

4.7 LAND USE AND POLICY CONSISTENCY

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This section addresses the relationship of the proposed Kings County Draft Dairy Element (Element) policies and programs with existing and planned land uses. The analysis examines potential land use incompatibilities between new dairies and existing uses related to design, noise, odors, and lighting. This analysis also examines the consistency of the proposed Element policies with other adopted plans and policies, including the Kings County General Plan and Kings County Zoning Ordinance, and the County's Right to Farm Ordinance. Finally, this chapter discusses Williamson Act contracts and Farmland Security Zone contracts as they relate to lands proposed for new dairy development.

SETTING

The following setting section generally discusses existing land uses in the County, identifies relevant goals, objectives, and policies of the proposed Element, and also summarizes other relevant adopted plans and policies.

EXISTING LAND USE, PLANS AND POLICIES

Current Kings County General Plan

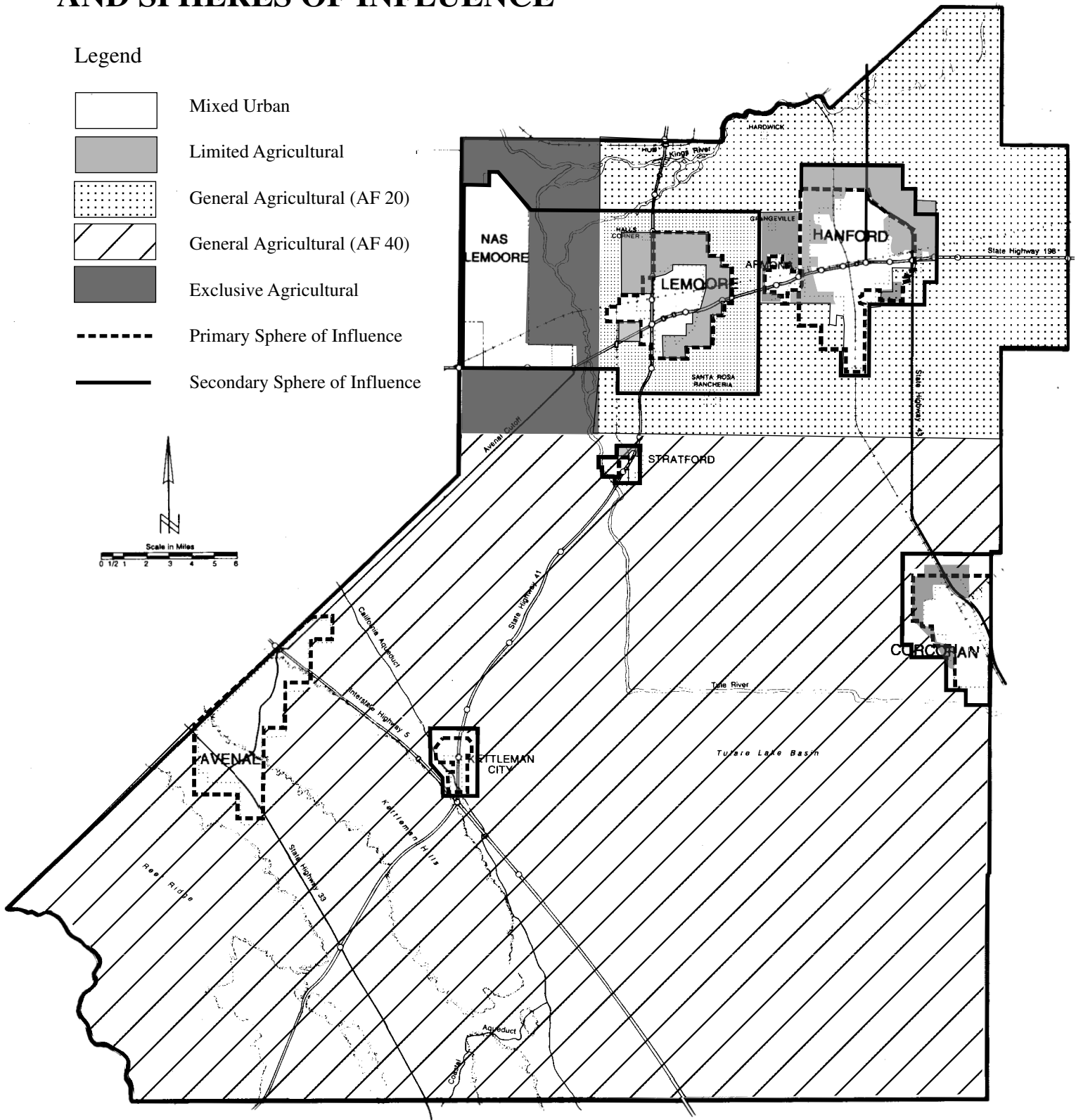
The Kings County General Plan, adopted in 1993, was an update, consolidation, and revision of various documents adopted over the preceding 28 years. It sets development policy for the 890,500 acres of land in the County. Approximately 88 percent of the County is devoted to agricultural uses. The remaining area includes Lemoore Naval Air Station and urban uses in the four established cities and their fringe areas, and unincorporated communities. The Kings County General Plan and Land Use Map includes four separate agricultural land use designations: General Agriculture-North County; General Agriculture-South County; Limited Agriculture; and Exclusive Agriculture.

Kansas Avenue is the dividing line between the General Agriculture land use designations on the General Plan map (Figure 4.7-1). Lands designated General Agriculture north of Kansas Avenue have a 20-acre minimum parcel size, and lands south of Kansas Avenue require a 40-acre minimum parcel size.

The Limited Agriculture designation is used as a buffer between urban and intensive agricultural uses, and is applied to lands around the four incorporated cities (Avenal, Corcoran, Hanford, and Lemoore and their fringe areas) as well as around the unincorporated communities of Armona, Home Garden, Kettleman City, and Stratford. The minimum parcel size in Limited Agriculture areas is ten acres. The Exclusive Agriculture designation is applied to lands generally in a three-mile-wide band around the

GENERAL PLAN LAND USE DESIGNATION AND SPHERES OF INFLUENCE

Figure 4.7-1



Lemoore Naval Air Station. The minimum parcel size in the Exclusive Agriculture area is 40 acres.

The General Plan states that permitted activities in the General Agriculture designation are the same as in the Limited Agriculture designation, except that “animal concentrations” and “agri-service businesses” are allowed in the General Agriculture areas and are not permitted in the Limited Agriculture areas. The General Plan text defines “animal concentrations” as “a collection of farm animals requiring concentrated feeding; includes, but is not limited to, dairies, stock feeding yards, and poultry operations.”

Goals, objectives, and policies included in the Land Use, Open Space and Resource Conservation elements of the General Plan seek to protect and preserve agricultural soils, lands, and uses. For example, Goal 5 of the Land Use Element commits the County to “Protect agricultural lands by maintaining large parcel sizes and preventing the development of incompatible urban uses,” and Goal 6 commits to “Support agriculture by preserving the right of farmers to operate efficiently, based on customary and usual agricultural practices.”

Section I.D of the Element states that it is consistent with the other elements of the Kings County General Plan because the Element:

1. uses the same population, housing, and employment projections as the other General Plan elements;
2. uses information in the other General Plan elements in conjunction with the evaluation of new policies;
3. recommends changes to existing General Plan policies where necessary to ensure consistency;
4. includes policies that support, and are supported by existing General Plan policies; and
5. cross-references relevant existing General Plan policies.

An analysis of the project’s consistency with the Kings County General Plan is included in this EIR under Impact 4.7-1.

Current Kings County Zoning Ordinance

The Kings County Zoning Ordinance allows bovine dairies as a conditional use in the AG-20 and AG-40 districts, permitted in accordance with the provisions of Article 19 of the Zoning Ordinance. The ordinance requires approval of a conditional use permit by the County Planning Commission. Section 406 of the ordinance includes “required conditions” for the issuance of any permit in the AG-20 and AG-40 zones. No conditional use permit is to be approved “and no process, equipment or materials shall be used which are found

by the planning commission...to be objectionable to persons living or working in the vicinity or injurious to property, crops, or livestock in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire or explosion.”

Section 406 of the Zoning Ordinance lists development standards “generally applicable to all Agricultural zone districts.” The standards include requirements for minimum yard areas, heights, minimum distances between structures, off-street parking, and signs. A minimum ten foot side and rear yard is required for any residence at a dairy; there is no height limitation for any structure in the AG-40 zone, and there must be a minimum distance of 40 feet between a residence and a structure housing livestock or poultry.

Section 1903 of the County Zoning Ordinance details the application process and requires preparation of a site plan. The site plan for a conditional use shall be prepared “to enable the planning commission to find that all applicable provisions of this ordinance are complied with.” Section 1903(A)(6)(b) and (c) of the ordinance requires that the facilities “are arranged so that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and there will be no adverse effect on surrounding property,” and “that proposed lighting is so arranged as to reflect the light away from adjoining properties.”

Section 1903(9) details the specific requirements for a dairy application. The section requires that “all applications for a bovine dairy shall be accompanied by either:

- a. A wastewater 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 with the standard wastewater discharge requirements provided by the Regional Water Quality Control Board, to adequately dispose of all wastewater 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.”

Section 1908(F) of the ordinance outlines specific findings that must be made by the planning commission before granting a conditional use permit for a bovine dairy. These findings include:

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 County Mosquito Abatement District, the Central Valley 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. 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 manure 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 process water produced by the dairy.
 - d. Pollution and nuisance conditions will not occur as a result of discharge, stockpiling, handling, or storage of manure generated by the dairy.

In addition, Section 1908(F)(2)(e) lists eleven specific findings that must be made regarding the design and operation of the process water ponds for the dairies. Following the pond requirements, Section 1908(F)(2)(f) states the pond standards may be waived by the planning commission on an experimental basis in cases where there is evidence to indicate that the standards may be accomplished by alternative methods. Under this section, the experimental waste management methods must be reviewed in the field and their success or failure must be reported back to the commission within one year.

An analysis of the project's consistency with the Kings County Zoning Ordinance is included under Impact 4.7-2 of this EIR.

Right to Farm Ordinance

The Kings County Right to Farm Ordinance (Ordinance No. 546.1) states that it is the policy of the County to "protect agricultural land, operations, and facilities from conflicting uses due to the encroachment of incompatible, non-agricultural uses of the land in agricultural areas of the county," and to "advise developers, owners, and subsequent purchasers of property in the County of the inherent potential inconveniences and discomforts often associated with agricultural activities and operations, including, but not limited to, equipment and animal noise; farming activities conducted on a 24-hour a day, 7-day a week basis; odors from manure, fertilizers, pesticides, chemicals, or other sources; the aerial and ground application of chemicals and seeds; dust; flies and other insects; and smoke from agricultural operations."

The ordinance states that no lawful agricultural activity, operation or facility “shall be or become a nuisance, public or private, due to any changed condition in or about the locality, including, but not limited to, the encroachment of non-agricultural uses such as rural residences.” The ordinance requires that all approvals for rezonings, land divisions, zoning permits, and residential building permits in the County shall include a condition that notice and disclosure of this policy be given to subsequent owners and occupants of the property, and that transfers of property also include the notice.

Williamson Act and Farmland Security Zone Contracts

Much of the agricultural land in Kings County has been enrolled in either the Williamson “California Land Conservation Act of 1965” or the Farmland Security Zone contracts. The Land Conservation Act is a State program that allows a land owner to enter into contracts with the County and receive a reduction in the amount of property taxes that are paid in return for a promise that the land will remain in agriculture or open space uses for ten years. The contract automatically renews itself every year, unless the owner or the County files a “notice of non-renewal.” A recently enacted law has created a similar program, the Farmland Security Zone, that extends the ten year period under a Williamson Act contract to 20 years for a Farmland Security Zone contract in return for greater property tax benefits.

A substantial portion of the land that is identified in the Element as either “Dairy Development Overlay Zones” and “Nutrient Spreading Overlay Zones” has been placed in 20-year Farmland Security Zone contracts.

RELEVANT GOALS, OBJECTIVES, AND POLICIES

Dairy Location Policies

The Kings County Draft Dairy Element (Appendix A) includes several components that address land use issues. Chapter III of the Element contains two sets of major goal and policy statements that define the areas of Kings County that are suitable for the location of new dairies and existing dairy expansion. **Goal DE 1** states “Restrict the location of new dairies to those areas of the County where they are most compatible with surrounding uses and activities, and where they are consistent with environmental constraints.” **Objective DE 1.1** acknowledges the Kings County Right to Farm Ordinance and the County’s commitment to protect agricultural land from encroachment of incompatible land uses. **Policy DE 1.1a** further describes the provisions of the ordinance as they apply to dairy development.

Objective DE 1.2 directs: “Use specific ~~criteria standards~~ to avoid potential land use conflicts when approving new dairies and expansion of existing dairies.” ~~Nine~~ Separate policies under **Objective DE 1.2** set forth the criteria for restricting new dairies in certain

areas of the County. The first two policies indicate which agricultural zoning districts are not appropriate for certain dairy facilities. **Policy DE 1.2a** discusses the Limited Agriculture (AL-10) zoning district and states that “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.”

Policy DE 1.2b discusses the Exclusive Agriculture (AX) zoning district and states that “This zone district is designed to protect the Lemoore Naval Air Station 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 potential. 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, ~~ponds lagoons,~~ feed storage, manure storage, etc.”

The remaining ~~seven~~ policies under **Objective DE 1.2** identify other areas of the County that have specific characteristics that make them inappropriate for dairy development. **Policy DE 1.2c** restricts dairy facility development, including manure and dairy process water storage areas, from locating within any flood zones identified by the National Flood Insurance Rate Maps. However, the policy allows the spreading of manure and dairy process water on croplands within flood areas “if specific safeguards are in place to prevent pollution from these materials.” ~~(i.e., do not spread manure or~~ **Policy DE 3.2d** ~~restricts the application of dairy process water in flood plains during flood period or threat of flooding, and insure requires~~ that manure is worked into soil immediately upon application).”

Policy DE 1.2d prohibits dairy facility development within shallow or perched groundwater areas of the County unless ~~specific mitigation measures are provided that will protect groundwater from contamination by the dairy system operation~~ the applicant can demonstrate that the minimum vertical distance between proposed lagoon bottoms/corral surfaces and highest historic anticipated groundwater levels is at least five feet.

Policy DE 1.2e prohibits ~~approval of~~ dairy facilities in designated wetlands and ~~undisturbed wildlife on habitat for sensitive species under the SPR process areas,~~ and **Policy DE 1.2f** restricts dairies in areas of excessive (over 5 percent) slopes, generally defined as west of the I-5 freeway or the California Aqueduct (except in the valley floor areas of the Kettleman Plain and Sunflower Valley).

Policy DE 1.2g prohibits dairy facilities from locating within one-half mile of any public or private school site. However, spreading of manure and process water may occur within one-half mile of schools if the spreading is scheduled during weekends or summer vacation when schools are closed.

Expansion of existing dairies can occur within one-half mile of a school through approval of a site plan review (SPR), but the dairy facility may not further encroach toward the school site.

Policy DE 1.2h requires a one-quarter mile separation between all dairy facilities and between other confined animal feeding operations. The one-quarter mile minimum distance does not apply to the spreading of manure and dairy process water on cropland. Expansion of existing dairies can occur within one-quarter mile of another dairy through approval of an SPR, but actual dairy operations may not further encroach toward the other dairy facility. **Policy DE 1.2i** prohibits locating dairy facilities within one-half mile of residential zones.

~~Chapter Section~~ III of the Element includes a map, Theoretical Dairy Herd Capacity for Kings County, which designates rural lands in the County as “Compatibility Zones” (Figure 3-2). The Compatibility Zones designation includes lands that are further divided into “Dairy Development Overlay Zones” and “Nutrient Spreading Overlay Zones.”

Lands designated as “Dairy Development Overlay Zones” (DDOZ) include those areas within the County with the majority of the existing dairies and where new dairies can be located, based on the location criteria set forth in the eight policies identified above. The DDOZ lands are zoned for intensive General Agricultural use, and they are outside identified flood plains, high groundwater areas, wetlands, habitat areas, and areas of excessive slope. The DDOZ lands are also located more than one-half mile from schools and one-quarter mile from existing dairies or other animal confinement facilities.

The DDOZ lands identified in Figure 3-2 are divided into nine geographic units. DDOZ 1 through DDOZ 5, DDOZ West, and DDOZ SE (Southeast) are located on the floor of the San Joaquin Valley. DDOZ SW1 and DDOZ SW2 are located on the valley floors of Sunflower Valley and the Kettleman Plains in the southwest portion of the County. All of the DDOZ lands designated for additional dairy development total approximately 394 square miles, of which 340 square miles, or 217,657 acres, can support existing and new dairies.

The DDOZ lands can be used for all types of dairy operations, including freestall barns, and storage and spreading of manure and process water. These lands can also be used for reuse of manure and process water as fertilizer and irrigation supply. Additional areas in

Kings County have been designated as “Nutrient Spreading Overlay Zones” (NSOZ) in Figure 3-2.

The additional lands that can be used for manure and process water application are generally located in the flood zones identified in the central, southwestern, and southern portions of the County. The Nutrient Spreading Overlay Zones are divided into five geographic units: NSOZ 1 through NSOZ 5. All of the NSOZ lands designated for additional dairy effluent spreading total approximately ~~646,642~~ square miles, or ~~413,693~~ 411,055 acres.

Approval Policies

The second set of goals and policies included in ~~Chapter Section~~ III of the Element addresses the approval process for new or expanded dairies under the new policies. **Goal DE 2** and the accompanying two objectives and policies state that dairy facility applications meeting the specified criteria in the Element may be approved through either the County’s SPR or CUP process. The CUP process shall be required if the standards and requirements of the Element are not met by a dairy development project application. **Policy DE 2.1a** states that a SPR or CUP approval will be required for all proposed new dairies and dairy stock replacement facilities. The SPR or CUP that is approved for new or expanding facilities will evaluate the maximum number of animal units (AUs) that the site will accommodate, regardless of the proposed herd size. This limit on AUs will establish the “baseline” for future expansions of the facility.

Policy DE 2.1b allows a fluctuation in the herd size ~~below~~ up to the baseline without requiring an additional site plan review as long as construction of new dairy facilities is not proposed. For example, if only 75 percent of the facility capacity is being used and the herd is increased to ~~90~~ 100 percent of capacity, the dairy is still operating within its original baseline limits of the existing permit and no additional SPR is required. However, **Policy DE 2.1c** requires that, after the initial approval under the SPR or CUP process and construction of the a dairy facility has been completed, any new construction for facilities intended to accommodate additional AU capacity, up to the original baseline limit of the previous approval, will require a new site plan review for the expanded portion of the facility.

Policy DE 2.1d states that dairy facility expansions above the original approval will require a new SPR for the new portion of the dairy facilities. Additionally, **Policy DE 2.1e** states that new or expanded dairies of any kind that do not meet all of the criteria standards in Sections III and IV of the Element for siting, design, operation, and monitoring and reporting shall be subject to the conditional use permit process and shall be required to go through additional environmental review. Such projects shall be subject to all of the

applicable mitigation measures and monitoring and reporting requirements found in this Program EIR prepared for the Element.

Other relevant land use policies contained in the Element address procedural issues related to process water agreements for new applications and monitoring of dairy operations. For example, **Policy DE 4.1e** requires dairy operators to keep records of how much manure is produced and when, where, and how much manure is applied or sold to a commercial broker. **Objective DE 4.2** requires preparation of a Comprehensive Dairy Process Water Application Plan by all dairy applicants. The plan must take the form of an enforceable and recordable agreement specifying the terms of the use of the dairy's process water. The agreement must be approved by the zoning administrator and recorded prior to initiation of the dairy operation. The agreement must also be signed by other property owners who agree to receive process water on their land.

Dairy Monitoring and Conformance Programs

The remaining land use-related goals, objectives, and policies in the Element are found in ~~Chapter Section~~ V, Dairy Monitoring Program, and Chapter Section VII, Dairy Conformance Program Quality Assurance.

The Dairy Monitoring Program contains **Goal DE 6** and ~~three~~ associated policies that require the County to conduct a survey of existing dairy operations to establish a baseline of current conditions, develop a monitoring program methodology, and require each new or expanded dairy to submit annual test results. The survey of existing dairy operations is presented in Appendix B of the Element. ~~The monitoring program is further described under Goal DE 7.~~ The annual test results would be used to demonstrate if the facility is still operating within its design parameters. If parameters are exceeded, the operator will be required to either reduce the herd size or make changes to balance nutrient management.

Goal DE 7 6 establishes a Dairy Monitoring Program in the County Planning Agency, which would gather information on all dairies, as well as track the required data submitted by approved new or expanded dairies to determine that standards are being met. **Objective DE 7-2 6.4** establishes a formal and effective process to evaluate and respond to public complaints of nuisances or permit violations.

~~Goal DE 8 and the associated policies in Chapter VII establish a Dairy Conformance Program with the intent of bringing all existing dairies in the County into voluntary compliance with specific policies by 2006. The Dairy Conformance Program would allow existing dairies to earn a certificate acknowledging that the dairy is being operated in compliance with the policies of the Element. As part of the review of individual existing~~

dairies, the County would provide each operator with a checklist of items necessary to bring the dairy into compliance.

IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

The CEQA Environmental Checklist Form indicates that a project could normally have significant adverse land use impacts if it:

- physically divides an established community;
- conflicts with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect;
- induces substantial population growth; or
- displaces substantial numbers of existing housing or people.

A project could also have significant adverse policy and land use impacts if it conflicts with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Other portions of the CEQA checklist indicate that significant impacts may also occur due to lighting and glare, noise, odors, design issues, or public health and safety issues.

Impact 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.

The General Plan text indicates that “animal concentrations” such as dairies are allowed in General Agriculture areas. The goals and policies in the proposed Element are consistent with the existing General Plan Land Use Map and all of the relevant Land Use, Resource Management, and Open Space policies addressing land use and agricultural issues.

Other General Plan goals and policies address issues related to other aspects of the proposed dairy operations. For example, policies in the Resource Conservation Element focus on avoiding pollution to water resources in the County. The consistency of the project with other General Plan policies is analyzed in the other topical sections of this environmental impact report, e.g., water quality. The separate analyses indicate that there are no identified inconsistencies between the Element policies and programs and any General Plan policies.

Mitigation Measure 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 DE 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 ~~required by~~ presented in the Dairy Element.
- "Objective DE 9A.1: Use specific ~~criteria~~ 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 DE 9A.1a: Prohibit new dairy facilities in designated wetlands and undisturbed wildlife habitat areas; and in proximity to cities, rural communities, Lemoore Naval Air Station, schools, and other dairies.~~
- "Policy DE 9A.1b a: Proposed new dairies and expansions of existing dairies, and associated dairy stock replacement facilities, and substantial expansions, may be approved through the ~~site plan review~~ SPR process if they meet all of the ~~criteria~~ standards in the Dairy Element concerning siting, design, operation, monitoring and reporting."

Impact 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.

Under State law, counties must maintain their zoning regulations in a manner consistent with their General Plans (Government Code 65860). When a General Plan amendment is adopted (such as a new element) that makes the zoning inconsistent, the zoning must be changed to reestablish consistency "within a reasonable time" (Government Code 65860[c]).

State law does not prescribe what constitutes "a reasonable time" for reconciling the zoning ordinance with the General Plan. The Governor's Office of Planning and Research (OPR)

recommends that, when possible, General Plan amendments and necessary related zone changes be heard concurrently (Government Code 65862). When concurrent hearings are not feasible, OPR recommends that zoning changes to reflect consistency with extensive General Plan amendments dealing with large geographic areas be completed within two years. In addition, case law has supported the consistency doctrine with specific regard to the issuance of conditional use permits (*Neighborhood Action Group v. Calaveras County* (1984) 156 Cal.App.3d 1176).

Specific policies and programs of the Element supercede and are more restrictive than the dairy regulations in the Kings County Zoning Ordinance. Section 1903 of the Zoning Ordinance details the application process and requires preparation of a site plan. The site plan for a conditional use shall be prepared “to enable the planning commission to find that all applicable provisions of this ordinance are complied with.” Section 1903(9) of the Zoning Ordinance requires that process water and manure management and disposal plans be prepared by a professional engineer, which determines that the design of the new dairy will comply with the standard process water discharge requirements of the Regional Water Quality Control Board. This section of the Zoning Ordinance should be deleted and replaced with a reference to the new, more restrictive requirements of the Element policies.

Section 1908(F)(2)(a) and (b) of the Zoning Ordinance requires that the site plans of proposed dairy facilities be designed so that the dairy facilities are “located a sufficient distance from the city limits or community or municipal service-type district boundaries of an urban area,” and “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.” This section of the Zoning Ordinance should be deleted and replaced with a reference to the new, more restrictive siting requirements of the Dairy Development Overlay Zone and the Element policies.

Section 1908(F)(2)(c) and (d) requires that a dairy application demonstrate that “there is sufficient land under the control of the applicant to provide for management and disposal of liquid wastes produced by the dairy,” and that “pollution and nuisance conditions will not occur as a result of discharge, stockpiling, handling or storage of wastes generated by the dairy.” Section 1908(F)(2)(e) requires that the design and operation of the ponds for proposed dairy facilities comply with eleven specific findings. These sections of the Zoning Ordinance should also be deleted and replaced with a reference to the new, more extensive design and engineering requirements of the Element policies.

Further discussion of the process water and manure management and disposal plan criteria set forth in the Element is included in Section 4.3, Water Resources, of this EIR.

Section 1909 lists typical conditions of approval that may be attached to conditional use permits. The conditions may include “special yards, spaces and buffers,” “regulation of noise, vibration, odors, and similar characteristics,” and “mitigation measures, identified in the environmental documentation evaluating the application, determined to be necessary to avoid or lessen significant environmental effects that may result from the construction or operation of the approved use.”

Mitigation Measure 4.7-2

New text shall be added to the Kings County Zoning Ordinance, Section 2102, Site plan review application and fee, as follows:

“Applications for proposed new bovine dairy facilities, and ~~substantial~~ expansions of existing facilities exceeding the baseline capacity, shall be approved through the site plan review process if the applications meet all of the specified criteria of the Element ~~(Section IV and Appendix C).~~”

Section 1908(F) of the Kings County Zoning Ordinance shall be deleted in its entirety and replaced with the following text:

“Applications for proposed new bovine dairy facilities, and substantial expansions of existing facilities, shall be approved through the site plan review process if the applications meet all of the specified criteria of the Element ~~(Section IV and Appendix C)~~. A site plan review may be approved by the zoning administrator for a new or expanded bovine dairy facility if the dairy is in ~~substantial~~ compliance with the design criteria contained in the Element.”

Impact 4.7-3

New and expanded dairy facilities allowed under the Element could cause impacts to natural resources and sensitive land uses. This is a less-than-significant impact.

As noted in the setting section, the Element includes eight policies that set criteria for limiting new dairy facilities to certain areas of the County. However, the mapping of the Dairy Development Overlay Zones (Figure 4.7-1) has not incorporated data for all the criteria.

Policy DE 1.2d prohibits dairy facilities in shallow or perched groundwater areas of the County, unless the applicant can demonstrate that the minimum separation between the bottom of proposed lagoons/corral areas and highest groundwater is at least five feet. ~~Additionally, specific mitigation measures, approved by the RWQCB, are provided that will protect groundwater from contamination by the dairy system operation.~~ The Dairy Development Overlay Zones in the Element include areas of the County that have shallow

or perched groundwater. In recognition that vertical separation is not the only critical condition related to groundwater quality protection, the Element contains numerous policies related to reducing the potential for water quality degradation.

In addition, **Policy DE 1.2e** prohibits ~~approval of dairy facilities in designated wetlands and undisturbed wildlife on habitat areas for sensitive species under the SPR process.~~ In addition, **Policy DE 3.3a** requires that biological and wetland surveys be conducted for all dairy development sites ~~that contain native pasture or rangeland or are within one-half mile of established reserves or native/naturalized areas.~~ As discussed in Sections 4.3 and 4.4 of this EIR, implementation of the policies of the Element would reduce the potential adverse impacts to biological and water resources to a less-than-significant level.

Mitigation Measure 4.7-3

None required.

Impact 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. This is a less-than-significant impact.

The Element notes that certain sensitive land uses could be affected by dairy operations. **Policies DE 1.2a, 1.2b, 1.2g, 1.2h, and 1.2i** restrict the siting of new dairies close to cities, rural communities, Lemoore Naval Air Station, schools, and other dairies.

The prohibition of new dairies within one-half mile of residential zones includes unincorporated lands that are zoned for rural housing on large lots, as well as medium and high density housing on smaller lots within unincorporated communities, such as Armona, Home Garden, Kettleman City, the Santa Rosa Rancheria, and Stratford. However, the Element policies that refer to “residential zones” also include lands within the incorporated cities. Newly incorporated lands that are annexed into the cities from the County and developed with new residential subdivisions could experience impacts from dairy development.

The Element maps one-half mile buffers around residential zoning districts that are within incorporated cities and also designates a “compatibility zone” boundary that excludes dairies in the “fringe area,” designated by the AL-10 zone district, around each of the three cities. The “compatibility zone” boundary around the cities includes unincorporated lands that are within some parts of the cities’ Spheres of Influence, which are planned for future urban growth according to each of the cities’ General Plans. Thus, homeowners in new subdivisions planned within the cities of Corcoran, Hanford, and Lemoore would not be

subject to impacts related to dairy development. Expansions of the AL10 zone district are necessary north of Corcoran, north of Hanford, and around the Santa Rosa Rancheria.

The “compatibility zone” boundary around the city of Hanford also includes unincorporated lands in the rural communities of Armona and Grangeville. If changes to the community plans of unincorporated communities occur in the future, the “compatibility zone” boundaries should be re-evaluated.

Policy DE 1.2j requires that the “compatibility zone” boundaries presented in the Element for Corcoran, Hanford, and Lemoore be updated periodically to ensure that any changes in spheres of influence of the General Plan are reflected in the boundaries.

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.

Mitigation Measure 4.7-4

None required.

Impact 4.7-5

New and expanded dairy facilities allowed under the Element could cause impacts to adjacent individual rural residences in the agricultural areas. This is a less-than-significant impact.

Land use conflicts between dairies and nearby rural residences can be caused by various characteristics of dairy operations, such as generation of animal manure odors, night-time lighting of outdoor dairy stalls or parking lots, noise, traffic, and spreading of manure and process water on agricultural fields. The residents could be adversely affected by odors from the dairy operations as well as from the periodic application of manure and process water on the adjacent fields. Dairy equipment noise and traffic noise from trucks entering and exiting the dairy could also impact the residents.

The issue of odors generated by the dairy cows and by spreading effluent on agricultural fields is analyzed in more detail in Section 4.2. Noise impacts are analyzed in detail in Section 4.5, visual and lighting impacts in Section 4.7, and traffic and circulation impacts are discussed in Section 4.9. The following discussion summarizes some of the impact analysis in those other sections.

Individual residences that are located adjacent to new dairies permitted by the Element could be subject to direct impacts from the dairy operations. The Element location criteria

limits dairy development within one-half mile of existing residential zoning (**Policy DE 1.2i**), which includes clusters of rural residences. The Element also includes policies related to siting of new dairy facilities close to individual residences that are within agricultural zones, but not within residential zone districts (**Policies DE 3.1b and 3.1c**).

The Kings County Right to Farm Ordinance (Ordinance No. 546.1) addresses issues related to land use compatibility when new residences are located in agricultural areas, but not when new agricultural uses are located adjacent to existing rural residences. The ordinance states that it is the policy of the County to “protect agricultural land, operations, and facilities from conflicting uses due to the encroachment of incompatible, non-agricultural uses of the land,” and to “advise developers, owners, and subsequent purchasers of property in the County of the inherent potential inconveniences and discomforts often associated with agricultural activities and operations, including, but not limited to, ...odors from manure, fertilizers, pesticides, chemicals, or other sources...” The ordinance states that no lawful agricultural activity, operation or facility “shall be or become a nuisance, public or private, due to any changed condition in or about the locality, including, but not limited to, the encroachment of non-agricultural uses such as rural residences.”

Existing County zoning regulations do require a minimum setback between residences and livestock structures. Section 406 of the Zoning Ordinance lists standards applicable to all agricultural zoning districts. Section 406(F)(1) requires that “The minimum distance between a residence and a structure housing livestock or poultry shall be 40 feet.”

The proposed location criteria policies of the Element address the issue of potential land use conflicts caused by siting new dairies immediately adjacent to rural residences. The existing Kings County zoning regulations for approving a Conditional Use Permit for a new dairy require the following finding to be made by the planning commission: “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” (Section 1908(F)(2)(b)). **Policies DE 3.1b and 3.1c** provide similar mitigation for potential impacts on individual rural residences near proposed or expanded dairies.

The Element contains two policies that address the need to assess impacts to nearby residences but do not explicitly address it. The section of the Element devoted to “General Restriction of Siting Dairies in Kings County” contains **Policy DE 3.1a**, which states “~~Consider, at a minimum, A technical report shall be prepared and shall address the following criteria for both the general dairy siting criteria and site specific dairy projects siting issues.~~” The policy is followed by ~~fourteen~~ twelve criteria, which include “air quality, including dust control (construction and operation) and odors,” “traffic and road conditions,” “light and glare and noise,” and “proximity to the nearest residences,” ~~and~~

~~“other potential health, safety, and/or nuisance problems that may be identified on a case by case basis.”~~

Policy DE 3.1b also requires that the proximity to rural residences be considered in evaluating location of dairy structures. **Policy DE 3.1c** requires that barns, corrals, and water disposal systems be located the maximum distance away from residences (not associated with the dairy) so as to minimize conflicts.

Also, **Policy Objective DE 6.1c** calls for the establishment of a dairy monitoring program that will gather data for all dairies. This monitoring program is to include data regarding “development within one (1) mile” of the dairy.

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.

Mitigation Measure 4.7-5

None required.