



Legislation Details (With Board Report)

File #: 13-0571 **Name:** Cottage Food Operation Ordinances
Type: General Agenda Item **Status:** Passed
File created: 5/24/2013 **In control:** Board of Supervisors
On agenda: 6/11/2013 **Final action:** 6/11/2013

Title: Public hearing to consider:
a. Adoption of an ordinance amending Title 21 (non-coastal zoning) of the Monterey County Code to classify Cottage Food Operations as a permitted use of residential property for zoning purposes; and
b. Adoption of a resolution of intent to adopt an ordinance amending the Monterey County Coastal Implementation Plan, Part 1 (Title 20 of the Monterey County Code) to classify Cottage Food Operations as a permitted use of residential property for zoning purposes, with direction to staff to transmit the proposed ordinance to the California Coastal Commission for certification.
[REF120083 (Inland) and REF130010 (Coastal), Cottage Food Operation Ordinances (AB 1616), County-wide]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Discussion, 2. Attachment B-1 - Draft Inland Ordinance (Clean Version), 3. Attachment B-2 - Draft Inland Ordinance (Redline Version), 4. Attachment C - Draft Board Resolution of Intent, 5. Attachment D - Planning Commission Resolution No. 13-019, 6. Attachment E - Planning Commission Resolution No. 13-018, 7. Attachment F - Assembly Bill 1616, 8. Ordinance No. 5217, 9. Board Order & Resolution of Intent, 10. Corrected Board Order & Resolution

Date	Ver.	Action By	Action	Result
6/11/2013	1	Board of Supervisors	approved	Pass

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[REF120083 (Inland) and REF130010 (Coastal), Cottage Food Operation Ordinances (AB 1616), County-wide]

PROJECT INFORMATION:

Planning File Number: REF120083 and REF130010
Applicant: County of Monterey, RMA-Planning
Project Location: County-wide
CEQA Action: Categorically Exempt per Sections 15301-Existing Facilities and 15305- Minor Alterations in Land Use Limitations

RECOMMENDATION:

It is recommended that the Board of Supervisors take the following actions:

Cottage Food Operations non-coastal ordinance (REF120083):

- a. Adopt an ordinance (**Attachment B-1**) amending Title 21 (non-coastal zoning) of the Monterey County Code to classify Cottage Food Operations as a permitted use of residential property for zoning purposes.

Cottage Food Operations coastal ordinance (REF130010):

Adopt a Resolution (**Attachment C**) to:

- a. Find the project categorically exempt under the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations);
- b. Adopt a Resolution of Intent to adopt an ordinance (**Attachment C - Exhibit 1**) amending the Monterey County Coastal Implementation Plan, Part 1 (Title 20 of the Monterey County Code) to classify Cottage Food Operations as a permitted use of residential property for zoning purposes;
- c. Certify that the amendment is intended to be carried out in a manner fully in conformity with the Coastal Act; and
- d. Direct staff to transmit the proposed ordinance to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

SUMMARY:

Effective January 1, 2013, AB 1616- The California Homemade Food Act became law allowing a “cottage food operation” in residential dwellings. A copy of AB 1616 is provided in **Attachment F**. The proposed coastal and inland ordinances would amend the respective zoning codes to allow cottage food operations as a form of home occupation, which is a permitted use of residential property for zoning purposes. This action would update County zoning to comply with AB 1616. The ordinances also make minor clerical corrections whose need became apparent during the drafting of the ordinances. The Planning Commission recommended approval of the ordinances that are before the Board (**Attachments D and E**).

See **Attachment A** for Discussion.

OTHER AGENCY INVOLVEMENT:

The following agencies and/or departments have reviewed the ordinances:

- Environmental Health Bureau
- County Counsel

County Counsel has approved the ordinances as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY12-13 Adopted Budget for the RMA-Planning Department.

Prepared by: Nadia Amador, Associate Planner ext. 5114

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

<mailto:> Benny Young, Director Resource Management Agency

This report was reviewed by Jacqueline R. Onciano, Planning Services Manager.

cc: Front Counter Copy; California Coastal Commission; Nadia Amador, Project Planner; Jacqueline Onciano, Planning Services Manager; Fire Protection District Representatives; RMA-Public Works

Department; RMA-Building Services; Environmental Health Bureau; Water Resources Agency; The Open Monterey Project; LandWatch; All LUACs; Planning Files REF120083 (Inland) and REF130010 (Coastal).

The following attachments on file with the Clerk of the Board:

- Attachment A Discussion
- Attachment B-1 Draft Inland Ordinance (Clean version) File No. REF120083
- Attachment B-2 Draft Inland Ordinance (Redline version) File No. REF120083
- Attachment C Draft Board Resolution of Intent for Coastal File No. REF130010 with:
 - Exhibit 1: Draft Ordinance (Clean version)
 - Exhibit 2: Draft Ordinance (Redline version)
- Attachment D Planning Commission Resolution No.13-019 for Inland Ordinance
- Attachment E Planning Commission Resolution No.13-018 for Coastal Ordinance
- Attachment F Assembly Bill 1616, The California Homemade Food Act