

# **Land Use, Open Space, and Conservation Element**

## **Chapter 1**

## 1.1 INTRODUCTION

This chapter presents the Land Use, Open Space, and Conservation Element of the Kern County General Plan. This Element supersedes all previous Land Use, Open Space, and Conservation Elements affecting the Kern County unincorporated areas. Because of the close interrelationship between land use, conservation, and open space issues, Kern County's Land Use, Conservation, and Open Space Element provides for a variety of land uses for future economic growth while also assuring the conservation of Kern County's agricultural, natural, and resource attributes.

### AUTHORITY AND PURPOSE

The State of California Government Code includes requirements and authority for the Land Use, Conservation, and Open Space Elements.

#### Government Code 65302(a):

A land use element which designates the proposed general distribution and general location and extent of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to those areas. The land use element shall designate, in a land use category that provides for timber production, those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982.

#### General Code 65302(d):

A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, river, and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element, including waters, shall be developed in coordination with any Countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the County or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or County. The conservation element may also cover:

- (1) The reclamation of land and waters.
- (2) Prevention and control of the pollution of streams and other waters.
- (3) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (4) Prevention, control, and correction of the erosion of soils, beaches, and

- shores.
- (5) Protection of watersheds.
- (6) The location, quantity and quality of the rock, sand, and gravel resources.
- (7) Flood control.

Government Code 65302(e):

An open-space element as provided in Article 10.5 (commencing with Section 65560).

Government Code 65560:

(a) **Local open-space plan** is the open-space element of a County or city general plan adopted by the Board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

(b) **Open-space land** is any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in this section and which is designated on a local, regional, or State open-space plan as any of the following:

- (1) Open space for the preservation of the natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays, and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
- (2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands, and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers, and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
- (3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- (4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.

## **FIGURE 4. LAND USE DESIGNATIONS**

- 1. NONJURISDICTIONAL LAND**
  - 1.1 STATE AND FEDERAL LAND
  - 1.2 INCORPORATED CITIES
  
- 2. PHYSICAL CONSTRAINTS OVERLAY**
  - 2.1 SEISMIC HAZARD
  - 2.2 LANDSLIDE
  - 2.3 SHALLOW GROUNDWATER
  - 2.4 STEEP SLOPE
  - 2.5 FLOOD HAZARD
  - 2.6 ■ 2.9 Land use designations unique to adopted Specific Plans
  - 2.10 NEARBY WASTE FACILITY
  - 2.11 BURN DUMPS
  
- 3. PUBLIC FACILITIES AND SERVICES**
  - 3.1 PARKS AND RECREATION AREAS
  - 3.2 EDUCATIONAL FACILITIES
  - 3.3 OTHER FACILITIES
  - 3.4 SOLID WASTE DISPOSAL FACILITY
    - 3.4.1 SOLID WASTE DISPOSAL FACILITY BUFFER
  - 3.5 HAZARDOUS WASTE DISPOSAL FACILITIES LAND DISPOSAL METHOD
  - 3.6 HAZARDOUS WASTE DISPOSAL FACILITIES UNDERGROUND INJECTION METHOD
  - 3.7 OTHER WASTE FACILITY
    - 3.7.1 OTHER WASTE FACILITY BUFFER
  
- 4. SPECIAL TREATMENT AREAS**
  - 4.1 ACCEPTED COUNTY PLAN AREAS
  - 4.2 INTERIM RURAL COMMUNITY PLAN
  - 4.3 SPECIFIC PLAN REQUIRED
  
- 5. RESIDENTIAL**
  - 5.1 MAXIMUM 29 UNITS/NET ACRE (1502 SQ. FT. SITE AREA/UNIT)
  - 5.2 MAXIMUM 16 UNITS/NET ACRE (2722 SQ. FT. SITE AREA/UNIT)
  - 5.3 MAXIMUM 10 UNITS/NET ACRE (4356 SQ. FT. SITE AREA/UNIT)
  - 5.4 MAXIMUM 4 UNITS/NET ACRE (10,890 SQ. FT. SITE AREA/UNIT)
  - 5.45 MAXIMUM 2 UNITS/ NET ACRE (21,780 SQ. FT. SITE AREA/UNIT)
  - 5.5 MAXIMUM 1 UNIT/NET ACRE (43,560 SQ. FT. SITE AREA/UNIT)
  - 5.6 MINIMUM 2.5 GROSS ACRES/UNIT
  - 5.7 MINIMUM 5 GROSS ACRES/UNIT
  - 5.75 MINIMUM 10 GROSS ACRES/ UNIT
  - 5.8 MINIMUM 20 GROSS ACRES/UNIT
  
- 6. COMMERCIAL**
  - 6.1 REGIONALCOMMERCIAL
  - 6.2 GENERAL COMMERCIAL
  - 6.3 HIGHWAY COMMERCIAL

**7. INDUSTRIAL**

- 7.1 LIGHT INDUSTRIAL
- 7.2 SERVICE INDUSTRIAL
- 7.3 HEAVY INDUSTRIAL

**8. RESOURCE**

- 8.1 INTENSIVE AGRICULTURE (MIN. 20- ACRE PARCEL SIZE)
- 8.2 RESOURCE RESERVE (MIN. 20- OR 80- ACRE PARCEL SIZE)
- 8.3 EXTENSIVE AGRICULTURE (MIN. 20- OR 80-ACRE PARCEL SIZE)
- 8.4 MINERAL AND PETROLEUM (MIN. 5-ACRE PARCEL SIZE)
- 8.5 RESOURCE MANAGEMENT (MIN. 20- OR 80-ACRE PARCEL SIZE)

# **Non-Jurisdictional Land**

## 1.2 NONJURISDICTIONAL LAND

### ASSUMPTIONS: NONJURISDICTIONAL LAND

Federal and State ownership of land will increase over the next 20 years as a result of conservation programs and related acquisitions. Management of federal lands under the jurisdiction of the Bureau of Land Management and the U.S. Forest Service could change if the focus continues to shift from multiple use and sustained yield to preservation to ensure continued military readiness and enhancing national security. Incorporated cities will continue to expand through annexation to accommodate the anticipated population growth during the planning period.

### ISSUES: NONJURISDICTIONAL LAND

A potential for land use conflict is created when land management jurisdictions promote more intensive land uses and activities than occurs in unincorporated areas. This often occurs, for example, where urban growth is taking place on the fringe of an incorporated city.

A similar situation could occur on the periphery of a State wildlife refuge or a military installation. Other conflicts can occur with regard to resource uses or mineral production, energy development, livestock grazing, and outdoor recreation.

### GOALS: NONJURISDICTIONAL LAND

1. To promote harmonious and mutually beneficial uses of land among the various jurisdictions and land management entities present in Kern County.

### MAP PROVISIONS: NONJURISDICTIONAL LAND

**Map Code 1.1 (State and Federal Land)** - Applied to all property under the ownership and control of the various State and federal agencies operating in Kern County (military, U.S. Forest Service, Bureau of Land Management, Department of Energy, etc.).

**Map Code 1.2 (Incorporated Cities)** - Used to identify the areas of cities within the County, which are responsible for the preparation and maintenance of their own General Plans.

## **POLICIES: NONJURISDICTIONAL LAND**

1. Coordination and cooperation will be promoted among the County, the incorporated cities, military bases, and the various special districts where their planning decisions and actions affect more than a single jurisdiction.
2. All nonjurisdictional land, when coming under the jurisdiction of the County such as through a detachment process, shall be deemed to have a Map Code 8.5 (Resource Management) designation if vacant. For developed land, the map code which most closely represents the actual land use, as determined by the Planning Director, shall be utilized.
3. The County retains the maximum discretion allowed by law over land use issues of local concern, which impact the development of private and public property in the County.
4. The County will solicit comments and coordinate with local governments, the military, and other federal or State jurisdictions on projects which are proposed within a peripheral area established mutual agreement between the County and the jurisdiction.
5. The County land use regulations do not apply to property administered by the State or federal Government in the absence of Memorandums of Understanding indicating otherwise. However, County land use regulations may apply to other public entities subject to provisions of State law.
6. The County will solicit a city's comments on land use planning proposals within the city's adopted sphere of influence or within one mile of the city limits, whichever is greater.

## **IMPLEMENTATION MEASURES: NONJURISDICTIONAL LAND**

- A. Develop a procedure to assure that the County, the incorporated cities, and other jurisdictions refer major planning and land use proposals to all affected jurisdictions for review, comment, and recommendation. Comments and discussion should occur if requested by the affected jurisdiction(s).
- B. Review proposed revisions to or amendments of a city's General Plan in either the affected fringe area or adopted sphere of influence to ensure compatibility with County land use plans.
- C. Classify nonjurisdictional lands in a zoning category which is consistent with a resource management category.
- D. Establish a "Review Area" around each State, military, or other federal jurisdiction. Review development proposals or proposed General Plan Amendments and revisions within the established area with the appropriate agency.

- E. Seek Memorandums of Understanding with other governmental entities when the land use proposed requires a discretionary application or coordination through the County Planning Agency as required by State or federal law. These applications include permit(s) subject to the Surface Mine and Reclamation Act (SMARA) of 1975.
- F. The County shall consider all public agency comments for land use projects and promote intergovernmental coordination in the provision of land use designations and related public infrastructure.

# **Physical and Environmental Constraint**

## 1.3 PHYSICAL AND ENVIRONMENTAL CONSTRAINTS

### ASSUMPTIONS: PHYSICAL AND ENVIRONMENTAL CONSTRAINTS

Natural hazards are a long-term constraint that may affect developed uses of land. Throughout the County, sufficient land that is free from natural hazards is available for such uses without incurring the risks associated with development in hazardous areas.

### ISSUES: PHYSICAL AND ENVIRONMENTAL CONSTRAINTS

Over the years, development has occurred in areas that have a variety of natural hazards. Expansion pressures in some existing communities would site new development in areas that are known to have documented hazardous conditions. In a few instances, entire communities are located in areas of significant natural hazards. The extent to which natural hazards can be mitigated is frequently debated, thus further complicating the issue of development in hazardous areas.

### GOALS: PHYSICAL AND ENVIRONMENTAL CONSTRAINTS

1. To strive to prevent loss of life, reduce personal injuries, and property damage, minimize economic and social diseconomies resulting from natural disaster by directing development to areas which are not hazardous.

### MAP PROVISIONS: PHYSICAL AND ENVIRONMENTAL CONSTRAINTS

**Map Code 2.1 (Seismic Hazard)** - Alquist-Priolo Special Study Zone and other recently active fault zones.

**Map Code 2.2 (Landslide)** - Areas of down slope ground movement identified on the Kern County Seismic Hazard Atlas.

**Map Code 2.3 (Shallow Groundwater)** - Groundwater within 15 feet of the land surface is delineated on the Kern County Seismic Hazard Atlas.

**Map Code 2.4 (Steep Slope)** - Land with an average slope of 30 percent or steeper.

**Map Code 2.5 (Flood Hazard)** – Special Flood Hazard Areas (Zone A), as identified on the Flood Insurance Rate Maps (FIRM) of the Federal Emergency Management Agency (FEMA) and supplemented by floodplain delineating maps that have been approved by the Kern County Engineering and Survey Services Department.

**Map Codes from 2.6 to 2.9:** Areas with special physical or environmental constraints which are located within a Specific Plan.

**Map Code 2.10 (Nearby Waste Facility):** Areas which are not owned by the waste facility that are within 1,320 feet of a permitted solid waste disposal facility (Map Code 3.4).

**Map Code 2.11 (Burn Dump Hazard):** A site where municipal solid waste has been burned at low temperature and the residual burn ash and debris have been landfilled or stockpiled on site. Burn dumps typically contain little biodegradable organic material because of the combustion of waste materials and the age of the sites. Therefore, typically little or no landfill gas is being generated at burn dumpsites. Farm and ranch dumpsites are excluded from this designation.

## **POLICIES: PHYSICAL AND ENVIRONMENTAL CONSTRAINTS**

1. Kern County will ensure that new developments will not be sited on land that is physically or environmentally constrained ((Map Code 2.1 (Seismic Hazard), Map Code 2.2 (Landslide), Map Code 2.3 (Shallow Groundwater), Map Code 2.5 (Flood Hazard), Map Codes from 2.6 – 2.9, Map Code 2.10 (Nearby Waste Facility), and Map Code 2.11 (Burn Dump Hazard)) to support such development unless appropriate studies establish that such development will not result in unmitigated significant impact.
2. In order to minimize risk to Kern County residents and their property, new development will not be permitted in hazard areas in the absence of implementing ordinances and programs. These ordinances will establish conditions, criteria, and standards for the approval of development in hazard areas.
3. Zoning and other land use controls will be used to regulate and, in some instances, to prohibit development in hazardous areas.
4. Special requirements will be applied to new housing within recently active fault zones.
5. New residential uses in fault zones should be limited to single-family housing units.
6. Regardless of percentage of slope, development on hillsides will be sited in the least obtrusive fashion, thereby, minimizing the extent of topographic alteration required and reducing soil erosion while maintaining soil stability.
7. Ensure effective slope stability, wastewater drainage, and sewage treatments in areas with steep slopes are adequate for development.
8. Encourage the preservation of the floodplain's flow conveyance capacity, especially in floodways, to be open space/passive recreation areas throughout the County.
9. Construction of structures that impede water flow in a primary floodplain will be discouraged.

10. The County will allow lands which are within flood hazard areas, other than primary floodplains, to be developed in accordance with the General Plan and Floodplain Management Ordinance, if mitigation measures are incorporated so as to ensure that the proposed development will not be hazardous within the requirements of the Safety Element (Chapter 4) of this General Plan.
11. Protect and maintain watershed integrity within Kern County.
12. General Plan Amendments for new residential development shall be discouraged in areas that are within 1,320 feet of a permitted solid waste disposal facility (Map Code 3.4) or within 200 feet of other waste facilities (Map Code 3.7).
13. Development, which is located adjacent to a burn dumpsite and requires a discretionary permit, shall be reviewed for land use compatibility and possible soil contamination.

#### **IMPLEMENTATION MEASURES: PHYSICAL AND ENVIRONMENTAL CONSTRAINTS**

- A. Adopt requirements and procedures in zoning, subdivision, and site development regulations and building criteria for Seismic Hazard designated areas. Include the following in these requirements and procedures:
  - (1) The preparation of special geologic and seismic studies consistent with the requirements of the Safety Element (Chapter 4) of this General Plan.
  - (2) The following specific and detailed criteria shall apply within special studies zones and shall be included in any planning program, ordinances, rules and regulations adopted by the County pursuant to said SPECIAL STUDIES ZONES ACT (PRC Division 4, Part 2). If the precise location of a fault trace cannot be established, or if a portion of an active fault trace is depicted as "inferred" on the Kern County Seismic Hazard Atlas, require a setback of 100 feet from the appropriate location depicted:
    - (a) No structure for human occupancy, public or private, shall be permitted to be placed across the trace of an active fault. Furthermore, the area within 50 feet of an active fault shall be assumed to be underlain by active branches of that fault unless and until proven otherwise by an appropriate geologic investigation and submission of a report by a geologist registered in the State of California. This 50-foot standard is intended to represent minimum criteria only for all structures. Certain essential or critical structures, such as high-rise buildings, hospitals, and schools should be subject to more restrictive criteria at the discretion of the Board of Supervisors.
    - (b) Application for a development permit for any project (as defined in the Public Resources Code Section 2621.6) within a special studies zone

shall be accompanied by a geologic report prepared by a geologist registered in the State of California and directed to the problem of potential surface fault displacement through the project site, unless such report is waived pursuant to PRC Section 2623.

- (c) Geologic reports shall be filed with the State Geologist.
  - (d) A geologist registered in the State of California, within or retained by the County, must evaluate the geologic reports required herein and advise the Kern County Planning Department of the findings.
  - (e) Comprehensive geologic and engineering studies should be required for any critical or essential structure as previously defined whether or not it is located within a special studies zone.
  - (f) In accordance with Section 2625 of the Public Resources Code, each application for approval of a project within a delineated special studies zone may be charged a reasonable fee by the County.
  - (g) As used herein, the following definitions apply:
    - (1) A "project" includes any structure for human occupancy or new real estate development as defined under Section 2621.6 of the Public Resource Code.
    - (2) A "structure for human occupancy" is one that is regularly, habitually, or primarily occupied by humans; excluding there from freeways, roadways, bridges, railways, airport runways, and tunnels. The excluded transportation structures should be sited and designed with due consideration to the hazard of surface faulting. Mobilehomes, whose body width exceeds eight (8) feet, are considered structures for human occupancy.
    - (3) A "new real estate development" is defined as any new development of real property which contemplates the eventual construction of "structures for human occupancy."
- B. A seismic analysis may be required for those areas in Kern County which are susceptible to landslides.
- C. Cooperate with the Kern County Water Agency to classify lands in the County overlying groundwater according to groundwater quantity and quality limitations.
- D. Review and revise the County's current Grading Ordinance as needed to ensure that its standards minimize permitted topographic alteration and soil erosion while maintaining soil stability.

- E. Development proposed in areas with steep slopes (Map Code 2.4) will be reviewed for conformity to Chapter 19.88 Hillside Development Ordinance or Chapter 19.52 Special Planning (SP) District to ensure that appropriate soil stability, drainage, and sewage treatment will result.
- F. The County will comply with the Colbey-Alquist Floodplain Management Act in regulating land use within designated floodways.
- G. Continue to identify areas in which the Kern County Engineering and Survey Services Department should initiate studies for flood hazard where studies have not previously been made and for which urban development is proposed.
- H. Development within areas subject to flooding, as defined by the appropriate agency, will require necessary flood evaluations and studies.
- I. Designated flood channels and water courses, such as creeks, gullies, and riverbeds, will be preserved as resource management areas or in the case of urban areas, as linear parks whenever practical.
- J. Compliance with the Floodplain Management Ordinance prior to grading or improvement of land for development or the construction, expansion, conversion or substantial improvements of a structure is required.
- K. The Waste Management Department and the Environmental Health Services Department shall be consulted when discretionary residential development has been proposed in areas that are within 1,320 feet of a permitted solid waste disposal facility (Map Code 3.4), within 200 feet of an other waste facilities (Map Code 3.7), or 660 feet from a commercial organic composting facility or transformation facility.
- L. The County shall amend the General Plan maps to include the 2.10 Map Code around solid waste disposal facilities as necessary.
- M. The State Water Resources Control Board and the Local Enforcement Agency (Environmental Health Services) shall be consulted when discretionary development has been proposed near a known burn dumpsite.
- N. Applicants for new discretionary development should consult with the appropriate Resource Conservation District and the California Regional Water Quality Control Board regarding soil disturbances issues.
- O. The Kern County Engineering and Survey Services Department should perform, as funding permits, additional floodplain studies to better define the extent of flood-prone areas in order to ensure compatibility with future land use.

# **Public Facilities and Services**

## **1.4 PUBLIC FACILITIES AND SERVICES**

### **ASSUMPTIONS: PUBLIC FACILITIES AND SERVICES**

As development occurs, the public will demand certain levels of public services and facilities. These levels may, however, vary from region to region within the County. Public funds available to provide such services can be anticipated to be significantly less than adequate to meet all public service needs. As a result, it can be anticipated that there will be an increase in the provision of public facilities through the use of private capital and user fees.

Important segments of the economy temporarily require facilities to dispose of hazardous waste until safer methods are implemented. Waste generators include the oil industry, agriculture, military, and many businesses which generate small volumes of hazardous waste. Hazardous waste disposal facilities in Kern County will be operated as private commercial enterprises under conditional use permits. Although generally referred to as "hazardous", much of the petroleum drilling and production waste is of relatively low toxicity. This is the basis on which these wastes are exempted from federal Resource and Conservation Recovery Act regulations.

It is also assumed that many areas of the County will continue to use individual septic systems for liquid waste disposal due to the absence of community sewage systems.

Vital public facilities and services such as law enforcement (Sheriff), health services, and fire protection will be continued, improved, and expanded where needed.

Educational services and facilities will continue to be provided.

Recreational facilities and parks will continue to be provided by public and private means on an as needed basis.

### **ISSUES: PUBLIC FACILITIES AND SERVICES**

The economical and efficient delivery of public services is one of the main purposes and benefits of effective land use planning. Kern County, as well as numerous special districts, the incorporated cities, and the many school districts within the County, are faced with fiscal constraints and continuing inflationary trends. In some portions of the County, and for some countywide services, the costs of providing the services are exceeding traditional sources of revenue available to finance them. As a result, levels of service are reduced and public facilities are deteriorating.

The new residential, industrial, and commercial land uses indicated on the General Plan map will demand the provision of public services and facilities. In several areas, major public service or facility deficiencies already exist. Projected growth will add to this problem and may create new problems in other areas as well. Locating adequate sites for public facilities will become more difficult as incompatible uses compete for increasingly

limited and expensive sites suitable for public facilities.

Hazardous waste disposal facilities pose substantial environmental threats to soil, groundwater and air quality. Disposal facilities must be justified in terms of beneficial effects for County residents and operated in a manner which ensures environmental safety. Conflicts may exist between the operation of certain disposal facilities as profitable businesses, necessary services for industry, and preservation of natural resources for the common good.

Though the County will continue to provide facilities for solid waste disposal for the residents of Kern County, these facilities will continue to be financed by the implementation of a land use fee and commercial tipping fees.

Many of the County's landfills were converted from burn dumps or established prior to 1979 and are reaching capacity. Solid wastes may need to be transferred long distances to be properly disposed of. Adequate capacity in some areas of the County may pose a problem.

Continued use of individual septic systems may cause an impact on the groundwater quality.

The determination of needed recreational services and facilities should be an ongoing process. The continued funding for the acquisition, development, and maintenance of recreation and parks is questionable.

Because planning and development of recreational facilities is very often accomplished by special districts that develop individual master plans and implementation schedules, it is difficult to properly designate the location of future facilities.

Within these special districts, as facilities are developed, the County will retroactively designate them with the appropriate map code. The development of public or private recreational facilities in map code designations other than Map Code 3.1, if allowed either as a matter of right or by conditional use permit, shall be considered consistent with the intent and purpose of this General Plan.

Because planning and development of educational facilities is often accomplished by various school districts in Kern County which develop individual plans and implementation schedules it is difficult to properly designate the location of future facilities.

The Kern County Zoning Ordinance allows the establishment of public facilities such as parks, schools, libraries, and other similar facilities in various zone classifications upon approval of a conditional use permit (CUP). It is not the intent of this General Plan to require a General Plan amendment as a prerequisite to the approval of such facilities when, as a part of the CUP process findings, of consistency with the goals, policies, and provisions of this General Plan are made by the approving body.

## **GOALS: PUBLIC FACILITIES AND SERVICES**

1. Kern County residents and businesses should receive adequate and cost effective public services and facilities. The County will compare new urban development proposals and land use changes to the required public services and facilities needed for the proposed project.
2. Promote an urban growth pattern in areas where adequate public service infrastructure exists or can be provided.
3. Distribute the cost of new services or facilities equitably among the beneficiaries.
4. Provide coordination between public entities to ensure infrastructure standards and equitable fiscal support.
5. Ensure that adequate supplies of quality (appropriate for intended use) water are available to residential, industrial, and agricultural users within Kern County.
6. Provide a healthful and sanitary means of collecting, treating, and disposing of sewage and refuse for the residents and industries of Kern County.
7. Facilitate the provision of reliable and cost effective utility services to residents of Kern County.
8. Provide recreation opportunities for all citizens of Kern County while avoiding duplication between jurisdictions.
9. Serve the needs of industries and Kern County residents in a manner that does not degrade the water supply and the environment and protect the public health and safety by avoiding surface and subsurface nuisances resulting from the disposal of hazardous wastes, irrespective of the geographic origin of the waste.
10. Ensure landfill capacity for Kern County residents and industries.
11. Reduce residential contamination of groundwater by encouraging sanitary sewer systems.
12. Provide a balanced system of parks and recreational facilities to meet Kern County's diverse needs, and clearly define responsibility for the provision of these facilities.
13. Provide a variety of park and recreation programs that offer safe, equitable, and balanced recreation opportunities for all residents and visitors.

## **MAP PROVISIONS: PUBLIC FACILITIES AND SERVICES**

**Map Code 3.1 (Parks and Recreation Areas)** - Existing public and private recreation facilities and park areas. The purpose of this designation is to provide a wide variety of facilities to serve the many recreational interests of County residents. Permitted uses shall include, but are not limited to, public and private parks containing facilities for day use, hiking, camping, walking, picnicking, riding, and other recreational activities.

**Map Code 3.2 (Educational Facilities)** - Existing public and private educational facilities. Permitted uses include, but are not limited to, public and private educational facilities of all levels, including higher education institutions, and some recreational facilities, such as neighborhood parks.

**Map Code 3.3 (Other Facilities)** - Existing facilities used for public or semi-public services. Permitted uses include, but are not limited to, airports, sewer farms, treatment plants, and water spreading areas.

**Map Code 3.4 (Solid Waste Disposal Facility)** – Existing or planned public, semi-public, or private municipal solid waste facilities, organic waste disposal facilities, and segregated waste stream disposal facilities. (see Appendix E)

**Map Code 3.4.1 (Solid Waste Disposal Facility Buffer)** – Areas, which are owned by the solid waste disposal facility, within 1,320 feet of a permitted disposal area as defined by the 3.4 Map Code designation (see Appendix E).

**Map Code 3.5 (Hazardous Waste Disposal Facilities Land Disposal Method)** - Permitted land uses include the primary activity of surface disposal of hazardous waste. There are no compatible uses. This map code applies to land within the facility perimeter.

Two concentric buffer zones extend from the facility perimeter, as illustrated in the Kern County and Incorporated Cities Hazardous Waste Management Plan. The Inner Buffer Zone is shown to extend 2,000 feet from the facility perimeter consistent with current State law. Map Code 8.X, which are various resource designations, will apply to land within this buffer zone. In the Outer Land Use Buffer Zone, which extends to one mile (5,280 feet) from the facility perimeter, all preexisting map code designations will be retained and may be developed as designated. However, no new more intensive land use designations of a sensitive nature will be allowed.

**Map Code 3.6 (Hazardous Waste Disposal Facilities Underground Injection Method)** - Permitted land uses include a deep injection well for disposal of hazardous wastes as a primary activity. There are no compatible uses. This map code applies to land within the facility perimeter.

Two concentric buffer zones extend from the facility perimeter, as illustrated in the Kern County and Incorporated Cities Hazardous Waste Management Plan. The Inner Buffer Zone is shown to extend 2,000 feet from the facility perimeter consistent with current State law. Map Code 8.x, which are various Resource designations, will apply to land

within this buffer zone. In the Outer Land Use Buffer Zone, which extends to one mile (5,280 feet) from the facility perimeter, all preexisting map code designations will be retained and may be developed as designated. However, no new more intensive land use designations of a sensitive nature will be allowed.

**Map Code 3.7 (Other Waste Facilities)** – Non-hazardous waste facilities which manage and process various types of waste materials but do not have on-site disposal. Examples include but are not limited to large and medium volume transfer facilities; materials recovery facilities; composting facilities (green waste and biosolids); wood waste (chipping and grinding facilities); tire recycling; soil remediation; transformation facilities; ash operations and facilities as defined in §17376 of Title 14; and construction and demolition recycling (see Appendix F).

**Map Code 3.7.1 (Other Waste Facilities Buffer)** – Areas which are owned by the waste facility, restricted by easement, or have a compatible use to the waste facility within 200 foot of a permitted waste area as defined by the 3.7 land use designation or for a commercial organic composting and transformation facilities a minimum buffer of 660 foot shall be required (see Appendix F).

## **POLICIES: PUBLIC FACILITIES AND SERVICES**

1. New discretionary development will be required to pay its proportional share of the local costs of infrastructure improvements required to service such development.
2. The efficient and cost-effective delivery of public services and facilities will be promoted by designating areas for urban development which occur within or adjacent to areas with adequate public service and facility capacity.
  - a. Ensure that water quality standards are met for existing users and future development
  - b. Ensure that adequate storage, treatment, and transmission facilities are constructed concurrently with planned growth.
  - c. Ensure the maintenance and repair of existing water systems.
  - d. Encourage the utilization of wastewater treatment facilities which provide for the reuse of wastewater.
  - e. Encourage the consolidation or elimination of small water systems.
  - f. Encourage the conversion of private sewer systems (septic tanks) to public systems.

- g. Ensure that adequate collection, treatment, and disposal facilities are constructed concurrently with planned growth.
  - h. Ensure that appropriate funding mechanisms are in place to fund the needed improvements which result from development and subsequent growth.
3. Individual projects will provide availability of public utility service as per approved guidelines of the serving utility.
  4. The provision of parks and recreational facilities of varying size, function, and location to serve County residents will be encouraged. Special attention will be directed to providing linear parks along creeks, rivers, and streambeds in urban areas.
  5. Seek to provide recreational facilities where deficiencies have been identified.
  6. The County will ensure adequate fire protection to all Kern County residents.
  7. The County will ensure adequate police protection to all Kern County residents.
  8. Environmentally safe locations for the disposal of solid waste will be assured by locating sites in accordance with the criteria set forth in Appendix E of this General Plan.
  9. Applicants for all solid waste disposal facilities (Map Code 3.4) and other waste facilities (Map Code 3.7) shall submit closure plans and financial assurance estimates to guarantee closure in conjunction with approval of the required conditional use permit. The requirement for financial assurances may also be satisfied if a State or federal agency will have lead permit responsibility for approval or operational oversight of the facility and which also will require the posting of financial assurances to guarantee site closure. In conjunction with the financial assurances filed with the County, applicants shall enter into a contract with the County to guarantee site closure.
  10. A designated site for solid waste disposal facilities (Map Code 3.4) shall be protected from encroachment of incompatible land uses and intensive urban development. General Plan map code designations which may be compatible for properties adjacent to or within 1,320 feet of solid waste disposal facilities include the following: Resource designations (8.x), 1.2, 3.3, 5.8, 7.1, 7.2, and 7.3. Other map code designations may be compatible subject to project-specific CEQA evaluation. Intensive residential uses, community care facilities, schools, hospitals, recreational vehicle parks, and other uses involving sensitive populations, concentrations of people, and other activities will usually be incompatible adjacent to or near solid waste disposal facilities.

Health risk assessment analysis prepared by the land use project applicants may be warranted when considering proposals for General Plan amendments, zone

changes, conditional use permits, and sensitive uses within 1,320 feet of a designated solid waste facility site.

11. A solid waste disposal facility (Map Code 3.4) and other waste facilities (Map Code 3.7) shall pay its pro-rata share of upgrading of pertinent County roads.
12. For solid waste disposal facilities, all necessary permits shall be obtained from the Kern County Environmental Health Services Department, Kern County Waste Management Department, State of California Integrated Waste Management Board, State of California Regional Water Quality Control Board, the appropriate Air Pollution Control District, and all other responsible agencies prior to the commencement of operations.
13. The County shall ensure landfill capacity for the residents and industry of Kern County.
14. All solid waste disposal facilities shall designate a buffer around the permitted disposal area as defined by the Map Code 3.4 land use designation.
15. All other waste facilities (non-hazardous/non-disposal) shall designate a buffer around the permitted waste area as defined by the 3.7 land use designation.
16. The proposed siting or expansion of hazardous waste facilities will be in conformance with the adopted Kern County and Incorporated Cities Hazardous Waste Management Plan.
17. For other policies and implementation measures, see General Provisions, Section 1.10 of this General Plan.

#### **IMPLEMENTATION MEASURES: PUBLIC FACILITIES AND SERVICES**

- A. Continue to administer the Capital Improvement Program (CIP) and coordinate with public utility providers listing the necessary improvements to Kern County's public services and facilities in collaboration with key service providing agencies and the County Administrative Office as a first step toward the preparation of a long-term Public Services Plan for Kern County. This plan addresses the projected demand for public services throughout the County in comparison with projected revenues and identifies long-term financial trends for the major public service providers. The CIP and General Plan can assure compliance with the provisions of Government Code Sections 65401 and 65402 which require review of all capital facility decisions for consistency with this General Plan.
- B. Determine local costs of County facility and infrastructure improvements and expansion which are necessitated by new development of any type and prepare a schedule of charges to be levied on the developer at the time of approval of the Final Map. This implementation can be effectuated by the formation of a County work group.

- C. Project developers shall coordinate with the local utility service providers to supply adequate public utility services.
- D. Involve utility providers in the land use and zoning review process.
- E. Continue to establish coordinated efforts between government entities and private enterprise to identify and preserve unique scenic qualities of existing natural resources and to enhance the image of the County as a whole.
- F. Continue to use the accepted California and National Design Standards for both passive and active park development to accommodate programmed and spontaneous activities. Some usable area should be held as open turf for free play and community festivals.
- G. Continue to encourage coordination between appropriate jurisdictions in the acquisition (including cooperative agreements), development, and use of parks to avoid duplication of facilities and provide economic use of public funds.
- H. Continue to pursue federal, State, and private grant funding for the rehabilitation and acquisition of parks and recreation facilities.
- I. Developers of new residential subdivisions will be required to dedicate land and/or pay fees in lieu of dedication for the acquisition and development of recreational facilities which directly serve the needs of the subdivision.
- J. Ensure that the Superintendent of Schools and the respective school districts are informed of development proposals and are afforded the opportunity of evaluating their potential effect on the physical capacity of school facilities.
- K. The appropriate agency should develop sewer and water master plans in areas where these services are lacking or deficient and in areas where urban development exists or is designated.
- L. Prior to the approval of development projects, the County shall determine the need for fire protection services. New development in the County shall not be approved unless adequate fire protection facilities and resources can be provided.
- M. Conditional use permits shall be required for solid waste facilities to establish the standards and conditions necessary to protect the public's health and safety and to protect characteristics associated with diverse communities and regions of Kern County.
- N. Secure complete and accurate information on all hazardous wastes generated, handled, stored, treated, transported, and disposed of within or through Kern County.
- O. Reduce to the greatest degree possible the amount of waste to be disposed of by encouraging private industry to construct and manage a high quality system of transfer stations, recycling facilities, treatment plants, and incinerators located near

the generators of hazardous waste.

- P. Develop formal relationships with the federal and State governments to define federal, State, regional, and local responsibilities for the enforcement of hazardous waste laws and the inspection of hazardous waste disposal facilities.
- Q. The County shall develop a program to update the Kern County and Incorporated Cities Hazardous Waste Management Plan.
- R. Roads and highways utilized for commercial shipping of hazardous waste destined for disposal will be designated as such pursuant to Vehicle Code Sections 31303 et seq. Permit applications shall identify commercial shipping routes they propose to utilize for particular waste streams.
- S. County permits for new or expanding hazardous waste disposal facilities shall be approved for a period not to exceed five (5) years. No renewal of a permit will be granted if federal or State law or regulations do not then authorize the issuance of permits to operate new disposal facilities of the proposed type. If the County renews a permit, it may impose any new conditions and restrictions, which are required to bring the permit into conformity with law or the Kern County and Incorporated Cities Hazardous Waste Management Plan.
- T. Amend the County's EIR Procedures to include consideration of fiscal impacts of development proposals, so that the character and extent of possible public service or facility deficiencies can be identified during the course of the normal project review process.
- U. Each adopted site for a solid waste disposal facility (Map Code 3.4) shall be depicted on the General Plan map and on a map in Appendix E, delineating the boundaries of the facility and existing permanent dwelling units within 1,320 feet of the facility's boundary. Modifications to a permitted disposal area shall require a General Plan Amendment to a Map Code 3.4 for the expansion area and shall simultaneously amend the Map Code 3.4.1 (Other Waste Facility Buffer) boundary to maintain a 1,320-foot buffer area from the permitted disposal area. The General Plan Amendment process shall include amending the facilities map in Appendix E.
- V. All new solid waste disposal facilities (non-hazardous) (Map Code 3.4) shall own a minimum of 1,320-foot buffer around the permitted operational area as defined by the Map Code 3.4 land use designation and the buffer shall be designated Map Code 3.4.1 (Solid Waste Disposal Facility Buffer). This requirement may be waved or lessened by the Planning Director if adjacent land uses are compatible with the disposal facility such as Heavy and Medium Industrial.
- W. Solid waste disposal facilities approved prior to the adoption of this General Plan shall strive to have a 660-foot buffer around the permitted disposal area as defined by the Map Code 3.4 (Solid Waste Disposal Facility) land use designation. Land, which is not owned by the solid waste disposal facility and is within 1,320 feet of a permitted disposal facility, shall include a Map Code 2.10 (Nearby Waste Facility)

combining land use designation.

- X. The uses that are allowed within the Map Code 3.4.1 (Solid Waste Disposal Facility Buffer) land use designation shall be listed within the conditional use permit approved for the solid waste disposal facility or as provided for in the approved solid waste facility permit.
- Y. Each adopted site for other waste facilities (Map Code 3.7) shall be depicted on the General Plan map, and on a map in Appendix F delineating the boundaries of the facility, and existing permanent dwelling units within 200 foot of the facility's boundary or 660 foot for a commercial organic compost and transformation facilities. Modifications to the permitted waste area of an Other Waste Facilities shall require a General Plan Amendment to a Map Code 3.7 for the expansion area and shall simultaneously amend the Map Code 3.7.1 (Other Waste Facilities Buffer) boundary to maintain the required buffer area from the permitted waste area. The General Plan Amendment process shall include amending the facilities map in Appendix F.
- Z. All new Other Waste Facilities (non-hazardous/non-disposal) (Map Code 3.7) shall own a minimum of 200-foot buffer around the permitted operational area as defined by the Map Code 3.7 land use designation and the buffer shall be designated Map Code 3.7.1 (Other Waste Facility Buffer). Commercial organic compost and transformation facilities shall require a minimum of 660-foot buffer.
- AA. Other Waste Facilities approved prior to adoption of this General Plan shall strive to have a 200-foot buffer around the permitted disposal area as defined by the 3.7 land use designation. Land, which is not owned by the other waste facility and is within 200-foot of a permitted disposal facility, shall include a Map Code 2.10 (Nearby Waste Facility) combining land use designation, except for commercial organic compost and transformation facilities which require a 660-foot designated buffer.
- BB. The uses, which are allowed within the Map Code 3.7.1 (Other Waste Facility Buffer) land use designation, shall be listed within the approved conditional use permit or as provided by the appropriate permit.
- CC. Existing designated solid waste facilities are consistent with the General Plan. To further clarify the nature of future facilities, the County shall apply the following land use map codes.
  - 2.10 (Nearby Waste Facility)
  - 2.11 (Burn Dumps)
  - 3.4.1 (Solid Waste Disposal Facility Buffer)
  - 3.7 (Other Waste Facilities)
  - 3.7.1 (Other Waste Facilities Buffer)

- DD. Existing Map Code 3.4 (Solid Waste Disposal Facility) facilities that have approved permits consistent with Map Code 3.7 (Other Waste Facilities) may not **expand** their allowed land uses without a consistency finding with this General Plan. To be consistent a General Plan Amendment from Map Code 3.4 (Solid Waste Disposal Facility) to Map Code 3.7 (Other Waste Facilities), and a buffer designated Map Code 3.7.1 (Other Waste Facilities Buffer) may be required.
- EE. Existing Map Code 3.4 (Solid Waste Disposal Facility) facilities that have approved permits consistent with Map Code 3.7 (Other Waste Facilities) may not **intensify** their allowed land uses without a consistency finding with this General Plan. To be consistent a new conditional use permit and a buffer designated Map Code 3.4.1 (Solid Waste Disposal Facility Buffer) may be required.
- FF. A traffic study/analysis shall be required for all discretionary new or expanded solid waste facilities. The study shall include an analysis of the status of facility access roads and the need to upgrade those roads. Mitigation may be imposed to address impacts to these roads.
- GG. Implement a level of service standard of 2.5 acres of park area per 1,000 residents.
- HH. The County shall periodically investigate the level of service standards for parks and recreation services to ensure that adequate recreation facilities are provided for County residents.
- II. The Kern County Parks and Recreation Department will evaluate the possibility of alternative funding sources for the development, rehabilitation, and operation of park and recreational facilities. These funding sources shall include the possible implementation of development fees and/or special assessment districts such as used for lighting and landscaping, under a County Service Area (CSA).

# **Special Treatment Areas**

## 1.5 SPECIAL TREATMENT AREAS

### ASSUMPTIONS: SPECIAL TREATMENT AREAS

Localized issues, problems, and opportunities will continue to require specific, individualized treatment to ensure that a solution to problems or realization of opportunities is reflective of the needs of local residents. The size and complexity of Kern County forces recognition of localized needs. Use of area and specific plans will continue as basic tools under State law for addressing local needs.

For the purposes of this General Plan, a “Land Project” shall be defined as follows:

1. The subdivision contains 50 or more parcels of which any 50 are both (a) not improved with residential, industrial, commercial, or institutional buildings; and (b) offered for sale, lease, or financing for purposes other than industrial commercial, institutional, or commercial agricultural uses.

and

2. The subdivision is located in an area in which less than 1,500 registered voters reside within the subdivision or within two miles of the proposed project boundary.

and

3. The subdivision does not constitute a community apartment project as defined in Business and Professions Code Section 11004, a project consisting of condominiums as defined in Section 783 of the Civil Code, or a stock cooperative as defined in Business and Professions Code Section 11003.2.

### ISSUES: SPECIAL TREATMENT AREAS

Specific Plans and Rural Community Plans have been prepared in past years for a number of locations in the County. There are also small rural communities located throughout the County which would be impractical to address at a General Plan level of detail. The identity and character of these communities could easily be damaged by inappropriate treatment in a General Plan. Finally, areas have been identified through analysis of data and by identification during public involvement in the plan preparation process which has the potential for intensified, yet localized, development in the future.

### GOALS: SPECIAL TREATMENT AREAS

1. To recognize the validity of existing Specific Plan and Rural Community Plan decisions and to identify areas for which similar detailed planning efforts should be undertaken in the future so as to best meet the needs and concerns of local residents.

## **MAP PROVISIONS: SPECIAL TREATMENT AREAS**

**Map Code 4.1 (Accepted County Plan Areas)** - A designation of areas for which specific land use plans have already been prepared and approved. These plans are accepted and incorporated by this reference and the respective land use map associated with each such plan is hereby adopted as the General Plan diagram for each such area. Each plan area is indicated on the General Plan map. See Appendix A for details of accepted County plans.

**Map Code 4.2 (Interim Rural Community Plan)** - A designation used to identify settlements in the County that have individual character which, in past plans, have been broadly merged with the surrounding countryside. These settlements are recognized as unique communities; each with its own character, special advantages, and problems which should more appropriately be addressed at a specific plan level of detail. See Appendix B for details and maps of interim rural community plans.

**Map Code 4.3 (Specific Plan Required)** - A designation applied to areas wherein large-scale projects have been previously proposed by the project landowner(s). This map code recognizes the need for additional assessment and evaluation of these proposals and does not create a commitment on the part of Kern County to approve any such proposals. The project proponent bears the burden of demonstrating the suitability of the property for the conceptual uses and densities.

Areas designated Map Code 4.3 shall be subject to development, consideration, and adoption of a specific plan in accordance with all applicable local and State requirements pertaining thereto.

The Maximum Allowed Land Use Density tables (Appendix C) showing acreages and densities are conceptual and shall be used as guidelines should a specific plan be developed. Actual land uses and densities shall be based on consistency with the General Plan goals, policies and environmental review and may require reduction or elimination.

## **POLICIES: SPECIAL TREATMENT AREAS**

1. The land use map diagrams adopted for special treatment areas establish the land use patterns for these areas.
2. Applicant-initiated Specific Plans, adopted after the 2004 General Plan Update, that have not been implemented through the application of zoning and/or land division (where applicable) within five years of County approval shall be viewed as inactive. Applicant-initiated Specific Plans, adopted prior to the adoption of the 2004 General Plan Update shall also be viewed as inactive if not implemented within ten years of the 2004 General Plan Update. The County utilizing a County-initiated General Plan Amendment process shall consider inactive applicant-initiated Specific Plans for rescission.

3. Rural communities are historically identifiable small-scale non-urban settlements located in outlying areas of the County which contain a mixture of residential and supportive commercial and other uses serving the community and the surrounding rural population. The County will ensure that the unique character of these communities is preserved and enhanced by recognizing the scale, density, size, and composition of development as summarized in Appendix B.
4. The County shall require the adoption of a specific plan prior to development approval in areas (1) designated Map Code 4.3 (Specific Plan Required) on the General Plan maps; (2) for a development classified as a Land Project (see Special Treatment Areas' Assumptions section for a definition of "Land Project"); or (3) proposing to amend a resource designation (Map Code 8.x) equal to or greater than 40 acres to commercial/industrial map codes. Until a Specific Plan is adopted, the Map Code 4.3 (Specific Plan Required) areas will have the following interim General Plan land use designation:
  - (a) In areas designated Specific Plan Required the interim designations will reflect the existing zoning pattern pending the owner's or multiple owners' submission of an acceptable plan pursuant to stipulated guidelines found in Appendix C of this General Plan and subsequent County adoption of a Specific Plan. (Appendix C contains a summary of the Specific Plan Required areas)
5. Specific Plan Areas guidelines shall be used to ensure adequate consideration of the General Plan goals and policies governing development and resource management. (These guidelines are presented in Appendix C.)
6. If a Specific Plan Required area, Map Code 4.3, is subdivided prior to adoption of a formal Specific Plan, the Map Code 4.3 designation shall be reviewed for amendment or recession. The recession, through a publicly noticed General Plan Amendment process, shall be based on the practicality of a Specific Plan on the remainder of the property.

#### **IMPLEMENTATION MEASURES: SPECIAL TREATMENT AREAS**

- A. Where particular policies or standards are not addressed within a Special Treatment Area, the provisions of the Kern County General Plan shall govern.
- B. As each special treatment area, Map Code 4.3 (Specific Plan Required) or Map Code 4.2 (Interim Rural Community Plan), has a Specific Plan adopted pursuant to Government Code Section 65450 et seq., the map provision shall concurrently be changed to Map Code 4.1 (Accepted County Plan Area).
- C. Zone the accepted plan areas in a manner which is consistent with their equivalent General Plan designation.

- D. Portions of accepted County plan areas (Map Code 4.1) classified, as Reserve or Undesignated, shall be considered as Resource Management (Map Code 8.5).
- E. The County shall continually review adopted Specific Plans. Inactive Specific Plans, as noted in Policy No. 2, may be considered for County initiated rescission.
- F. The Map Code 4.2 (Interim Rural Community Plan) areas shall have the same force and effect as any other accepted County plan area. These areas should be zoned consistently with the maps appended to this document. A proposed change in zoning not consistent with the adopted plan will necessitate the preparation of an appropriate General Plan Amendment.
- G. Develop and adopt Specific Plans for each interim Rural Community Plan area.
- H. Prepare and adopt Interim Map Code 4.3 maps which contain General Plan designations that reflect consistency with the existing zoning patterns for all areas until a Specific Plan is adopted.
- I. Upon adoption of a Specific Plan for a Map Code 4.3 area, the applicable Interim Map Code 4.3 map within the General Plan Appendix C shall be removed, and the plan included on the Adopted Specific Plan list within Appendix A.

# Residential

## 1.6 RESIDENTIAL

### ASSUMPTIONS: RESIDENTIAL

It has been assumed that the population of Kern County will continue to grow at its current rate of less than 2 percent annually over the next 20 years, with increments generated both by a continuing influx of new residents from outside the County and by the natural increase of the population in the area.

New residential development should be relatively hazard free and should not intrude on economically important natural resources and should be provided with necessary services.

### ISSUES: RESIDENTIAL

A major issue in recent years has been the increase of scattered urban density residential development throughout the County.

The provision of public schools, water, sewers, and public safety protection to low density residential has become increasingly difficult.

There is a need to balance the need for new residential development against all the other land use requirements facing the County. This means linking the additional land to be made available for residential uses to the County's actual anticipated growth.

Increased rural residential land use in the resource areas has put pressure to convert prime agriculture lands to residential. In addition, it is more difficult to farm next to residential areas.

Urban expansion into agriculture areas creates the potential for land use conflicts.

### GOALS: RESIDENTIAL

1. Guide the development of new residential uses within the County so as to ensure that the supply of land designated for residential use is extensive enough to meet anticipated demand.
2. Ensure the provision of safe and amenable living environments and the promotion of efficient and economical use of land.
3. Discourage scattered urban density development within Kern County that is not supported by adequate infrastructure.
4. Promote higher-density residential development within the County of Kern in areas with adequate public services and infrastructure.

5. Promote mixed-densities within developments to increase average density, increase greenbelts and paths, reduce consumption of agriculture land, open space, and reduce costs of infrastructure.
6. Promote the conservation of water quantity and quality in Kern County.
7. Minimize land use conflicts between residential and resource, commercial, or industrial land uses.
8. Ensure compatible land uses around airports.

## **MAP PROVISIONS: RESIDENTIAL**

**Map Code 5.1 (29 Dwelling Units/Net Acre Maximum)** - Designed to allow high-density apartments and condominiums in proximity to and within walking distance of urban commercial centers, with a minimum of 1,502 square feet of site area per unit, yielding a maximum of 29 units per net acre.

**Map Code 5.2 (16 Dwelling Units/Net Acre Maximum)** - Primarily intended for small multiple-family structures such as duplexes, triplexes, and mobilehome parks which require a full array of urban services, with a minimum of 2,722 square feet of site area per unit and yielding a maximum of 16 units per net acre in conformance with precise development, cluster, or other special planning ordinance standards.

**Map Code 5.3 (10 Dwelling Units/Net Acre Maximum)** - This category is designed to accommodate urban single-family development on lots with a minimum average size of 4,356 square feet (1/10 of an acre), yielding a maximum of 10 units per net acre in conformance with precise development, cluster, or other special planning ordinance standards.

**Map Code 5.4 (4 Dwelling Units/Net Acre Maximum)** - This category is designed to accommodate urban single-family development on lots with a minimum average size of 1/4 net acre.

**Map Code 5.45 (2 Dwelling Units/Net Acre Maximum)** - This category is designed to accommodate urban single-family development on lots with a minimum average size of . net acre.

**Map Code 5.5 (1 Dwelling Unit/Net Acre Maximum)** - This constitutes a single-family designation with rural service needs in the valley and desert regions, while in the mountain region, residential uses of this density will require urban service provision.

**Map Unit 5.6 (Residential - Minimum 2.5 Gross Acres/Unit)** - This constitutes a single-family designation with rural service needs in the valley and desert regions, while in the mountain region residential uses of this density will require urban service provision.

**Map Code 5.7 (5.0 Gross Acres/Dwelling Unit Maximum)** - Designated in the outlying, less densely settled areas, often characterized with physical constraints and not requiring connections to public water and sewer infrastructure.

**Map Code 5.75 (10.0 Gross Acres/DU Maximum)** - Designated in the outlying, less densely settled areas, often characterized by areas with physical constraints and not requiring connections to public water and sewer infrastructure.

**Map Code 5.8 (20+ Gross Acres/DU Maximum)** - Designated in the outlying, less densely settled areas, often characterized by physical constraints and not requiring connections to public water and sewer infrastructure.

## **POLICIES: RESIDENTIAL**

1. Varied approaches to residential development will be actively encouraged and given favorable consideration, in order to foster a variety of housing types and densities and a more efficient use of the land, while preserving the character of individual communities.
2. The County will encourage the creation of residential developments as provided for in the Cluster Combining District of the Zoning Ordinance as a means of preserving open space.
3. Owners of individual legal residentially zoned lots of record will, in any event, retain the right to develop a housing unit structure regardless of the General Plan designation, provided County development ordinance criteria are met.
4. Limited neighborhood type of commercial uses will be permitted in all residential map code designations provided that the specific commercial use being proposed is determined through site review to be of a neighborhood nature and appropriate and compatible with surrounding uses provided findings of consistency with the policies and provisions of this plan are met.
5. Discourage premature urban encroachment into areas of intense agriculture areas.
6. Encourage mixed-use developments that allow residential use of the upper levels of multistory commercial buildings.
7. The County shall offer density incentives for residential projects that provide desired elements including infrastructure, affordable housing, day care, and clustered development.
8. The extent, type, and location of new residential development designated by the plan will be in accordance with the goals and objectives of the Housing Element.
9. Development in areas without adequate infrastructure or development that places a burden on public services (i.e. fire, sheriff, parks, and libraries) shall be

discouraged.

10. Encourage new development to infill existing development areas such as by-passed parcels.
11. Provide for an orderly outward expansion of new urban development so that it maintains continuity of existing development, allows for the incremental expansion of infrastructure and public service, minimizes impacts on natural environmental resources, and provides a high-quality environment for residents and businesses.
12. Prior to approval, all new discretionary residential projects located in the Airport Influence Areas will be reviewed for compatibility with the Airport Land Use Compatibility Plan.
13. For other policies and implementation measures, see General Provisions, Section 1.10 of this General Plan.

#### **IMPLEMENTATION MEASURES: RESIDENTIAL**

- A. Review existing development ordinances and, if necessary, adopt additional standards to ensure that the design and siting of new residential development is compatible with adjacent land uses.
- B. Amend the County's zoning maps and residential zoning district regulations to achieve consistency with the General Plan map and residential land use classifications.
- C. Encourage innovative residential development through the use of a Cluster Plan approved in conjunction with the Cluster Combining District to permit flexible design and siting standards (such as setbacks, yards, building relationships); and to promote clustering as a means of achieving more efficient housing construction and providing larger areas of usable common open space; and establish a system to award density bonuses in return for special design, infrastructure improvements, extra amenities, usable open space, or other developer efforts.
- D. All General Plan Amendments, zone changes, conditional use permits, discretionary residential developments of five or more dwelling units, and variations from height limits established by zoning for properties which are located in the Airport Influence Areas or near a military airport shall be reviewed by the Planning Department for compatibility with the Kern County Airport Land Use Compatibility Plan.
- E. Projects that propose creative or innovative housing types and mixed unit densities shall be encouraged by the County based on the following criteria:
  1. Compatibility with the existing character of the surrounding land uses.
  2. Residential development utilizing the existing infrastructure.

3. Infill residential developments
  4. Location of the residential development in close proximity to one or more of the following:
    - a) Public Transportation.
    - b) Parks and/or open space.
    - c) Employment opportunities.
    - d) Public amenities for the project distinctly over and above the Ordinance requirements.
- F. The Density Bonus chapter of the Zoning Ordinance (Chapter 19.92) is required to conform to State law and shall be amended and maintained to comply with California Government Code Sections 65915-65918.
- G. Discretionary project applicants shall provide documentation of adequate public infrastructure and services which include, but are not limited to:
1. Fire protection.
  2. Police protection.
  3. Sewage disposal.
  4. Water service including quality and quantity.
  5. Documentation that water conservation measures have been considered.
- H. Residential development shall be designed in such a way so as to conserve water and energy.
- I. Discretionary projects located within a Moderate, High, or Extreme Fire Hazard Zone shall abide by building materials and construction requirements set forth by the Kern County Fire Department and Office of Emergency Services.

# Commercial

## **1.7 COMMERCIAL**

### **ASSUMPTIONS: COMMERCIAL**

Employment in the service industries, including wholesale and retail trade, professional services, and health and social services, will continue to grow at a rate comparable to that which is presently occurring. This will continue in response to growth in the basic industries and increasing number of residents and visitors. Agriculture, mineral and petroleum production, and local government will continue to represent the basic industries in the County, whereas manufacturing will be a less significant and well-developed sector of the economy. Government employment will continue to be primarily represented by the military population stationed at Edwards Air Force Base near Mojave and at the China Lake Naval Weapons Center near Ridgecrest.

### **ISSUES: COMMERCIAL**

Adequate land areas must be provided for future growth and development of commercial uses. These commercial services must be located so as to best serve the needs of new residential development, as well as existing populations.

### **GOALS: COMMERCIAL**

1. Ensure that an adequate and geographically balanced supply of land is designated for a range of commercial uses.
2. Pursue a strong economy through logical placement and distribution of commercial development within the rural and urban areas of Kern County.
3. Ensure that adequate infrastructure and public services are available for all proposed commercial projects.
4. Diversify and broaden the commercial base within Kern County.
5. Provide highway commercial along interstates and highways to provide services for the traveling public without being a detriment to existing rural communities.
6. Ensure compatible land uses around airports through the use of the Airport Land Use Compatibility Plan.

## MAP PROVISIONS: COMMERCIAL

**Map Code 6.1 (Regional Commercial)** - Concentrated large-scale retail operations providing a broad range of goods and services. Establishments in this category have a regional market area and receive a large number of customers. Usually pertains to operations close to residential and is generally 20 acres or greater in size.

Uses shall include, but are not limited to, the following:

Regional shopping centers, and major central business districts (CBDs), “big box” commercial centers, and outlet centers.

**Map Code 6.2 (General Commercial)** - Retail and service facilities of less intensity than regional centers providing a broad range of goods and services which serve the day-to-day needs of nearby residents.

Uses shall include, but are not limited to, the following:

Neighborhood shopping centers, convenience markets, restaurants, offices, wholesale business facilities, resort hotels and motels, hospitals, schools (including trade schools), churches, and commercially related light manufacturing or storage within fully enclosed facilities.

**Map Code 6.3 (Highway Commercial)** - Uses which provide services, amenities, and accommodations at key locations along major roadways to visitors and through traffic.

Uses shall include, but are not limited to, the following:

Hotels, motels, restaurants, garages, service stations, recreational vehicle parks, fast-food restaurants, truck stops, and truck washes.

## POLICIES: COMMERCIAL

1. Kern County will promote a pattern of commercial development that contributes to the economic and physical development of existing unincorporated communities as well as to the incorporated cities.
2. Future commercial uses will be encouraged where residential development exists or is occurring. Designations will not be made far in advance of actual current demand in isolated, remote, or rural areas.

3. The development of specialized clusters of related and mutually supportive commercial activities will be encouraged and supported in appropriate locations by means of the Zoning Ordinance and Specific Plans.
4. Prior to approval, all new discretionary commercial projects located in the Airport Influence areas will be compatible with the Airport Land Use Compatibility Plan.
5. Regional Commercial may be sited in urban areas with adequate infrastructure and should consist of at least 20 acres.
6. Linear commercial development of shallow depth, lacking demonstrated demand, will be discouraged along streets or highways when it can be shown that it impairs the traffic-carrying functions of the highways, it detracts from the aesthetic enjoyment of the surroundings, or if it can be demonstrated that equally effective services can be provided in an alternative configuration.
7. The development of Highway Commercial (Map Code 6.3) shall demonstrate adequate infrastructure.
8. All commercial development equal to or greater than 40 acres in a rural area will require the adoption of a Specific Plan prior to development approval.
9. For other policies and implementation measures, see General Provisions, Section 1.10 of this General Plan.

#### **IMPLEMENTATION MEASURES: COMMERCIAL**

- A. Review and amend the necessary commercial districts of the Zoning Ordinance to distinguish clearly between the different types of functions, intensities of activities, and site requirements of the commercial designations in the General Plan.
- B. Evaluation of applications for any General or Specific Plan Amendment to commercial designation will include sufficient data for review of new commercial development proposals consistent with General Plan policies, using the following criteria and guidelines on:
  - i. Location suitability with respect to market area demand.
  - ii. Provision of adequate ingress and egress and the mitigation of traffic impacts.
  - iii. Provision of adequate water, sewer, and other public services to be used.
  - iv. Provision of adequate on-site nonpublic water supply and sewage disposal, if no public systems are available or used.

- v. Compatibility with adjacent uses (scale, noise, other nuisances, etc.) and methods for buffering.
  - vi. Design, layout, and visual appearance within a coordinated commercial setting.
  - vii. Overall consistency with the General Plan.
- C. The depth of new commercial developments shall be at least half the length of the street frontage. Exceptions may be made where existing development or physical constraints provide a more logical shape.
- D. Requests for commercial designations and zoning adjacent to residentially designated and other sensitive uses should incorporate a Precise Development Combining District as a means to ensure land use compatibility.
- E. Require all new commercial designations be assigned to sites where the aggregate of all contiguous parcels designated for commercial use is no less than five (5) acres, except for:
- i. Commercial development located within an approved Specific Plan
  - ii. Commercial development for highway-oriented service uses at freeway on and off ramps
  - iii. Where physical conditions are such that commercial is the only logical use of the property.
  - iv. Neighborhood commercial areas approved in accordance to Residential Policy 4.
- F. Proposed commercial developments shall demonstrate compatibility with adjacent residential development through:
- i. Attention to noise impacts
  - ii. Reduction or minimization of light and glare
  - iii. Buffering of residential from the commercial development through use of walls, landscaping, etc.
  - iv. Placing loading/unloading areas as far as practicable from residences.
- G. All General Plan Amendments, zone changes, conditional use permit, discretionary commercial developments, and variations from height limits established by zoning for properties which are located in the Airport Influence areas or near a military airport shall be reviewed by the Planning Department for compatibility with the Kern County Airport Land Use Compatibility Plan.

- H. Discretionary applications for all commercial projects shall provide documentation of adequate public infrastructure and services which include, but are not limited to:
  - 1. Fire protection
  - 2. Police protection
  - 3. Sewage disposal
  - 4. Water service including quality and quantity
- I. New General Plan Amendments for Regional Commercial (Map Code 6.1) sited in urban areas shall demonstrate adequate infrastructure and consist of a minimum of 20 acres.
- J. Discretionary projects located within a Moderate, High, or Extreme Fire Hazard Zone shall abide by building materials and construction requirements set forth by the Kern County Fire Department and Office of Emergency Services.

# Industrial

## **1.8 INDUSTRIAL**

### **ASSUMPTIONS: INDUSTRIAL**

Because Kern County exports the bulk of its agricultural and mineral products in a raw form, manufacturing will continue to be a relatively small sector of the economy. The future of the manufacturing sector appears promising. Some reasons for anticipating growth in the future include convenient access to the Los Angeles and southern California markets, availability of industrial land with adequate transportation and public services, a stable labor force, an affordable housing market, and proximity to sources of raw materials and products. The growth of the manufacturing sector can add greatly to economic activity and wealth. The value added by the processing of raw products could be captured in Kern County and could provide new jobs in the basic (exporting) sector of the economy which, in turn, could support increased demand in the service sector.

### **ISSUES: INDUSTRIAL**

Of primary concern to industrial development is a location relative to resources, labor supplies, transportation, and energy sources. Conflicts can occur when industrial development takes place in areas that are then precluded from resource production or which cause problems of incompatibility with adjacent land uses.

Infrastructure for industrial projects, while well established in the urban areas of Kern County, should be carefully analyzed for any future development. Appropriate siting of industrial development in consideration of the available water and sewer connections, proper access, and road level of service must be determined to prevent any undue burden on established industries or other established developments.

### **GOALS: INDUSTRIAL**

1. Ensure that an adequate and geographically balanced supply of land is designated for a range of industrial purposes.
2. Promote the future economic strength and well being of Kern County and its residents without detriment to its environmental quality.
3. Ensure compatibility with land use designations such as residential, commercial, or other land uses that may be affected by such activities.

## **MAP PROVISIONS: INDUSTRIAL**

**Light Industrial (Map Code 7.1)** - Unobtrusive industrial activities that can locate in close proximity to residential and commercial uses with a minimum of environmental conflicts. These industries are characterized as labor-intensive and nonpolluting and do not produce fumes, odors, noise, or vibrations detrimental to nearby properties.

Uses shall include, but are not limited to, the following:

Wholesale businesses, storage buildings and yards, warehouses, manufacturing, and assembling.

**Service Industrial (Map Code 7.2)** - Commercial or industrial activities which involve outdoor storage or use of heavy equipment. Such uses produce significant air or noise pollution and are visually obtrusive.

Uses shall include, but are not limited to, the following:

Automobile and truck parking, storage and repair shops, freighting or trucking yards, bottling plants, breweries, welding shops, cleaning plants, and other manufacturing and processing activities.

**Heavy Industrial (Map Code 7.3)** - Large-scale industrial activities that are incompatible with other land uses because of potential severe environmental impacts and/or high employee densities.

Uses shall include, but are not limited to, the following:

Manufacturing, assembling and processing activities, transportation facilities, material and equipment storage, sawmills, foundries, refineries, and petroleum product storage.

## **POLICIES: INDUSTRIAL**

1. Locations for new industrial activities shall be provided with adequate infrastructure (water, sewage disposal systems, roads, drainage, etc.) to minimize effects on County services.
2. Map code designations for future industrial development shall not be made far in advance of demand.

3. The land areas best suited for industrial activity by virtue of their location and other criteria will be protected from residential and other incompatible development.
4. Protect existing industrial designations from incompatible land use intrusion.
5. Provide for the clustering of new industrial development adjacent to existing industrial uses and along major transportation corridors.
6. Encourage upgrading the visual character of existing industrial areas through the use of landscaping, screening, or buffering.
7. Require that industrial uses provide design features such as screen walls, landscaping, increased height and/or setbacks, and lighting restrictions between the boundaries of adjacent residential land use designations so as to reduce impacts on residences due to light, noise, sound, and vibration.
8. The County shall give priority to proposed industrial developments where:
  - i. Specific uses are proposed in conjunction with submittal of a concurrent precise development plan; and
  - ii. Where multiple phases, tenants, or lots are proposed through the adoption of a master precise development plan in conjunction with a General Plan Amendment.
9. Prior to approval, all new discretionary industrial projects located in the Airport Influence Areas will be reviewed for compatibility with the Airport Land Use Compatibility Plan.
10. Light Industrial (Map Code 7.1) may be considered near a residential neighborhood and other sensitive uses provided there is an adequate means of establishing compatibility.
11. Requests for new Map Code 7.2 (Service Industrial) and Map Code 7.3 (Heavy Industrial) designations should be discouraged on sites contiguous to or located within 1/4 mile of residentially designated property.
12. All industrial development equal to or greater than 40 acres in a rural area will require the adoption of a Specific Plan prior to development approval.
13. Where feasible, locate future industrial activities in close proximity to railroad facilities and inter- and intra-State transportation corridors to minimize extensive travel through urban areas and to promote alternative transportation of goods.

14. For other policies and implementation measures, see General Provisions, Section 1.10 of this General Plan.

## **IMPLEMENTATION MEASURES: INDUSTRIAL**

- A. Evaluation of applications for any General or Specific Plan Amendment to an industrial designation will include sufficient data for review to facilitate desirable new industrial development proposals consistent with General Plan policies, using the following criteria and guidelines:
  - i. Location suitability with respect to market demand area.
  - ii. Provision of adequate access, ingress and egress facilities and services, and the mitigation of traffic impacts.
  - iii. Provision of adequate water, sewer, and other public services to be used.
  - iv. Provision of adequate on-site, nonpublic water supply and sewage disposal if no public systems are available or used.
  - v. Compatibility with adjacent uses (scale, noise, emissions, or other nuisances, etc.) and methods for buffering.
  - vi. Design, layout, and visual appearance coordinated with existing adjacent industrial uses.
  - vii. Overall consistency with the General Plan.
- B. Develop information and data on industrial land use, trends, employment, and production. Monitor changes in location of industrial land supply and demand. Identify opportunities and constraints for new industrial development.
- C. Amend the industrial districts of the Zoning Ordinance to distinguish clearly between the different types of functions, intensities of activities, location, and site requirements of the Light Industrial, Service Industrial, and Heavy Industrial provisions designated in the General Plan.
- D. Amend the permitted use sections of the Zoning Ordinance to limit the range of non-industrial uses permitted in industrial districts so as to protect integrity and ability to achieve their economic functions. Agriculture and mineral and petroleum exploration and extraction, however, should be recognized specifically as permitted and consistent within vacant, industrial-zoned areas. Amend the provisions of agricultural districts to restrict new nonagricultural industrial uses in areas best suited for agricultural use.

- E. Identify discrepancies, if any, between the location of industrially designated areas shown on the General Plan map and those reflected on zoning maps, recommend rezoning actions consistent with the General Plan, and amend the Zoning Ordinance.
- F. All General Plan Amendments, zone changes, conditional use permits, discretionary industrial developments, and variations from height limits established by zoning for properties which are located in the Airport Influence areas or near a military airport shall be reviewed by the Planning Department for compatibility with the Kern County Airport Land Use Compatibility Plan.
- G. Require a Specific Plan for industrial land projects (as defined in the Assumptions Section of the Special Treatment Areas) to identify site specific issues and implementation, such as infrastructure, circulation, compatibility, and public services and facilities.
- H. Requests for industrial designations and zoning adjacent to residentially designated and other sensitive uses should incorporate a Precise Development Combining District as a means to ensure land use compatibility.
- I. Discretionary projects located within an Extreme, High, or Moderate Fire Hazard Zone shall abide by building materials and construction requirements set forth by the Kern County Fire Department and Office of Emergency Services.

# Resource

## 1.9 RESOURCE

### ASSUMPTIONS: RESOURCE

Agriculture has been, and will continue to be, vital to the economy of Kern County. The development of major water projects has greatly increased the amount of land in agricultural production during the last two decades. Similarly, mineral and petroleum resources are basic to Kern County's economy. Kern County has the distinction of producing more oil than any other County in California. In addition, borax, cement production, and construction aggregates constitute major economic mineral resources. As new recovery technologies come into use, petroleum extraction should continue in economic importance. Current trends of increasing demand for borax, cement, and construction aggregates, as well as other minerals found in the County, are expected to continue. As long as new urbanization is restricted in areas having important mineral and petroleum resources, the future production of these resources remains promising.

### ISSUES: RESOURCE

Conflicts over the use of agricultural land frequently occur. As is the case for other urbanizing regions, the loss of valuable agricultural lands to urban development is a prime concern.

Land division, even where actual development does not take place, can also adversely affect the County's agricultural resource base. This is particularly a problem in extensive agriculture areas, such as rangeland, where land values can be significantly increased beyond values based on agricultural productivity.

A similar issue arises when oil and other mineral extraction activities, such as sand and gravel pits, are located in close proximity to residential or other incompatible land uses. Incompatible uses located in close proximity to one another, as well as health and safety questions, tend to reduce the availability of the various mineral resources and are but a few of the potential conflicts that may occur.

The availability, proximity, and cost of construction aggregates are a major concern to the local economy. Without knowledge of these resources, land use conflicts could occur and preclude future excavation.

### GOALS: RESOURCE

1. To contain new development within an area large enough to meet generous projections of foreseeable need, but in locations which will not impair the economic strength derived from the petroleum, agriculture, rangeland, or mineral resources, or diminish the other amenities which exist in the County.

2. Protect areas of important mineral, petroleum, and agricultural resource potential for future use.
3. Ensure the development of resource areas minimize effects on neighboring resource lands.
4. Encourage safe and orderly energy development within the County, including research and demonstration projects, and to become actively involved in the decision and actions of other agencies as they affect energy development in Kern County.
5. Conserve prime agriculture lands from premature conversion.
6. Encourage alternative sources of energy, such as solar and wind energy, while protecting the environment.

## **MAP PROVISIONS: RESOURCE**

**Map Code 8.1 (Intensive Agriculture)** - Areas devoted to the production of irrigated crops or having a potential for such use. Other agricultural uses, while not directly dependent on irrigation for production, may also be consistent with the intensive agriculture designation. Minimum parcel size is 20 acres gross.

Uses shall include, but are not limited to, the following:

Irrigated cropland; orchards; vineyards; horse ranches; raising of nursery stock ornamental flowers and Christmas trees; fish farms' bee keeping' ranch and farm facilities and related uses; one single-family dwelling unit; cattle feed yards; dairies; dry land farming; livestock grazing; water storage; groundwater recharge acres; mineral; aggregate; and petroleum exploration and extraction; hunting clubs; wildlife preserves; farm labor housing; public utility uses; and agricultural industries pursuant to provisions of the Kern County Zoning Ordinance, and land within development areas subject to significant physical constraints.

**Map Code 8.2 (Resource Reserve)** - Areas of mixed natural resource characteristics, such as rangeland, woodland, and wildlife habitat which occur within an established County water district. Minimum parcel size is 20 acres gross, except lands subject to a Williamson Act Contract/Farmland Security Zone Contract, in which case the minimum parcel size shall be 80 acres gross.

Uses shall include, but are not limited to, the following:

Livestock grazing; dry land farming; ranching facilities; wildlife and botanical

preserves; and timber harvesting; one single-family dwelling unit; irrigated croplands; water storage or groundwater recharge areas; mineral; aggregate; and petroleum exploration and extraction; recreational activities, such as gun clubs and guest ranches; and land within development areas subject to significant physical constraints.

**Map Code 8.3 (Extensive Agriculture)** - Agricultural uses involving large amounts of land with relatively low value-per-acre yields, such as livestock grazing, dry land farming, and woodlands. Minimum parcel size is 20 acres gross, except lands subject to a Williamson Act Contract/ Farmland Security Zone Contract, in which case the minimum parcel size shall be 80 acres gross.

Uses shall include, but are not limited to, the following:

Livestock grazing; dry land farming; ranching facilities; wildlife and botanical preserves; and timber harvesting; one single-family dwelling unit; irrigated croplands; water storage or groundwater recharge areas; mineral; aggregate; and petroleum exploration and extraction; and recreational activities, such as gun clubs and guest ranches; and land within development areas subject to significant physical constraints.

**Map Code 8.4 (Mineral and Petroleum)** - Areas which contain producing or potentially productive petroleum fields, natural gas, and geothermal resources, and mineral deposits of regional and Statewide significance. Uses are limited to activities directly associated with the resource extraction. Minimum parcel size is five acres gross.

Uses shall include, but are not limited to, the following:

Mineral and petroleum exploration and extraction, including aggregate extraction; extensive and intensive agriculture; mineral and petroleum processing (excluding petroleum refining); natural gas and geothermal resources; pipelines; power transmission facilities; communication facilities; equipment storage yards; and borrow pits.

**Map Code 8.5 (Resource Management)** - Primarily open space lands containing important resource values, such as wildlife habitat, scenic values, or watershed recharge areas. These areas may be characterized by physical constraints, or may constitute an important watershed recharge area or wildlife habitat or may have value as a buffer between resource areas and urban areas. Other lands with this resource attribute are undeveloped, non-urban areas that do not warrant additional planning within the foreseeable future because of current population (or anticipated increase), marginal physical development, or no subdivision activity.

Minimum parcel size is 20 acres gross, except lands subject to a Williamson Act Contract/Farmland Security Zone Contract, in which case the minimum parcel size shall be 80 acres gross.

Uses shall include, but are not limited to, the following:

Recreational activities; livestock grazing; dry land farming; ranching facilities; wildlife and botanical preserves; and timber harvesting; one single-family dwelling unit; irrigated croplands; water storage or groundwater recharge areas; mineral; aggregate; petroleum exploration and extraction; open space and recreational uses; one single-family dwelling on legal residentially zoned lots on effective date of this General Plan; land within development areas subject to significant physical constraints; State and federal lands which have been converted to private ownership.

## **POLICIES: RESOURCE**

1. Appropriate resource uses of all types will be encouraged as desirable and consistent interim uses in undeveloped portions of the County regardless of General Plan designation.
2. In areas with a resource designation on the General Plan map, only industrial activities which directly and obviously relate to the exploration, production, and transportation of the particular resource will be considered to be consistent with this General Plan.
3. The County will support programs and policies that provide tax and economic incentives to ensure the long-term retention of agriculture, timber, and other resource lands.
4. Approval of any Confined Animal Facility (CAF), including dairies and feedlots, shall consider proximity to incorporated areas of urban development and sensitive receptors such as schools and hospitals. Environmental documentation shall analyze distances to these areas, as well as potential impacts and mitigation.
5. Areas of low intensity agriculture use (Map Code 8.2 (Resource Reserve), Map Code 8.3 (Extensive Agriculture), Map Code 8.5 (Resource Management)) should be of an economically viable size in order to participate in the State Williamson Act Program/Farmland Security Zone Contract.
6. The creation of "homesite parcels" for financing purposes in areas designated Map Code 8.1 (Intensive Agriculture), Map Code 8.2 (Resource Reserve), Map Code 8.3 (Extensive Agriculture), and Map Code 8.5 (Resource Management) shall be allowed when creation of the homesite parcel is found to be accessory and contiguous to a commercial agricultural use. Homesite parcels shall only be permitted when the property supporting the contiguous commercial agricultural use

is subjected to a Williamson Act Land Use Contract or Farmland Security Zone Contract.

The maximum size of a homesite parcel shall be three (3) acres, unless special circumstances exist which warrant the creation of a larger homesite parcel. In no case shall a homesite parcel exceed five (5) acres.

Only one homesite parcel shall be created from an existing parcel of record, although it may contain more than one dwelling, provided that a Contract Amending Land Use Contract restricts an area within the parent parcel sufficient to ensure that the resulting overall density permitted by the underlying General Plan designation will not be exceeded. Homesite parcels shall not be created from any parcel with a size of 20 acres or less.

7. Areas designated for agricultural use, which include Class I and II and other enhanced agricultural soils with surface delivery water systems, should be protected from incompatible residential, commercial, and industrial subdivision and development activities.
8. Provide for the orderly expansion of new urban-scale infrastructure and development and the creation of new urban-scale centers in a manner that minimizes adverse effects on agriculture and natural resource uses.
9. When evaluating General Plan Amendment proposals to change a Map Code 8.1 (Intensive Agriculture) designation to accommodate residential, commercial, or industrial development, the County shall consider the following factors:
  - a. Approval of the proposal will not unreasonably interfere with agricultural operations on surrounding lands.
  - b. Necessary public services (fire, sheriff, etc.) and infrastructure are available to adequately serve the project.
  - c. There is a demonstrated need for the proposed project location based upon population projections, market studies and other indicators.
  - d. The requested change in land use designation is accompanied by a zone change and other implementing land use applications for a specific development proposal.
  - e. The site is contiguous to properties that are developed or characterized by nonagricultural land uses.
  - f. Past agricultural use of the site has led to soil infertility or other soil conditions which render the property unsuitable for long-term agricultural use.

- g. Approval of the proposed project outweighs the need to retain the land for long-term agricultural use.
  - h. Where adjacent or within proximity (1/2 mile) to existing urban areas, the County shall discourage agricultural conversion that is discontinuous with urban development.
- 10. To encourage effective groundwater resource management for the long-term economic benefit of the County the following shall be considered:
  - (a) Promote groundwater recharge activities in various zone districts.
  - (b) Support for the development of Urban Water Management Plans and promote Department of Water Resources grant funding for all water providers.
  - (c) Support the development of groundwater management plans.
  - (d) Support the development of future sources of additional surface water and groundwater, including conjunctive use, recycled water, conservation, additional storage of surface water and groundwater and desalination.
- 11. Minimize the alteration of natural drainage areas. Require development plans to include necessary mitigation to stabilize runoff and silt deposition through utilization of grading and flood protection ordinances.
- 12. Areas identified by the Natural Resource Conservation Service (formerly Soil Conservation Service) as having high range-site value should be conserved for Extensive Agriculture uses or as Resource Reserve, if located within a County water district.
- 13. Any property in an Agriculture Preserve proposing to be subject to a Williamson Act Contract or Farmland Security Zone Contract must have a Resource designation.
- 14. Emphasize conservation and development of identified mineral deposits.
- 15. Agriculture and other resource uses will be considered a consistent use in areas designated for Mineral and Petroleum Resource uses on the General Plan.
- 16. The County will encourage development of alternative energy sources by tailoring its Zoning and Subdivision Ordinances and building standards to reflect Alternative Energy Guidelines published by the California State Energy Commission.
- 17. Lands classified as MRZ-2, as designated by the State of California, should be protected from encroachment of incompatible land uses.

18. Actively monitor the actions of local, State, and federal agencies related to energy development in Kern County and lobby and present its position on such matters as needed to protect County interests.
19. Work with other agencies to define regulatory responsibility concerning energy-related issues.
20. Areas along rivers and streams will be conserved where feasible to enhance drainage, flood control, recreational, and other beneficial uses while acknowledging existing land use patterns.
21. The County shall encourage qualifying agricultural lands to participate in the Williamson Act program or Farmland Security Zone program.
22. The County shall encourage efforts through the State legislature to increase subvention payment rates for State reimbursement to the County to more realistically offset the loss of property tax revenues associated with participation with the Williamson Act program or the Farmland Security Zone program.
23. The County should encourage the merger of largely undeveloped antiquated subdivisions which are designated Map Code 8.1 (Intensive Agriculture), Map Code 8.2 (Resource Reserve), Map Code 8.3 (Extensive Agriculture), or Map Code 8.5 (Resource Management) into larger holdings to achieve density consistency with the underlying land use designation.
24. Urban residential or commercial development on property contiguous to property designated Map Code 8.1 (Intensive Agriculture) should employ landscaping, lot size, open space buffering, increased building setbacks, or other techniques to reduce the potential for land use conflicts when it can be demonstrated that such measures will provide for public welfare and benefit and promote continued agricultural uses.
25. Discourage incompatible land use adjacent to Map Code 8.4 (Mineral and Petroleum) areas.

#### **IMPLEMENTATION MEASURES: RESOURCE**

- A. Periodically update the General Plan's Resource Data maps with new information, such as annexations, as it becomes available from the various data sources. Land use designations may be revised by amending the plan to more appropriate uses at the time of the Annual Report to reflect more accurate data or information.
- B. Areas designated as Resource Reserve (Map Code 8.2), Extensive Agriculture

(Map Code 8.3), Resource Management (Map Code 8.5) that are under Williamson Act Contracts or Farmland Security Zone Contracts will have a minimum parcel size of 80 acres until such time as a contract is expired or is cancelled, at which time the minimum parcel size will become 20 acres.

- C. The County Planning Department will seek review and comment from the County Engineering and Survey Services Department on the implementation of the National Pollution Discharge Elimination System for all discretionary projects.
- D. The minimum lot size requirements of the A Zone District shall provide for the creation of homesite parcels consistent with the density required of the General Plan designations.
- E. Designate the riparian community abutting rivers and streams with an appropriate resource use (e.g. Map Code 8.2 (Resource Reserve), Map Code 8.3 (Extensive Agriculture), or Map Code 8.5 (Resource Management)) or resource management designation where feasible to do so.
- F. Prime agricultural lands, according to the Kern County Interim-Important Farmland map produced by the Department of Conservation, which have Class I or II soils and a surface delivery water system shall be conserved through the use of agricultural zoning with minimum parcel size provisions.
- G. Property placed under the Williamson Act/Farmland Security Zone Contract must be in a Resource designation.
- H. Use the California Geological Survey's latest maps to locate mineral deposits until the regional and Statewide importance mineral deposits map has been completed, as required by the Surface Mining and Reclamation Act.
- I. Periodically review the Zoning Ordinance to reflect new technology and energy sources, and encourage these types of uses for new development.
- J. The County shall continue to monitor new legislation as it relates to energy production and periodically review the General Plan and Zoning Ordinance for any required updates.
- K. Protect oilfields and mineral extraction areas through the use of appropriate implementing zone districts: A (Exclusive Agriculture), DI (Drilling Island), NR (Natural Resource), or PE (Petroleum Extraction).

# **General Provisions**

## **1.10 GENERAL PROVISIONS**

### **ASSUMPTIONS: GENERAL PROVISIONS**

The goals, policies, and implementation measures presented in the General Provisions section address issues or situations that are not addressed in the previous sections of the General Plan and apply to all types of discretionary projects. This evolving section will be continually updated to address planning issues as they arise within Kern County.

### **ISSUES: GENERAL PROVISIONS**

A basic issue which the General Plan must address is how anticipated growth and development will be accommodated over the next 20 years. Related to this are economic considerations which may or may not be reflected in actual physical development. Land is often divided into smaller parcels in several sequences yet often is never developed for productive uses such as residences or businesses. In other cases, intensive development takes place on land not well suited to such development, such as areas of natural hazards or areas having significant economic resources.

Oak woodlands and larger individual oaks have aesthetic and historical value, provide for wildlife and game and enhance scenic values for all Kern County residents and visitors. Development represents an opportunity, through site planning, to preserve this important resource while allowing for economic growth.

### **GOALS: GENERAL PROVISIONS**

1. Ensure that the County can accommodate anticipated future growth and development while maintaining a safe and healthful environment and a prosperous economy by preserving valuable natural resources, guiding development away from hazardous areas, and assuring the provision of adequate public services.

### **POLICIES: GENERAL PROVISIONS**

1. The County will administer the General Plan in conformance with State laws and mandates, which includes an annual status report in accordance with Government Code Section 65400 (b)(1).
2. Densities specified in the map provisions are maximums and may be reduced if it is determined that such reduction is warranted by conditions specifically applicable to the site, such as geological and flood hazards, shallow groundwater, steep slopes, significant wildlife habitat, or botanical communities. However, densities may be increased under density bonus and cluster option programs and policies to be

developed and adopted during the implementation phase of this General Plan program.

3. For policy purposes, the County will be divided into three geographic regions, as discussed in the Introduction chapter: Valley, Mountain, and Desert. Urban densities shall be defined as: greater than or equal to one unit per acre in the valley and desert regions, and less than or equal to 2 ½ acres per unit in the mountain region.
4. If any section, subsection, paragraph, sentence, clause, or phrase of this General Plan is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this General Plan. The Board of Supervisors, hereby declares that it would have passed this General Plan and each section, subsection, sentence, clause, and phrase, thereof, irrespective of the fact that any or one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.
5. Higher density development and in-filling should be encouraged within urbanized and built-up areas of the County.
6. The County shall ensure the fair treatment of people of all races, cultures, incomes and age groups with respect to the development, adoption, implementation and enforcement of land use and environmental programs.
7. In administering land use and environmental programs, the County shall not deny any individual or group the enjoyment of the use of land due to race, sex, color, religion, ethnicity, national origin, ancestry, lawful occupation or age.
8. The County shall ensure that new industrial uses and activities are sited to avoid or minimize significant hazards to human health and safety in a manner that avoids over concentrating such uses in proximity to schools and residents.

#### Implementation Measures

- A. The Kern Council of Governments (Kern COG) will monitor population growth and its subsequent developmental effects to identify the distribution of population increases and the capabilities of governmental and public agencies to provide new development with adequate services and facilities in a fiscally acceptable manner.
- B. The County shall develop fiscal impact guidelines and shall be responsible for reviewing fiscal impact analysis to identify the cost to the County of services, facilities, and infrastructure expansion which new discretionary development necessitates.

- C. Prepare and distribute on an annual basis, as required by Government Code Section 65400 (b)(1), a report on the status of the General Plan and the progress achieved in its application.

### **1.10.1 Public Services and Facilities**

#### **Policies**

9. New development should pay its pro rata share of the local cost of expansions in services, facilities, and infrastructure which it generates and upon which it is dependent.
10. Community sewage treatment and disposal facilities with collection systems will be required for all developments of 75 or more lots proposed as one development or cumulatively with other developments in a community area, unless soils engineering studies performed at the time of any land division project and approved by the Kern County Environmental Health Services Department, indicate that alternative septic systems, either individual or community design, are equal to or better than a community collection, treatment, and disposal system.
11. Should an urban area not be presently serviced by any sewage collection system, a timetable will be established in cooperation with the California Regional Water Quality Control Board for siting and construction of necessary collection, treatment, and disposal facilities.
12. All methods of sewage disposal and water supply shall meet the requirements of the Kern County Environmental Health Services Department and the California Regional Water Quality Control Board. The Environmental Health Department shall periodically review and modify, as necessary, its requirements for sewage disposal and water supply, and shall comply with any new standards adopted by the State for implementation of Government Code Division 7 of the Water Code, Chapter 4.5 (Section 13290-13291.7). (Assembly Bill 885)(2000).
13. A compact and orderly urban expansion pattern adjacent to established communities will be encouraged in order to avoid uneconomic investment by the public sector for excessive or premature extension of public facilities and services.
14. The County will explore financing and methods of installation of public sewage systems, which will be encouraged both in areas of existing urban density served by septic systems and in existing communities experiencing repeated septic system failures.
15. Prior to approval of any discretionary permit, the County shall make the finding, based on information provided by California Environmental Quality Act (CEQA)

documents, staff analysis, and the applicant, that adequate public or private services and resources are available to serve the proposed development.

16. The developer shall assume full responsibility for costs incurred in service extensions or improvements that are required to serve the project. Cost sharing or other forms of recovery shall be available when the service extensions or improvements have a specific quantifiable regional significance.
17. The extent of community-type public services and facilities required for urban densities in the Mountain, Valley and Desert regions vary according to the following criteria:
  - a. Within the Valley and Desert regions, new residential development sites less than or equal to one acre net lot size density, commercial, and industrial land uses shall be serviced by necessary and appropriate sewer and water systems.
  - b. Within the Mountain Region, new residential development sites less than or equal to 2 1/2 acres gross lot size density, commercial, and industrial land uses shall be serviced by necessary and appropriate sewer and water systems.

#### Implementation Measures

- D. The appropriate agency should develop sewer and water master plans in areas where these services are lacking or deficient and in areas where urban development exists or is designated. Seek non-local sources of funding for implementing capital improvement plans.
- E. All new discretionary development projects shall be subject to the Standards for Sewage, Water Supply and Preservation of Environmental Health Rules and Regulations administered by the Environmental Health Services Department. Those projects having percolation rates of less than five minutes per inch shall provide a preliminary soils study and site specific documentation that characterizes the quality of upper groundwater in the project vicinity and evaluation of the extent to which, if any, the proposed use of alternative septic systems will adversely impact groundwater quality. If the evaluation indicates that the uppermost groundwater at the proposed site already exceeds groundwater quality objectives of the Regional Water Quality Control Board or would if the alternative septic system is installed, the applicant shall be required to supply sewage collection, treatment and disposal facilities.

## **1.10.2 Air Quality**

### **Policies**

18. The air quality implications of new discretionary land use proposals shall be considered in approval of major developments. Special emphasis will be placed on minimizing air quality degradation in the desert to enable effective military operations and in the valley region to meet attainment goals.
19. In considering discretionary projects for which an Environmental Impact Report must be prepared pursuant to the California Environmental Quality Act, the appropriate decision making body, as part of its deliberations, will ensure that:
  - (a) All feasible mitigation to reduce significant adverse air quality impacts have been adopted; and
  - (b) The benefits of the proposed project outweigh any unavoidable significant adverse effects on air quality found to exist after inclusion of all feasible mitigation. This finding shall be made in a statement of overriding considerations and shall be supported by factual evidence to the extent that such a statement is required pursuant to the California Environmental Quality Act.
20. The County shall include fugitive dust control measures as a requirement for discretionary projects and as required by the adopted rules and regulations of the San Joaquin Valley Unified Air Pollution Control District and the Kern County Air Pollution Control District on ministerial permits.
21. The County shall support air districts' efforts to reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions.
22. Kern County shall continue to work with the San Joaquin Valley Unified Air Pollution Control District and the Kern County Air Pollution Control District toward air quality attainment with federal, State, and local standards.
23. The County shall continue to implement the local government control measures in coordination with the Kern Council of Governments and the San Joaquin Valley Unified Air Pollution Control District.
24. Kern County shall consult with transit providers to determine project effects and ensure that impacts are mitigated.

### **Implementation Measures**

- F. All discretionary permits shall be referred to the appropriate air district for review and comment.

- G. Discretionary development projects involving the use of tractor-trailer rigs shall incorporate diesel exhaust reduction strategies including, but not limited to:
  - a. Minimizing idling time.
  - b. Electrical overnight plug-ins.
- H. Discretionary projects may use one or more of the following to reduce air quality effects:
  - a. Pave dirt roads within the development.
  - b. Pave outside storage areas.
  - c. Provide additional low Volatile Organic Compounds (VOC) producing trees on landscape plans.
  - d. Use of alternative fuel fleet vehicles or hybrid vehicles.
  - e. Use of emission control devices on diesel equipment.
  - f. Develop residential neighborhoods without fireplaces or with the use of Environmental Protection Agency certified, low emission natural gas fireplaces.
  - g. Provide bicycle lockers and shower facilities on site.
  - h. Increasing the amount of landscaping beyond what is required in the Zoning Ordinance (Chapter 19.86).
  - i. The use and development of park and ride facilities in outlying areas.
  - j. Other strategies that may be recommended by the local Air Pollution Control Districts.
- I. Work with transit providers to develop long-range transit strategies based on future and anticipated land use plans.
- J. The County should include PM<sub>10</sub> control measures as conditions of approval for subdivision maps, site plans, and grading permits.

### **1.10.3 Archaeological, Paleontological, Cultural, and Historical Preservation**

#### Policy

- 25. The County will promote the preservation of cultural and historic resources which provide ties with the past and constitute a heritage value to residents and visitors.

#### Implementation Measure

- K. Coordinate with the California State University, Bakersfield's Archaeology Inventory Center.
- L. The County shall address archaeological and historical resources for discretionary projects in accordance with the California Environmental Quality Act (CEQA).

- M. In areas of known paleontological resources, the County should address the preservation of these resources where feasible.
- N. The County shall develop a list of Native American organizations and individuals who desire to be notified of proposed discretionary projects. This notification will be accomplished through the established procedures for discretionary projects and CEQA documents.
- O. On a project specific basis, the County Planning Department shall evaluate the necessity for the involvement of a qualified Native American monitor for grading or other construction activities on discretionary projects that are subject to a CEQA document.

#### **1.10.4 Wireless Communication Facilities**

##### Policy

- 26. Discretionary development of wireless communication facilities shall be consistent with the Federal Telecommunication Act.

##### Implementation Measure

- P. Discretionary development of wireless communication facilities shall be in accordance with Chapter 19.91 of the Zoning Ordinance and the Federal Telecommunication Act.

#### **1.10.5 Threatened and Endangered Species**

##### Policies

- 27. Threatened or endangered plant and wildlife species should be protected in accordance with State and federal laws.
- 28. County should work closely with State and federal agencies to assure that discretionary projects avoid or minimize impacts to fish, wildlife, and botanical resources.
- 29. The County will seek cooperative efforts with local, State, and federal agencies to protect listed threatened and endangered plant and wildlife species through the use of conservation plans and other methods promoting management and conservation of habitat lands.
- 30. The County will promote public awareness of endangered species laws to help educate property owners and the development community of local, State, and

federal programs concerning endangered species conservation issues.

31. Under the provisions of the California Environmental Quality Act (CEQA), the County, as lead agency, will solicit comments from the California Department of Fish and Game and the U.S. Fish and Wildlife Service when an environmental document (Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report) is prepared.
32. Riparian areas will be managed in accordance with United States Army Corps of Engineers, and the California Department of Fish and Game rules and regulations to enhance the drainage, flood control, biological, recreational, and other beneficial uses while acknowledging existing land use patterns.

#### Implementation Measures

- Q. Discretionary projects shall consider effects to biological resources as required by the California Environmental Quality Act.
- R. Consult and consider the comments from responsible and trustee wildlife agencies when reviewing a discretionary project subject to the California Environmental Quality Act.
- S. Pursue the development and implementation of conservation programs with State and federal wildlife agencies for property owners desiring streamlined endangered species mitigation programs.

#### **1.10.6 Surface Water and Groundwater**

##### Policy

33. Water related infrastructure shall be provided in an efficient and cost effective manner.
34. Ensure that water quality standards are met for existing users and future development.
35. Ensure that adequate water storage, treatment, and transmission facilities are constructed concurrently with planned growth.
36. Ensure that appropriate funding mechanisms for water are in place to fund the needed improvements resulting from growth and subsequent development.
37. Ensure maintenance and repair of existing water systems.

38. Encourage utilization of wastewater treatment facilities which provide for the reuse of wastewater.
39. Encourage the development of the County's groundwater supply to sustain and ensure water quality and quantity for existing users, planned growth, and maintenance of the natural environment.
40. Encourage utilization of community water systems rather than the reliance on individual wells.
41. Review development proposals to ensure adequate water is available to accommodate projected growth.
42. Encourage water supply purveyors to prepare master water plans for those areas of the County approaching existing design thresholds, including documentation of areas in need of system maintenance and repair.
43. Drainage shall conform to the Kern County Development Standards and the Grading Ordinance.
44. Discretionary projects shall analyze watershed impacts and mitigate for construction-related and urban pollutants, as well as alterations of flow patterns and introduction of impervious surfaces as required by the California Environmental Quality Act (CEQA), to prevent the degradation of the watershed to the extent practical.
45. New high consumptive water uses, such as lakes and golf courses, should require evidence of additional verified sources of water other than local groundwater. Other sources may include recycled stormwater or wastewater.
46. In accordance with the Kern County Development Standards tank-truck hauling of domestic water for land developments or lots within new land developments is not permitted.

#### Implementation Measures

- T. The Kern County Environmental Health Services Department will develop guidelines which will establish criteria for development of proposed new water systems when an existing water system, within a reasonable distance, is able to supply water.
- U. The Kern County Environmental Health Services Department will develop guidelines for the protection of groundwater quality which will include comprehensive well construction standards and the promotion of groundwater protection for identified degraded watersheds.

- V. Water and sewer purveying agencies should develop long-term sewer and water master plans in areas where these services are lacking or deficient and in areas where urban development exists or is designated.
- W. Applications for General or Specific Plan Amendments will include sufficient data for review to facilitate desirable new development proposals consistent with General Plan policies, using the following criteria and guidelines:
  - i. The provision of adequate water, sewer, and other public services to be used.
  - ii. The provision of adequate on-site nonpublic water supply and sewage disposal if no public systems are available or used.
- X. Encourage effective groundwater resource management for the long-term benefit of the County through the following:
  - i. Promote groundwater recharge activities in various zone districts.
  - ii. Support for the development of Urban Water Management Plans and promote Department of Water Resources grant funding for all water providers.
  - iii. Support the development of Groundwater Management Plans.
  - iv. Support the development of future sources of additional surface water and groundwater, including conjunctive use, recycled water, conservation, additional storage of surface water, and groundwater and desalination.
- Y. Promote efficient water use by utilizing measures such as:
  - i. Requiring water-conserving design and equipment in new construction.
  - ii. Encouraging water-conserving landscaping and irrigation methods.
  - iii. Encouraging the retrofitting of existing development with water conserving devices.
- Z. General Plan Amendments subject to environmental review and not otherwise subject to California Water Code Section 10910 shall demonstrate through a water supply assessment that a long-term water supply for a 20-year timeframe is available. The water assessment shall include, but not limited to, the following:
  - i. Source and quantity of historical water use on the site.

- ii. Estimated water consumption of the proposed development.
- iii. Estimated storage, if any, in meeting the projected need.
- iv. Recommendations for additional sources of water to address demand shortage. Such measures may include, but not limited to, development of future sources of additional surface water and groundwater, including water transfers, conjunctive use, recycled water, conservation, and additional storage of surface water, groundwater, and desalination.

Written acknowledgement that water will be provided by a community or public water system with an adopted Urban Water Management Plan shall constitute compliance with this requirement.

### **1.10.7 Light and Glare**

#### Policy

- 47. Ensure that light and glare from discretionary new development projects are minimized in rural as well as urban areas.
- 48. Encourage the use of low-glare lighting to minimize nighttime glare effects on neighboring properties.

#### Implementation

- AA. The County shall utilize CEQA Guidelines and the provisions of the Zoning Ordinance to minimize the impacts of light and glare on adjacent properties and in rural undeveloped areas.

### **1.10.8 Smart Growth**

#### Policy

- 49. Discretionary development projects should be encouraged to incorporate innovative or “smart growth” land use planning techniques as design features, as follows:
  - a. Higher density development, where compatible, to maximize the efficient use of land.
  - b. Mixed use developments that promote reduced vehicle trips by having residential, commercial, and public uses proximate to each other.

- c. Variety of housing types, including those using energy efficient design, and densities to address Kern County's housing needs.
- d. Master planned communities that feature interconnected roads, transit stops, sidewalks, landscaping, and trails to encourage efficient vehicle and pedestrian movement.
- e. Compact development that conserves open space, agricultural land, flood-prone areas, creeks, hillsides, ridge tops, wetlands, and other natural features.
- f. Adequate infrastructure (i.e. roads, sewer, water, parks, etc.) is provided as a condition of development approval by the project proponent.
- g. Aesthetically pleasing and unifying design features that promote a visually pleasing environment.

### Implementation Measures

- BB. Wherever feasible accommodate new growth by infilling development, redeveloping existing sites, reusing vacant buildings and using under-utilized sites more efficiently before developing peripheral agricultural or resource lands.
- CC. Promote the creation of innovative development through the use of smart growth principals and various implementing tools including, but not limited to: Combining Zone districts CL (Cluster), SP (Special Planning), OS (Open Space), Density Bonuses, Transit facilities, etc.

### 1.10.9 Economic Development

#### Policies:

- 50. Employ land use policies that protect the County's businesses from physical degradation and ensure orderly growth, thereby, sustaining opportunities for current and future generations to enjoy economic vitality.
- 51. Promote tourism-based businesses throughout the County.
- 52. Support initiatives to develop private/public sector partnerships to beautify communities.
- 53. Encourage the use of festivals and sporting events that take advantage of the large open spaces and recreational facilities throughout the County.
- 54. Recognize the importance of major transportation corridors, airports, and rail

lines as important economic tools for the establishment of commercial and industrial development and promotion.

55. Promote the utilization of the County by the film industry.
56. Provide for a mixed land uses that offer a variety of employment opportunities and enhances the County's economic assets to allow the capture of regional growth.
57. Support and work closely with local jurisdictions and other organizations concerned with economic development to minimize inter-jurisdictional competition.
58. Support and work toward the elimination of disincentives for business and industry to prosper in Kern County, and create special economic development programs to encourage commerce and industry to locate in Kern County.
59. Support efforts to promote the County and its cities as an area with a positive business climate for commerce and industry.
60. Support the revision of taxes, workers compensations, and programs that discourage commerce and industry from locating in California and Kern County.
61. Support efforts to provide assistance to small businesses.
62. Periodically review and update procedures for granting development approvals and permits and facilitate the processing of land use entitlements.
63. Promote improved public transportation service between major job centers and areas of transit dependency and high unemployment.
64. Provide infrastructure and coordinate local land use, regulatory practices and job training to foster and maintain a robust economy.

#### Implementation Measures

- DD. Utilize the County's Economic Strategy and the Economic Incentive Program to promote economic growth and to maintain a strong local economy.
- EE. Work with the Chamber of Commerce and the Visitor Centers throughout the County to promote the tourism industry.

- FF. Work with Caltrans in implementation of the Scenic Highway Corridor designation for various highways as described in the Circulation Element and protect viewsheds with the use of the SC (Scenic Corridor Combining) District.
- GG. Provide for temporary events in accordance with the Kern County Zoning Ordinance.
- HH. Develop Specific Plans for communities throughout the County which provide for a mix of land uses to promote employment opportunities and housing, while maintaining a good quality of life.
- II. Allow for development of complementary businesses that take advantage of transportation corridors when providing infrastructure and services necessary to maintain adequate health and safety concerns.
- JJ. Allow for compatible industrial and commercial growth, in conjunction with airport facilities, in accordance with the Airport Land Use Compatibility Plan.

### **1.10.10 Oak Tree Conservation**

#### Policies

- 65. Oak woodlands and large oak trees shall be protected where possible and incorporated into project developments.
- 66. Promote the conservation of oak tree woodlands for their environmental value and scenic beauty.

#### Implementation Measures

- KK. The following applies to discretionary development projects (General Plan Amendment, zone change, conditional use permit, tract maps, parcel maps, precise development plan) that contains oak woodlands, which are defined as development parcels having canopy cover by oak trees of at least ten percent (10%), as determined from base line aerial photography or by site survey performed by a licensed or certified arborist or botanist. If this study is used in an Environmental Impact Report, then a Registered Professional Forester (RPF) shall perform the necessary analysis.
  - a. Development parcels containing oak woodlands are subject to a minimum canopy coverage retention standard of thirty percent (30%). The consultant shall include recommendations regarding thinning and diseased tree removal in conjunction with the discretionary project.

- b. Use of aerial photography and a dot grid system shall be considered adequate in determining the required canopy coverage standard.
  - c. Adjustments below thirty percent (30%) minimum canopy standard may be made based on a report to assess the management of oak woodlands.
  - d. Discretionary development, within areas designated as meeting the minimum canopy standard, shall avoid the area beneath and within the trees unaltered drip line unless approved by a licensed or certified arborist or botanist.
- LL. The following applies to development of parcels having oak tree canopy cover of less than ten percent (10%), but containing individual oak trees equal to or greater than a 12-inch diameter trunk at 4.5 feet breast height.
- a. Such trees shall be identified on plot plans.
  - b. Discretionary development shall avoid the area beneath and within the trees unaltered drip line unless approved by a licensed or certified arborist or botanist.
  - c. Specified tree removal related to the discretionary action may be granted by the decision making body upon showing that a hardship exists based on substantial evidence in the record.

## 1.11 GENERAL PLAN AND ZONING COMPATIBILITY MATRIX

The State (Planning and Zoning Law Section 65860) requires that consistency exist between the General Plan, which represents long-range public policy, and the Zoning Ordinance, a set of specific development regulations. The General Plan and Zoning Consistency Matrix is a method of defining consistency by comparing each zone district with land use categories set forth in the General Plan. The Matrix illustrates the suitability of the specific zoning districts with the policies specified in the text of the General Plan.

The Matrix, which follows, applies two degrees of compatibility to land use designation and zoning:

- a. Consistent: Zones which specifically implement the policies specified in the General Plan or allow uses found to be conditionally acceptable in such zones.
- b. Inconsistent: Zones which are inconsistent with General Plan policies for a particular land use designation.

## KERN COUNTY GENERAL PLAN DESIGNATIONS AND ZONE DISTRICT CONSISTENCY MATRIX

### ZONE CLASSIFICATION DISTRICT

GENERAL PLAN DESIGNATIONS	ZONE CLASSIFICATION DISTRICT																														
	A(20)	A(80)	A-1	E(1/4)	E(1/2)	E(1)	E(2/12)	E(5)	E(10)	E(20)	R-1	R-2	R-3	MP	CO	C-1	C-2	CH	M-1	M-2	M-3	RF	OS	NR(5)	NR(10)	NR(20)	NR(40)	DI	FPP	SP	PL
1.1 State and Federal Land	•	•																					•	•	•	•	•	•	•	•	
1.2 Incorporated Cities																															
3.1 Parks and Recreation	▲		▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲									▲	▲	▲	▲	▲	▲	▲	▲	
3.2 Educational Facilities	▲		▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲									▲	▲	▲	▲	▲	▲	▲	▲	
3.3 Other Facilities	▲		▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲		▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	
3.4 Solid Waste Disposal Facility	•																														
3.4.1 Solid Waste Disposal Facility Buffer	•																														
3.5 Hazardous Waste Disposal Facilities Land Disposal Method	•																														
3.6 Hazardous Waste Disposal Facilities Underground Injection Method	•																														
3.7 Other Waste Facility	•																														
3.7.1 Other Waste Facility Buffer	•																														
4.1 Accepted County Plan Areas	•		•	•	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
4.2 Interim Rural Community Plan	•	•	•	•	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
4.3 Specific Plan Required	•	•	•	•	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
5.1 Max. 29 DU/Net Acre	•			•	•	•	•	•	•	•	•	•	•	•																	
5.2 Max. 16 DU/Net Acre	•			•	•	•	•	•	•	•	•	•	•	•																	
5.3 Max. 10 DU/Net Acre	•			•	•	•	•	•	•	•	•	•	•	•																	
5.4 Max. 4 DU/Net Acre	•			•	•	•	•	•	•	•	•	•	•	•																	
5.45 Max. 2 DU/Net Acre	•				•	•	•	•	•	•	•	•	•	•																	
5.5 Max. 1 DU/Net Acre	•				•	•	•	•	•	•	•	•	•	•																	
5.6 Min. 2.5 Gross Acres/1 DU	•		•				•	•	•	•	•	•	•	•																	
5.7 Min. 5 Gross Acres/1 DU	•							•	•	•	•	•	•	•																	
5.75 Min. 10 Gross Acres/1 DU	•							•	•	•	•	•	•	•																	
5.8 Min. 20 Gross Acres/1 DU	•								•	•	•	•	•	•																	
6.1 Regional Commercial	•															•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
6.2 General Commercial	•															•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
6.3 Highway Commercial	•															•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
7.1 Light Industrial	•															•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
7.2 Service Industrial	•															•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
7.3 Heavy Industrial	•															•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
8.1 Intensive Agriculture (Min. 20 Acres)	•	•																						•			•		•	•	•
8.2 Resource Reserve (Min. 20 Acres)	•	•																						•			•	•		•	•
8.3 Extensive Agriculture (Min. 80 or 20 Acres)	•	•																						•					•	•	•
8.4 Mineral and Petroleum (Min. 5 Acres)	•	•																						•	•	•	•	•		•	•
8.5 Resource Management (Min. 20 Acres)	•	•																						•						•	•

NOTE: THE MATRIX IS A GUIDE THAT SHOULD BE USED IN CONJUNCTION WITH THE POLICIES AND PROVISIONS OF THE GENERAL PLAN  
 NOTE: THE COMBINING ZONE DISTRICTS ARE NOT INCLUDED IN THIS MATRIX, BUT ARE CONSIDERED CONSISTENT WITH THE GENERAL PLAN DESIGNATIONS FOR WHICH THEIR PRIMARY ZONE DISTRICT ARE CONSISTENT.

▲ PUBLIC/PRIVATE FACILITIES ONLY    • CONSISTENT    □ INCONSISTENT