

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: August 14, 2013
TO: Members of the Planning Commission
FROM: Lucille T. Breese, AICP, Planning Manager
RE: TEXT AMENDMENT – TA 13-01
Cottage Food Industry

AGENDA ITEM NO. 3

Planning Commission will consider a recommendation to the City Council regarding an addition to *Section 17.136 Home Occupation Permit*. The proposed addition will conform with State law and allow preparation of Cottage Food operations in home kitchens for sale to the public. If adopted the Ordinance would be effective Citywide. A negative declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

Scope of Review:

The Planning Commission is being asked to:

- Recommend that the City Council certify the negative declaration, and direct staff to file a Notice of Determination (NOD); and
- Recommend that the City Council adopt the draft Ordinance approving the proposed change to the Zoning Ordinance language.

The Planning Commission has the authority to recommend approval or denial of an amendment to the Zoning Ordinance to the City Council (Lompoc City Code Section 17.132.040).

Planning Commission Action:

1. Receive public input;
2. Review the draft Ordinance for the Zoning Ordinance *Chapter 17.136 Home Occupation Permits*; and
3. Adopt Planning Commission Resolution No. 757 (13) recommending that the City Council certify the negative declaration and adopt Text Amendment TA 13-01 amending *Section 17.136 Home Occupation Permits*.

Background:

November 7, 2006 The City Council adopted Ordinance No. 1537 (06) simplifying the process for issuance of a HUP by allowing staff approval rather than requiring Planning Commission review.

January 1, 2013 Effective date of AB 1616 allowing Cottage Food Operations statewide.

Discussion:

Home Occupation Use Permits (HUP) are currently permitted in the Residential Zones of the City, where they do not have a negative impact on the character of the surrounding residential neighborhood (LMC Chapter 17.136). Most of the uses are an office for a business where the work is done at another location (such as a housekeeper or landscape business, etc.) and the home address is utilized for making appointments and billing purposes. Recently there are also more instances where a web-based business is established but there are no employees or visitors to the home. There is a one-time fee for such a use and if the business location changes, another HUP must be acquired. The applicant must sign and agree to meet the Standard Conditions listed in the Ordinance. In 2011, the Planning Division issued 47 HUP's; in 2012, we issued 51; and, through July 31, 2013, we have issued 28. The one-time fee was adopted by City Council to cover the cost of processing the HUP and is currently \$92.80.

Staff has had numerous inquiries regarding the new Cottage Food Industry permit and has issued one (1) HUP to allow the applicant to begin establishing her business. The City permit is necessary to establish a checking account and purchase supplies wholesale. The business is limited to operating under the existing HUP standards (no employees, no direct sales at the homes, etc.) until the proposed changes are adopted. Staff has advised the applicant that part of the Planning Commission recommendation to the Council would be to allow the HUP to be converted into a Cottage Food Industry Permit at no additional charge.

Per AB 1616, Santa Barbara County (SBCO) Environmental Health Department has established a portion of their website with Frequently Asked Questions, food Safety Guidelines, and the on-line application for the SBCO permit (Attachment No. 4). As with other State permits where a license/permit is issued by SBCO (i.e., small family daycare, etc.) the City review is limited.

Cottage Food Industry:

The new law allows preparation of low-risk foods without investing in a commercial kitchen and requires cities and counties to allow the use in residential zones. This would include single family residences and apartment units. The list of allowed foods is maintained on the California Department of Public Health (CDPH) and may periodically have items added and or deleted. Items which are considered "non-potentially

hazardous” generally would not require refrigeration and could include, but not be limited to:

- Baked goods, without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas
- Candy, such as brittle and toffee
- Chocolate-covered nonperishable foods, such as nuts and dried fruit
- Dried Fruit
- Herb Blends and dried mole paste
- Honey and sweet sorghum syrup
- Nut Mixes and nut butters
- Roasted coffee and dried tea

There are two (2) types of permits:

1. Class A Cottage Food Operations may engage only in direct sales of Cottage Food Products from the Cottage Food Operation or other direct sales venues such as temporary events. A separate permit from the County of Santa Barbara shall be required to operate a temporary food facility at such events. A Class A Cottage Food Operation shall not be open for business unless it is registered with the County of Santa Barbara.
2. Class B Cottage Food Operations may engage in both direct sales and indirect sales of Cottage Food Products such as a permitted third-party retail food facility. A Class B Cottage Food Operator shall not be open for business unless it obtains a permit from the County of Santa Barbara.

Both types allow employees beyond family members and Class A allows direct sales to consumers from the home.

Government Code 51035 allows the City to regulate the cottage food operation to comply with local ordinance regarding specific issues. The following is recommended:

- a. ***Spacing: No Cottage Food Operator shall be approved if: (1) the property line of the site of the proposed use is located within 300 feet on the same street or the corner of a cross-street of the property line of any single family home where another Cottage Food Operation operates under an existing HUP; or (2) if the proposed use is located within the same building of an apartment complex or other multi-family housing (i.e. condominium or townhome) where another Cottage Food Operation operates under an existing HUP.***
- b. ***Parking and Loading Requirements: For single family homes, parking spaces in the property garage or carport and driveway shall be available for the actual parking demand created by the use, including parking space for the applicant’s own vehicles, parking spaces for employee(s) if employees(s) are present, and one parking space for customers if direct sales on the property are proposed. For apartments and multi-***

- family developments, the Cottage Food Operator's designated space(s) shall be available for the actual parking demand created by the use, including parking spaces for the applicant's own vehicles, parking spaces for employee(s) if employee(s) are present, and one parking space for customers if direct sales on the property are proposed. On-site parking in an apartment complex or other multi-family residence require approval from the property owner, landlord, homeowners association or property manager.*
- c. Noise Control: Cottage Food Operations shall not create noise levels in excess of those allowed in the applicable residential areas in the noise element of the General Plan or in excess of those allowed in LMC Chapter 8.08.*
 - d. Size: Cottage Food Operations shall occupy no more of a residence than the lesser of (1) thirty percent (30%) of the floor area of the dwelling excluding the garage area; or (2) the area permitted by SBCO.*
 - e. No Signage: Cottage Food Operations shall not install or post signage or advertisements identifying the Cottage Food Operation at the site or building where the Cottage Food Operation is located.*
 - f. No Outdoor Sales: No outdoor sales shall be allowed at the site of the Cottage Food Operation.*
 - g. No Dining: If direct sales are proposed at the site of the Cottage food Operation, no third parties or customers shall be permitted to dine at the Cottage Food Operation.*
 - h. Code requirements: While the use of a residence for a Cottage Food Operation shall not constitute a change of occupancy for purposes of building and fire codes, to the extent that building modifications are proposed (e.g. more walls for storage areas, new electrical panel for range) a building permit shall be required from the Building Division.*

Additionally, the language has been amended to allow the Zoning Administrator to approve the HUP's. Since it is currently being done at staff level, this would just update the text. The Zoning Administrator decision could be appealed to the Planning Commission.

The Cottage Food Operator would need to agree with the following standards:

Consistent with the operational requirements set forth in California Health and Safety Code Section 114365 et seq., a Cottage Food Operation shall comply with the following:

- 1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.***
- 2. The Cottage Food Operation shall be registered with the Santa Barbara County Office of Environmental Health and conform with all regulations of AB 1616.***

3. ***Food preparation shall take place entirely within the permitted area of the residence which is the private kitchen area with storage located in the same structure in residentially zoned property.***
4. ***Only foods defined as “non-potentially hazardous” are approved for preparation by CFO’s. The California Department of Public Health will establish and maintain a list of approved cottage food categories on their website which will be subject to change.***
5. ***There may be one full-time equivalent employee (not counting family members or household members).***
6. ***No signage shall be displayed on the site in connection with the CFO. There may be advertising on a vehicle that should not exceed three (3) square feet in total. Magnetic signage is recommended.***
7. ***Class A CFO’s are allowed to engage in “direct sale” (transaction between a CFO operator and a consumer making a direct purchase from the CFO operator), including up to two (2) customers on-site at one time.***
8. ***Class B CFO’s may engage in both “direct sale” and “indirect sale” of cottage food products (transaction where a consumer purchases products made by the CFP from a third-party retailer and can be immediately consumed on the premises).***
9. ***No Cottage Food Product preparation, packaging, or handling may occur concurrent with any other domestic activities, including, but no limited to, family meal preparation, guest entertaining or dishwashing.***
10. ***No infants, small children, or pets may be in the Registered or Permitted Area during the preparation, packaging, or handling of any Cottage Food Products.***
11. ***Equipment and utensils used to produce Cottage Food Product shall be clean and maintained in a good state of repair.***
12. ***All food contact surfaces, equipment, and utensils, used for the preparation, packaging, or handling of any Cottage Food Products shall be washed, used, and sanitized before each use.***
13. ***All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.***
14. ***No preparation, packaging, storage, or handling of Cottage Food Products and related ingredients and/or equipment shall occur outside of the Registered or Permitted Area.***
15. ***Smoking shall be prohibited in the Registered or Permitted Area during the preparation, packaging, storing, or handling of Cottage Food Products and related ingredients and equipment.***
16. ***A person with a contagious illness shall refrain from work in the Registered or Permitted Area of the Cottage Food Operation.***
17. ***A person involved in the preparation or packaging of Cottage Food Product shall keep his or her hands clean and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity.***
18. ***Water used during the preparation of Cottage Food Products shall meet potable drinking water standards.***

19. A person who prepares or packages Cottage Food Products shall complete a food processor course instructed by the California Department of Public Health within three months of becoming registered or permitted.

20. A Cottage Food Operation shall properly package and label all Cottage Food Products in compliance with the Federal Food, Drug and Cosmetic Act (21 U.S.C. Section 343 et seq.) and the Department's additional labeling requirements.

Environmental Determination:

An Initial Environmental Study has been performed for the proposed Text Amendment. Pursuant to the provisions of the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared and is attached for Commission review and recommendation to the Council. A Notice of Determination (NOD) will be filed following Council action.

Noticing:

On August 2, 2013

- 1) Notice of the Public Hearing was published in the Lompoc Record and posted on the City website;
- 2) Notices were mailed to interested parties.

Attachments:

- 1) [Planning Commission Resolution No. 757 \(13\)](#)
- 2) [Initial Environmental Study and Negative Declaration](#)
- 3) [Submittal Requirements](#)
- 4) [SBCO web information](#)

Staff Report has been reviewed and approved for submission to the Planning Commission	
Teresa Gallavan, Economic Development Director/ Assistant City Administrator Date	Lucille T. Breese, AICP Planning Manager Date

RESOLUTION NO. 757 (13)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE A TEXT AMENDMENT TO AMEND ZONING ORDINANCE CHAPTER 17.136 – CHAPTER 17.136 HOME OCCUPATION PERMITS. (PLANNING DIVISION FILE NO. TA 13-01)

WHEREAS, the California State Legislature adopted AB 1616 allowing Cottage Food Operations in residential dwellings effective January 1, 2013; and

WHEREAS, the Planning Commission has considered a Text Amendment to amend Zoning Ordinance *Chapter 17.136 – Home Occupation Permits* as shown in the attached draft Ordinance; and

WHEREAS, the request was considered by the Planning Commission at a duly-noticed public meeting on August 14, 2013; and

WHEREAS, at the meeting of August 14, 2013, City staff was present and answered Planning Commissioners' questions and addressed their concerns; and

WHEREAS, at the meeting of August 14, 2013, _____ spoke in support of and/or in opposition to the Text Amendment; and

WHEREAS, the Planning Commission has recommended City Council adoption of the Negative Declaration prepared for the Text Amendment, pursuant to the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:

SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that the proposed Text Amendment (TA 13-01) recommended by this Resolution is in accordance with the provisions of the General Plan of the City of Lompoc;

SECTION 2: The proposed modifications are required for the public necessity, convenience and general welfare;

SECTION 3: Pursuant to Public Resources Code Section 21089 and Section 15074 of the California Environmental Quality Act Guidelines, the Initial Environmental Study and Negative Declaration which have been prepared for the proposed Text Amendment show that there is no substantial evidence that the project may have a significant effect on the environment, and therefore it can be found that: the proposed Text Amendment will not result in an adverse impact on the environment;

SECTION 4: The Planning Commission resolves that this Resolution shall be forwarded to the City Council, pursuant to Section 17.132.040 of the Lompoc City Code, with the Commission's recommendation that the Council adopt the attached draft Ordinance approving TA 13-01.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the Planning Commission meeting of August 14, 2013 by the following vote:

AYES: Commissioners

NOES:

Lucille T. Breese, AICP, Secretary

Ron Fink, Chair

[Exhibit A – Draft Ordinance No. XXXX \(13\)](#)

ORDINANCE NO. XXXX (13)

**An Ordinance of the Council of the City of Lompoc,
County of Santa Barbara, State of California,
Amending Lompoc Municipal Code Chapter 17.136 – Home Occupation Permits**

THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 17.136 of the Lompoc Municipal Code is hereby amended to read as follows:

Chapter 17.136 HOME OCCUPATION PERMITS

Sections:

~~17.136.010~~ Granted by Community Development Director

17.136.020 Intent and Purpose

17.136.025 Definitions

17.136.030 Application Procedure

17.136.040 Special **Operating** Standards

17.136.050 Appeal.

17.136.010 Granted by Community Development Director.

~~The Community Development Director may review applications for home occupation permits and, without public hearing, grant the use in whole or in part, with or without conditions, in the place and stead of the Planning Commission and in conformance with this Chapter. Upon such granting of a home occupation permit and the acceptance thereof by the applicant, the granting, including conditions thereon, by the Community Development Director, shall have the same force and effect as though the Planning Commission had granted the permit. In the event that the applicant does not agree with a condition upon or a disapproval of the application or any part of the use, he or she shall, in writing, request a review thereon by the Planning Commission. Upon such request being filed, the decision of the Community Development Director shall be set aside and be null and void as though not rendered. Thereafter, the proceeding shall be as provided in the Zoning Ordinance. (Added during 2008 recodification)~~

17.136.020 Intent and Purpose.

The provisions set forth in this section are intended to allow those uses which are clearly incidental to the use of, and compatible with, **the residential use of the property and** surrounding residential uses. (Ord. 1537 § 1, 2006; prior code § 8895)

17.136.025 Definitions

- A. **General Home Occupation Permit** – any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part. ~~Home occupation may be engaged in when permitted by these regulations provided the category of home occupation has been approved by the Commission as valid and conforming with the criteria and conditions stated in Chapter 17.136.~~
- B. **Cottage Food Operation** – *An enterprise with gross annual sales limits set forth in subdivision (a) of section 113758 of the Health and Safety Code, is operated by a Cottage Food Operator and having not more than one full-time equivalent cottage food employees, not including a family member of household member of the Cottage Food Operator, and conducted within the Registered or Permitted Area of a private home where the Cottage Food Operator resides and where Cottage Food Products are prepared and/or packaged for direct, indirect, or direct and indirect sale to consumers pursuant to section 113758 subdivision (b), subsections (4) and (5) of the Health and Safety Code. A Cottage Food Operation includes both of the following:*
1. **Class A Cottage Food Operations** may engage only in direct sales of Cottage Food Products from the Cottage Food Operation or other direct sales venues such as temporary events. A separate permit from the County of Santa Barbara shall be required to operate a temporary food facility at such events. A Class A Cottage Food Operation shall not be open for business unless it is registered with the County of Santa Barbara.
 2. **Class B Cottage Food Operations** may engage in both direct sales and indirect sales of Cottage Food Products such as a permitted third-party retail food facility. A Class B Cottage Food Operator shall not be open for business unless it obtains a permit from the County of Santa Barbara.
- C. **Direct Sales.** A transaction between a Cottage Food Operator and a consumer where the consumer purchases the Cottage Food Product directly from the Cottage Food Operator. Examples include, but are not limited to, holiday bazaars, temporary events, bake sales, food swaps, certified farmers' markets and community-supported agricultural subscriptions.
- D. **Indirect Sales.** An interaction between a Cottage Food Operator, a third party retailer, and a consumer, where the consumer purchases Cottage Food Products made by the Cottage Food Operation from a third party retailer that holds a valid permit.
- E. **Registered or Permitted Area.** A private home kitchen described and authorized in the permit or registration for the Cottage Food Operation and

used for the preparation, packaging, storage, or handling of Cottage Food Products and related ingredients and/or equipment, and attached rooms within the home that are used exclusively for storage. Detached accessory buildings, including garages and guest quarters, enclosed patios and second units are not included as registered or permitted areas.

17.136.030 Application Procedure.

A. An Application for a Home Use Permit shall be filed with the Zoning Administrator:

1. ~~Shall be filed~~ by owner or authorized agent on forms provided in the Community Development Department; **Planning Division;**
2. Shall include a complete, written description of the proposed use ***all information required on the Submittal List for Home Occupation Permit available at the Planning Division or on the City website at http://www.cityoflompop.com/comdev/planning_apps.htm***
3. Shall include a filing fee, adopted by City Council; and
4. Shall include an acknowledgement signed by the applicant, of special standards applicable to home occupation use permit as identified in Section 17.136.040.
5. The application for a Cottage Food Operator shall include a dimensioned site plan and floor plan showing the following:
 - a. ***Spacing: No Cottage Food Operator shall be approved if: (1) the property line of the site of the proposed use is located within 300 feet on the same street or the corner of a cross-street of the property line of any single family home where another Cottage Food Operation operates under an existing HUP; or (2) if the proposed use is located within the same building of an apartment complex or other multi-family housing (i.e. condominium or townhome) where another Cottage Food Operation operates under an existing HUP.***
 - b. ***Parking and Loading Requirements: For single family homes, parking spaces in the property garage or carport and driveway shall be available for the actual parking demand created by the use, including parking space for the applicant's own vehicles, parking spaces for employee(s) if employees(s) are present, and one parking space for customers if direct sales on the property are proposed. For apartments and multi-family developments, the Cottage Food Operator's designated space(s) shall be available for the actual parking demand created by the use, including parking spaces for the applicant's own vehicles, parking spaces for employee(s) if employee(s) are present, and one parking space for customers if direct sales on the property are proposed. On-site parking in an apartment complex or other multi-family residence require approval from the property owner, landlord, homeowners association or property manager.***
 - c. ***Noise Control: Cottage Food Operations shall not create noise levels in***

excess of those allowed in the applicable residential areas in the noise element of the General Plan or in excess of those allowed in LMC Chapter 8.08.

- d. Size: Cottage Food Operations shall occupy no more of a residence than the lesser of (1) thirty percent (30%) of the floor area of the dwelling excluding the garage area; or (2) the area permitted by SBCO.**
- e. No Signage: Cottage Food Operations shall not install or post signage or advertisements identifying the Cottage Food Operation at the site or building where the Cottage Food Operation is located.**
- f. No Outdoor Sales: No outdoor sales shall be allowed at the site of the Cottage Food Operation.**
- g. No Dining: If direct sales are proposed at the site of the Cottage food Operation, no third parties or customers shall be permitted to dine at the Cottage Food Operation.**
- h. Code requirements: While the use of a residence for a Cottage Food Operation shall not constitute a change of occupancy for purposes of building and fire codes, to the extent that building modifications are proposed (e.g. more walls for storage areas, new electrical panel for range) a building permit shall be required from the Building Division.**

B. Permit *Issuance and Duration*.

- 1. ~~Planning staff~~ **The Zoning Administrator** shall approve, conditionally approve, or deny the home use permit within 72 hours of acceptance of a completed application;
- 2. Upon issuance of the home use permit by ~~Planning staff~~, **the Zoning Administrator**, the applicant shall obtain a business tax certificate from the City Clerk;
- 3. Home occupation permit shall remain valid and in full force unless:
 - a. Applicant/business relocates to a new address, in which case a new home use permit must be obtained; or
 - b. Applicant/business operates in a manner that violates the special standards and results in code enforcement action by the City of Lompoc. In which case, the home use permit may be referred to the Planning Commission for revocation.

(Ord. 1537 § 1, 2006; prior code § 8896)

17.136.040 Special Operating Standards.

A. General Home Occupation Permit

The following special standards shall be conditions of approval for each **general** home occupation use permit. Additional conditions may be imposed by the ~~Community Development Director~~ **Zoning Administrator** if required to insure compatibility with existing neighboring residential uses.

- A. **1.** All applicable provisions of the Lompoc Municipal Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
- B. **2.** The home occupation shall be located entirely within a residence in a residentially zoned property.
- C. **3.** There shall be no employees in connection with the home occupation, within the home at any time including before or after the work day, other than a member of the resident household.
- D. **4.** There shall be no use of materials or mechanical equipment not recognized as part of normal household or hobby uses.
- E. **5.** There shall be no customers of the business or sales of products on the premises.
- F. **6.** The business shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than a vehicle not to exceed the capacity of one ton, owned by the business owner which shall be stored in an entirely enclosed garage.
- G. **7.** Storage of materials and/or supplies related to the business, outside the residence, is not permitted.
- H. **8.** No signs shall be displayed on the site in connection with the home occupation. There may be advertising on a vehicle that should not exceed three square feet in total. Magnetic signage is recommended.
- I. **9.** In no way shall the appearance of the dwelling be altered to identify the business and change the residential character of the existing neighborhood.
- J. **10.** There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as defined in the district. (Ord. 1537 § 1, 2006; prior code § 8897)

B. Cottage Food Industry Operation

Consistent with the operational requirements set forth in California Health and Safety Code Section 114365 et seq., a Cottage Food Operation shall comply with the following:

- 1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.***
- 2. The Cottage Food Operation shall be registered with the Santa Barbara County Office of Environmental Health and conform with all regulations of AB 1616.***
- 3. Food preparation shall take place entirely within the permitted area of the residence which is the private kitchen area with storage located in the same structure in residentially zoned property.***
- 4. Only foods defined as “non-potentially hazardous” are approved for preparation by CFO’s. The California Department of Public Health will establish and maintain a list of approved cottage food categories on their***

website which will be subject to change.

5. There may be one full-time equivalent employee (not counting family members or household members).

6. No signage shall be displayed on the site in connection with the CFO. There may be advertising on a vehicle that should not exceed three (3) square feet in total. Magnetic signage is recommended.

7. Class A CFO's are allowed to engage in "direct sale" (transaction between a CFO operator and a consumer making a direct purchase from the CFO operator), including up to two (2) customers on-site at one time.

8. Class B CFO's may engage in both "direct sale" and "indirect sale" of cottage food products (transaction where a consumer purchases products made by the CFP from a third-party retailer and can be immediately consumed on the premises).

9. No Cottage Food Product preparation, packaging, or handling may occur concurrent with any other domestic activities, including, but not limited to, family meal preparation, guest entertaining or dishwashing.

10. No infants, small children, or pets may be in the Registered or Permitted Area during the preparation, packaging, or handling of any Cottage Food Products.

11. Equipment and utensils used to produce Cottage Food Product shall be clean and maintained in a good state of repair.

12. All food contact surfaces, equipment, and utensils, used for the preparation, packaging, or handling of any Cottage Food Products shall be washed, used, and sanitized before each use.

13. All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.

14. No preparation, packaging, storage, or handling of Cottage Food Products and related ingredients and/or equipment shall occur outside of the Registered or Permitted Area.

15. Smoking shall be prohibited in the Registered or Permitted Area during the preparation, packaging, storing, or handling of Cottage Food Products and related ingredients and equipment.

16. A person with a contagious illness shall refrain from work in the Registered or Permitted Area of the Cottage Food Operation.

17. A person involved in the preparation or packaging of Cottage Food Product shall keep his or her hands clean and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity.

18. Water used during the preparation of Cottage Food Products shall meet potable drinking water standards.

19. A person who prepares or packages Cottage Food Products shall complete a food processor course instructed by the California Department of Public Health within three months of becoming registered or permitted.

20. A Cottage Food Operation shall properly package and label all Cottage Food Products in compliance with the Federal Food, Drug and

Cosmetic Act (21 U.S.C. Section 343 et seq.) and the Department's additional labeling requirements.

17.136.050 Appeal.

Decisions of the Zoning Administrator (or designee) may be appealed to the Planning Commissioner per Section 17.006.020.

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**CITY OF LOMPOC
ENVIRONMENTAL CHECKLIST FORM**

A. PROJECT INFORMATION:

Project Title: Text Amendment	Project No: TA 13-01	
Lead Agency Name and Address: City of Lompoc 100 Civic Center Plaza, Lompoc, CA 93436 P.O. Box 8001, Lompoc, CA 93438-8001	Contact Person and Phone Number: Lucille T. Breese, AICP Planning Manager (805) 875-8273	
PROJECT DESCRIPTION / LOCATION: Planning Commission will consider a recommendation to the City Council regarding a change to <i>Section 17.136 Home Occupation Permits</i> . The proposed change would recognize cottage food operations within all residential districts.		
Public Agencies with Approval Authority (Including permits, funding, or participation agreements): County of Santa Barbara Environmental Health Department, City of Lompoc Planning Division		
Project Applicant, Name and Address: N/A	Project Consultant: N/A	
General Plan Designations: Low Density / Medium Density / High Density Residential	City Zoning Designations: Residential Districts	
Surrounding Land Use Designations: Various		
Surrounding Land Uses/Zoning: Various		
Environmental Setting: Existing urbanized area.		
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact", as indicated by the checklist on the following pages.		
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology / Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation / Traffic
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	

B. ENVIRONMENTAL IMPACTS:

Identify the potential for significant adverse impacts below. Note mitigation measures, if available, for significant adverse impacts.

I. AESTHETICS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Comments:

- a) Cottage Food Operators conduct food production operations within existing private residential kitchens. Any future development consistent with the proposed Text Amendment will be subject to the City's *Zoning Ordinance and Cottage Food Operation* requirements.
- b) The Text Amendment will not substantially damage scenic resources as no development is proposed.
- c) Planning Commission review of the proposed Text Amendment will assure guidelines for future projects.
- d) The City will review future development proposals on a project specific basis and condition all projects to assure that no substantial light and/or glare will adversely affect day or nighttime views in the area.

II. AGRICULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

Comments:

- a-c) The proposed Text Amendment applies to an existing urbanized area and will have no impact on agricultural lands and resources. Any potential impacts caused by future development will be individually considered.

III. AIR QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Comments:

a-e) The proposed Text Amendment will not obstruct the implementation of any applicable air quality plan; violate any air quality standard; will not result in a cumulatively considerable net increase in any criteria pollutant for which the City is in non-attainment; will not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people. There is no new development proposed at this time and any future project will be reviewed to assure conformance with Air Quality standards.

IV. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project: d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Comments:

a-f) The proposed Text Amendment will not have a substantial adverse effect on any species identified as a sensitive species in local or regional plans or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, nor will it affect federally protected wetlands, nor will it affect migratory wildlife corridors, nor will it affect biological resources, nor will it conflict with local policies or ordinances protecting biological resources, nor will it conflict with an approved local, regional or state habitat conservation plan because no development is proposed.

V. CULTURAL RESOURCES	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project: a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Comments:

a-d) The proposed Text Amendment will not cause a substantial adverse change in the significance of a historical or archaeological resource as identified in the City of Lompoc Cultural Resource Study and “Archeological Sensitivity Zones” Map located in the City of Lompoc General Plan adopted October 1997.

VI. GEOLOGY AND SOILS	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Comments:

a-e) The proposed Text Amendment will not expose people or structures to potential substantial adverse effects. No development is proposed.

VII. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Comments:

a-f) There is no development proposed by the Text Amendment and therefore, no creation of a significant hazard to the public or the environment.

g) The proposed Text Amendment will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan.

h) The proposed Text Amendment will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands as no development is currently proposed.

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Comments:

a-e) The Text Amendment will not violate any water quality standards or waste discharge requirements; the project will not substantially deplete groundwater supplies or interfere with groundwater recharge; the project will not substantially alter the existing drainage pattern of the area; the project will not create or contribute run-off water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off.

f) The proposed Text Amendment will not violate any water quality standards or waste discharge requirements, nor place a greater demand on water supply or quality than the existing residential land use designations.

g) No development is proposed.

h) The proposed Text Amendment will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

i-j) The proposed Text Amendment will not create a threat of inundation by seiche, tsunami, or mudflow. No development is proposed.

IX. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Comments:

- a) The proposed Text Amendment will not physically divide an established community. Future development will be evaluated on a case-by-case basis for potential impact.
- b) The proposed Text Amendment will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. The proposed text amendment complies with state requirements regarding cottage food operations within the limitations of the California Homemade Food Act (AB 1616).
- c) No development is proposed; therefore, there will be no conflict with such a plan.

X. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Comments:

- a-b) The proposed Text Amendment will not result in a loss of availability of a known mineral resource that would be of value to the region and the residents of the state as no development is proposed.

XI. NOISE Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Comments:

a-f) No development is proposed in conjunction with the Text Amendment and therefore will not expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, and it will not expose persons to excessive ground borne noise levels or result in a substantial permanent increase in ambient noise levels.

XII. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Comments:

a-c) The proposed Text Amendment will not induce population growth as there is no development proposed. The proposed project will not displace any housing or people, or require any replacement housing.

XIII. PUBLIC SERVICES Would the project result in:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X
b) Fire Protection?				X
c) Police protection?				X
d) Schools?				X
e) Parks?				X
f) Other public facilities?				X

Comments:

a-f) The proposed Text Amendment will not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire, Police, Schools, Parks, or other public services.

XIV. RECREATION Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Comments:

a) The Text Amendment does not include any development and would not increase the use of existing neighborhood and regional parks, nor cause substantial physical deterioration to existing neighborhoods.
b) The text Amendment does not include recreational facilities or require construction or expansion of regional parks and other recreational facilities.

XV. TRANSPORTATION/CIRCULATION	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Comments:

a-b) The proposed Text Amendment would not increase traffic because no development is proposed. Future development would not require a traffic analysis to assure conformance with existing City standards because the scope of activity of a cottage food operation is such that the use is conducted within an existing private residential dwelling by the primary tenant.

c) The proposed project will not result in a change in air traffic patterns.

d-g) Planning Commission approval of the proposed Text Amendment will assure safe design of future specific projects; adequate emergency access; on-site parking capacity; and support of alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

XVI. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Comments:

a-e) The proposed Text Amendment would not have an impact on water, wastewater, or storm water facilities and would not have an impact on water supplies.

f-g) The proposed Text Amendment would not have an impact on the landfill.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Does the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Comments:

a-c) The proposed Text Amendment would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, or eliminate the range of a rare

or endangered plant or animal; or create impacts that cumulatively considerable; or cause substantial adverse effects on human beings directly or indirectly.

DETERMINATION: On the basis of this initial evaluation:	
X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION , pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lucille T. Breese, AICP
Planning Manager

Date

**CITY OF LOMPOC
NEGATIVE DECLARATION**

Pursuant to the State of California Public Resources Code and the California Environmental Quality Act, as amended to date, a Negative Declaration is hereby made on the following project:

Title: Text Amendment – TA 13-01

Location: Citywide

Description: Consideration of a Text Amendment to the City's Zoning Ordinance to amend Chapter 17.136. – Home Occupation Permits of the City of Lompoc Zoning Ordinance.

The Planning Division of the City of Lompoc has determined that:

- There are no significant adverse environmental impacts created by this project.
- There are no significant adverse environmental impacts associated with this project if the following conditions/mitigation measures are met.

September , 2013
Date

Lucille T. Breese, Planning Manager
for Planning Division

City of Lompoc Economic & Community Development Department – Planning Division HOME OCCUPATION USE PERMIT General HUP / Cottage Food Industry Permit	
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APPLICANT INFORMATION:

Name: _____
 Address: _____
 Telephone: _____ Fax _____
 E-mail: _____

PROPERTY OWNER INFORMATION:

Name: _____
 Address: _____
 Telephone: _____ Fax _____
 E-mail: _____

SITE INFORMATION:

Site Address: _____
 Assessor's Parcel Number: _____ Zone District _____ General Plan _____
 If there is a homeowners association, list the association's business address:

SELECT ONE TYPE:

A. _____ General Home Occupation Permit

Type of business to be conducted: _____

Will the proposed business involve use of the home other than an office with a telephone and mailing address?

Yes: _____ No: _____ If yes, please describe: _____

Will a vehicle be used for the proposed business? Yes: _____ No: _____

Will the proposed business involve the use of any specialized equipment, which is not commonly found in a household?

Yes: _____ No: _____ If yes, please describe: _____

List the types and quantities of any chemicals or hazardous materials, which will be stored or used on-site in connection with the proposed use. _____

B. _____ Cottage Food Industry Permit SBCO Permit No. _____

Type of Permit Requested: _____ Class A – Direct Sales _____ Class B – Direct & Indirect Sales

Product Name & Description: _____

The application for a Cottage Food Operator shall include a dimensioned site plan and floor plan showing the following:

- Dimensioned Site Plan – showing location of dwelling unit on the property; location of parking for occupant, employee(s) and customers (if applicable). Include adjacent streets and indicate surrounding uses on the plan (size to be no smaller than 8-1/2 x 11 inches nor larger than 11 by 14 inches)
- 1. Dimensioned Floor Plan of Interior of Dwelling Unit – showing entire dwelling unit and identifying spaces within the unit where the Cottage Food Operation will occur, including square footage of the total space and square footage of the Cottage Food Operation.
 - a. Spacing: No Cottage Food Operator shall be approved if: (1) the property line of the site of the proposed use is located within 300 feet on the same street or the corner of a cross-street of the property line of any single family home where another Cottage Food Operation operates under an existing HUP; or (2) if the proposed use is located within the same building of an apartment complex or other multi-family housing (i.e. condominium or townhome) where another Cottage Food Operation operates under an

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existing HUP;

- b. *Parking and Loading Requirements: For single family homes, parking spaces in the property garage or carport and driveway shall be available for the actual parking demand created by the use, including parking space for the applicant's own vehicles, parking spaces for employee(s) if employees(s) are present, and one parking space for customers if direct sales on the property are proposed. For apartments and multi-family developments, the Cottage Food Operator's designated space(s) shall be available for the actual parking demand created by the use, including parking spaces for the applicant's own vehicles, parking spaces for employee(s) if employee(s) are present, and one parking space for customers if direct sales on the property are proposed. On-site parking in an apartment complex or other multi-family residence require approval from the property owner, landlord, homeowners association or property manager.*
- c. *Size: Cottage Food Operations shall occupy no more of a residence than the less of (1) thirty percent (30% of the floor area of the dwelling excluding the garage area; or (2) the area permitted by SBCO Permit.*

SPECIAL STANDARDS:

All businesses, which are granted a Home Occupation Use Permit, must be operated in compliance with the attached conditions (Lompoc City Code Section 17.136.040). HUP valid at this address only, change of residence will require a new HUP.

CONSENT OF PROPERTY OWNER OR AUTHORIZED AGENT:

I (We) consent to the submission of this application.

Signature of Property Owner or Agent	Date

APPLICANT'S VERIFICATION:

I (We) hereby declare under penalty of perjury under the laws of the State of California that the foregoing information is true, complete, and correct. If a Home Occupation Use Permit pursuant to this application is issued, I agree to comply with all conditions, including the attached standard conditions.

Signature of Applicant	Date	Signature of Applicant	Date

Staff Use Only

Date Application Received: _____

Standard Conditions Signed: _____

File Number: _____

Fee as of July 2008 \$92.80
Account Number: 40010-46286

City Treasury Stamp here

Name (Staff Member)

Standard Conditions – General Home Occupation Use Permit

Permit No. HUP _____ Address: _____

The following Special Standards shall be conditions of approval for each Home Occupation Use Permit. Additional conditions may be imposed by the City Planner if required to insure compatibility with existing neighboring residential uses.

1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
2. The home occupation shall be located entirely within a residence in a residentially zoned property.
3. There shall be no employees in connection with the home occupation, within the home at any time including before or after the workday, other than a member of the resident household.
4. There shall be no use of materials or mechanical equipment not recognized as part of normal household or hobby uses.
5. There shall be no customers of the business or sales of products on the premises.
6. The business shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than a vehicle not to exceed the capacity of one (1) ton, owned by the business owner which shall be stored in an entirely enclosed garage.
7. Storage of materials and/or supplies related to the business, outside the residence, is not permitted.
8. No signs shall be displayed on the site in connection with the home occupation. There may be advertising on a vehicle, that should not exceed three (3) square feet in total. Magnetic signage is recommended.
9. In no way shall the appearance of the dwelling be altered to identify the business and change the residential character of the existing neighborhood.
10. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as defined in the district.

Applicant's Signature

Date

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Standard Conditions – Cottage Food Operation Permit

Permit No. CFO _____ Address: _____

Consistent with the operational requirements set forth in California Health and Safety Code Section 114365 et seq., a Cottage Food Operation shall comply with the following:

- 1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.***
- 2. The Cottage Food Operation shall be registered with the Santa Barbara County Office of Environmental Health and conform with all regulations of AB 1616.***
- 3. Food preparation shall take place entirely within the permitted area of the residence which is the private kitchen area with storage located in the same structure in residentially zoned property.***
- 4. Only foods defined as "non-potentially hazardous" are approved for preparation by CFO's. The California Department of Public Health will establish and maintain a list of approved cottage food categories on their website which will be subject to change.***
- 5. There may be one full-time equivalent employee (not counting family members or household members).***
- 6. No signage shall be displayed on the site in connection with the CFO. There may be advertising on a vehicle that should not exceed three (3) square feet in total. Magnetic signage is recommended.***
- 7. Class A CFO's are allowed to engage in "direct sale" (transaction between a CFO operator and a consumer making a direct purchase from the CFO operator), including up to two (2) customers on-site at one time.***
- 8. Class B CFO's may engage in both "direct sale" and "indirect sale" of cottage food products (transaction where a consumer purchases products made by the CFO from a third-party retailer and can be immediately consumed on the premises).***
- 9. No Cottage Food Product preparation, packaging, or handling may occur concurrent with any other domestic activities, including, but not limited to, family meal preparation, guest entertaining or dishwashing.***
- 10. No infants, small children, or pets may be in the Registered or Permitted Area during the preparation, packaging, or handling of any Cottage Food Products.***
- 11. Equipment and utensils used to produce Cottage Food Product shall be clean and maintained in a good state of repair.***
- 12. All food contact surfaces, equipment, and utensils, used for the preparation, packaging, or handling of any Cottage Food Products shall be washed, used, and sanitized before each use.***
- 13. All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.***

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14. ***No preparation, packaging, storage, or handling of Cottage Food Products and related ingredients and/or equipment shall occur outside of the Registered or Permitted Area.***
15. ***Smoking shall be prohibited in the Registered or Permitted Area during the preparation, packaging, storing, or handling of Cottage Food Products and related ingredients and equipment.***
16. ***A person with a contagious illness shall refrain from work in the Registered or Permitted Area of the Cottage Food Operation.***
17. ***A person involved in the preparation or packaging of Cottage Food Product shall keep his or her hands clean and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity.***
18. ***Water used during the preparation of Cottage Food Products shall meet potable drinking water standards.***
19. ***A person who prepares or packages Cottage Food Products shall complete a food processor course instructed by the California Department of Public Health within three months of becoming registered or permitted.***
20. ***A Cottage Food Operation shall properly package and label all Cottage Food Products in compliance with the Federal Food, Drug and Cosmetic Act (21 U.S.C. Section 343 et seq.) and the Department's additional labeling requirements.***

Applicant's Signature

Date

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Santa Barbara County



Environmental Health Services

Cottage Food Law Frequently Asked Questions Environmental Health Services

1. When does the Cottage Food Law go into effect?

The new law becomes effective January 1, 2013

It is the intent of Santa Barbara County to implement the new law to as full an extent possible on January 1, 2013. Full implementation will be dependent on the State developing and offering a Cottage Food Operation (CFO) food processor course. The information provided in this question and answer summary is only part of the new law. AB 1616 can be viewed in its entirety at the following link:

Link to AB-1616:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1616&search_keywords

2. What is a Cottage Food Operation (CFO)?

A CFO is an enterprise at a private home where low-risk food products are prepared or packaged for sale to consumers.

3. What is meant by a “private home?”

“Private home” means a dwelling, including an apartment or other leased space where individuals reside.

4. Are there limitations on the size of CFO’s sales?

- \$35,000 or less in gross sales in 2013
- \$45,000 or less in gross sales in 2014
- \$50,000 or less in gross sales in 2015 and beyond

5. Can a CFO have employees?

A CFO can have one full-time equivalent employee (not counting family members or household members).

6. What cottage food categories are permitted at a CFO?

Only foods that are defined as “non-potentially hazardous” are approved for preparation by CFOs. These are foods that do not require refrigeration to keep them safe from bacterial growth that could make people sick. The following list is taken from the new law:

- 1) Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas.
- 2) Candy, such as brittle and toffee
- 3) Chocolate-covered nonperishable foods, such as nuts and dried fruit
- 4) Dried fruit
- 5) Dried pasta
- 6) Dry baking mixes
- 7) Fruit pies, fruit empanadas, and fruit tamales
- 8) Granola, cereals, and trail mixes
- 9) Herb blends and dried mole paste
- 10) Honey and sweet sorghum syrup
- 11) Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations (These should be fruit products to assure that they are not potentially hazardous).
- 12) Nut mixes and nut butters
- 13) Popcorn
- 14) Vinegar and mustard
- 15) Roasted coffee and dried tea
- 16) Waffle cones and pizzelles

From time to time products may be added to or removed from the list. The California Department of Public Health (CDPH) will establish and maintain a list of approved cottage food categories on the CDPH website and will establish a process by which new foods can be added to the list and other foods can be challenged and removed.

7. What are the two classifications of CFO?

- Class A CFOs are only allowed to engage in “**direct sale**” of cottage food.
- Class B CFOs may engage in both “**direct sale**” and “**indirect sale**” of cottage food.

8. What is meant by “Direct Sale” of cottage food?

“Direct Sale” means a transaction between a CFO operator and a consumer, where the consumer purchases the cottage food product directly from the CFO. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmer’ markets or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

9. What is meant by “Indirect Sale” of cottage food?

“Indirect Sale” means an interaction between a CFO, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the CFO from a third-party retailer that holds a valid permit issued by the local environmental health agency in their jurisdiction. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

10. Do I need any special training or certification to prepare cottage foods?

A person who prepares or packages cottage food products must complete a food processor course instructed by the California Department of Public Health within three months of being registered or permitted.

11. Does a CFO need a permit to operate?

Planning/Zoning: All CFOs need to obtain approval from their local city or county planning department. The Homemade Food Act gives planning departments several options to consider, so planning department requirements may vary between jurisdictions. Check with your local building and planning departments before you begin operating a CFO.

Environmental Health:

- For “**Class A**” CFOs (direct sale only), **registration** with the local enforcement agency and submission of a completed “self-certification checklist” approved by the local environmental health agency.
- For “**Class B**” CFOs (direct and indirect), a **permit** from the local environmental health agency is required.

Registrations and permits are not transferrable between:

- Persons
- Locations
- Type of food sold
- Type of distribution

12. How much will the registration or permit cost the CFO?

Santa Barbara County will establish fees that are not to exceed the cost of providing the service. Additional fees may be charged for inspection and/or enforcement activities if the cottage food operation is found to be in violation of this chapter.

13. Will my CFO Registration/Permit allow me to sell at other retail venues?

There may be health permits required to sell at other locations, such as Certified Farmer’s Markets or Swap Meets. Please check with Santa Barbara County Environmental Health Services for additional permit requirements.

14. Will my home kitchen be subject to inspections by the Environmental Health Division?

If you are a registered “**Class A**” (direct sale only) CFO, then an inspection will only be conducted if a consumer complaint is received that adulterated or otherwise unsafe food had been produced by the CFO or that the CFO has violated the California Retail Food Code.

If you are a “**Class B**” (direct and indirect sale) CFO then an initial inspection, to determine that the CFO and its method of operation conforms to the requirements of the California Retail Food Code, must be conducted for the permit to be issued. After the initial inspection, a “Class B” cottage food operation “shall not be subject to more than one inspection per year by the local enforcement agency”.

15. What are the CFO's operational requirements?

- *All CFOs need to submit a self-certification checklist to verify:
 - No domestic activities in the home during cottage food preparation, packaging or handling
 - No infants, small children, or pets in kitchen during cottage food preparation, packaging or handling
 - Kitchen equipment and utensils kept clean and in good repair
 - All food contact surfaces and utensils washed, rinsed, and sanitized before each use
 - All food preparation, food storage and equipment areas free of rodents and insects
 - No smoking in kitchen area during preparation or processing of cottage food
- *Person with contagious disease must refrain from work
- *Hands and exposed portions of arms of food workers must be kept clean and washed before any food preparation or packaging
- *Water used in food preparation activities must be potable. Water used in food preparation includes:
 - Washing, rinsing, and sanitizing equipment and surfaces used in Cottage food preparation
 - Washing and sanitizing hands and arms
 - Water used as an ingredient
- *CFO operators are required to take a food processor course offered by the California Department of Public Health within 3 months of being registered or permitted.

16. What would be my labeling requirements?

All cottage food products must be properly labeled in compliance with the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.). The label shall include:

- The words "Made in a Home Kitchen" in 12-point type
- The name commonly used for the food product
- Name of the CFO which produced the food product
- The registration or permit number of the cottage food operation which produced the cottage food product and the name of the local enforcement agency that issued the number
- Product ingredients in descending order by weight
- Regarding allergen labeling, refer to Federal Food, Drug and Cosmetic Act: Consumer Protection Act 2004 (enacted 2006) for FDA compliance, guidance and regulatory information.

In a permitted food facility, cottage food products served without packaging or labeling shall be identified to the customer as homemade on the menu, menu board, or other easily accessible location.

17. To verify my official ingredients list, do I need to send my cottage food list to an official laboratory?

No. You are not required to have your product analyzed by a laboratory to obtain an official ingredient list. You must, however, list all ingredients in descending order of predominance by weight. If you use a prepared item in your recipe, you must list sub-ingredients as well.

18. Can a CFO sell cottage food outside the county of residence?

CFOs can only sell cottage food outside the county of residence when it is allowed by the local health department of the outside county.

19. Why are some products not allowed to be made and sold under the Cottage Food bill?

The Cottage Food bill allows food entrepreneurs to make and sell foods prepared in a home kitchen without the same level of inspection and regulation that typical food preparation businesses receive. For this reason, CFOs are restricted to producing and preparing only food products that are low risk, do not support rapid bacterial growth and do not require refrigeration. Even so, it is critical that anyone who operates a CFO is very careful to maintain the kitchen, equipment and storage areas in a clean and sanitary manner and to observe high levels of personal hygiene while preparing and packaging CFO foods. No one wants his or her customers to get sick.

20. Can I make cottage food products in an outbuilding on my property, for example, a shed or a barn?

No. The law requires the cottage food products be made in your kitchen and stored in your single family domestic residence.

21. Where can I store ingredients and finished products for my cottage food business?

Ingredients and finished cottage food products may be stored on site where the cottage foods are made. This includes your kitchen or attached rooms within the home that are used exclusively for storage. All rooms used for food storage must be free of insects and rodents, free of dirt, dampness/water, and free of other environmental sources of contamination.

22. Will I need any other types of permits or licenses for my CFO?

You may. Check with the city or county (if you are outside city limits) where your private home is located to determine if a business license or other permit is required.

Cottage Food Operation Food Safety Guidance

The purpose of these guidelines is to assure that the basic principles of food sanitation are met to prevent/eliminate unsafe contaminated food and foodborne illness from a Cottage Food Operation. Following these guidelines will reduce the chances of a foodborne illness from food prepared in a Cottage Food Operation as well as assure compliance with state law. A foodborne illness is any infection or illness that is transferred to people by the food they eat.

The following food safety risk factors are often identified with foodborne illnesses.

1) Contaminated Food Equipment

Contamination of food occurs from food equipment that has not been properly cleaned and sanitized. For example, if a cutting board is used to slice raw chicken for the evening meal and is set aside without being cleaned and sanitized, the number of bacteria on the surface of the board will quickly and significantly increase. If the same cutting board is used later to cut a cottage food product, the cottage food becomes contaminated and illness may occur. *ALWAYS WASH, RINSE, AND SANITIZE YOUR FOOD UTENSILS AND FOOD CONTACT SURFACES BEFORE AND AFTER FOOD PREPARATION.*

In a typical commercial setting, the wash, rinse, sanitizer procedure is implemented by use of a sink that has three compartments; however, in a home kitchen setting there are alternative methods recommended to implement the sanitizing step.

Manual Utensil Wash/Sanitize Procedure:

Step #1: Rinse or scrape all food utensils before washing

Step #2: Wash utensils in the first sink

Step #3: Rinse utensils by immersing or spray-rinsing in the second sink to remove all traces of food and detergent. Change the rinse water at frequent intervals.

Step #4: After rinsing, immerse utensils in a large container of chlorine bleach sanitizing solution (approximately 2 capfuls chlorine/gallon of water) for at least 30 seconds. Check the concentration of the sanitizing solution at regular intervals with chlorine test strips to ensure 100 parts per million (ppm)

Step #5: Air dry all utensils on a clean, dry, sanitary surface. Do not towel dry utensils.

Automatic Dishmachine Utensil Wash/Sanitize Procedure:

Step #1: Upon removing utensils from automatic dishmachine, immerse utensils in a container of chlorine bleach sanitizing solution for at least 30 seconds.

Sanitizing Food Contact Surfaces:

Step #1. Use a moist cloth, *do not use sponges*, to remove gross food product from counter tops and food preparation surfaces.

Step #2. Use a moist cloth stored in a container of sanitizing solution of chlorine bleach to wipe and sanitize the kitchen surfaces used to prepare food.

2) Poor Personal Hygiene

When a person who is handling food does not practice good personal hygiene, food is likely to become contaminated. Food handlers may contaminate food by:

- a) Not wearing clean clothes
- b) Not restraining their hair
- c) Not practicing effective hand washing procedure
- d) Working when they are ill.

Handwashing is the Best Defense Against Foodborne Illnesses

Most food borne illnesses are caused from fecal particles passed from the hands onto the food. Frequent washing of the hands during the food preparation is a key prevention strategy which minimizes the spread of food borne illness from contaminated surfaces that hands may have contacted.

The following is a guideline for effective handwashing procedure:

1. Wet hands with warm running water
2. Apply soap
3. Rub hands together for 20 seconds, making sure to get soap to all exposed surfaces including in between finger, under fingernails, and up the forearms.
4. Rinse off soap
5. Dry hands with single-use paper towel (cloth hand- drying towels may harbor bacteria.)

Please visit the following website for further education on handwashing:
<http://www.foodsafetymonth.com/Activities>

Note* *Hand sanitizers are not an effective way to rid the hands of bacteria and does not actually remove soil from the hands.
 Wearing gloves is never a substitute for handwashing.*

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Maintaining the CFO Separate from Domestic Home Activities

Maintaining a clear and distinct food preparation operation for cottage food production is an important control issue in the Cottage Food Law. The statute lists the following activities that are to be kept separate when preparing, packaging, and handling of a cottage food product:

1. Family meal preparation
2. Dishwashing
3. Clothes washing or ironing
4. Kitchen cleaning
5. Guest entertainment
6. No infants, small children, or pets may be in the home kitchen during the preparation, packaging or handling of the cottage food product. This does not mean that they are excluded from the home kitchen during other uses.
7. Smoking is prohibited in the portion of a private home used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, while cottage food products are being prepared, packaged, stored, or handled.

These types of domestic activities can cause a contamination to your cottage food product(s). For example, preparing raw chicken for the evening meal and cottage food handling at the same time would increase the likelihood of a cross contamination. For health reasons, it is important to keep domestic operations and your CFO separate.

.....

Kitchen Equipment, Utensils, Food Preparation Surfaces Maintained Clean and Sanitary.

As part of your cottage food production, you must first clean the utensils to be used and all food contact surfaces. The required method to be used for every food utensil, including food preparation surfaces, is that hot water with a detergent be used, rinsed with warm clear water and sanitized with a bleach water solution. The bleach solution concentration should be at least 100 parts per million (or about 2 capsful per gallon of water). After utensils and work surfaces are cleaned and sanitized, they should be left to air dry so as not to introduce bacteria by using a cloth towel. All work surfaces should be cleaned and sanitized every four hours.

Insects/Rodents/Dust

Sanitation extends to periods of time beyond actual food preparation. The areas in the home designated for preparation, storage of food, utensils, or equipment should be free of rodents, insects, and dust at all times.

Potable Water

Water is the primary component and basis for cleanliness and safe consumption of food/beverage products. The water supply in any habitable dwelling, particularly in food processing, must be safe to consume and use for sanitation purposes. Most water is sourced from a public water supply; however, there are some water sources that come from a private well. The water used in your cottage food operation must be potable for use in the following ways:

1. Food preparation
2. Washing, rinsing, and sanitizing equipment, utensils and food contact surfaces
3. Handwashing purposes
4. Water used as an ingredient

Labeling

Labeling is an important part of your food processing business. It is an excellent advertisement tool as well as an educational element for your product. All cottage foods must be properly labeled in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.). The label must include the following:

1. The words, "Made in a Home Kitchen" in 12-point type
2. The name commonly used for the food product
3. Name of the CFO which produced the food product
4. The registration or permit number of the "Class A" or "Class B" cottage food operation which produced the cottage food product and, in the case of a "Class B" cottage food operation, the name of the county of the local enforcement agency that issued the permit number.
5. The ingredients of the cottage food product, in descending order of predominance by weight, if the product contains two or more ingredients.

In addition, the Federal Food Drug and Cosmetic Act requires specific allergens be listed. The eight major food allergens are listed as: Milk and milk products, eggs, fish, soy, shellfish, peanuts, tree nuts, wheat proteins

Regarding allergen labeling, refer to the Federal Food, Drug, and Cosmetic Act: Consumer Protection Act 2004 (enacted 2006) for FDA compliance, guidance, and regulatory information.

****Note: So that accurate records can be maintained, please notify Environmental Health Services if you choose to discontinue your Cottage Food Operation.**



Select Language ▼

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Search

You are here: [SBC Home](#) > [Public Health Home](#) > [Environmental Health Home](#)

Public Health Department (PHD)

- Environmental Health Home
- Body Art
- Cottage Food Operations
- Food Facility - Retail
- Housing and Institution Safety
- Land Use
- Liquid Waste
- Ocean Water
- Recalls
- Recreational Health
- Solid Waste
- Vector Surveillance Program
- Water Quality
- Forms & Publications
- Policies and Procedures Forms for Environmental Health Services
- EHS Survey
- Environmental Health Services Contact List(2)
- Environmental Health Newsletter
-
- Public Health Home

Environmental Health Services



Cottage Food - "Class A" Self Certification Application

Applicant's Address

required fields are indicated with red

First Name: _____ Last Name: _____

Business Name: _____

Street1: _____

Street2: _____

Environmental Health Services

225 Camino del Remedio, Santa Barbara, CA 93110 Telephone 805-681-4900 • Fax 805-681-4901
2125 Centerpointe Parkway, Rm. 333, Santa Maria, CA 93455, Telephone 805-346-8460 • Fax 805-346-8485
Email: phdehsweb@sbcpd.org

| Site Info

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Applicant's Address required fields are indicated with red

First Name:

Last Name:

Business Name:

Street1:

Street2:

City:

State:

Zip/Postal:

Apartment / Unit Number:

Email (will receive email updates):

Phone:

Cell:

Fax:

Application Questions

Question	Answer
General	
Type of business	<input type="radio"/> Sole Ownership <input type="radio"/> Partnership <input type="radio"/> Corporation <input type="radio"/> Limited Liability Company

Name of Corporation or Limited Liability Company (Enter N/A if not applicable)	
What is the source of potable water for this location	<input type="radio"/> Public <input type="radio"/> Private
What type of sewage disposal is used at this location	<input type="radio"/> Public <input type="radio"/> Private
Foods for my Cottage Food operation will only be prepared from my home residence	<input type="radio"/> Yes <input type="radio"/> No
Operational Information	
<p>Identify the type(s) of food you will be preparing, packaging, and handling for your Category Class A Cottage Food Operation – PLEASE NOTE: If you plan on preparing foods not listed on this application, you are not eligible to work under the Category Class A Cottage Food Operation Rules. Please contact County of Santa Barbra Public Health for more information at 805-681-4900.</p>	<input type="checkbox"/> Dry baked goods without cream, custard or meat fillings. <input type="checkbox"/> Candy, such as brittle and toffee. <input type="checkbox"/> Chocolate-covered nonperishable foods, such as nuts and dried fruit. <input type="checkbox"/> Dried fruit. <input type="checkbox"/> Dried pasta. <input type="checkbox"/> Dry baking mixes. <input type="checkbox"/> Fruit pies, fruit empenadas, and fruit tamales. <input type="checkbox"/> Granola, cereals, and trail mixes. <input type="checkbox"/> Herb blends

	<p>and dried mole paste.</p> <p><input type="checkbox"/> Honey and sweet sorghum syrup.</p> <p><input type="checkbox"/> Jams, jellies, preserves, and fruit butter that comply with Part 150 of Title 21 of the Code of Fede</p> <p><input type="checkbox"/> Nut mixes and nut butters.</p> <p><input type="checkbox"/> Popcorn.</p> <p><input type="checkbox"/> Vinegar and mustard.</p> <p><input type="checkbox"/> Roasted coffee and dried tea.</p> <p><input type="checkbox"/> Waffle cones and pizzelles.</p>
<p>Is the above listed Cottage Food Operation address the same as your residential address</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Self Certification</p>	
<p>I agree that direct sales means, in person customer purchases at my home, holiday bazaars or other temporary events , such as bake sale or food swaps, certified farmers' markets, transactions at farm stands, or through community –supported agriculture subscriptions.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>I agree that food sales from my Cottage food operation gross sales can not exceed \$35,000 in the first year, \$45,000 in the second year and \$50,000 in the third and following years.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>I agree that there will be no more than one volunteer or one FTE (full time equivalent) employee that is not a family member.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>I agree that cottage food preparation,</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

<p>packaging, handling will not occur in the home kitchen concurrent with any other domestic activities, such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning or guest entertainment.</p>	
<p>I agree that there will be no infants, small children, or pets in the home kitchen during the preparation, packaging, or handling of any cottage food products.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>I agree that kitchen equipment and utensils will be kept clean/sanitized and in good repair which includes the following: a. all food contact surfaces and utensils will be washed, rinsed, and sanitized before each use; b. all food preparation, food storage, and equipment areas will be maintained free of rodents, insects, dust, and other vermin; c. no smoking in the kitchen area will occur during cottage food preparation, packaging, or handling.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>I agree that no one with a contagious disease will be allowed to work in the Cottage Food Operation.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>I agree that smoking will be prohibited in the portion of the residence used for the preparation, packaging, storage or handling of cottage food products and related ingredients or equipment, or both, while cottage food products are being prepared, packaged, stored, or handled.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>I agree that hands and exposed portions of arms of any person(s) will be properly and thoroughly washed before any cottage food preparation, packaging or handling will occur.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>I agree that water used in cottage food preparation will be potable. Water used in food preparation includes the following: a. Washing, rinsing, and sanitizing equipment and surfaces used in cottage food preparation; b. Washing and sanitizing hands and arms; c. Water used as an ingredient .</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>
<p>I agree that the CFO operator will take a food processor course offered by the California Department of Public Health within 3 months of becoming registered or permitted by the local</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>

jurisdiction(s) or as soon as it becomes available from the California Department of Public Health.	
I agree that the cottage food product(s) will be properly labeled in accordance with requirements specified in the Cottage Food law.	<input type="radio"/> Yes <input type="radio"/> No
I agree that the local zoning and/or planning departments have been contacted to determine if any other permits are necessary to operate a cottage food operation at the desired location.	<input type="radio"/> Yes <input type="radio"/> No
I agree that it is a violation to refuse to permit entry or inspection to a properly identified local enforcement agency inspector, taking of samples or other evidence, access to copy records, to conceal any samples or evidence, withhold evidence or interfere with the performance of the duties of an enforcement officer including verbal or physical threats or sexual and/or discriminatory harassment.	<input type="radio"/> Yes <input type="radio"/> No
I agree that to be open for business without a valid registration or permit is a violation of the California Health and Safety Code.	<input type="radio"/> Yes <input type="radio"/> No
I agree that registration or permit, once issued, is non- transferrable. A registration or permit shall be valid only for the person, location, type of food sales, and distribution activity specified by that registration or permit, and, unless suspended or revoked for cause, for the time period indicated.	<input type="radio"/> Yes <input type="radio"/> No
I agree that A "Class A" CFO may be subject to inspection as provided in the following: A representative of a local enforcement agency may access, for inspection purposes, the registered area of a private home where a CFO is located only if the representative has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the CFO or that the CFO has violated any part of Chapter 11.5 of the Cottage Food Operations Law.	<input type="radio"/> Yes <input type="radio"/> No
I certify that I have read the Cottage Food Industry Educational material located within the instructions for this application.	<input type="radio"/> Yes <input type="radio"/> No

<p>I the applicant, the legal owner or legal representative of the proposed Cottage Food Operation, understand and agree to all the conditions listed above in the checklist/ self-certification application. I acknowledge by penalty of permit revocation and other applicable penalties that all information submitted is true and correct to the best of my knowledge.</p>	<p><input type="radio"/> I agree</p> <p><input type="radio"/> I disagree (permit will not be issued)</p>
<p>I understand that my registration number will be generated once this application has been submitted. I may locate the Application ID at the bottom left side of the final application document.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p>

Terms and Conditions

By clicking on the Submit button below, you agree to the terms and conditions outlined above.

Submit Application

Class B Cottage Food Application Form Indirect Sales

Section #1: Type of Application (Check the appropriate box(es))

- New Cottage Food Operation:** opening: _____ (Complete sections 2, 3, 4 & 5)
- Change the name of the business:** (Complete sections 2, 3, 4 & 5)
- Change the legal name of the Permittee:** (i.e., by incorporation, marriage, court proceedings) (Complete 2, 3, 4 & 5)

Section #2: Owner Information (Please Print)

For Department Use Only

Owner ID: **OW** _____

Owner(s): Last _____ First _____
 Last _____ First _____

Phone: (____) _____ - _____ Cell phone: (____) _____ - _____ Fax: (____) _____ - _____ E-mail: _____

Mailing/Billing Address: Care of _____

Street/PO Box _____ Apt _____

City _____ State/Zip _____

- ¹ Corporation ¹ Limited Liability Company (LLC) ² Sole Owner ³ Partnership

Name of Corporation or Limited Liability Company: _____

Section #3: Facility Information (Please Print)

For Department Use Only

Facility ID: **FA** _____

Location Code: _____

Business name (DBA): _____

Business address: _____ Apt _____

City _____ State C.A. Zip _____ Business Tele.: (____) _____ - _____ Fax: (____) _____ - _____

What is the source of the water at this site? Private Public

What is the type of sewer system at this site? Private on-site sewage disposal system (septic) Public sewer system

Section #4: Specific Program Information

Class "B" Cottage food operation (CFO) (PE 1685) Fee \$292

Class "B" CFO's are only allowed to engage in "direct sale" and "indirect sale" of cottage food. "Indirect sale" means a transaction between a CFO, a third party retailer and a consumer, where the consumer purchases cottage food products made by the CFO from a third party retailer that holds a valid permit issued by the local environmental health agency in their jurisdiction. Indirect sales include, but are not limited to, sales made to retail food facilities where food may be immediately consumed on the premises.

Note: A preopening inspection is required prior to application approval. Inspection appointments require advance notice of two full business days.

For Department Use Only

Program ID: **PRO** _____

Employee ID: _____

Program Element: _____

Billing Status:

(01) Active

(04) Active-exempt

Permit Effective date: _____

Reviewed by: _____

Section #5: Certification

Are you eligible for a Veteran's Fee Exemption? if yes, please attach an Affidavit For A Veteran's Fee Exemption For The Health Permit To Operate A Food Business (form is available at Environmental Health Service's offices and on our website, <http://www.countyofsb.org/uploadedFiles/phd/EHS/veteransfeeexemption.pdf>)

Required attachment/s with this application:

(1) Self certification check list. (from Cottage Food Application A)

If Applicable:

(2) Veterans Exemption Form/Attach a copy of Honorable Discharge or other evidence of honorable release from U.S. Armed Service ie; copy of the DD 214.

Undersigned hereby certifies all of the information provided on this application is true and accurate. Environmental Health Services will be notified of any changes which occur in the type of business activity, name, billing address, ownership or closure.

Note: **Signature(s) must be original**; facsimiles or photocopies are not acceptable for Health Permit application. Signature must be an Owner(s), Partner(s) or Corporate Officer (Corporation and Limited Liability Companies).

Submission of an application is not a permit to operate until additional steps are completed and authorization is given for a food facility to process and distribute food products, for example Planning & Development departmental approval.

Print Name #1 _____ Title: _____

Signature: _____ **Date:** _____

Print Name #2 _____ Title: _____

Signature: _____ **Date:** _____

Print Name #3 _____ Title: _____

Signature: _____ **Date:** _____

HEALTH PERMIT

For Department Use Only

Fee paid \$ _____ Check # _____ Date _____ Receipt # _____ Prog Element **1685**

By _____ Comments: _____

ROUTE to (initial & date): AOP _____ Specialist _____ Supv _____ P&D _____

Acct.: Invoice # _____ Date _____ Amount Billed \$ _____ Initial: _____ Clerical File