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

Prepared by:

Kings County Planning Agency
Hanford, CA

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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 REVEIEW (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.

1. 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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EXHIBIT A

APPLICATION FORM
FOR
ZONING PERMITS FOR DAIRIES

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APPLICATION FORM - ZONING PERMIT FOR DAIRIES

DATE FILED: Requires Planning Dept. Date Stamp:

APPLICATION FOR ZONING PERMIT FOR NEW OR EXPANDING DAIRIES, KINGS COUNTY ZONING ORDINANCE

SUMMARY INFORMATION FORM FOR ZONING PERMIT APPLICATIONS:

The purpose of this form is to provide information concerning the proposed development to determine whether it conforms with the provisions of the Kings County General Plan and Zoning Ordinance. Only the property owner or owner's authorized agent may submit an application. When filing is done by mail the signature must be notarized. The following information is necessary to properly and efficiently process the application. Incomplete applications can not be accepted as complete and may delay processing the application until all of the required information is submitted in a form acceptable to the Kings County Zoning Administrator. Please follow these directions and print or type the responses. If the information requested is not applicable to the proposal, write N/A in the space. Attachments may be used to better illustrate or explain the project.

PART A: CERTIFICATION

I hereby certify that the statements furnished in this application and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

DATE SUBMITTED: _____, 20_____;

APPLICANT OR AGENT: _____; **Circle one:** Owner Authorized Agent
(Signature)

Print Name: _____

Mailing Address:_____

City: _____, State: _____, Zip:_____

Phone No.: (_____) _____;FAX No.: (_____) _____

SUBSCRIBED AND CERTIFIED BY:

Received by: _____, Date: _____
Planning Department Representative

Receipt Number: _____

Permit Application No.:

SPR ___-____

CUP ___-____

PART B: PERMIT APPLICATION TYPE (The Planning Department will complete this section):

General Information:

Zone District Classification of the site: _____

Is a change of zone proposed? Yes No.

Is an engineered septic tank/leach field system required? Yes No.

Is the site in a Flood Zone? Yes No.

If yes, Panel No. 060086-_____; Zone _____.

Is the site restricted by Land Conservation (Williamson Act) Contract? Yes No.

If yes: Preserve No. ____-_____ , and Contract No. _____.

Is the site located within the Enterprise Zone: Yes No.

Type of CEQA Review Required:

If the project is Categorically Exempt, give Class: _____,

If project is a ministerial project, cite classification: _____

Environmental review is required: No Yes; (If yes, attach environmental information form. Note: The application will not be deemed complete until all environmental review procedures are completed.)

PART C: GENERAL INFORMATION (please print or type)

Use Proposed: _____
_____
_____
_____,
pursuant to Section _____ of the Kings County Zoning Ordinance.

Applicant's Name: _____

Mailing Address: _____, City: _____, St.: _____, Zip Code: _____

Site address (if assigned): _____, City: _____, St.: _____, Zip Code: _____

Phone: (____) _____ FAX: (____) _____

Assessor's Parcel No. (APN): _____
(List all APN's associated with this application)

Owner's Name (if different from Applicant): _____

Address: _____, City: _____, St.: ___ Zip Code: _____

Phone: (____) _____ FAX: (____) _____

Site Area: _____ sq. ft. or acres

Number of Employees: _____

Is off-street parking provided? No Yes. If yes, how many spaces: _____

Number of Handicapped Spaces: _____

Method of Sewage Disposal (check one):

___ Individual septic tank/leach field.

___ Public sewer system (name of operator): _____

___ Other (Describe): _____

Water Supply Source (check one):

___ Individual domestic well.

___ Public water system (name of operator): _____

___ Other (Describe): _____

PART D: GENERAL HERD INFORMATION:

1. For Dairy Expansions, date dairy was first established: _____

2. Breed of cattle (circle one): A. Jersey, B. Guernsey, C. Holstein.

3. Herd Size and Breakdown: **(On the Dairy Site only*) Proposed** **For expansions indicated existing herd data**:

A. Milk Cows	_____ head	_____ head
B. Dry Cows & Bred Heifers	_____ head	_____ head
C. Heifers (1 yr. to breeding)	_____ head	_____ head
D. Calves (3 months to 1 yr.)	_____ head	_____ head
E. Baby Calves (less than 3 mo.)	_____ head	_____ head
TOTAL	_____ head	_____ head

*** Dairy Site** – All the land used for a Dairy including the Dairy Facility and associated agricultural land.

4. Dairy Process Water Management System:
   - ___ A. Free stalls (milk cows)/Scraped corrals (support stock)
   - ___ B. Flushed Corrals (all cows)
   - ___ C. Scraped Corrals (all cows)
   - ___ D. Other, (describe on attached sheet)

5. Available Land: List all APN's owned and under wastewater agreement APN's:

A. Dairy Facility area (corrals, barns, lagoons, storage, etc.)	_____ acres	_____
B. Dairy's Cropland, Type of crops grown and acreage of each:		
a) _____	_____ acres	_____
b) _____	_____ acres	_____
c) _____	_____ acres	_____
d) _____	_____ acres	_____
e) _____	_____ acres	_____
Cropland, total acres	_____ acres	_____

6. Storage Lagoon Capacity Calculations: _____(use separate sheet if necessary).

PART E: HAZARDOUS WASTE SITE DATA

California Government Code Section 65962.5(f) states:

> "(f) Before a lead agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site that is included on any of the lists compiled pursuant to this section and shall specify any lists. If the site is included on a list, and the list is not specified on the statement, the lead agency shall notify the applicant pursuant to Section 65943.

The following statement must be completed by the owner of the subject property or the owner's authorized agent before this application can be certified complete by the Kings County Planning Agency, The "Identified Hazardous Waste Sites" list is available for review at the Kings County Planning Agency office:

STATEMENT:

I have reviewed the "Identified Hazardous Waste Sites" list dated **April, 1998** and state that:

The subject site(s) of this application ___ is / ___ is <u>not</u> on the "Identified Hazardous Waste Sites" list.

Site Address: _____
_____

Site APN: _____

PART F: SITE PLAN DRAWING; INSTRUCTIONS FOR PREPARING A SITE PLAN

(This must be completed by the applicant or the applicant's agent):

The site plan must be drawn in a neat and legible manner on paper a minimum of 8½ by 11 inches to a maximum of 24 by 36 inches in size. The scale must be large enough to show all details clearly. Twenty (20) copies of the site plan must be submitted with this application form. If additional copies will be necessary you will be notified. The following information must be included on the site plan. The site plan drawing may be included as an attachment of the Technical Report.

a. Name and address of the legal owner of the site, and of the applicant, if the applicant is not the owner.
b. Address of the property, if it has been assigned.
c. Assessor's Parcel Number(s) (APN).
d. Date, north arrow, and scale of drawing.
e. Dimension of the exterior boundaries of the Dairy Facility, and the Dairy Site.
f. Name all adjacent streets, roads, or alleys, showing right-of-way and dedication widths, reservation widths, and all types of improvements existing or proposed.
g. Locate and give dimensions of all existing and proposed structures and other improvements on the property. Indicate the height and depth of the buildings and their distance to at least two (2) property lines.
h. Show access, internal circulation, parking, and loading space. Detail off-street parking, exits and entrances, complete with dimensions and numbers of parking spaces, including handicapped spaces.
i. Show all fences and walls; their locations, heights, materials and/or type.
j. Show all signs; their location, size, height, and material used.
k. Note all external lighting; location and the general nature and hooding devices.
l. Indicate location of existing and proposed septic tank/leach line systems, and water wells within 50 feet of the nearest property line if the proposed use is not connected to a municipal water and sewer system.
m. Show all water courses that are either on site or within 100 feet of the project boundary.
n. Indicate method of storm water drainage collection and storage.
o. Note the distances to the nearest fire hydrant and proposed method of fire protection.
p. Note any special method of fire protection (i.e., water tanks, new fire hydrant, etc.).
q. The applicant should include any additional information that may be pertinent or helpful concerning this application.
r. Other data may be required to permit the zoning administrator to make the required findings.

PART G: TECHNICAL REPORT

The Technical Report must be prepared by a professional engineer or other professional as indicated in the various components of the Technical Report. The policies associated with the Technical Report components are shown in parentheses after the component title. Twenty (20) copies of the Technical Report shall be submitted with the application form. The following information is the minimum that must be included in the Technical Report. See attached Technical Report Guide.

1a. Geotechnical Report (Policy DE 2.1f, 3.2b and 4.1a.B.2.c),
1b. Groundwater Evaluation (Policy DE 1.2d, 3.2a, 6.2f, and 6.4d),
1c. Soils Evaluation (Policy DE 3.2b),
1d. Hydrologic Sensitivity Assessment (HSA) (Policy DE 1.2f, 3.2a, 3.2h),
1e. Gas and Oil Well Evaluation (Policy DE 3.5a, 3.5b),
2a. Manure Nutrient Management Plan (MNMP) (Objective 4.1, Policy DE 3.2b, 3.2c, 3.2d, 3.2e, 4.1a, 4.1b, 4.1c, 4.1e, and 4.1f),
2b. Comprehensive Dairy Process Water Application Plan (CDPWAP) (Objective DE 4.2, Policy DE 3.1i, 4.2a, 4.2b, 4.2c, 4.2d and 5.1b),
2c. Odor Management Plan (OMP) (Policy DE 5.1b and 6.2d),
2d. Irrigation Management Program (IMP) (Policy DE 3.2a, 3.2b, 3.2d, 3.2e, 4.1b),
3. Hazardous Materials Business Plan (HMBP) (Policy DE 4.3a),
4. Pest and Vector Management Plan (PVMP) (Policy DE 4.3b),
5. Dead Animal Management Plan (DAMP) (Policy DE 4.1d),
6. Biological Resources Survey (Policy DE 1.2e, 3.3a),
7. Cultural Resources Evaluation by the California Historic Resources Information System (CHRIS) (Policy DE 3.1d and 3.1e),
8. Traffic Impact Study (Policy DE 3.1f, 3.1g),
9. Fugitive Dust Emissions Control Plan (FDECP) (Policy DE 5.1e, 5.1g, 5.1h, and 6.2c),
10. Light, Glare, and Noise Assessment (Policy DE 3.1h and 3.1i).

PART H: MONITORING PROGRAM:

The monitoring requirement for new and expanding dairies is based on the CEQA requirement set forth in *CEQA Guidelines* Section 15097 and the Final Program EIR for the *Dairy Element*. The *Dairy Element* requires that a "mitigation monitoring and reporting program" be adopted and carried out to ensure that potential significant adverse effects to the environment and required mitigation measures are monitored to ensure that the operation stays within the limits of the *Dairy Element* program.

INDIVIDUAL DAIRY MONITORING PROGRAMS:

The *Dairy Element* monitoring and reporting program requires monitoring and documentation of that monitoring by all new and expanding dairies. All records, reports, plans, programs, documentation and other material required as part of the monitoring and reporting requirements shall be maintained on the dairy site, and shall be made available to the Kings County Code Compliance personnel upon request for review and inspection.

The Dairy Monitoring Program developed and implemented by an individual dairy shall include all monitoring requirements of the *Dairy Element* and the Mitigation Monitoring Plan in the Dairy Element's Final Program EIR, and any other specific requirements.

PART I: 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. If the Applicant is different than the owner Kings County will provide an appropriate agreement form.

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EXHIBIT B

INDEMNIFICATION AND REIMBURSEMENT FOR EXTRAORDINARY COSTS AGREEMENT FORM

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AGREEMENT FOR INDEMNIFICATION AND REIMBURSEMENT FOR EXTRAORDINARY COSTS

THIS AGREEMENT is entered into on this _____ day of _____, 2000 by and between the _____ (hereinafter referred to as "Applicant") and the County of Kings (hereinafter referred to as "County") on the terms and conditions hereinafter set forth.

RECITALS

WHEREAS, Applicant has applied to the County of Kings, a political subdivision of the State of California, for _____ (hereinafter referred to as "Project") for operation of _____ on the real property described in Exhibit A attached hereto; and

WHEREAS, the consideration of the Project by County will involve the issuance of a _____ permit (hereinafter referred to as the "Permit") which may involve review under the California Environmental Quality Act (hereinafter referred to as "CEQA"); and

WHEREAS, County may incur extraordinary costs (hereinafter referred to as "Extraordinary Costs") described in connection with the Permit approval process and the CEQA process for the Project; and

WHEREAS, the parties desire to allocate responsibility and liability for such extraordinary costs pursuant to the terms of this Agreement.

TERMS AND CONDITIONS

1. Conditions to the Project Approval and Processing: The processing of Project documents by County and the effectiveness of all approvals, permits and consents for the Project by the County are expressly conditioned upon performance by the Applicant of the following terms and conditions:

1.1. Full performance of all conditions imposed in connection with the applicable permit or the Project approval.

1.2. Full compliance with the terms, conditions, provisions and requirements of the permit application process.

1.3. Posting of all applicable fees for CEQA review required by the provisions of California Fish & Game Code section 711.4, which at the time of execution of this Agreement are in the amount of $1,250.00 for a negative declaration and $850.00 for an environmental impact report.

1.4. Full performance of the terms and conditions of this Agreement.

1.5. Compliance with all required mitigation measures of an approved CEQA environmental document for the Project.

1.6. Payment of all Security Deposits, if required by the County, for fulfillment of any of the above-described terms and conditions.

1.7. Timely payment by Applicant of all amounts invoiced by County under Section 7 below and of all demands made by County for deposit of funds under Section 8 below.

2. Ordinary Costs. The County of Kings is authorized to charge for the actual costs of processing the Permit, including all staff, administration, consultant, outside counsel and County Counsel time actually expended on the Project. In this regard, the County has determined to establish flat fees for the usual and ordinary costs associated with normal permit processing. Unless one of the events set forth in Section 4 below arises or is reasonably foreseen by the Kings County Planning Director to be likely to arise, Applicant shall be charged only the flat normal application processing fee.

3. Obligation for Extraordinary Costs. In the event a permit requires, or appears likely to require, processing in excess of ordinary time and resource allocation, additional fees will be charged to cover the costs of such extraordinary processing (hereinafter referred to as "Extraordinary Costs"). Applicant shall be responsible for all Extraordinary Costs in connection with application processing and all necessary environmental review processing and for all Extraordinary Costs associated with Project approvals or denials, appeals arising therefrom and litigation arising therefrom. In the event that Applicant refuses to make deposits or to pay amounts incurred and invoiced for such Extraordinary Costs, the County may close the Project application processing and may recover from the Applicant the costs incurred.

4. Extraordinary Events. The following are examples of Extraordinary Events which shall give rise to the Applicant's obligation to pay for Extraordinary Costs under the terms of this Agreement:

4.1. Incomplete or inaccurate information provided by the Applicant.

4.2. A change in an application by means of an amendment, correction or similar circumstance.

4.3. Significant opposition to a project by any person, group, organization or entity.

4.4. An appeal of a Project land use decision.

4.5. Non-compliance in whole or in part by the Applicant with a condition of an application, a permit or a planning or building department request.

4.6. Significant delays in processing caused by the Applicant or the Applicant's agents.

4.7. Unique, novel or irregular applications or requests by the Applicant.

4.8. Litigation involving or challenging the Project, or arising in any way from the Project's consideration, review, negotiation or approval by County.

4.9. Other circumstances or events which significantly increase the workload of County staff to process an application.

4.10. Preparation of an environmental impact report or mitigated negative declaration under CEQA, which may or may not include the employment of outside consultants and legal counsel by County or Applicant for the preparation of such environmental documents.

The determination by County that an Extraordinary Event has occurred and that Applicant shall thereafter be responsible for the payment of Extraordinary Costs shall be in the sole and absolute discretion of County and shall not be reviewable in any court or administrative proceeding.

5. Charging for Extraordinary Costs. County shall charge Applicant for Extraordinary Costs as hereinafter set forth. Applicant shall pay for all Extraordinary Costs either through the Deposit Process described in Section 8 below or as and when invoiced by County under the provisions of Section 7 below. The determination as to whether to utilize the Deposit Process or the Invoice Process shall be at the sole and absolute discretion of the County, after consultation with Applicant.

5.1. Extraordinary Cost Schedule. Extraordinary Costs shall include, but shall

not be limited to, the following and shall be billed by County as set forth below:

5.1.1. All damages, costs and/or attorneys fees awarded against County or Applicant by a court in the course of litigation challenging the Project.

5.1.2. Costs incurred in preparation of CEQA documents by Consultants and outside counsel.

5.1.3. Costs incurred by County Staff, Consultants, County Counsel and outside counsel employed by County to defend litigation filed against the County and/or Applicant.

5.1.4. Extraordinary Costs shall also include the total dollar amount of all other County Department employees' time (computed on the basis of hours spent multiplied by the salary and benefit rate paid by the County to such individual employees), all fees and costs charged by outside consultants and contract personnel, and all amounts expended by County for photocopies, telephone calls, FAX charges, postage, trip expenses (gas, meals, lodging, parking, transportation) and any and all other direct costs incurred or expended by the County in connection with the Project.

5.2. Charges. The rates at which Applicant shall be billed for Extraordinary Costs shall be as follows:

Planning Staff	Gross salary per hour of each employee x hours billed
County Counsel	$81 per hour
County Counsel Staff	$20 per hour
Special Counsel	As billed to County
Consultants	As billed to County
Other Costs	As billed by County

6. Notice of Extraordinary Event. In the event that one or more Extraordinary Events arises, or is reasonably foreseen to arise, the Director of Planning shall give written notice thereof to the Applicant together with either a request for deposit of Extraordinary Costs or a statement that the County intends to utilize the Invoice Process described in Section 7 below. Deposits shall be made as set forth in this Section and in Section 8 below.

6.1. Submission of Initial Deposit. Upon receipt of a Notice of Extraordinary Event which demands deposit, Applicant shall within ten (10) days deposit the sums requested in the Notice. Failure to comply with a deposit demand shall be governed by Subsection 8.6 below.

6.2. Obligation After Deposit. In the event Applicant decides to proceed with the application and makes the initial deposit as requested, the County shall proceed with application processing, and Applicant shall be responsible for all Extraordinary Costs incurred, whether or not the latter are covered by or included in the Initial Deposit and regardless of when such costs are incurred.

7. Invoices. As an alternative to the Deposit Process described in Sections 6 and 8 herein, County may in its sole and absolute discretion determine that it will directly invoice Applicant in arrears for Extraordinary Costs. County shall invoice Applicant for such costs within thirty days of County's receipt of invoice therefor, or, in the case of such costs for which an invoice would not ordinarily be submitted to County, within thirty days of the last day of the month in which such costs are actually incurred. Applicant agrees to make payment to County for such invoiced amounts. Applicant shall make payment for such reimbursement within thirty (30) days of the date on which County places the invoice in the mail to Applicant addressed as specified in Section 25.

8. Deposits. Deposits shall be made by Applicant and handled by County pursuant to the terms of this Section. All Deposits made by Applicant shall be deposited in an interest bearing account, and all interest shall accrue to the account of Applicant. Interest amounts shall either be applied to the payment of Extraordinary Costs or shall be credited to Applicant to be ultimately returned pursuant to the provisions of subsection 8.7 below at the conclusion of the Project.

8.1. Initial Deposit. Applicant shall provide funds in the amount set forth in the "Notice of Extraordinary Costs" in the form of a check made payable to the "Kings County Treasurer" as set forth in Section 6.1 above.

8.2. Incremental Deposits. The County may request deposits in advance of expenditures or obligations for expenditures. Except for requests for deposit on consulting or outside legal service contracts, individual deposit requests shall not exceed $25,000 without Applicant's prior written authorization or assent.

8.3. Additional Deposits. If the deposit or any increase therein is inadequate to pay for costs actually incurred by the County, Applicant will be notified of the need to supplement the deposit. Applicant shall make payments of additional deposits within thirty days of receipt of notice of the need to supplement the deposit. Further deposit will be required in the full amount of any contract or contracts for consulting services. Any request for Applicant to make deposit or payment to the County must be made in writing and mailed or telefaxed to Applicant , in accord with "Notices" set forth in Section 25.

8.4. Use Of Deposits. The Initial Deposit constitutes an initial estimate of Extraordinary Costs associated with processing the Application and the initial study. County may use the Initial Deposit funds and all future deposit funds to cover all Extraordinary Costs, including qualifying expenses incurred on the Project from its inception. Credit shall be given for any standard application permit fee paid by Applicant.

8.5. Draw Down Of Deposit. On a monthly basis, or on such other time intervals as the Director of the Planning Department may deem necessary and appropriate, Costs incurred shall be deducted from the Deposit, and an accounting of the status of the Deposit shall be provided to the Applicant. In the case of Costs expended against billings from outside consultants, copies of such billing statements shall be provided to the Applicant. The Applicant shall not be entitled to any detail revealing the substantive contents or "detail of billings" pertaining to legal advisement to the County by contract attorneys or County Counsel, but shall be entitled to an accounting of the total amounts paid to such attorneys or reimbursement to the County General Fund, as the case pertains.

8.6. Failure To Make Deposits. In the event that Applicant does not make deposits as requested pursuant to the terms hereof, the County may suspend the processing of the Application. The refusal or failure to make a requested deposit within thirty days after request shall constitute an abandonment of the Project by the Applicant and shall terminate all processing on the Application. The County shall not be liable for such termination and Applicant hereby indemnifies and holds the County harmless from any and all claims arising out of such termination, including those of Applicant.

8.7. Deposits In Excess Of Costs. At the conclusion of the Project, if the actual total of the Extraordinary Costs is less than the total of the Deposits plus interest accrued thereon, the excess amount will be returned to the Applicant or applied toward subsequent phases of environmental review on the Applicant's Project or any subsequent projects at the option of the Applicant, including the Costs of an environmental impact report, negative declaration or any other environmental reviews.

9. Project Accounting. The County shall maintain books and records necessary to track all costs associated with the Project, and to account for all sums deposited and/or paid by the Applicant, which records may be inspected in the Planning Department by the Applicant at any time, and a report of which shall be provided to Applicant on a monthly basis.

10. Right of Withdrawal and Termination of the Agreement. The Applicant has the right to withdraw its application or abandon the Project by filing written notice thereof with the County. Notwithstanding the above provision, this Agreement shall survive

such abandonment or withdrawal and remain in full force and effect until Applicant has fully complied with its obligation to reimburse and indemnify County for all Extraordinary Costs regardless of the date such costs are incurred. In addition, if the Project is pending before the Planning Commission or the Board of Supervisors at the time of receipt of such written notice, the matter shall not be considered withdrawn or abandoned until the withdrawal is approved by the Planning Commission or the Board of Supervisors, whichever is applicable.

11. Indemnification. Applicant shall indemnify, defend and hold the County, its officers, Agents, and employees harmless from and against any and all costs, claims, damages, judgments, or payments in compromise and settlement, including therein all direct and administrative costs, attorneys' fees, including, but not limited to county counsel or special counsel fees incurred with respect to any action to attack, set aside, void, or annul any approvals or denials by the County, arising out of or in connection with the Project, whether by way of court action or administrative proceeding. In the event that any action is filed, including, but not limited to, notice of administrative appeal, summons and complaint, or writ proceeding (collectively referred to as 'Action"), the County may request and the Applicant shall make a deposit in the amount requested by the Director of the Planning Department in the initial amount which shall not exceed twenty-five thousand dollars ($25,000) to cover initial cost and fees, and shall replenish the deposit on an ongoing basis as may be requested during the ongoing proceedings, if any. In the event that actual costs are less than the sums deposited, the unused balance shall be returned to the Applicant by warrant made payable to Applicant as they mutually advise in writing. Any special counsel hired to defend County under the provisions of this Section must be approved by the Board of Supervisors. The litigation deposit provided for under the provisions of this Section are additional to and supplemental to any other deposit or deposits required under the terms of this Agreement. It is intended as security only and it is in no way intended to limit, and shall not be construed to limit, the obligations of Applicant to fully reimburse County for all Extraordinary Costs.

12. Waiver. A waiver by any party of any breach of any term, covenant or condition herein contained or a waiver of any right or remedy of such party available hereunder at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained or of any continued or subsequent right to the same right or remedy. No party shall be deemed to have made any such waiver unless it is express, in writing and signed by the party so waiving.

13. Assignment. This Agreement constitutes a personal contract and no party hereto shall assign or transfer this Agreement, or any part hereof, without the prior written consent of the other, unless such transfer is otherwise expressly permitted hereby.

14. Completeness of Instrument. This Agreement, together with its specific references and attachments, constitutes all of the agreements, understandings, representations, conditions, and covenants made and between the parties hereto. Unless set forth herein, neither party shall be liable for any representations made express or implied.

15. Supersedes Prior Agreements. It is the intention of the parties hereto that this Agreement shall supersede any prior agreements, discussions, commitments, representations, or agreements, written or oral, between the parties hereto.

16. Attorney's Fees. If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, which may be set by the Court in the same action or in a separate action brought for that purpose, in addition to any other relief which such party may be entitled.

17. Rules of Construction. Unless otherwise provided in this Agreement, or unless the context otherwise requires, the following definitions and rules of construction shall apply herein.

17.1. Captions. The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

17.2. Number and Gender. In this Agreement, the neuter gender includes the feminine and masculine, and the singular includes the plural, the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

17.3. Mandatory and Permissive. "Shall" and "will" and "agrees" are mandatory. "May" is permissive.

17.4. Term Includes Extensions. All references to the term of this Agreement or the Agreement Term shall include any extensions of such term.

18. Successors and Assigns. All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

19. Modification. No modification or waiver of any provisions of this Agreement or its attachments shall be effective unless such waiver or modification shall be in writing, signed by all parties, and then shall be effective only for the period and on the condition, and for the specific instance for which given.

20. Counterparts. This Agreement may be executed simultaneously and in several counterparts. each of which shall be deemed an original, but which together shall constitute one and the same instrument.

21. Other Documents. The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

22. Partial Invalidity. If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision and/or provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

23. Jurisdiction. It is agreed by the parties hereto that unless otherwise expressly waived by them, action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a court of competent jurisdiction in the County of Kings, State of California.

24. Controlling Law. The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

25. Notices. All notices and demands of any kind which either party may require or desire to serve on the other in connection with this Agreement must be served in writing either by personal service or by registered or certified mail, return receipt requested, and shall be deposited in the United States Mail, with postage thereon fully prepaid, and addressed to the party so to be served as follows:

To County:	To Applicant:
Chairman, Board of Supervisors	_____
County of Kings	_____
1400 W. Lacey Blvd.	_____
Hanford, California 93230	_____
With a copy to:	With a copy to:
County Counsel	_____
County of Kings	_____
1400 W. Lacey Blvd.	_____
Hanford, California 93230	_____

26. Incorporation of Exhibits. All exhibits mentioned herein and attached hereto are specifically incorporated herein by this reference and made a part of this Agreement.

27. Time Is Of the Essence. Time is of the essence of this Agreement and of each covenant, term and condition herein.

28. Authority. All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such entity(s), person(s), estate(s) or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Further, by entering into this Agreement, neither party hereto shall have breached the terms or conditions of any other contract or agreement to which such party is obligated, which such breach would have a material effect hereon.

THIS AGREEMENT is entered into by and between the parties as of the date and year first set forth above.

APPLICANT

_____
(Signature)

_____
(Type or print name)

COUNTY

_____
Chairman
Kings County Board of Supervisors

ATTEST:

_____
Catherine Venturella
Clerk of the Board

EXHIBIT C

TABLE 1: Dairy Element Policy Index by Reference

Policy No.	Subject	Description	Reference
General Provisions (GP):			
1.1a	Agricultural Protection	Right to Farm Standards	GP
2.1a	Zoning Requirements	SPR or CUP options for new or expanding dairies	GP
2.1b	Herd Limits	Fluctuation of herd size only,and zoning permits for new facilities	GP
2.1c	Herd Limits, changes	Fluctuation of established herd size on existing dairies, requires SPR	GP
2.1d	Herd Limits, expansions	Expansion of herd size above previously approved zoning permit requires new SPR	GP
2.1f	Technical Report, requirement	TR required with all applicantion for SPR or CUP	GP
2.1g	DE Standards compliance	CUP required if DE standards are not met	GP
2.2a	Dairy Review Letter	Existing dairy herd limit determination policy	GP
3.1j	Credit for Nutrient Reduction	Documented through the SPR process	GP
3.2j	Water Quality	Report of Waste Discharge (RWD) from RWQCB compliance	GP
3.7a	Conformance with Standards	Expanded portions of a dairy must comply with the standards, no guarentee that existing dairies can meet standard for expansion	GP
4.4a	Water Quality	Adopt CRWQCB's Water Quality Control Plan, Tulare Lake Basin provisions	GP
5.1d	Air Quality	Compliance with Regulation VIII	GP
5.1f	Air Quality	Control construction equipment emissions	GP
5.1j	Dairy closure cleanup	Removal all residual manure and dairy process water upon closure of the dairy	GP
6.1a	Monitoring	Track new and expanding dairies' compliance with the Dairy Element's standards	GP
6.1b	Monitoring	County Code Compliance staff duties	GP
Shown on the Site Plan (SP):			
1.2a	Zoning	AL-10 zoning requirements	SP
1.2b	Zoning	AX zoning requirements	SP
1.2c	Flood zones	Flood hazard areas	SP
1.2g	Buffer Zones	To schools, 1/2 mile	SP
1.2h	Buffer Zones	To other dairy facilities, 1/4 mile	SP
1.2i	Buffer Zones	To residential (zones) areas, 1/2 mile	SP
1.2j	Compatibility-General Plan	City, rural communities buffers	SP
3.1b	Buffer Zones	To nearby residences not associated with a new dairy, 1/4 mile	SP
3.1c	Buffer Zones	To nearby residences not associated with an expanding dairy, no reduction in seperation within 1/4 mile	SP
3.2g	Floodplain Protection	Demonstrate that dairy facilities are constructed outside oif the 100-yr. flood hazard zones	SP
3.4a	Setback from roads	Building and structures setback from public roads	SP
3.6a	Fire	Fire Department standards	SP
4.3c	Pests	Compliance with KMAD requirements	SP
Technical Report (TR) Component:			
3.1a	Technical Report	Requirement and contents	TR
3.2b	Soils	Application of nutrients at agronomic rate, capacity of the soil to assimilate applied nutrients	TR(1a), (2a), (2d)
1.2d	Water Quality	High groundwater areas	TR(1b(A))
3.2a	Water Quality	Groundwater and surface water, not less than 5 feet of separation between lagoon bottoms and highest expected groundwater level	TR(1b), (1d), (2a), (2d)
1.2f	Water Quality	Excessive slope areas, runoff potential	TR(1d)
3.2h	Water Quality	Hydrogeologic Sensitivity Assessment (HAS)	TR(1d)
3.5a	Water Quality	Abandoned oil and gas wells, DOGGR	TR(1e)
3.5b	Water Quality	Abandoned oil and gas wells, closure/destruction, protection from fire and explosion	TR(1e)
3.2c	Water wells	150 foot set back from wells and water bodies, no surface run-off	TR(2a)
4.1a	Manure	Manure Nutrient Management Plan (MNMP): Nutrient management, manure management	TR(2a)
3.2d	Water Quality	No surface water discharges, floodplain protection	TR(2a), (2d)
3.2e	Water Use	Agronomic rates, even distribution of nutrients	TR(2a), (2d)
4.1b	Manure	Land Application of Manure, nutrient balance, timing and method of applicaation, Irrigation Management Program	TR(2a[C]), (2d)
4.1c	Manure	Land management practices to prevent pollution	TR(2a[D])
4.1e	Manure Record Keeping	Annual estimated of the amount of solid (dry) manure transported off site	TR(2a[E])
4.2a	Water Quality	Comprehensive Dairy Process Water Application Plan (CDPWAP), agreements	TR(2b)
4.2b	Water Quality	Lagoons for dairy process water treatment	TR(2b)
4.2c	Manure	Off-site transport of manure	TR(2b)
4.2d	Enforcement	Enforcement of water agreements	TR(2b)
3.2i	Water Quality	Proper seals on all domistic and irrigation wells	TR(2d)
5.1b	Air Quality	Odor Management Plan (OMP)	TR(2d)
4.3a	Hazardous Materials	Hazardous material management	TR(3)
4.3b	Pests	Pest & Vector Management Plan (PVMP)	TR(4)
4.1d	Dead Animal Management	Dead Animal Management Plan (DAMP), 72 hr removal limit	TR(5)
1.2e	Biological	Wetlands or habitat for sensitive species	TR(6)
3.3a	Biologic Resources	Wetlands and wildlife (Biological Resources) survey	TR(6)
3.1d	Historic	Histrict and archaeological resources, CHRIS & NAHC	TR(7)
3.1e	Cultural	Archaeological and paleontological resources	TR(7)
3.1g	Traffic Impact Study	Technical Report component	TR(8)
3.1f	Traffic Improvements	Review by Pub. Works and CalTrans, encroachment permits for right-of-way work	TR(8)
5.1e	Air Quality	Control fugitive dust on unpaved surfaces	TR(9)
5.1g	Air Quality	Fugitive Dust Emission Control Plan (FDECP)	TR(9)
5.1h	Air Quality	Comply with Air District's control measures for fugitive dust	TR(9)

3.1h	Light and Glare	Outdoor light design	TR(10)
3.1i	Noise	Noise generation assessment	TR(10)
Monitoring Plan (MP) Component:			
3.2f	Monitoring	Design, implement and maintain monitoring program	MP
5.1a	Air Quality	Monitor SJVUAPCD activities	MP
6.2b	Monitoring	Annual lagoon inspections and documentation	MP
6.3a	Monitoring	Evaluation, mitigation program	MP
6.4a	Monitoring	Complaint resolution	MP
6.4b	Monitoring	Complaint resolution contact person	MP
6.4c	Monitoring	Notify operator of complaints	MP
6.2a	Monitoring	Continous monitoring to determine that individual dairies are operating within their established limits	MP
6.2g	Monitoring	Documentation of all monitoring shall be kept on-site and made available to Code Compliance staff	MP
6.2f	Monitoring	Water Quality	MP, TR(1b)
6.4d	Monitoring	Water quality data evaluation by qualified professional	MP, TR(1b)
6.2d	Monitoring	Odor control standards	MP, TR(2c)
6.2c	Monitoring	Dust control monitoring standards	MP, TR(9)

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NOTES: GP = General Provisions; **SP** = Site Plan; **TR** = Technical Report; **MP** = Monitoring Program

EXHIBIT D

TABLE 2: Dairy Element Policy Index by Policy Number

Policy No.	Subject	Description	Reference
LOCATION AND SITING POLICIES (Goal 1):			
1.1a	Agricultural Protection	Right to Farm Standards	GP
1.2a	Zoning	AL-10 zoning requirements	SP
1.2b	Zoning	AX zoning requirements	SP
1.2c	Flood zones	Flood hazard areas	SP
1.2d	Water Quality	High groundwater areas	TR(1b(A))
1.2e	Biological	Wetlands and habitat for sensitive species	TR(6)
1.2f	Water Quality	Excessive slope areas, runoff potential	TR(1d)
1.2g	Buffer Zones	To schools, 1/2 mile	SP
1.2h	Buffer Zones	To other dairy facilities, 1/4 mile	SP
1.2i	Buffer Zones	To residential (zones) areas, 1/2 mile	SP
1.2j	Compatibility-General Plan	City, rural communities buffers	SP
ZONING REQUIREMENTS (Goal 2):			
2.1a	Zoning Requirements	SPR or CUP options for new or expanding dairies	GP
2.1b	Herd Limits	Fluctuation of herd size only,and zoning permits for new facilities	GP
2.1c	Herd Limits, changes	Fluctuation of established herd size on existing dairies, requires SPR	GP
2.1d	Herd Limits, expansions	Expansion of herd size above previously approved zoning permit requires new SPR	GP
2.1e	(Reserved)	(Reserved)	(Reserved)
2.1f	Technical Report, requirement	TR required with all applicantion for SPR or CUP	GP
2.1g	DE Standards compliance	CUP required if DE standards are not met	GP
2.2a	Dairy Review Letter	Existing dairy herd limit determination policy	GP
DESIGN STANDARDS (Goal 3):			
3.1a	Technical Report	Requirement and contents	GP
3.1b	Buffer Zones	To nearby residences not associated with a new dairy, 1/4 mile	SP
3.1c	Buffer Zones	To nearby residences not associated with an expanding dairy, no reduction in seperation within 1/4 mile	SP
3.1d	Historic	Histrict and archaeological resources, CHRIS & NAHC	TR(7)
3.1e	Cultural	Archaeological and paleontological resources	TR(7)
3.1f	Traffic Improvements	Review by Pub. Works and CalTrans, encroachment permits for right-of-way work	
3.1g	Traffic Impact Study	Technical Report component	TR(8)
3.1h	Light and Glare	Outdoor light design	TR(10)
3.1i	Noise	Noise generation assessment	TR(10)
3.1j	Credit for Nutrient Reduction	Documented through the SPR process	GP
3.2a	Water Quality	Groundwater and surface water, not less than 5 feet of separation between lagoon bottoms and highest expected groundwater level	TR(1b), (1d), (2a), (2d)
3.2b	Soils	Application of nutrients at agronomic rate, capacity of the soil to assimilate applied nutrients	TR(1a), (2a), (2d)
3.2c	Water wells	150 foot set back from wells and water bodies, no surface run-off	TR(2a)
3.2d	Water Quality	No surface water discharges, floodplain protection	TR(2a), (2d)
3.2e	Water Use	Agronomic rates, even distribution of nutrients	TR(2a), (2d)
3.2f	Monitoring	Design, implement and maintain monitoring program	MP
3.2g	Floodplain Protection	Demonstrate that dairy facilities are constructed outside oif the 100-yr. flood hazard zones	SP
3.2h	Water Quality	Hydrogeologic Sensitivity Assessment (HAS)	TR(1d)
3.2i	Water Quality	Proper seals on all domistic and irrigation wells	TR(2d)
3.2j	Water Quality	Report of Waste Discharge (RWD) from RWQCB compliance	GP
3.3a	Biologic Resources	Wetlands and wildlife (Biological Resources) survey	TR(6)
3.4a	Setback from roads	Building and structures setback from public roads	SP
3.5a	Water Quality	Abandoned oil and gas wells, DOGGR	TR(1e)
3.5b	Water Quality	Abandoned oil and gas wells, closure/destruction, protection from fire and explosion	TR(1e)
3.6a	Fire	Fire Department standards	SP
3.7a	Conformance with Standards	Expanded portions of a dairy must comply with the standards, no guarentee that existing dairies can meet standard for expansion	GP
WATER QUALITY STANDARDS (Goal 4):			
4.1a	Manure	Manure Nutrient Management Plan (MNMP): Nutrient management, manure management	TR(2a)
4.1b	Manure	Land Application of Manure, nutrient balance, timing and method of applicaation, Irrigation Management Program	TR(2a[C]), (2d)
4.1c	Manure	Land management practices to prevent pollution	TR(2a[D])
4.1d	Dead Animal Management	Dead Animal Management Plan (DAMP), 72 hr removal limit	TR(5)
4.1e	Manure Record Keeping	Annual estimated of the amount of solid (dry) manure transported off site	TR(2a[E])
4.2a	Water Quality	Comprehensive Dairy Process Water Application Plan (CDPWAP), agreements	TR(2b)
4.2b	Water Quality	Lagoons for dairy process water treatment	TR(2b)
4.2c	Manure	Off-site transport of manure	TR(2b)
4.2d	Enforcement	Enforcement of water agreements	TR(2b)

4.3a	Hazardous Materials	Hazardous material management	TR(3)
4.3b	Pests	Pest & Vector Management Plan (PVMP)	TR(4)
4.3c	Pests	Compliance with KMAD requirements	SP
4.4a	Water Quality	Adopt CRWQCB's Water Quality Control Plan, Tulare Lake Basin provisions	GP
AIR QUALITY STANDARDS (Goal 5):			
5.1a	Air Quality	Monitor SJVUAPCD activities	MP
5.1b	Air Quality	Odor Management Plan (OMP)	TR(2d)
5.1c	Reserved	Reserved	Reserved
5.1d	Air Quality	Compliance with Regulation VIII	GP
5.1e	Air Quality	Control fugitive dust on unpaved surfaces	TR(9)
5.1f	Air Quality	Control construction equipment emissions	GP
5.1g	Air Quality	Fugitive Dust Emission Control Plan (FDECP)	TR(9)
5.1h	Air Quality	Comply with Air District's control measures for fugitive dust	TR(9)
5.1i	Reserved	Reserved	Reserved
5.1j	Dairy closure cleanup	Removal all residual manure and dairy process water upon closure of the dairy	GP
DAIRY MONITORING PROGRAM (Goal 6):			
6.1a	Monitoring	Track new and expanding dairirs' compliance with the Dairy Element's standards	GP
6.1b	Monitoring	County Code Compliance staff duties	GP
6.2a	Monitoring	Continous monitoring to determine that individual dairies are operating within their established limits	MP, GP
6.2b	Monitoring	Annual lagoon inspections and documentation	MP
6.2c	Monitoring	Dust control monitoring standards	MP, TR(9)
6.2d	Monitoring	Odor control standards	MP, TR(2c)
6.2e	Reserved	Reserved	Reserved
6.2f	Monitoring	Water Quality	MP, TR(1b)
6.2g	Monitoring	Documentation of all monitoring shall be kept on-site and made available to Code Compliance staff	MP, GP
6.3a	Monitoring	Evaluation, mitigation program	MP
6.4a	Monitoring	Complaint resolution	MP
6.4b	Monitoring	Complaint resolution contact person	MP
6.4c	Monitoring	Notify operator of complaints	MP
6.4d	Monitoring	Water quality data evaluation by qualified professional	MP, TR(1b)

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NOTES: GP = General Provisions; SP = Site Plan; TR = Technical Report; MP = Monitoring Program

EXHIBIT E-1

Checklist for Dairy Zoning Permit Applications:

Documentation of each response is required, i.e., where in the application documentation is the issue addressed, or why it is not required to be addressed. Any response in the negative will require a separate detailed written response. The Kings County Zoning Administrator is the final authority for determining the adequacy of a response. See Exhibit E-2 for specific details of each Policy.

POLICY #	REQUIREMENT	DOCUMENTED	
1.2a	Is the Dairy Facility outside an AL-10 zone district?	Yes	No
1.2b	Is the Dairy Facility outside an AX zone district?	Yes	No
1.2c	Is the Dairy Facility outside a Flood Hazard Area?	Yes	No
1.2d	Is the minimum vertical distance between proposed lagoon bottoms/corral surfaces and highest anticipated groundwater level at least five (5) feet?	Yes	No
1.2e	Is the dairy site outside an area designated as wetlands or habitat for sensitive species?	Yes	No
1.2f	Is the land surface slope of the dairy site less than 5%?	Yes	No
1.2g	Are all schools at least ½-mile from the proposed Dairy Facility?	Yes	No
1.2h	Are all other dairy facilities or confined animal feeding operations more than ¼-mile from the proposed Dairy Facility?	Yes	No
1.2i	Are all residential zones located more than one-half (½) mile from the proposed Dairy Facility?	Yes	No
3.1a	Is the Technical Report included with the application?	Yes	No
3.1b	Are all existing rural residences that are not associated with the application more than one-quarter (¼) mile from the proposed Dairy Facility?	Yes	No
3.1c	If the application is for an expansion of an existing dairy, will the separation between the expansion portion of the Dairy Facility and any existing rural residences be greater than ¼ mile?	Yes	No
3.1d	Is the dairy site free of all significant cultural sites or sacred lands?	Yes	No
3.1e	Is the dairy site free of all historical, archeological, or paleontological resources?	Yes	No
3.1f	Will encroachment permits from either Kings County Public Works Department or CalTrans be required for any work in a public right-of-way?	Yes	No
3.1g	Will the Level of Service (LOS) of all roadways affected by the proposed dairy remain at a LOS D or better for County roadways, and LOS C or better for state highways?	Yes	No
3.1h	Will the lighting plan for light on outdoor lighting fixtures at the Dairy Facility prevent direct light from shining or reflecting on adjoining properties?	Yes	No

3.1i		Does the noise assessment prepared for this application determine that noise levels will not exceed *Noise Element* standards in the Kings County General Plan?	Yes	No
3.1j		Does the application include an evaluation of the operations ability to accommodate the nutrients in the process water and manure generated by the dairy?	Yes	No
3.2a	A.	Is the separation between the bottom of all lagoons, manure and feed storage areas, and corrals and the highest anticipated groundwater level at least five (5) feet at all times?	Yes	No
	B.	Is the source of potable water for the Dairy Facility and the safeguards to protect that water identified?	Yes	No
	C.	Are adjacent watercourses and water bodies identified on the site plan, and are the improvements to protect those watercourses from discharges from the proposed dairy into watercourses or water bodies identified?	Yes	No
3.2b	A.	Does the *Manure Nutrient Management Plan* or *Irrigation Management Program* of the Technical Report include an evaluation by a certified agronomist of the soil type's capacity at the dairy site to assimilate the various nutrients in the dairy process water and manure produced on the dairy for crop production?	Yes	No
	B.	Does the *Manure Nutrient Management Plan* or *Irrigation Management Program* of the Technical Report include a demonstration of the agronomic rates for crop production needs for the nutrients for the various crops that are grown on cropland irrigated with dairy process water and fertilized with solid manure generated by the dairy, with consideration for the soil types and depth to groundwater?	Yes	No
3.2c	A.	Are manured and feed storage areas on the Dairy Facilities separated by at least 150 feet from wells and water bodies?	Yes	No
	B.	Are Dairy Facilities designed to ensure that no runoff into surface waters will occur?	Yes	No
3.2g		Is the location of the Dairy Facility outside of the 100-year flood hazard zone? If not, then a CUP will be required.	Yes	No
3.2h		Is the Dairy Facility underlain by karst, fractured bedrock, or gravel?	Yes	No
		If so, was a Hydrogeologic Sensitivity Assessment (HSA) prepared?	Yes	No
3.2i		Are all existing active and inactive domestic and irrigation water supply wells at the dairy site properly sealed at the surface to prevent infiltration of waterborne contaminants into the well casing or surrounding gravel pack?	Yes	No
3.2j		Has the applicant submitted an application for waste discharge to the Regional Water Quality Control Board (RWQCB)?	Yes	No
3.3a		Has a Biological Resources Survey been submitted?	Yes	No
3.4a		Are all buildings and structures on dairy facilities set back at least 50 feet from all public road right-of-ways?	Yes	No
		Are all corrals, feed and manure storage areas, and open sided shade structures set back at least 20 feet from public road right-of-ways?	Yes	No

3.5a	Does the Technical Report include documentation indicating that the California Dept. of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR)has reviewed their records for the potential presence of active and abandoned oil or gas wells at or (within 100 feet of the proposed dairy site?	Yes	No
3.5b	No abandoned oil or gas wells have been identified within the proposed dairy site that are located beneath or within 300 feet of a proposed dairy structure?	Yes	No
3.6a	Has the dairy facility been designed to meet the Kings County Fire Department minimum standards?	Yes	No
4.1a	Has a *Manure Nutrient Management Plan* been prepared as part of the Technical Report and submitted with the application?	Yes	No
4.1d	Has a *Dead Animal Management Plan* been prepared as part of the Technical Report and submitted with the application?	Yes	No
4.2a	Has a *Comprehensive Dairy Process Water Application Plan* been prepared as part of the Technical Report and submitted with the application?	Yes	No
4.3a	Has a *Hazardous Material Business Plan* been prepared as part of the Technical Report and submitted to the Kings County Department of Environmental Health, and a copy submitted with the application?	Yes	No
4.3b	Has a *Pest and Vector Management Plan* been prepared as part of the Technical Report and submitted with the application?	Yes	No
5.1b	Has an *Odor Management Plan* been prepared as part of the Technical Report and submitted with the application?	Yes	No
5.1d	Have procedures been developed for implementing the SJVUAPCD's Regulation VIII for construction activities, during facility pre-construction, Construction, inactive construction period, and post construction, when applicable?	Yes	No
5.1e	Have procedures been developed to ensure that potential fugitive dust emissions from cattle movement and maintenance activities in unpaved corrals, perimeter roadways, and other unpaved areas throughout Dairy Facilities are reduced, and unpaved areas shall be effectively stabilized? Has the owner/operator ensured that manure generated in the corrals is removed frequently to minimize the extent to which the manure becomes a PM_{10} source?	Yes Yes	No No
5.1g	Has a *Fugitive Dust Emissions Control Plan* (FDECP) been prepared as part of the Technical Report which describes and demonstrates conformance with Policy DE 5.1e and the most recently adopted SJVUAPCD Regulation VIII controls for fugitive dust emissions and submitted with the application?	Yes	No
5.1h	Does the FDECP of the Technical Report for the proposed new or expanding dairy comply with the control measures for fugitive dust emissions from agricultural sources as established by the most recently adopted SJVUAPCD Regulation VIII and specify the control measures that will be implemented during dairy operation?	Yes	No

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EXHIBIT E-2

Site Plan Review Application Requirements for New or Expanding Dairy Projects in Kings County, CA

The following objectives and policies are requirements of the *Dairy Element* of the Kings County General Plan that must be completed for the Site Plan portion of either a Site Plan Review or Conditional Use Permit application. The following policy issues must be addressed on the Site Plan or in an attached narrative explaining the proposal and how it is consistent with the standards and policies of the *Dairy Element*. All proposals including the Site Plan and the attached narrative in the application that are consistent with the *Dairy Element* and other local, State and Federal, the Site Plan, are requirements that must be implemented by the applicant.

Policy DE 1.2a: *Limited Agricultural (AL-10) zone districts*. This zone district prohibits intensive agricultural activities and uses. It is applied to areas adjacent to cities and rural communities. Animal concentration facilities, including associated dairy process water and manure storage areas, are intensive agricultural uses that are not appropriate in this urban-to-agricultural buffer area. However, manure used as fertilizer and dairy process water used to irrigate cropland may be transported to, and used in, the AL-10 zone districts.

Dairies that have been in operation since before 1979 or were issued a zoning permit after 1979 may continue to operate and expand. However, the expansion portion of the activity will be subject to approval of a conditional use permit (CUP) by the Planning Commission.

Policy DE 1.2b: *Exclusive Agricultural (AX) zone districts*. This zone district is designed to protect the Lemoore Naval Air Station (LNAS) from encroachment of uses that are not compatible with the noise generated from the jet aircraft operations at the air station and potential hazards from aircraft accidents. This restriction is on new dairies and is designed to protect the huge investment of tax money at the air station from potential land use conflicts due to jet aircraft noise and accident potentials. Areas used for manure and dairy process water storage and use are not prohibited from the AX zone district, only the location of the actual animal concentration facilities, e.g., corrals, freestall barns, milk barns, pens, lagoons, feed storage, manure storage, etc.

Dairies that have been in operation since before 1979 or were issued a zoning permit after 1979 may continue to operate and expand. However, the expansion portion of the activity will be subject to a site plan review (SPR).

Policy DE 1.2c: *Flood Zones (Flood Hazard Areas).* Flood Zones are areas of the County that are subject to periodic flooding. New Dairy Facilities or the expansion of existing dairies, including corrals, barns, manure storage areas, feed storage areas, dairy lagoons, etc., shall not be located on any territory designated on the latest adopted *National Flood Insurance Program, Flood Insurance Rate Maps (FIRM) (Community-Panel Numbers 060086 0001 - 0425)* as Special Flood Hazard Areas Inundated by 100-Year Flood, *Zones A, AE, AO and AH*, *Floodway Areas in Zone AE,* or *Other Flood Areas in Zone X*. The latest Special Flood Hazard Areas Inundated

Map is dated August 4, 1988. However, manure used as fertilizer and dairy process water used to irrigate cropland may be transported to and used in the flood zones, if specific safeguards are in place to prevent pollution from these materials (see Policy DE 3.2d).

Flood protection shall also be provided according to California Regional Water Quality Control Board regulations found in *Title 27, Division 2, Subdivision 1, Chapter 7, Subchapter 2, Article 1, Section 22562, Calif. Code of Regulations*.

Policy DE 1.2d: *High groundwater areas.* New dairies, or the expansion of existing dairies, are prohibited in shallow or perched groundwater areas of the County unless the applicant can demonstrate that the minimum vertical distance between proposed lagoon bottoms/corral surfaces and highest anticipated groundwater levels is at least five feet. Highest groundwater levels shall be established based on available records and site-specific geotechnical investigation by qualified registered professional engineer or hydrogeologist.

Policy DE 1.2e: *Designated wetlands and wildlife habitat for sensitive species*. Except as allowed by the conditional use permit process, new Dairy Facilities or the expansion of existing dairies shall not locate on wetlands or habitat for sensitive species. The SPR process is only available for lands where the detailed survey required by Policy DE 3.3a does not identify wetlands or habitat for sensitive species. Where the survey identifies the presence of wetlands or habitat for sensitive species, a conditional use permit and additional environmental review will be required before any new dairy development or expansion may occur.

Policy DE 1.2f: *Areas of excessive slope*. New Dairies Facilities are prohibited in the mountainous southwestern part of Kings County West of Interstate-5 or the California Aqueduct (whichever is farther west), except for the Sunflower Valley and portions of the Kettleman Plains along State Route 33 south of Utica Avenue (see Figure 2, page DE-14). This is due to the prevalence of slopes exceeding 5% that will make it difficult to contain manure and dairy process water on site.

Policy DE 1.2g: *Areas in the immediate vicinity of schools.* New dairies facilities are prohibited from locating within a one-half (½) mile buffer zone around all existing public or private school sites. An existing dairy which proposes to decrease the separation between its dairy facilities and a school site to less than one-half (½) mile may do so only after approval of a conditional use permit by the Planning Commission. If the existing separation between an existing dairy's facilities and a school site is not proposed to be reduced regardless of its distance to the school site, the site plan review process may be utilized.

Manure used as fertilizer and dairy process water used to irrigate cropland may be transported to and used within school buffer zones, but must be scheduled during weekends or summer vacation when the schools are closed.

Policy DE 1.2h: *Separation of dairy facilities by ¼ mile.* The minimum distance between a Dairy Facility and other Dairy Facilities or confined animal feeding operations shall be one-quarter (¼) mile. This restriction includes only the actual dairy facilities, i.e., corrals, milk barns, feed storage areas, manure storage areas, etc., but not cropland used to spread dairy process water and manure. These separations are required to avoid potential nuisance problems, potential inter-

herd disease transmission, soil and groundwater contamination, and cumulative air quality degradation.

An existing dairy which proposes to decrease the separation between its dairy facilities and another dairy's facilities to less than ¼ mile may do so only after approval of a conditional use permit by the Planning Commission. If the existing separation between the expanding dairy's facilities and the other dairy is not proposed to be reduced to a distance of less than ¼ mile, the site plan review process may be utilized.

Policy DE 1.2i: *Areas in the immediate vicinity of residential zones.* Facilities for new dairies, including corrals, barns, feed and manure storage areas, lagoons, etc., are prohibited from locating within a one-half (½) mile buffer zone around any residential zone (land zoned or designated for residential uses by Kings County or any city General Plan or zoning ordinance). However, manure used as fertilizer and dairy process water used to irrigate cropland may be transported to and used within a residential buffer zone.

Existing legally established dairies that do not meet the separation required from residential zones may only be expanded after the approval of a conditional use permit by the Planning Commission. However, the nonconformity in the separation shall not be increased by further encroachment of the actual Dairy Facility toward the residential zone.

Policy DE 1.2j: The "compatibility zone" boundaries around the cities of Hanford, Lemoore, and Corcoran shall be updated periodically to ensure that changes, especially expansions of any city General Plan and/or Sphere of Influence area, are reflected in the "compatibility zone" boundaries.

Objective DE 3.1: Apply the mitigation measures in the Program EIR to new or expanding dairies.

Policy DE 3.1a: With each application for a new or expanded dairy a technical report shall be prepared and shall address the following siting issues:

A. Ground and surface water quality and quantity,
B. Soil characteristics,
C. Air quality, including odors, dust and PM_{10} control during construction and operation at the Dairy Facility,
D. Traffic and road conditions,
E. Dead animal disposal management,
F. Insect, (i.e., fly, and mosquito control), and rodent control,
G. Light, glare, and noise,
H. Biological resources,
I. Cultural and archeological resources,
J. Slope stability and potential for erosion,
K. Proximity to the nearest residences, and
L. Irrigation management.

This shall be accomplished by the preparation of the following components of the *Technical Report* as detailed in Appendix J:

1a. Geotechnical Report (Policy DE 2.1f and DE 3.2b),
1b. Groundwater Evaluation (Policy DE 3.2a),
1c. Soils Evaluation (Policy DE 3.2b),
1d. Hydrologic Sensitivity Assessment (HSA) (Policy DE 3.2h),
1e. Gas and Oil Well Evaluation (Policy DE 3.5a),
2a. Manure Nutrient Management Plan (MNMP) (Objective 4.1, Policy 4.1a, 4.1b, 4.1c, 4.1e, and 4.1f),
2b. Comprehensive Dairy Process Water Application Plan (CDPWAP) (Objective DE 4.2, Policy DE4.2a, 4.2b, 4.2c, and 4.2d),
2c. Odor Management Plan (OMP) (Policy DE 5.1b and 6.2d),
2d. Irrigation Management Program (IMP) (Policy DE 4.1b.C),
3. Hazardous Materials Business Plan (HMBP) (Policy DE 4.3a),
4. Pest and Vector Management Plan (PVMP) (Policy DE 4.3b),
5. Dead Animal Management Plan (DAMP) (Policy DE 4.1d),
6. Biological Resources Survey (Policy DE 3.3a),
7. Cultural Resources Evaluation by the California Historic Resources Information System (CHRIS) (Policy DE 3.1d and 3.1e),
8. Traffic Impact Study (Policy DE 3.1g),
9. Fugitive Dust Emissions Control Plan (FDECP) (Policy DE 5.1g, and 5.1h),
10. Light, Glare, and Noise Assessment (Policy DE 3.1h and 3.1i).

Additional details for specific areas are listed below in Policies DE 3.1b through 3.2j.

Policy DE 3.1b: No new Dairy Facility shall be constructed within one-quarter (¼) mile of any existing rural residence that is not associated with that dairy.

Policy DE 3.1c: When nearby rural residences that are not associated with the dairy are within one-quarter (¼) mile of a proposed expansion of an existing Dairy Facility, the new improvements of the Dairy Facility shall be located so that the existing separation shall not be reduced.

Policy DE 3.1d: The *Technical Report* submitted for new or expanding dairies shall include documentation that a review of records of known cultural resources has been completed by the California Historical Resources Information System (CHRIS) and that no significant cultural (historic or archaeological) resources would be disturbed by the proposed dairy development (see Component 7 of Appendix J). In addition, the report shall document that a Sacred Lands File Check has been completed by the Native American Heritage Commission (NAHC). If CHRIS or NAHC indicates that known resources are present or suspected within the construction area of the proposed dairy development, the *Technical Report* shall include an evaluation of the resource by an archaeologist qualified under the Secretary of the Interior's Standards and Guidelines for archaeologists which includes an appropriate mitigation plan that will be implemented by the dairy developer. If the survey identifies any impacts on historical, archaeological or paleontological resources, then the applicant will not be eligible to obtain SPR approval by the Zoning Administrator and will instead complete a conditional use permit application process unless the area of concern is specifically excluded from the application.

Policy DE 3.1e: If potential historical, archaeological or paleontological resources are encountered during construction of any site proposed for dairy development, work in the vicinity of the find shall be suspended or diverted. The applicant shall retain a qualified archaeologist to perform an assessment of the resource. Depending on the nature of any such find, evaluation may include determination of site boundaries and assessment of site integrity and significance. Standards for site evaluation shall comply with appropriate State and Federal requirements (including *California Public Resources Code Section 21083.2(i)*). Evaluation shall include, if necessary, site mapping and/or limited subsurface testing using standard archaeological methods in accordance with *CEQA Guidelines Section 15064.5*.

If, after evaluation, the qualified archaeologist judges an historical, archeological, or paleontological resource to be of importance, a mitigation plan shall be prepared in accordance with appropriate guidelines and submitted to the Zoning Administrator. Mitigation could include avoidance, site capping, data recovery, or a combination of these or other measures, as determined by the qualified archaeologist or paleontologist. Consultation with representatives of recognized local Native American groups shall be reflected in the development of any mitigation plan affecting Native American cultural resources.

Policy DE 3.1f: All applications for new dairies or expansions of existing dairies shall continue to be submitted to the Kings County Public Works Department and CalTrans for a determination as to whether encroachment permits or other site-specific transportation improvements are required by those agencies.

Policy DE 3.1g: Upon the request of an applicant for a SPR or CUP, the Kings County Regional Transportation Planning Agency will evaluate the effect a new or expanding dairy project will have on surrounding roadways and highways using its traffic model. If the traffic model run demonstrates that the dairy project will not result in degradation of the Level of Service (LOS) of adjacent County roadways below LOS D, or below LOS C on State highways, no additional evaluation will be required.

If the Kings County Regional Transportation Planning Agency's traffic model demonstrated that the LOS will be degraded to a LOS E or lower on adjacent roadways, or to LOS D on State highways, a conditional use permit (CUP) will be required. In such a case the *Technical Report* accompanying the CUP application shall include a Traffic Impact Study (see Component 8 of Appendix J) prepared by a qualified traffic engineer in conformance with guidelines provided by the California Department of Transportation. Any additional environmental review shall focused on traffic related environmental issues and the Traffic Impact Study shall demonstrate that the proposed dairy project will not result in significant safety hazards.

Policy DE 3.1h: The *Technical Report* for new and expanded dairies shall include a design of the outdoor lighting of the Dairy Facility which ensures that the outdoor lighting is so arranged as to reflect light away from adjoining properties (see Component 10 of Appendix J).

Policy DE 3.1i: The *Technical Report* for new and expanded dairies shall include an assessment of potential noise generated from the Dairy Facility showing that noise levels comply with the

standards in the *Noise Element* of the *Kings County General Plan* (see Component 10 of Appendix J).

Objective DE 3.2: Suitability for dairy facilities shall be based upon the ability of the site to adequately manage the dairy process water, manure, and associated nutrients generated by the dairy and other potential impacts. Specific nutrient management practices and other standards shall be used to make such determination.

Policy DE 3.2a: The *Technical Report* shall address water issues in the Groundwater Evaluation (see Component 1b of Appendix J), the Hydrologic Sensitivity Assessment (see Component 1d of Appendix J), the Manure Nutrient Management Plan (see Component 2a of Appendix J), the Comprehensive Dairy Process Water Application Plan (see Component 2b of Appendix J), and the Irrigation Management Plan (see Component 2e of Appendix J), including:

A. Minimum separation from bottom of all lagoons, manure and feed storage areas, and corrals and the groundwater level shall be at least five (5) feet at all times.
B. The source of potable water for the Dairy Facility, and the safeguards to protect that water source must be identified.
C. Identify adjacent watercourses and the improvements to protect those watercourses from discharges from a dairy into watercourses or water bodies.

In the event there is a variance between these standards and the RWQCB requirements, the RWQCB standard will prevail.

Policy DE 3.2b: The Geotechnical Report (see Component 1a of Appendix J), Manure Nutrient Management Plan (see Component 2a of Appendix J), and the Irrigation Management Plan (see Component 2e of Appendix J), shall:

A. Include an evaluation by a certified agronomist of the soil type's capacity at the dairy site to assimilate the various nutrients in the dairy process water and manure produced on the dairy for crop production.
B. Demonstrate the agronomic rates for crop production needs for the nutrients for the various crops that are grown on cropland irrigated with dairy process water and fertilized with solid manure generated by the dairy, with consideration for the soil types and depth to groundwater.

Policy DE 3.2c: Minimum Dairy Facility setbacks from water wells and water bodies shall be required:

A. Manured and feed storage areas on dairy facilities shall be set back 150 feet from wells and water bodies as required by the RWQCB.
B. Dairy Facilities shall be designed to ensure that no runoff into surface waters, including rivers, creeks, intermittent streams, canals, reservoirs, lakes, ponds, sloughs, stormwater basins, groundwater recharge basins, floodplains, floodways, etc., will occur. This can be done by constructing barriers or grading the facility away from such water bodies.

Policy DE 3.2d: Dairy process water shall not be discharged into any surface water, including rivers, creeks, intermittent streams, canals, reservoirs, lakes, ponds, sloughs, stormwater basins, or groundwater recharge basins. Discharge of dairy process water onto land in floodplains or floodways shall not occur during periods of flooding. Solid manure applied to floodplains or

floodways must be worked in to the soil immediately upon application. Additional storage capacity for dairy process water and solid manure shall be designed into the Dairy Facility to ensure there is sufficient capacity in case of flooding.

Flood protection shall also be provided according to California Regional Water Quality Control Board regulations found in *Title 27, Division 2, Subdivision 1, Chapter 7, Subchapter 2, Article 1, Section 22562, Calif. Code of Regulations*.

Policy DE 3.2g: Existing Dairy Facilities proposing to expand that are preliminarily determined to be located within the 100-year flood hazard zone shall either:

A. Show that the location of the Dairy Facility is outside of the 100-year flood hazard zone; or
B. Be based on detailed site-specific hydraulic analysis conducted by a licensed civil engineer, demonstrate to the Zoning Administrator that the facilities are not located within the 100-year flood hazard zone by securing a letter of map amendment, letter of map revision, or similar instrument from the Federal Emergency Management Agency; or
C. Provide 100-year flood protection for the dairy facilities by constructing berms or other flood control structures. The applicant must acquire all necessary permits and regulatory approvals for such structures.

Policy DE 3.2h: *A Hydrologic Sensitivity Assessment (HSA) (see Component 1d of Appendix J)*, Whenever groundwater is being pumped from a hydrogeologic setting within one-half (½) mile of a proposed dairy site, or an expanding dairy, which is underlain by karst, fractured bedrock, or gravel, the applicants shall retain a qualified Certified Hydrogeologist or Professional Engineer to conduct a HSA.

A. The HSA shall evaluate whether hydrogeologic setting would offer adequate barriers to pollutant migration to drinking water supplies. The evaluation shall be conducted in accordance with the principles contained in the EPA's Ground Water Rule.
B. *Dairies Proposed in the Kettleman Plain or Sunflower Valley*: Water supply in the Kettleman Plains and Sunflower Valley is limited due to the lack of substantial recharge of the aquifers. In addition to paragraph A above, dairies proposed in these areas must complete a HSA to demonstrate that an adequate sustainable water supply would be available for each proposed project. The HSA must provide a detailed description of the proposed project water demand and how that demand would be met without overdrafting groundwater supplies. If the project proposes use of groundwater supplies, the HSA must quantify the safe yield of the underlying aquifer. Allowable groundwater use must be limited to the quantified safe yield.

Policy DE 3.2i: All existing active and inactive domestic and irrigation water supply wells (including those located at the dairy site) at a proposed new dairy or proposed expansion of an existing dairy shall be inspected by a qualified professional to ensure that each well is properly sealed at the surface to prevent infiltration of waterborne contaminants into the well casing or surrounding gravel pack. If any of the wells are found not to comply with the California Well Standards or RWQCB Standards, the applicant or dairy operator shall retain a licensed well driller to install the required seal or functional equivalent certified by a licensed engineer or other qualified registered professional. Documentation of the inspections and seal installations, if any, shall be maintained on the dairy site and made available to the Code Compliance personnel upon their

request. This policy applies to all wells located on the Dairy Facility or on any farmland controlled by the dairy and used for the application of dairy process water.

Objective DE 3.3: Protect any sensitive biological and wetland resources when evaluating proposed new and expanded dairies.

Policy DE 3.3a: It is the policy of the County, for purposes of siting dairies under this *Element*, that land continuously cultivated since 1985, or before, will not be considered wetlands or sensitive species habitat. Temporarily fallow land which otherwise meets this requirement shall not be considered to be habitat for sensitive species simply because it is not being cultivated at any given time. All applications for new or expanded dairies must submit a Biological Resources Survey (see Component 6 of Appendix J). The survey shall be conducted in compliance with the U.S. Fish and Wildlife Services, California Department of Fish and Game, and U.S. Army Corps of Engineers guidelines, where applicable. If the survey identifies impacts on wetlands or habitat for sensitive species, then the applicant will not be eligible to obtain SPR approval by the Zoning Administrator and will instead complete a conditional use permit (CUP) process and additional environmental review.

Objective DE 3.4: Protect public roads from the potential adverse effect of dairies.

Policy DE 3.4a: All buildings and structures on dairy facilities shall be set back from all public road right-of-ways at least 50 feet. Corrals, feed and manure storage areas, open sided shade structures shall be set back at least 20 feet from public road right-of-ways.

Objective DE 3.5: Protect the public from potential hazards associated with active or abandoned oil or gas wells.

Policy DE 3.5a: All applicants for new or expanded dairies shall submit documentation with the *Technical Report* indicating that the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) has reviewed their records for the potential presence of active and abandoned oil or gas wells at or adjacent to (within 100 feet) the proposed dairy site (see Component 1e of Appendix J). If DOGGR identifies wells, the *Technical Report* shall include a scaled map showing the location of the wells on the site plan of the proposed Dairy Facility. Copies of the pertinent maps will be maintained by the Kings County Planning Agency for consultation purposes by applicants for new or expanding dairies.

Policy DE 3.5b: Any identified abandoned oil or gas wells identified by DOGGR within the proposed dairy site that are located beneath or within 300 feet of a proposed dairy structure shall be properly closed in accordance with specifications provided by DOGGR.

Objective DE 3.6: Minimize the potential for increased fire hazards at new and expanded dairy facilities.

Policy DE 3.6a: Applications for all new and expanded dairy projects shall demonstrate conformance with all applicable Kings County Fire Department minimum standards for dairy developments. These minimum standards include**:**

A. Twenty thousand gallons of water must be stored in a tank on site for fire suppression. The storage tank shall be equipped with a pressure system and a float devise to keep the tank full at all times. The tank shall have a 3-inch discharge line with a 2½ inch National Standard Hose Thread male fitting for Fire Department connection. The male fitting shall have a cap to prevent accumulation of trash and debris within the fitting. The discharge line shall have a valve capable of controlling the flow of water. In lieu of the storage tank a well with a pump capable of producing at least 300gallons per minute of water may be used to meet water requirements. The well shall have a 2½ inch National Standard Hose Thread male fitting located on the discharge plumbing. The well location shall be on the initial property and approved by the fire department. Any other source of water supply shall be submitted to and approved by the fire department.

B. Fires involving the storage of hay and/or feed commodities shall be brought under control by the fire department. Once the exigent circumstances cease to exist, it is at the fire department's discretion to turn the incident over to the responsible party/property owner for final extinguishment and removal of additional exposure, such as additional hay and feed commodities that may be ignited by drifting ambers. The fire department may continue to remain on scene at the responsible parties/property owners request if the responsible party/property owner agrees to pay the costs of additional suppression activities and stand-by time for all personnel and equipment used after the fire department determines that the exigent circumstances cease to exist.

C. Access road 15 feet in width shall be provided to all structures, water storage and hay storage areas. The roads shall be of an all-weather surface capable of supporting heavy fire apparatus.

D. Hay storage shall not exceed 20 feet in height. Individual stacks of hay shall be limited to 1,000 tons and shall have a minimum 20-foot separation between aisles and rows of adjoining haystacks.

E. Hay storage shall not be allowed within 100 feet of a structure.

F. Storage of hay within structures shall be limited to 100 tons. This does not include pole barns.

G. Agricultural shops that have repair facilities may be required to have automatic fire suppression systems installed depending upon operations and size of the structure. Fire hydrants may be required around structures depending on operations and size.

H. The fire department reserves the right to address requirements on a case-by-case basis depending upon the hazard and size of the risk involved. The aforementioned standards are only a minimum and more stringent requirements may be applied.

Objective DE 4.1: A *Manure Nutrient Management Plan* (MNMP) shall be required as part of the *Technical Report* (see Component 2a of Appendix J) submitted with each application to either establish a new dairy or expand an existing dairy. The specific practices used to implement each component may vary to reflect site-specific conditions or needs.

Policy DE 4.1a: MNMP Components: The following components shall be addressed in the MNMP.

A. *Feed Management* – Evaluate the possibility of modifying diets and feed of the animals to reduce the amounts of nutrients in manure.

B. *Manure Handling and Storage* – Manure must be handled and stored properly to prevent water pollution from dairies. Manure and dairy process water handling and storage practices

shall consider odor and other environmental and public health problems. Handling and storage considerations shall include:

1. *Diversion of clean water* – Dairy siting and management practices may include diverting clean water from contact with any manured area, including, but not limited to, corrals, pens, freestalls, feeding lanes and areas, feed storage areas, interiors of barns and milking parlors, manure storage and handling areas, dead animal storage areas, and other areas exposed to manure, feed, or dead animals. Clean water includes rainfall falling on roofs of facilities and runoff from adjacent lands, or other sources. If clean water is not diverted from manured areas, the capacity of process water storage facilities (i.e., lagoons) shall be sufficient to collect the additional runoff.
2. *Prevent leakage* – Construction and maintenance of buildings, collection systems, conveyance systems, and storage facilities shall prevent releases of organic matter, nutrients, and pathogens to ground or surface water by implementing the following measures:
    a. All manure separation pits and process water lagoons shall be constructed so that the bottoms of the pits and lagoons are at least five feet above the highest expected groundwater levels.
    b. The pits and lagoons shall be maintained so that the integrity of the seal is ensured.
    c. The specific discharge of process water through the soils lining the bottom and sides of the manure separation pits and lagoons shall not be greater than 1×10^{-6} centimeters per second in compliance with the Geotechnical, Design, and Construction Guidelines published by the Natural Resource Conservation Service (1997).
    d. A qualified professional (i.e., Professional Engineer or Certified Engineering Geologist) shall certify that the liner system of a lagoon or pit is installed according to the NRCS design standards.
    e. The soil sampling and permeability testing program shall be designed to be representative of all soils lining all proposed pond areas.
    f. Construction of the lagoons shall be inspected by a qualified professional to ensure that geologic heterogeneities (e.g., channel deposits and sandy lenses) are identified and properly mitigated to ensure integrity of the liner in compliance with the NRCS standards. The liner must be protected against damage during operation and maintenance activities.
    g. At the corrals, naturally occurring or imported clayey (not less than 20% clay and silt) soils shall underlie the corrals and dry manure storage areas. Site drainage shall be included in the project design and construction of any manured area, including but not limited to, dairy surroundings, corrals, and ramps, pursuant to *Title 3, Division 2, Chapter 1, Article 22, §646.1 of the California Code of Regulations* to ensure that ponding does not occur.
    h. Regular maintenance of corrals and dry manure storage areas shall include filling of depressions. Care shall be taken not to disturb the seal layer in the corrals. Dairy personnel shall be taught to correctly use manure collection equipment.
    i. The potential for discharge of water-borne pathogens to existing and proposed domestic water supply wells shall be minimized by ensuring that the domestic wells are constructed in accordance with the California Well Standards and that appropriate minimum setbacks (150 feet, or other distance set in the Waste Discharge

Requirements issued for the dairy by the RWQCB) between domestic wells and potential sources of pollution are maintained.

3. *Provide adequate storage for manure:*
   a) Dry manure shall be stored in a manner to ensure all runoff from the manure storage areas is captured and diverted to the dairy process water collection system.
   b. Dairy process water storage systems shall be designed and constructed to store, handle, and transport all of the quantity and contents of dairy process water produced on the Dairy Facility, runoff from the Dairy Facility, and rainfall that falls on the Dairy Facility. Location of manure storage areas shall be consistent with Policy DE 3.2c.
4. *Manure Management* – Manure shall be managed to reduce the loss of nutrients to the atmosphere during storage, to make the managed manure a more stable fertilizer when land applied, and to reduce pathogens, vector attraction and odors.

Policy DE 4.1b: *Land Application of Manure* – Land application is the most common, and usually most desirable method of utilizing process water and dry manure because of the value of the nutrients and organic matter to plant growth. Land application shall be planned to ensure that the proper amounts of all nutrients are applied in a way that does not cause harm to the environment or to public health. Land application of manure in accordance with the MNMP shall minimize water quality degradation and public health risk. Considerations for appropriate land application shall include:

A. Nutrient balance – The primary purpose of nutrient management is to achieve the application of nutrients at the agronomic rates required to grow the planned crop by balancing the nutrients that are already in the soil and from other sources with those that will be applied in manure and commercial fertilizer. At a minimum, nutrient management shall prevent the application of nutrients at rates that will exceed the capacity of the soil and planned crops to assimilate nutrients, and will reduce the potential for degradation of water resources.

Soils shall be tested at least annually to determine nutrient content. The results of the testing shall be evaluated by a qualified soil scientist or agronomist to determine whether adjustments to the *Manure Nutrient Management Plan* are required to prevent crop damage or salt buildup. In the evaluation of salinity, which requires data on concentration variation over time, a statistical methodology for determining trends shall be selected by a certified agronomist. The first trend analysis shall be conducted for each dairy after five years of data collection, and then each year thereafter. Buildup of salt in the soil is detrimental to growing crops. Consequently farmers will have a natural incentive to take remedial action upon receiving a report that a salt buildup has occurred.

B. Timing and methods of application – Care must be taken when applying manure and process water to the land to prevent it from entering groundwater, streams, other water bodies, or environmentally sensitive areas. The timing and method of application shall prevent the loss of excess nutrients to groundwater or surface water. Additionally, process water shall be applied to minimize unnecessary contact with air in order to minimize the release of ammonia into the atmosphere. Manure application equipment shall be calibrated to ensure that the quantity of material being applied is at agronomic rates. Manure application shall be avoided during periods of winds in excess of 20 miles per hour.

C. *Irrigation Management Program* – The owner/operator of the proposed new or expanded dairy shall include an Irrigation Management Program with the *Technical Report* (see Component 2e of Appendix J) to ensures that irrigation water and runoff from fields at each dairy unit would not be allowed to migrate away from the project site or into surface water features.

Policy DE 4.1d: *Dead Animals Management Plan (DAMP)* – A Dead Animal Management Plan (see Component 5 of Appendix J) shall be prepared and implemented for the disposal of all dead animals in a way that does not adversely affect groundwater or surface water, create public health concerns, or cause nuisances due to odor or vectors. The plan shall specify at a minimum that dead animals shall be removed from the dairy within 72 hours. Carcasses shall be stored in an area screened from public view and accessible via an all weather road or driveway. No animals shall be buried on site unless by order of an officer of a regulatory agency with jurisdiction over dead animal management, including, but not limited to, the County Agricultural Commissioner, the County Health Officer, and State and Federal Agencies.

Since rendering is the most common method used to dispose of dead animals, a plan for the timely delivery of dead stock to appropriately permitted facilities that will process the dead stock will adequately serve as the *Dead Animal Management Plan (DAMP)*.

Objective DE 4.2: A "*Comprehensive Dairy Process Water Application Plan*" (CDPWAP) (see Component 2b of Appendix J) shall be required as part of the *Technical Report* submitted with each application to either establish a new dairy or expand an existing dairy.

Policy DE 4.2a: The following components shall be addressed in the CDPWAP:

A. When an applicant for a new dairy or the expansion of an existing dairy will use his or her own land for the application of process water:
   1. The CDPWAP shall include a legal description of all lands that will be used for process water application.
   2. The CDPWAP shall include the estimated amount of water that will be generated by the dairy (including an estimate of the Nitrogen and salt content of the dairy process water).
   3. Prior to selling any land on which process water is applied, the dairy owner/operator shall notify the Zoning Administrator and:
      a. Provide substitute land or enter into an agreement with another land owner to replace the land upon which the process water is applied, or
      b. Immediately reduce the dairy herd to a level that can be accommodated by the remaining land identified in the SPR or CUP.
   4. Changes made in the operation pursuant to section 3. above must be reflected in an amendment to the dairy's SPR or CUP.

B. When the application for a new dairy or the expansion of an existing dairy will use land other than his or her own land for application of dairy process water:
   1. The CDPWAP shall include a legal description of all lands that will be used for process water application.
   2. The CDPWAP shall include the estimated amount of water that will be generated by the dairy (including an estimate of the Nitrogen and salt content of the dairy process water).

3. The agreement shall be recorded by the dairy owner/operator and the owner of the land identified in the CDPWAP where the dairy's process water will be used. The agreement shall contain the following provisions:
   a) The agreement shall include a legal description of all lands burdened by the obligation of the agreement.
   b) The agreement shall identify the Dairy Facility generating the process water by name and location.
   c) The agreement shall state that the identified land shall not be converted to any use which cannot accommodate the dairy's process water.
   d) The agreement shall be binding on all successors in interest as long as the agreement is in force.
   e) The agreement must restrict the use of the land to cropping patterns which use all of the nutrients from the process water generated from the new or expanded Dairy Facility (less any nutrients used on the dairy owners own land). The nutrient utilization rate used in the calculations for nutrient utilization of the cropping pattern shall be established by a Certified Agronomist.
   f) The agreement shall coordinate timing of the delivery of the dairy process water in conformity with the Dairy Facility's IMP (Policy DE 4.1b.C) and MNMP (Policy DE 4.1a) to assure adequate storage capacity is available at he Dairy Facility.
   g) To ensure that the process water is applied to crops in accordance with the requirements of the *Dairy Element*, the agreement shall either:
      i. Allow the dairy owner/operator to enter the land identified in the agreement to carry out the application of the dairy process water in accordance with the requirements of the *Dairy Element*, or
      ii. Obligate the owner of the land identified in the agreement to carry out the application of the dairy process water in accordance with the requirements of the *Dairy Element*.
4. The agreement shall be recorded after the SPR or CUP is approved, but before any cows are brought to the site.
5. Prior to terminating the agreement, the dairy owner/operator shall notify the Zoning Administrator and either:
   a. Provide a substitute agreement with another land owner to replace the land within the terminated agreement, or
   b. Immediately reduce the dairy herd to a level that can be accommodate by the remaining land under the SPR or CUP, or agreement.
6. Changes made in operation of the dairy pursuant to section 5 above shall be reflected in an amendment to the dairy's SPR or CUP.
7. The land identified in the agreement for the use of dairy process water shall not already be subject to any other dairy process water use agreement.
8. The Zoning Administrator for an amendment of the SPR, or the Planning Commission for an amendment of the CUP must approve any change in the terms of the agreement.
9. If application of process water on land identified in the agreement is not carried out in conformity with the requirements of the *Dairy Element*, it shall be the responsibility of the dairy owner/operator to correct such problems. Any such violations of the Dairy Element Standards shall subject the owner/operator of the Dairy Facility to enforcement

action by the County or other responsible agency, as provided in the *Dairy Element*, the *Zoning Ordinance*, or State law.

C. When the applicant for a new dairy or the expansion of an existing dairy uses a combination of his or her land and land other than his or her own land for application of dairy process water, both A and B above shall apply.

Objective DE 4.3: Promote dairy management facility practices that protect workers, public health, and the environment.

Policy DE 4.3a: Dairy operators shall conform to all applicable laws and regulations controlling the management of hazardous materials, including fuels, pesticides, and other agricultural chemicals (see Component 3 of Appendix J).

Policy DE 4.3b: A *Pest and Vector Management Plan* (PVMP) shall be submitted with each application to either establish a new dairy or expand an existing dairy as part of the *Technical Report* (see Component 4 of Appendix J). In addition, dairies are encouraged to implement an *Integrated Pest Management* (IPM) system.

Objective DE 5.1: Implement air emissions control practices and technologies at dairies to reduce the potential for degradation of air quality and odor generation.

Policy DE 5.1b: An "Odor Management Plan" (OMP) (see Component 2d of Appendix J) shall be required as part of the *Technical Report* submitted with each application to either establish a new dairy or expand an existing dairy. The Plan shall specifically address standard operating practices for livestock handling, and manure collection, treatment, storage, and land application.

The plan shall also identify existing residences located within a ¼-mile radius of the proposed new or expanded dairy facility. The OMP shall also provide standard operating procedures/control measures to be implemented to protect these residents from odors that may be generated from dairy operations.

In addition, the standard operating practices in the OMP shall also include quality assurance/quality control protocol to monitor the implementation and effectiveness of the OMP. The OMP shall be revised as necessary, based on the results of the monitoring program, to ensure that standard operating procedures are conducted in a manner that will reduce or control odor from dairy operations.

Policy DE 5.1d: The owner/operator of a proposed new dairy development or expansion shall comply with the most recently adopted Regulation VIII rules established by the SJVUAPCD for construction activities, during facility pre-construction, construction, inactive construction period, and post construction, when applicable.

Policy DE 5.1d: The owner/operator of a proposed new dairy development or expansion shall comply with the most recently adopted Regulation VIII rules established by the SJVUAPCD for construction activities, during facility pre-construction, construction, inactive construction period, and post construction, when applicable.

Policy DE 5.1e: To ensure that potential fugitive dust emissions from cattle movement and maintenance activities in unpaved corrals, perimeter roadways, and other unpaved areas throughout Dairy Facilities are reduced, unpaved areas shall be effectively stabilized. Water (expected efficiency of 50 percent) or chemical stabilizer/suppressant (expected efficiency of 75 percent) that is safe for the environment and cattle may be used. Stabilization shall be conducted in a manner that will not result in the potential for breeding of mosquitoes and other vectors. The owner/operator shall also ensure that manure generated in the corrals is removed frequently to minimize the extent to which the manure becomes a PM_{10} source.

Policy DE 5.1g: All applications for proposed dairies and all dairy expansions requiring a site plan review (SPR) shall include a *Fugitive Dust Emissions Control Plan* (FDECP) as part of the *Technical Report* (see Component 9~~b~~ of Appendix J) which describes and demonstrates conformance with Policy DE 5.1e and the most recently adopted SJVUAPCD Regulation VIII controls for fugitive dust emissions.

Policy DE 5.1h: All new and expanding dairies shall comply with the control measures for fugitive dust emissions from agricultural sources as established by the most recently adopted SJVUAPCD Regulation VIII. The *Fugitive Dust Emissions Control Plan*, as required by Policy DE 5.1g, shall specify the control measures that will be implemented during dairy operation.

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EXHIBIT F-1

Checklist for Technical Report

Documentation of each response is required, i.e., where in the application documentation is the issue addressed, or why it is not required to be addressed. Any response in the negative will require a separate detailed written response. The Kings County Zoning Administrator is the final authority for determining the adequacy of a response. See Exhibit F-2 for specific details of each Policy.

POLICY #	REQUIREMENT	DOCUMENTED
3.1a	Is the Technical Report included with the application?	Yes No
	Does the Technical Report include the following components?	Yes No
	1a. Geotechnical Report	
	1b. Groundwater Evaluation	
	1c. Soils Evaluation	
	1d. Hydrologic Sensitivity Assessment	
	1e. Gas and Oil Well Evaluation	
	2a. Manure Nutrient Management Plan (MNMP	
	2b. Comprehensive Dairy Process Water Disposal Plan (CDWDP)	
	2c. Odor Management Plan (OMP)	
	2d. Irrigation Management Program (IMP)	
	3. Hazardous Materials Business Plan (HMBP)	
	4. Pest and Vector Management Plan (PVMP)	
	5. Dead Animal Management Plan (DAMP)	
	6. Wildlife Survey	
	7. Cultural Resources Evaluation by the California Historic Resources Information System (CHRIS)	
	8. Traffic Impact Study	
	9. Fugitive Dust Emissions Control Plan (FDECP)	
	10. Light, Glare and Noise Assessment	

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EXHIBIT F-2

Dairy Application Technical Report Requirements for New of Expanding Dairy Projects in Kings County

The *Technical Report* is a series of reports, plans, and programs prepared by qualified professionals that are submitted with an application for a new dairy or expansion of an existing dairy. The *Technical Report* shall include various studies, plans, and programs necessary to describe how the proposed application, when implemented, will satisfy the standards set in the Dairy Element. In addition, a monitoring and record keeping program shall be included for each component that both documents how the component achieves the standard, and provides documentation by the dairy operator of the results of implementing the plans and programs identified in the *Technical Report*. The components of the *Technical Report* are:

SUMMARY OF TECHNICAL REPORT COMPONENTS:

1a. Geotechnical Report
1b. Groundwater Evaluation
1c. Soils Evaluation
1d. Hydrologic Sensitivity Assessment
1e. Gas and Oil Well Evaluation
2a. Manure Nutrient Management Plan (MNMP
2b. Comprehensive Dairy Process Water Disposal Plan (CDWDP)
2c. Odor Management Plan (OMP)
2d. Irrigation Management Program (IMP)
3. Hazardous Materials Business Plan (HMBP)
4. Pest and Vector Management Plan (PVMP)
5. Dead Animal Management Plan (DAMP)
6. Wildlife Survey
7. Cultural Resources Evaluation by the California Historic Resources Information System (CHRIS)
8. Traffic Impact Study
9. Fugitive Dust Emissions Control Plan (FDECP)
10. Light, Glare and Noise Assessment

TECHNICAL REPORT COMPONENTS:

1a. Geotechnical Report (Policy DE 2.1f, DE 3.2b and DE 4.1a.B.2.c):
The *Geotechnical Report* is a part of the *Technical Report* documentation prepared by a qualified professional, either a Professional Engineer or Licensed Geotechnical Engineer, and shall be submitted to the Kings County Planning Agency with the SPR or CUP application. The report shall, at a minimum, present the results of sufficient subsurface sampling and testing to classify and characterize the soils and groundwater conditions in areas of proposed dairy facility structures, corrals, feed and manure storage areas, lagoon, and cropland where process water and manure are spread. The report shall include recommendations for foundation design, cut and fill

slope design, berm or embankment design, and site grading. The recommendations shall specifically address, but not limited to, the following:

A. Soil consolidation and compression;
B. Shrink-swell potential;
C. Soil corrosivity;
D. Cut and fill slope stability under static and pseudo-static (earthquake) conditions;
E. Erosion potential

Prior to construction of a proposed above-grade embankments for the manure separation pits and process water lagoons at a dairy facility, the owner/operator shall submit a revised geotechnical report, prepared by a qualified professional that presents any changes to the specifications for the construction of embankments, foundations, cut and fills using on-site surface soils. The geotechnical report shall be submitted to the Kings County Building Department and shall include at least the following requirements:

A. Specific compaction testing requirements that ensure suitable compressive strength for the embankments. The compaction requirements shall specifically address the potential for leaching of salts and possible effects associated with hydrocompressibility of the emplaced soils.
B. Slope stability analysis for proposed embankment design. The slope stability analysis shall demonstrate that, under proposed design and requirements for fill compaction, the fill slopes will have a factor of safety of 1.25 or greater under static conditions and 1.0 or greater under pseudo-static (expected seismic shaking) conditions.

Following Construction:

A. Following construction of lagoons and separation pits, a registered Civil Engineer or licensed Geotechnical Engineer shall submit to the Kings County Planning Agency documentation and certification that the embankments have been constructed in compliance with design requirements. The documentation and certification shall also be maintained on the dairy site and be made available to Code Compliance personnel upon request.
B. Following construction of lagoons and separation pits, a registered Civil Engineer or licensed Geotechnical Engineer shall submit to the Kings County Planning Agency documentation and certification that the bottoms and sides of the lagoons and separation pits has a permeability equal to, or less than, 10^{-6} cm/sec. The documentation and certification shall be maintained on the dairy site and be made available to Code Compliance personnel upon request.
C. Annual inspection and reporting of findings by a Registered Civil Engineer or licensed Geotechnical Engineer of the inspection of the lagoons and separation pits, and any remedial action taken.

1b. Groundwater Evaluation (Policy DE 3.2a):

This evaluation may be done in conjunction with the Geotechnical Report described above. The *Technical Report* shall address the following:

A. *Depth to first groundwater:* Minimum separation from bottom of (lined and unlined) lagoons, manure and feed storage areas, and corrals shall be at least five (5) feet to the highest recorded groundwater level.

B. *Depth to first useable groundwater for human consumption:* The source of potable water for the dairy facility and nearby properties, and the safeguards to protect that water source must be identified.
C. *Proximity to watercourses:* Adjacent watercourses and improvements to protect watercourses from discharges from a dairy into watercourses or water bodies must be identified.

Documentation of the above information shall be submitted to the Kings County Planning Agency with the SPR or CUP application, and maintained on the dairy site and be made available to Code Compliance personnel upon request.

In the event there is a variance between these standards and the RWQCB requirements, the RWQCB standard will then prevail.

1c. Soils Report (Policy DE 2.1f and 3.2b):

The applicant for new dairies, or the expansion of existing dairies, shall file as part of the *Technical Report* a preliminary soils report on the Dairy Facility prepared by a Registered Civil Engineer. The preliminary soils report shall be based upon sufficient subsurface sampling and testing to classify and characterize the soils using test borings or excavations necessary to evaluate the soil beneath the proposed Dairy Facility. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems, which if not corrected, could lead to structural defects or leakage of contaminates into the groundwater, a soil investigation shall be prepared by a Civil Engineer registered in the State of California and shall recommend design requirements that are likely to prevent possible structural damage to structures or lagoons proposed to be constructed within the Dairy Facility. The report shall include recommendations for foundation design, cut and fill slope design, and site grading.

1d. Hydrogeologic Sensitivity Assessment (HSA) (Policy DE 3.2h):

Whenever groundwater is being pumped from a hydrogeologic setting within one-half (½) mile of a proposed or an expanding dairy facility underlain by karst, fractured bedrock, or gravel, the applicants shall retain a qualified Certified Hydrogeologist or Professional Engineer to conduct a HSA. The HSA shall include the following:

A. The HSA shall evaluate whether the hydrogeologic setting would offer adequate barriers to pollutant migration to drinking water supplies. The evaluation shall be conducted in accordance with the principles contained in the EPA's Ground Water Rule.
B. *Dairies Proposed in the Kettleman Plain or Sunflower Valley*: In addition to paragraph A above, dairies proposed in these areas must complete a HSA to demonstrate that an adequate sustainable water supply would be available for each proposed project. The HSA must provide a detailed description of the proposed project water demand and how that demand would be met without overdrafting groundwater supplies. If the project proposes use of groundwater supplies, the HSA must quantify the safe yield of the underlying aquifer. Allowable groundwater use must be limited to the quantified safe yield.

1e. Gas and Oil Well Evaluation (Policy DE 3.5a):

The *Technical Report* shall include a report that the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) has reviewed their records for the

potential presence of active and abandoned oil or gas wells at or adjacent to (within 100 feet) a proposed dairy site. If DOGGR identifies wells, the *Technical Report* shall include a scaled map showing the location of the wells on the Site Plan of the proposed dairy facility. Any abandoned oil or gas wells identified by DOGGR within the proposed dairy site located beneath or within 300 feet of a proposed dairy structure shall be properly closed in accordance with specifications provided by DOGGR.

Documentation of any well closure or destruction pursuant to DOGGR standards, or other protection deemed adequate by DOGGR, shall be submitted to the Kings County Planning Agency.

2a. Manure Nutrient Management Plan (MNMP) (Objective 4.1, Policy 4.1a, 4.1b, 4.1c, 4.1e, and 4.1f):

The Manure *Nutrient Management Plan* (MNMP) is a part of the *Technical Report* submitted with each application to either establish a new dairy or expand an existing dairy. The MNMP specifies practices that will be used to implement each component of the MNMP. The MNMP includes the following components as found in the USDA/USEPA *Unified National Strategy for Animal Feeding Operations*:

A. Feed Management - Evaluate the possibility of modifying diets and feed of the animals to reduce the amounts of nutrients in manure.

B. Manure Handling and Storage – Manure must be handled and stored properly to prevent water pollution from dairies. Manure and dairy process water handling and storage practices shall consider odor and other environmental and public health problems. Handling and storage considerations shall include:

1. *Diversion of clean water* – Dairy siting and management practices may include diverting clean water from contact with corrals, pens, freestalls, feeding lanes and areas, feed storage areas, interiors of barns and milking parlors, manure storage and handling areas, dead animal storage areas, and other areas exposed to manure, feed, or dead animals. Clean water includes rainfall falling on roofs of facilities and runoff from adjacent lands, or other sources. If clean water is not diverted from manured areas, the capacity of process water storage facilities (i.e., lagoons) shall be sufficient to collect the additional runoff.

2. *Prevent leakage* – Construction and maintenance of buildings, collection systems, conveyance systems, and storage facilities shall prevent releases of organic matter, nutrients, and pathogens to ground or surface water by implementing the following measures:
   a. All manure separation pits and process water lagoons shall be constructed so that the bottoms of the pits and lagoons are at least five feet above the highest expected groundwater levels.
   b. The pits and lagoons shall be maintained so that the integrity of the seal is ensured.
   c. The specific permeability soils lining the bottom and sides of the manure separation pits and lagoons shall not be greater than 1×10^{-6} centimeters per second in

compliance with the Geotechnical, Design, and Construction Guidelines published by the Natural Resource Conservation Service (1997).

d. A qualified professional (i.e., Professional Engineer or Certified Engineering Geologist) shall certify that the liner system of a lagoon or pit is installed according to the NRCS-design standards.
e. The soil sampling and permeability testing program shall be designed to be representative of all soils lining all proposed pond areas.
f. Construction of the lagoons shall be inspected by a qualified professional to ensure that geologic heterogeneities (e.g., channel deposits and sandy lenses) are identified and properly mitigated to ensure integrity of the liner in compliance with the NRCS standards. The liner must be protected against damage during operation and maintenance activities.
g. At the corrals, naturally occurring or imported clayey (not less than 20% clay and silt) soils shall underlie the corrals and dry manure storage areas. Site drainage shall be included in the project design and construction of any manured area, including but not limited to, dairy surroundings, corrals, and ramps, pursuant to *Title 3, Division 2, Chapter 1, Article 22, §646.1 of the California Code of Regulations* to ensure that ponding does not occur.
h. Regular maintenance of corrals and dry manure storage areas shall include filling of depressions. Care shall be taken not to disturb the seal layer in the corrals. Dairy personnel shall be taught to correctly use manure collection equipment.
i. The potential for discharge of water-borne pathogens to existing and proposed domestic water supply wells shall be minimized by ensuring that the domestic wells are constructed in accordance with the California Well Standards and that appropriate minimum setbacks (150 feet, or other distance set in the Waste Discharge Requirements issued for the dairy by the RWQCB) between domestic wells and potential sources of pollution are maintained.

3. *Provide adequate storage for manure:*
   a. Dry manure shall be stored in a manner to ensure all runoff from the manure storage areas is captured and diverted to the dairy process water collection system.
   b. Dairy process water storage systems shall be designed and constructed to store, handle, and transport all of the quantity and contents of dairy process water produced on the Dairy Facility, runoff from the Dairy Facility, and rainfall that falls on the Dairy Facility. Location of manure storage areas shall be consistent with Policy DE 3.2c.
4. Manure treatments - Manure shall be treated to reduce the loss of nutrients to the atmosphere during storage, to make the material a more stable fertilizer when land-applied or to reduce pathogens, vector attraction and odors, as appropriate.

C. <u>Management of dead animals</u> – A Dead Animal Management Plan *(DAMP)* (see Component 5 of Appendix J) shall be prepared and implemented for the disposal of all dead animals in a way that does not adversely affect groundwater or surface water, create public health concerns, or cause nuisances due to odor or vectors.

D. <u>Land Application of Manure</u> – Land application is the most common, and usually most desirable method of utilizing process water and dry manure because of the value of the

nutrients and organic matter to plant growth. Land application shall be planned to ensure that the proper amounts of all nutrients are applied in a way that does not cause harm to the environment or to public health. Land application of manure in accordance with the MNMP shall minimize water quality degradation and public health risk. Considerations for appropriate land application shall include:

1. *Nutrient balance* – The primary purpose of nutrient management is to achieve the application of nutrients at the agronomic rates required to grow the planned crop by balancing the nutrients that are already in the soil and from other sources with those that will be applied in manure and commercial fertilizer. At a minimum, nutrient management shall prevent the application of nutrients at rates that will exceed the capacity of the soil and planned crops to assimilate nutrients, and will reduce the potential for degradation of water resources

   Soils shall be tested at least annually to determine nutrient content. The results of the testing shall be evaluated by a qualified soil scientist or agronomist to determine whether adjustments to the *Manure Nutrient Management Plan* are required to prevent crop damage or salt buildup. In the evaluation of salinity, which requires data on concentration variation over time, a statistical methodology for determining trends shall be selected by a certified agronomist. The first trend analysis shall be conducted for each dairy after five years of data collection, and then each year thereafter. Buildup of salt in the soil is detrimental to growing crops. Consequently farmers will have a natural incentive to take remedial action upon receiving a report that a salt buildup has occurred.

2. Timing and methods of application - Care must be taken when land-applying manure and process water to the land to prevent it from entering groundwater, streams, other water bodies, or environmentally sensitive areas. The timing and methods of application shall prevent the loss of excess nutrients to groundwater or surface water. Additionally, process water shall be applied to minimize unnecessary contact with air in order to minimize the release of ammonia into the atmosphere. Manure application equipment shall be calibrated to ensure that the quantity of material being applied is at agronomic rates. Manure application shall be avoided during periods of winds in excess of 20miles per hour.

E. Land Management –Tillage, crop residue management, grazing management, and other conservation practices shall be utilized to minimize movement to surface water and groundwater of soil, organic materials, nutrients, and pathogens from lands where manure is applied.

F. Record Keeping - Dairy operators shall document the annual estimated quantity of solid manure produced at the dairy and transported off-site. Documentation of this estimate shall be maintained by the dairy and shall be made available to the County Code Compliance personnel upon their request

2b. Comprehensive Dairy Process Water Application Plan (CDWAP) (Objective DE 4.2, Policy DE4.2a, 4.2b, 4.2c, and 4.2d):

The *Comprehensive Dairy Process Water Application Plan* (CDWAP) is a part of the *Technical Report* submitted with an application for a new dairy or the expansion of an existing dairy.

1. The following components shall be addressed in the CDPWAP:
   A. When an applicant for a new dairy or the expansion of an existing dairy will use his or her own land for the application of process water:
      1. The CDPWAP shall include a legal description of all lands that will be used for process water application.
      2. The CDPWAP shall include the estimated amount of water that will be generated by the dairy (including an estimate of the Nitrogen and salt content of the dairy process water).
      3. Prior to selling any land on which process water is applied, the dairy owner/operator shall notify the Zoning Administrator and:
         a. Provide substitute land or enter into an agreement with another land owner to replace the land upon which the process water is applied, or
         b. Immediately reduce the dairy herd to a level that can be accommodated by the remaining land identified in the SPR or CUP.
      4. Changes made in the operation pursuant to section 3. above must be reflected in an amendment to the dairy's SPR or CUP.

   B. When the application for a new dairy or the expansion of an existing dairy will use land other than his or her own land for application of dairy process water:
      1. The CDPWAP shall include a legal description of all lands that will be used for process water application.
      2. The CDPWAP shall include the estimated amount of water that will be generated by the dairy (including an estimate of the Nitrogen and salt content of the dairy process water).
      3. The agreement shall be recorded by the dairy owner/operator and the owner of the land identified in the CDPWAP where the dairy's process water will be used. The agreement shall contain the following provisions:
         a) The agreement shall include a legal description of all lands burdened by the obligation of the agreement.
         b) The agreement shall identify the Dairy Facility generating the process water by name and location.
         c) The agreement shall state that the identified land shall not be converted to any use which cannot accommodate the dairy's process water.
         d) The agreement shall be binding on all successors in interest as long as the agreement is in force.
         e) The agreement must restrict the use of the land to cropping patterns which use all of the nutrients from the process water generated from the new or expanded Dairy Facility (less any nutrients used on the dairy owners' own land). The nutrient utilization rate used in the calculations for nutrient utilization of the cropping pattern shall be established by a Certified Agronomist.

f) The agreement shall coordinate timing of the delivery of the dairy process water in conformity with the Dairy Facility's IMP (Policy DE 4.1b.C) and MNMP (Policy DE 4.1a) to assure adequate storage capacity is available at the Dairy Facility.

g) To ensure that the process water is applied to crops in accordance with the requirements of the *Dairy Element*, the agreement shall either:

i. Allow the dairy owner/operator to enter the land identified in the agreement to carry out the application of the dairy process water in accordance with the requirements of the *Dairy Element*, or

ii. Obligate the owner of the land identified in the agreement to carry out the application of the dairy process water in accordance with the requirements of the *Dairy Element*.

4. The agreement shall be recorded after the SPR or CUP is approved, but before any cows are brought to the site.
5. Prior to terminating the agreement, the dairy owner/operator shall notify the Zoning Administrator and either:
   a. Provide a substitute agreement with another land owner to replace the land within the terminated agreement, or
   b. Immediately reduce the dairy herd to a level that can be accommodated by the remaining land under the SPR or CUP, or agreement.
6. Changes made in operation of the dairy pursuant to section 5 above shall be reflected in an amendment to the dairy's SPR or CUP.
7. The land identified in the agreement for the use of dairy process water shall not already be subject to any other dairy process water use agreement.
8. The Zoning Administrator or the Planning Commission, for an amendment to a SPR or a CUP respectively, must approve any change in the terms of the agreement.
9. If application of process water on land identified in the agreement is not carried out in conformity with the requirements of the *Dairy Element*, it shall be the responsibility of the dairy owner/operator to correct such problems. Any such violations of the Dairy Element Standards shall subject the owner/operator of the Dairy Facility to enforcement action by the County or other responsible agency, as provided in the *Dairy Element*, the *Zoning Ordinance*, or State law.

C. When the applicant for a new dairy or the expansion of an existing dairy uses a combination of his or her land and land other than his or her own land for application of dairy process water, both A and B above shall apply.

D. Lagoons may be used for treating and storing dairy process water and manure. All areas occupied by cows shall be graded in such a manner that ensures runoff water will flow into and be contained within a lagoon until used for fertilizer or irrigation purposes. Water that does not come into contact with manured areas or feed storage areas may be diverted away from such areas and not allowed into the lagoon. All contents of a lagoon shall be managed so that it is applied to cropland at agronomic rates and used only for approved purposes and in an approved manner.

2c. Odor Management Plan (OMP) (Policy DE 5.1b and 6.2d):

The *Odor Management Plan* (OMP) is a part of the *Technical Report* submitted with the application for a new dairy or the expansion of an existing dairy. The purpose of the OMP is to

reduce the potential for odor impacts to nearby receptors. The owner/operator, or his or her agent, shall prepare an OMP that specifies standard operating practices for livestock handling, and manure collection, treatment, storage, and land application. The OMP shall specifically address standard operating practices for livestock handling, and manure collection, treatment, storage, and land application. It shall also provide standard operating procedures/control measures to be implemented to protect receptors from potential odors that could be generated from dairy operations. At a minimum, the plan shall include the following components:

A. Manure Collection Areas:
   1. Clean out manure generated at the freestall barns and corrals at a frequency that will minimize odors;
   2. Keep cattle as dry and clean as possible at all times;
   3. Scrape manure from the corrals and bedding from the freestall barns and corrals at a frequency that will minimize odors.

B. Manure Treatment and Application
   1. Minimize moisture content of stockpiled manure/retained solids to a level that will reduce the potential for release of odorous compounds during storage.
   2. Minimally agitate stockpiled manure during loading for off-site transport;
   3. Mix process water with irrigation water prior to irrigation (dilution rate shall be adequate to minimize odor levels and maintain appropriate nutrient content in effluent);
   4. Apply process water containing ammonia so that it minimizes exposure to air;
   5. Clean up manure spills upon occurrence;
   6. Maintain and operate separation pits and process water lagoons to minimize odor levels.
   7. Avoid spreading in windy conditions, especially when it blows toward populated areas, or immediately before weekends or holidays when nearby neighbors are likely to be engaged in outdoor and recreational activities.
   8. If there is no storage facility, spread manure as frequently as possible during warm weather. Unload storages on schedule. To minimize the time that odor is released to the air, have machinery in good repair and labor ready before starting to unload.
   9. Incorporate manure during or immediately after land application by injecting it into the soil or plowing or disking the soil. Where immediate incorporation is not possible, apply manure uniformly in a thin layer so that it will dry quickly.

C. General
   1. Implement dust suppression measures to prevent the release of odorous compound-carrying fugitive dust;
   2. During project operations, the dairy operator/owner shall respond to neighbors who are adversely affected by odors generated at the project site and take prompt corrective action.

D. Record Keeping:

   The OMP shall include a complaint register kept at the dairy site. The register shall include each complaint received by the dairy, who received the complaint, and the date of the complaint. In addition, the documentation shall indicate what action was taken to determine the cause of the odor, action taken to resolve the odor problem, the results of the action, and whether additional action was required to eliminate the problem from re-occurring. The complaint register shall be available to the Code Compliance personnel upon their request.

F. Amendments of the OMP shall be submitted for to the Zoning Administrator for approval.

2d. Irrigation Management Program (IMP) (Policy DE 4.1b.C):

The *Irrigation Management Plan* (IMP) is a part of the *Technical Report* submitted with each application to either establish a new dairy or expand an existing dairy. The owner/operator shall prepare an IMP and it shall include, but not be limited to, the following components:

A. Ensure that irrigation water and runoff from fields at each dairy unit do not migrate away from the project site,
B. Do not allow excessive nutrients to accumulate in one part of a field and create "hot spots". Ensure that the nutrients are spread evenly over the entire field, and
C. Coordinate the timing of irrigation to meet the crop needs and the capacity limits of the ponds.

3. Hazardous Materials Business Plan (HMBP) (Policy DE 4.3a):

The *Hazardous Materials Business Plan* (HMBP) is a part of the *Technical Report* submitted with each application to either establish a new dairy or expand an existing dairy. A draft HMBP prepared pursuant to the Health and Safety Code Chapter 6.95, sections 25500 to 25520 shall be submitted with the application, and the final HMBP shall be filed with the Kings County Department of Environmental Health Services pursuant to their requirements after the zoning permit is issued.

The operator of the dairy shall review the HMBP at least annually and amend the plan if changes have been made. The amended plan shall be submitted to the Kings County Department of Environmental Health and a copy retained on site with the dairy's other reporting documentation. The HMBP shall be made available to the Code Compliance personnel upon their request.

4. Pest and Vector Management Plan (PVMP) (Policy DE 4.3b):

The **Pest and Vector Management Plan** (PVMP) is a part of the *Technical Report* submitted with each application to either establish a new dairy or expand an existing dairy. The PVMP (sometimes referred to as a fly and mosquito control plan) shall include methods of controlling flies, mosquitoes, and rodents under various conditions.

The PVMP shall be designed to use good housekeeping practices as the primary tool to combat vector infestation. The PVMP shall include, but not be limited to, measures that ensure good drainage of manured areas, frequent lane flushing, clean-up and maintenance along fence lines, and prompt repair of all leaking pipes and fixtures. When housekeeping controls prove ineffective (or have provided limited effectiveness), chemicals (i.e., pesticides) may supplement the program. When chemicals are used, special care shall be taken to select and apply chemicals that are compatible with existing biological controls that may be in use (i.e., those that do not kill the parasitic wasps). Other measures that may be considered in the PVMP are biological controls, including, but not limited to, the use of parasitic beetles and mites (to control egg and larvae populations) and parasitic wasps (to control fly pupae populations).

The Kings County Zoning Administrator shall distribute the PVMP to the Kings Mosquito Abatement District, Kings County Agricultural Commissioner, and the Kings County Division of Environmental Health Services for review and comment before final acceptance of the PVMP.

Record keeping for the PVMP shall consist of documentation kept at the dairy site that includes pest control methods used and the dates of the pest control activities. The PVMP shall also include a complaint register. The complaint register documentation shall indicate who received the complaint; date a complaint was received, what and when action was taken to determine the cause of pest problem, action taken to resolve the problem, and the results action and whether additional action was required to resolve the problem. The complaint register shall be made available to Code Compliance personnel upon their request.

5. Dead Animal Management Plan (DAMP) (Policy DE 4.1d):

The *Dead Animal Management Plan* (DAMP) is a part of the *Technical Report* submitted with each application to either establish a new dairy or expand an existing dairy. The DAMP shall include a program of removing dead animals from the site within 72 hours, or by the end of the first working day after a holiday weekend. Burial or otherwise disposing of the carcasses on site shall not be allowed unless by order of the Health Officer, Agricultural Commissioner, or other authority authorized to make such an order.

Record keeping for the DAMP shall be documented and the records shall be kept at the dairy site. The documentation shall include the number of dead animals by date; the date and method of their removal, and location where the dead animals were taken when removed from the dairy site. The documentation shall be made available to Code Compliance personnel upon their request.

6. Biological Resources Survey (Policy DE 3.3a):

The results of a *Biological Resources Survey* shall be made a part of the *Technical Report* submitted with each application to either establish a new dairy or expand an existing dairy. The survey of habitat for sensitive species and wetlands shall be conducted by a qualified wildlife biologist prior to initiation of grading for each dairy facility to confirm the presence or absence of any nesting activity at each location. If habitat for sensitive species or wetlands is found, appropriate measures shall be taken to avoid destruction of active dens or nests. An appropriate buffer zone shall be established around any active den or nest based on consultation with representatives of the California Department of Fish and Game. Construction activities shall be restricted in this zone until the qualified biologist has determined that the young animals are no longer using the dens or nests. Passive relocation methods shall be used by the qualified biologist in the event that removal of any wildlife from the impact area is deemed necessary by a regulatory agency with appropriate jurisdiction.

7. Cultural Resources Evaluation by the California Historic Resources Information System (CHRIS) (Policy DE 3.1d and 3.1e):

The *Technical Report* shall include documentation that a review of records of known cultural resources has been completed by the California Historical Resources Information System (CHRIS) and that no significant cultural (historic or archaeological) resources would be disturbed by the proposed dairy development. If CHRIS indicates that known resources are present or suspected within the construction area of the proposed dairy development, the *Technical Report* shall include an evaluation of the resource by an archaeologist qualified under the Secretary of the Interior's Standards and Guidelines for archaeologists which includes an appropriate mitigation plan that will be implemented by the dairy developer.

This evaluation shall include an evaluation of paleontological and unique geologic feature resources.

8. TRAFFIC IMPACT STUDY (Policy DE 3.1g):

Upon the request of an applicant, or the applicant's agent, for a SPR or CUP, the Kings County Regional Transportation Planning Agency will evaluate the effect a new or expanding dairy project will have on surrounding roadways and highways using its traffic model. If the traffic model run demonstrates that the dairy project will not result in degradation of the Level of Service (LOS) of adjacent County roadways below LOS D, or below LOS C on State highways, no additional evaluation will be required.

If the traffic model indicates that the LOS will be degraded on adjacent County roadways below LOS D, or below LOS C on State highways, a Traffic Impact Study prepared by a qualified traffic engineer in conformance with guidelines provided by the California Department of Transportation, will be required. The Traffic Impact Study shall propose improvements that will be necessary to mitigate the reduced LOS to acceptable levels. Additionally, the Traffic Impact Study shall demonstrate that the proposed improvement of the dairy project will not result in significant safety hazards.

9. Fugitive Dust Emissions Control Plan (FDECP) (Policy DE 5.1g and 5.1h):

The Fugitive Dust Emissions Control Plan (FDECP) is part of the *Technical Report* submitted with each application to either establish a new dairy or expand an existing dairy. The owner/operator shall prepare a FDECP which shall include, but not be limited to the following components:

A. Identification of all significant off-field source of fugitive dust emissions (e.g., unpaved roads, unpaved corrals and other open or vacant areas, and bulk material stockpiles);
B. Description of the control measures used for controlling of fugitive emissions from all sources identified at the dairy facility and an estimate of control efficiency;
C. Discussion of compliance of identified control measures with the requirements of the most recent Regulation VIII rules adopted by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD);
D. Discussion of quality control/quality assurance procedures to ensure that control measures are implemented and inspected;
E. Discussion of record keeping for quality control/quality assurance procedures;
F. Identification of person responsible for implementation of the FDECP implementation.

10. Light, Glare and Noise Assessment: (Policies DE 3.1h and 3.1i):

A. Provide an exterior lighting plan of the Dairy Facility showing all exterior lights and methods used to ensure that the lighting is so arranged to reflect light away from adjoining properties.
B. Provide a Noise Assessment of the Dairy Facility and any mitigation requirements necessary to comply with the noise level standards in the *Noise Element* of the *Kings County General Plan*.

EXHIBIT G-1

Checklist for Dairy Monitoring Program:

Documentation of each response is required, i.e., where in the application documentation is the issue addressed, or why it is not required to be addressed. Any response in the negative will require a separate detailed written response. The Kings County Zoning Administrator is the final authority for determining the adequacy of a response. See Exhibit G-2 for specific details of each Policy.

POLICY #	REQUIREMENT	DOCUMENTED	
3.1a	Is the Technical Report included with the application?	Yes	No
3.2e	Has a *Comprehensive Dairy Process Water Application Plan* been prepared as part of the Technical Report and submitted with the application?	Yes	No
3.2f	Has a Monitoring Program been prepared for the dairy operation which is consistent with the requirements of the *Dairy Element*, i.e., Goal 6 and the Mitigation Monitoring Plan in the Final Program EIR prepared for the Dairy Element Program?	Yes	No
3.2i	Are all existing active and inactive domestic and irrigation water supply wells at the dairy site properly sealed at the surface to prevent infiltration of waterborne contaminants into the well casing or surrounding gravel pack?	Yes	No
3.2j	Has the applicant submitted an application for waste discharge to the Regional Water Quality Control Board (RWQCB)?	Yes	No
4.1a	Has a *Manure Nutrient Management Plan* been prepared as part of the Technical Report and submitted with the application?	Yes	No
4.1c	Are tillage, crop residue management, grazing management, and other conservation practices utilized to minimize movement to surface water and groundwater of soil, organic materials, nutrients, and pathogens from lands where manure is applied?	Yes	No
4.2b	Are all areas occupied by cows graded in such a manner that ensures runoff water will flow into and be contained within a lagoon until used for fertilizer or irrigation purposes?	Yes	No
	Are all contents of a lagoon managed so that it is applied to cropland at agronomic rates and used only for approved purposes and in an approved manner?	Yes	No
5.1d	Have procedures been developed for implementing the SJVUAPCD's Regulation VIII for construction activities, during facility pre-construction, construction,inactive construction period, and post construction, when applicable, including monitoring construction activity dust generation?	Yes	No
5.1e	Have procedures been included to monitor fugitive dust emissions from cattle movement and maintenance activities in unpaved corrals, perimeter roadways, and other unpaved areas throughout Dairy Facilities?	Yes	No

	Have procedures been included to monitor the manure generated in the corrals and remove it frequently to minimize the extent to which the manure becomes a PM_{10} source?	Yes	No
6.2b	Does the Monitoring Plan for the dairy operation include an annual inspection of the interior and exterior slopes surrounding the manure separation pits and process water lagoons following the rainy season of each year to document the occurrence of any significant erosion (e.g., formation of rills or gullies longer than ten feet and/or deeper than one foot) or any significant slope failures (e.g., soil slips greater than 100 square feet in area)?	Yes	No
	Does the Monitoring Plan include a requirement for a report of the inspections including recommendations and schedule for completing any necessary corrective action?	Yes	No
6.2c	Does the Monitoring Plan for the dairy operation include the following requirements:		
	A. Are periodic visual inspections performed at dust sources throughout the dairy (i.e.,cattle movement at unpaved corrals and all other unpaved or gravel paved areas)?	Yes	No
	B. Are visual inspections conducted and documented by the dairy operator to determine the effectiveness of dust control measures required under Policy DE 5.1e and presence/absence of breeding of mosquitoes and other vectors due to the implementation of dust control measures?	Yes	No
	C. Are visual inspections conducted at the dairy site boundaries at least on a monthly basis during the dry season (April through October), once during the remainder of the year, and during periods of high winds to identify potential dust generation sources?	Yes	No
	D. Are all visual inspections documented by the dairy operator and is the documentation maintained at the Dairy Facility?	Yes	No
	E. Are the performance of inspections and documentation of the *Fugitive Dust Emissions Control Plan* (FDECP) required by Policy DE 5.1g, and control *measures required by the most recently adopted SJVUAPCD Regulation VIII,*scheduled at least monthly?	Yes	No
6.2d	*Minimum standards for Odor Management Plan (OMP)* monitoring under Policy DE 5.1b. Are the following requirements met:		
	A. Is there a schedule for conducting quality assurance/quality control of the standard operating procedures described in the OMP?	Yes	No
	B. Are quality assurance/quality control activities conducted and documented by the dairy operator in a manner that will determine whether the implementation of the specified standard operating procedures indicated in the OMP are effectively reducing or controlling odors generated from livestock, handling manure collection, treatment, storage, and land application?	Yes	No
	C. Is quality assurance/quality control conducted by the dairy operator when the potential for odor release/migration is high (e.g., high temperature), and on a monthly basis during the remainder of the year?	Yes	No
	D. Are the results of quality assurance/quality control documented and maintained at the Dairy Facility?	Yes	No

6.2f		*Minimum standards for water quality monitoring program*: Water quality monitoring requirements are: Does the monitoring plan require that copies of all reports that are required by, and submitted to, the RWQCB also be provided to the Kings County Zoning Administrator?	Yes	No
	A.	Does the monitoring plan include installation of groundwater monitoring wells and/or lysimators at each dairy adequate to characterize the variations in depth to uppermost groundwater at the Dairy Facility and chemical quality of the uppermost groundwater zone, and if non-continuous perched groundwater zones underlie the facility, vadose zone monitoring using lysimeters are required to monitor the quality of soil water, particularly in the vicinity of the lagoons?	Yes	No
		Is the design and installation of water quality monitoring system required to be preformed under the direction of a Registered Geologist or a Professional Engineer in accordance with California Well Standards?	Yes	No
	B.	Does the monitoring plan include groundwater and soil water sampling and analysis by a State-certified analytical laboratory, for TDS, electrical, conductivity general mineral content, Nitrogen as nitrate and nitrite, phosphorus, and coliform or other appropriate indicator of biological contamination?	Yes	No
	C.	Is the sampling of all wells and/or lysimeters conducted prior to dairy operation to establish background levels and thereafter on an annual basis (i.e., twice each,year once in the spring and once in the fall), including the depth to water in each well measured to within an accuracy of 0.01 feet?	Yes	No
	D.	Are the reporting requirements according to the RWQCB requirements and Policy DE 6.4d of the Dairy Element?	Yes	No
6.2g		Does the Monitoring plan state that documentation of the monitoring of the dairy shall be kept on-site at all times and shall be made available to the Kings County Code Compliance personnel upon request?	Yes	No
6.3a		Does the Monitoring plan provide for annual evaluation to demonstrate that the dairy is operating within its approved parameters, and if those parameters are exceeded, the operator must make changes to bring the dairy into conformance with the requirements of the *Dairy Element*?	Yes	No
6.4b		Does the application for the new or expanded dairy include the name of, and contact information for, the person(s) responsible for responding to complaints regarding that dairy?	Yes	No
6.4d:		Has the dairy operator retained, or does the monitoring plan include the retention of a qualified professional (i.e., Professional Engineer or) Certified Hydrogeologist to compile and evaluate the water quality data required by Policy DE 6.2f?	Yes	No

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EXHIBIT G-2

Dairy Monitoring Program Requirements for New or Expanding Dairy Projects is Kings County, CA:

The following objectives and policies are requirements of the *Dairy Element* of the Kings County General Plan and must be completed for each new or expanded dairy permit application. The following policy issues must be addressed in the Dairy Monitoring Program submitted with the application. These are the complete objectives and policies from the *Dairy Element*.

Objective DE 3.1: Apply the mitigation measures in the Program EIR to new or expanding dairies.

Policy DE 3.1a: With each application for a new or expanded dairy a technical report shall be prepared and shall address the following siting issues:

A. Ground and surface water quality and quantity,
B. Soil characteristics,
C. Air quality, including odors, dust and PM_{10} control during construction and operation at the Dairy Facility,
D. Traffic and road conditions,
E. Dead animal disposal management,
F. Insect, (i.e., fly, and mosquito control), and rodent control,
G. Light, glare, and noise,
H. Biological resources,
I. Cultural and archeological resources,
J. Slope stability and potential for erosion,
K. Proximity to the nearest residences, and
L. Irrigation management.

This shall be accomplished by the preparation of the following components of the *Technical Report* as detailed in Appendix J:

1a. Geotechnical Report (Policy DE 2.1f and DE 3.2b),
1b. Groundwater Evaluation (Policy DE 3.2a),
1c. Soils Evaluation (Policy DE 3.2b),
1d. Hydrologic Sensitivity Assessment (HSA) (Policy DE 3.2h),
1e. Gas and Oil Well Evaluation (Policy DE 3.5a),
2a. Manure Nutrient Management Plan (MNMP) (Objective 4.1, Policy 4.1a, 4.1b, 4.1c, 4.1e, and 4.1f),
2b. Comprehensive Dairy Process Water Application Plan (CDPWAP) (Objective DE 4.2, Policy DE4.2a, 4.2b, 4.2c, and 4.2d),
2c. Odor Management Plan (OMP) (Policy DE 5.1b and 6.2d),
2d. Irrigation Management Program (IMP) (Policy DE 4.1b.C),
3. Hazardous Materials Business Plan (HMBP) (Policy DE 4.3a),
4. Pest and Vector Management Plan (PVMP) (Policy DE 4.3b),
5. Dead Animal Management Plan (DAMP) (Policy DE 4.1d),
6. Biological Resources Survey (Policy DE 3.3a),

7. Cultural Resources Evaluation by the California Historic Resources Information System (CHRIS) (Policy DE 3.1d and 3.1e),
8. Traffic Impact Study (Policy DE 3.1g),
9. Fugitive Dust Emissions Control Plan (FDECP) (Policy DE 5.1g, and 5.1h),
10. Light, Glare, and Noise Assessment (Policy DE 3.1h and 3.1i).

Additional details for specific areas are listed below in Policies DE 3.1b through 3.2j.

Policy DE 3.2e: Each dairy shall apply dairy process water to crops at agronomic rates, and ensure even distribution of nutrients over the entire crop area so excessive amounts of nutrients do not cause "hot spots", where excessive amounts of the nutrients cause crop damage and migrate below the root zone where they cannot be used by the crops.

Policy DE 3.2f: Each dairy shall design, implement, and maintain a monitoring and reporting program to ensure that the operation is in conformance with the *Mitigation Monitoring Plan* (MMP) in the Program EIR, and that significant adverse impacts are avoided. See Section V (Goal 6) for monitoring and reporting standards.

Policy DE 3.2i: All existing active and inactive domestic and irrigation water supply wells (including those located at the dairy site) at a proposed new dairy or proposed expansion of an existing dairy shall be inspected by a qualified professional to ensure that each well is properly sealed at the surface to prevent infiltration of waterborne contaminants into the well casing or surrounding gravel pack. If any of the wells are found not to comply with the California Well Standards or RWQCB Standards, the applicant or dairy operator shall retain a licensed well driller to install the required seal or functional equivalent certified by a licensed engineer or other qualified registered professional. Documentation of the inspections and seal installations, if any, shall be maintained on the dairy site and made available to the Code Compliance personnel upon their request. This policy applies to all wells located on the Dairy Facility or on any farmland controlled by the dairy and used for the application of dairy process water.

Policy DE 3.2j: In addition to local zoning requirements all dairies must comply with the Report of Waste Discharge (RWD) issued by Regional Water Quality Control Board (RWQCB) for each dairy. The local zoning and RWQCB requirements are separate requirements and must both be followed. In the event there is a variance between these standards and the RWQCB requirements, the RWQCB standard will prevail.

Objective DE 4.1: A *Manure Nutrient Management Plan* (MNMP) shall be required as part of the *Technical Report* (see Component 2a of Appendix J) submitted with each application to either establish a new dairy or expand an existing dairy. The specific practices used to implement each component may vary to reflect site-specific conditions or needs.

Policy DE 4.1a: MNMP Components: The following components shall be addressed in the MNMP.

A. *Feed Management* – Evaluate the possibility of modifying diets and feed of the animals to reduce the amounts of nutrients in manure.
B. *Manure Handling and Storage* – Manure must be handled and stored properly to prevent water pollution from dairies. Manure and dairy process water handling and storage practices

shall consider odor and other environmental and public health problems. Handling and storage considerations shall include:

1. *Diversion of clean water* – Dairy siting and management practices may include diverting clean water from contact with any manured area, including, but not limited to, corrals, pens, freestalls, feeding lanes and areas, feed storage areas, interiors of barns and milking parlors, manure storage and handling areas, dead animal storage areas, and other areas exposed to manure, feed, or dead animals. Clean water includes rainfall falling on roofs of facilities and runoff from adjacent lands, or other sources. If clean water is not diverted from manured areas, the capacity of process water storage facilities (i.e., lagoons) shall be sufficient to collect the additional runoff.
2. *Prevent leakage* – Construction and maintenance of buildings, collection systems, conveyance systems, and storage facilities shall prevent releases of organic matter, nutrients, and pathogens to ground or surface water by implementing the following measures:
    a. All manure separation pits and process water lagoons shall be constructed so that the bottoms of the pits and lagoons are at least five feet above the highest expected groundwater levels.
    b. The pits and lagoons shall be maintained so that the integrity of the seal is ensured.
    c. The specific discharge of process water through the soils lining the bottom and sides of the manure separation pits and lagoons shall not be greater than 1×10^{-6} centimeters per second in compliance with the Geotechnical, Design, and Construction Guidelines published by the Natural Resource Conservation Service (1997).
    d. A qualified professional (i.e., Professional Engineer or Certified Engineering Geologist) shall certify that the liner system of a lagoon or pit is installed according to the NRCS design standards.
    e. The soil sampling and permeability testing program shall be designed to be representative of all soils lining all proposed pond areas.
    f. Construction of the lagoons shall be inspected by a qualified professional to ensure that geologic heterogeneities (e.g., channel deposits and sandy lenses) are identified and properly mitigated to ensure integrity of the liner in compliance with the NRCS standards. The liner must be protected against damage during operation and maintenance activities.
    g. At the corrals, naturally occurring or imported clayey (not less than 20% clay and silt) soils shall underlie the corrals and dry manure storage areas. Site drainage shall be included in the project design and construction of any manured area, including but not limited to, dairy surroundings, corrals, and ramps, pursuant to *Title 3, Division 2, Chapter 1, Article 22, §646.1 of the California Code of Regulations* to ensure that ponding does not occur.
    h. Regular maintenance of corrals and dry manure storage areas shall include filling of depressions. Care shall be taken not to disturb the seal layer in the corrals. Dairy personnel shall be taught to correctly use manure collection equipment.
    i. The potential for discharge of water-borne pathogens to existing and proposed domestic water supply wells shall be minimized by ensuring that the domestic wells are constructed in accordance with the California Well Standards and that appropriate minimum setbacks (150 feet, or other distance set in the Waste Discharge

Requirements issued for the dairy by the RWQCB) between domestic wells and potential sources of pollution are maintained.

3. *Provide adequate storage for manure:*
   a) Dry manure shall be stored in a manner to ensure all runoff from the manure storage areas is captured and diverted to the dairy process water collection system.
   b. Dairy process water storage systems shall be designed and constructed to store, handle, and transport all of the quantity and contents of dairy process water produced on the Dairy Facility, runoff from the Dairy Facility, and rainfall that falls on the Dairy Facility. Location of manure storage areas shall be consistent with Policy DE 3.2c.
4. *Manure Management* – Manure shall be managed to reduce the loss of nutrients to the atmosphere during storage, to make the managed manure a more stable fertilizer when land applied, and to reduce pathogens, vector attraction and odors.

Policy DE 4.1c: *Land Management* – Tillage, crop residue management, grazing management, and other conservation practices shall be utilized to minimize movement to surface water and groundwater of soil, organic materials, nutrients, and pathogens from lands where manure is applied.

Policy DE 4.1e: *Record Keeping* - Dairy operators shall document the annual estimated quantity of solid manure produced at the dairy and transported off-site. Documentation of this estimate shall be maintained by the dairy and shall be made available to the County Code Compliance personnel upon their request.

Policy DE 4.2b: Lagoons may be used for treating and storing dairy process water and manure. All areas occupied by cows shall be graded in such a manner that ensures runoff water will flow into and be contained within a lagoon until used for fertilizer or irrigation purposes. Water that does not come into contact with manured areas or feed storage areas may be diverted away from such areas and not allowed into the lagoon. All contents of a lagoon shall be managed so that it is applied to cropland at agronomic rates and used only for approved purposes and in an approved manner.

Policy DE 4.2c: The sale of solid manure from a dairy to other farmers or commodity brokers shall not require an agreement as described in Policy DE 4.2a above. Sale of solid manure produced on a dairy is not regulated.

Transporting manure from other dairies into a dairy for subsequent sale or distribution to a third party would constitute a "fertilizer sale yard" and is subject to a separate conditional use permit application and approval.

Policy DE 5.1d: The owner/operator of a proposed new dairy development or expansion shall comply with the most recently adopted Regulation VIII rules established by the SJVUAPCD for construction activities, during facility pre-construction, construction, inactive construction period, and post construction, when applicable.

Policy DE 5.1e: To ensure that potential fugitive dust emissions from cattle movement and maintenance activities in unpaved corrals, perimeter roadways, and other unpaved areas throughout Dairy Facilities are reduced, unpaved areas shall be effectively stabilized. Water (expected efficiency of 50 percent) or chemical stabilizer/suppressant (expected efficiency of 75 percent) that is safe for the environment and cattle may be used. Stabilization shall be conducted in a manner that will not result in the potential for breeding of mosquitoes and other vectors. The owner/operator shall also ensure that manure generated in the corrals is removed frequently to minimize the extent to which the manure becomes a PM_{10} source.

Policy DE 5.1f: The owner/operator of a proposed dairy development or expansion shall follow measures to control emissions (ROG, NOx, and PM_{10}) generated during construction as required by the SJVUAPCD.

Objective DE 6.1: Establish a *Dairy Monitoring Program*: Develop and implement as part of the monitoring program a method to document the data for all of the dairies as the overall county monitoring program. Individual dairy information will include such data as:

A. Location of the animal concentrations on dairies,
B. "Dairy process water/nutrient use areas" covered by dairy process water use agreements,
C. Soil characteristics, including types and classification,
D. Dairy process water and nutrient usage and demand,
E. Groundwater conditions, including depth, local perched water, etc.,
F. Crop patterns and production,
G. Floodplain designation, inundation potential, and incidental flooding,
H. Other Confined Animal Feeding Operations (CAFOs) within one-quarter (¼) mile,
I. Urban area development within one (1) mile,
J. Dust control practices and Fugitive Dust Emissions Control Plan, and
K. Odor control practices as specified in the Odor Management Plan (OMP).

Policy DE 6.1a: Under the direction of the Director of Planning and Building Inspection the Code Compliance division of the Kings County Planning Agency shall:

A. Track required data from the new and expanding dairies to determine whether the *Dairy Element* and Program EIR standards and conditions of approval are being complied with.
B. Prepare, as needed, specific reports on a case-by-case basis to address problems, and work with dairies to solve any problems and ensure compliance in a timely manner.
C. Prepare a written report at least annually, and submit it to the Planning Commission on the general results of the monitoring program.

Policy DE 6.1b: The Code Compliance division shall include a qualified compliance specialist capable of reviewing the data of the monitoring programs prepared by the dairies subject to the *Dairy Element*. The compliance specialist shall be familiar with environmental issues associated with dairy operations. The compliance specialist shall determine whether the practices documented are consistent with the monitoring and reporting requirements of all of the components of the Technical Report as outlined in Appendix J, and shall provide recommendations to modify the ongoing practices.

Objective DE 6.2: Protect the environment through monitoring individual dairy operational activities so that adjustments in the operation can be made when necessary to comply with the standards.

Policy DE 6.2a: *Continuous monitoring:* Although the total county capacity of cows in the dairy industry in Kings County can only be estimated in terms of dairy process water, manure, and nutrients generated, the overall industry can be monitored to determine whether the individual operations are being operated within the limits of the standards established by this Element, and whether the theoretical limit of the County has been reached.

If the "Theoretical Dairy Herd Capacity" for Kings County is exceeded then proposed new or expanded dairies will be required to go through a full conditional use permit and individual project environmental assessment process under CEQA.

Policy DE 6.2b: Every operator shall be responsible for conducting an annual inspection of the interior and exterior slopes surrounding the manure separation pits and process water lagoons following the rainy season of each year. The inspections shall document the occurrence of any significant erosion (e.g., formation of rills or gullies longer than ten feet and/or deeper than one foot) or any significant slope failures (e.g., soil slips greater than 100 square feet in area). A report of the inspections shall be maintained at the dairy site and made available to the County Code Compliance personnel upon request. The report shall include recommendations and schedule for completing any necessary corrective action.

Policy DE 6.2c: *Minimum standards for dust control monitoring:* The County Code Compliance division shall establish requirements for monitoring the dust control measures specified under Policy DE 5.1d and e. At a minimum, the requirements shall include:

A. Performance of periodic visual inspections at dust sources throughout the dairy (i.e., cattle movement at unpaved corrals and all other unpaved or gravel paved areas).
B. Visual inspections shall be conducted and documented by the dairy operator to determine the effectiveness of dust control measures required under Policy DE 5.1e and presence/absence of breeding of mosquitoes and other vectors due to the implementation of dust control measures.
C. Visual inspections shall be conducted at the dairy site boundaries and shall be conducted at least on a monthly basis during the dry season (April through October), once during the remainder of the year, and during periods of high winds.
D. All visual inspections shall be documented by the dairy operator and the documentation shall be maintained at the Dairy Facility.
E. Performance of inspection and documentation on the implementation of the Fugitive Dust Emissions Control Plan (FDECP) required by Policy DE 5.1g and control measures required by the most recently adopted SJVUAPCD Regulation VIII by the dairy operator at the dairy shall be done at least monthly.

Policy DE 6.2d: *Minimum standards for Odor Management Plan (OMP) monitoring:* The Code Compliance division shall establish requirements for monitoring the implementation of the OMP specified under Policy DE 5.1b. At a minimum, the requirements shall include:

A. The dairy operator shall conduct quality assurance/quality control on the implementation of the standard operating procedures described in the OMP.

B. Quality assurance/quality control shall be conducted and documented by the dairy operator in a manner that will determine whether the implementation of the specified standard operating procedures indicated in the OMP are effectively reducing or controlling odors generated from livestock handling, manure collection, treatment, storage, and land application.

C. Quality assurance/quality control shall be conducted by the dairy operator when the potential for odor release/migration is high (e.g., high temperature) and on a monthly basis during the remainder of the year.

D. The results of quality assurance/quality control shall be documented. The documentation shall be maintained at the Dairy Facility.

Policy DE 6.2f: *Minimum standards for water quality monitoring program:* Water quality monitoring shall comply with all requirements and orders of the RWQCB. Copies of all reports that are required by, and submitted to, the RWQCB by any new or expanded dairy regulated under this *Dairy Element* shall also be provided a copy of those reports to the Kings County Zoning Administrator.

A. Installation of groundwater monitoring wells at each dairy adequate to characterize the variations in depth to uppermost groundwater at the Dairy Facility and chemical quality of the uppermost groundwater zone. If non-continuous perched groundwater zones underlie the facility, deeper aquifers may require monitoring. Vadose zone monitoring using lysimeters shall be required to monitor the quality of soil water, particularly in the vicinity of the lagoons. The design and installation of water quality monitoring system shall be preformed under the direction of a Registered Geologist or a Professional Engineer in accordance with California Well Standards.

B. Groundwater and soil water samples shall be analyzed, at minimum, for TDS, electrical conductivity, general mineral content, Nitrogen as nitrate and nitrite, phosphorus, and coliform or other appropriate indicator of biological contamination. This list of constituents to be analyzed may be modified at the request of the RWQCB. All samples should be analyzed by a State-certified analytical laboratory.

C. Sampling of all wells and/or lysimeters shall be conducted prior to dairy operation to establish background levels and thereafter on an annual basis. In addition, the depth to water in each well shall be measured to within an accuracy of 0.01 feet twice each year, once in the spring and once in the fall.

D. Reporting requirements shall be according to the RWQCB and Policy DE 6.4d, below.

Policy DE 6.2g: The documentation shall be kept on-site at all times and shall be made available to the *Code Compliance personnel* upon request.

Objective DE 6.3: Implement a continuous monitoring program for each dairy regulated by these policies so that adjustments in the operation can be made when necessary.

Policy DE 6.3a: *Continuous Evaluation Program:* Each new or expanded dairy will be required to conduct an annual evaluation to demonstrate that the dairy is operating within its approved parameters. The evaluation results shall be kept on the dairy site and shall be made available to the Code Compliance personnel upon request. If those parameters are exceeded, the operator must make changes to bring the dairy into conformance with the requirements of the *Dairy Element*. If the changes in operation cannot or do not correct the problem, the County may modify or revoke the facility zoning permit.

Objective DE 6.4: Establish a formal and effective process to evaluate and respond to public complaints regarding nuisances or conditions of approval violations at specific dairy operations to be managed by Code Compliance personnel.

Policy DE 6.4a: All public complaints regarding dairy operations and facilities shall be recorded with the Code Compliance division. It is the responsibility of that office to authenticate the conditions cited in the complaint through inspection of the subject dairy. As necessary, the Code Compliance personnel shall rely on the expertise of other County Departments to verify the basis and severity of a complaint and establish appropriate corrective action. Timely performance of necessary corrective action shall be required of dairy operators and verified by the Code Compliance personnel.

Policy DE 6.4b: All applications for new or expanded dairies shall include the name of, and contact information for, the person(s) responsible for responding to complaints regarding that dairy.

Policy DE 6.4c: Code Compliance personnel shall notify dairy operators of complaints and provide them opportunity to participate in the development of corrective action, if required.

Policy DE 6.4d: Each dairy operator shall retain a qualified professional (i.e., Professional Engineer or Certified Hydrogeologist) to compile and evaluate the water quality data required by Policy DE 6.2f. The Code Compliance personnel shall review the data to determine whether violations have occurred, or if corrective action is required. When considering response action for identified violations, the County shall consult with the RWQCB.

EXHIBIT H

MITIGATION MONITORING PLAN

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KINGS COUNTY DAIRY ELEMENT MITIGATION MONITORING PLAN				
Environmental Impact	**Mitigation Measures**	**Responsibility for Compliance**	**Method for Compliance**	**Timing of Compliance**
Geology, Soils, and Seismicity				
4.1-1 Construction of proposed embankments to contain dairy operations process water present the potential for erosion and slope failure and release of contained process water.	4.1-1 *None required*. Compliance with the requirements of Policies DE 2.1f, 3.1a, and 6.2b would ensure that potential adverse geotechnical issues would be evaluated by a qualified professional.	Applicant KCPA	Submit Geotechnical Report. Annual inspection of slopes. Confirm compliance with Policies DE 2.1f, 3.1a, and 6.2b. Review individual dairy documentation.	SPR Annually SPR Operations
4.1-2 Disturbance of agricultural soils caused by construction of dairy facilities.	4.1-2 *None required.*	N/A	N/A	N/A
4.1-3 Potential damage during expected seismic shaking.	4.1-3 *None required.* Implementation of Policy DE 2.1f and enforcement of existing building code requirements would reduce the potential impacts related to seismic shaking to a less-than-significant level.	Applicant KCPA	Submit Geotechnical Report. Confirm compliance with Policy DE 2.1f.	SPR SPR
4.1-4 The moderate to high shrink-swell potential and the potential for corrosion of uncoated steel and concrete within soils could present significant maintenance and stability problems for pipelines, foundations, and pavements.	4.1-4 *None required* . Implementation of Policy DE 2.1f and compliance with the requirements of the Uniform Building Code will reduce adverse soil condition impacts.	Applicant KCPA	Submit Geotechnical Report. Confirm compliance with Policy DE 2.1f	SPR SPR
Air Quality				
4.2-1 Construction activities associated with new or expanded dairies would result in a short-term increase in PM_{10} emissions from fugitive dust sources.	4.2-1 *None required.* Implementation of Policy 5.1d of the Element would reduce short-term construction-related PM_{10} emissions from fugitive dust to a less-than-significant level.	Applicant SJVUAPCD	Implement SJVUAPCD controls. Enforce Regulation VIII rules	Operations Operations
4.2-2 Construction activities associated with new or expanded dairies would result in short-term exhaust emissions from construction equipment.	4.2-2 *None required*. Implementation of Policy 5.1f of the Element would reduce construction related exhaust emissions to a less-than-significant level.	Applicant SJVUAPCD	Implement SJVUAPCD controls. Enforce Regulation VIII rules	Operations Operations

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KINGS COUNTY DAIRY ELEMENT MITIGATION MONITORING PLAN (*continued*)

Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method for Compliance	Timing of Compliance
4.2-3 Operation of new or expanded dairies could increase PM_{10} air pollutant emissions from fugitive dust, exhaust from agricultural and dairy equipment, vehicular traffic exhaust, and formation of secondary $PM_{2.5}$.	4.2-3a (Fugitive Emissions from Unpaved Areas) *No additional feasible mitigation measures are available for the control of fugitive dust.* Implementation of Policies DE 5.1e, 5.1g, 5.1h, 6.1a, 6.1b, and 6.2c of the Element would reduce and control PM_{10} emissions from fugitive dust at future or expanded dairies.	Applicant KCPA SJVUAPCD	Submit Fugitive Dust Emissions Control Plan Submit air emissions estimates. Implement SJVUAPCD controls. Conduct and document visual inspections. Confirm submittal of Fugitive Dust Emissions Control Plan and air emission estimates. Review dairy documentation. Enforce Regulation VIII rules.	SPR Operations SPR Operations Operations
	4.2-3b (Secondary $PM_{2.5}$) *No additional feasible mitigation measures are available.* Implementation of Policies DE 3.1a, 5.1b, 5.1e, 6.1a, 6.1b, 6.2d, and 6.3a would be expected to reduce ammonia generated from dairy facilities and would also reduce other air pollutants generated from cattle manure.	Applicant KCPA	Submit Odor Management Plan. Implement Odor Management Plan. Perform and document quality assurance/ control for plans. Confirm submittal of Odor Management Plan. Review dairy documentation.	SPR Operations SPR Operations
	4.2-3c (Equipment Exhaust) *No feasible mitigation measures are available.*	N/A	N/A	N/A
4.2-4 Operation of new or expanded dairies could generate adverse odors.	4.2-4 *No additional feasible mitigation measures are available*. Implementation of Policies DE 1.2g, 1.2h, 1.2i, 3.1a, 3.1b, 3.1c, 4.1a.B.4, 5.1b, 5.1g, 6.1a, 6.1b, 6.2d, and 6.4a through 6.4c would significantly reduce odors generated from dairy facilities operated in conformance with the Element.	Applicant KCPA	Submit Odor Management Plan. Implement Odor Management Plan. Perform and document quality assurance/control for plans. Confirm compliance with Policies DE 1.2g, 1.2h, 1.2i, 3.1a, 3.1b, 3.1c, 5.1b, 5.1g, 6.1a, 6.1b, 6.2d, and 6.4a through 6.4c. Confirm submittal of Odor Management Plan. Review dairy documentation.	SPR Operations SPR SPR Operations
4.2-5 Operation of new or expanded dairies would generate ozone precursor (ROG and NOx) emissions from cattle manure and combustion engine exhaust.	4.2-5 *No additional feasible mitigation measures are available.* Implementation of Policies DE 3.1a, 5.1b, 6.1a, 6.1b, 6.2d, and 6.3a would be expected to reduce ozone precursors and other air pollutants generated from cattle manure and equipment and vehicle exhaust.	Applicant KCPA	Submit Odor Management Plan. Implement Odor Management Plan. Perform and document quality assurance/control for plans. Confirm submittal of Odor Management Plan and compliance with Policies DE 3.1a, 5.1b, 6.1a, 6.2d, and 6.3a. Review dairy documentation.	SPR Operations SPR Operations

4.2-6 Operation of new or expanded dairies would generate ammonia emissions from cattle manure.	4.2-6 *No additional feasible mitigation measures are available.* Implementation of Policies DE 3.1a, 4.1b.B, 5.1b, 5.1e, 6.1a, 6.1b, 6.2d, and 6.3a would be expected to reduce ammonia and other air pollutants generated from cattle manure.	Applicant KCPA	Submit Odor Management Plan. Implement Odor Management Plan. Perform and document quality assurance/control for plans. Confirm submittal of Odor Management Plan and compliance with Policies DE 3.1a, 5.1b, 5.1e, 6.1a, 6.1b, 6.2d, and 6.3a. Review dairy documentation.	SPR Operations SPR Operations
4.2-7 Operation of new or expanded dairies would generate hydrogen sulfide emissions.	4.2-7 *No additional feasible mitigation measures are available.* Implementation of Policies DE 3.1a, 5.1b, 6.1a, 6.1b, 6.2d, and 6.3a would be expected to reduce hydrogen sulfide and other air pollutants generated from cattle manure.	Applicant KCPA	Submit Odor Management Plan. Implement Odor Management Plan. Perform and document quality assurance/control for plans. Confirm submittal of Odor Management Plan and compliance with Policies DE 3.1a, 5.1b, 6.1a, 6.1b, 6.2d, and 6.3a. Review dairy documentation.	SPR Operations SPR Operations
4.2-8 Operation of new or expanded dairies would generate methane emissions from cattle and cattle manure.	4.2-8 *No additional feasible mitigation measures are available.* Implementation of Policies DE 3.1a, 5.1b, 6.1a, 6.1b, 6.2d, and 6.3a would reduce methane generated from ruminant livestock and manure.	Applicant KCPA	Submit Odor Management Plan. Implement Odor Management Plan. Perform and document quality assurance/control for plans. Confirm submittal of Odor Management Plan and conform with Policies DE 3.1a, 5.1b, 6.1a, 6.1b, 6.2d, and 6.3a. Review dairy documentation.	SPR Operations SPR Operations
4.2-9 Increased localized carbon monoxide would be generated from vehicular traffic during operation of new or expanded dairies.	4.2-9 *None required.* Implementation of Policy DE 3.1g would reduce the potential for adverse queuing of traffic generated by dairy development and the potential for a significant increase in CO emissions.	N/A	N/A	N/A
4.2-10 Implementation of the Element would result in a cumulative increase in PM_{10} emissions.	4.2-10 *None available.* Although implementation of Policies DE 3.1a, 5.1e, 5.1g, 5.1h, 6.1a, 6.1b, 6.2c, and 6.3a of the Element would reduce PM_{10} emissions from cumulative project operations, PM_{10} emissions could continue to be generated during cumulative operations..		See Mitigation Measure 4.2-3.	

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KINGS COUNTY DAIRY ELEMENT MITIGATION MONITORING PLAN (*continued*)				
Environmental Impact	**Mitigation Measures**	**Responsibility for Compliance**	**Method for Compliance**	**Timing of Compliance**
4.2-11 Implementation of the Element would result in a cumulative increase in ozone precursor emissions.	4.2-11 *None available.* Although implementation of Policies DE 3.1a, 5.1b, 6.1a, 6.1b, 6.2d, and 6.3a would reduce or prevent the release of ozone precursor emissions into the environment from manure storage or collection systems, ozone precursor emissions would continue to be generated from existing, new, or expanded dairies in the County (i.e., exhaust emissions, manure stockpile, initial deposition of manure).		See Mitigation Measure 4.2-5.	
4.2-12 Implementation of the Element would result in a cumulative increase in methane emissions.	4.2-12 *None available.* Implementation of Policies DE 3.1a, 5.1b, 6.1a, 6.1b, 6.2d, and 6.3a of the Element would reduce but not eliminate methane emissions from cumulative projects in the San Joaquin Valley air basin.		See Mitigation Measure 4.2-8.	
4.2-13 Implementation of the Element would result in a cumulative increase in hydrogen sulfide emissions.	4.2-13 *None available.* Implementation of Policies DE 3.1a, 5.1b, 6.1a, 6.1b, 6.2d, and 6.3a of the Element would reduce but not eliminate hydrogen sulfide emissions from cumulative projects in the San Joaquin Valley air basin.		See Mitigation Measure 4.2-7.	
4.2-14 Implementation of the Element would result in a cumulative increase in ammonia emissions.	4.2-14 *None available.* Implementation of Policies DE 3.1a, 4.1b.B, 5.1e, 6.1a, 6.1b, 6.2d, and 6.3a of the Element would reduce but not eliminate ammonia emissions from cumulative projects in the San Joaquin Valley air basin.		See Mitigation Measure 4.2-6.	
Water Resources				
4.3-1 Construction activities associated with new or remodeled dairies could result in degradation of water quality in receiving waters by reducing the quality of storm water runoff.	4.3-1 *None required.* Implementation of existing National Pollutant Discharge Elimination System regulations (including the construction period SWPPP) would reduce this potential impact to a less-than-significant level.	N/A	N/A	N/A
4.3-2 Projects implemented under the Element could modify surface water drainage patterns, potentially causing localized off-site migration of runoff, erosion, and/or flooding.	4.3-2 *None required.* Conformance with State Confined Animal Facility regulations and implementation of Policies DE 1.2c, 1.2f, 3.2c, 3.2d, 4.1b, and 4.1c would reduce impacts associated with runoff from dairy facilities to a less-than-significant level.	Applicant KCPA	Demonstrate compliance with Policies DE1.2c and 1.2f siting requirements. Demonstrate compliance with 150-foot setbacks from wells and water bodies. Submit Irrigation Management Plan, Manure Nutrient Management Plan. Confirm conformance of application with Policies DE 1.2c, 1.2f, 3.2c, 3.2d, 4.1b, and 4.1c.	SPR SPR

4.3-3 Implementation of the proposed project would result in an increase in impervious surfaces, potentially increasing runoff volumes and velocities.	4.3-3 *None required.* Compliance with existing State Confined Animal Facility regulations and programs would reduce the impact to a less-than-significant level without additional mitigation.	Applicant RWQCB	Conform with State Confined Animal Facility regulations. Enforce State Confined Animal Facility regulations.	SPR SPR
4.3-4 Dairies located in flood-prone areas could be damaged or rendered temporarily inoperable during a flood event. In addition, flood waters could inundate dairy facilities (manured areas and/or process water storage facilities) and fields where wet or dry manure had been recently applied causing impacts to surface water quality.	4.3-4 *None required.* Implementation of the pollution prevention actions required by the Element, including Policies DE 1.2c, 3.2d, and 3.2g, would minimize the potential for degradation of water quality during flood events and reduce the impact to a less-than-significant level.	Applicant KCPA	Demonstrate compliance with Policy DE1.2c, siting requirements and Policies DE 3.2d and 3.2g. Confirm conformance of application with Policies DE 1.2c, 3.2d, and 3.2g.	SPR SPR
4.3-5 Operation of existing and new dairies could result in releases of pollutants (including nutrients such as nitrogen and phosphorus), impacting the quality of surface waters.	4.3-5 *None required.* Compliance with existing regulations and programs and Policies DE 1.2f, 3.1a, 4.1a, 4.1b, 4.1c, and 4.1d proposed by the Element would reduce potential impacts to surface water quality to a less-than-significant level without additional mitigation.	Applicant KCPA	Demonstrate compliance with Policy DE 1.2f, siting requirements. Demonstrate compliance with 150-foot setbacks from wells and water bodies. Submit and implement Irrigation Management Plan, Manure Nutrient Management Plan. Confirm conformance of application with Policies DE 1.2f, 3.1a, 4.1a, 4.1b, 4.1c, and 4.1d. Review dairy documentation.	SPR SPR Operations SPR
4.3-6 Implementation of the proposed project could result in depletion of water resources.	4.3-6 *None required.* Implementation of Policy DE 3.2h would reduce the impact of depletion of water resources to a less-than-significant level.	Applicant KCPA	Submit Hydrologic Sensitivity Assessment if dairy is in Kettleman Plain or Sunflower Valley. Confirm submittal of Hydrologic Sensitivity Assessment if dairy is in Kettleman Plain or Sunflower Valley and compliance with Policy DE 3.2h.	SPR SPR

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KINGS COUNTY DAIRY ELEMENT MITIGATION MONITORING PLAN (*continued*)				
Environmental Impact	**Mitigation Measures**	**Responsibility for Compliance**	**Method for Compliance**	**Timing of Compliance**
4.3-7 Activities associated with dairy facilities and support cropland could result in an increase in the rate of salt and nitrogen loading, and the release of pathogens in the basin, degrading groundwater quality.	4.3-7 *None required.* Implementation of Policies DE 1.2c, 1.2d, 1.2f, 3.1a, 3.2a, 3.2b, 3.2c, 3.2h, 3.2i, 4.1a.A, 4.1a.B, 4.1b, 4.1c, 6.2f, and 6.4d would reduce localized and regional groundwater quality impacts to a less-than-significant level.	Applicant	Demonstrate compliance with Policies DE1.2c, 1.2d, and 1.2f, siting requirements. Demonstrate compliance with 150-foot setbacks from wells and water bodies. Inspect seals of all water supply wells. Submit Groundwater Evaluation, Irrigation Management Plan, Manure Nutrient Management Plan and, if required, Comprehensive Dairy Process Water Application Plan and Hydrologic Sensitivity Assessment. Install groundwater monitoring system Conduct background and annual groundwater and soil water testing and evaluation. Conduct and document annual separation pit lagoon inspections.	SPR Before operation Before and during operation
		KCPA RWQCB	Confirm conformance of application with Policies DE 1.2c, 1.2d, 1.2f, 3.1a, 3.2a, 3.2b, 3.2c, 3.2h, 3.2i, 4.1a.A, 4.1a.B, 4.1b, 4.1c, 6.2f, and 6.4d. Review annual water quality data. Issue and amend Waste Discharge Requirements, if required. Review annual water quality data.	SPR Ongoing Ongoing
4.3-8 Existing water supply wells may represent preferred pathways for pollutant migration to the subsurface.	4.3-8 *None required.* Implementation of Policies DE 3.2c and 3.2i would reduce the impacts associated with potential direct migration of pollutants into wells to a less-than-significant level.	Applicant KCPA	Demonstrate compliance with 150-foot setbacks from wells and water bodies. Inspect seals of all water supply wells. Confirm conformance of application with Policies DE 3.2c and 3.2i.	SPR SPR
4.3-9 Implementation of the proposed Element could result in cumulative impacts to water quality.	4.3-9 *None required.* Implementation of Policies DE 1.2c, 1.2d, 1.2f, 3.1a, 3.2a, 3.2b, 3.2c, 3.2g, 3.2h, 4.1a, 4.1b, 4.1c, 4.4a, 6.2f, and 6.4d would reduce the cumulative impact to groundwater quality to a less-than-significant level.	Applicant KCPA	Compliance with Policies DE 1.2c, 1.2d, 1.2f, 3.1a, 3.2a, 3.2b, 3.2c, 3.2g, 3.2h, 4.1a, 4.1b, 4.1c, 6.2f, and 6.4d. Implementation of Dairy Element.	SPR Ongoing

Biological Resources				
4.4-1 Dairy development could result in conversion of existing vegetative cover and associated wildlife habitat, including habitat for special-status species or sensitive natural communities.	4.4-1 *None required.* Implementation of Policies DE 1.2e and 3.3a would reduce the biological resource impacts to a less-than-significant level.	Applicant KCPA	Submit Biological Resources Survey. Confirm conformance of application with Policy DE 3.3a.	SPR SPR
4.4-2 Loss and modification of wetlands.	4.4-2 *None required*. Implementation of Policies DE 1.2e and 3.3a would reduce the biological resource impacts to a less-than-significant level.	Applicant KCPA	Submit Biological Resources Survey. Confirm conformance of application with Policy DE 3.3a.	SPR SPR
Noise				
4.5-1 Construction activities associated with new or expanded dairies would result in short-term noise increases.	4.5-1 *None required*. Compliance with Policies 40a and 40b of the General Plan would reduce this potential impact to a less-than-significant level without additional mitigation.	Operator	Conformance with General Plan Noise Element.	Ongoing
4.5-2 Operation of a new or expanded dairy could increase noise levels generated by additional vehicular traffic.	4.5-2 *None required*.	N/A	N/A	N/A
4.5-3 New or expanded dairies could be exposed to adverse existing noise sources.	4.5-3 *None required.* Compliance with Policy 40c of the General Plan and Policy DE 1.2b of the Element would reduce construction-related noise impacts to a less-than-significant level without additional mitigation.	Applicant KCPA	Conformance with General Plan Noise Element. Demonstrate compliance with Policy DE 1.2b. Confirm conformance with Policy DE 1.2b.	SPR SPR
4.5-4 Noise levels generated by project operations.	4.5-4 *None required.* Implementation of Policies DE 6.4a through 6.4c of the Element and compliance with Policies 40a and 40b of the General Plan would reduce noise impacts related to dairy operations to a less-than-significant level.	Applicant KCPA	Conformance with General Plan Noise Element. Implement Policies DE 6.4a through 6.4d in response to complaints.	SPR SPR
Visual Resources				
4.6-1 The general height, scale, lighting, and design of typical dairy facilities that would be allowed under the Element would be consistent with other farming operations in the agricultural zones of Kings County.	4.6-1 *None required.*	N/A	N/A	N/A

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KINGS COUNTY DAIRY ELEMENT MITIGATION MONITORING PLAN (*continued*)				
Environmental Impact	**Mitigation Measures**	**Responsibility for Compliance**	**Method for Compliance**	**Timing of Compliance**
4.6-2 There is a potential for outdoor lighting and glare associated with dairies allowed under the Element to affect nearby rural residences.	4.6-2 *None required.* Implementation of Policies DE 1.2i, 3.1a, 3.1b, 3.1c, 3.1h, and 6.4a through 6.4c would reduce the potential for light and glare impacts to a less-than-significant level.	Applicant KCPA	Submit outdoor lighting design consistent with Policy DE 3.1h. Confirm conformance with Policy DE 3.1h. Implement Policies DE 6.4a through 6.4c in response to complaints.	SPR SPR
Land Use and Policies				
4.7-1 Since the Element goals, policies, and programs would be consistent with applicable policies of the Kings County General Plan, there are no significant impacts.	4.7-1 *A new goal, new objective, and two new policies shall be added to the Kings County Land Use Element under "III. Policies for Rural Areas," which cross-references the Element, to direct readers to the additional policies in the adopted Element. The proposed new Land Use Element goal and policies recommended to be added are as follows:* "Goal 9A: Restrict the locations where dairies may be located to those areas of the County where they are most compatible with surrounding uses and activities and environmental constraints as presented in the *Dairy Element*. "Objective 9A.1: Use specific standards to avoid potential land use conflicts through the site plan review (SPR) streamlined review process when approving new dairies and expansion of existing dairies. "Policy 9A.1a: Proposed new dairies and expansions of existing dairies, and associated dairy stock replacement facilities, may be approved through the SPR process if they meet all of the standards in the *Dairy Element* concerning siting, design, operation, monitoring and reporting."	Applicant KCPA	None Modify Kings County General Plan.	 Adoption of Dairy Element
4.7-2 Since some of the Element policies and programs supercede and are more restrictive than dairy regulations in the Kings County Zoning Ordinance, there are no significant impacts.	4.7-2 *New text shall be added to the Kings County Zoning Ordinance, Section 2102.A.16, Site plan review application and fee, as follows:* "Applications for proposed new bovine dairies, or dairy calf and heifer raising facilities, and expansions of existing bovine dairies, or dairy calf and heifer raising facilities exceeding the baseline capacity of the dairy, shall be approved through the site plan review process if the application meets all of the specified criteria of the *Dairy Element* of the *Kings County General Plan*."	Applicant KCPA	None Modify Kings County Zoning Ordinance.	 Adoption of Dairy Element; Amendment of Bovine Ordinance

	Section 1908(F) of the Kings County Zoning Ordinance shall be deleted in its entirety and replaced with the following text: "When an application is submitted for an expansion of a bovine dairy in the AL-10 zone district, or other application for a dairy project as required by the *Dairy Element* of the *Kings County General Plan*, or this ordinance, the following findings shall be made before granting a conditional use permit: "1. That the zoning administrator has included in his or her report to the planning commission the results of consultation with representatives of the county agricultural commissioner, the county farm and home advisor, the county health officer, the Kings Mosquito Abatement District, the Central California Regional Water Quality Control Board and the Kings County Farm Bureau Dairy Committee before the planning commission may grant the application. "2. The planning commission finds that the Technical Report accompanying the conditional use permit application, which will include its own additional environmental review, demonstrates that the alternative dairy project design or process will accomplish the same or higher level of performance as required by the *Dairy Element*."			
4.7-3 New and expanded dairy facilities allowed under the Element could cause impacts to natural resources and sensitive land uses.	4.7-3 *None required.* Implementation of the policies of the Element would reduce the potential adverse impacts to biological and natural resources to a less-than-significant level.		See Mitigation Measures 4.4-1 and 4.4-2.	
4.7-4 Implementation of the Element will prevent or minimize impacts to residentially zoned lands within the four cities, rural communities, and other sensitive uses.	4.7-4 *None required.* Implementation of Policies DE 1.2a, 1.2b, 1.2g, 1.2i, and 1.2j of the Element would reduce the potential noise, lighting, and odor impacts of dairy facility operations and process water irrigation on new subdivision residents within the three cities.	Applicant KCPA	Demonstrate conformance with Policies DE 1.2a, 1.2b, 1.2g, 1.2i, and 1.2j. Confirm conformance with Policies DE 1.2a, 1.2b, 1.2g, 1.2i, and 1.2j.	SPR SPR
4.7-5 New and expanded dairy facilities allowed under the Element could cause impacts to adjacent individual rural residences in the agricultural areas.	4.7-5 *None required.* Implementation of the policies of the Element would reduce the potential noise, traffic, lighting, and odor impacts of dairy facility operations and process water irrigation on nearby residences to a less-than-significant level.		See Mitigation Measures 4.2-4, 4.3-2, 4.3-4, 4.5-3, 4.6-2, and 4.9-1.	

Key:
- CHRIS — California Historical Resources Information System
- KCEHS — Kings County Environmental Health Services
- KCPA — Kings County Planning Agency
- N/A — Not applicable
- NAHC — Native American Heritage Commission
- RWQCB — Regional Water Quality Control Board (Central Valley)
- SJVUAPCD — San Joaquin Valley Unified Air Pollution Control District
- SPR — Site Plan Review

KINGS COUNTY DAIRY ELEMENT MITIGATION MONITORING PLAN (*continued*)				
Environmental Impact	**Mitigation Measures**	**Responsibility for Compliance**	**Method for Compliance**	**Timing of Compliance**
Human Health/Risk of Upset				
4.8-1 Workers could be exposed to hazardous materials during dairy operation, resulting in adverse health impacts.	4.8-1 *None required.* Implementation of Policy DE 4.3a and conformance with hazardous materials laws and regulations would reduce this impact to a less-than-significant level.	Applicant KCEHS	Submit Business Plan. Conform with applicable laws and regulations for hazardous materials. Review and approve Business Plan.	Operations Operations
4.8-2 Potential exposure to residual agricultural chemicals during construction of the dairy facilities, resulting in adverse health impacts.	4.8-2 *None required.*	N/A	N/A	N/A
4.8-3 Operation of the dairies could result in increased vector activity, potentially creating adverse human health impacts.	4.8-3 *None required.* Implementation of Policies DE 4.3b and 4.3c would reduce impacts related to vector activity to a less-than-significant level.	Applicant KCPA	Submit Pest and Vector Management Plan. Comply with Kings Mosquito Abatement District regulations. Confirm compliance with Policies DE 4.3b and 4.3c.	SPR SPR
4.8-4 Operation of the dairy facilities could expose people to dairy manure pathogens, potentially causing adverse human health impacts.	4.8-4 *None required.* Implementation of Policies DE 1.2c, 1.2d, 1.2f, 3.1a, 3.2b, 3.2c, 4.1a, 4.1b, 4.1c, 6.2f, and 6.4a through 6.4c would reduce the impact of exposure to pathogens to a less-than-significant level.		See Mitigation Measures 4.3-2 through 4.3-9.	
4.8-5 Residual manure remaining at dairy facilities following cessation of manure management facilities operation could expose people to elevated methane and nitrate levels, potentially causing adverse human health impacts.	4.8-5 *None required.* Implementation of Policy DE 5.1j will reduce the impacts associated with residual manure to a less-than-significant level.	Applicant KCPA	Submit documentation that all residual manure and process water has been removed. Confirm compliance with Policy DE 5.1j.	End of operations
4.8-6 Construction of dairy facility structures over or near improperly abandoned oil or gas wells could result in accumulation of natural gas within the structures, presenting the potential for fire and explosion.	4.8-6 *None required.* Implementation of Policies DE 3.5a and 3.5b of the Element will reduce impacts associated with abandoned oil or gas wells to a less-than-significant level.	Applicant KCPA	Submit documentation of DOGGR review; verify oil or gas wells within 100 feet of dairy site; close abandoned wells within 300 feet of dairy structures. Confirm compliance with Policies DE 4.3b and 4.3c.	SPR SPR

Transportation				
4.9-1 Truck and other traffic from new dairy development would be added to County roadways.	4.9-1 *The following policy shall be included in the Element:* "Policy DE 3.1g: Upon the request of an applicant for an SPR or CUP, the Kings County Regional Transportation Planning Agency will evaluate the effect a new or expanding dairy project will have on surrounding roadways and highways using its traffic model. If the traffic model run demonstrates that the dairy project will not result in degradation of the Level of Service (LOS) of adjacent County roadways below LOS D, or below LOS C on State highways, no additional evaluation will be required. "If the Kings County Regional Transportation Planning Agency's traffic model demonstrated that the LOS will be degraded to a LOS E or lower on adjacent roadways, or to LOS D on State highways, a conditional use permit (CUP) will be required. In such a case the Technical Report accompanying the CUP application shall include a Traffic Impact Study (see Component 8 of Appendix J) prepared by a qualified traffic engineer in conformance with guidelines provided by the California Department of Transportation. Any additional environmental review shall be focused on traffic related environmental issues and the Traffic Impact Study shall demonstrate that the proposed dairy project will not result in significant safety hazards."	Applicant KCPA	Submit Traffic Impact Study. Confirm submittal of a Traffic Impact Study and conformance with Policy DE 3.1g standards.	SPR SPR
Public Services and Utilities				
4.10-1 Increases in water consumption.	4.10-1 *None required.*	N/A	N/A	N/A
4.10-2 Increase in the amount of storm water runoff.	4.10-2 *None required.* Implementation of Policy DE 4.1a and conformance with State Confined Animal Facility regulations would reduce impacts related to runoff to a less-than-significant level.		See Mitigation Measures 4.3-3 through 4.3-5.	
4.10-3 Increases in the demand for police and fire protection, emergency medical response, solid waste collection and disposal services, school facilities, and recreation facilities.	4.10-3 *None required.* Implementation of Policy DE 3.6a would reduce the potential for impacts to public services to a less-than-significant level.	Applicant KCPA	Demonstrate conformance with Kings County Fire Department standards. Confirm compliance with Policy DE 3.6a.	SPR SPR

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KINGS COUNTY DAIRY ELEMENT MITIGATION MONITORING PLAN (*continued*)				
Environmental Impact	**Mitigation Measures**	**Responsibility for Compliance**	**Method for Compliance**	**Timing of Compliance**
Cultural Resources				
4.11-1 Disturbance or destruction of cultural (historical and archaeological) resources. This would be a significant impact if archaeological resources were to be identified at dairy development sites.	4.11-1 *None required.* Implementation of Policies DE 3.1d and 3.1e would reduce the potential for disturbance or destruction of cultural resources to a less-than-significant level.	Applicant KCPA	Submit documentation of CHRIS and NAHC review and evaluation of identified known or suspected cultural resources. Confirm compliance with Policies DE 3.1d and 3.1e.	SPR SPR