

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

825A



**FROM:** Planning Department and County Counsel

**SUBMITTAL DATE:**  
November 29, 2012

**SUBJECT:** Initiation of an Amendment to Ordinance No. 348 Regarding Cottage Food Operations

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt an order initiating an amendment to Ordinance No. 348 that would add regulations related to cottage food operations; and,
2. Direct the Planning Department and County Counsel, in consultation with Environmental Health Department and Code Enforcement, to prepare and process the amendment.

**BACKGROUND:**

Assembly Bill 1616 ("AB 1616") creates a new category of food production called a "cottage food operation," which, unlike other types of commercial food facilities, can be operated out of a home kitchen. The law is effective January 1, 2013 and states that a County shall not prohibit a "cottage food operation" in any "residential dwellings." (Continued on page 2)

Initials: CSL/TN:lr

*Carolyn Syms Luna*

Carolyn Syms Luna  
Planning Director

*Tiffany North*

Tiffany North, Deputy County Counsel for  
Pamela J. Walls, County Counsel

**FINANCIAL DATA**

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
Annual Net County Cost:	\$ 0	For Fiscal Year:	12/13

**SOURCE OF FUNDS:**

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE.

County Executive Office Signature

*Tina Grande*

By Tina Grande

Department Recommendation:  Policy  Consent

Per Executive Office:  Policy  Consent

Prev. Agn. Ref.:

District: ALL

Agenda Number:

3.23

**BACKGROUND continued:**

A “Cottage Food Operation” is an enterprise at a private home where low-risk food products are prepared or packaged for sale to customers. “Low-risk foods” are foods such as baked goods, candy, dried fruits and nuts, and other foods determined by the State. The Department of Environmental Health is responsible for regulating these operations and will be the primary point of contact for these Cottage Food Operations.

Under AB1616 local jurisdictions cannot prohibit cottage food operations, and further, the law requires local jurisdictions to modify their zoning codes to (1) allow these operations by right, (2) grant a nondiscretionary permit under the zoning ordinance, or (3) require a conditional use permit. If a nondiscretionary permit or a conditional use permit is required for a cottage food operation, AB 1616 places additional requirements on local jurisdictions with regard to processing and fees for such permits. The Planning Department, after consultation with Code Enforcement and Environmental Health, recommends that the Board of Supervisors choose to allow Cottage Food Operations by right in residential homes subject to certain restrictions to maintain the residential character of the home and the neighborhood.

Developing a cottage food operation ordinance would establish requirements and standards that would protect the public’s health, safety and welfare.

Staff requests that the Board adopt an order initiating an amendment to Ordinance No. 348 that would add cottage food operations by right in residential dwellings, subject to certain restrictions, and direct the Planning Department and County Counsel, in consultation with Environmental Health Department and Code Enforcement, to prepare and process the amendment. It is anticipated that the ordinance amendment will be completed in December 2012, with a Planning Commission hearing in January 2013, and will be brought back to the Board for hearing and adoption in February 2013.

On November 27, 2012, the Board adopted an order to initiate the preparation a new ordinance regarding the regulation of cottage food operations by Environmental Health (agenda item 3.11). This agenda item is to amend the County’s zoning ordinance and requires a separate order to initiate.

**FISCAL:**

The Planning Department will process this amendment under the current 2012/2013 budget and is not requesting additional funds to meet this unfunded mandate from the State.