

Tulare County

Animal Confinement Facilities Plan

Proposed Final Draft, August 2017

SECTION 1. BACKGROUND

1.1 Regulatory History

In 1974, an Animal Waste Management Element (AWME) was prepared as part of the Environmental Resources Management Element (ERME) of the Tulare County General Plan. Included within the AWME were proposed policies for the establishment and operation of dairies and cattle feedlots. The Board of Supervisors did not adopt the AWME for incorporation into the General Plan. The policies set forth were, however, adopted by the Tulare County Planning Commission and were used after 1974 as guidelines in considering special use permit applications for the establishment of confined animal facilities, in particular dairies and cattle feedlots.

The policies and guidelines utilized for the establishment and operation of confined animal facilities were from time to time reviewed and modified to provide consistency with other regulatory agencies, e.g., the California Regional Water Quality Control Board (RWQCB) and the San Joaquin Valley Air Pollution Control District (SJVAPCD). Those reviews resulted in the modification of the guidelines, particularly in regards to intensity of operations and animal density.

In 1998, the Tulare County Agricultural Advisory Committee (AAC) recommended “Dairy/Animal Confinement Facility Policies” which included locational and animal density criteria for the establishment of new dairies and animal confinement facilities. The Tulare County Planning Commission (by Resolution No. 7693), and subsequently the Board of Supervisors (by Resolution No. 98-0582), adopted the AAC’s policies on an interim basis until an Animal Confinement Facilities Plan could be adopted.

The Phase I Animal Confinement Facilities Plan for Dairies and Bovine Animal Confinement Facilities was adopted as General Plan Amendment No. GPA 99-05 by the County Board of Supervisors in April 2000 (2000 ACFP). Policies and standards that addressed dairies and other bovine confinement facilities and associated environmental issues were included in the 2000 ACFP. Those policies and standards were premised on then-current scientific data and technology. They were, additionally, reflective of and consistent with adopted and proposed State and federal regulations.

It was intended that the policies and standards established in the 2000 ACFP provide for the development of dairies and other bovine confinement facilities on the Valley floor of the County in a manner that: protects the quality of the environment, safeguards the health, safety and general welfare of the County’s residents, and provides for the continuation and growth of bovine-related industries.

When the County Board of Supervisors adopted the Tulare County General Plan 2030 Update in August of 2012, the 2000 ACFP was retained without amendment as a voluntary Element of the County General Plan. It is currently Chapter (or Element) 12 of Component C – Environment of Part I Goals and Policies Report of the Tulare County General Plan 2013 Update.

1.2 ACFP Update

Since the adoption of the 2000 ACFP, stringent statewide regulatory requirements and procedures have been expanded and updated to address the air quality and water quality aspects of dairy and bovine facilities, as administered by the RWQCB and the SJVAPCD. This Animal Confinement Facilities Plan Update updates and replaces the 2000 ACFP with this Animal Confinement Facilities Plan (ACFP). An objective of this ACFP is to update the way in which dairies and other bovine facilities are regulated by the County of Tulare to assure coordination and alignment with the procedures of those agencies.

Another development since the adoption of the 2000 ACFP has been the enactment of statewide climate change regulations to establish a concerted approach to addressing greenhouse gas emissions. In its adoption of the Climate Action Plan for Tulare County in 2012, the Board of Supervisors directed the preparation of a separate Climate Action Plan to address dairies and other bovine facilities. In compliance with that mandate, the Dairy CAP is to be adopted concurrent with this ACFP.

A further objective of the ACFP is to enable the County to establish a program that documents the existing dairies and bovine facilities within the County, that defines the permitted herd sizes for such facilities so as to be consistent with RWQCB and SJVAPCD approvals and that requires continuing compliance of dairies and bovine facilities with this ACFP and other County regulations.

This updated ACFP also establishes a Conformance Checklist Review procedure consistent with the California Environmental Quality Act that will apply to bovine facility expansions. To be eligible for this process, the existing bovine facility must be operating under valid RWQCB and SJVAPCD approvals, the bovine facility expansion must meet certain specified criteria and the applicant must submit any supplemental technical studies required under this ACFP to determine whether the bovine facility expansion is in compliance with the ACFP and the ACFP EIR. All new bovine facilities and those bovine facility expansions which do not meet the requirements of the Conformance Checklist Review must conduct an individualized environmental review under CEQA and be approved through the special use permit process.

1.3 Purpose of the ACFP

It is the intent of this ACFP to serve as the guiding document to regulate the County's bovine facilities and projected growth through 2023 as follows:

1. To continue the regulation of the County's dairy industry to protect and enhance the County's resources, assure public health and safety, and minimize environmental impacts.
2. To identify and document those existing bovine facilities which are operating under valid RWQCB and SJVAPCD approvals, and to specify procedures to achieve compliance by those existing bovine facilities that are not yet in compliance.

3. To modify, as feasible, the scope of County regulatory responsibilities to avoid overlap and duplication with the water quality and air quality oversight provided by the RWQCB and the SJVAPC.
4. To update and simplify the permitting processes for bovine facility expansions and the establishment of new bovine facilities consistent with this ACFP.

1.4 County Bovine Facilities

For informational purposes only, as of December 31, 2013, there were approximately 330 existing bovine facilities in Tulare County, consisting of approximately 302 dairies and 28 cattle feedlots, with a reported total Countywide herd size of approximately 1,000,000 bovine. Growth in bovine facilities over the next decade is expected to increase at the rate of approximately 1.5 percent annually.

The location of existing bovine facilities in the County as of 2013 and the approximate areas that are occupied by existing bovine facilities, including both the primary facilities and the agricultural areas associated with feed crop production and manure utilization, are depicted on Figure 1-1.

1.5 Relationship to General Plan Documents

This Animal Confinement Facilities Plan has been prepared to be consistent with the objectives of the Tulare County General Plan. The policies of this ACFP reinforce, and are reinforced by, the General Plan.

SECTION 2. GOALS, POLICIES AND STANDARDS

Introduction

This section of the ACFP identifies the goals, policies, and standards established by the County for the location, design, and operation of dairies and cattle feedlots. This section also describes the County's permitting process for the construction and operation of both new dairies and cattle feedlots and for existing bovine facilities and bovine facility expansions.

The following definitions are applicable:

ACFP List: For each bovine facility within the County, a list that includes the special use permit or other entitlement issued by the County for such bovine facility; the location and the land associated with such bovine facility; the date and reference information for each of the following: the Waste Discharge Requirements (WDRs) issued by the State of California Regional Water Quality Control Board, Central Valley Region (RWQCB), the Permit to Operate issued by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the permits issued by the County; the permitted herd sizes; and the reported herd size in the most current Annual Compliance Reports. The ACFP List shall be approved by the Resource Management Agency Director or designee.

Bovine or Bovine Animal: Dairy (including mature cows and support stock) and beef cattle and/or other similar ox-like animals.

Bovine Facility: A dairy, cattle feedlot or other confined animal facility for bovines.

Bovine Facility Expansion: Any expansion of either an existing bovine facility or a new bovine facility authorized by the County under Section 2.5 or any other applicable regulations.

Cattle Feedlot: An agricultural enterprise for the confined housing and feeding of milk cow support stock or other cattle including related facilities for feed storage and for manure handling and disposal.

Compliant Bovine Facility: Each existing bovine facility which has obtained WDRs from the RWQCB via General Order R5-2007-0035 or via an individual order, and which has obtained a Permit to Operate from the SJVAPCD (unless expressly exempt from such permit), and which is in compliance with the permitted herd size as provided in the ACFP List.

Confined Animal Facility: A facility where domestic animals are corralled, penned, tethered or otherwise caused to remain in restricted areas for commercial purposes and primarily fed by means other than grazing. When measuring setbacks and distances between a confined animal facility and other facilities, uses or boundaries, measurements shall be taken from or between the most proximate confined animal improvement.

Confined Animal Improvement: A physical improvement component of a confined animal facility, such as animal barns, corrals, or pens, feed storage (excluding hay barns), manure storage and handling areas and wastewater lagoons/sumps, expressly excluding areas

constituting crop acreage or not otherwise utilized in milk production or the confinement of bovines.

Crop Acreage: Irrigable portion of lands serving and essential to a bovine facility, including wastewater conveyance ditches, areas used for wastewater discharge and for facility feed crops, excluding buildings, corrals and/or pens, feed and/or manure storage areas, lagoons/sumps, canals, waterways, and public road rights-of-way.

Dairy: An agricultural enterprise for the housing and support of mature cows and support stock essential to the enterprise. The dairy includes not only the facilities and structures required to house mature cows and support stock, but also feed barns and storage areas, manure storage and treatment facilities, milking barns, and crop acreage.

Existing Bovine Facility: Each of the bovine facilities existing in Tulare County as of December 31, 2013, and as same may be subsequently expanded by a bovine facility expansion.

Mature Cow: A dairy cow that has produced milk at any time during its life.

New Bovine Facility: A bovine facility in Tulare County that did not exist prior to December 31, 2013, as originally approved by the County and as same may be subsequently expanded by a bovine facility expansion.

Permitted Herd Sizes: For an existing bovine facility (as of December 31, 2013), the maximum allowable number of mature cows under the RWQCB WDRs and the maximum herd under the SJVAPCD Permit to Operate; or for a new bovine facility or a bovine facility expansion, the maximum allowable number of mature cows under the RWQCB WDRs and the maximum herd under the SJVAPCD Permit to Operate, as shown on the ACFP List (as same may be amended).

Support Stock: Dairy bovines other than mature cows.

2.1 Existing Bovine Facilities and Compliant Bovine Facilities

Goal 2.1 **Document the location and permitted herd sizes of the existing bovine facilities. Confirm, and validate legality of, the compliant bovine facilities.**

Policy 2.1-1 The locations and permitted herd sizes of all existing bovine facilities shall be described and mapped based on the ACFP List on or before the first anniversary of the adoption of this ACFP.

Policy 2.1-2 All existing bovine facilities that are compliant bovine facilities shall be deemed for all purposes by the County as legally established bovine facilities in the locations and subject to the permitted herd sizes as provided in the ACFP List. The Resource Management Agency Director or designee shall issue an administrative special use permit or other applicable land use entitlement to make any herd sizes described in applicable County land use entitlements reflect the permitted herd sizes shown on the ACFP List.

Policy 2.1-3

Any existing bovine facility that does not qualify as a compliant bovine facility shall be deemed for all purposes by the County to be a legally established and compliant bovine facility upon having demonstrated compliance with the permitted herd sizes under both a validly issued WDR from the RWQCB and a valid Permit to Operate from the SJVAPCD and upon having obtained or modified the special use permit or other entitlement issued by the County for such existing bovine facility so as to be consistent with the ACFP List on or before the first anniversary of the effective date of the adoption of this ACFP, with two six-month extensions if needed. Until such time that such compliance has been timely demonstrated, an existing bovine facility that does not qualify as a compliant bovine facility shall be permitted to continue its operations. Upon expiration of the original one-year period and the two six-month extensions provided in this policy, any existing bovine facility that has not qualified as a compliant bovine facility will be subject to enforcement by the County.

2.2 *Bovine Facilities Location and Siting*

The location of bovine facilities within Tulare County is governed by policies designed to ensure a compatible relationship among such bovine facilities and with surrounding land uses. Such policies are designed to permit the establishment of new bovine facilities and bovine facility expansions while protecting neighboring properties from potential animal confinement nuisances or similar adverse impacts. The County has established the following agricultural zoning districts as areas appropriate for the operation of bovine facilities. A new bovine facility when more than 25 bovine animals are on the property at any time may be located in the AE-40 and AF zones. An existing bovine facility or existing bovine facility expansion when more than 25 bovine animals are on the property at any time may be located in the A-E, AE-20, AE-40, AE-80, A-1, and AF zones. Lands allocated to nutrient waste disposal for a new bovine facility may be located in the AE-20, AE-40, AE-80, and AF zones. Lands allocated to nutrient waste disposal for an existing bovine facility or an existing bovine facility expansion may be located in the A-E, AE-20, AE-40, AE-80, A-1, and AF zones. From a regulatory perspective, bovine facilities are beneficial uses in the Agricultural zoning districts and are recognized as providing significant contributions to the economic vitality of the County as well as contributing to the health and welfare of society as a whole.

Goal 2.2

Site new bovine facilities and bovine facility expansions within designated Agricultural zoned areas where they have been determined to be compatible with surrounding land uses. Use specific zoning and separation standards to avoid potential land use conflicts when approving the siting of new bovine facilities and bovine facility expansions. Protect agricultural uses within Agricultural zoned areas from incompatible non-agricultural uses.

Policy 2.2-1

Confined Animal Improvement Separation: Confined animal improvements within a new bovine facility or bovine facility expansion

shall be located at least one-half mile (2,640 feet) from the nearest confined animal improvement within the nearest bovine facility.

Policy 2.2-2

Proximity to Urban Areas. Confined animal improvements within a new bovine facility or bovine facility expansion shall not be located as follows:

- Within one mile of (a) a County Adopted City Urban Area Boundary (CACUAB), an unincorporated Community Urban Development Boundary (UDB) or a Hamlet Development Boundary (HDB) but excluding any portion of a CACUAB, UDB or HDB which has been expanded to include municipal uses such as sewage treatment facilities, airports, and waste disposal sites that are located beyond such Boundary (in which case, the decision-maker shall determine the location of the one-mile setback area, provided that in no event shall a setback of less than one mile from a community's Urban Development Boundary or Hamlet Development Boundary be authorized), or (b) any other area zoned solely for residential use containing a concentration of at least thirty (30) legally established dwelling units measured from the outermost residential zoning boundary; or
- Within 1,000 feet of the boundary of a public park; or
- Within one-half mile (2,640 feet) of school grounds of an existing public or private school; or
- Within one-half mile (2,640 feet) of the nearest point of a primary dwelling structure in a concentration of ten (10) or more legally established, privately-owned single-family residences.

For purposes of this Policy 2.2-2, to qualify as a "concentration," such dwelling units or residences must be legally established, occupied, located within contiguous parcels, and exceed a density of one dwelling unit per acre, and "legally established" dwelling units or residences are defined as dwelling units or residences, excluding travel trailers, established in accordance with all applicable building and zoning regulations.

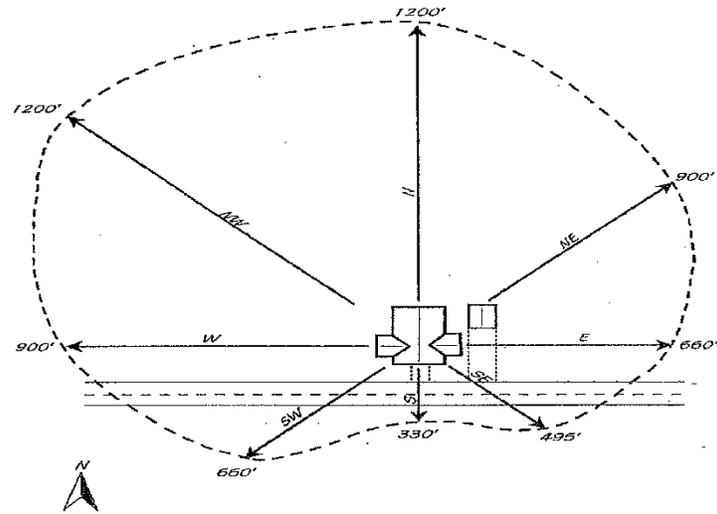
Policy 2.2-3

Proximity to Residential and Agricultural Land Uses. Confined animal improvements within a new bovine facility or bovine facility expansion shall not be located closer than the distances shown on Micro-Windshed Diagram "A" (Residential) to an occupied, legally established (as defined in Policy 2.2-2) dwelling unit owned by a private property owner other than the bovine facility owner/operator or employee.

Confined animal improvements within a new bovine facility or bovine facility expansion shall not be located closer than the distances shown on Micro-Windshed Diagram "B" (Agricultural) to an established, legally operating citrus grove, vineyard, deciduous fruit/nut orchard, or vegetable agricultural enterprise.

No deviations from the Micro-Windshed distances set forth in this Policy 2.2-3 may be approved unless the owner of the dwelling unit or the agricultural operation in question agrees in writing to such deviation, and records such agreement with the Tulare County Clerk-Recorder, provided that such approval shall not be unreasonably withheld and, if it is, a finding shall be made to that effect through the process set out in Policy 2.5-4 or any other applicable regulations. For purposes of this policy, confined animal improvements within a bovine facility expansion that do not encroach any closer than the existing facilities will not be considered to be a deviation.

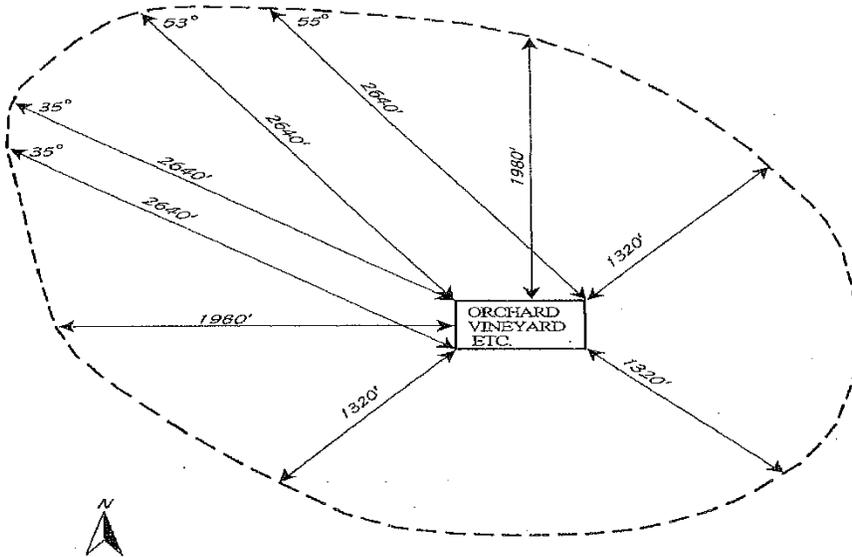
Micro-Windshed Diagram 'A'



Note: Road is shown as an example -- could be in any location.

Measurements are to be made from the geometric center of the primary dwelling structure to the most proximate part of the subject confined animal improvement.

Micro-Windshed Diagram 'B'



Measurements are to be made to the nearest edge of the affected orchard/vineyard/etc. from the most proximate part of the subject confined animal improvement.

Policy 2.2-4 **Exclusion.** The policies of this Section 2.2 shall not apply to the repair, maintenance, replacement or upgrading of a bovine facility, provided that such work does not increase the bovine capacity beyond the permitted herd sizes for such bovine facility or result in repaired, replaced or upgraded confined animal facilities encroaching any closer than the prior confined animal facilities.

Policy 2.2-5 **Applicability of Section 2.2 Policies.** A new bovine facility that does not conform to a defined separation or buffer standard under Section 2.2 may be allowed upon approval of a special use permit subject to the adoption of findings that special circumstances warrant the approval of such exception to the applicable defined separation or buffer standard. A bovine facility expansion that does not conform to a defined separation or buffer standard under Section 2.2 may be allowed under any applicable regulations provided that any expanded facilities will not encroach any closer than the existing facilities, or by approval of a special use permit upon the adoption of findings that special circumstances warrant the approval of such exception to the applicable defined separation or buffer standard. “Special circumstances” means that strict enforcement of the separation or buffer standard would create undue hardship for the facility owner/operator due to unique characteristics of the facility site or its surrounding land uses, and that any project-specific significant environmental impacts caused by the exception are mitigated through conditions of approval.

2.3 *Environmental Constraints*

The placement of confined animal improvements within new bovine facilities and within bovine facility expansions shall be consistent with environmental constraints.

Goal 2.3 **To restrict the siting of confined animal improvements within new bovine facilities and within bovine facility expansions so as to avoid existing areas of environmental constraints within the County.**

Policy 2.3-1 **Flood Zone Areas.** Confined animal improvements within a new bovine facility or within a bovine facility expansion shall not be located in the following primary flood zone areas: any territory designated on the latest adopted National Flood Insurance Program, Flood Insurance Rate Maps (FIRM) as Special Flood Hazard Areas Inundated by 100-Year Flood, Zones A, AI, AO and AH, Floodway Areas in Zone AE or Other Flood Areas in Zone X, except that such improvements may be so located upon submittal to the County of a certification by a licensed civil engineer, based upon a field survey, that the improvements have been elevated above 100 year flood elevations and upon showing, if required, compliance with the County Flood Damage Prevention Ordinance (Tulare County Ordinance Code, Part VII, Chapter 27). However, manure held as fertilizer and dairy process water used to irrigate crop acreage may be

transported to and used in such flood zones in compliance with applicable RWQCB regulations.

Policy 2.3-2 **High Groundwater Areas.** Confined animal improvements within a new bovine facility or within a bovine facility expansion shall be prohibited in shallow or perched groundwater areas where the minimum vertical distance between proposed lagoon bottoms/corral surfaces and highest anticipated groundwater levels is less than five feet. Highest anticipated groundwater levels shall be established based on available records and/or site-specific geotechnical investigation by a qualified registered professional engineer or geologist.

Policy 2.3-3 **Sink Holes.** Confined animal improvements within a new bovine facility or within a bovine facility expansion shall not be located in a sink hole or areas draining into a sink hole.

Policy 2.3-4 **Exclusion.** The policies of this Section 2.3 shall not apply to the repair, maintenance, replacement or upgrading of a bovine facility, provided that such work does not increase the bovine capacity beyond the permitted herd sizes for such bovine facility.

2.4 *Regulatory Agency Compliance*

The County finds that the applicable regulations and requirements of the RWQCB and the SJVAPCD, as administered by such agencies, provide a stringent and comprehensive regional scheme for regulating the specialized water quality and air quality aspects of confined animal facilities. The County seeks to avoid the imposition of duplicative and overlapping requirements that may conflict with the regulatory authority of such agencies.

Goal 2.4 **New bovine facilities and bovine facility expansions shall comply with the applicable permitting and operational regulations of the RWQCB and the SJVAPCD, as administered by such agencies.**

Policy 2.4-1 **Regional Water Quality Review Board.** New bovine facilities and bovine facility expansions shall comply with the most current applicable RWQCB regulatory requirements, including the requirements of California Code of Regulations, Title 27, pertaining to “Confined Animal Facilities,” as administered by the RWQCB. A completed Report of Waste Discharge (including required technical reports) to the RWQCB shall be submitted to the County prior to issuance of any building permits and at least 120 days prior to discharge.

Policy 2.4-2 **San Joaquin Valley Air Pollution Control District.** New bovine facilities and bovine facility expansions shall comply with the most current applicable SJVAPCD regulatory requirements, including requirements of the SJVAPCD for obtaining an Authority to Construct and a Permit to Operate. A copy of the approved Authority to Construct shall be submitted to the County prior to issuance of any building permits.

Policy 2.4-3 **Changes to RWQCB WDRs and SJVAPCD Permits to Operate.** Prior to submitting an application to the RWQCB or the SJVAPCD to amend the existing WDRs or the Permit to Operate issued by the applicable agency for a bovine facility, an application shall be filed with and approved by the County to address such proposed changes. County approval of the application shall be contingent upon issuance of an amended WDR or Permit to Operate.

2.5 *Permitting Requirements – Bovine Facilities and Bovine Facility Expansions*

Goal 2.5 **Improve and update the permit process for establishment of new bovine facilities and bovine facility expansions.**

Policy 2.5-1 **Dairies:** Dairies are a bovine facility and are declared to be a special use and permitted only in specified zones upon the granting of a special use permit or administrative special use permit in compliance with and as provided in this chapter or element. Each permit and the ACFP List shall specify the permitted herd sizes and the confined animal facility site boundaries together with any crop acreage.

Policy 2.5-2 **Cattle Feedlots:** Feedlots are a bovine facility and are declared to be a special use and permitted only in specified zones upon the granting of a special use permit or administrative special use permit in compliance with and as provided in this chapter or element. Each permit and the ACFP List shall specify the permitted herd sizes and confined animal facility site boundaries together with any crop acreage.

Policy 2.5-3 **Bovine Facility Expansions Criteria for Conformance Checklist Review:** Bovine facility expansions may be permitted through a Conformance Checklist review procedure, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15168(c)(4). Such permitted bovine facility expansions must comply with all applicable regulations, policies, standards and mitigation requirements set forth in the ACFP, in the ACFP Environmental Impact Report (EIR) and in the County Zoning Ordinance. To help demonstrate compliance with these requirements, the County will complete a Conformance Checklist review of bovine facility expansions. If these requirements are met, the County may issue findings in accordance with CEQA Guidelines Section 15168(c)(2), issue a special use permit or other land use entitlement, and list the bovine expansion as a compliant bovine facility on the ACFP List. The Conformance Checklist criteria are set forth in Appendix A to this ACFP.

Policy 2.5-4 **Special Use Permit Requirements:** All new bovine facilities and any bovine facility expansions that do not or cannot comply with the requirements under Policy 2.5-3 must obtain a special use permit for such new bovine facility or for such bovine facility expansion, which shall be

subject to additional environmental review in accordance with CEQA Guidelines Section 15168(c). Upon obtaining a special use permit, all new bovine facilities, and any such bovine facility expansions, shall be listed in the ACFP List.

2.6 Applications - New Bovine Facilities and Bovine Facility Expansions

2.6.1 Application Contents - Applications for new bovine facilities and bovine facility expansions special use permits shall contain the following information:

1. Names, addresses and phone numbers of the owner and operator;
2. Site address and assessor's parcel numbers for all land application sites;
3. Bovine animal types and numbers;
4. Manure application agreements for non-owned land (if applicable);
5. A scaled plan showing:
 - a. Buildings, corrals, lanes, retention ponds/settling basins, irrigation ditches and pipelines (private and community), silage storage and manure solids storage areas;
 - b. Onsite and offsite wastewater and manure application areas (if applicable);
 - c. Surface waterways on or near the facility, such as rivers, canals, sloughs and intermittent streams;
 - d. The location of onsite and adjacent water wells within one hundred (100) feet of the property line or the bovine facility boundaries;
 - e. Public facilities such as roads and easements;
 - f. Access points to public roads; and
 - g. Any setback or windshed constraints described in Section 3.2, Bovine Facilities, Location and Siting.

2.6.2 Environmental Review: Applicants for new bovine facilities and bovine facility expansions special use permits are required to provide such technical reports, as applicable, which the Resource Management Agency deems pertinent with respect to site-specific environmental and bovine facility siting issues. These reports may include any of the following:

1. Biological Resources Survey;
2. Cultural Resources Evaluation;
3. Integrated Pest Management Plan;
4. Dead Animal Disposal Plan;
5. Hazardous Materials Business Plan;
6. Odor Control Measures;
7. Dairy CAP Consistency Checklist;
8. Geological – Hydrological Report;
9. Health Risk Assessment;

10. Traffic Evaluation;
11. Water Availability Evaluation for On-Site Wells; and
12. Comprehensive Nutrient Management Plan (CNMP).

2.7 Design and Operational Standards

These standards furnish guidance to bovine facility owners and operators wishing to seek approval of a new bovine facility or a bovine facility expansion to ensure compliance with this ACFP.

1. **Minimum Site Requirements:** Dairy sites, including the confined animal improvements and crop acreage, must contain a minimum of 160 acres. Cattle feedlot sites must be a minimum of 80 acres.
2. **Parking Requirements:** Sufficient on-site parking shall be provided for all automobiles and trucks. The parking area and the entrance roads shall be paved or treated with an acceptable dust-retardant treatment so that dust and mud will not create conditions detrimental to air quality and to the surrounding area and roads. Pavement or treatment areas shall be maintained at all times.
3. **Site Access:** All drive approaches at driveways and major entrances to the improved portion of the site shall be constructed and surfaced as per the Tulare County Improvement Standards, and the applicant or applicant's contractor shall obtain an encroachment permit from the Resource Management Agency prior to issuance of any building permits for construction and/or prior to performing work within any County road right-of-way.
4. **Site Maintenance:** All public road approaches, driveways and off-street parking areas shall be designed and maintained so that mud, dust, gravel, and manure do not create conditions detrimental to the surrounding public roadways.
5. **Public Utilities:** The applicant shall make all arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvement work to be performed by the applicant. The applicant shall also make arrangements with the affected public utility company for any cost of relocating such facilities and no portion of such relocation costs will be paid by the County.
6. **Food and Agricultural Code:** Dairy facilities shall meet the requirements of Division 15 of the California Food and Agricultural Code as administered by the Milk Inspection Service of the Tulare County Environmental Health Division. Dairy applicants shall provide detailed plans of the facility to the Milk Inspection Service for review and approval prior to issuance of any building permits.
7. **Water Wells:** All new wells shall comply with the construction requirements of the latest version of the Tulare County Well Ordinance.

- a. No well, new or existing, shall be located closer than one hundred (100) feet from any animal enclosure, nor shall such enclosure encroach within one hundred (100) feet of an existing well;
 - b. Inactive wells shall be properly destroyed in accordance with the Tulare County Well Ordinance; and
 - c. All agricultural wells shall have an overhead air gap at the standpipes.
- 8. **Lagoon Locations:** Lagoons or other manure containment facilities shall have a minimum one hundred fifty (150) foot setback from all wells, public ditches, and public waterways. They shall fully conform to the requirements of the RWQCB.
- 9. **Fire Protection:** The fresh water pressure tank shall be plumbed with a valved, 2-1/2-inch hose connection (National Hose Thread) in such manner as to provide ready access for pumper connection. All plumbing from the tank to the valve shall be a minimum of 4 inches O.D. Portable fire extinguishers shall be installed in the milk house as per N.F.P.A. Pamphlet #10 (10# ABC type).

A fresh water holding tank and a water pressure tank shall be provided and a surfaced fire apparatus access, twelve (12) feet in width, shall be provided to within five (5) feet of such tanks.

A 30-inch by 30-inch hinged inspection cover shall be located on the fresh water holding tank. The inspection cover shall be located along the portion of the tank that fronts on the surfaced access.
- 10. **On-Site Residences:** Should any residences or mobile homes be constructed or proposed, all densities and setbacks (separations from animal confinement and waste facilities, etc.) shall be in compliance with the Zoning Ordinance. (If more than five unrelated employees are housed on the site, the dairy operator shall contact the Resource Management Agency to determine if a Permit to Operate Employee Housing is required by Section 7-23-1000 *et seq.* of the Tulare County Ordinance Code and, if required, obtain such permit prior to occupancy.)
- 11. **Facility Setback:** Confined animal improvements (including buildings housing bovine animals, corrals, sump pits, and silage and hay storage areas) for a new bovine facility or a bovine facility expansion shall not be located closer than one hundred (100) feet from all property lines at the perimeter of the bovine facility site. Onsite sewer systems shall be located at least one hundred (100) feet from all wells, ditches, and waterways.
- 12. **Flood, Water Quality and Air Quality Protection:** Bovine facility construction and operations shall be undertaken, and maintained in full accord with, the regulations and permitting requirements of the RWQCB and the SJVAPCD with respect to flood protection, water quality protection, and air quality protection.
- 13. **Operational Requirements:** Dead animals shall be removed from the site within forty-eight (48) hours and shall not be visible from the public road while awaiting removal.

Dead animal disposal shall be made in full compliance with any applicable Dead Animal Disposal Plan.

Bovine confinement areas, manure storage areas, lagoons, and crop acreage shall be properly managed to prevent a nuisance of odors, dust, or vector harborage and breeding. Such management shall be in full compliance with any applicable Odor Control Measures and Integrated Pest Management Plan.

Bovine facility operations shall meet all of the requirements of the mosquito abatement district, if any, in which the facility is located. A fly abatement program shall be used to keep flies under control on-site so that they do not become a nuisance on-site or to surrounding property owners. All vector control operations shall be conducted in full compliance with any applicable Integrated Pest Management Plan.

2.8 *Severance and Continuing Compliance*

2.8.1 Severance and Site Alterations

No portion of a bovine facility site, or any required easement, shall be sold, released or conveyed, or used for purposes other than those expressly permitted unless approved by the County through a special use permit, or any other applicable land use entitlement. This shall not restrict the sale of the entire parcel of property as a unit subject to all of the conditions required herein.

2.8.2 Continuing Compliance

An Annual Compliance Report shall be completed and filed with the Resource Management Agency for each bovine facility in Tulare County. Appendix B to this ACFP contains a copy of the standard form of Annual Compliance Report as of the adoption of the ACFP. The standard form Annual Compliance Report may be amended, modified or updated from time to time by the Tulare County Resource Management Agency Director.

APPENDIX A TO ACFP

Bovine Facility Expansions Criteria for Conformance Checklist Review

**The response to each question below must be “yes” to proceed under Policy 2.5-3.
If any response is “no”, the bovine facility expansion must proceed under Policy 2.5-4**

1. Except in the case of an application by an Existing Bovine Facility seeking to become a Compliant Bovine Facility, is the Existing Bovine Facility in compliance with existing Regional Water Quality Control Board Central Valley Region (RWQCB) Waste Discharge Requirements (WDRs) and San Joaquin Valley Air Pollution Control District (SJVAPCD) Permit to Operate for the existing operations and facilities?

2. In connection with all applications for an Existing Bovine Facility expansion, would the expanded facilities covered by the application:
 - (a) generate less than 25,000 metric tons per year of Greenhouse Gas Emissions, as set forth in the Dairy Climate Action Plan (Dairy CAP), and would otherwise comply with the Dairy CAP?
 - (b) comply with all applicable requirements of the ACFP, including Policies 2.2-1 through 2.2-3. However, if an existing dairy does not comply with the separation and buffer standards in these policies, do the expanded confined animal improvements not encroach any closer than the existing facilities?
 - (c) comply with the applicable mitigation measures under the ACFP Environmental Impact Report?
 - (d) not involve substantial changes or new information of substantial importance that would trigger the requirement for a Subsequent or Supplemental EIR under CEQA Guidelines Sections 15162 or 15163?
 - (e) comply with the applicable requirements of the County Zoning Ordinance?

APPENDIX B
TO ACFP

Standard Form of Annual Compliance Report
(as of the ACFP adoption date, and subject to future modifications)



TULARE COUNTY RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD.
VISALIA, CA. 93277
PHONE (559) 624-7000

Sherman Dix
Michael Washam
Reed Schenke

Fiscal Services
Economic Development &
Planning
Public Works

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

REPORT DUE: JULY 15, 2019

Amount: \$ _____ Check #: _____

Type of Facility: Dairy Feedlot Beef Feedlot RMA Animal Facility No. _____

Facility Status: Operational Non-Operational Temporarily Closed (Herd Buyout) Permanently Closed

**For Feedlot/Heifer/Calf Facilities please see page 3 regarding fees.

PSP No: _____ (Max: Herd = _____; Milk = _____)

Pre-PSP/1973 Master Dairy List: _____ (Max: Herd = _____; Milk = _____)

ANNUAL COMPLIANCE REPORT - Year 2018

Information requested below is to be filled out by the current Animal Facility Operator in **BLUE** or **Black** ink, and submitted, along with the filing fee to the Tulare County Resource Management Agency

By: **July 15, 2019.**

Name of Animal Facility Operation: _____

Address of Animal Facility (Milk Barn if applicable): _____

Assessor Parcel Number (APN) of Facility (Milk Barn if applicable): _____

Current Operator Name: _____

Mailing Address: _____

Telephone Number: _____ Fax Number: _____

Email address: _____

Current Property Owner Name: _____

Mailing Address: _____

Telephone Number: _____ Fax Number: _____

Email address: _____

How many Acres does the facility occupy? (corrals, storage, etc.) _____

How many Acres are used for crops? _____ **Total Acres:** _____

Animal Facility No.:

I. Animal Counts:

Maximum Herd Size on the Animal Facility at any point in time between **January 1, 2018 through December 31, 2018.**

A. Animal Facility Bovines – List the Maximum On-Site Herd Size (per Breed of Cattle)(Please do not round):

Animal Head per Housing Type

<i>HOLSTEIN</i> Bovines	Maximum Herd	Free Stall	Open Corral
Animal Facility cows in milk			
Mature bulls			
Dry cows and/or heifers, age 2+ years			
Heifers and/or bulls, 1-2 years			
Heifers and/or bulls, 3 months to 1 year			
Calves under three months (in pens/hutches)			Pens/Hutches

Animal Head per Housing Type

<i>JERSEY</i> Bovines	Maximum Herd	Free Stall	Open Corral
Animal Facility cows in milk			
Mature bulls			
Dry cows and/or heifers, age 2+ years			
Heifers and/or bulls, 1-2 years			
Heifers and/or bulls, 3 months to 1 year			
Calves under three months (in pens/hutches)			Pens/Hutches

Animal Head per Housing Type

<i>GUERNSEY</i> Bovines	Maximum Herd	Free Stall	Open Corral
Animal Facility cows in milk			
Mature bulls			
Dry cows and/or heifers, age 2+ years			
Heifers and/or bulls, 1-2 years			
Heifers and/or bulls, 3 months to 1 year			
Calves under three months (in pens/hutches)			Pens/Hutches

Animal Facility No.:

**Animal Head per
Housing Type**

<i>HOLSTEIN/JERSEY</i> Bovines	Maximum Herd	Free Stall	Open Corral
Animal Facility cows in milk			
Mature bulls			
Dry cows and/or heifers, age 2+ years			
Heifers and/or bulls, 1-2 years			
Heifers and/or bulls, 3 months to 1 year			
Calves under three months (in pens/hutches)			Pens/Hutches

Animal Facility No.:

**Animal Head per
Housing Type**

<i>OTHER</i> Bovines	Maximum Herd	Free Stall	Open Corral
Animal Facility cows in milk			
Mature bulls			
Dry cows and/or heifers, age 2+ years			
Heifers and/or bulls, 1-2 years			
Heifers and/or bulls, 3 months to 1 year			
Calves under three months (in pens/hutches)			Pens/Hutches

OTHER FARM ANIMALS ON THE ANIMAL FACILITY:

Indicate the Maximum On-Site Numbers of each Animal Type at any point in time between

January 1,

2018 through December 31, 2018.

<i>OTHER</i> Animals	#Maximum Herd	Total Animals
Beef		
Horses		
Dairy Goats		
Meat Goats		
Sheep		
Swine		
Other: Note Type:		

TOTAL Herd Size (Head) =

Fee Calculation: As required by Tulare County Board of Supervisors Resolution No. 2003-0556, the Annual Compliance Reporting and Monitoring Fee for each Animal Facility shall be "\$50.00 Per Animal Facility" for facilities with less than 800 animals and "\$100 Per Animal Facility" for facilities with 800 or more animals.

*****Important information for Feedlot/Heifer/Calf Ranch Facilities that are in conjunction with a Specific Dairy and are not an independent bovine facility, no fee is due (Fees are already required for the animals on the dairy).**

II. Compliance with Other Agencies:

1. What is the total herd size permitted by the San Joaquin Valley Air Pollution Control District (SJVAPCD)? _____
2. Is this facility compliant with the SJVAPCD permitted herd size? YES / NO

If "NO," please explain:

Animal Facility No.:

3. Is this facility in compliance with all pertinent SJVAPCD permits and regulations? YES / NO
If “NO” please explain.

4. What is the total number of mature animals permitted by the Central Valley Regional Water Quality Control Board (CVRWQCB)?

5. Is this facility compliant with the CVRWQCB number of mature animals? YES / NO
If “NO,” please explain:

6. Is this facility in compliance with all pertinent CVRWQCB permits and regulations? YES / NO
If “NO” please explain.

III. Dairy and Feedlot Climate Action Plan Information

1. Was this this facility a “new” facility or expansion approved under the 2017 updated ACFP and 2017 Dairy CAP?
2. If yes, please indicate which “Category A” and “Category B” greenhouse gas (GHG) reduction strategies that were made mitigation measures and/or conditions of project approval (see attached lists),and verify these strategies are being implemented. Provide estimates of GHG emissions reductions achieved by each strategy if possible (tons CO₂e/year).
3. If no, please list any “Category A” and “Category B” GHG reduction strategies that this facility has voluntarily implemented. Provide date of implementation. Provide estimates of GHG reductions achieved by each strategy if possible (tons CO₂e/year).

IV. Plot Plan: If any changes have occurred in this calendar year, submit a Plot Plan of the actual Animal Facility Site. If a Special Use Permit has been approved for your facility, please use the site plan approved for that project, noting in **RED**, any changes, modifications, or additions. If a Special Use Permit has not been approved, the plot plan for your facility should be drawn to scale on paper no smaller than 8½” by 14”, with detail sufficient to identify the sizes and locations of all on-site structures, including barns, corrals/pens, wastewater lagoons/sumps, and residences. Identify each structure shown on the Plot Plan. Submit a map of wastewater and manure application areas, specifying APNs.

V. Affidavit

I/We certify that the information submitted herein is complete and accurate to the best of my knowledge (failure to submit complete and accurate requisite information may result in penalties as provided for in Tulare County Board of Supervisors Resolution No. 2003-0556). Attach additional pages if necessary.

Animal Facility No.:

Current Operator/Operators

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

Current Property Owner/Owners

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

List here, if you would like someone else contacted for questions concerning the completeness of this report.

Name: _____

Telephone Number: _____ Fax Number: _____

Mailing Address: _____ Email Address: _____

Mail or present the completed Annual Compliance Report, along with the required fee (calculated as above) to:

**Tulare County Resource Management Agency
5961 South Mooney Blvd
Visalia, CA 93277-9394**

Contact Person: Jason Garcia-LoBue or Jose Saenz (559) 624-7000

Animal Facility No.:

Category A Reduction Strategies

Dairy Operations

- D1 Implement environmentally responsible purchasing of feed additives (i.e. use locally sourced materials and/or agricultural by-products such as citrus pulp and almond hulls, when available).
- D2 Use a TMR or other efficient feeding strategy intended to maximize feed-to-milk production efficiency in lactating cows.
- D3 Comply with nutrient management plans to reduce fertilizer requirements (i.e., GHG emissions associated with fertilizer production and transportation)
- D4 Comply with air and water quality plans to achieve GHG benefits (e.g., less water usage)

Energy

- E1 The farm must meet or exceed Title 24 standards in climate-controlled buildings (e.g., not barns)
- E2 Provide verification of energy savings (e.g., electric bills or third-party verification)
- E3 Install energy efficient boilers
- E4 Install energy efficient appliances (e.g., for milk cooling)
- E5 Install energy efficient area lighting

Transportation [20 or more new employees]

- T1 Provide bike parking if requested by employees
- T2 Provide end of trip facilities if requested by employees (e.g., shower for people biking)
- Water, Solid Waste, and Recycling (if available and not prohibited by USDA, CDFA, or other government agencies)
- R1 Adopt a water conservation strategy
- R2 Design water-efficient landscapes (decorative landscaping only)
- R3 Use water-efficient landscape irrigation systems (decorative landscaping only)
- R4 Reduce turf in landscapes and lawns (decorative landscaping only)
- R5 Plant native or drought-resistant trees and vegetation (decorative landscaping only)

Category B Reduction Strategies

Dairy Operations

- D5 Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biomethane as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site.
- D6 Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.
- D7 Increase solids separation to reduce loading.
- D8 Use pasture-based management practices.

Energy

- E6 Establish onsite renewable or carbon-neutral energy systems - generic
- E7 Establish onsite renewable energy systems - solar power
- E8 Establish onsite renewable energy systems - wind power
- E9 Utilize a combined heat and power system
- E10 Establish methane recovery on digester

Transportation

- T3 Provide employer-sponsored vanpool/shuttle
- T4 Increase transit accessibility if adjacent to public transportation
- T5 Implement intra-farm bike-sharing
- T6 Utilize alternative fueled vehicles on-site

Animal Facility No.:

T7 Utilize electric or hybrid vehicles on-site

Water, Solid Waste, and Recycling

R6 Institute or extend recycling and composting services

R7 Use locally sourced water supply

R8 Install low-flow water fixtures (decorative landscaping only)

R9 Recycle demolished construction material

Miscellaneous

M1 Plant trees

M2 Use alternative fuels for construction equipment (construction only)

M3 Use electric and hybrid construction equipment (construction only)

M4 Limit construction equipment idling beyond regulation requirements (construction only) or limit idling by delivery and other operational vehicles

M5 Institute a heavy-duty off-road vehicle plan (construction only)

M6 Implement a construction vehicle inventory tracking system (construction only)

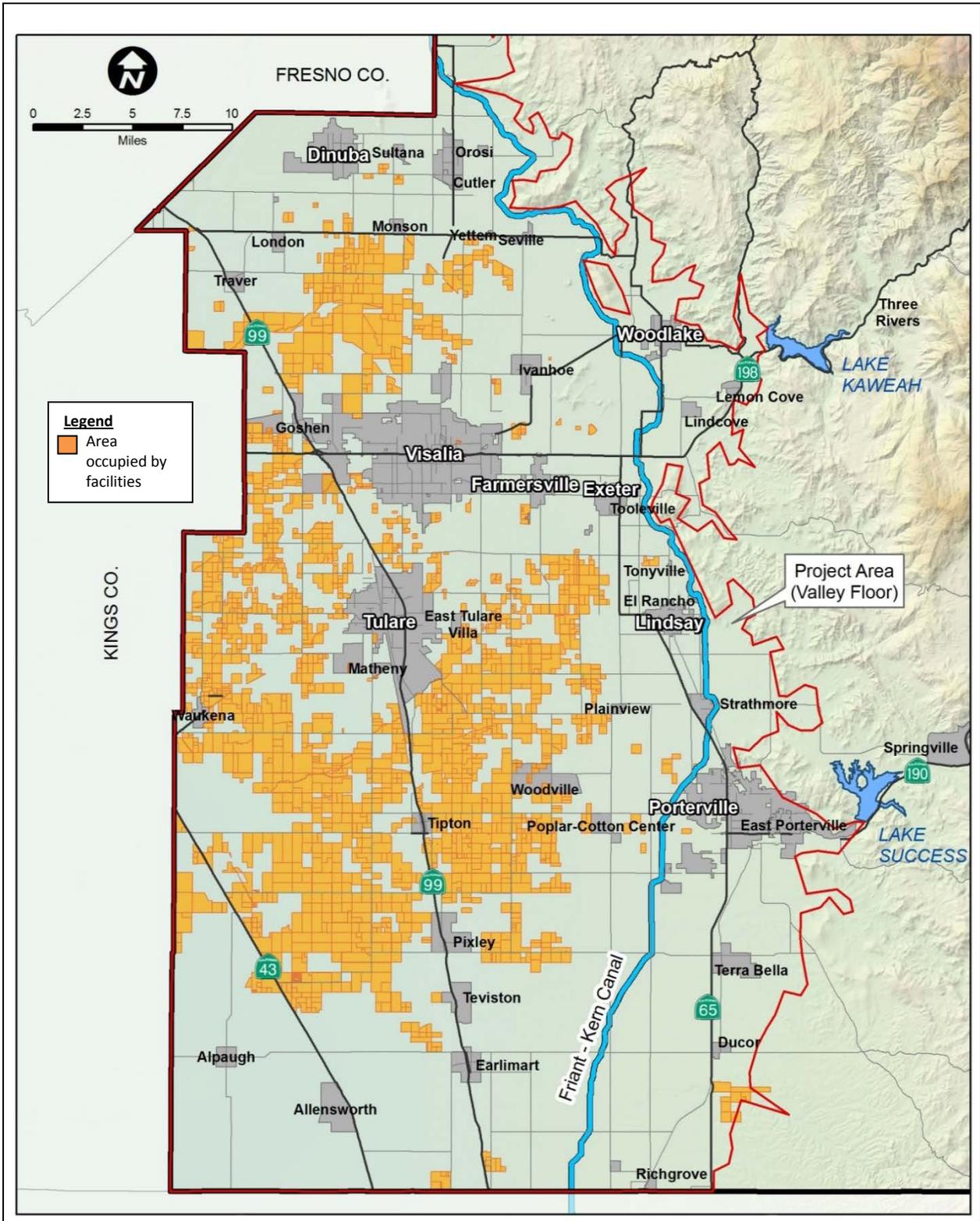
M7 Use local and sustainable building materials (construction only)

M8 Additional BMPs in agriculture and animal operations

M9 Environmentally responsible purchasing

M10 Implement an innovative strategy for GHG reductions

M11 Implement within the existing portion of a facility a Category A strategy or a Category B strategy to the same or greater extent as would have been done for the expanded portion



 <p>Quad Knopf</p>	<p>AREAS OCCUPIED BY EXISTING BOVINE FACILITIES IN TULARE COUNTY</p>	<p>Figure 1 - 1</p>
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