

Permits, Licenses, & Regulations for Urban Agriculture

Legal Basics of Urban Farming

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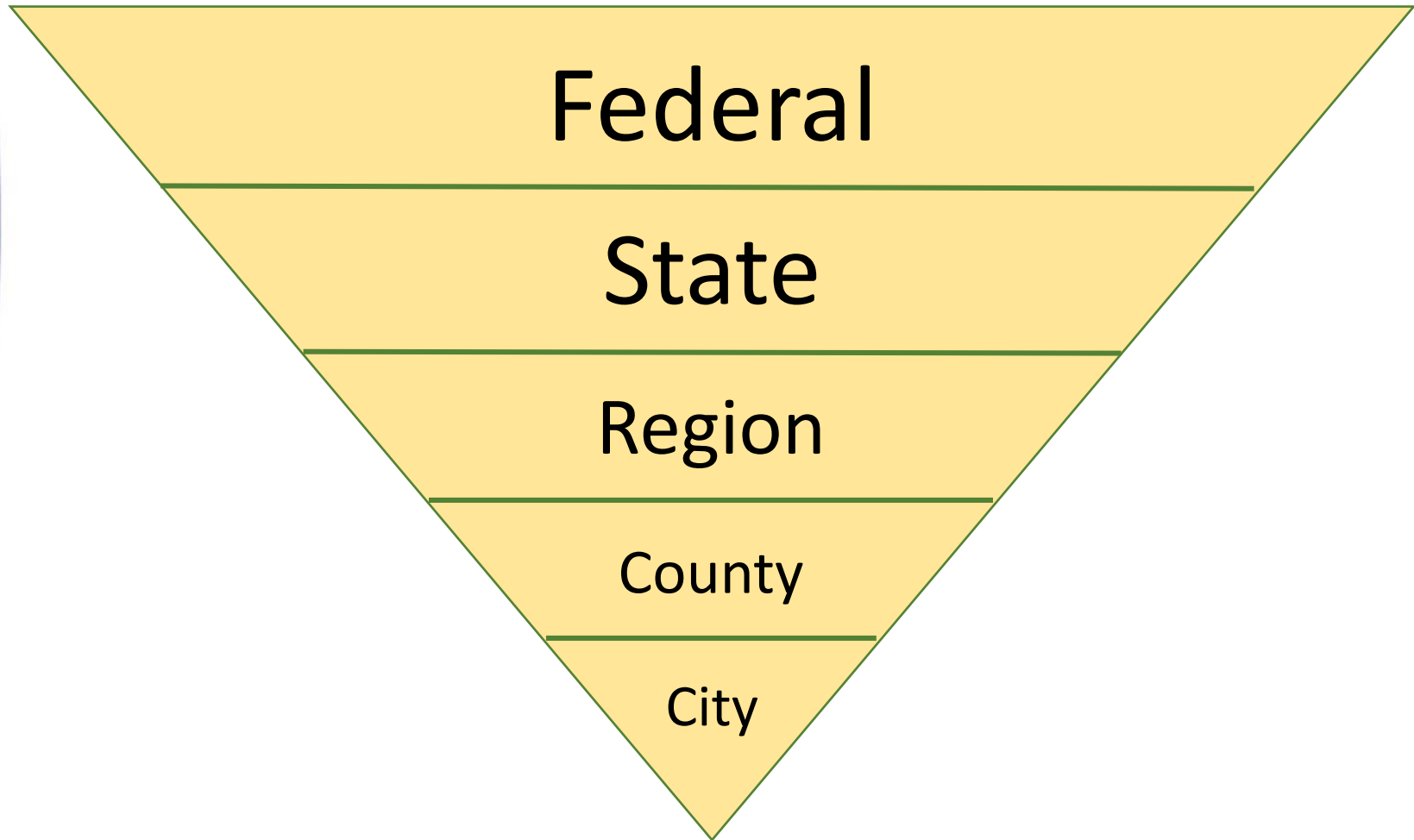
Overview

1. Regulatory agencies
2. Zoning
3. Permits, Licenses & Regulations for:
 - Produce
 - Processing
 - Eggs
 - Meat
 - Dairy
 - On-farm Retail Sales

Permits, Licenses & Regulations depend on...

- **Where you farm...**
city, county, state
- **Which zone you're in...**
agricultural vs. residential vs. industrial vs. coastal
- **How you want to farm...**
organic or conventional
- **What you produce...**
Fresh produce, processed produce, eggs, meat, fluid milk, processed dairy products
- **Where you want to sell...**
Direct or indirect

Regulators



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Federal Agencies



Tax ID Number (TIN) for the business; Employer Identification Number (EIN): required if you have employees and the business doesn't have a TIN.



Animal harvest & meat processing and labeling of meat and poultry products



Companies that manufacture, process, pack, or store food, beverages, or dietary supplements must register with FDA.



Making and selling alcoholic products. (<7%abv regulated by FDA; >0.5%abv requires Government Warning Statement)

State Agencies



Milk processing permits; raw shell egg permits and labels; state licensed meat facilities; organic registration; CSA registration



Enforces health and safety code. Permits and inspects wholesale food processing facilities – Processed Food Registration and Cannery operations; public water systems



Franchise Tax Board: personal and business income tax.



Sellers permits and sales/use tax.

State Agencies



Employee State-Tax Registration – required if you have employees



Occupational health and safety – employers must have a health and safety plan.



Liquor licenses to make and/or sell alcohol



Secretary of State: forming a corporation or limited liability company.

Regional Agencies



Burn permits, air quality permits. See map to determine if you're in the [South Coast Air Quality Management District](#).



Above ground waste management (i.e. pond, irrigation) – approves plans and issues permits (and waivers). See map to determine if you're in the [Los Angeles Region Water Quality Control Board](#).

County Agencies

Agriculture (Ag Commissioner/Weights & Measures)	Organic registration; weighing and measuring devices; certified producer certificates; proper labeling.
Environmental Health	Health codes for food safety, public water supply, septic systems, waste disposal; Retail Food Facility and Cottage Food permits.
Recorder	Fictitious Business Name Statement-required if surname or owner name is not part of the business name
Tax Collector	Collects taxes for different taxing agencies within county.
Economic Development Board	Dedicated to helping your business success. They provide a variety of resources for businesses.
Planning & Building	Land use permits, Building, Water Resources. Check with city if operation is within city limits.

Where to start?



Know Your Zone!

- **Every parcel is assigned a zone**
 - e.g. agricultural, industrial, residential zone
- **All zones *allow* and *restrict* particular activities**
 - e.g. you generally cannot raise livestock in a high density residential zone and you cannot build high rise condos in ag zone
- **Find your zone at your county or city planning department**
 - Los Angeles County: Department of Regional Planning [Land Use and Zoning](#)
 - Orange County: Department of Public Works [Land Use Planning](#)
 - Riverside County: Planning Department [General Plan and Zoning](#)
 - City of Los Angeles: [Department of City Planning](#)

Allowable uses vary by city

URBAN AGRICULTURE REGULATION REFERENCE CHART

Los Angeles County, California

Zoning codes and municipal regulations dictate the legal use of the built environment, which include urban agriculture. Within Los Angeles County, regulations regarding urban agriculture differ between cities and, in many cases, are non-existent. As part of the comprehensive report *Cultivate L.A.: An Assessment of Urban Agriculture in Los Angeles County, June 2013*, this chart illustrates the regulatory landscape of urban agriculture in all 88 cities in Los Angeles County as well as its unincorporated areas.

The table shows all the regulated and unregulated urban agriculture activities within Los Angeles County. The "Ag Zone" column indicates whether or not a city has a designated agricultural zone (including hybrid zones such as Residential-Agricultural) within their land use regulations. The 15 categories listed in the table may include additional activities as cited in other municipal regulations, listed in parentheses:

- Agricultural Waste (agricultural waste, green waste, compost, mulch, worm)
- Aquaculture (aquaculture)
- Bees (bee, apiary, hive)
- Fish (fish)
- Farms (farm)
- Fowl (fowl, poultry, chicken, rooster, turkey, hen, goose, pheasant, egg)
- Fruits/Vegetables (fruit, vegetable, crop, nut, berry)
- Garden (garden)
- Goats (goat)
- Heavy Livestock (livestock, cattle, cow, dairy, sheep, ox)
- Horses (horse, equine)
- Horticulture (horticulture, ornamental, flower)

City	Ag Zone	Agricultural Waste	Aquaculture	Bees	Fish	Farms	Fowl	Fruits/Vegetables	Gardens	Goats	Heavy Livestock	Horses	Horticulture	Nurseries	Pigs	Rabbits
Agoura Hills	N	Y					Y	Y	Y	Y	Y	Y	Y		Y	Y
Alhambra	N			Y			Y		Y	Y	Y	Y	Y	Y	Y	Y
Arcadia	N			N			Y	Y		Y	Y	Y	Y		N	Y
Artesia	Y		Y				Y	Y	Y	Y	Y	Y		Y	N	Y
Avalon	N						Y	Y								
Azusa	N						Y	Y		Y	Y	Y	Y	Y	Y	Y
Baldwin Park	N	Y					Y		Y							
Bell	N										Y			Y		
Bell Gardens	N			N			Y	Y		Y	N	Y		Y	N	Y
Bellflower	Y				Y		Y	Y	Y	Y	Y	Y	Y	Y		Y
Beverly Hills	N			N			N									
Bradbury	Y				Y		Y	Y	Y	Y	Y	Y	Y	Y		
Burbank	N			Y			Y			N	N	Y		Y	Y	Y
Calabasas	N	Y				Y	Y	Y		Y	Y	Y	Y	Y	Y	Y
Carson	Y	Y				Y	N	Y		N	N	N	Y	Y	N	N
Cerritos	Y				Y		Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Claremont	Y			Y			Y	Y		Y	Y	Y			N	
Commerce	N	Y		N			Y			N	N	N		Y	N	Y
Compton	Y	Y		N			Y	Y		Y	Y	Y	Y	Y	N	Y

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Even if it's an allowable use, there are lots of details about how, when and where it's okay.



13. Backyard beekeeping, as an accessory use, provided that:
 - (a) The person who is the owner of or in possession of an apiary is registered as a beekeeper with the County of Los Angeles Agricultural Commission.
 - (b) The number of hives is limited to one for every 2,500 square feet of lot area.
 - (c) Hives are not located in the required front yard of a lot, including through lots.
 - (d) Hives are located a minimum of five feet from the front, side, and rear lot lines and a minimum of 20 feet from public rights-of-way or private streets.
 - (e) Hive entrances face away from, or parallel to, the nearest lot line adjacent to another lot.

Be a good neighbor!

- Share the bounty!
- Check in.
- Address any concerns about noise, smells, parking, etc.



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Unprocessed versus Processed Foods



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Marco, the Urban Produce Grower



Marco has an unexpected bumper crop from his large backyard garden. He is wondering what to do with the excess produce and decides he wants to sell it.

Can he legally sell his produce?

Selling Fresh Fruits & Vegetables

- To ensure produce sold-or donated- to the public is safe to eat, the [California Retail Food Code](#) (“Cal Code”) requires retail food facilities to obtain food from **“approved sources.”**
- Food sold to the public should be “approved source.”
- There are a number of ways to become an approved source.
- New CA laws, AB 1990 and AB 234, regarding **Community Food Producers** make it easier.

What's a Community Food Producer?

- "Community food producer" means a producer of agricultural products on land that is not zoned for agricultural use but is otherwise in compliance with applicable local land use and zoning restrictions.
 - Your yard
 - A community garden
 - A school garden
 - A culinary garden
 - An urban farm
- Now an approved source, thanks to AB 1990 & AB234!

How to become an Approved Source

- Community Food Producer
- Certified Producer's Certificate (CPC)—*this is required to sell at Certified Farmer's Markets*
- Community Supported Agriculture (CSA)

As an approved source...

- You can sell
 - Directly to the public
 - To restaurants
 - To markets
- You can donate to
 - Food bank
 - Food kitchens



Key Requirement for Approved Source Growers

- Follow CA Dept. of Food & Agriculture (CDFA) Small Farm Food Safety Guidelines.



CA Small Farm Food Safety Guidelines...Best Management Practices

- Record keeping
- Keeping animals out of the field
- Proper use of manure
- Cleaning and sanitizing equipment
- Use disinfectants to wash produce



Food Safety Modernization Act (FSMA)

- Establishes minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption.
- Major implications for farmers.
- Exemption for farmers who have an average annual value of produce sold less than \$25,000.
- Modified requirements for farms with more than \$25K and less than \$500K.

Marco, the Urban Produce Grower



Some of Marco's customers asked if he can provide CSA boxes, too.

What permits, licenses, or regulations apply?

Community Supported Agriculture (CSA)

- Required to register with CDFA (\$75 annually)
- Label on the box with farm name and address
- Keep boxes contaminant free
- List contents and where they are from (if multi-farm)
- Document what is sold
- Comply with labeling and ID requirements for eggs, meats and processed foods

Marco, the Urban Produce Grower



Now Marco wants to scale up to sell at Certified Farmers Markets.

What permits, licenses, or regulations apply?

Certified Producer Certificate (CPC)

- Required to sell at Certified Farmers Markets
- Issued by CDFA
- Report all the produce you grow – additions are allowed throughout the year
- Annual renewal
- Online application: [CDFA Certified Producer Certificate](#)
- Subject to on-farm inspection by County Ag Commissioner office as well as checks at farmers market

County Environmental Health

- Jurisdiction over food safety practices at farmers markets



Selling by the Pound

Scales used for commercial use:

- Must be type approved for commercial use.
- Registered with your county Weights and Measures office (Ag Commissioner)
- Tested and certified annually
- Annual renewal



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Marco, the Urban Produce Grower



Marco finds that pests are quite a nuisance! For the first time, he decides he wants to spray pesticides.

What permits, licenses, or regulations apply?

Operator Identification Number

- Required for anyone using pesticides on farm crops
- Organic and Conventional operations
- Register with County Agricultural Commissioner's Office
- File pesticide use reports (online or paper)
- Training
- Annual fees

Marco, the Urban Produce Grower



Marco finds that his farmers market customers prefer buying Organic strawberries and he decides to transition to Organic.

What permits, licenses, or regulations apply?

Organic Transition and Record Keeping

- Transition period: 36 months
Must use and document organic practices
- Record keeping required of ALL organic farms
Keep a farm diary with all activities done including:
 - Dates of ALL activities – planting, weeding, thinning, purchasing, etc
 - Include when, where, why, who, what
 - Invoices and receipts

Organic Registration and Certification

Online application at [CDFA Organic Program](#)

- *Registered Organic:*
 - Up to \$5000 in annual sales of organic produce
 - Self reporting; subject to annual inspection
 - All organic farms are registered
- *Certified Organic:*
 - Sales over \$5000 annually
 - Third party certified
e.g. California Certified Organic Farmers (CCOF)

Marco, the Urban Produce Grower



Marco found all that paperwork to be a breeze, so he decides he would like to get laying hens so he can sell farm fresh eggs along side his produce.

What permits, licenses, or regulations apply?

Egg Handler Registration

Allows sales of eggs within the state of California.

- Register with CDFA
- Registration Fee: \$75; annual renewal: \$50
- Grading, labeling and handling requirements



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Nancy, the Apple Grower



Nancy has an apple orchard and decides to start making and selling dried apples.

What permits, licenses, or regulations apply?

Cottage Food Operation

Allows certain non-potentially hazards (shelf-stable) food products to be made in home kitchen.

- Review list of approved cottage foods
- Class A (direct) or Class B (direct and indirect)
- Obtain CFO permit from County Environmental Health
- Complete Food Handler training
- Maximum annual gross sales \$50,000

California Food Handler Card

Food handlers must take and pass a California Food Handler Card class – available online.

- Valid for 3 years from the date of issuance
- Retake the course and test before expired
- American National Standards Institute ([ANSI](#)) accredited
Google: CA Food Handler Card train and test
- Online fee ~\$15

eFoodHandlers
for State-of-the-Art Food Handler Training & Testing



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Allowable Cottage Food Products

- Jams and jellies
- Bread
- Dried herbs & blends
- Dried fruit
- Nut butters
- Dried vegetables
- Granola



Nancy, the Apple Grower



Her dried apple business is doing well, but Nancy would really like to make apple sauce. Apple sauce is not an allowable cottage food.

What permits, licenses, or regulations apply?

Licensed Commercial Kitchen

Allows the option to make more food products; plus no maximum income limit and no restrictions on where the product can be sold. (No low-acid foods)

- Community centers, churches, granges, restaurant kitchens
- Commissary Agreement
- Food Safety Manager on-site
- Food Handlers Card required for anyone working with food
- ***Obtain a Processed Food Registration from CDPH***



Feeling overwhelmed? We've got you covered.



- Two panels
- Opportunities to ask experts detailed questions.
- Resource packet
- Materials and presentations will be made available online.



Contact the appropriate agency directly.
They are there to help!

Los Angeles County Agricultural Commissioner/Weights and Measures
admin@acwm.lacounty.gov

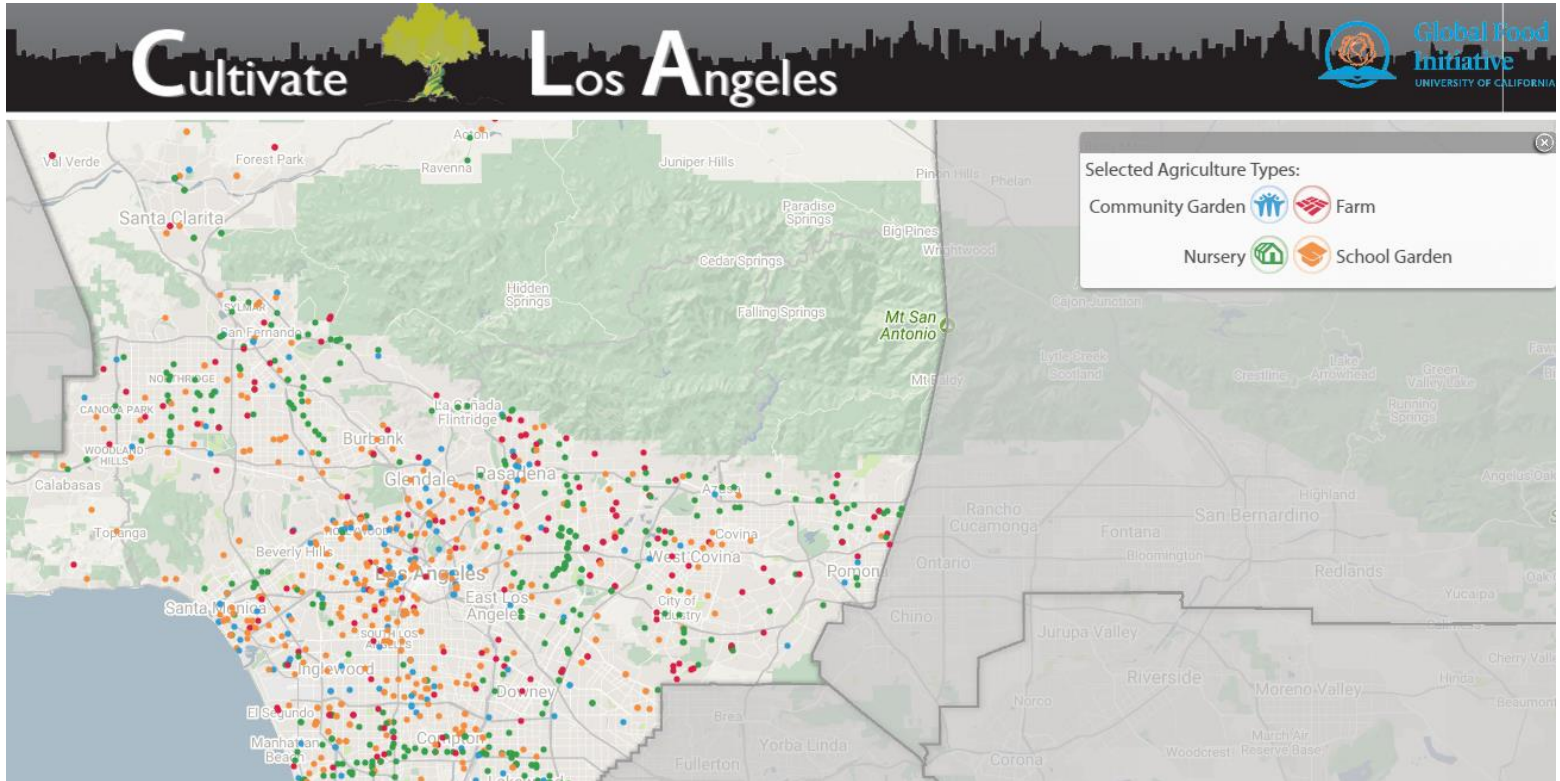
Los Angeles County Department of Regional Planning
zoningldcc@planning.lacounty.gov

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Get on the map!



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