEREAS, the proposal from Harris and Associates is \$59,935, which is accounted for in the total Project estimated cost and, therefore, no budget amendment is needed for the action of approving the design contract, and Staff is requesting a total not to exceed design budget of \$65,000, for any needed amendments to the design agreement; and

WHEREAS, the total Project funding is to come from the City's General Fund, Capital Outlay Funds, Road Impact Fee, Streets Gas Tax, Streets Measure M, and SB1 funds for FY24/25; and

WHEREAS, the Project is Categorically Exempt in accordance with the California Environmental Quality Act Guidelines Section 15301 Existing Facilities as the Project includes repair and maintenance of existing streets in the City, therefore, no further environmental review is required.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Cotati hereby determine that:

1. The recitals above are true and correct, and
2. The proposal from Harris and Associates to design, provide bidding services, and design services through construction, for an amount of \$59,935, is approved, and
3. The City Manager, or designee, is authorized to execute said agreement and any needed amendments up to the amount of \$65,000.

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

(Email to CScott@cotaticity.org)

Date: August 6, 2024

Craig Scott
DPW/City Engineer
City of Cotati
201 West Sierra Avenue
Cotati, CA 94931

Re: 2025 Street Improvements Project

Dear Craig:

We are pleased to submit the 2025 Street Improvements Project proposal as requested. We have provided our project understanding; fee estimate and the tentative project schedule to construct in May 2025.

Project Understanding

This project will include the eleven (12) slurry seal street segments that were not incorporated (NIC) in the 2023 Street Rehabilitation Project. They are identified with an asterisk (*). These street segments have been previously field investigated and designed. Repackaging of the project plans, specification, and cost estimate will be required. Harris will revisit these twelve street segments to verify if any previous data will need to be updated and design parameters have changed. The other four street segments were selected by StreetSaver; therefore, fieldwork will need to be performed and the design will be included in the PS&E.

The city has also requested Harris to identify base repairs (5'X6') at 10 locations on Old Redwood Highway between Williams St. and Commerce Blvd.

This project will primarily consist of preventative maintenance treatments that involve slurry seal, crack seal, and base repairs (dig outs).

The following streets will be included in the project limits with approximate costs per the latest 5 Year Paving CIP Report for FY24/25 to FY28/29:

Street Name	Begin	End	Length (LF)	Treatment	Approx. Cost
Slurry Seal (Base Bid)					
Cervantes Ct	Water Rd	Cul de sac	635	Dig Out 10%, Crack Seal, Slurry Seal	\$19,623
Clothier Lane*	Old Redwood Hwy	End	975	Dig Out 10%, Crack Seal,	\$43,826

18 of 117

				Slurry Seal	
Dorfman Dr	147' N/O Honor Pl	Jagla St	133	Dig Out 10%, Crack Seal, Slurry Seal	\$6,352
East Cotati Ave*	Old Redwood Hwy	Baytree Ct	2187	Dig Out 10%, Crack Seal, Slurry Seal	\$245,419
Fehler Lane	Valparaiso Ave	Jagla St	807	Dig Out 10%, Crack Seal, Slurry Seal	\$28,339
Forno Way*	Valparaiso Ave	Valparaiso Ave	494	Dig Out 10%, Crack Seal, Slurry Seal	\$20,123
Honor Pl*	Cul de sac SW of Dorfman Dr	850' NE of Dorfman Dr	850	Dig Out 10%, Crack Seal, Slurry Seal	\$38,207
Jagle St*	Lund Hill Lane	Fehler Ln	190	Dig Out 10%, Crack Seal, Slurry Seal	\$7,206
Jagla St	Fehler Ln	Valparaiso Ave	1,180	Dig Out 10%, Crack Seal, Slurry Seal	\$56,355
Logan Pl*	Cypress Way	End	625	Dig Out 10%, Crack Seal, Slurry Seal	\$23,704
Loma Linda Dr*	Water Rd	End	817	Dig Out 10%, Crack Seal, Slurry Seal	\$30,986
Subtotal Slurry Seal (10% Dig outs) (Base Bid)			8,893 LF		\$520,140
Dorfman Dr*	Clothier	147' N/O Honor Pl	741	Dig Out 20%, Crack Seal, Slurry Seal	\$36,627
Honor Pl*	850' NE of Dorfman Dr	Jagla St	189	Dig Out 20%, Crack Seal, Slurry Seal	\$9,926
Issel Ct*	Water Rd	End	357	Dig Out 20%, Crack Seal, Slurry Seal	\$13,786
Loma Linda Ct*	Loma Linda Dr	End	278	Dig Out 20%, Crack Seal, Slurry Seal	\$11,594
Water Rd	393' S/O W Sierra Ave	1169' S/O W Sierra Ave	776	Dig Out 20%, Crack Seal, Slurry Seal	\$56,683
Subtotal Slurry Seal (20% Dig outs) (Base Bid)			2,341 LF		\$128,616



Digouts (5'x6') on Old Redwood Highway (from Williams St to Commerce Blvd.)	10 (EA)	300 SF	\$5,000
TOTAL Base Bid	9,557 LF		\$653,756

We have generated a map of the listed streets above. See **Exhibit 1**

The city's total construction budget is \$664K. Costs above include 10% Design fee, 10% Construction fee, and 15% Contingency.

Schedule

The tentative design schedule is shown below:

- August 12, 2024 – NTP
- August 12, 2024 to October 4, 2024 –Repackage and submit 90% PS&E
- October 7, 2024 to October 11, 2024 – City review
- October 14, 2024 to October 25, 2024 – Prepare/Submit Final PS&E
- October 28, 2024 to October 31, 2024 – City review
- November 1, 2024 to December 2, 2024– Advertising period (21 days)
- December 10, 2024 – Award
- May 2025 – Construction start

The design work will be completed by October 31, 2024 in order to award by early December 2024. The desired timeframe for slurry seal installation is between May and mid-October (70 degrees and rising) therefore, the awarded contractor will need to hold their bid to construct in May 2025.

Project Deliverables

The 90% and Final PS&E documents will include specifications, cost estimate and a set of full-size plans. The full-size plans will comprise of:

- Title Sheet
- Key Map that will show the treated streets (Slurry/Crack Seal)
- Detail Sheet
- Detailed spreadsheet showing dig outs and quantity takeoff for each street segment

Fee

Please see the attached fee proposal for Harris' level of effort (**Attachment A**) to execute the scope of work. The proposed fee is in the not-to-exceed total amount of **\$59,935**. Attention is directed to the assumptions attached to this fee proposal, indicating inclusions and exclusions in developing our fee basis.

Once we receive the Notice to Proceed, the design process will begin immediately to open bids and award in early December 2024.

Please contact Luella Gabriel (925-969-8140) or Marie Santos (619-481-5010) if you have any questions regarding our proposal. We look forward to working with you again.

Sincerely,
Harris & Associates



Luella Gabriel
Project Manager



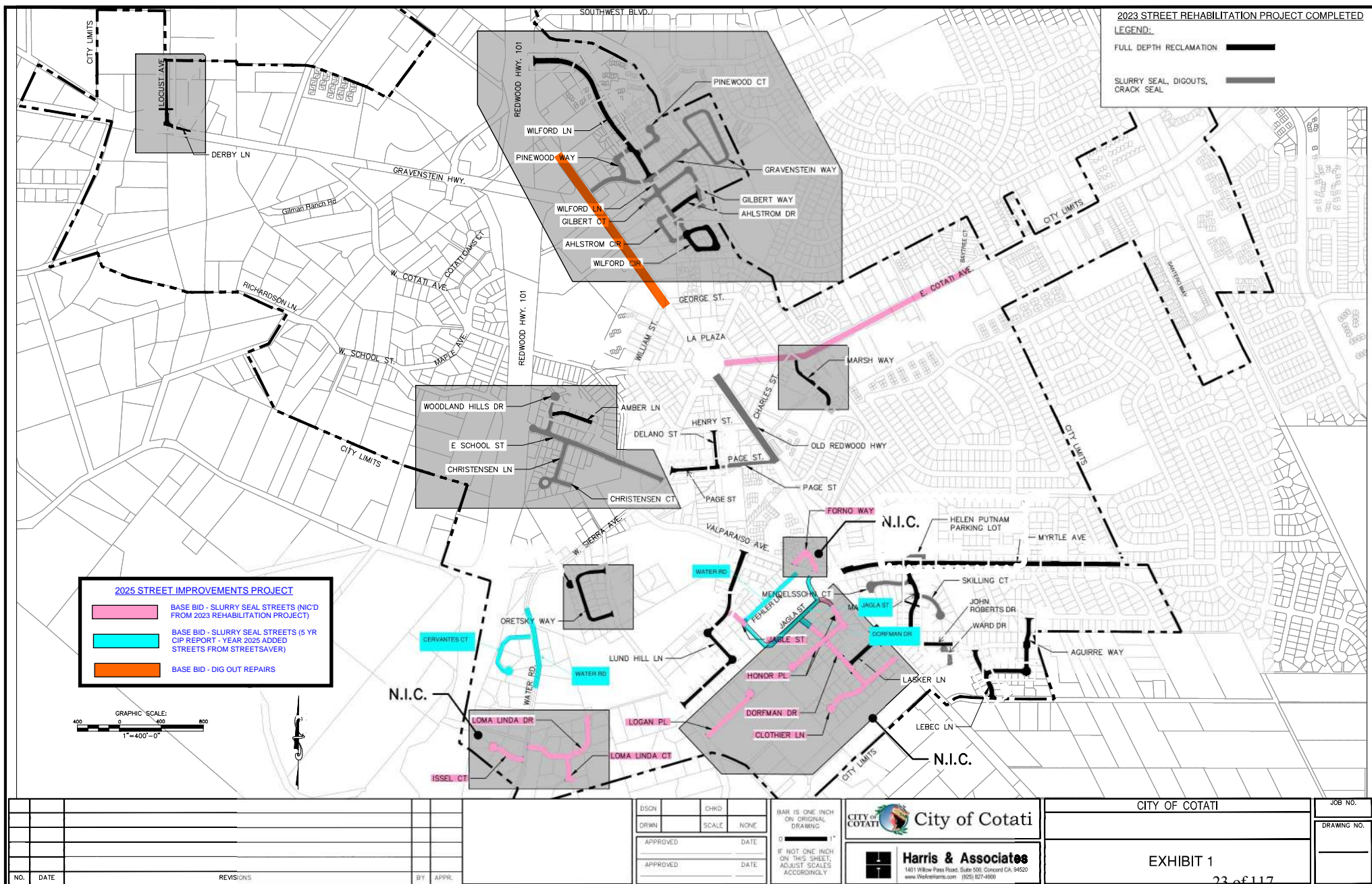
Marie Santos, P.E.
Director of Transportation

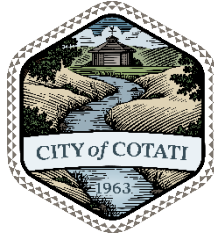
Enclosures: Exhibit 1 – 2025 Project Limits Map
 Attachment A: Fee Proposal and Assumptions

ESTIMATED LEVEL OF EFFORT							HARRIS & ASSOCIATES	
CITY OF COTATI							DATE:8/6/24	
2025 Street Improvements Project							ATTACHMENT A	
PHASE, TASK			HARRIS & ASSOCIATES					
			PROJECT DIR	QA/QC	PROJECT MGR	PROJECT ENGR	DESIGN ENGR	TOTAL
BASE SERVICES								
0.0 PROJECT ADMINISTRATION PHASE								
	0.1	Progress Meetings (6 mtgs)			8			\$1,840
	0.2	Progress Reports (6 reports)			6			\$1,380
	0.3	Project Management Tasks			24	8		\$7,120
SUBTOTAL HOURS			0	0	38	8	0	\$10,340
1.0 INVESTIGATION PHASE								
	1.1	Kick-off Meeting			1	1	1	\$565
	1.2	Data Collection				8	16	\$3,760
	1.3	Field Investigation				12	12	\$4,020
SUBTOTAL HOURS			0	0	1	21	29	\$8,345
2.0 FINAL DESIGN PHASE								
	2.1	Design Development (90%)			4	20	40	\$10,320
	2.2	Estimate of Probable Construction Cost (90%)	0.5		1	8	4	\$2,520
	2.3	Specifications and Contract Documents (90%)			2	16		\$3,660
	2.4	Quality Review (90%)		4				\$920
	2.5	Review Meeting (1 Mtg)			2			\$460
	2.6	Final Contract Documents	0.5	4	2	10	20	\$6,230
SUBTOTAL HOURS			1	8	11	54	64	\$24,110
3.0 BID PERIOD SERVICES								
	3.1	Pre-Bid Meeting			2	2		\$860
	3.2	Answer Bidder's Questions	0.5		4	4		\$1,870
	3.3	Prepare Addenda			4	8		\$2,520
SUBTOTAL HOURS			0.5	0	10	14	0	\$5,250
4.0 DESIGN SERVICES DURING CONSTRUCTION								
	4.1	Respond to RFI's (assume 4)	0.5		8	8		\$3,590
	4.2	Review Contractor Submittals (assume 8)			4	12		\$3,320
	4.3	Change Order Assistance	0.5	1	4	8	4	\$3,440
	4.4	Prepare Record Drawings		1	1		8	\$1,540
SUBTOTAL HOURS			1	2	17	28	12	\$11,890
HOURS PER POSITION			3	10	77	125	105	
HOURLY RATE (TYPICAL)			\$300	\$230	\$230	\$200	\$135	
FEE ESTIMATE PER POSITION			\$750	\$2,300	\$17,710	\$25,000	\$14,175	
PROJECT TOTAL								\$59,935

ASSUMPTIONS UPON WHICH LEVEL OF EFFORT ESTIMATE IS BASED:

- Hourly rates shown include all indirect costs, including travel time, mileage, miscellaneous reproduction and copying costs, mailings and delivery costs.
- Hourly rates shown are averages. Actual rates for positions may vary slightly.
- Hours and fee for individual tasks are a guide; the total hours and cost for the project takes precedence.
- Hours and fee may be renegotiated if the project is delayed by factors beyond Harris' control.
- Harris will identify and quantify all base failure areas. A spreadsheet will be developed for the base repair areas and inserted into the plans. The base repair locations will not be delineated on the plans but field notes will be available upon request.
- City will provide the following:
 - Access to any available drawings or information relevant to the project.
 - Final "front-end" documents.
 - Printing of PS&E set for bid advertisement and construction.
 - Notify utility agencies
- We assume a construction cost estimate of approximately \$664K which includes Design(10%) and CM (10%) services + 15% Cont.
- The number of budgeted meetings is indicated.
- City comments at each review stage will be presented to Harris promptly and on one consolidated set of marked-up documents.
- No utility mapping will be required.
- No public meetings or Council presentations will be required.
- No topography surveys will be required.
- Fee assumes design completion in year 2024.
- Slurry treated sheets will be identified in a key map and detailed spreadsheets will be developed to reflect the quantity takeoff for each street segment.





Cotati City Council Agenda Staff Report

Item type: CONSENT CALENDAR (ACTION)
To: City Council
Subject: **APPROVAL OF 2024 DIA DE LOS MUERTOS EVENT IN LA PLAZA PARK**
Date: October 8, 2024
Written by: Ashley Wilson, Recreation Manager

Recommendation

It is recommended that the City Council adopt a resolution approving the 2024 Dia De Los Muertos event.

Background

Carlos Pena is a Cotati citizen with longstanding ties to the community. He has been a member of the Cotati Chamber of Commerce Board, coached sports at several local high schools, and been involved with his church.

He is currently working with a local group to bring a Dia De Los Muertos event to the community to honor and remember deceased loved ones through altars. Día de los Muertos, or Day of the Dead, is a holiday celebrated in Mexico and other Latin American countries which honors the deceased through a joyful celebration of life and death. It is a time when families remember and welcome back the spirits of their ancestors.

Carlos believes that La Plaza Park would be a perfect fit for this type of cultural community event and is proposing to host it on Saturday, November 2, 2024, with the hopes of continuing the event on an annual basis.

Analysis/Discussion

Below is a summary of the event. Requests include the following: 1) exclusive use of La Plaza Park; 2) food truck and vendor sales of food and beverages; 3) amplified music

Event	Attendance	Dates/Times (including set-up)
Dia De Los Muertos	50	Saturday, November 2nd 11:00 am - 8:00 pm

The applicant is requesting exclusive use of the park and bandstand from 11:00 AM through 8:00 PM to allow for set-up, breakdown, and clean-up. The event at La Plaza Park will be free of charge.

Entertainment will include amplified music. Non-alcoholic beverages and food will be sold in association with the festival. The applicant has reviewed the City's insurance requirements and has indicated that they will provide adequate insurance. A Condition of Approval has been included which requires proof of insurance be supplied to the City before the event.

Financial Considerations

This applicant has requested fee waivers for the event. Given that this is the first year of this event, the applicant does qualify for a one-time waiver of rental fees in accordance with the City's Park Use and Special Event Policy.

The hope will be that this event is widely marketed by the host to increase the number of visitors to the City and local businesses, which has the potential to provide increased opportunities to promote economic development.

Financial considerations for the City would be the park rental fee waiver (per the Park Use and Special Event Policy) of \$216 (permit fee + application fee). The City would still collect the \$250 refundable deposit, which would be returned after the event if there is no damage to the park or facilities from the event.

Environmental Issues

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

RESOLUTION NO. (XX)
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI APPROVING
THE 2024 DIA DE LOS MUERTOS EVENT IN LA PLAZA PARK

WHEREAS, Carlos Pena submitted an application to the City for the Dia de los Muertos event in 2024; and

WHEREAS, it will be necessary to conform to certain conditions as described in “Exhibit A,” attached hereto, to facilitate this event; and

WHEREAS, the City Council finds that this event is part of a comprehensive economic development strategy in that it has the potential to increase visitation to the City, promotes the Cotati community and has the potential to increase sales tax revenues; and

WHEREAS, the City Council further finds that the health, safety, and welfare of the citizens of the City of Cotati will not be jeopardized by the approval of this event; and

WHEREAS, the application for this event is attached as Exhibit B; and

WHEREAS, in accordance with the adopted Park Use policy, large multi-year events may apply for a fee waiver of rental fees during the first year of the event; and

WHEREAS, the action of approving a Dia de los Muertos event does not constitute a project as defined by California Environmental Quality Act Guidelines Section 15378; therefore, no further environmental review is required.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Cotati as follows:

Section 1. Findings. The above recitals are declared to be true and correct and are incorporated herein as findings of the City Council.

Section 2. Approval of Conditions. The City Council hereby approves the conditions of approval for these events, attached as Exhibit A.

Section 3. Approval of Fee Waivers for Carlos Pena. The fee waiver (per the City Park Use Policy) as described in the accompanying Staff Report, is hereby approved to facilitate this event.

Section 4. Effective Date of this Resolution. This Resolution shall become effective immediately.

Section 5. Severability. Each portion of this resolution is severable. Should any portion of this resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council of the City of Cotati hereby declares that it would have adopted this resolution and each section, subsection, clause,

sentence, phrase and other portion thereof, irrespective of the fact that one or more section, subsection, clause, sentence, phrase or other portion may be held invalid or unconstitutional.

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

EXHIBIT “A”
CONDITIONS OF APPROVAL
DIA DE LOS MUERTOS EVENT 2024

1. Applicant shall provide the City with proof of insurance for event and vendors, as required, to the satisfaction of the City, no less than 14 days prior to event.
2. Applicant shall ensure the public facilities (park, parking spaces and streets) are cleaned completely and returned to pre-event condition within 24 hours of event.
3. Event shall be carried out as described in the written descriptions submitted by the applicant, approved by the City Council, and in compliance with these Conditions of Approval.
4. The applicant shall obtain the required permits and follow all regulations from the Sonoma County Environmental Health Department, and shall ensure each food vendor complies with Health Department requirements.
5. The applicant shall ensure that all vendors follow Cotati Municipal Code 8.20.030 (Prohibited food service ware and products), which bans the selling or serving of food ware that contains polystyrene foam or PFAS.
6. The applicant shall contact the Rancho Adobe Fire Protection District and comply with any permit requirements of the District.
7. The applicant shall ensure that no open flames from candles are unattended, and that event staff will remain on site throughout the event to monitor candle use.
8. The applicant shall ensure that event staff have a fire extinguisher available at all times during the event.
9. The organizer shall prominently feature the City of Cotati as an event sponsor on all advertising and marketing materials.
10. Applicant is granted exclusive use of La Plaza Park, including public parking spaces adjacent to the Park for the event on Saturday, November 2, 2024, from 11:00 am – 8:00 pm for the event. This approval includes amplified live entertainment.

Park Use and Special Event Permit Policy and Application
201 West Sierra Avenue, Cotati CA 94931 (707)792-4600

Name of Applicant or Organization: Carlos Peña
Name of Contact: Carlos Peña Tax ID # (if Non-Profit): _____
Address: 770 E. Cotati Ave ^{#798} Cotati CA 94931
Street City State Zip Code
Phone Number: 707-481-7083 Email Address: VIPSSMGT@yahoo.com
Date of Event: 11/2/24 Arrival/Completion Time: 11:00/8:00 Estimated Attendees: 50
Type of Special Event: Dia De Los Muertos

PARK REQUESTED:

<input checked="" type="checkbox"/> La Plaza Park	<input type="checkbox"/> Kotate Park	<input type="checkbox"/> Sunflower Park
<input type="checkbox"/> Draper Park	<input type="checkbox"/> Falletti Park	<input type="checkbox"/> Santero Park
<input type="checkbox"/> Putnam Park	<input type="checkbox"/> Veterans Park	<input type="checkbox"/> Civic Center (Cator) Park

Alcoholic Beverages Sold: Yes ☐ No ☒ Food served: No ☒ Yes ☒ Sold ☒
Alcohol not permitted in parks without City Council approval & an ABC license
Street Closure Requested: Yes ☐ No ☒ Park Closure Requested: Yes ☐ No ☒
Animals: _____ Electricity Needed: Yes ☐ No ☒
(La Plaza Park Only):
Inflatable Jump House: Yes ☐ No ☒ Film Production: (if yes, see pg. 10) Yes ☐ No ☒

As an applicant for a City of Cotati Park Use and Special Event permit, facilities, I hereby agree to assume all risks for loss, damage, liability, injury, cost or any expense that may arise during or be caused in any way by use or occupancy of any area or facility of the City of Cotati. I further agree that in consideration of being permitted to use said facility, I will hold the City of Cotati, its officials and employees free and harmless from any loss, liabilities, damages, and/or injuries to persons and property occurring during applicant's use or public liability insurance as stated in "Park Use and Special Event Permit Policy" with the City of Cotati named as additional insured to be submitted no later than one month prior to the rental date. I have read the rules and regulations of rental carefully and agree to them as written. **I understand that applications not submitted thirty (30) days prior to event may not be able to be processed.**

Applicant Signature: Carlo Peña Date: 9/14/24

Date of Application: 9/16/24 Date Insurance Received: _____

Additional Comments/Conditions: _____

Park Use Fee: \$213 Deposit Received: 250 Deposit Returned: _____
101-00-60702-000000 101-00-35002-000000

Street Closure Fee: N/A Restroom Cleaning Fee: N/A
101-23-64022-000000 101-24-80188-CLEANS

Group Classification: Cotati Resident ☒ Non - Resident ☐ ABC License Received ☒ N/A

Subject: Request for Fee Reduction for Dia de los Muertos Event at Plaza Park

Dear Cotati City Council,

My name is Carlos Pena, and I am a resident of Cotati. I am writing to respectfully request a reduction in fees for a special event that I am organizing for the first time at Plaza Park. The event, **Día de los Muertos**, will take place on **Saturday, November 2**, and will serve as a cultural celebration for our community to honor and remember our deceased loved ones through the creation of colorful altars.

This tradition, celebrated in Mexico and other Latin American countries, uses altars known as **ofrendas**, which are set up to welcome the spirits of the departed back into our world for a special visit. I believe this cultural event, being open to the entire community and their families, will foster unity and inclusivity. Participants will have the opportunity to reserve a space at the park to create their own personalized altar for their loved ones.

As this is the first time hosting this event, it will be relatively small, but it will be filled with love and meaning, with hopes of growing into an annual tradition for our town. I have been involved in various community activities in the past, and I feel that this is the perfect opportunity to introduce a new tradition to Cotati.

ESTÁS INVITADO AL FESTIVAL DE

DÍA DE LOS MUERTOS

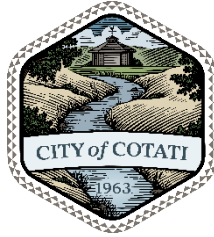


2 DE NOVIEMBRE | 11AM-9PM

**EXPOSICIÓN DE ALTARES
MÚSICA Y COMIDAS TÍPICOS LATINO**

LA PLAZA PARK, COTATI

*To Reserve a space for your alter
contact Carlos Pena
(707) 481-7083*



Cotati City Council Agenda Staff Report

Item type: CONSENT CALENDAR (ACTION)
To: City Council
Subject: **APPROVAL OF FISCAL YEAR 24-25 IT SERVICES AND EQUIPMENT REPLACEMENT**
Date: October 8, 2024
Written by: Angela Courter, Director of Administrative Services

Recommendation

It is recommended that the City Council adopt a motion authorizing the City Manager to proceed with the expenditures and agreement amendments necessary to implement the proposed projects and supporting IT services, not to exceed the adopted FY 2024/25 budgeted amount (\$267,000).

Background

KLH Consulting, Inc. is an Information Technology consulting company based in Santa Rosa, CA with over 40 years of experience providing professional IT services. The City initially contracted with KLH for Datawatch services and IT infrastructure management in 2015 and renewed the contract in 2022 for a period of five years. Under this contract the City leverages KLH Consulting as our independent third-party IT consultants who functions as a “virtual” IT department. Critical services they provide include “Help Desk” support as well as rolling on-site support time at a reduced cost. These should meet the needs of the City and control costs, which will be re-evaluated at the end of the contract term.

Analysis/Discussion

Within the adopted Fiscal Year 2024-2025 budget includes \$267,000 as an allocated contract services for a combination of third-party IT management services, software renewals, and IT projects. For this year, it includes the following ongoing services for monitoring, maintenance and system administration, as well as additional projects outlined as follows:

Monitoring

Data Watch actively monitors critical devices and services and will generate notifications when network events occur outside normal parameters. Active monitoring of critical network

components can dramatically reduce or eliminate computing problems while maximizing the speed, performance, and stability of your network.

Network monitoring will be performed 24x7 via an installed device software agent and/or a KLH-provided Windows network monitor (called a “probe”). The agents/probes are configured to monitor specific network parameters to detect and report problems before they escalate to system downtime, data loss or expensive repair issues. Items monitored include:

- Server and Workstation operation and performance
- Hardware integrity
- Storage space
- Data backup job success
- Firewall status and security (for available technologies)
- VPN tunnels (for available technologies)
- Anti-virus protection (for available technologies)
- Uninterruptible Power Supply (UPS) monitoring

Maintenance and System Administration

The Data Watch team maintains specified network devices and applies software patches and security updates, clears temp files, de-fragment disks, tests backup operation, and optimizes hardware configurations.

System maintenance includes both hardware and software components including:

- Manage Active Directory Access Controls
- Install approved Microsoft Critical Updates and Patches
- Scan and detect Malware (as required)
- Manage anti-phishing programs and testing
- Review automated virus definition update process
- Remove temp files on servers
- Defragment servers
- Review and update firewall access policies
- Apply proper firmware updates and patches to firewalls, routers, and switches
- Check the health of peripherals, such as UPS(s)
- Review hard drive space, memory, and CPU utilization for failure or problems and optimize configuration
- Ensure backups are running properly without errors and perform a test file restore
- Update third-party plug-ins and utilities
- Apply proactive scripts to auto heal known issues and to address pre-failure trends
- Apply policy scripts to assure KLH best practice standards (when reviewed and approved by Customer)

KLH also performs Remote Workstation Maintenance including:

- Install approved Microsoft Critical Updates and Patches
- Check for Virus definitions, history, and quarantine
- Defragment hard drives on Windows Operating Systems

KLH performs ongoing system administration & tuning as required to maintain performance levels consistent with current operations.

Projects

KLH further provides physical system updates and infrastructure upgrades based on best practices. An inventory of hardware systems is managed and scheduled for timely replacement prior to obsolescence.

The proposed replacements for Fiscal Year 2024/25 are estimated at an amount not to exceed one hundred and fifty-five thousand (\$155,000), constituting the following:

- End User Devices (Laptops and Desktop Computers) – KLH maintains an end user replacement schedule based on the age of devices in service. In the prior year there were a total of eight devices replaced. For fiscal year 2024-25 the City has included the replacement of eighteen workstations with a total cost of approximately \$40,000.
- Continued Switch Replacements – the City has continued to work on replacing switches with a combination of updated direct cabling or new managed switches where possible to improve the resiliency and reliability of the infrastructure. The total cost of these projects are estimated at approximately \$76,000.
- Other projects total \$35,000 including – (1) Due to age, a potential server migration to a hosted offsite location as well as a downscaled on-prem server to allow for improved operational resiliency and reduced cost (2) three battery replacements for UPS devices, (3) replacing eight wireless access points to improve wireless access around the Civic Center, (4) IT support for other outside party managed projects including SCADA IT systems replacement for public works and MDC replacement for the police department and (5) supporting the City moving from .org to .gov.
- Additional other potential projects include penetration testing, windows upgrades, engineering security hardening, an “IT policy update” and creation of a Disaster Recovery checklist including a test.

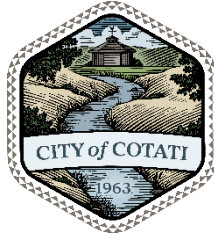
Financial Considerations

In the adopted fiscal year 2024-2025 budget, the City Council authorized allocated contract services balance of \$267,000 which includes \$112,000 for monitoring, maintenance, and system administration as well as \$155,000 for proposed IT projects including the scheduled replacement of end user devices and hardware. As such no additional budget adjustment is required at this time. If additional projects are evaluated and deemed necessary staff will bring any required budget adjustment to council.

Environmental Issues

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 action 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.



Cotati City Council Agenda Staff Report

Item type: PUBLIC HEARINGS (ACTION)

To: City Council

Subject: **SECOND READING AND ADOPTION OF AN ORDINANCE (1) AMENDING CHAPTER 17.28 (SPECIAL PURPOSE ZONE AND OVERLAY ZONE STANDARDS) OF TITLE 17 (LAND USE) OF THE COTATI MUNICIPAL CODE TO ALLOW EXISTING PLANNED UNIT DEVELOPMENT (PUDS) TO BE SUBDIVIDED, DEVELOPED, REDEVELOPED OR MODIFIED CONSISTENT WITH THE UNDERLYING ZONING DISTRICT DEVELOPMENT STANDARDS, AND (2) REZONING MULTIPLE PROPERTIES TO BE CONSISTENT WITH THEIR GENERAL PLAN LAND USE DESIGNATIONS**

Date: October 8, 2024

Written by: JP Harries, Senior Planner

Recommendation

It is recommended that the City Council conduct a second reading and adopt the attached ordinance that (1) amends Chapter 17.28 (Special Purpose Zone and Overlay Zone Standards) of Title 17 (Land Use) of the Cotati Municipal Code to allow existing Planned Unit Developments (PUDs) to be subdivided, developed, redeveloped, or modified consistent with the underlying zoning district development standards, and (2) rezones multiple properties to be consistent with their General Plan land use designations. [Click or tap here to enter text.](#)

Project Description

The purpose of the proposed ordinance is to bring Cotati's zoning regulations and zoning map into consistency with the Cotati General Plan and the land use designations shown on Figure 7-1 of the General Plan (see Exhibit A). This action is identified as a higher priority implementation action in the Cotati General Plan (Action LU 1a) and is required by California Government Code Section 65860.

The proposed ordinance also amends Chapter 17.28 (Special Purpose Zone and Overlay Zone Standards) of the Cotati Municipal Code by adding a new section to Chapter 17.28 that defines

Planned Unit Developments (PUDs) and allows for existing PUDs to be subdivided, developed, redeveloped or modified consistent with the development standards of the underlying zoning district. This amendment eliminates the need to rezone a PUD to the underlying zoning district if a project sponsor desires to subdivide, develop, redevelop, or modify an existing PUD in conformance with the development standards of the underlying zoning district and General Plan land use designation, but not necessarily in conformance with the development standards of a previously approved PUD.

Background

The City's current zoning map (see Exhibit B) was adopted in 2005 and modified in 2009 after adoption of the Downtown Specific Plan. Since then, there have been only minor changes to the zoning of individual parcels as various development projects, that may have included a change in zoning, were reviewed and approved by the City Council.

In June 2005, the City adopted a revised Land Use Code. The City of Cotati Land Use Code carries out the policies of the Cotati General Plan by classifying and regulating the uses of land and structures within the city, consistent with the General Plan. The 2005 revised Land Use Code included many changes to the previous code, but pertinently removed the provisions that allowed for development of new PUD zoning districts. A PUD zoning district is created via an ordinance approved by the City Council and establishes a zoning overlay to the underlying primary zoning district. The purpose of a PUD zoning district, which is project and parcel specific, is to allow for the inclusion of a mixture of uses, building intensity, or design characteristics within its boundaries that would not normally be permitted within the underlying primary zoning district.

On March 24, 2015, the Cotati City Council adopted the Cotati General Plan update, which is the current General Plan that governs City growth and development. As a part of the update there were changes to the General Plan land use map that included changes to the land use designation of certain properties within the City of Cotati. At the same meeting on March 24, 2015, the City of Cotati certified the Final Environmental Impact Report (FEIR) for the Cotati General Plan update (SCH# 2013082037).

On March 28, 2023, the City of Cotati adopted the City of Cotati 2023-2031 Housing Element update, which includes obligatory programs to facilitate the development of housing, streamline the permitting process, and remove governmental constraints to housing development. The Housing Element was certified by the State Department of Housing and Community Development on June 2, 2023. In conjunction with the approval of the 2023-2031 Housing Element update, the City approved an addendum to the FEIR for the Cotati General Plan on March 28, 2023.

On June 17, 2024, the Cotati Planning Commission reviewed the proposed ordinance. The Commission asked questions about the General Plan adoption process and public involvement. The Commission also noted that the PUD amendment would efficiently address future zoning issues similar to those that recently occurred with the Cotati Village site. The Commission voted 4-0 (with one absence) to recommend City Council approval of the ordinance (see Exhibit C).

City Council Hearing - July 9, 2024

The City Council introduced the proposed ordinance at the July 9, 2024, meeting. During the Council's deliberations, several Council members expressed concern that some of the changes in the Land Use Designations weren't obvious when the General Plan was adopted in 2015 and that some property owners may not have been aware of the land use changes. The City Council voted (3-2) to introduce the ordinance but directed staff to delay the second reading for at least 60 days and to reach out to some property owners to make them aware of the changes and to measure their interest in changing the land use designations of their properties back to the designations that existed prior to the 2015 General Plan adoption. Specifically, staff was directed to contact those property owners located along West Cotati Avenue whose land use designations changed from RR (Rural Residential) to LDR (Low Density Residential), and the property owner of 8622/8624 Cypress Avenue whose land use designation changed from LDR to LMDR (Low/Medium Density Residential).

On July 12, 2024, staff sent letters to the affected property owners (see Exhibit D). Two property owners from the West Cotati Avenue neighborhood responded via telephone and in-person. One only had questions about the land use designation change and another voiced support for the change because they felt their property values increased and they were provided with more opportunities, such as the ability to split the lot if they choose to in the future. The owner of the Cypress property responded via email that they were not aware of the 2015 changes and did not support them, but also did not express interest in working with the City on any future land use changes (see Exhibit E).

Analysis/Discussion

Purpose of zoning

Every city in California has an existing zoning ordinance. Zoning regulations are one of the primary tools that a city utilizes to implement a General Plan. A zoning or land use code translates the goals and policies of a General Plan into parcel specific regulations, including land use regulations and development standards. The type and intensity of land uses that are permitted and how they perform are critical to achieving a General Plan's vision for neighborhood preservation and enhancement, economic development, and community health. Zoning regulations should clearly communicate and effectively implement the General Plan's policies and incorporate its direction for the development, maintenance, and improvement of land and properties within the City's boundaries.

Rezoning of certain properties to be consistent with their General Plan land use designations

In general, zoning is the division of a city into districts and the application of different regulations within each district. A parcel's particular zoning district, and its corresponding representation on a city's zoning map, is derived from the City's General Plan. The General Plan provides a land use designation for each parcel in the City. The General Plan land use designation describes the desired general character of the land. A parcel's zoning includes the specific regulations that promote the desired character. Further, a parcel's zoning district must be consistent with a city's General Plan land use designation pursuant to California Government Code Section 65860.

For example, within Cotati, a parcel with a General Plan land use designation of LMDR (Low/Medium Density Residential) must be zoned NL (Neighborhood, Low Density). The NL zoning district, and its associated development standards and use regulations, implements the vision and goals of the LMDR land use designation set forth and described in the General Plan.

Below are Cotati's General Plan land use designations and their corresponding zoning districts:

General Plan Land Use Designation	Corresponding Zoning District
A – Agriculture	N/A - No applicable lands are currently within Cotati's jurisdictional boundaries, but designated lands fall within Cotati's Urban Growth Boundary and Sphere of Influence.
RR - Rural Residential	RR – Rural Residential (RR = 1 dwelling unit (du)/1.5 acres) (RR-1 = 1 du/acre)
LDR - Low Density Residential	RVL – Residential, Very Low Density (RVL = 1 du/0.5 acre) (RVL-.66 = 1 du/0.66 acre)
LMDR - Low/Medium Density Residential	NL – Neighborhood, Low Density (4-6 du/acre)
MDR - Medium Density Residential	NM – Neighborhood, Medium Density (8-10 du/acre)
HDR - High Density Residential	NU – Neighborhood, Urban (12-15 du/acre)
GC - General Commercial	CE – Commercial, East Cotati Ave Corridor CG – Commercial, Gravenstein Corridor CD – Downtown, Commercial (Mixed-use residential = 12-15 du/acre)
OSP - Open Space/Parks	OSC – Open Space, Conservation OSR – Open Space, Recreation
PF - Public Facilities	PF – Public Facility
CI - Commercial Industrial	CI – Commercial/Industrial District IG – General Industrial District (Live/work = 15 du/acre max)
SP - Specific Plan	Specific Plan, Downtown Specific Plan, Santero Way (Allowable residential density is plan specific)

As a part of the General Plan update in 2015, there were changes to the General Plan land use map that included changes to the land use designation of certain properties within the City of Cotati. Pursuant to Government Code Section 65860(c), the City's zoning ordinance and zoning map must be consistent with the updated General Plan's land use designations - "In the event a zoning ordinance becomes inconsistent with the general plan by reason of amendment to the general plan, or to any element of the plan, then the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended."

The proposed ordinance will amend the zoning of multiple properties to reflect their General

Plan land use designations. Some of the changes in the General Plan's land use designations provide for increased densities on some parcels (ex. changing a parcel's zoning from RR to RVL). However, most of the zoning changes in the proposed ordinance would implement General Plan land use designations that are intended to reflect and accommodate existing residential development patterns.

For example, several residential developments located along East Cotati Avenue, such as those located along Bay Tree Court, Green Leaf Lane, and Dyquisto Way are currently zoned CE (Commercial, East Cotati Ave Corridor). The Cotati General Plan designates these properties as MDR (Medium Density Residential) and thus directs the City to rezone those properties to NM (Neighborhood, Medium Density). This land use designation, and corresponding zoning, benefits the properties by allowing the existing residential properties to be developed, redeveloped, and modified in conformance with their existing residential density and use as opposed to commercial zoning regulations that may cause issues of non-conformity or restrictions on residential development potential.

The proposed ordinance would amend the Cotati Zoning Map to rezone the following properties to be consistent with the land use designations set forth and shown on Figure 7-1 of the Cotati General Plan (Exhibit A):

	APN	Address	Zone Change
1	144-100-001	8028 Gravenstein Hwy	RR to RVL (Southern portion)
2	144-100-002	8112 Gravenstein Hwy	RR to RVL (Southern portion)
3	144-110-020	2501 Gilman Ranch Rd	RR1 to RVL
4	144-110-021	2101 Gilman Ranch Rd	RR1 to RVL
5	144-110-022	1901 Gilman Ranch Rd	RR1 to RVL
6	144-110-023	780 W Cotati Ave	RR1 to RVL
7	144-110-024	782 W Cotati Ave	RR1 to RVL
8	144-130-005	675 W Cotati Ave	RR to RVL
9	144-130-013	645 W Cotati Ave	RR to RVL
10	144-130-015	635 W Cotati Ave	RR to RVL
11	144-130-020	693 W Cotati Ave	RR to RVL
12	144-130-021	697 W Cotati Ave	RR to RVL
13	144-130-022	683 W Cotati Ave	RR to RVL
14	144-200-001	255 W Cotati Ave	NL to NM
15	144-241-007	250/252 W Cotati Ave	NM to NL
16	144-241-036	8113 El Rancho Dr	NM to NL
17	144-241-037	8115 El Rancho Dr	NM to NL
18	144-281-018	275 E Cotati Ave	CE to NM
19	144-281-024	325 E Cotati Ave	CE to NM
20	144-281-031	363-365 E Cotati Ave	CE to NM
21	144-281-032	359-361 E Cotati Ave	CE to NM
22	144-281-033	355-357 E Cotati Ave	CE to NM
23	144-281-034	351-353 E Cotati Ave	CE to NM

	APN	Address	Zone Change
24	144-281-035	347-349 E Cotati Ave	CE to NM
25	144-302-022	768 E Cotati Ave	NM to NU (Southern portion)
26	144-302-050	766 E Cotati Ave	NM to NU (Southern portion)
27	144-360-004	94 Charles St	NM to NL
28	144-360-005	82 Charles St	NM to NL
29	144-360-006	64 Charles St	NM to NL
30	144-360-018	72/74 Charles St	NM to NL
31	144-440-001	8622/8624 Cypress Ave	RVL to NL
32	144-570-002	475 E Cotati Ave	CE to NM
33	144-570-003	475 E Cotati #A	CE to NM
34	144-570-004	475 E Cotati #B	CE to NM
35	144-570-005	475 E Cotati #C	CE to NM
36	144-570-006	475 E Cotati #D	CE to NM
37	144-570-007	475 E Cotati #E	CE to NM
38	144-570-008	475 E Cotati #F	CE to NM
39	144-570-009	475 E Cotati #G	CE to NM
40	144-570-010	475 E Cotati #H	CE to NM
41	144-570-011	475 E Cotati #I	CE to NM
42	144-720-001	1 Bay Tree Ct	CE to NM
43	144-720-002	2 Bay Tree Ct	CE to NM
44	144-720-003	3 Bay Tree Ct	CE to NM
45	144-720-004	4 Bay Tree Ct	CE to NM
46	144-720-005	5 Bay Tree Ct	CE to NM
47	144-720-006	6 Bay Tree Ct	CE to NM
48	144-720-007	7 Bay Tree Ct	CE to NM
49	144-720-008	8 Bay Tree Ct	CE to NM
50	144-720-009	9 Bay Tree Ct	CE to NM
51	144-720-010	10 Bay Tree Ct	CE to NM
52	144-720-011	11 Bay Tree Ct	CE to NM
53	144-720-012	12 Bay Tree Ct	CE to NM
54	144-720-013	13 Bay Tree Ct	CE to NM
55	144-720-014	14 Bay Tree Ct	CE to NM
56	144-720-015	15 Bay Tree Ct	CE to NM
57	144-720-016	16 Bay Tree Ct	CE to NM
58	144-720-017	17 Bay Tree Ct	CE to NM
59	144-720-018	18 Bay Tree Ct	CE to NM
60	144-720-019	19 Bay Tree Ct	CE to NM
61	144-720-020	20 Bay Tree Ct	CE to NM
62	144-720-021	21 Bay Tree Ct	CE to NM
63	144-720-022	22 Bay Tree Ct	CE to NM
64	144-720-023	23 Bay Tree Ct	CE to NM
65	144-720-024	24 Bay Tree Ct	CE to NM

	APN	Address	Zone Change
66	144-720-025	25 Bay Tree Ct	CE to NM
67	144-720-026	0 Bay Tree Ct	CE to NM
68	144-720-031	3 Greenleaf Ln	CE to NM
69	144-720-032	7 Greenleaf Ln	CE to NM
70	144-720-033	9 Greenleaf Ln	CE to NM
71	144-720-034	11 Greenleaf Ln	CE to NM
72	144-720-035	13 Greenleaf Ln	CE to NM
73	144-720-036	15 Greenleaf Ln	CE to NM
74	144-720-037	17 Greenleaf Ln	CE to NM
75	144-720-038	19 Greenleaf Ln	CE to NM
76	144-720-039	21 Greenleaf Ln	CE to NM
77	144-720-042	14 Dyquisto Way	CE to NM
78	144-720-043	16 Dyquisto Way	CE to NM
79	144-720-044	18 Dyquisto Way	CE to NM
80	144-720-045	20 Dyquisto Way	CE to NM
81	144-720-046	22 Dyquisto Way	CE to NM
82	144-720-047	24 Dyquisto Way	CE to NM
83	144-720-048	26 Dyquisto Way	CE to NM
84	144-720-049	25 Dyquisto Way	CE to NM
85	144-720-050	21 Dyquisto Way	CE to NM
86	144-720-051	19 Dyquisto Way	CE to NM
87	144-720-052	17 Dyquisto Way	CE to NM
88	144-720-053	15 Dyquisto Way	CE to NM
89	144-720-058	13 Dyquisto Way	CE to NM
90	144-720-059	11 Dyquisto Way	CE to NM
91	144-720-060	12 Dyquisto Way	CE to NM

Amendment to Chapter 17.28 - Planned Unit Developments (PUDs)

Presently, PUDs are not defined or discussed in the current Land Use Code. The proposed ordinance amends Chapter 17.28 (Special Purpose Zone and Overlay Zone Standards) of the Cotati Municipal Code by adding a new section to Chapter 17.28 that defines Planned Unit Developments (PUDs) and allows for existing PUDs to be subdivided, developed, redeveloped or modified consistent with the development standards of the underlying zoning district.

As noted in the Background section above, prior to 2005 the City's Land Use Code allowed for the development of PUDs. A PUD is a zoning overlay that is typically parcel- and project-specific and allows for the inclusion of a mixture of uses, building intensity, or design characteristics within its boundaries that would not normally be permitted within the underlying primary zoning district. The ultimate form of a PUD can be very specific in terms of development and use standards and would typically be the result of negotiations between project proponents, the public, and City staff and officials. A PUD was approved, via a City Council-approved ordinance, as a site-specific zoning amendment, and the provisions of the ordinance creating the PUD confer rights, and restrictions, that apply to the land.

The current Land Use Code, as required by state law, utilizes more objective standards for evaluating development proposals and the procedures for deviating from those standards (ex. Objective Design Standards, State Density Bonus Law, Cottage Housing, etc.). There are no provisions in the current Cotati Municipal Code that allow for new PUDs.

The primary issue or concern for the City today is that the PUD zoning that has been historically applied to certain properties may conflict with the properties' current land use designation defined by the General Plan and the corresponding standards for use and development. Under the current provisions of the Land Use Code, to change the development and use regulations of a PUD-zoned property an applicant must rezone the property. This, however, could conflict with State law which places the burden on the City to ensure all zoning citywide complies with the General Plan land use designations.

Additionally, Assembly Bill 821 recently passed, which, as of January 1, 2024, modified Government Code Section 65860 to state that if a zoning ordinance becomes inconsistent with the General Plan due to an amendment, and a local agency receives a development application that aligns with the General Plan but not the zoning ordinance, the agency must either amend the ordinance within 180 days or process the development application in conformance with the General Plan standards..

To address the requirements of state law, and to ensure that there are no zoning conflicts with existing PUDs and the City's General Plan land use designations, the proposed ordinance would amend Chapter 17.28 of the Cotati Municipal Code by adding a new section to Chapter 17.28 that defines PUDs (which are not defined or discussed in the current Land Use Code) and allows for existing PUDs to be developed, redeveloped or modified consistent with the development standards of the underlying zoning district, as follows:

17.28.070 Planned Unit Developments (PUDs)

A. Purpose. Prior to 2005, the City of Cotati's Land Use Code contained provisions that allowed for the development of Planned Unit Development (PUD) zoning districts. The purpose of the PUD zoning district was to allow inclusion within its boundaries of a mixture of uses, building intensity, or design characteristics which would not normally be permitted within a standard zoning district. A PUD is considered an overlay to the underlying primary zoning district.

B. Applicability. New PUD districts are not permitted. All proposed developments must conform to the development standards of the applicable zoning district as set forth in Title 17 of the Cotati Municipal Code.

C. Development Standards. The subdivision, site planning,

building, development, and land uses of an existing PUD shall comply with the provisions of the ordinance that allowed for the establishment of the PUD. Alternatively, subdivision, site planning, building, development, and new land uses may comply with the development and use criteria of the current underlying primary zoning district. Rezoning is not required to subdivide, develop, redevelop, or modify an existing PUD in conformance with the development and use criteria of the underlying primary zoning district.

This amendment eliminates the need to rezone a PUD to the underlying zoning district if a project sponsor desires to subdivide, develop, redevelop, or modify an existing PUD in conformance with the underlying zoning district development standards (and the Cotati General Plan land use designation), but not necessarily in conformance with the previously approved PUD development standards.

General Plan Consistency

The amendment to Chapter 17.28 of the Cotati Municipal Code and the rezoning of certain parcels to be consistent with their General Plan land use designations, as set forth in this ordinance, is in the best interest of the City because it brings the zoning of parcels into consistency with the General Plan land use designations, as required by California Government Code Section 65860, and it is consistent with the Final EIR for the Cotati General Plan. The text amendment to the Cotati Municipal Code and zoning changes create certainty for the surrounding neighborhoods regarding development scenarios and provides clarity and predictability to project sponsors.

This ordinance will further establish the goals, policies, and implementation programs of the General Plan. Specifically, these amendments are consistent with and implement the following General Plan Policies, Programs, and Actions:

Action LU 1a: Update the Zoning Map to be consistent with the land use designations shown on Figure 7.1.

Policy H-2.2: Continue to require that residential development in the NU, NM, CG, and DSP zones meet the minimum density requirements identified in the Land Use Code, and report requests for reduced density on an annual basis.

Housing Element Program 2-2: Streamlining Housing Development - Stakeholders from the development community identified streamlining, fast tracking, and providing clear development standards and expectations as the primary mechanisms to reduce governmental constraints to residential development.

Housing Element Program 2-7: Support Development of proposed projects.

Financial Considerations

Adoption of the ordinance is not expected to have an adverse fiscal impact on the City. Staff time to prepare the ordinance has been absorbed by the Community Development Department budget. The staff time to review any future project on a rezoned or PUD-zoned parcel will be fully covered by the project applicant. It is possible that adoption of the ordinance could result in future cost savings to the City because the City will not be obligated to process a zoning amendment in the future (without cost-recovery) to address an inconsistency between the General Plan and the zoning code.

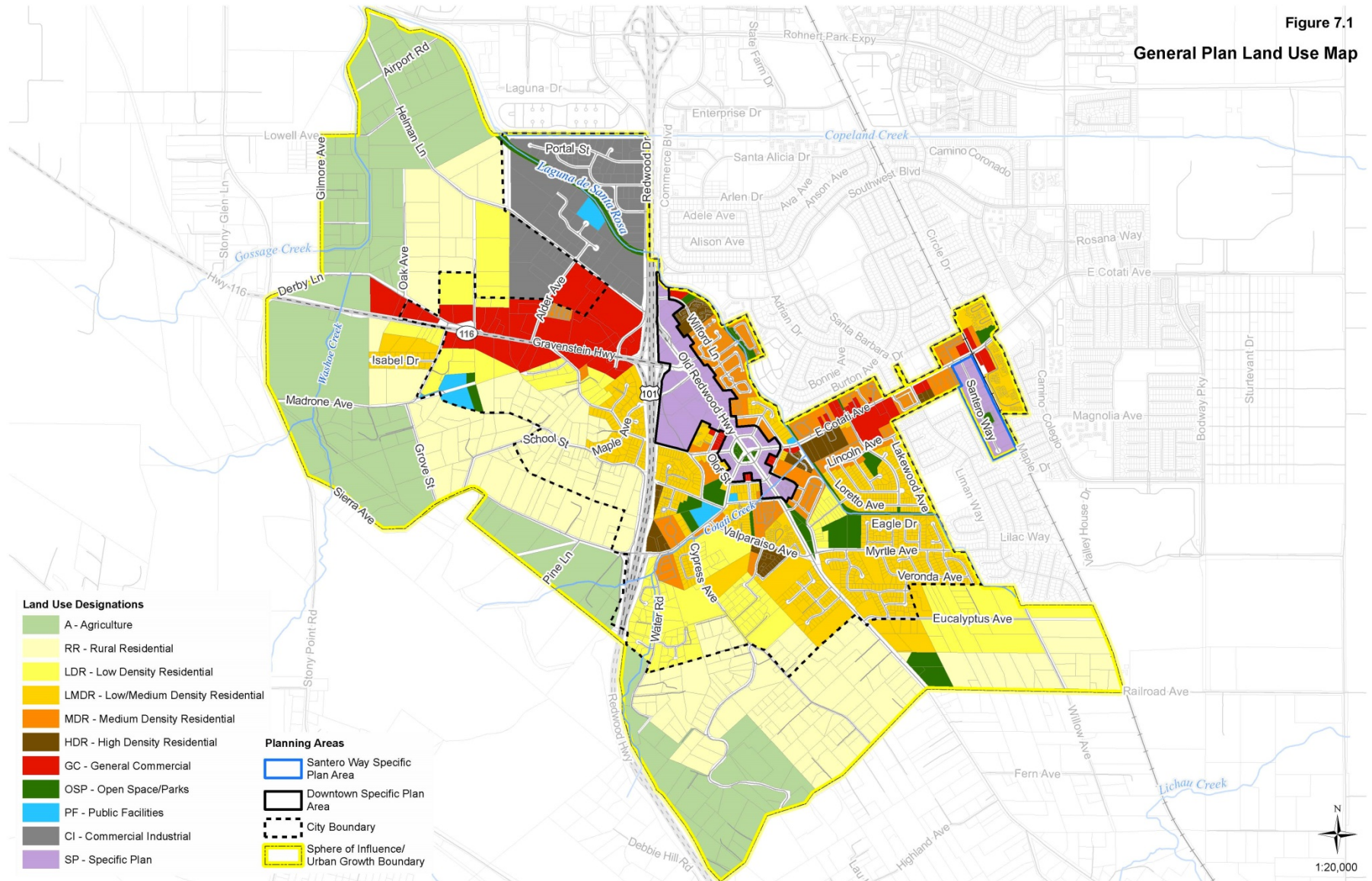
Environmental Issues

Pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, projects that are consistent with the development density of existing zoning, community plan, or General Plan policies for which an EIR was certified shall be exempt from additional CEQA analysis, except as may be necessary to determine whether there are project specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review.

This ordinance to allow subdivision, development, and modifications of PUDs in conformance with the underlying zoning and to rezone certain properties to be consistent with the land use designations set forth in the General Plan is, by its nature, consistent with the General Plan and its policies for which an EIR was certified. The zoning updates are consistent with the densities of the General Plan and there is no new information indicating that the impacts of the rezoning would be different or more severe than described in the FEIR for the General Plan that was certified on March 24, 2015, and its addendum analyzing the City of Cotati 2023-2031 Housing Element that was certified by the City Council on March 28, 2023 (SCH# 2013082037). Therefore, pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, the proposed ordinance is exempt from further CEQA review.

Exhibit A

Figure 7.1
General Plan Land Use Map





Zoning

- OSR - Open Space - Recreation
- RR - Rural Residential
- RVL - Residential Very Low Density
- NL - Neighborhood, Low Density
- NM - Neighborhood, Medium Density
- NU - Neighborhood, Urban
- CE - Commercial, East Cotati Corridor
- CG - Commercial, Gravenstein Corridor
- CD - Downtown Commercial
- CI - Commercial/Industrial District
- IG - General Industrial District
- PF - Public Facility District
- CA - Commerce Avenue
- NG - Northern Gateway
- LP - La Plaza
- HC - Historic Core
- SW - Santero Way
- County Pre-Zoned Areas
- Specific Plan Areas
- Mobile Home Parks
- City Limits
- Urban Growth Boundary
- R SMART Station

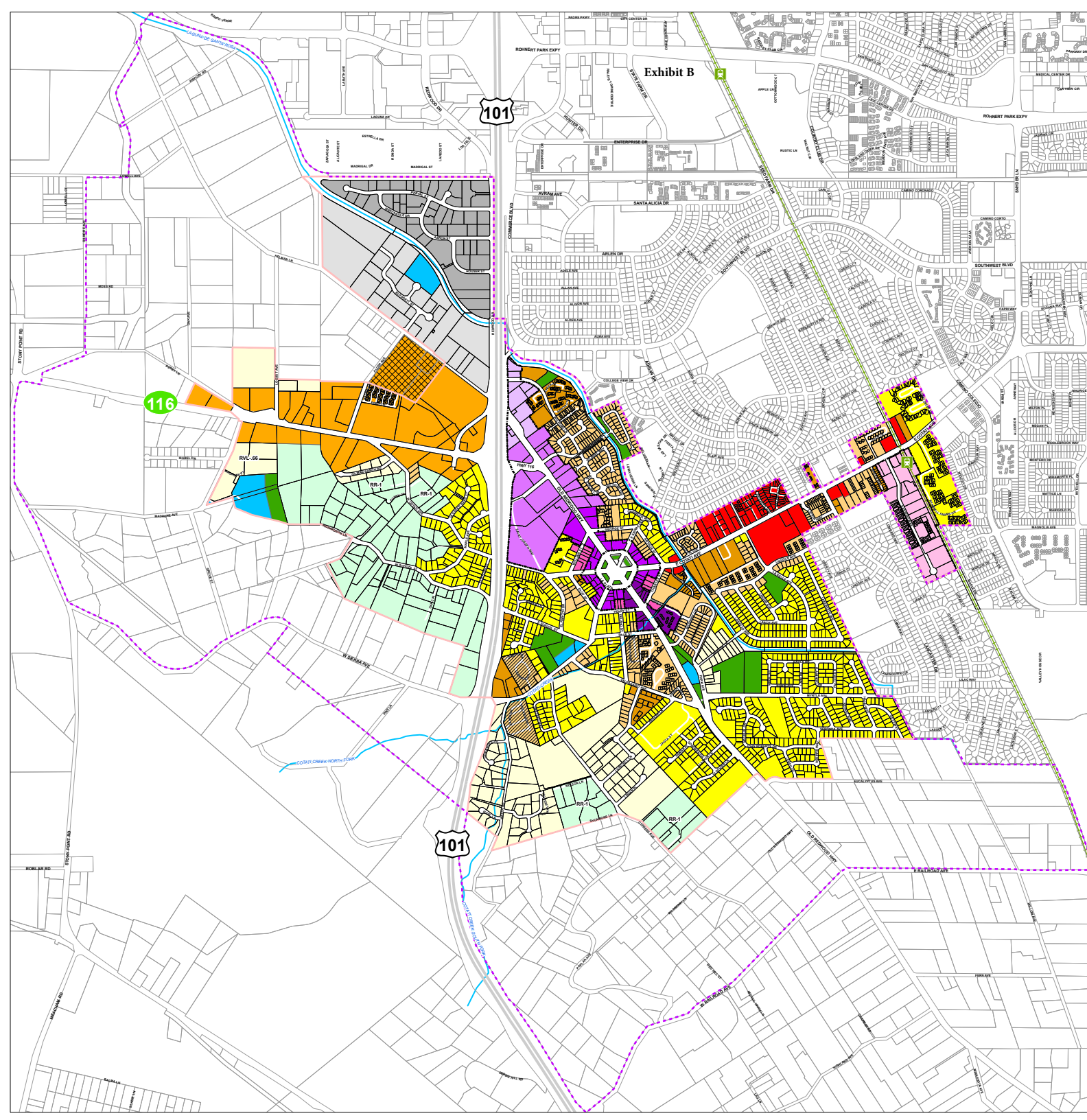


Exhibit C

RESOLUTION NO. PC-2024-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COTATI RECOMMENDING THAT THE CITY COUNCIL APPROVE THE ACCOMPANYING DRAFT ORDINANCE (1) AMENDING CHAPTER 17.28 (SPECIAL PURPOSE ZONE AND OVERLAY ZONE STANDARDS) OF TITLE 17 (LAND USE) OF THE COTATI MUNICIPAL CODE TO ALLOW EXISTING PLANNED UNIT DEVELOPMENTS (PUDS) TO BE DEVELOPED, REDEVELOPED, OR MODIFIED CONSISTENT WITH THE UNDERLYING ZONING DISTRICT DEVELOPMENT STANDARDS, AND (2) REZONING MULTIPLE PROPERTIES TO BE CONSISTENT WITH THEIR GENERAL PLAN LAND USE DESIGNATIONS

WHEREAS, the Cotati City Council adopted the Cotati General Plan update on March 24, 2015, and as part of the update there were changes to the General Plan land use map that included changes to the land use designation of certain properties within the City of Cotati; and

WHEREAS, on March 28, 2023, the City of Cotati adopted the City of Cotati 2023-2031 Housing Element update, which includes obligatory programs to facilitate the development of housing, streamline the permitting process, and remove governmental constraints to housing development. The Housing Element was certified by the State Department of Housing and Community Development on June 2, 2023; and

WHEREAS, on March 24, 2015, the City of Cotati certified the Final Environmental Impact Report (FEIR) for the Cotati General Plan update, and in conjunction with the 2023-2031 Housing Element update the City of Cotati approved an addendum to the FEIR on March 28, 2023 (SCH# 2013082037); and

WHEREAS, Government Code Section 65860 requires a City's zoning ordinance to be consistent with the General Plan. In the event a zoning ordinance becomes inconsistent with the General Plan by reason of amendment to the General Plan then the zoning ordinance shall be amended to be consistent with the General Plan pursuant to Government Code Section 65860(c); and

WHEREAS, in 2023, Assembly Bill 821 was passed and modified Government Code Section 65860 to state that if a zoning ordinance becomes inconsistent with the General Plan due to an amendment, and a local agency receives a development application that aligns with the General Plan but not the zoning ordinance, the agency must either amend the ordinance within 180 days or process the development application; and

WHEREAS, the purpose of this ordinance is to correct any inconsistencies that exist between the Cotati General Plan land use designations, the Cotati zoning map, and existing PUDs; and

WHEREAS, the Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the purpose of Title 17 of the Cotati Municipal Code is to ensure that the General Plan may be implemented, and adoption of the changes to the Land Use Code and zoning map are necessary to implement the General Plan; and

WHEREAS, on June 17, 2024, the Planning Commission of the City of Cotati held a duly noticed public hearing to review the proposed ordinance, at which time the Planning Commission received the staff report, reviewed a presentation from the Planning Division, and considered all oral and written comments submitted to the City regarding this ordinance prior to voting to recommend City Council approval of the ordinance; and

WHEREAS, The Record of Proceedings ("Record") upon which the Planning Commission bases its decision includes, but is not limited to: (1) the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3); (2) the Cotati Municipal Code; (3) the City of Cotati General Plan and its related Environmental Impact Report (EIR); (4) the City of Cotati 2023-2031 Housing Element Update and its related Addendum to the City of Cotati General Plan EIR; (5) all staff reports, city files, records, and other documents prepared for and/or submitted to the Planning Commission; (6) all documentary and oral evidence received at the public hearings or submitted to the City during the comment period on the Project; and (7) all other matters of common knowledge to the Planning Commission, and the City, including, but not limited to, City, state and federal laws, policies, rules, regulations, reports, records, and projections related to development within the City and its surrounding areas.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Cotati does hereby find and resolve as follows:

1. Recitals.

The foregoing recitals are true and correct and are incorporated into the findings herein.

2. General Plan Conformity.

The amendment to Chapter 17.28 of the Cotati Municipal Code and the rezoning of certain parcels to be consistent with their General Plan land use designations, as set forth in this ordinance, is in the best interest of the City because it brings the zoning of parcels into consistency with the General Plan land use designations, as required by California Government Code Section 65860, and it is consistent with the Final EIR for the Cotati General Plan. The text amendment to the Cotati Municipal Code and zoning changes create certainty for the surrounding neighborhoods regarding development scenarios and provides clarity and predictability to project sponsors.

This ordinance will further establish the goals, policies, and implementation programs of the General Plan. Specifically, these amendments are consistent with and implement the following General Plan Policies, Programs, and Actions:

Action LU 1a: Update the Zoning Map to be consistent with the land use designations shown on Figure 7.1.

Policy H-2.2: Continue to require that residential development in the NU, NM, CG, and DSP zones meet the minimum density requirements identified in the Land Use Code, and report requests for reduced density on an annual basis.

Housing Element Program 2-2: Streamlining Housing Development - Stakeholders from the development community identified streamlining, fast tracking, and providing clear development standards and expectations as the primary mechanisms to reduce governmental constraints to residential development.

Housing Element Program 2-7: Support Development of proposed projects.

3. Compliance with the California Environmental Quality Act.

Pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, projects that are consistent with the development density of existing zoning, community plan, or General Plan policies for which an EIR was certified shall be exempt from additional CEQA analysis, except as may be necessary to determine whether there are project specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review.

The Planning Commission recommends that this ordinance to allow development, redevelopment and modifications of PUDs in conformance with the underlying zoning and to rezone certain properties to be consistent with the land use designations set forth in the General Plan is, by its nature, consistent with the General Plan and its policies for which an EIR was certified. The zoning updates are consistent with the densities of the General Plan and there is no new information indicating that the impacts of the rezoning would be different or more severe than described in the FEIR for the General Plan that was certified on March 24, 2015, and its addendum analyzing the City of Cotati 2023-2031 Housing Element that was certified by the City Council on March 28, 2023 (SCH# 2013082037). Therefore, pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, the proposed ordinance is exempt from further CEQA review.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission of the City of Cotati forwards its recommendation to the City Council to (1) amend Chapter 17.28 of the Cotati Municipal Code to allow development, redevelopment and modifications of PUDs in conformance with the underlying zoning, and (2) to rezone certain properties within the City to be consistent with their land use designations set forth and depicted in Figure 7.1 (General Plan Land Use Map) of the Cotati General Plan by adopting the draft ordinance that accompanies this resolution as Exhibit A.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of Cotati held on the June 17, 2024, by the following vote, to wit:

RESULT: **ADOPTED (UNANIMOUS)**

MOVER: John Savage, Planning Commissioner

SECONDER: Shelley Berman, Planning Commissioner

AYES: Moffet, Savage, Berman, Long

NAYS:

ABSENT: Gilardi

Approved:_____

Chair

Attest:_____

Carla Duncan, Admin. Secretary

City of Cotati

Sonoma County, California



July 12, 2024



645 W Cotati Ave
Cotati, CA 94931

Hello:

Greetings from the Cotati Community Development Department. We are writing to you regarding your property at 645 West Cotati Avenue.

As you may be aware, in 2015 the City of Cotati changed the land use designation and zoning of your property from Rural Residential (RR) to Residential Very Low Density (RVL) when it adopted the City's updated General Plan. City staff are now in the process of ensuring the City's zoning map reflects those changes.

Before the map is finalized, we would like an opportunity to discuss this zoning change with you and how it affects your property. We are also interested to know if you were aware of the change made in 2015 and if you support the change. If not, there may be an opportunity to reexamine the zoning changes made to your property in 2015 if you are interested.

Please contact me at (707) 665-3634 or jpharries@cotaticity.org to discuss this further. If I do not hear from you, I will assume that you are comfortable with the zoning changes made to your property in 2015 and are not interested in further changes at this time.

Thank you for your time and consideration of this matter.

Sincerely,



JP Harries

Senior Planner, City of Cotati

Phone 707-665-3634

Web www.cotaticity.org

201 W. Sierra Ave, Cotati, CA 94931

Exhibit E

From: [Jon-Paul Harries](#)
To: [REDACTED]
Cc: [Noah Housh](#)
Subject: RE: Zoning Changes
Date: Friday, July 26, 2024 9:04:00 AM
Attachments: [image001.png](#)

Dear [REDACTED],

Thank you for the email. We will relay this information to the City Council.

The question about your property arose when we were updating our zoning maps to be consistent with the General Plan. We are required by state law to ensure all of the City's zoning is consistent with the City's General Plan.

When reviewing the proposed changes to the zoning map to match the General Plan, the City Council raised questions about your property and six others that were upzoned in 2015. Unfortunately, no current Department staff were here when the General Plan was adopted and the record does not identify why certain properties like yours were upzoned, or if you had participated in the decision. This is, in part, why we are reaching out to you.

I also want to clarify that the 2015 upzoning of your property does not affect the small-scale agriculture/livestock production that currently exists on your property. You can continue this use without any obligation to change any activity on your property.

For more information, please review the July 9 City Council meeting where this was discussed, available here: <https://cotaticity.primegov.com/public/portal>.

To further clarify, city staff are not assuming you are on onboard with the changes that occurred in 2015, and wanted to offer to include your parcel in an upcoming planning effort which could allow your parcel to revert back to its pre-2015 zoning. The will be a City effort with no cost to you. We expect this process to start in spring of 2025 and to take about a year. If this is something you are interested in, please let me know and we will relay this to the City Council and include your parcel in the future General Plan amendment discussions and considerations.

Currently, we are intending to discuss the zoning map changes with the City Council again in late September/early October. We will send you notification of this meeting and you are invited to submit written comments or attend in person or over Zoom.

Lastly, if you would like to speak with the Director of the department Noah Housh about any of these changes or options, please feel free to give him a call at 707-665-3635.

Thank you again for your time.



JP Harries
Senior Planner, City of Cotati
Phone 707-665-3634
Web www.cotaticity.org
201 W. Sierra Ave, Cotati, CA 94931

From: [REDACTED]
Sent: Monday, July 22, 2024 9:53 AM
To: Jon-Paul Harries <jpharries@cotaticity.org>
Subject: Zoning Changes

CAUTION:EXTERNAL SENDER
If suspicious, do not click on links, open attachments, or provide credentials and report it by using the "Phish Alert Report" button.

Dear Sir/Madam:

This is in response to a letter dated July 12, 2024 from the Cotati Community Development Department regarding my property at 8622/8624 Cypress Ave. I was unaware that the land use designation was changed in 2015 so thanks for the update; 9 years after the fact.

This parcel has been in continuous use for small scale agriculture/livestock production at this point in time for well over a hundred years. I am well aware that higher density usage is probably in its future as municipalities are addicted to the increased revenue stream that such development provides.

I am however mystified why you would assume that I on board with your clandestine zoning changes. Since apparently you are wont to jump to conclusions let me state for the record that I am not "comfortable" with the proposed changes.

Regards,

[REDACTED]

Under the Public Records Act (California Government Code §7920.000-7931.000), e-mail messages of local agencies are public records which are subject to disclosure to the public or may be subpoenaed.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI (1) AMENDING CHAPTER 17.28 (SPECIAL PURPOSE ZONE AND OVERLAY ZONE STANDARDS) OF TITLE 17 (LAND USE) OF THE COTATI MUNICIPAL CODE TO ALLOW EXISTING PLANNED UNIT DEVELOPMENTS (PUDS) TO BE SUBDIVDED, DEVELOPED, REDEVELOPED, OR MODIFIED CONSISTENT WITH THE UNDERLYING ZONING DISTRICT DEVELOPMENT STANDARDS, AND (2) REZONING MULTIPLE PROPERTIES TO BE CONSISTENT WITH THEIR GENERAL PLAN LAND USE DESIGNATIONS

WHEREAS, the Cotati City Council adopted the Cotati General Plan update on March 24, 2015, and as part of the update there were changes to the General Plan land use map that included changes to the land use designation of certain properties within the City of Cotati; and

WHEREAS, on March 28, 2023, the City of Cotati adopted the City of Cotati 2023-2031 Housing Element update, which includes obligatory programs to facilitate the development of housing, streamline the permitting process, and remove governmental constraints to housing development. The Housing Element was certified by the State Department of Housing and Community Development on June 2, 2023; and

WHEREAS, on March 24, 2015, the City of Cotati certified the Final Environmental Impact Report (FEIR) for the Cotati General Plan update, and in conjunction with the 2023-2031 Housing Element update the City of Cotati approved an addendum to the FEIR on March 28, 2023 (SCH# 2013082037); and

WHEREAS, Government Code Section 65860 requires a City's zoning ordinance to be consistent with the General Plan. In the event a zoning ordinance becomes inconsistent with the General Plan by reason of amendment to the General Plan then the zoning ordinance shall be amended to be consistent with the General Plan pursuant to Government Code Section 65860(c); and

WHEREAS, in 2023, Assembly Bill 821 was passed and modified Government Code Section 65860 to state that if a zoning ordinance becomes inconsistent with the General Plan due to an amendment, and a local agency receives a development application that aligns with the General Plan but not the zoning ordinance, the agency must either amend the ordinance within 180 days or process the development application in accordance with objective general plan standards; and

WHEREAS, the purpose of this ordinance is to correct any inconsistencies that exist between the Cotati General Plan land use designations, the Cotati zoning map, and existing PUDs; and

WHEREAS, the purpose of Title 17 of the Cotati Municipal Code is to ensure that the General Plan may be implemented, and adoption of the changes to the Land Use Code and zoning map are necessary to implement the General Plan; and

WHEREAS, on June 17, 2024, the Planning Commission of the City of Cotati held a duly noticed public hearing to review the proposed ordinance. After reviewing and providing direction to staff, the Planning Commission voted to approve Resolution No. PC-2024-09 recommending City Council adoption of this ordinance; and

WHEREAS, on July 9, 2024, the City Council held a duly noticed public hearing regarding this ordinance at which time the City Council received the staff report, reviewed a presentation from the Planning Division, and considered all oral and written comments submitted to the City regarding this ordinance prior to voting to introduce the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

The foregoing recitals are true and correct and are incorporated into the findings herein.

SECTION 2. Record.

The Record of Proceedings ("Record") upon which the City Council bases its decision includes, but is not limited to: (1) the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3); (2) the Cotati Municipal Code; (3) the City of Cotati General Plan and its related Environmental Impact Report (EIR); (4) the City of Cotati 2023-2031 Housing Element Update and its related Addendum to the City of Cotati General Plan EIR; (5) all staff reports, city files, records, and other documents prepared for and/or submitted to the City Council; (6) all documentary and oral evidence received at the public hearings or submitted to the City during the comment period on the Project; and (7) all other matters of common knowledge to the City Council, and the City, including, but not limited to, City, state and federal laws, policies, rules, regulations, reports, records, and projections related to development within the City and its surrounding areas.

SECTION 3. Amendment to the Cotati Municipal Code.

A new section, Section 17.28.070, is hereby added to Chapter 17.28 (Special Purpose Zone and Overlay Zone Standards) of the Cotati Municipal Code as follows:

17.28.070 Planned Unit Developments (PUDs)

A. Purpose. Prior to 2005, the City of Cotati's Land Use Code contained provisions that allowed for the development of Planned Unit Development (PUD) zoning districts. The purpose of the PUD zoning district was to allow inclusion within its boundaries of a mixture of uses, building intensity, or design characteristics which would not normally be permitted within a standard zoning district. A PUD is considered an overlay to the underlying primary zoning district.

B. Applicability. New PUD districts are not permitted. All proposed developments must conform to the development standards of the applicable zoning district as set forth in Title 17 of the Cotati Municipal Code.

C. Development Standards. The subdivision, site planning, building, development, and land uses of an existing PUD shall comply with the provisions of the ordinance that allowed for the establishment of the PUD. Alternatively, subdivision, site planning, building, development, and new land uses may comply with the development and use criteria of the current underlying primary zoning district. Rezoning is not required to subdivide, develop, redevelop, or modify an existing PUD in conformance with the development and use criteria of the underlying primary zoning district.

SECTION 4. Rezoning of certain parcels and amendments to the City of Cotati Zoning Map.

Certain parcels within the City of Cotati are hereby rezoned to be consistent with the land use designations set forth and depicted in Figure 7.1 (General Plan Land Use Map) of the Cotati General Plan, as follows:

	APN	Address	Zone Change
1	144-100-001	8028 Gravenstein Hwy	RR to RVL (Southern portion)
2	144-100-002	8112 Gravenstein Hwy	RR to RVL (Southern portion)
3	144-110-020	2501 Gilman Ranch Rd	RR1 to RVL
4	144-110-021	2101 Gilman Ranch Rd	RR1 to RVL
5	144-110-022	1901 Gilman Ranch Rd	RR1 to RVL
6	144-110-023	780 W Cotati Ave	RR1 to RVL
7	144-110-024	782 W Cotati Ave	RR1 to RVL
8	144-130-005	675 W Cotati Ave	RR to RVL
9	144-130-013	645 W Cotati Ave	RR to RVL
10	144-130-015	635 W Cotati Ave	RR to RVL
11	144-130-020	693 W Cotati Ave	RR to RVL
12	144-130-021	697 W Cotati Ave	RR to RVL
13	144-130-022	683 W Cotati Ave	RR to RVL
14	144-200-001	255 W Cotati Ave	NL to NM
15	144-241-007	250/252 W Cotati Ave	NM to NL
16	144-241-036	8113 El Rancho Dr	NM to NL

	APN	Address	Zone Change
17	144-241-037	8115 El Rancho Dr	NM to NL
18	144-281-018	275 E Cotati Ave	CE to NM
19	144-281-024	325 E Cotati Ave	CE to NM
20	144-281-031	363-365 E Cotati Ave	CE to NM
21	144-281-032	359-361 E Cotati Ave	CE to NM
22	144-281-033	355-357 E Cotati Ave	CE to NM
23	144-281-034	351-353 E Cotati Ave	CE to NM
24	144-281-035	347-349 E Cotati Ave	CE to NM
25			NM to NU (Southern
	144-302-022	768 E Cotati Ave	portion)
26			NM to NU (Southern
	144-302-050	766 E Cotati Ave	portion
27	144-360-004	94 Charles St	NM to NL
28	144-360-005	82 Charles St	NM to NL
29	144-360-006	64 Charles St	NM to NL
30	144-360-018	72/74 Charles St	NM to NL
31		8622/8624 Cypress Ave	RVL to NL
32	144-570-002	475 E Cotati Ave	CE to NM
33	144-570-003	475 E Cotati #A	CE to NM
34	144-570-004	475 E Cotati #B	CE to NM
35	144-570-005	475 E Cotati #C	CE to NM
36	144-570-006	475 E Cotati #D	CE to NM
37	144-570-007	475 E Cotati #E	CE to NM
38	144-570-008	475 E Cotati #F	CE to NM
39	144-570-009	475 E Cotati #G	CE to NM
40	144-570-010	475 E Cotati #H	CE to NM
41	144-570-011	475 E Cotati #I	CE to NM
42	144-720-001	1 Bay Tree Ct	CE to NM
43	144-720-002	2 Bay Tree Ct	CE to NM
44	144-720-003	3 Bay Tree Ct	CE to NM
45	144-720-004	4 Bay Tree Ct	CE to NM
46	144-720-005	5 Bay Tree Ct	CE to NM
47	144-720-006	6 Bay Tree Ct	CE to NM
48	144-720-007	7 Bay Tree Ct	CE to NM
49	144-720-008	8 Bay Tree Ct	CE to NM
50	144-720-009	9 Bay Tree Ct	CE to NM
51	144-720-010	10 Bay Tree Ct	CE to NM
52	144-720-011	11 Bay Tree Ct	CE to NM
53	144-720-012	12 Bay Tree Ct	CE to NM
54	144-720-013	13 Bay Tree Ct	CE to NM
55	144-720-014	14 Bay Tree Ct	CE to NM

	APN	Address	Zone Change
56	144-720-015	15 Bay Tree Ct	CE to NM
57	144-720-016	16 Bay Tree Ct	CE to NM
58	144-720-017	17 Bay Tree Ct	CE to NM
59	144-720-018	18 Bay Tree Ct	CE to NM
60	144-720-019	19 Bay Tree Ct	CE to NM
61	144-720-020	20 Bay Tree Ct	CE to NM
62	144-720-021	21 Bay Tree Ct	CE to NM
63	144-720-022	22 Bay Tree Ct	CE to NM
64	144-720-023	23 Bay Tree Ct	CE to NM
65	144-720-024	24 Bay Tree Ct	CE to NM
66	144-720-025	25 Bay Tree Ct	CE to NM
67	144-720-026	0 Bay Tree Ct	CE to NM
68	144-720-031	3 Greenleaf Ln	CE to NM
69	144-720-032	7 Greenleaf Ln	CE to NM
70	144-720-033	9 Greenleaf Ln	CE to NM
71	144-720-034	11 Greenleaf Ln	CE to NM
72	144-720-035	13 Greenleaf Ln	CE to NM
73	144-720-036	15 Greenleaf Ln	CE to NM
74	144-720-037	17 Greenleaf Ln	CE to NM
75	144-720-038	19 Greenleaf Ln	CE to NM
76	144-720-039	21 Greenleaf Ln	CE to NM
77	144-720-042	14 Dyquisto Way	CE to NM
78	144-720-043	16 Dyquisto Way	CE to NM
79	144-720-044	18 Dyquisto Way	CE to NM
80	144-720-045	20 Dyquisto Way	CE to NM
81	144-720-046	22 Dyquisto Way	CE to NM
82	144-720-047	24 Dyquisto Way	CE to NM
83	144-720-048	26 Dyquisto Way	CE to NM
84	144-720-049	25 Dyquisto Way	CE to NM
85	144-720-050	21 Dyquisto Way	CE to NM
86	144-720-051	19 Dyquisto Way	CE to NM
87	144-720-052	17 Dyquisto Way	CE to NM
88	144-720-053	15 Dyquisto Way	CE to NM
89	144-720-058	13 Dyquisto Way	CE to NM
90	144-720-059	11 Dyquisto Way	CE to NM
91	144-720-060	12 Dyquisto Way	CE to NM

SECTION 5. General Plan Conformity.

The amendment to Chapter 17.28 of the Cotati Municipal Code and the rezoning of certain parcels to be consistent with their General Plan land use designations, as set forth in this ordinance, is in the best interest of the City because it brings the zoning of parcels into consistency with the General Plan Land Use Designations, as required by California Government

Code Section 65860, and it is consistent with the Final EIR for the Cotati General Plan. The text amendment to the Cotati Municipal Code and zone changes create certainty for the surrounding neighborhoods regarding development scenarios and provides clarity and predictability to project sponsors.

This ordinance will further establish the goals, policies, and implementation programs of the General Plan. Specifically, these amendments are consistent with and implement the following General Plan Policies, Programs, and Actions:

Action LU 1a: Update the Zoning Map to be consistent with the land use designations shown on Figure 7.1.

Policy H-2.2: Continue to require that residential development in the NU, NM, CG, and DSP zones meet the minimum density requirements identified in the Land Use Code, and report requests for reduced density on an annual basis.

Housing Element Program 2-2: Streamlining Housing Development - Stakeholders from the development community identified streamlining, fast tracking, and providing clear development standards and expectations as the primary mechanisms to reduce governmental constraints to residential development.

Housing Element Program 2-7: Support Development of proposed projects.

SECTION 6. Compliance with the California Environmental Quality Act (CEQA).

Pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, projects that are consistent with the development density of existing zoning, community plan, or General Plan policies for which an EIR was certified shall be exempt from additional CEQA analysis, except as may be necessary to determine whether there are project specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review.

The City Council finds that this ordinance to amend Chapter 17.28 of the Cotati Municipal Code to allow development, redevelopment and modifications of PUDs in conformance with the underlying zoning and to rezone certain properties to be consistent with the land use designations set forth in the General Plan is, by its nature, consistent with the General Plan and its policies for which an EIR was certified. The zoning updates are consistent with the densities of the General Plan and there is no new information indicating that the impacts of the rezoning would be different or more severe than described in the FEIR for the General Plan that was certified on March 24, 2015, and its addendum analyzing the City of Cotati 2023-2031 Housing Element that was certified by the City Council on March 28, 2023 (SCH# 2013082037). Therefore, pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, the proposed ordinance is exempt from further CEQA review.

SECTION 7: Construction and Severability.

It is the intent of the City Council of the City of Cotati to supplement applicable state and federal law and not to duplicate or contradict such law, and this ordinance shall be construed

consistently with that intent. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Cotati hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 8: Effective Date.

This ordinance shall take effect thirty (30) days after its adoption pursuant to the California Government Code.

SECTION 9: Publication.

The city clerk shall cause this ordinance to be published and/or posted as required in Section 36933 of the California Government Code.

IT IS HEREBY CERTIFIED that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Cotati held on July 9, 2024, by the following vote, to wit:

RESULT:

MOVER:

SECONDER:

AYES:

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

RESULT:

MOVER:

SECONDER:

AYES:

Approved: _____

Mayor

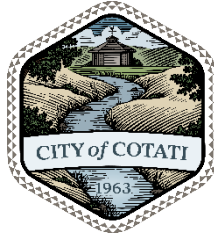
Attest: _____

Kevin Patterson, Deputy City Clerk

Approved as to form:

City Attorney

This document is a true and correct copy of Ordinance Number ### and has been published or posted pursuant to law. *California Government Code § 40806*



Cotati City Council Agenda Staff Report

Item type: REGULAR AGENDA (ACTION)
To: City Council
Subject: **UPDATE ON OUTREACH TO CELLULAR PROVIDERS**
Date: October 8, 2024
Written by: Damien O'Bid, City Manager

Recommendation

It is recommended that the City Council receive a report on the status of outreach to cellular providers. No action is requested.

Background

During Strategic Planning for the Fiscal Year 2023-24 budget, the City Council expressed concern about the state of broadband, calling out poor cellular reception as a particularly acute issue in Cotati. As part of the final project list, the City Council directed staff to look into "Countywide Broadband Improvements" and come back to City Council with background on the issue and potentially some recommendations.

On May 14, 2024, the City Council received an update on the status of broadband in Cotati. With the recent updates to the municipal code to align it with federal regulations and expand the allowable opportunities for cellular facilities, the City Council requested a status report to assess progress in approximately 120 days.

Analysis/Discussion

Following the meeting on May 14, 2024, City staff reached out to the cellular providers that operate in Sonoma County, including Verizon, AT&T, T-Mobile and Comcast, as well as Crown Castle, a third-party cellular infrastructure provider that operates cellular facilities nationally.

Staff subsequently engaged in dialogue with Verizon, AT&T and Comcast staff to gauge interest. Both Verizon and AT&T engaged with their network teams to determine if the Cotati area is a priority area for infrastructure. To date, there has not been a conclusive determination by either

of these cellular providers. Comcast did not express any interest/need in the Cotati area.

Crown Castle has expressed interest in expansion of cellular facilities in the Cotati area. Currently, staff are working with Crown Castle representatives on potential sites that they are considering for new facilities.

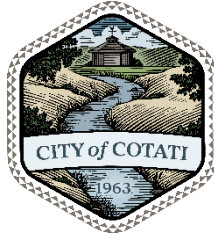
Finally, the City is currently processing a minor use permit application for T-Mobile to place cellular facilities on the roof of the Energy Health Club on East Cotati Avenue. The director level decision to permit the facility has been appealed to the Planning Commission, which will hear the appeal on October 7, 2024. The City Council should refrain from discussing this project, as it is possible that a Planning Commission decision could be appealed to the City Council. Any pre-judgement or statements that could be perceived as pre-judging the issue would likely require recusal of that City Council member in an appeal hearing.

Financial Considerations

There are no direct financial impacts related to a discussion of the status of cellular provider outreach.

Environmental Issues

The proposed discussion has no potential to impact the environment. 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.



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 its 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.ppic.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

Supervisory 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
APOS 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

p: (707) 565-1888
f: (707) 565-3317

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.



2550 Ventura Avenue
Santa Rosa, CA 95403

p: (707) 565-1900
f: (707) 565-1017

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.

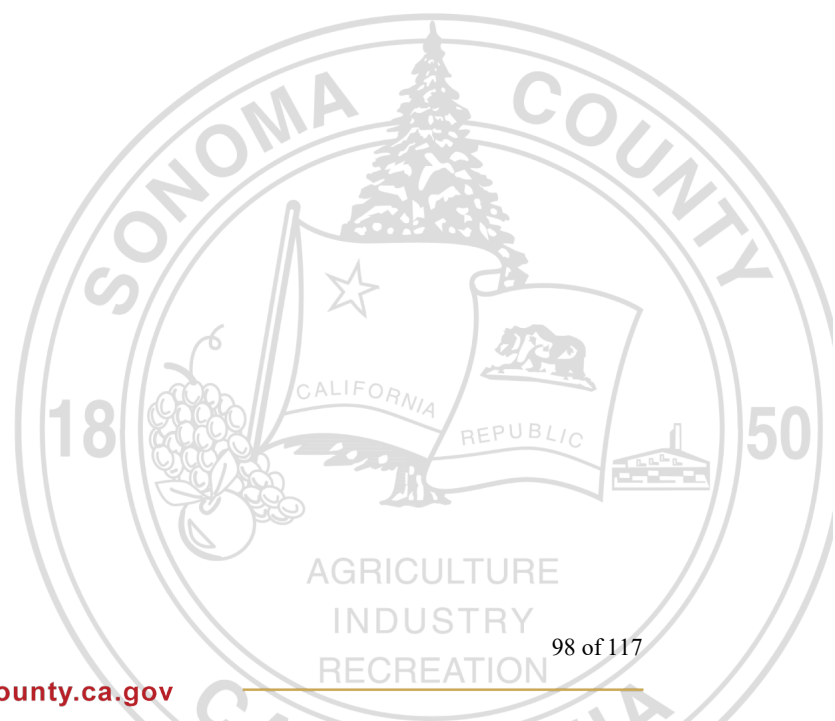
Training cost per person	\$10,000
Number of people	110
Caseload per counselor	25
Number of counselors	4.4
Cost of counselor position	\$90,000
Total	\$1,496,000

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.

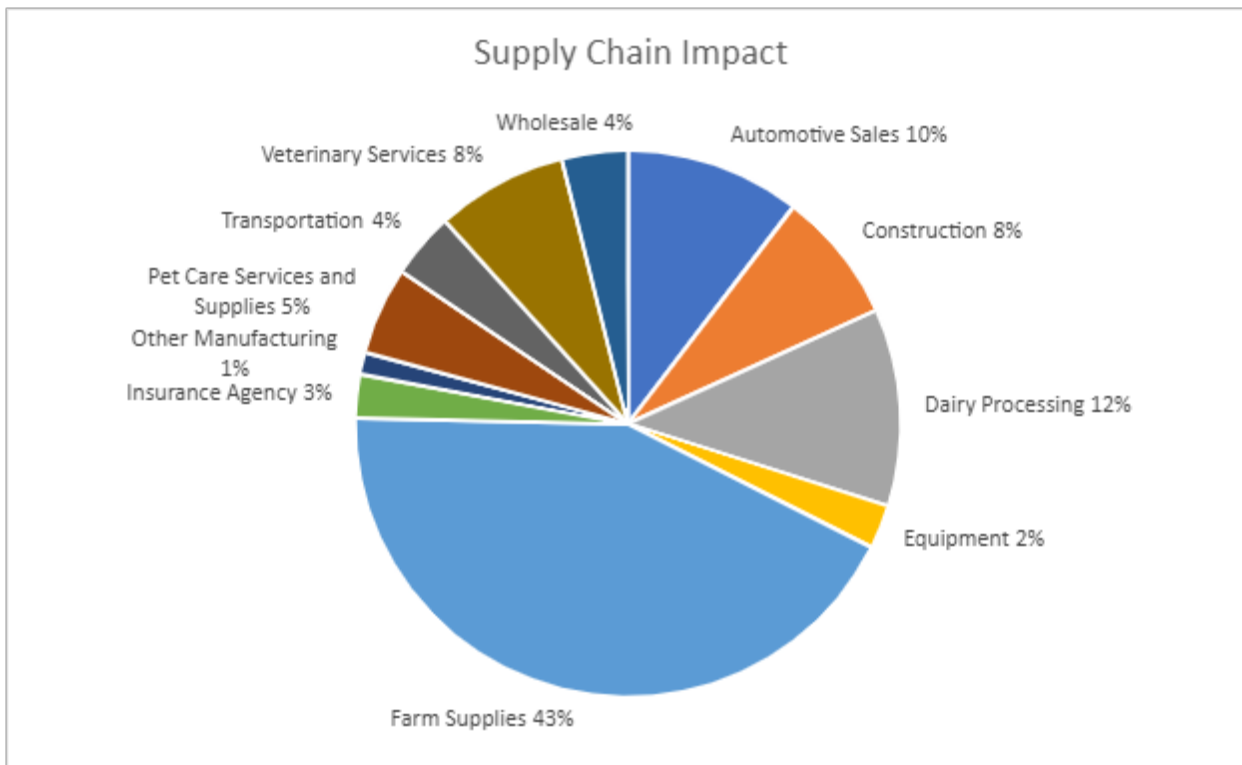
As stated in the Executive Summary of the “Prohibition on Concentrated Animal Feeding Operations” Supporting Arguments document produced by the University of California Cooperative Extension, Sonoma County dairies and poultry facilities represent the most impacted animal sectors for this proposed ordinance. 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

	Size Threshold			Business County			Monetary	Total Land Acreage			Workforce	Housing	Business Impact by District															County Jurisdiction						
													District 1			District 2			District 3			District 4			District 5			Unincorporated			Incorporated			
Animal Sector	Large CAFOs (Large)	Medium CAFOs (Medium)	Small	Large	Medium	Small	Estimated Production Value	Large	Medium	Small	# of Employees Impacted	# of Persons Housed	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small	
Cattle or cow/calf pairs	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	
Mature or dairy cattle	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	
Veal calves	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	0	
Swine <55 lbs	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	4	0	0	0	0	0	0	2	0	0	4	0	0	0	0	0	0	
Swine >55 lbs	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	0	
Horses	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	0	
Sheep or lambs	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	20	0	0	20	0	0	20	0	0	20	0	0	20	0	0	0	0	0	0	0	
Turkeys	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	0	
Laying hens or broilers	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	0	
Chicken other than laying hens	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	0	1	1	0	2	5	0	0	0	0	
Laying hens or broilers	82,000+	25,000 0 81,999	<25,000	4	5	2		220.00	120.00	100.00	85		0	0	0	2	5	2	0	0	0	2	0	0	0	0	0	5	5	2	0	0	0	0
Ducks	30,000+	10,000 0 29,999	<10,000	0	1	2		0.00	350.00	20.00	31		0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	1	2	0	0	0	0
Ducks	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	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.*

M1 of 117

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

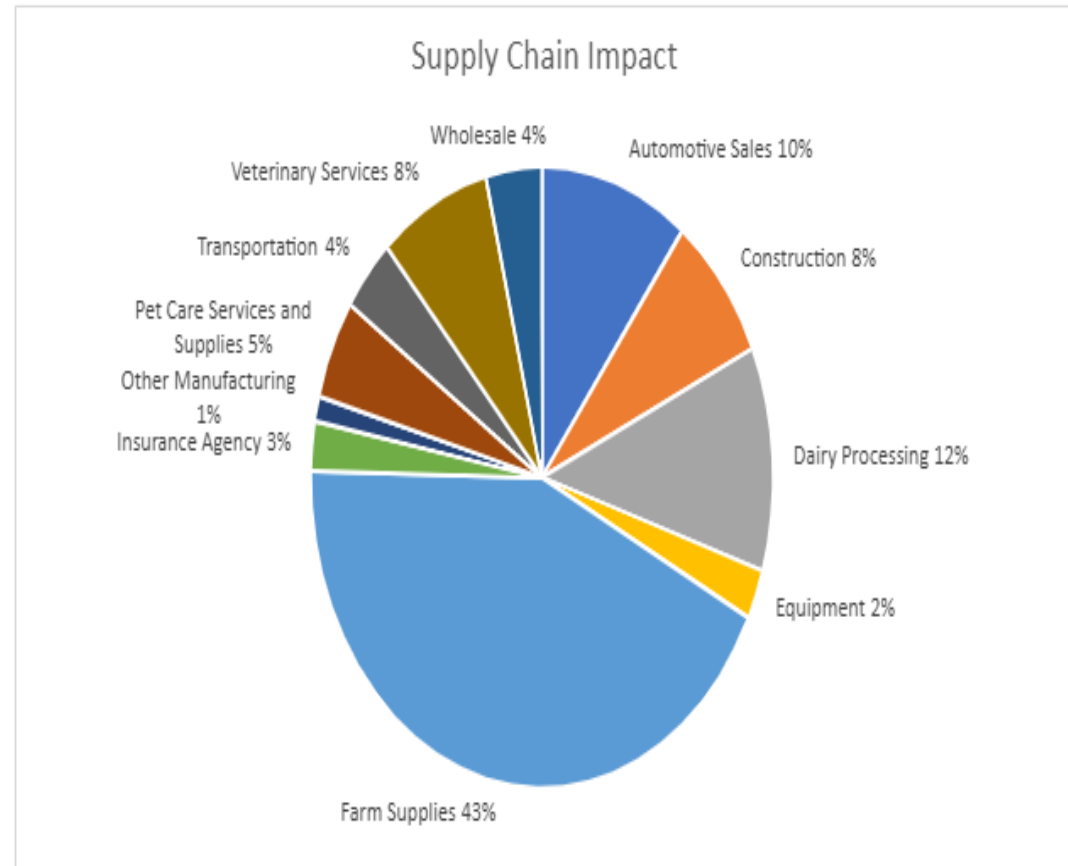
For every job lost from the livestock & poultry production sector, we can expect to lose one additional job from the Sonoma County economy.

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.

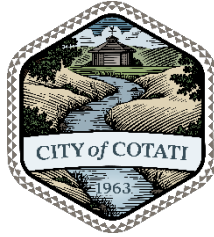
Examples of these businesses include but are not limited to veterinary services, farm product/feed suppliers, automotive and tractor retails as well as construction equipment and materials.



- 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?



Cotati City Council Agenda Staff Report

Item type: INFORMATION RECEIVED AFTER THE AGENDA WAS POSTED
To: City Council
Subject: INFORMATION RECEIVED AFTER THE AGENDA WAS POSTED
Date: October 8, 2024
Written by: Kevin Patterson, Deputy City Clerk

Recommendation

Information or written comments pertaining to this meeting, and which was received after the agenda was posted, is attached below.

Pursuant to City Council Policy 2023-01: City Council Rules section IV A., written Communications, interested persons or their authorized representative may address the Council by written communication on any matters concerning the City's business, or any matters over which the Council has control.

1. To be considered for inclusion in the agenda packet, such written communication shall be delivered to the Deputy City Clerk no later than 11:00 a.m. of the Wednesday the week preceding the regular Council meeting for which such written communication is intended.
2. If received after the above date and time, but no later than noon the day before the meeting, written communications received by the Deputy City Clerk shall be posted on the website by the end of that day and notification provided to the electronic Agenda mailing list by the end of the day. All written communications received by the Deputy City Clerk by 5 pm on the City Council meeting day shall be made available to the City Council and public at the City Council meeting.

City Council Policy 2023-01 is available at the online meeting portal at www.cotaticity.org or by request from the Deputy City Clerk at 707-665-3622 or kepatterson@cotaticity.org.