
DAIRY ELEMENT



**Adopted by the Kings County Board of Supervisors on
July 30, 2002**

I. INTRODUCTION

A. Summary

The *Dairy Element*, with its Goals, Objectives, Policies, was adopted on July 30, 2002, and is included by reference and incorporated into the *2035 Kings County General Plan*.

It contains a series of goals, objectives, policies, and programs. These are designed to accomplish two equally important major objectives. One is to ensure that the dairy industry of Kings County continues to grow and contribute to the economic health of the County. The other is to ensure that the standards established in the *Dairy Element* protect public health and safety and the environment.

Part of the strategy to accomplish this is to set a limit on the number of cows that can be accommodated in Kings County. The *Dairy Element* describes the method used to determine this limit. It derives the limit by using a model to evaluate the Nitrogen and salt loading capacity of Kings County farmland which utilizes manure generated by cows, which is further discounted by subtracting the acreage used for other types of animal husbandry manure and biosolids (sewage sludge) applications. The result is that the maximum herd size for Kings County is determined to be 381,980 milk cows (534,772 animal units) and 423,998 head of support stock (335,409 animal units), totaling 805,978 head (870,181 animal units).

The goals, objectives, policies, and programs in the *Dairy Element* include changes in the way dairies are regulated. Prior to the adoption of the *Dairy Element* expansions of existing dairies and establishment of new dairies required approval through the conditional use permit (CUP) process. Each review of a dairy proposal underwent individual California Environmental Quality Act (CEQA) review. Under the *Dairy Element* the expansion of existing dairies and establishment of new dairies is accomplished through the site plan review (SPR) process. Dairies may be proposed only within certain specified areas of the County designated in Figure 2 of the *Dairy Element*, and shall only be established after the issuance of a SPR. Expansions of existing dairies may also be processed by SPR as long as the expanded portion of the dairies are consistent with the standards adopted in the *Dairy Element* concerning design, operation, monitoring and reporting. Approval of an SPR is ministerial and exempt from individual environmental review as long as a finding of consistency with the *Dairy Element* can be made. These standards have undergone environmental review in the *Program Environmental Impact Report* (PEIR) prepared as part of the development of this *Dairy Element*.

Compliance monitoring and reporting of the dairies in Kings County is more formal under the new system than in the past. The Code Compliance section of the Kings County Community Development Agency will monitor new and expanded existing dairy operations to ensure that they operate according to their approval requirements. In addition, dairies established before permits were required will be more closely monitored to ensure they do not create nuisances.

B. Purpose and Authority

A. Purpose

The intent of this *Dairy Element* is to guide the physical growth of the dairy industry in general, and the specific development, expansion, and operation of dairies in a manner that protects the public and



the environment and enhances the economy in Kings County. This element sets out general policies related to:

1. Specific standards for the development, expansion, and operation of dairies.
2. Policies for the location of new dairies in Kings County by the site plan review (SPR) process.
3. Monitoring and reporting requirements to ensure and to demonstrate compliance with standards.
4. Dairy expansion policies:
 - A. For dairies with previously issued valid zoning permits, and
 - B. For dairies established prior to 1979 (when ERME-II was implemented), which do not require zoning permits for herds sizes at their 1979 level.

These policies and standards are important to ensure that the location, distribution, and operation of dairies do not cause significant adverse effects to other land uses, including, but not limited to, agricultural, residential, commercial, industrial, public, and military uses and to the environment. Monitoring and reporting are necessary to demonstrate that impacts are being mitigated to the extent feasible and that mitigation measures are accomplishing their intended purposes. This will also ensure that other resources such as open space, natural resources, recreation, scenic vistas, and public facilities will not be adversely impacted.

B. Authority

A County is required by law to prepare and adopt a comprehensive, long-term general plan for the physical development of its jurisdictional area (Cal. Gov't. Code Section 65300). Each general plan must include seven mandatory elements (i.e., Land Use, Circulation, Resource Conservation, Open Space, Housing, Noise and Safety), and may include *optional elements* judged by the legislative body to be related to the physical development of its jurisdiction (Section 65302 and 65303).

Since the growth of the dairy industry has the potential to significantly effect the physical development of the County, it is appropriate to address dairies in a separate general plan element. The County has determined that such a separate general plan element should be adopted to establish development and operational policies for the local dairy industry. Dairies are increasingly important to Kings County's economy, and the County is concerned about the potential effects dairies may have on the environment if they are not properly located, operated and maintained.

The Program Environmental Impact Report (PEIR) evaluated the policies of the Dairy Element and their effectiveness in protecting the environment from potential impacts associated with dairies.

C. Scope and Organization

The *Dairy Element* contains eight sections, eleven appendices, an *Economic Impact Analysis*, and a *Program Environmental Impact Report*:

1. Section I: Introduction to the Dairy Element.
2. Section II: Determination of the theoretical capacity of Kings County to host dairies in order to establish an upper limit for evaluating the potential effects on the economy and the environment.
3. Section III: Policies addressing the general restrictions for the location and siting of new dairies and the expansion of existing dairies in Kings County, and streamlining the approval process through the use of the Site Plan Review (SPR) provisions of the Kings County Zoning



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Ordinance. These policies address siting constraints such as location relative to other development and protection of various sensitive resources such as wildlife habitat, groundwater, surface water bodies and stream courses.

4. Section IV: Policies addressing the design and management of dairy operations. These policies address minimum dairy operating standards for the protection of the environment and nearby development and land uses.
5. Section V: Monitoring Program to monitor the effectiveness of the mitigation measures for protecting the environment, and for compliance of each dairy regulated by the *Dairy Element*.
6. Section VI: The Voluntary Dairy Quality Assurance Program.
7. Section VII: Economic impact analysis and job creation potential of the dairy industry and the multiplier effect of ancillary or "spin off" industries on the economy in Kings County.
8. Section VIII: Program Environmental Impact Report (PEIR) for use as the environmental document for the *Dairy Element*.

Figure 2, *Theoretical Dairy Herd Capacity for Kings County*, is a land use map that reflects the dairy siting policies of the *Dairy Element*. This map and the text must be used together in order to fully understand the standards and policies that apply to any particular proposed new or expanding dairy operation.

The *Dairy Element* land use map designations do not include a detailed study of any specific parcel of land. Development of individual parcels of land with dairies is regulated by the standards within the *Dairy Element* and implemented through the *Kings County Zoning Ordinance*. Parcels proposed for new dairies which are consistent with the generally acceptable areas for dairies shown in Figure 2 must be evaluated in detail through the site plan review (SPR) process required in the *Zoning Ordinance*.

D. Consistency with Other Elements

The *Dairy Element* is consistent with the other elements of the General Plan because all of the elements use the same population, housing, and employment projections. This element also uses information in the other elements in conjunction with the evaluation of the new policies included in this element, and made changes where necessary to ensure consistency. Policies of the *Dairy Element* support, and are supported by, policies of the other elements and the policies of all elements are cross-referenced where necessary.

