



Legislation Details (With Board Report)

File #: ORD 14-008 **Name:** Cottage Food Operation Ordinance
Type: Ordinance **Status:** Passed
File created: 3/31/2014 **In control:** Board of Supervisors
On agenda: 4/8/2014 **Final action:** 4/8/2014

Title: Public hearing to:
a. Acknowledge receipt of the California Coastal Commission’s approval of an ordinance relating to Cottage Food Operations and incorporation of the ordinance into the County’s certified Local Coastal Program upon Board of Supervisors’ action;
b. Adopt the ordinance, as approved by the Coastal Commission, 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; and
c. Direct staff to notify the Executive Director of the California Coastal Commission of the Board of Supervisors’ adoption of the ordinance.
(REF130010/Cottage Food Operation Ordinance [AB1616], Coastal Amendments, Unincorporated Areas, County-wide, Coastal Zone)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Final Ordinance, 2. Attachment B - CCC approval letter, 3. Attachment C - BOS Resolution of Intent No. 13-283, 4. Attachment D - PC Resolution No. 13-018, 5. Completed Board Order and Ordinance

Date	Ver.	Action By	Action	Result
4/8/2014	1	Board of Supervisors	adopted	Pass

Public hearing to:
a. Acknowledge receipt of the California Coastal Commission’s approval of an ordinance relating to Cottage Food Operations and incorporation of the ordinance into the County’s certified Local Coastal Program upon Board of Supervisors’ action;
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c. Direct staff to notify the Executive Director of the California Coastal Commission of the Board of Supervisors’ adoption of the ordinance.
(REF130010/Cottage Food Operation Ordinance [AB1616], Coastal Amendments, Unincorporated Areas, County-wide, Coastal Zone)

PROJECT INFORMATION:

Planning File Number: REF130010
Project Name: Cottage Food Operations
Project Location: Unincorporated Areas, County-wide, Coastal Zone
Plan Area: Unincorporated Areas, County-wide, Coastal Zone
CEQA Action: Categorically exempt per CEQA Guidelines sections 15301 and 15305.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Acknowledge receipt of the California Coastal Commission's approval of an ordinance relating to cottage food operations and incorporation of the ordinance into the County's certified Local Coastal Program upon Board of Supervisors' action;
- b. Adopt the ordinance (**Attachment A**), as approved by the Coastal Commission, 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; and
- c. Direct staff to notify the Executive Director of the California Coastal Commission of the Board of Supervisors' adoption of the ordinance.

SUMMARY:

Effective January 1, 2013, AB 1616- The California Homemade Food Act became law, allowing a "cottage food operation" in residential dwellings. The proposed coastal ordinance (see **Attachment A**) would amend Monterey County Coastal Implementation Plan, Part 1 to classify Cottage Food Operations as a permitted use of residential property for zoning purposes. This action would update County coastal zoning to comply with AB 1616. The Board of Supervisors, on June 11, 2013, adopted the same ordinance to amend inland zoning.

The Monterey County Planning Commission previously recommended that the Board of Supervisors adopt the proposed ordinance. (See **Attachment D**.) On June 11, 2013, the Board of Supervisors adopted a resolution of intent to approve the amendment and forwarded the proposed amendment to the California Coastal Commission (CCC) for certification. (See **Attachment C**.) On February 13, 2014, the CCC approved the amendment as submitted by the County as a minor amendment of the County's certified Local Coastal Program. (See **Attachment B**.) As a minor amendment, it would have become part of the County's certified Local Coastal Program (LCP) immediately had the Board already formally adopted the ordinance; however, because the Board has previously adopted only a resolution of intent, formal adoption of the ordinance is necessary for the ordinance to go into effect and become part of the LCP. Therefore, staff recommends that the Board of Supervisors adopt the proposed ordinance and direct staff to notify the CCC of its action.

ENVIRONMENTAL REVIEW:

The proposed code amendments are categorically exempt under the California Quality Environmental Act (CEQA) per CEQA Guidelines Sections 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations). Sections 15301 and 15305 apply because the draft ordinances would allow cottage food operations to be conducted within existing dwelling units as an accessory use of the residence. Because the cottage food operation would take place in existing homes and are operated primarily by the homes' residents, impacts such as traffic, parking and noise are minimal. The CCC staff concurred in this determination, concluding that the LCP amendment is not expected to result in any significant environmental effects.

OTHER AGENCY INVOLVEMENT:

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

- Environmental Health Bureau

County Counsel has approved the ordinance as to form. The California Coastal Commission has approved the ordinance to be part of the County's certified Local Coastal Program.

FINANCING:

Funding for staff time associated with this project is included in the FY13-14 Adopted Budget for RMA -

Planning.

Prepared by: Nadia Amador, Associate Planner ext. 5114

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

Benny Young, Director Resource Management Agency

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

cc: Front Counter Copy; California Coastal Commission; Jacqueline R. Onciano, Planning Services Manager; Nadia Amador, Project Planner; RMA-Building Services; Environmental Health Bureau; Water Resources Agency; The Open Monterey Project c/o Molly Erickson; LandWatch c/o Amy White; John H. Farrow; Janet Brennan; All LUACs; Project File REF130010.

Attachments:

Attachment A	Final Ordinance
Attachment B	California Coastal Commission approval letter dated February 25, 2014 with attachments
Attachment C	Board of Supervisors Resolution of Intent No.13-283, June 11, 2013
Attachment D	Planning Commission Resolution No. 13-018, May 8, 2013