

# Cottage Food Operations Ordinance Amendments

*13ORD-00000-00002 County Land Use & Development Code*  
*13ORD-00000-00003 Montecito Land Use & Development Code*  
*13ORD-00000-00004 Article II Coastal Zoning Ordinance*

**Board of Supervisors**  
**June 4, 2013**



# Background

## Assembly Bill 1616

- Effective January 1, 2013
- Requires local jurisdictions to allow the preparation, packaging and sale of certain non-perishable foods in home kitchens
  - Operator must live in the dwelling
  - A maximum of one full-time non-resident employee is allowed
  - Must be conducted within the kitchen
  - Storage may occur within adjacent rooms within the dwelling

# Background

## Assembly Bill 1616

- Class A operations
  - Allows direct to consumer sales (at dwelling, farmers markets)
  - Required to register with the Public Health Department
- Class B operations
  - Allows indirect sales (wholesale) of packaged food to retailers
  - Requires a permit from the Public Health Department

# Background

## Assembly Bill 1616

- Gross annual sales limited to
  - \$35,000 (2013)
  - \$45,000 (2014)
  - \$50,000 (2015 and thereafter)
- Requires State Department of Public Health to establish a list of allowed foods
  - Must adopt a procedure to add or remove foods

# Background

## Assembly Bill 1616

- Local jurisdictions may establish a permit process
- Process may include development standards if restricted to
  - Spacing and concentration
  - Traffic control
  - Parking
  - Noise control
- May recover costs
  - Fees must be reasonable
  - May not exceed cost of permit processing

# Planning Commissions Recommendations Proposed Process

- Allow Cottage Food Operations (CFOs) as Home Occupations in all zones where dwellings are allowed
- Use the same three tier permit process that currently applies to Home Occupations
  - Exempt
  - Coastal Development/Land Use Permit
  - Coastal Development Permit with Hearing
- Apply development standards that are specific to CFOs

# Planning Commissions Recommendations Development Standards

- Allowed locations
  - One CFO per dwelling
  - One CFO per lot
  - Not located within 300 feet of a lot that contains a CFO
- Allowed location within dwelling
  - Kitchen and adjacent rooms
- Operators and employees
  - Dwelling must be the primary residence of the operator
  - One full-time non-resident employee is allowed

# Planning Commissions Recommendations Development Standards

- Parking
  - Customers & non-resident employee may not park in spaces required for the dwelling
  - Customer parking must be accommodated onsite or on the street frontage abutting the lot
  - Parking of commercial vehicles is restricted
- On-site sales hours of operation
  - County PC: 8:00 am to 7:00 pm
  - Montecito PC: 9:30 am to 3:30 pm



# Planning Commissions Recommendations Development Standards

- Neighborhood compatibility
  - May not change the residential character of the neighborhood due to traffic or other nuisance (e.g., odors, noise)
  - Must comply with solid waste regulations
- Other rules and regulations
  - Proof of registration or permit from County Public Health required
  - Must operate in compliance with State Health & Safety Code

# Planning Commissions Recommendations In-Home Retail Sales

- Include In-Home Retail Sales as a Home Occupation regulated by the County zoning ordinances
- Subject to the same three tier permit process that applies to home occupations
- May be exempt if:
  - Sales event do not occur more than 4 times per year within same residence
  - No more than 25 people at each sales event

# Recommendations

- Make the findings for approval (Attachments A, D & G).
- Determine that this ordinances are exempt from CEQA (Attachments B, E & H).
- Adopt three ordinances amending:
  - County LUDC 13ORD-00000-00002 (Attachment C)
  - Montecito LUDC 13ORD-00000-00003 (Attachment F)
  - Coastal Zoning Ordinance 13ORD-00000-00004 (Attachment I)