

PLANNING COMMISSION

AGENDA

REGULAR MEETING OF THE HEMET PLANNING COMMISSION

City Council Chambers

450 East Latham Avenue, Hemet CA 92543

February 5, 2013

6:00 PM

If you wish to make a statement regarding any item on the agenda, please complete a Speaker Card and hand it to the clerk. When the Chairman calls for comments from the public on the item you wish to address, step forward to the lectern and state your name and address. Only testimony given from the lectern will be heard by the Planning Commission and included in the record.

1. CALL TO ORDER:

Roll Call: Chairman John Gifford, Vice Chairman Vince Overmyer, and Commissioners Nasser Moghadam, Michael Perciful, and Greg Vasquez

Invocation and Flag Salute: Chairman Gifford

2. APPROVAL OF MINUTES: None

3. PUBLIC COMMENTS:

*Anyone who wishes to address the Commission regarding items **not on the agenda** may do so at this time. Please line up at the lectern when the Chairman asks if there are any communications from the public. When you are recognized, please give your name and address. Please complete a Speaker Card and hand it to the Clerk so that we have an accurate recording of your name and address for the minutes.*

PUBLIC HEARING ITEMS

Meeting Procedure for Public Hearing Items:

1. Receive Staff Report Presentation
2. Commissioners report any Site Visit or Applicant Contact, and ask questions of staff
3. Open the Public Hearing and receive comments from the applicant and the public.
4. Close the Public Hearing
5. Planning Commission Discussion and Motion

4. ZONING ORDINANCE AMENDMENT NO. 13- 003 (Homemade Food Operator Regulations)

APPLICANT: City of Hemet
LOCATION: City-wide
PLANNER: Emery Papp

DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding a Zoning Ordinance Amendment to modify Chapter 90, amending Article III, Special Uses and Conditions, of the Hemet Municipal Code, adding Section 90-100 regulating Cottage Food Operators pursuant to Assembly Bill 1616, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15051.

Recommended Action:

That the Planning Commission:

1. Open the public hearing and take testimony regarding the proposed project and draft Zoning Ordinance Amendment No. 13-003 (Ordinance Bill No. 13-003); and,
2. Provide any additional comment or direction to staff regarding Homemade Food Operator Regulations; and,
3. Continue the Public Hearing to the **March 5, 2013 Planning Commission meeting** to allow additional time for City staff and the City Attorney to respond to concerns and new information regarding legal interpretations over the scope of local jurisdictional controls.

WORK STUDY ITEMS

Work Study items are not public hearings and do not require prior notice to the public, although notice may be given to interested persons depending upon the subject matter. The purpose of the Work Study session is to allow the Planning Commission to engage in an open, preliminary review and discussion of issues, ordinances, procedures, or projects prior to the formal public hearing process. The Planning Commission has the option to receive public comment, and is encouraged to provide direction to staff at the conclusion of the work study session.

5. **Update regarding the Hemet ROCS ordinances and programs – Verbal Report by Community Development Director Deanna Elliano**

6. **Current Housing Unit Inventory and Housing Unit Trends - Verbal Report by Community Development Director Deanna Elliano**

DEPARTMENT REPORTS

7. **CITY ATTORNEY REPORTS:** *Verbal report from Assistant City Attorney Stephen McEwen on items of interest to the Planning Commission.*
8. **COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**
- A. Verbal Report on City Council actions from the January 22, 2013 meeting
9. **HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT – Chairman John Gifford regarding ROCS Booth at Farmers Market**
10. **PLANNING COMMISSIONER REPORTS:** *Commissioner reports on meetings attended or other matters of Planning interest*
- A. Chairman Gifford
 - B. Vice Chair Overmyer
 - C. Commissioner Moghadam
 - D. Commissioner Perciful
 - E. Commissioner Vasquez
11. **FUTURE AGENDA ITEMS:** *Items to be scheduled for upcoming Planning Commission Meetings*
- A. North Hemet Specific Plan and Draft EIR
 - B. CUP for Hemet Jewelry & Loan
 - C. CUP for Equipment Rental
 - D. Zoning Ordinance Amendment regarding the Conversion of Big Box Retail Buildings
 - E. Public Workshop for the 2013 Housing Element Update
 - F. Consistency Zoning Program – Phase 1
12. **ADJOURNMENT:** To the meeting of the City of Hemet Planning Commission scheduled for **February 19, 2013 at 6:00 P.M.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, California 92543.

NOTICE TO THE PUBLIC:

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the Planning Department counter of City Hall located at 445 E. Florida Avenue during normal business hours. Agendas for Planning Commission meetings are posted at least 72 hours prior to the meeting. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact the Planning Department office at (951) 765-2375. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to insure accessibility to the meeting. (28 CFR 35.102-35.104 ADA Title II).

□ CITY OF HEMET PLANNING COMMISSION MEETING □
FEBRUARY 5, 2013



AGENDA #4

Staff Report

TO: Honorable Chairman and Members of the Planning Commission

FROM: Deanna Elliano, Community Development Director 
Emery J. Papp, Principal Planner

DATE: February 05, 2013

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 13-003 (Homemade Food Operator Regulations)**

APPLICANT: City of Hemet

LOCATION: City-wide

PLANNER: Emery J. Papp, Principal Planner

DESCRIPTION: A request for Planning Commission review and recommendation to the City Council regarding a Zoning Ordinance Amendment to modify Chapter 90, amending Article III, Special Uses and Conditions, of the Hemet Municipal Code, adding Section 90-100 regulating Cottage Food Operators pursuant to Assembly Bill 1616, with consideration of an environmental exemption pursuant to CEQA Guidelines Section 15061.

STAFF RECOMMENDATION:

That the Planning Commission:

1. *Open the public hearing and take testimony regarding the proposed project and draft Zoning Ordinance Amendment No. 13-003 (Ordinance Bill No. 13-003); and*
2. *Provide any additional comment or direction to staff regarding Homemade Food Operator Regulations; and*
3. *Continue the Public Hearing to the **March 5, 2013 Planning Commission meeting** to allow additional time for City staff and the City Attorney to respond to concerns and new information regarding legal interpretations over the scope of local jurisdictional controls.*

BACKGROUND:

Assembly Bill 1616 (AB 1616), "The California Homemade Food Act," was introduced to the legislature by Assemblyman Mike Gatto (D-Los Angeles) on February 8, 2012 and signed into law by Governor Brown on September 21, 2012. The law became effective on January 1, 2013.

Cottage foods are currently defined under AB 1616 as non-potentially hazardous foods that do not require refrigeration to prevent bacteria growth. The types of food items currently identified under AB 1616 as cottage foods include the following:

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.
12. Nut mixes and nut butters.
13. Popcorn.
14. Vinegar and mustard.
15. Roasted coffee and dried tea.
16. Waffle cones and pizelles.

Under AB 1616, the local health department (Riverside County Department of Environment Health) may add to the list of cottage foods and shall maintain the list on its website.

AB 1616 is a State mandated local program and it expressly states that a city, county, or city and county shall not prohibit cottage food operations in any residential dwelling, but may exercise local zoning controls under the following criteria:

1. Spacing and Concentration;
2. Traffic Control;
3. Parking; and
4. Noise Control.

There have been discussions at the State level, and with the author of the legislation to determine if the above is an "exhaustive" list of the areas in which a City may exercise control, or if other adopted municipal code requirements can be considered as they relate to this specific type of use. As this is still being clarified, staff recommends continuing this item for 30 days to complete research and analysis.

It is intended that staff will bring this item back for Planning Commission review and consideration at its regularly scheduled meeting on March 5, 2013 to consider the following:

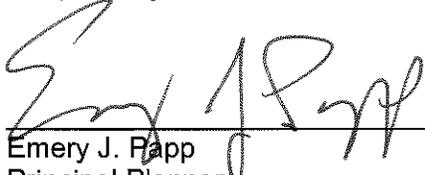
- Implementation of the State mandated local program
- Determining the extent of local zoning control
- Identification of jurisdiction, e.g. City responsibility vs. Riverside County Environmental Health
- Completion of a draft Ordinance for Planning Commission review
- Creation of a Homemade Food Operator Permit, Fee, and approval process
- Enforcement authority
- Interim approval authority

Since AB 1616 became effective, the City has been approached by three individuals who seek to establish a homemade food operation within the City. The City currently has no process for approval. A potential remedy for these individuals is to issue an existing City of Hemet Home Occupation Permit and to require, as a Condition, that Home Occupation Permit issued to any homemade food operation upgrades to Homemade Food Operator Permit when that process has become effective. In addition, the operator would be required to obtain certification from the Riverside County Department of Environmental Health.

Attached to this report for the Planning Commission to review and consider are the following documents:

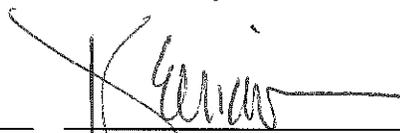
- Legislative Bureau Council Letter to Assemblyman Gatto, January 2, 2013. This letter from the Legislative Bureau Council seeks clarifications from the author of the legislation, Assemblyman Mike Gatto, regarding the intent of key issues impacting a local jurisdiction's ability to condition a cottage food operator.
- Riverside County Environmental Health Ordinance No. 916 (Cottage Food Operations). This Ordinance, which was adopted by the Riverside County Board of Supervisors on January 29, 2013, implements the Ordinance at the County level, and identifies the responsibilities and level of local control that can be exercised by the health department. The Ordinance also outlines County permitting procedures and enforcement authority.
- Riverside County Environmental Health Qualification, Registration, and Permit Process Flowcharts. These diagrams are helpful to assist a potential homemade food operator to understand the process as identified in Riverside County Environmental Health Ordinance No. 916, and the coordination required between the health department and local jurisdictions.
- Riverside County Environmental Health Self Certification Checklist (Class A CFO). Completion of this form is a requirement by Riverside County Environmental Health for Class A (engaging in direct sales only) homemade food operators, in lieu of required health inspections. The self-certification checklist is an "honor system" approach in which the operator agrees to abide by certain standards for safe and sanitary food preparation.
- Riverside County Environmental Health CFO Registration/Permitting Form. Completion of this form is required by Riverside County Environmental Health for all homemade food operators that obtain a Class A (engaging in direct sales only) or a Class B (engaging in direct, indirect, or direct and indirect sales) permit from the County.

Respectfully submitted:



Emery J. Papp
Principal Planner

Reviewed by:



Deanna Elliano
Community Development Director

ATTACHMENTS:

1. Legislative Bureau Council Letter to Assemblyman Gatto, January 2, 2013
2. Riverside County Environmental Health Ordinance No. 916 (Cottage Food Operations)
3. Riverside County Environmental Health Qualification, Registration, and Permit Process Flowcharts
4. Riverside County Environmental Health Self Certification Checklist (Class A CFO)
5. Riverside County Environmental Health CFO Registration/Permitting Form

Attachment No. 1

Legislative Bureau
Council Letter to
Assemblyman Gatto

Planning Commission
February 5, 2013



A TRADITION OF TRUSTED LEGAL SERVICE
TO THE CALIFORNIA LEGISLATURE

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January 2, 2013

Honorable Mike Gatto
Room 2114, State Capitol

COTTAGE FOOD OPERATIONS - #1301208

Dear Mr. Gatto:

You asked several questions relating to the effect of chapter 415 of the Statutes of 2012 (chapter 415) on the ability of a city¹ or county² to regulate, and the responsibility of a city or county toward, a cottage food operation. We will briefly describe how the production of food was regulated in California prior to the enactment of chapter 415 and then separately discuss each of the questions asked.

BACKGROUND

Generally, the production of food is regulated by two statutory provisions: the Sherman Food, Drug, and Cosmetic Law³ (the Sherman Law) and the California Retail Food Code⁴ (the Retail Food Code). The Sherman Law regulates, among other things, the sale of any food, which includes the manufacture, production, processing, packing, exhibition, offer, possession, or holding of any food for sale.⁵ Similarly, the Retail Food Code regulates the manufacture, processing, distribution, and sale of food by a food facility.⁶ The State Department of Public Health generally regulates both the Sherman Law⁷ and the Retail Food

¹ We express no opinion on the applicability of chapter 415 to charter cities.

² For purposes of this opinion, references to a "city or county" shall include a city, county, or city and county.

³ Health and Safety Code, division 104, part 5 (§ 109875 et seq.).

⁴ Health and Safety Code, division 104, part 7 (§ 113700 et seq.).

⁵ Health and Safety Code section 110030.

⁶ Health and Safety Code sections 113705 and 113980.

⁷ Health and Safety Code sections 109910 and 110045.

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Code,⁸ but local enforcement agencies have the primary responsibility for enforcing the Retail Food Code.⁹

Under the Retail Food Code, food has to be stored, prepared, packaged, served, vended, or provided at a food facility in order for the food to be sold at retail.¹⁰ A private home is not included in the Retail Food Code definition of a food facility. Accordingly, prior to the enactment of chapter 415, because food prepared in a private home was not prepared at a food facility, that food could not be sold at retail.¹¹

Chapter 415 was enacted in order to encourage the growth of community-based food production, including cottage food operations, by allowing foods prepared in a private home to be sold as homemade foods to the public.¹² Chapter 415 exempts cottage food operations from the provisions of the Sherman Law¹³ and the Retail Food Code,¹⁴ and defines a cottage food operation as an enterprise operated in a registered or permitted private home that prepares or packages nonpotentially hazardous food¹⁵ for sale to the consumer.¹⁶ Under chapter 415, a cottage food operation may sell its food either directly to the consumer as a Class A cottage food operation¹⁷ or both directly and indirectly to the consumer as a Class B cottage food operation.¹⁸ In order to qualify as a cottage food operation, the enterprise must also comply with certain gross annual sales and employment limitations.¹⁹

Government Code section 51035, as added by chapter 415, requires a city or county to allow cottage food operations and to either classify a cottage food operation as an authorized use of property zoned as residential or issue permits to engage in a cottage food

⁸ Health and Safety Code sections 113707 and 113763.

⁹ Health and Safety Code section 113713.

¹⁰ Health and Safety Code section 113789.

¹¹ Health and Safety Code section 113789, subdivision (c)(2).

¹² Senate Committee on Health, Report on Assembly Bill No. 1616 (2011-2012 Reg. Sess.) as amended May 3, 2012, page 4.

¹³ Health and Safety Code sections 109947 and 110460.

¹⁴ Health and Safety Code section 113789, subdivision (c)(2). Under chapter 415, a cottage food operation is generally exempt from the Retail Food Code but is still required to comply with specified standards relating to hand washing, vermin and animals, and other issues relating to hygiene and safety. (Health & Saf. Code, § 114365.2.)

¹⁵ Health and Safety Code section 114365.5 establishes a list of nonpotentially hazardous foods. The State Public Health Officer may add to or delete foods from that list by complying with certain notice requirements. (Health & Saf. Code, § 114365.5, subd. (c).)

¹⁶ Health and Safety Code section 113758.

¹⁷ Health and Safety Code section 113758, subdivisions (a)(1) and (b)(4).

¹⁸ Health and Safety Code section 113758, subdivisions (a)(2) and (b)(5).

¹⁹ Health and Safety Code section 113758, subdivision (a).

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operation.²⁰ If a city or county issues permits to engage in a cottage food operation, then the cottage food operation must comply with local ordinances prescribing “reasonable standards, restrictions, and requirements” that relate to “spacing and concentration, traffic control, parking, and noise control relating to those homes.”²¹

In addition to the regulations described above that apply to cottage food permits, all cottage food operations must comply with certain health and safety standards. A Class A cottage food operation must be registered with the local enforcement agency and complete a self-certification checklist that verifies that the cottage food operation meets certain requirements relating to the health and safety of the food prepared.²² But the local enforcement agency has no authority to verify that the cottage food operation has met those requirements unless the agency receives a complaint related to adulterated or unsafe food or a violation of specified laws.²³ On the other hand, a Class B cottage food operation is required to obtain a permit from the local enforcement agency and, as a part of the permitting process, to undergo an initial inspection of the premises.²⁴ The local enforcement agency may also inspect the premises no more than annually, or more often if it receives a complaint related to adulterated or unsafe food or a violation of specified laws.²⁵

QUESTIONS PRESENTED

1. **May a city or county prohibit a cottage food operation from selling products directly to the consumer from a private home?**

A statute should be interpreted in accordance with its ordinary and usual meaning.²⁶ Chapter 415 expressly requires a city or county to allow a cottage food operation by either classifying it as a permitted use of property zoned as residential or providing a permitting process for cottage food operations.²⁷ Moreover, a cottage food operation is specifically authorized to sell its products directly to the consumer.²⁸ Accordingly, it is our opinion that, under the plain language of chapter 415, a city or county cannot prohibit a

²⁰ Government Code section 50035, subdivision (a).

²¹ Government Code section 50035, subdivision (a)(2) and (3).

²² Health and Safety Code section 114365.

²³ Health and Safety Code section 114365, subdivision (a)(1)(C).

²⁴ Health and Safety Code section 114365, subdivision (a)(2).

²⁵ Health and Safety Code section 114365, subdivision (a)(2)(C).

²⁶ *City of Alhambra v. County of Los Angeles* (2012) 55 Cal.4th 707.

²⁷ Government Code section 50035, subdivision (a).

²⁸ Health and Safety Code section 113758, subdivisions (a) and (b)(4).

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cottage food operation from selling its products directly to the consumer out of a private home.²⁹

2. May a city or county condition the granting of a permit to run a cottage food operation on the potential traffic impacts on the neighborhood caused by the cottage food operation?

If a city or county does not classify cottage food operations as an authorized use of property zoned as residential, then Government Code section 51035 requires the city or county to grant a permit to operate a cottage food operation to a cottage food operation that complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to those homes.³⁰ Traffic control is specifically listed as one of the types of local ordinances with which cottage food operations must comply as a condition of a permit to operate. Because the plain language of the statute requires an operator of a cottage food operation to comply with reasonable local traffic control ordinances as a condition of his or her permit for a cottage food operation, it is our opinion that a city or county may condition the grant of a permit to run a cottage food operation on compliance with reasonable standards relating to traffic control set by the city or county by local ordinance.

3. May a city or county condition the grant of a permit to run a cottage food operation on other topics not listed in Government Code section 51035?

Under the doctrine of "expressio unius est exclusio alterius," the expression of one thing in a statute ordinarily implies the exclusion of other things.³¹ Pursuant to that doctrine, if a statute grants a person a specific power, it is presumed that the statute prohibits the person from exercising any other power not specified.³² It follows that, by authorizing a city or county to condition the grant of a permit only on specified grounds, the Legislature is prohibiting that city or county from regulating a cottage food operation on any other grounds. If the Legislature had intended to make the list nonexhaustive, it could have done so by simply adding in the word "including" or the phrase "including but not limited to."³³ Indeed, the Legislature used the word "include" in several other places in chapter 415 to

²⁹ Government Code section 51035, subdivision (a)(2) and (3).

³⁰ Government Code section 51035, subdivision (a)(2) and (3).

³¹ *In re J.W.* (2002) 29 Cal.4th 200, 209; see also Sutherland Statutes and Statutory Construction (7th ed. 2007), Vol. 2A, § 47:23, pages 398-421.

³² *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 196; *Kaplan v. Superior Court* (1989) 216 Cal.App.3d 1354, 1359-1360.

³³ Sutherland Statutes and Statutory Construction, *supra*, § 47:23, page 417 (the word "include" is generally used to create a non-exhaustive list).

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create nonexhaustive lists.³⁴ The Legislature's decision not to do so in this instance demonstrates that the Legislature intended to create an exhaustive list of the topics that a city or county may regulate.³⁵ Thus, in our view, the list in Government Code section 51035 is exhaustive, and a city or county may condition a permit to operate a cottage food operation only on compliance with local ordinances pertaining to spacing and concentration, traffic control, parking, and noise control relating to those homes.

It is, therefore, our opinion that a city or county may not condition the grant of a cottage food operation permit on any topics not listed in Government Code section 51035.

4. May a city or county use an existing study on what constitutes a reasonable amount to charge for a permit fee to fulfill the requirement in Government Code section 51035 that the city or county provide a fee verification statement?

A city or county may charge fees to an applicant for a permit to operate a cottage food operation.³⁶ The fees cannot exceed the costs to the city or county of the review and permit process.³⁷ The applicant may request, and the city or county shall provide, a written breakdown of a verification of the fees.³⁸ The phrase "verification of fees" is not defined, but the term "verify" generally means to "establish the truth, accuracy, or reality of."³⁹ Under that definition, a city or county must establish that the amount of fees charged by the city or county is accurate.⁴⁰ A city or county is not limited with respect to the type of information that may be employed to meet that requirement. If an existing fee study provides the information accurately, then we see no reason why a city or county could not use it.

³⁴ Government Code section 51035, subdivision (b)(1); Health and Safety Code, sections 113758, subdivision (b)(3) and (6), 113789, subdivision (b)(2), and 114365, subdivision (a)(1).

³⁵ See *In re Ethan C.* (2012) 51 Cal.4th 610, 638, "[w]hen language is included in one portion of a statute, its omission from a different portion addressing a similar subject suggests that the omission was purposeful."

³⁶ Government Code section 51035, subdivision (a)(3).

³⁷ Government Code section 51035, subdivision (b).

³⁸ Government Code section 51035, subdivisions (a)(3) and (b)(2).

³⁹ Webster's 10th Collegiate Dictionary (1995) page 1312. When attempting to ascertain the ordinary, usual meaning of a word, it is appropriate to refer to the dictionary definition of that word. (*Wasatch Property Management v. Degrate* (2005) 35 Cal.4th 1111, 1121-1122.)

⁴⁰ This duty is consistent with the general requirement that a city or county that charges a fee must prove by a preponderance of the evidence that the fee is reasonable. (Cal. Const., art. XIII C, § 1.)

Honorable Mike Gatto — Request #1301208 — Page 6

Therefore, it is our opinion that a city or county may verify the cottage food operation permit fee using any information that would establish that the fee is reasonable, including an existing fee study.

5. Must a city or county provide to an applicant for a cottage food operation permit a list of all permits, fees, and fee verifications required by other public agencies?

If requested by an applicant, a city or county must provide "a list of the permits and fees that are required by the city, county, or city and county, including information about other permits that may be required by other departments in the city, county, or city and county, or by other public agencies."⁴¹ Additionally, a city or county, if requested by an applicant, must "provide information about the anticipated length of time for reviewing and processing the permit application"⁴² and must provide a verification of the fees paid by the applicant to that city or county.⁴³ Accordingly, based on a plain reading of the statute, a city or county must, if requested, provide information to an applicant with regard to all fees and permits required by that city or county and must also provide a verification of fees paid to that city or county. In addition, a city or county is required to provide information about other permits that may be required by other public agencies. However, a city or county is not required to provide a list of fees that may be required by other public agencies or to provide a verification of fees required by other public agencies.

⁴¹ Government code section 51035, subdivision (b)(1).

⁴² Government Code section 51035, subdivision (b)(1), emphasis added.

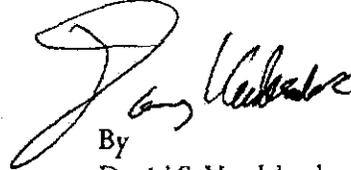
⁴³ Government Code section 51035.

Honorable Mike Gatto — Request #1301208 — Page 7

Consequently, it is our opinion that a city or county must provide to an applicant who is applying for a permit to operate cottage food operation information relating to all permits that may be required by other public agencies but is not required to provide information relating to any fees that are required by other public agencies.

Very truly yours,

Diane F. Boyer-Vine
Legislative Counsel



By
Daniel S. Vandekoolwyk
Deputy Legislative Counsel

DSV:sjk

Attachment No. 2

Riverside County
Environmental Health
Ordinance No. 916 (Cottage
Food Operations)

Planning Commission
February 5, 2013

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- A. 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 employee, not including a family member or 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 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 Department shall be required to operate a temporary food facility at such events.
 - 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.
- B. Cottage Food Operator. An individual who owns and conducts a Cottage Food Operation in his or her private home.
- C. Cottage Food Products. A specific list of not potentially hazardous foods approved by the California Department of Public Health and posted on its Internet Web site and that are prepared for sale in the kitchen of the Registered or Permitted Area of a Cottage Food Operation. Typical food items include baked goods without cream, custard, or meat fillings; candies; dried fruits and pastas; fruit pies; cereals; herbs; honey; jams and jellies; nuts; popcorn; roasted coffees and dried teas.
- D. Department. Riverside County Department of Environmental Health.
- E. Enforcement Officer. The Director of Environmental Health and his or her duly authorized designees.
- F. 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,

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

5
6 Section 5. INSPECTIONS. The Department shall inspect Class B Cottage Food
7 Operations upon the initial application as well as on an annual basis using an inspection form provided by
8 the Department. Although Class A Cottage Food Operations are not subject to initial or routine
9 inspections, the Enforcement Officer may access and inspect the Registered Area only if, on the basis of a
10 consumer complaint, there is reason to suspect that unsafe food has been produced or there is another
11 violation of this Ordinance. The Department may seek cost recovery, based on the hourly rate established
12 in the current version of Ordinance 640 if additional inspections are required to ensure compliance with
13 this Ordinance.

14
15 Section 6. OPERATING REQUIREMENTS. Consistent with the operational
16 requirements set forth in California Health and Safety Code Section 114365, et seq., a Cottage Food
17 Operation shall comply with the following:

- 18 A. No Cottage Food Product preparation, packaging, or handling may occur concurrent with
19 any other domestic activities, including, but not limited to, family meal preparation, guest
20 entertaining or dishwashing.
- 21 B. No infants, small children, or pets may be in the Registered or Permitted area during the
22 preparation, packaging, or handling of any Cottage Food Products.
- 23 C. Equipment and utensils used to produce Cottage Food Products shall be clean and
24 maintained in a good state of repair.
- 25 D. All food contact surfaces, equipment, and utensils used for the preparation, packaging, or
26 handling of any Cottage Food Products shall be washed, rinsed, and sanitized before each
27 use.
- 28

1 E. All food preparation and food and equipment storage areas shall be maintained free of
2 rodents and insects.

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

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

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

10 I. A person involved in the preparation or packaging of Cottage Food Products shall keep his
11 or her hands and exposed portions of his or her arms clean and shall wash his or her hands
12 before any food preparation or packaging activity.

13 J. Water used during the preparation of cottage food products shall meet potable drinking
14 water standards.

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

18 L. A Cottage Food Operation shall properly package and label all Cottage Food Products in
19 compliance with the Federal Food, Drug and Cosmetic Act (21 USC §343 et seq.).

20 Additional labeling requirements shall include:

- 21 1. The words "Made in a Home Kitchen"
- 22 2. A descriptive common product name
- 23 3. Name of the Cottage Food Operation
- 24 4. Registration or permit number
- 25 5. For Class B Cottage Food Operations, the name of the Department issuing the registration
26 or permit number must also be stated
- 27 6. A listing of all ingredients in descending order of predominance by weight.

28

1 M. A cottage food operation shall comply with all standards, requirements and conditions as
2 set forth in Section 18.53 of Ordinance No. 348.

3
4 Section 7. REGISTRATION AND PERMIT. No person shall conduct a cottage food
5 operation without holding a valid registration or permit issued by the Department. Application for a
6 registration or permit shall be made to the Department upon a form issued by the Department, and shall be
7 accompanied by a fee as listed below:

- 8 • Registration for Class A Cottage Food Operation \$145.00
- 9 • Permit for Class B Cottage Food Operation \$290.00

10 The fees listed in this Section shall be valid until such time as Ordinance 640 is revised to incorporate
11 these new fees therein. Any annual permit or registration shall be valid for no more than one year from
12 the month of issue. The application shall not be deemed as completed unless accompanied with
13 documentation indicating that all applicable planning/zoning requirements have been met. Class A
14 Cottage Food Operators shall complete and submit a self-certification checklist provided by the
15 Department at the time of application for registration. A registration or permit number shall be issued by
16 the Department after the Enforcement Officer has determined that the Cottage Food Operation has
17 conformed to this Ordinance. If it can readily be determined by the Department, by checking the Internet
18 Web site of a neighboring County, that a Class B cottage food operation is currently permitted, then
19 indirect sales of those Cottage Food Products may be allowed in Riverside County. A registration or
20 permit is not transferrable.

21
22 Section 8. ENFORCEMENT Notwithstanding the remedies set forth in California
23 Health and Safety Code Sections 114390, 114405, and 114409, the Department reserves the right to issue
24 administrative citations in accordance with Government Code Section 53069.4. An administrative citation
25 may be issued for any violation of this Ordinance. The following procedures shall govern the imposition,
26 enforcement, collection and administrative review of administrative citations and penalties.

27 A. Notice of Violation. If the violation is not corrected within the period stated in the notice of
28 violation, or if the violation creates an immediate danger to health or safety, an

1 administrative citation may be issued by the Enforcement Officer. The notice of violation
2 shall specify the manner in which the conditions of the Cottage Food Operation violate the
3 provisions of this Ordinance and the corrective actions required to correct the condition or
4 conduct. The notice shall also state that failure to come into compliance with this
5 Ordinance could subject the registrant or permittee of the Cottage Food Operation to
6 administrative and criminal penalties. The failure of the notice to set forth all required
7 contents shall not affect the validity of the proceedings.

8 B. Content of Citation. The administrative citation shall be issued on a form approved by
9 County Counsel and shall contain the information listed below. The failure of the citation
10 to set forth all required contents shall not affect the validity of the proceedings.

- 11 1. Date, location and approximate time the violation was observed.
- 12 2. The Ordinance section violated and a brief description of the violation.
- 13 3. The amount of the administrative penalty imposed for the violation.
- 14 4. Instructions for the payment of the penalty, the time period by which it shall be
15 paid, and the consequences of failure to pay the penalty within this time period.
- 16 5. Instructions on how to appeal the citation.
- 17 6. The signature of the Enforcement Officer.

18 C. Service of Citation.

- 19 1. If the registrant, permittee or other person who has violated the Ordinance is
20 present at the scene of the violation, the Enforcement Officer shall attempt to obtain
21 their signature on the administrative citation and shall deliver a copy of the
22 administrative citation to them.
- 23 2. If the registrant, permittee or other person who has violated the Ordinance cannot
24 be located at the property, then the administrative citation shall be posted in a
25 conspicuous place on or near the property and a copy mailed by certified mail,
26 return receipt requested to the registrant or permittee who has violated the
27 Ordinance. The citation shall be mailed to the property address and/or the address
28 listed for the owner on the last County Equalized Assessment Roll.

1 3. The failure of any interested person to receive the citation shall not affect the
2 validity of the proceedings.

3 D. Administrative Penalties.

4 1. The penalties assessed for each violation shall not exceed the following amounts:

- 5 a. \$100.00 for a first violation;
6 b. \$200.00 for a second violation of the same Ordinance within one year; and
7 c. \$500.00 for each additional violation of the same Ordinance within one
8 year.

9 2. If the violation is not corrected, additional administrative citations may be issued
10 for the same violation. The amount of the penalty shall increase at the rate specified
11 above.

12 3. Payment of the penalty shall not excuse the failure to correct the violation nor shall
13 it bar further enforcement action.

14 4. The penalties assessed shall be payable to the County of Riverside.

15 F. Administrative Appeal.

16 1. Notice of Appeal. The recipient of an administrative citation may appeal the
17 citation by filing a written notice of appeal with the Department. The written notice
18 of appeal must be filed within twenty (20) days of the service of the administrative
19 citation. Failure to file a written notice of appeal within this time period shall
20 constitute a waiver of the right to appeal the administrative citation. The notice of
21 appeal shall contain the following information:

- 22 a. A brief statement setting forth the appellant's interest in the proceedings;
23 b. A brief statement of the material facts which the appellant claims supports
24 his/her contention that no administrative penalty should be imposed or that
25 an administrative penalty of a different amount is warranted;
26 c. An address at which the appellant agrees notice of any additional
27 proceeding or an order relating to the imposition of the administrative
28 penalty may be received by mail.

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- d. The notice of appeal must be signed by the appellant.
- 2. Administrative Hearing. Upon a timely written request by the recipient of the administrative citation, an administrative hearing shall be held as follows:
 - a. Notice of Hearing. Notice of the administrative hearing shall be given at least ten (10) days before the hearing to the person requesting the hearing. The notice may be delivered to the person or may be mailed to the address listed in the notice of appeal.
 - b. Hearing Officer. The administrative hearing shall be held before the Board of Supervisors, the County Hearing Officer or the County Hearing Board. The hearing officer shall not be the Enforcement Officer who issued the administrative citation or their immediate supervisor or subordinate. The Board of Supervisors, the County Hearing Officer or the County Hearing Board may contract with a qualified provider to conduct administrative hearings or to process administrative citations.
 - c. Conduct of the Hearing. Except as may be required by the hearing officer, the Enforcement Officer who issued the administrative citation is not required to participate in the administrative hearing. The contents of the Enforcement Officer's file in the case shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal fails to appear at the administrative hearing, the hearing officer shall make his or her determination based on the information contained in the notice of appeal.
 - d. Hearing Officer's Decision. The hearing officer's decision following the administrative hearing shall be delivered to the person requesting the hearing personally or sent by mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full.

1 The hearing officer's decision shall contain instructions for obtaining
2 review of the decision by the superior court.

3 F. Review of Administrative Hearing Officer's Decision.

- 4 1. Notice of Appeal. Within twenty (20) days of the date of the delivery or mailing of
5 the hearing officer's decision, a person may contest that decision by filing an
6 appeal to be heard by the superior court. The fee for filing the notice of appeal is
7 twenty-five dollars (\$25.00). The failure to file the written appeal and to pay the
8 filing fee within this period shall constitute a waiver of the right to an appeal and
9 the decision shall be deemed confirmed. A copy of the notice of appeal shall be
10 served in person or by first class mail upon the issuing agency by the contestant.
- 11 2. Conduct of Hearing. The conduct of the appeal is a subordinate judicial duty and
12 may be performed by traffic trial commissioners and other subordinate judicial
13 officials at the direction of the presiding judge of the court. The appeal shall be
14 heard de novo, except that the contents of the issuing agency's file in the case shall
15 be received in evidence. A copy of the document or Instrument of the issuing
16 agency providing notice of the violation and imposition of the administrative
17 penalty shall be admitted into evidence as prima facie evidence of the facts stated
18 therein. The court shall request that the issuing agency's file on the case be
19 forwarded to the court, to be received within fifteen (15) days of the request.
- 20 3. Judgment. The court shall retain the twenty-five dollar (\$25.00) fee regardless of
21 the outcome of the appeal. If the court finds in favor of the contestant, the amount
22 of the fee shall be reimbursed to the contestant by the Department. Any deposit of
23 the fine or penalty shall be refunded by the issuing agency in accordance with the
24 judgment of the court. If the fine or penalty has not been deposited and the decision
25 of the court is against the contestant, the issuing agency may proceed to collect the
26 penalty pursuant to any manner provided by law.

27 ///

28 ///

1 Section 9. NUISANCE DEFINED. Any Cottage Food Operation, whether
2 permitted or not pursuant to the procedures of this Ordinance, found in violation of this Ordinance is
3 hereby declared to be a public nuisance and dangerous to the health and safety of Riverside County.
4

5 Section 10. CIVIL ACTIONS

6 A. Injunctive Relief and Abatement. Whenever, in the judgment of the Enforcement Officer,
7 any person is engaged in or about to engage in any act or practice which constitutes or will
8 constitute a violation of any provision of this Ordinance, or any rule, regulation, order,
9 permit or conditions of approval issued thereunder, upon the request of the Enforcement
10 Officer, the County Counsel or District Attorney may commence proceedings for the
11 abatement, removal, correction and enjoinder thereof, and require the violator to pay civil
12 penalties and/or abatement costs.

13 B. Civil Remedies and Penalties. Any person, whether acting as principal, agent, employee,
14 Owner, lessor, lessee, tenant, occupant, operator, contractor or otherwise, who willfully
15 violates the provisions of this Ordinance or any rule, regulation, order or conditions of
16 approval issued thereunder, shall be liable for a civil penalty not to exceed \$1,000.00 for
17 each day or portion thereof, that the violation continues to exist. In determining the amount
18 of the civil penalty to impose, the court shall consider all relevant circumstances,
19 including, but not limited to, the extent of the harm caused by the conduct constituting a
20 violation, the nature and persistence of such conduct, the length of time over which the
21 conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or
22 individual, and any corrective action taken by the violator.
23

24 Section 11. COSTS AND DAMAGES. Any person, whether acting as a principal,
25 agent, employee, Owner, lessor, lessee, tenant, occupant, operator or contractor, or otherwise, violating
26 any provisions of this Ordinance or the rules, regulations, orders, permits or conditions of approval issued
27 thereunder, shall be liable to the County of Riverside for costs of abatement and any damages suffered by
28 the County, its agents and agencies, as a result of such violations.

1 Section 12. RECOVERY OF ATTORNEYS' FEES IN NUISANCE ABATEMENT

2 CASES. In any action, administrative proceeding, or special proceeding to abate a nuisance,
3 attorneys' fees may be recovered by the prevailing party. In no action, administrative proceeding, or
4 special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable
5 attorneys' fees incurred by the County in the action or proceeding.

6
7 Section 13. REMEDIES AND PENALTIES. All remedies and penalties provided
8 for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder
9 shall not relieve such person from the responsibility of correcting, removing or abating the violation, nor
10 prevent the enforced correction, removal or abatement thereof. Each and every day during any portion of
11 which any violation of this Ordinance or the rules, regulations, orders, Permits or conditions of approval
12 issued thereunder is committed, continued, or permitted by such person, shall be deemed a separate and
13 distinct offense.

14
15 Section 14. SEVERABILITY. If any provision, clause, sentence or paragraph of this
16 Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
17 shall not affect the other provisions or applications of the provisions of this Ordinance which can be given
18 effect without the invalid provision or application, and to this end, the provisions of this Ordinance are
19 hereby declared to be severable.

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Section 15. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE CALIFORNIA

By: _____
Chairman

ATTEST:
CLERK OF THE BOARD:

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM

By: 
ERIC STOPHER
Deputy County Counsel

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

928



FROM: Department of Environmental Health

SUBMITTAL DATE:
December 18, 2012

SUBJECT: Riverside County Ordinance No. 916 Regulating Cottage Food Operations

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce and set for public hearing Ordinance No. 916, an Ordinance of the County of Riverside Regulating Cottage Food Operations; and
2. Authorize the Clerk of the Board to place an advertisement for public hearing in the appropriate local publications; and
3. Upon the close of the public hearing, adopt Ordinance No. 916.

BACKGROUND: On September 21, 2012, AB 1616 was approved to create a defined set of standards for cottage food operations in California. AB 1616 becomes effective January 1, 2013. This ordinance designates the Riverside County Department of Environmental Health as the local enforcement agency and sets Riverside County's regulatory course as allowed under AB1616.

(Continued)

Steve Van Stockum

Steve Van Stockum, Director
Department of Environmental Health

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 00.00	In Current Year Budget:	No
Current F.Y. Net County Cost:	\$ 00.00	Budget Adjustment:	No
Annual Net County Cost:	\$ 00.00	For Fiscal Year:	12/13

SOURCE OF FUNDS: Department of Environmental Health budget

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

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of reading and is set for public hearing January 29, 2013 at 9:30 a.m.

Ayes: Jeffries, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: January 8, 2013
xc: Environmental Health, COB

Kecia Harper-Ihem
Clerk of the Board

By: *[Signature]*

FOR THE APPROVED COUNTY COUNSEL
 BY: *[Signature]* DATE: 12/18/12
 ERIC STOPHER
 Department of Environmental Health

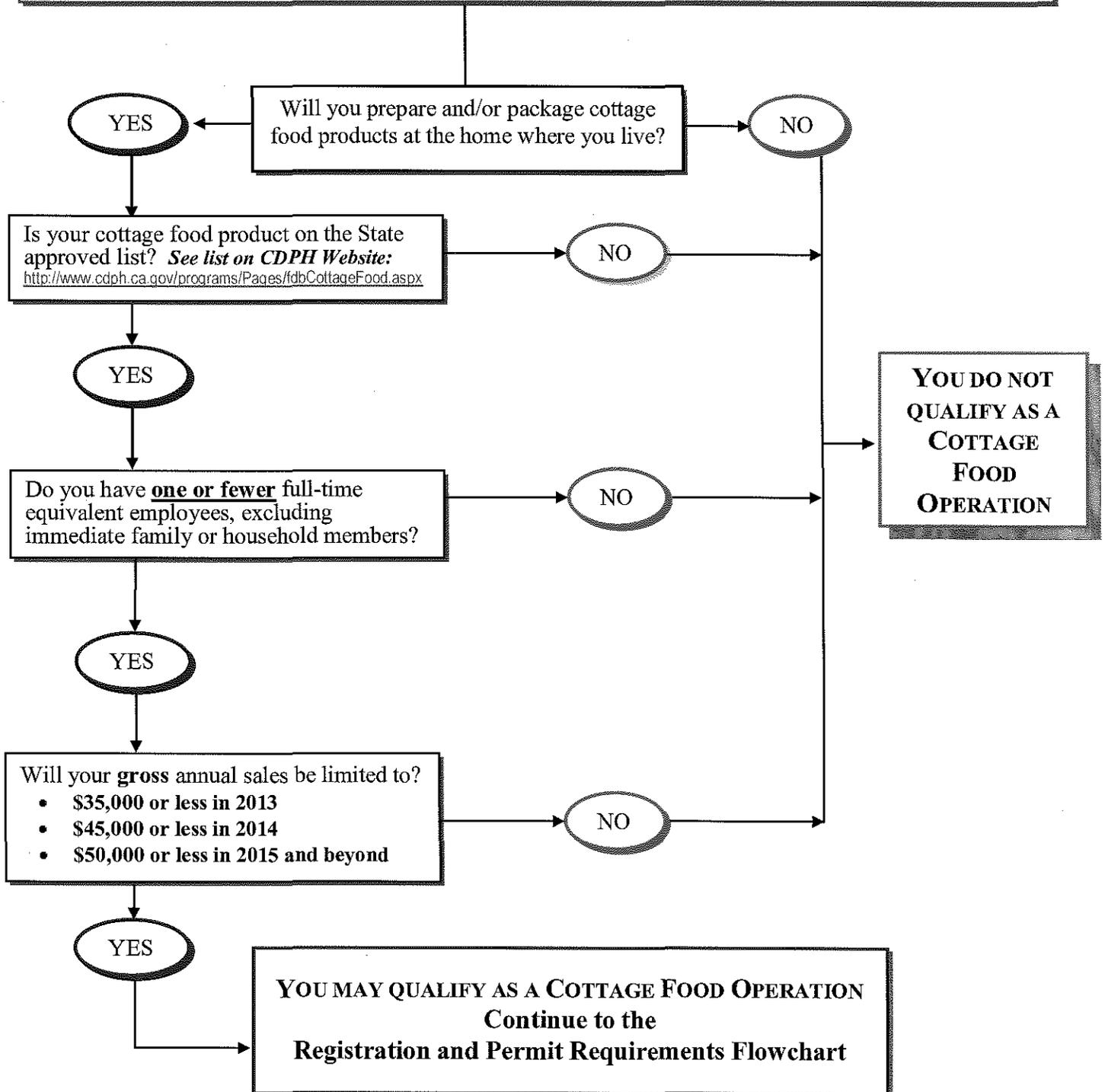
Dept's Recomm.: Policy Policy
 Consent Consent
 Per Exec. Ofc.: Policy Policy

Attachment No. 3

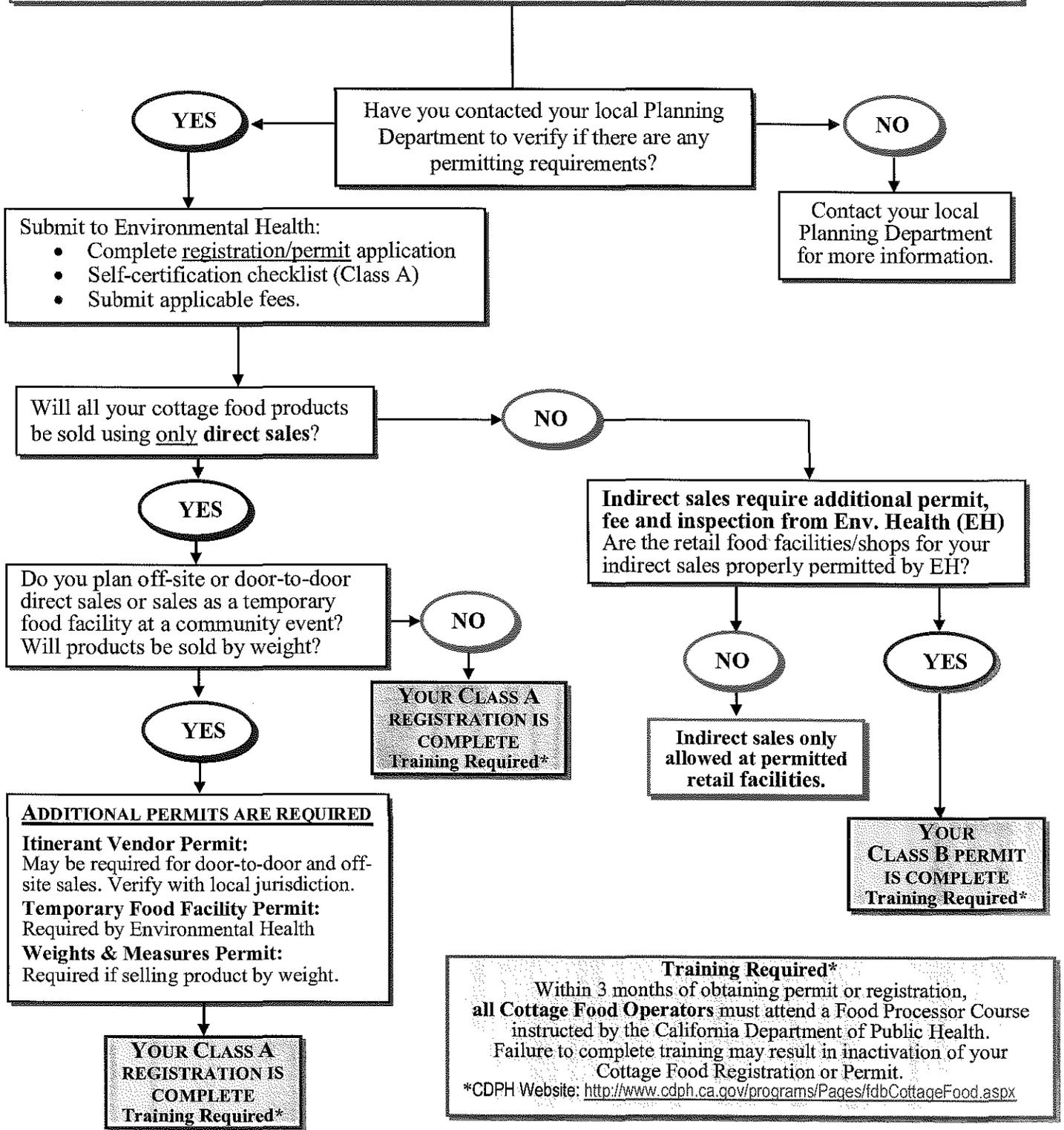
Riverside County
Environmental Health
Qualification, Registration,
and Permit Process
Flowcharts

Planning Commission
February 5, 2013

DO YOU QUALIFY AS A COTTAGE FOOD OPERATION?



REGISTRATION AND PERMIT REQUIREMENTS



Training Required*
 Within 3 months of obtaining permit or registration, **all Cottage Food Operators** must attend a Food Processor Course instructed by the California Department of Public Health. Failure to complete training may result in inactivation of your Cottage Food Registration or Permit.
 *CDPH Website: <http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx>

Attachment No. 4

Riverside County
Environmental Health Self
Certification Checklist (Class
A CFO)

Planning Commission
February 5, 2013



**COTTAGE FOOD OPERATIONS (CFOs – Class A)
SELF CERTIFICATION CHECKLIST**

The following requirements are outlined in the Cottage Food Operations (CFO) regulations and are provided as minimum standards of health and safety for the preparation of approved cottage foods in the home.

CFO Business Name:		CFO Owner Name:	
CFO Physical Address:		CFO City:	CFO ZIP:
Phone:	FA	PR	PE

Above bold boxes for office use only.

Facility Requirements:

Yes No

1. The CFO is located in a private dwelling where the CFO operator currently resides	<input type="checkbox"/>	<input type="checkbox"/>
2. All CFO food preparation will take place in the private kitchen within that home.	<input type="checkbox"/>	<input type="checkbox"/>
3. Additional storage used for the CFO will be within the home.	<input type="checkbox"/>	<input type="checkbox"/>
a. If YES, is the room used exclusively for storage?	<input type="checkbox"/>	<input type="checkbox"/>
b. Specify the room(s) that will be used for storage? _____		
4. Sleeping quarters are excluded from areas used for CFO food preparation or storage.	<input type="checkbox"/>	<input type="checkbox"/>

Zoning Requirements:

Yes No

5. I have complied with the applicable zoning requirements for the CFO.	<input type="checkbox"/>	<input type="checkbox"/>
6. I have attached documentation from the Planning office (If required)	<input type="checkbox"/>	<input type="checkbox"/>

Employee and Training Requirements:

Yes No

7. Have all persons preparing or packaging CFO products completed the CDPH food processor course?	<input type="checkbox"/>	<input type="checkbox"/>
a. If YES, copies of certificates are attached.	<input type="checkbox"/>	<input type="checkbox"/>
b. If NO, complete course within 3 months of CFO registration and forward a copy to the Environmental Health Office where registration was completed.	<input type="checkbox"/>	<input type="checkbox"/>
8. The CFO has no more than 1 full-time equivalent employee? (Immediate family or household members are not included.)	<input type="checkbox"/>	<input type="checkbox"/>

Sanitation Requirements:

Yes No

- | | | |
|---|--------------------------|--------------------------|
| 9. Kitchen equipment and utensils used to produce CFO products are clean and maintained in a good state of repair. | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any CFO products shall be washed, rinsed, and sanitized before each use. | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. All food preparation and food and equipment storage areas shall be maintained free of rodents and insects. | <input type="checkbox"/> | <input type="checkbox"/> |

Food Preparation Requirements (includes packaging and handling):

Yes No

- | | | |
|--|--------------------------|--------------------------|
| 12. Hand washing is required immediately prior to handling foods and after engaging in any activity that contaminates the hands such as after using the toilet, coughing or sneezing, eating or smoking. | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Warm water, hand soap and clean towels are available for hand washing. | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. All food ingredients used in the CFO products are from an approved source. | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Potable water shall be used for hand washing, ware washing and as an ingredient. | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Is your water source a private water supply (well, spring, surface)? | <input type="checkbox"/> | <input type="checkbox"/> |
| a. If YES, have you completed testing for bacteria, nitrate & nitrite? | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Is your water source a public water system or community services district? | <input type="checkbox"/> | <input type="checkbox"/> |
| a. If YES, what is the name of the system or district? _____ | | |

During the preparation, packaging or handling of CFO products:

Yes No

- | | | |
|--|--------------------------|--------------------------|
| 18. Domestic activities such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning or guest entertainment are excluded from the kitchen. | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. Infants, small children (younger than 12 yr. old), or pets are excluded from the kitchen. | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Smoking is excluded. | <input type="checkbox"/> | <input type="checkbox"/> |
| 21. Any person with a contagious illness is prohibited from working in the CFO. | <input type="checkbox"/> | <input type="checkbox"/> |

Labeling Requirements:

Yes No

- | | | |
|--|--------------------------|--------------------------|
| 22. A copy of the label has been submitted to this Department for review and approval. | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. I have attached a sample label. | <input type="checkbox"/> | <input type="checkbox"/> |

By signing below you are certifying that you meet the requirements of the California Homemade Food Act, AB 1616 (Gatto), as it pertains to a "Class A" Cottage Food Operation. Prior to making any changes, I acknowledge that I must notify Riverside County Department of Environmental Health of any intended changes to the above statement.

Cottage Food Operator Checklist completed and submitted by:

Owner's Signature

Print Name

Date

Attachment No. 5

Riverside County
Environmental Health CFO
Registration/Permitting Form

Planning Commission
February 5, 2013



COUNTY OF RIVERSIDE
DEPARTMENT OF ENVIRONMENTAL HEALTH

**CALIFORNIA HOMEMADE FOOD ACT AB 1616 (GATTO)
COTTAGE FOOD OPERATION (CFO)
REGISTRATION / PERMITTING FORM**

CFO Business Name:		Date:	
CFO Physical Address:		CFO City:	CFO ZIP:
Owner Name:	Owner Phone:	Owner Cell:	
Mailing Address (if different):	Mailing City:	Mailing ZIP:	
Email Address:			
Website:			

1. Categories:

"Class A" (Direct Sales Only)
\$145/year

"Class B" (Direct & Indirect Sales)
\$290/year

2. Prohibited Items:

Initial if you agree to abide by the following: _____

Foods containing **cream, custard, or meat fillings** are **potentially hazardous** and are **NOT ALLOWED**. Only foods that are defined as "non-potentially hazardous" are approved for preparation by a Cottage Food Operation (CFO). These are food items that do not require refrigeration to keep them safe from bacterial growth that could be a cause of food-borne illness.

3. "Class A" Self Certification Checklist:

Checklist completed ("Class A" CFOs Only)

4. Products:

Please check *ALL* of the items you will be preparing and/or selling.

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Baked Goods | <input type="checkbox"/> Dried Pasta | <input type="checkbox"/> Honey | <input type="checkbox"/> Popcorn |
| <input type="checkbox"/> Candy | <input type="checkbox"/> Dry Baking Mixes | <input type="checkbox"/> Mustard | <input type="checkbox"/> Vinegar |
| <input type="checkbox"/> Churros | <input type="checkbox"/> Waffle Cones | <input type="checkbox"/> Tortillas | <input type="checkbox"/> Fruit Butter ** |
| <input type="checkbox"/> Dried Mole Paste | <input type="checkbox"/> Herb/Spice Blends | <input type="checkbox"/> Pizelles | <input type="checkbox"/> Jams/Jellies** |
| <input type="checkbox"/> Trail Mix | <input type="checkbox"/> Fruit Tamales/Pies | <input type="checkbox"/> Nuts/Nut Mixes | <input type="checkbox"/> Dried Fruit |
| <input type="checkbox"/> Fruit Empanadas | <input type="checkbox"/> Nut Butters | <input type="checkbox"/> Dried Tea | <input type="checkbox"/> Roasted Coffee |
| <input type="checkbox"/> Sweet Sorghum Syrup | <input type="checkbox"/> Granola/Cereals | <input type="checkbox"/> Chocolate Covered Nonperishable Food | |
| <input type="checkbox"/> Other: | | | |

**These items must comply with standards described in Part 150 of Title 21 of the Code of Federal Regulations <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=150>

Food descriptions:

5. Product Labeling:

Initial if you agree to abide by the following: _____

For a detailed description, see the CDPH document "[Labeling Requirements for Cottage Food Products](#)." 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 must include:

- The words "Made in a Home Kitchen" in 12-point type.
- The name commonly used to describe the food product.
- The CFO business name, city, state and zip code of the cottage food operation which produced the cottage food product. If the firm is not listed in the current telephone directory then a street address must also be declared. (A contact phone number or email address is optional but may be helpful for consumers to contact your business.
- The registration or permit number of the cottage food operation which produced the cottage food product and in the case of "Class B" CFOs, the name of the county where the permit was issued.
- The ingredients of the food product, in descending order of predominance by weight, if the product contains two or more ingredients.
- The net quantity (count, weight, or volume) of the food product. It must be stated in both English (pound) units and metric units (grams).
- A declaration on the label in plain language if the food contains any of the eight major food allergens such as milk, eggs, fish, shellfish, tree nuts, wheat, peanuts, and soybeans. There are two approved methods prescribed by federal law for declaring the food sources of

allergens in packaged foods: 1) in a separate summary statement immediately following or adjacent to the ingredient list, or 2) within the ingredient list.

- If the label makes approved nutrient content claims or health claims, the label must contain a "Nutrition Facts" statement on the information panel.
 - The use of the following eleven terms are considered nutrient content claims (nutritional value of a food): free, low, reduced, fewer, high, less, more, lean, extra lean, good source, and light. Specific requirements have been established for the use of these terms. Please refer to the Cottage Food Labeling Guideline for more details.
 - A health claim is a statement or message on the label that describes the relationship between a food component and a disease or health-related condition (e.g., sodium and hypertension, calcium and osteoporosis). Please refer to the Cottage Food Labeling Guideline for more details.
- Labels must be legible and in English (accurately translated information in another language may accompany it).
- Labels, wrappers, inks, adhesives, paper, and packaging materials that come into contact with the cottage food product by touching the product or penetrating the packaging must be food-grade (safe for food contact) and not contaminate the food.
- Sample of label must be submitted prior to final approval.

Example:

<p>MADE IN A HOME KITCHEN Permit #: 12345 Issued in county: Riverside</p> <p>Chocolate Chip Cookies With Walnuts Sally Baker 123 Cottage Food Lane Anywhere, CA 90XXX</p> <p>Ingredients: Enriched flour (Wheat flour, niacin, reduced iron, thiamine, mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, butterfat (milk), walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.</p> <p>Contains: Wheat, eggs, milk, soy, walnuts</p> <p>Net Wt. 3 oz. (85.049g)</p>
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6. Water Source:

Please identify the water source to be used in Cottage Food Facility (Check one box)

Name of Public Water System or Community Services District:

If you use a Private Water Supply*, identify the source (well, spring, surface, etc.):

Private Water Supply: Initial Water Quality Results

Check boxes below if initial water testing has been completed.
All testing must be done at a State Certified Laboratory.
Attach a copy of the lab results and list the results in the space provided next to type of test.

Bacteriological Test (*quarterly*):

Nitrate Test (*yearly*):

Arsenic (*yearly, if applicable**):

Fluoride (*once*):

*Additional information may be required if food is prepared from a home with a private water supply – Check with our Department.

7. Disposal of Waste:

Please check what type of treatment is used to dispose of waste

Public Sewer Service

Private Septic System

In the event of septic system failure or plumbing problem, you are required to notify Riverside County Department of Environmental Health immediately and discontinue all cottage food operations until repairs are completed.

8. Food Processor Course: Initial if you agree to abide by the following: _____

Within 3 months of being approved to operate by the Environmental Health Department, please provide proof of completion of the required California Department of Public Health (CDPH) food processor course*. Proof of completion may be faxed to our Department at (951)-358-5017.

* See CDPH Website for more information: <http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx>

9. Employee: Initial if you agree to abide by the following: _____

I understand that I may not have more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator, working within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers.

10. Gross Annual Sales: Initial if you agree to abide by the following: _____

I understand that I will lose my CFO status and will need to become permitted in a commercial facility if my CFO business exceeds the following gross annual sales figures for the calendar years in the following table:

Calendar Year	Gross Annual Sales
In 2013	\$35,000
In 2014	\$45,000
In 2015 and in subsequent years.....	\$50,000

11. Delivery Limitations: Initial if you agree to abide by the following: _____

