

# **APPLICATION GUIDELINES**

FOR

**NEW OR EXPANDING DAIRY PERMITS**

UNDER THE PROCEDURES OF THE:

***DAIRY ELEMENT* OF THE KINGS COUNTY  
GENERAL PLAN**

AND

**KINGS COUNTY ZONING ORDINANCE**

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# KINGS COUNTY DAIRY PERMIT APPLICATION GUIDELINES

## I. INTRODUCTION:

These guidelines are intended as a guide for the preparation of applications for zoning permits for new and expanding dairies in Kings County. Pursuant to the requirements of the *Dairy Element* of the *Kings County General Plan*, and the *Kings County Zoning Ordinance*, new and expanding dairies must obtain either a Site Plan Review (SPR) issued by the Kings County Zoning Administrator, or a Conditional Use Permit (CUP) approved by the Kings County Planning Commission, before construction or expansion may commence. Applications that meet all of the policies and standards in the *Dairy Element* will qualify as a SPR, and as such are ministerial projects pursuant to the *CEQA Guidelines* and the *Kings County Local Guidelines to Implement CEQA*. However, any application that deviates from the *Dairy Element* policies and standards shall be reviewed as a CUP, including supplemental environmental review on the part, or parts, of the application that are different from the *Dairy Element's* policies and standards.

### A. APPLICATION FORM:

Exhibit A of these guidelines is the application form for applying for a zoning approval for either new or expanding dairies. It can be used for either a site plan review or a conditional use permit application. The applicant must include all of the information identified in the application form, and attach the site plan drawing, Indemnification and Extraordinary Cost Reimbursement Agreement, the Technical Report, and the Mitigation Monitoring Program.

### B. INDEMNIFICATION AND REIMBURSEMENT FOR EXTRA-ORDINARY COSTS AGREEMENT:

Each application for a new or expanding dairy shall be accompanied by a fully executed agreement that the applicant will indemnify and hold Kings County and its officials and departments harmless in the event that extraordinary costs are incurred in processing the application as a result of a challenge to the project. The agreement form is attached as Exhibit B. If the Applicant is different than the owner Kings County will provide an appropriate agreement form.

### C. SITE PLAN REVIEW (SPR):

Objective DE 2.1 and Policy DE 2.1a of the *Dairy Element* provide that applications for new or expanding dairies that comply with all the *Dairy Element's* policies and standards may be approved by SPR. Article 21 of the *Kings County Zoning Ordinance* provides the specific procedures for processing a SPR application.

The Zoning Administrator's review of the SPR application shall be formal and in writing. It shall include all steps as outlined in the *Zoning Ordinance* for SPR's, and for dairy reviews as outlined in the *Dairy Element*. No additional environmental review is required as long as the Zoning Administrator makes a specific finding that all applicable provisions of the *Dairy Element* and Program EIR for the Dairy Element will be met. A monitoring program that is consistent with the *Dairy Element's* requirements shall be implemented.

Article 21 of the *Kings County Zoning Ordinance* requires the Zoning Administrator to ensure all regulations, policies, mitigation requirements, standards, etc., in the *Zoning Ordinance*, *Dairy Element*, and *Dairy Element Program EIR* are met in the design of the dairy facility and site. The monitoring program described in the *Dairy Element* will ensure that these policies, mitigation requirements, standards, etc., are being carried out.

Exhibits E-1, F-1, and G-1 are checklists the application will be checked against for completeness and accuracy by Planning Department Staff when review applications that have been submitted. An affirmative response is required in each case; otherwise the application must be processed as a conditional use permit. The Zoning Administrator will make the final determination whether the application addresses the policy issue adequately.

#### **I. MINISTERIAL ACTION:**

The issuance of a SPR by the Zoning Administrator is a ministerial action. Pursuant to Section 15268(c) of the *CEQA Guidelines* local agencies shall implement regulations that identify the types of projects and actions it deems ministerial. Kings County's *Local Guidelines to Implement CEQA* was last revised by Resolution No. 96-048 on July 2, 1996, and includes SPR's as ministerial acts by the Zoning Administrator.

#### **D. CONDITIONAL USE PERMITS (CUP):**

When an application for a new dairy, or the expansion of an existing dairy, does not or cannot meet all regulations, policies, mitigation requirements, and standards in the *Dairy Element*, the application will be processed as an application for a conditional use permit (CUP). The review of such a CUP will include CEQA review beyond the Program EIR, which may include tiering of environmental documents as appropriate, and a public hearing before the Kings County Planning Commission.

#### **E. VIOLATIONS AND REVOCATIONS:**

Failure to comply with policies, mitigation requirements, standards, etc., listed in the SPR or CUP will result in revocation proceedings before the Planning Commission. The Planning Commission may revoke the SPR or CUP and shut the operation down, or, in the case of a SPR, rescind the SPR and issue a new CUP with more conditions, monitoring, and reporting requirements.

### **II. SUMMARY OF THE DAIRY ELEMENT POLICIES:**

Attached are two tables in Exhibits C and D. The first table is a listing of all *Dairy Element* policies sorted by the reference to the part of the application the policy is applicable. The table describes the subject of the policy, provides a brief description of the policy's purpose, and provides a reference to what part of the application the responses to the policy are contained. The second table is sorted by policy number.

The full text of each applicable policy is attached in Exhibits E-2, G-2, and H-2.

### **III. SITE PLAN AND TECHNICAL REPORT CHECKLISTS:**

Exhibit E-1 is the checklist for all of the requirements associated with the site plan portion of the application. Exhibit F-1 is the checklist for the Technical Report portion of the application.

### **IV. MONITORING AND REPORTING CHECKLIST**

Section 15097 of the *CEQA Guidelines* requires that mitigation measures identified for a project approved by a public agency includes a program for monitoring and reporting on the measure that have been imposed to mitigate or avoid significant environmental impacts. The *Dairy Element's* policies are the mitigation measure. The Final Program EIR prepared for the *Dairy Element* included a Mitigation Monitoring Program (MMP), see Exhibit H. It includes requirements that dairy operators, who hold either SPR or CUP, monitor their operations according to the MMP requirements and document the activities they carry out to ensure their operation complies with the *Dairy Element's* standards and policies. Exhibit G-1 is the checklist for the monitoring and reporting requirements.

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