

Establishing a Cheese-Making Facility in Marin County

Background

Before the technology of refrigeration arrived, most fluid milk in Marin was processed into butter and cheese. Today, with the national commoditization of fluid milk dictating prices, product diversification into niche markets for milk producers is making more and more sense. We are returning to our roots by a different route.

Marin is a fertile field for cheese makers with our cool coastal weather and rich grasslands, perfect for milk and cheese production. The proximity of affluent, educated consumers adds to the possibilities open for entrepreneurs and bold producers. Today, not only cow's milk cheese operations like Cowgirl Creamery and Point Reyes Original Blue Cheese are prospering, but new start-ups are milking goats and sheep for innovative farmstead cheese businesses, perfect examples of what can be achieved here.

The following paragraphs outline the major components of a cheese-making operation that require permits of various types. These components should all be carefully considered during the design process to facilitate a smooth permitting process.

Land Use

Generally speaking, the project site must be in a zoning district that allows dairying and cheese making, particularly if the proposed project is a farmstead cheese operation. "Agricultural Processing Uses," which would include cheese making, are permitted in all agricultural zoning districts within Marin County,¹ although a Use Permit is required in some cases.² Production of "Food Products"³ includes cheese making, and is a conditionally-permitted use⁴ in commercial zoning districts.⁵ Within the Coastal Zone, you will also need a Coastal Development Permit for development of a cheese-making facility. Use Permits and Coastal Development Permits are obtained from the Marin County Community Development Agency. For more information, contact Curtis Havel, Senior Planner, at (415) 499-6269 or chavel@co.marin.ca.us.

Buildings

If you plan to construct a new building, or modify an existing building to house your cheese plant, you'll need a building permit from the Building and Safety Division of the Marin County Community Development Agency. The interior of the building must meet California Department of Food and Agriculture (CDFA) criteria (see Health Inspections, below) and the California Building Code requires that employee rest rooms be provided. For more information contact Larry Grace, Supervising Building Inspector for the Marin County Building and Safety Division at (415) 499-6572 or lgrace@co.marin.ca.us.

Waste Disposal

In rural settings, wash water can be disposed of either below ground in a septic system or above ground in a dairy waste pond. Below-ground wastewater disposal is regulated by the Marin County Environmental Health Department (EHS). Due to high BOD (biological oxygen demand), cheese plant wash water may require pre-treatment or alternative septic system design. Above-ground disposal into dairy waste ponds is regulated by the Regional Water Quality Control Board rather than the County. In urban settings, wastewater is disposed of into the sewer system. For more information on septic systems for cheese plants, contact Janet Mullin, Senior Registered Environmental Health Specialist for the Marin County Environmental Health Department, at (415) 499-6273 or jmullin@co.marin.ca.us.



Water Source

Water used in cheese making must be from an approved and potable water system. In rural areas where water is provided by a well or springs, water must be from a source approved by a domestic water permit issued by EHS. If there are retail activities such as a retail cheese shop or cooking demonstration kitchen occurring onsite, then the Food Code and Food Plan Check would come into play. Also, changes in the use may require a water permit amendment, or issuance of a domestic water permit if none is on record. For more information contact Scott Callow, Water Specialist for EHS, at (415) 499-6667 or scallow@co.marin.ca.us.

Health Inspections

The CDFA employs state dairy inspectors, whose jobs include inspection and licensing of cheese-making facilities. Inspectors are helpful and willing to advise potential producers about cheese plant design. The CDFA Milk and Dairy Food Safety Licensing Unit issues licenses and permits pertaining to milk production and processing, including all producers of milk and milk products. A State of California Milk Handler's License is required. Application forms can be obtained from http://www.cdfa.ca.gov/dairy/licensing_apps.html. The CDFA Milk and Dairy Food Safety Licensing Unit may be contacted at (916) 654-0773, or CDFA's Dairy Program Coordinator John Macy can be contacted at (510) 622-4810.

On-site Retail Sales

If you plan to sell cheese retail on-site, you'll need to make sure that your zoning district allows this. (This may require Coastal Permit and/or Use Permit approval from the Community Development Agency.) If it is an allowed use, a permit to operate a retail food facility would need to be obtained from EHS (as required by California Retail Food Code, under which it would be considered a Permanent Food Facility). Plans for the retail portion of the business would be submitted to EHS for approval before the interior of the retail facility is completed. Retail sales would also require provision of customer rest rooms, which must be accessible as required by the Americans with Disabilities Act (ADA).

Approval of ingress, egress, and parking areas, including provision of accessible parking as required by the ADA, by Marin County Department of Public Works, is also required for a retail establishment. For further information on permits to operate a retail food facility, contact Dave Smail, Supervising Registered Environmental Health Specialist, at (415) 499-6916 or dsmail@co.marin.ca.us.

¹These include A2 - Limited Agriculture; A3 to A 60 - Agriculture and Conservation; ARP - Agriculture Residential Planned; C-ARP - Coastal Agriculture Residential Planned; C-APZ - Coastal Agricultural Production Zone

²In some agricultural zoning districts, Use Permits are not required if the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet (Title 22, Development Code as amended June 13, 2006). Use Permits are required in all Coastal zoning districts for the processing of agricultural products.

³"This land use consists of the manufacture of or processing foods for human consumption..." Marin County Code (Title 22, Development Code as amended June 13, 2006)

⁴Also with a Use Permit

⁵Including VCR - Village Commercial Residential; RMPC - Residential Commercial Multiple Planned; C1 - Retail Business; and CP - Planned Commercial

Resources

Other sources of information include:

1. Marin County Development Code - for more specific information on land uses allowed by zoning go to <http://municipal.codes.lexisnexis.com/codes/marincounty/>. If you are in an agricultural zoning district, click on Chapter 22.08, AGRICULTURAL AND RESOURCE-RELATED DISTRICTS. Note, this does not address zoning within the Coastal Zone, which is still subject to Title 22 of the Marin County Zoning Code, which is not available online.
2. Marin County Community Development Agency Current Planning - to look up zoning for a specific parcel, go to <http://www.co.marin.ca.us/depts/CD/Main/comdev/CURRENT/INDEX.cfm>, then click on Zoning Map with Parcel Information Tables. At the bottom of the page you can type in your Assessor's parcel number or street address to find your zoning.

Prepared by Lisa Bush, Steve Quirt, and Ellie Rilla, October 2007.

All information pertinent to Marin County Community Development Agency (MCCDA) regulations has been reviewed and approved by the MCCDA. More information about diversifying your operation is available at the Grown in Marin site under Resources for Farmers, at <http://www.growninmarin.org> or by calling the UCCE Farm Advisors Office at 415/499-4204.