



**OFFICIAL ZONING CODE INTERPRETATION (No. 2)
Cottage Food Operation as a Home Occupation**

ZONING CODE PROVISIONS INTERPRETED: Zoning Code Section 20-42.070 (Home Occupations)

On January 1, 2013, the California Homemade Food Act went into effect. This law created a new category of food facility operation, "cottage food operation," which unlike other food facilities can be operated out of a home kitchen. Some examples of the types of food products that can be produced by a cottage food operation include: Baked goods (without cream, custard, or meat fillings), dried pasta, fruit pies, jams, and dry baking mixes.

Per this statute, cities cannot prohibit a cottage food operation.

After reviewing the City's Zoning Code for compliance with this statute, it has been determined that a cottage food operation is a type of home occupation that is allowed per Section 20-42.070 of the Zoning Code (Home Occupations). A cottage food operation that solely involves the preparation of food in a home kitchen for off-site sale is an example of an exempt home occupation and therefore is permitted by right. A cottage food operation that includes the on-site sale of cottage food from a residence, however, is an example of a home occupation that requires approval of a Minor Conditional Use Permit. In both cases, the City's home occupation regulations apply, including the performance criteria associated with the different types of home occupations.

Therefore, a cottage food operation in the City of Santa Rosa is subject to Section 20-42.070 (Home Occupations). In addition, an annual permit from the Sonoma County Department of Health Services may also be required prior to commencement of the use.

This determination is consistent with the General Plan.

Date: 1-23-2013


Erin Morris
Zoning Administrator