

APPENDIX E

ZONING ORDINANCE AMENDMENTS

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**PROPOSED CHANGES TO THE KINGS COUNTY ZONING ORDINANCE
TO IMPLEMENT THE DAIRY ELEMENT OF THE
KINGS COUNTY GENERAL PLAN**

Sec. 402. AG-20 General Agricultural-20 District.

...

C. Permitted uses; site plan review:

The following uses may be permitted in accordance with the provisions of Article 21:

...

15. New bovine stock feed yards and expansions of existing bovine stock feeding yards, including dairy calf and heifer raising facilities; new bovine dairies and expansions of existing bovine dairies, including incidental dairy calf and heifer raising facilities. Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size including dairy calf and heifer raising facilities, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns and other structures, etc.; goat dairies.

D. Conditional uses; planning commission approval:

The following conditional uses may be permitted in accordance with the provisions of Article 19:

...

8. New, or major expansions to, ~~animal sales and stock feeding yards;~~ poultry raising or keeping, exceeding five hundred (500) chickens and fifty (50) turkeys; ~~bovine and goat dairies;~~ and raising other small animals, including birds, mammals, and reptiles, commercially for food, feathers, fur, skins, etc., exceeding fifty (50) animals and their immature offspring; new bovine dairies and expansions of existing bovine dairies which do not qualify under the Dairy Element of the Kings County General Plan for the issuance of a site plan review without additional mitigation of potential impacts.

Sec. 403. AX Exclusive Agricultural District.

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C. Permitted uses; site plan review:

The following uses may be permitted in accordance with the provisions of Article 21:

...

10. Expansions of existing bovine dairy herd sizes, including incidental dairy calf and heifer raising facilities; and changes to the dairy facility including additions of farmland associated with the manure management of dairy operations, additional corrals, feed and manure storage areas, lagoons, barns and other structures, etc.

Sec. 404. AL-10 Limited Agricultural-10 District.

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C. Permitted uses; site plan review:

The following uses may be permitted in accordance with the provisions of Article 21:

...

12. Additions to an existing dairy's structures and facilities that do not increase the herd size.

...

D. Conditional uses, planning commission approval:

The following conditional uses may be permitted in accordance with the provisions of Article

19:

...

14. Expansions of bovine dairies that have been in continuous operation since 1978 or earlier, including incidental dairy calf and heifer raising facilities. Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size including dairy calf and heifer raising facilities, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns and other structures, etc.

Sec. 405. AG-40 General Agricultural-40 District.

...

C. Permitted uses; site plan review:

The following uses may be permitted in accordance with the provisions of Article 21:

...

12. New bovine stock feed yards and expansions of existing bovine stock feeding yards, including dairy calf and heifer raising facilities; new bovine dairies and expansions of existing bovine dairies, including incidental dairy calf and heifer raising facilities. Expansions include, but are not limited to, additions of farmland associated with the manure management of dairy operations, increases in herd size including dairy calf and heifer raising facilities, changes to the dairy facility, including additional corrals, feed and manure storage areas, lagoons, barns and other structures, etc.; goat dairies.

...

D. Conditional uses; planning commission approval:

The following conditional uses may be permitted in accordance with the provisions of Article

19:

...

8. New, or major expansions to, ~~animal sales and stock feeding yards~~ poultry raising or keeping, exceeding five hundred (500) chickens and fifty (50) turkeys; ~~bovine and goat dairies;~~ and raising other small animals, including birds, mammals, and reptiles, commercially for food, feathers, fur, skins, etc., exceeding fifty (50) animals and their immature offspring; new bovine dairies and expansions of existing bovine dairies which

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do not qualify under the Dairy Element of the Kings County General Plan for the issuance of a site plan review without additional mitigation of potential impacts.

Sec. 1711. General exceptions.

C. Animal feeding operations.

1. The provisions of this article shall not require the elimination of bovine and goat dairies, calf and heifer raising facilities, animal sales and stock feeding yards, other commercial animal raising feeding operations of fifty (50) or more animals, or poultry keeping and raising operations of more than five hundred (500) chickens or fifty (50) turkeys within the AG-20, AG-40, AX and AL-10 zone districts, which were legally established prior to the effective date of the ordinance, provided however, that expansions to said uses may be permitted only upon granting of a conditional use permit for poultry operation and bovine dairies in the AL-10 zone district, or issuance of a site plan review for bovine dairies in the AG-20, AG-40, and AX zone districts, except that such permit shall not be required for minor alterations or accessory structures and uses located on the same site. Dairies, dairy calf and heifer raising facilities, animal sales and stock feeding yards, or poultry keeping and raising operations located within AG-20, AG-40, AX and AL-10 zones may discontinue operations for a period of time not to exceed two (2) years and reactivate operations at the same herd or flock size and in the same facility without first obtaining a conditional use permit or site plan review.
2. A conditional use permit instead of a site plan review shall be required if improvements and expansion are made to any animal feeding operation without first obtaining the required zoning clearance.
3. Notwithstanding Section 1709.C., an addition to, or expansion of, an existing bovine dairy facility or site which is non-conforming solely due to its status as a dairy that was built and operated prior to this Ordinance's requirement for zoning permits, or a dairy that has had a zoning permit issued prior to the adoption of the Dairy Element of the Kings County General Plan may be allowed one time without bringing the existing portion of the dairy facility or site into compliance with the Dairy Element standards. However, all new additions and the expanded areas of the dairy shall conform to the Dairy Element standards.

Sec. 1903. Application and fee.

A. The application for a conditional use permit shall be made to the planning commission in a form prescribed by the commission which shall include the following data:

...

- (9) All applications for a bovine dairy dairies and dairy calf and heifer raising facilities shall be accompanied by either include a technical report as described in the Dairy Element of the Kings County General Plan.:
 - (a) A waste water and manure management and disposal plan, prepared and signed by a professional engineer registered in the State of California, which determines the design of a proposed new dairy, or expansion of an existing dairy, will comply

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- ~~with the standard waste water discharge requirements provided by the Regional Water Quality Control Board, to adequately dispose of all waste water and manure generated or produced by the new or expanded dairy operation, along with a groundwater monitoring plan to ensure that the plan works, or~~
- ~~(b) Waste Discharge Requirements prepared by the Regional Water Quality Control Board specifically for that new or expanded dairy.~~

Sec. 1908. Action by the planning commission.

The planning commission may grant an application for the use permit as the use permit was applied for or in modified form if, on the basis of the application and the evidence submitted, the planning commission makes the following findings:

...

- F. 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. Said application may be granted only if the planning commission is able to make the following additional findings a finding that the Technical Report accompanying the site plan review application demonstrates that the dairy project will meet or exceed all applicable goals, objectives, and policies of the Dairy Element of the Kings County General Plan and provides a level of mitigation meeting or exceeding the mitigation measures in the Program EIR prepared for the Dairy Element.:
 - ~~(a) The site is located a sufficient distance from the city limits or community or municipal service type district boundaries of an urban area so that a conflict of land uses does not occur.~~
 - ~~(b) The barns, corrals and waste disposal systems are located a sufficient distance from residences not associated with the dairy so that a conflict of land uses does not occur.~~
 - ~~(c) There is sufficient land under the control of the applicant to provide for management and disposal of liquid wastes produced by the dairy.~~
 - ~~(d) Pollution and nuisance conditions will not occur as a result of discharge, stockpiling, handling or storage of wastes generated by the dairy.~~
 - ~~(e) The ponds, as part of the waste management system design, shall:
 - ~~(1) Satisfy the requirements of the Central California Regional Water Quality Control Board and the county health officer to ensure the protection of water supply and public health and safety.~~~~

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- ~~(2) — Be located adjacent to or near the source of waste.~~
 - ~~(3) — Be located a minimum distance of three hundred (300) feet from a dwelling or public road, and a greater distance if practical.~~
 - ~~(4) — Be large enough so the wastes may be contained until used as part of crop irrigation water. Lagoons are required to be designed to contain enough winter time storage capacity for a minimum of 120 days.~~
 - ~~(5) — Have a minimum size based upon calculating the amount of water necessary for animal watering, washing, and animal equipment maintenance. Calculations shall be based upon the type of corral used, provided however, that the minimum figure shall be one hundred twenty five (125) gallons per day per animal unit.~~
 - ~~(6) — The bottoms of waste water lagoons shall be at a minimum of five (5) feet above the highest anticipated ground water table. Exceptions may be made for specially engineered systems.~~
 - ~~(7) — Waste water lagoons must be lined with or underlain by soil containing a minimum of ten (10) percent clay and not more than ten (10) percent gravel or artificial material of equivalent permeability. Special engineering to prevent lateral and vertical seepage may be required for coarse textured strata. Soil samples and waste water lagoon design is subject to review and approval of the California Regional Water Quality Control Board.~~
 - ~~(8) — Have an approximately level bottom.~~
 - ~~(9) — Have banks sufficiently wide to provide for operation of maintenance vehicles.~~
 - ~~(10) — Have a minimum of one foot free board above the water surface at all times.~~
 - ~~(11) — Be maintained free of weeds on the banks to prevent mosquito breeding.~~
- ~~(f) — In cases when there is evidence to indicate that the level of standards expressed in paragraph F.2.(e) of this section may be accomplished by alternative methods, such level of standards may be waived by the planning commission on an experimental basis, provided that within one year of the installation of such an experimental waste management system, a field review, and report to the planning commission, of such system shall be made by the zoning administrator and the consultants named in paragraph F.2.(e) of this section, to determine if such alternative methods are working satisfactorily. If the experiment has not been successful, the standards described in paragraph F.2.(e) of this section shall be required and the zoning administrator shall so notify the planning commission and the applicant.~~

Sec. 2101. Purposes and application.

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Development of uses requiring site plan review ~~generally~~ are ministerial projects, and as such, they are exempt from environmental review ~~pursuant to~~ under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq, and the Kings County CEQA implementation Implementation procedures. ~~However, at the discretion of the zoning administrator, any application for site plan review that in the judgment of the zoning administrator may have significant adverse effect on the environment may be required to have an environmental review pursuant to CEQA.~~

Sec. 2102. Site plan review application and fee.

A. The application for a site plan review shall include twelve (12) prints of the site plan, and be submitted to the zoning administrator. The site plan shall be drawn to scale and shall indicate clearly and with full dimensions the following information:

...

16. Applications for new bovine dairies or dairy calf and heifer raising facilities and expansion of existing bovine dairies or dairy calf and heifer raising facilities shall be accompanied by a technical report as described in the Dairy Element of the Kings County General Plan.

...

C. Within fifteen (15) working days after the application for a site plan review has been certified as complete by the zoning administrator, the zoning administrator shall ~~approve~~ issue an approval of the site plan review, ~~approve with conditions deemed necessary to protect the public health, safety and general welfare, or disapprove~~ reject the site plan review application if it fails to meet the required standards. ~~If a site plan is required to have environmental review the fifteen (15) working days does not start until the public comment period has been completed.~~ In approving the site plan, the zoning administrator shall find that:

...

14. When an application is submitted for a new bovine dairy or the expansion of an existing bovine dairy, including dairy calf and heifer raising facilities, in the AG-20 or AG-40 zone districts, or the expansion of an existing bovine dairy, including dairy calf and heifer raising facilities, in the AX zone district, the following findings shall be made by the zoning administrator before issuing a site plan review:

a. That the zoning administrator has documented 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 issuing a site plan review.

b. Said site plan review may be issued only if the zoning administrator is able to make a finding that the Technical Report accompanying the site plan review application demonstrates that the dairy project will meet or exceed all applicable goals, objectives, and policies of the Dairy Element of the Kings County General Plan and provides a level of mitigation meeting or exceeding the mitigation measures in the Program EIR prepared for the Dairy Element.

Sec. 2503. Definitions.

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For the purposes of this ordinance, certain words and terms used herein are defined as follows:

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8. Animal unit: One mature horse or cow or as many animals as consume an equivalent amount of feed as a mature horse or cow. Some animal equivalents are:

<u>Animal Type</u>	<u>Age</u>	<u>Average weight (lb.)</u>	<u>Average lb. (TDN/day)</u>	<u>Animal Unit* (AU)</u>
Beef Cattle				
Mature beef cow				1.00
Cows - nursing part of yr.	2+	1,000	13.2	1.00
Bulls	2+	1,200	13.2	1.00
Yearling steers, bulls, heifers	1-2	627	9.9	0.75
Calves and weaners	3 mo.-1 yr.	354	6.6	0.50
Steers 2 yrs. and older	2+	930	13.2	1.00

Dairy Cattle:

Milk Cows				1.00
Dry dairy cow <i>and bred heifers</i>	<u>Mature</u>			1.00 <u>0.80</u>
Cows giving 200 lb B.F./yr.	Mature	1,100	13.2	1.00
Cows giving 250 lb B.F./yr.	Mature	1,100	14.5	1.10
Cows giving 300 lb B.F./yr.	Mature	1,100	15.8	1.20
Cows giving 350 lb B.F./yr.	Mature	1,100	16.5	1.25
Cows giving 400 lb B.F./yr.	Mature	1,100	17.5	1.33
Bulls	Mature	1,200	13.2	1.00
Heifers, <i>large</i> :	2 years or older			1.00 <u>0.73</u>
<i>Heifers, small</i>	<u>1 to 2 years old</u>			<u>0.73</u>
Calves	3 months to 1 year <u>old</u>			0.35
<i>Baby Calves</i>	<u>less than 3 months old</u>			<u>0.21</u>

** Multiply Dairy Cow Breed Factor (i.e., Jersey 1.00, Guernsey 1.20, and Holstein 1.40) by Animal Units.*

Steers, bulls, heifers	1-2	600	8.7	0.70
Young dairy stock:				
	0-2 months			0.00
	2-6 months			0.25
	6-12 months			0.50
	1-2 years			0.85
Bulls	3 mo.-1 yr. <u>old</u>	300	5.3	0.40
Mature horse:				1.00
Sheep:				
Lambs: 70-90 pounds				0.15
Mature sheep				0.20

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Hogs:

Sows and boars (mature)		0.50
Piglets or weaners:		
	50 to 70	0.10
	70 to 90	0.25

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