

REVISED AMENDED DRAFT (11/9/2015)

CHAPTER 19.98

OIL AND GAS ACTIVITIES

SECTIONS:

- 19.98.010 PURPOSE AND APPLICATION**
- 19.98.020 DEFINITIONS OF OIL AND GAS PRODUCTION ACTIVITIES**
- 19.98.030 OIL AND GAS PRODUCTION BOUNDARY AREA AND TIER AREAS**
- 19.98.040 OIL AND GAS ACTIVITIES BY MINISTERIAL PERMIT**
- 19.98.050 OIL AND GAS ACTIVITIES BY CONDITIONAL USE PERMIT**
- 19.98.060 IMPLEMENTATION STANDARDS AND CONDITIONS**
- 19.98.070 OIL AND GAS CONFORMITY REVIEW AND APPROVAL — REQUIRED**
- 19.98.080 OIL AND GAS CONFORMITY REVIEW — APPLICATION CONTENTS (TIER 1)**
- 19.98.085 OIL AND GAS CONFORMITY REVIEW AND CONDITIONAL USE PERMIT — APPLICATION CONTENTS (TIERS 2-5)**
- 19.98.090 OIL AND GAS CONFORMITY REVIEW – WITH REQUIRED SURFACE OWNER SIGNATURE**
- 19.98.100 OIL AND GAS CONFORMITY REVIEW – WITHOUT REQUIRED SURFACE OWNER SIGNATURE**
- 19.98.110 MINOR ACTIVITY REVIEW — APPLICATION CONTENTS**
- 19.98.120 MINOR ACTIVITY REVIEW**
- 19.98.130 SELF CERTIFICATION**
- 19.98.140 INSPECTION COMPLIANCE**
- 19.98.145 IDLE WELLS**
- 19.98.150 PLUGGED AND ABANDONED**
- 19.98.160 PERMIT REVOCATION AND MODIFICATION**

19.98.010 PURPOSE AND APPLICATION

The purpose of this chapter is to promote the economic and streamlined recovery of oil, gas, and other hydrocarbon substances in a manner compatible with surrounding land uses and protection of the public health and safety by establishing reasonable limitations, safeguards, and controls on exploration, drilling, and production of hydrocarbon resources. The procedures and standards contained in this chapter shall apply to all exploration drilling and production activities related to oil, gas, and other hydrocarbon substances carried out within the unincorporated San Joaquin Valley portion of Kern County (See Figure 19.98.015). This effective date of this version of Chapter 19.98 is December 9, 2015.

19.98.020 DEFINITIONS OF OIL AND GAS PRODUCTION ACTIVITIES

Oil and Gas exploration and operations contain many highly technical activities. For the purposes of this Chapter 19.98, definitions of activities are located throughout the Chapter, were

KERN COUNTY ZONING ORDINANCE

AMENDED REVISED DRAFT – BOARD OF SUPERVISORS (NOVEMBER 9, 2015)

FINAL

applicable. Unless otherwise indicated in this Chapter, the definitions in Chapter 19.04 remain applicable.

19.98.030 OIL AND GAS PRODUCTION BOUNDARY AREA AND TIER AREAS

Oil and Gas production in Kern County occurs within the portion of Kern County depicted in Figure 19.98.015. This Oil and Gas Activities Boundary Area is divided into five (5) Tier Areas and depicted in Figure 19.98.015. Changes to the Oil and Gas Production Boundary Area and Tier boundaries of Figure 19.98.015 shall be through the procedures in Chapter 19.112.

The Tier Areas were designated based on the following land use planning considerations:

- A. Tier 1 Area is defined as all areas in which oil and gas activity is the primary land use. The existing well and activity densities preclude almost all other uses except for passive uses such as grazing.
- B. Tier 2 Area is defined as all areas that ~~is~~ are classified Exclusive Agriculture (A) or Limited Agriculture (A-1) Districts, have agriculture as the primary surface land use, and are not included in Tier 1.
- C. Tier 3 Area is defined as other areas not within a Tier 1 Area that are located in one of the following zone districts:
 - Natural Resource (NR)
 - Recreation Forestry (RF)
 - Light Industrial (M-1)
 - Medium Industrial (M-2)
 - Heavy Industrial (M-3)
 - Floodplain Primary (FPP)
 - Drilling Island (DI)
 - Zone Districts that have the Petroleum Extraction (PE) Combining District
- D. Tier 4 Area is defined as areas not within Tier 1, 2, or 3, that include at least one of the following zone districts:
 - Estate (E)
 - Low-Density Residential (R-1)
 - Medium-Density Residential (R-2)
 - High-Density Residential (R-3)
 - Commercial Office (CO)
 - Neighborhood Commercial (C-1)
 - General Commercial (C-2)
 - Highway Commercial (CH)
 - Open Space (OS)
 - Platted Lands (PL)
 - Mobilehome Park (MP)

Authorized oil and gas activities in Tier 4 are subject to approval of a conditional use permit in accordance with 19.104 of this Title.

- E. Tier 5 are areas including all current and future Specific Plan boundaries either adopted with a Special Planning (SP) District or which include specific provisions for oil and gas operations. Oil or gas exploration and production activities would be allowed with a conditional use permit or as permitted by the regulations contained within the adopted Specific Plan in Tier 5 areas.

- F. All other areas not defined as Tier 1-5 Areas within the Oil and Gas Production Area are considered Non-Jurisdictional because they are not within the jurisdiction of Kern County. Including land owned by the United States, State of California or land within an incorporated city are exempt, unless under the authority of a written agreement with the Board of Supervisors. The regulations set forth in this chapter pertain only to accessory structures, facilities or uses that are physically connected to, provide access or services to, or otherwise support, oil and gas activities in these Non-Jurisdictional Areas.

19.98.040 OIL AND GAS ACTIVITIES BY MINISTERIAL PERMIT

- A. No well for use as an injection well and no well for the exploration for or development or production of oil or gas or other hydrocarbon substances may be drilled, and no related accessory equipment, structure, or facility may be installed in any Tier 1, 2, and 3 Areas until an application for Oil and Gas Conformity Review or Minor Activity Review has been submitted to and approved by the Planning Director as consistent with the standards set out in Section 19.98.060 of this chapter and in accordance with the procedures set out in Sections 19.98.070 through 19.98.120 of this chapter. No such well may be drilled, or related accessory equipment, structure, or facility installed, in a Tier 5 Area unless the Specific Plan procedures for authorizing such activities have been completed, or if no such procedures are included in a Specific Plan unless the Oil and Gas Conformity Review or Minor Activity Review has been submitted and approved consistent with the procedures applicable to Tier 1, 2 and 3 areas.
- B. Disposal of nonhazardous oilfield fluid waste and production water is considered an accessory facility only if the facility complies with the following:
1. The nonhazardous oilfield fluid waste or production water is produced and disposed of within the same designated oilfield; or
 2. The nonhazardous oilfield fluid waste or production water disposed of outside the designated oilfield of origin is produced by and disposed of solely and only by the same individual, corporation, or entity or by reciprocal agreement among oil and gas operators in Kern County.
- C. The provisions of this Section apply to the first three thousand six hundred and forty seven (3,647) new well permits issued each calendar year, within the Oil and Gas Production Boundary Area. Any new well permits beyond three thousand six hundred and forty seven (3,647) applied for in a calendar year would be subject to a conditional use permit.

19.98.050 OIL AND GAS ACTIVITIES BY CONDITIONAL USE PERMIT

- A. In Tier 4, no well for use as an injection well and no well for the exploration for or development or production of oil, gas, or other hydrocarbon substances may be drilled, and no related accessory equipment, structure, facility or use may be installed in any zoning district described in this title in which such uses are permitted as conditional uses, or on land owned by the State of California subject to provisions of 19.98.030, until an

application for a conditional use permit, which includes the information specified in Section 19.98.080, has been submitted to and approved by the Planning Commission as consistent with the standards set out in Section 19.98.060 of this chapter and in accordance with the standards and procedures set out in Sections 19.102.130 through 19.102.180 and Chapter 19.98 of this title. In approving a conditional use permit, the Planning Commission may waive any condition set out in Section 19.98.060 of this chapter if it determines that such waiver will not result in material detriment to the public welfare or the property of other persons located in the vicinity, based on findings of fact and compliance with the California Environmental Quality Act.

- B. No well for use as an injection well and no well for the exploration for or development or production of oil, gas, or other hydrocarbon substances may be drilled, and no related accessory equipment, structure, or facility, outside the boundaries as defined in Figure 19.98.015, may be installed in any zoning district described in this title in which such uses are permitted, or on land owned by the State of California subject to provisions of 19.98.030, until an application for a conditional use permit, which includes the information specified in Section 19.98.080, has been submitted to and approved by the Planning Commission as consistent with the standards set out in Section 19.98.060 of this chapter and in accordance with the standards and procedures set out in Sections 19.102.130 through 19.102.180 and Chapter 19.98 of this title. In approving a conditional use permit, the Planning Commission may waive any condition set out in Section 19.98.060 of this chapter if it determines that such waiver will not result in material detriment to the public welfare or the property of other persons located in the vicinity, based on findings of fact and compliance with the California Environmental Quality Act.
- C. Should any activity requiring approval of an Oil and Gas Conformity Review or Minor Activity Review pursuant to Sections 19.98.070 through 19.98.120 of this chapter, not be able to comply with the Implementation Standards and Conditions set forth in Section 19.98.060, an application for a conditional use permit, which includes the information specified in Section 19.98.080, shall be submitted to and approved by the Planning Commission in accordance with the standards and procedures set out in Sections 19.102.130 through 19.102.180 and Chapter 19.98 of this title. In approving a conditional use permit, the Planning Commission may waive/modify any condition set out in Section 19.98.060 of this chapter if it determines that such waiver or modification will not result in material detriment to the public welfare or the property of other persons located in the vicinity, based on findings of fact and compliance with the California Environmental Quality Act.
- D. If a well is not completed upon land subject to a conditional use permit issued pursuant to this chapter and Chapter 19.104 of this title within twelve (12) months from the date of issuance of the permit, or within any approved period thereof, the conditional use permit shall expire and the premises shall be restored as nearly as practicable to their original condition. No permit shall expire while the permittee is continuously conducting drilling, redrilling, completing or abandoning activities, or related operations, in a well on the lands covered by such permit, which activities were commenced while said permit was otherwise in effect. Continuous activities are those suspended for not more than ninety

(90) consecutive days. If, at the expiration of the twelve- (12-) month period, the permittee has not completed his drilling program on the lands covered by such permit, the decision making authority, upon a written request of the permittee, may extend the permit for the additional time requested by permittee for the completion of such drilling, in accordance with the standards and procedures set out in Sections 19.102.130 through 19.102.180.

- E. The following accessory uses shall require a Conditional Use Permit:
 - 1. Cogeneration facility
 - 2. Landfills

19.98.060 IMPLEMENTATION STANDARDS AND CONDITIONS

Pursuant to this chapter, all activities for the exploration for or development or production of oil, gas, and other hydrocarbon substances and related accessory buildings, structures, facilities, and activities shall comply with the following standards, unless otherwise provided in this chapter:

- A. No oil or gas well shall be drilled within:
 - 1. One hundred (100) feet of any public Major or Secondary highway or building not necessary to the operation of the well;
 - 2. Two hundred and ten (210) feet of any-sensitive receptor (single or multi-family dwelling unit, place of public assembly, institution, school or hospital); or
 - 3. One hundred (100) feet of any building utilized for commercial purposes, not used for oil and gas operations.
- B. All drilling and production activities shall conform to all applicable fire and safety regulations. Firefighting apparatus and supplies required by the Kern County Fire Department shall be maintained on the site at all times during drilling and production operations.
- C. All required federal, State, and County rules and regulations shall be complied with at all times, including, but not limited to, the rules and regulations of the following agencies:
 - 1. California Division of Oil, Gas and Geothermal Resources
 - 2. Kern County Fire Department
 - 3. Kern County Public Health Department
 - 4. Regional Water Quality Control Board
 - 5. San Joaquin Valley Air Pollution Control District
 - 6. Kern County Public Works Department
 - 7. California Department of Fish and Wildlife
 - 8. United States Bureau of Land Management
 - 9. United States Fish and Wildlife Service
 - 10. United States Environmental Protection Agency
- D. The applicant shall demonstrate compliance with all applicable Mitigation Measures as listed in the approved Mitigation Monitoring and Reporting Program (MMRP) for the Revisions to the Zoning Ordinance (C) - 2015.

19.98.070 OIL AND GAS CONFORMITY REVIEW AND APPROVAL — REQUIRED

In Tiers 1, 2, 3 and 5, except as provided in this section, no permitted use shall be established, no permitted development shall occur, and no building permit or grading permit shall be issued for any permitted use or development subject to this chapter until an Oil and Gas Conformity Review or Minor Activities Review has been submitted to and approved by the Planning Director in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title.

Oil and Gas Conformity Review and Minor Activities Review

Activity	Conformity Review	Minor Activity Review	No Permit Required
Drilling & Completion			
Exploration or Production Well (including cyclic steam production well) A well drilled for exploration or to produce oil and or natural gas	✓		
Reworked Well	✓		
Injection Well A U.S. Environmental Protection Agency class 2 injection well into which fluids are injected rather than produced with the primary objective typically is to maintain reservoir pressure, conduct EOR operations or dispose of produced water or gas, including: steamflood, waterflood or gas injection	✓		
Observation Well A well for the purpose of observing parameters such as temperature, fluid levels and pressure changes	✓		
SB4-Regulated Activities An activity regulated under California Senate Bill 4 (SB4) designed to enhance oil and or gas production or recovery. SB4 activities do not include activities such as steam flooding, water flooding, cyclic steaming, routine well cleanout, well maintenance or removal of formation damage due to drilling, chemical treatments that do not meet the requirements in 584, bottom hole pressure surveys, or routine activity Sidetracking, Deepening, activities that do not affect the integrity of the well of the formation	✓		
Drilling Pit or Sump A drilling pit or sump that requires a permit from the Central Valley Water Quality	✓		

Activity	Conformity Review	Minor Activity Review	No Permit Required
Control Board			
Sidetrack Change in well type, perforate new or existing perforations in casing, run or remove or cement liners, place or drill out any plug (cement, sand, mechanical): essentially, any operation that permanently alters the casing of a well	✓		
Deepening To deepen or permanently alter the casing in a well. Altering includes actions that require a DOGGR permit	✓		
Exploration and Development			
Geophysical Survey or Drilling by Scientific Means Tests conducted to determine the extent of and presence of oil and natural gas reserves and whether the resources for development	✓ *	✓	
Well Pad Preparation Construction activity consisting of clearing and grading of a new surface disturbance to accommodate the well and drilling activity or ancillary facilities that may be required for oil and gas drilling and operations	✓ *	✓	
Access Road Construction New surface disturbance that occur during the construction of a new road or expansion that includes new surface disturbance	✓ *	✓	
Electric Distribution Line Applies to new surface disturbance that occur during the construction of an electrical distribution line or expansion that includes new surface disturbance	✓ *	✓	
Pipeline Applies to new surface disturbance that occur during the construction of a pipeline or expansion that includes new surface disturbance	✓ *	✓	
Production Operations			
Well Operations and Maintenance Not Requiring a DOGGR permit			✓
Geophysical Monitoring			✓
Oil/Gas Treatment	✓ *	✓	

Activity	Conformity Review	Minor Activity Review	No Permit Required
Produced Water Treatment	✓ *	✓	
Well Testing			✓
Pipelines	✓ *	✓	
Electric Lines	✓ *	✓	
Wastewater Treatment and Injection Disposal	✓ *	✓	
Wastewater Treatment and Surface Disposal	✓ *	✓	
Waste Treatment and Disposal	✓ *	✓	
Access Road	✓ *	✓	
Vegetation			✓
Reactivation of Idle Wells	✓ *	✓	
Support Facilities			
Administrative Building or Support Facility Building	✓ *	✓	
Steam Generator Boilers that generate steam for oil and gas field production purposes	✓ *	✓	
Flare A gas combustion device used primarily for burning off raw, waste, or unusable flammable gas that cannot be effectively commercialized	✓ *	✓	
Electric Lines Overhead or buried electrical distribution lines used for oil and gas field operations	✓ *	✓	
Electric Substations Electric substations used for oil and gas field operations	✓ *	✓	
Pipelines Pipelines that part of an oil and gas field operation	✓ *	✓	
Tanks Tanks used for oil field operations	✓ *	✓	
Oil/Water Treatment Oil/ water treatment equipment used in oil and gas operations	✓ *	✓	
Produced Water Treatment Equipment used to treat produced water in an oil and gas operation	✓ *	✓	
Produced Water Percolation Pond/Sump Produced water percolation and or evaporation ponds permitted by the Central Valley Regional Water Quality Control Board and used during oil and gas field operations	✓ *	✓	
Emergency Pit, Sump or Secondary Containment	✓ *	✓	
Fencing			✓

Activity	Conformity Review	Minor Activity Review	No Permit Required
Fencing used to protect and prevent unauthorized individuals from coming into contact with oil and gas equipment and to prevent trespassing			
Well Abandonment A DOGGR process to plug and abandon a well used for oil and or gas activities including production, observation, and injection.			✓
Revegetation The processes taken to establish vegetation at an oil and gas operation			✓
Short Term Employee Housing Short Term Employee Housing Temporary housing for individuals involved in oil and gas operations that require onsite 24 hour 7 day a week oversight	✓ *	✓	
Pre-Ordinance Activities that Cause New Ground Disturbance and/or Subject to the Emission Reduction Agreement	✓ *	✓	
Note: * - Ongoing operations of existing wells, facilities and equipment, including minor modifications such as new interconnections between such facilities, does not trigger conformity review or minor activity review. When these accessory uses, equipment and facilities are proposed as part of the same project as an activity that requires an Oil and Gas Conformity Review, then these accessory activities are required to be included in the Oil and Gas Conformity Review. In all other circumstances, where new ground disturbance occurs, these accessory activities are subject to Minor Activity Review.			

19.98.080 OIL AND GAS CONFORMITY REVIEW — APPLICATION CONTENTS (TIER 1)

Applications for an Oil and Gas Conformity Review within Tier 1 Areas, pursuant to Section 19.98.040 of this chapter shall include the following:

- A. Name, telephone number and address of the applicant.
- B. Name(s), telephone number(s) and address(es) of the surface property owner(s), mineral owner(s), oil and gas operator (if different than the applicant).
- C. Assessor's parcel number(s) of all parcels located within the boundaries of the proposed operation, including accessory equipment, structures, and/or facilities. Latitude/Longitude coordinates for all existing and proposed wells.
- D. Description of the project area, including total site acreage, accessory equipment, structures, and/or facilities.

- E. A site plan drawn to scale, sufficient in size to show all necessary details, no larger than 11x17, with multiple sheets (if necessary), which includes the following information:
1. Project boundary lines and dimensions, including lease lines and property lines.
 2. Location and coordinates of all proposed well holes and related accessory equipment. Location of all roadways, pipelines, tanks, treatment or other structures and facilities to be installed. Distance from proposed well holes to section/midsection lines, located within ½ mile.
 3. Location of all existing dwellings and structures, located within fifteen hundred and fifty (1,550) feet for all wells proposed to be drilled less than ten thousand (10,000) feet in depth or located within three thousand two hundred and seventy (3,270) feet, for all wells proposed to be drilled greater than ten thousand (10,000) feet in depth, of the proposed well holes. Identification of the use of each structure, and distances between well holes and existing buildings shall be noted. Location of existing property lines and distance from well site to property line.
 4. Location of all new flare gas production lines, lines for production, electrical lines, and location of tank farms to be used.
 5. North arrow, date the site plan was prepared, and scale.
 6. Location of all accessory/ancillary facilities (including trucking parking, onsite storage, etc.) to be installed with the proposed wells.
 7. California Division of Oil, Gas and Geothermal Resources permit application number, if available.
 8. Identify the proposed source of water (domestic or production), if applicable.
 9. Show location of all proposed underground pipelines.
 10. Location of any existing Oil and Gas Conformity Review boundaries within and/or contiguous to the proposed boundary, including total site acreage and identification of Tier Area.
 11. Written documentation in sufficient detail to allow the County to determine that all conditions required in Section 19.98.060 will be complied with, including all applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program for the Revisions to the Zoning Ordinance (C) – 2015.
 12. Evidence that notice was provided to Land/Surface Owners as required by Section 19.98.080 G.

G. Notification Requirements

1. A physical letter of notification of application that requires a signature for delivery shall be sent by the applicant to all Land/Surface Owners of the property for which the Conformity Review is being requested, if the Land/Surface Owners are different from the mineral owners. The notice shall include all information required by State law. The letter of notification package shall include a copy of proposed site plan, including an official County handout explaining the conformity review process. The package shall be sent 30 days before submittal of the application. The application shall include evidence that the letter was sent and the signatures received. Any application for which the Land/Surface Owner letter is returned for failure to obtain a signature, the Applicant shall provide evidence that the Land/Surface Owner of the property cannot be located through normal means such as tax records. A dated letter of authorization, with specific Assessor Parcel Numbers and the period of time applicable, from the Land/Surface Owner addressed to the County of Kern may be submitted asking that the notification be waived as allowed by State law. In site locations where mineral rights are owned by the United States Government and the surface is privately owned, the application package shall include confirmation that the proposed site plan has been submitted to the United States Bureau of Land Management.
2. A second letter shall be sent, by the applicant, when the application is submitted to the County. A dated letter of authorization, with specific Assessor Parcel Numbers and the period of time applicable, from the Land/Surface Owner, addressed to the County of Kern, may be submitted asking that the notification of application submitted be waived.
3. Access of the surface for purposes of conducting pre-application activities, such as surveys, shall be subject to any existing agreement between the Mineral Owner and the Land/Surface Owner, and State regulations. Such access is not subject to the notification requirements set forth in this title.

19.98.085 OIL AND GAS CONFORMITY REVIEW AND CONDITIONAL USE PERMIT — APPLICATION CONTENTS (TIERS 2-5)

Applications for an Oil and Gas Conformity Review within Tiers 2, 3, or Tier 5 Areas, pursuant to Section 19.98.040 of this chapter, or for a conditional use permit, for oil and gas activities within a Tier 4 Area, pursuant to Section 19.98.050 of this chapter, shall include the following:

- A. Name, telephone number and address of the applicant.
- B. Name(s), telephone number(s) and address(es) of the surface property owner(s), mineral owner(s), oil and gas operator (if different than the applicant).
- C. Assessor's parcel number(s) of all parcels located within the boundaries of the proposed operation, including accessory equipment, structures, and/or facilities. Latitude/Longitude coordinates for all existing and proposed wells.

- D. Preliminary Title Report, not over ninety (90) days old. A Guarantee of Title may be submitted for parcels with a Preliminary Title Report on file, over (90) days old.
- E. Legal description of the project area, including total site acreage, located within the boundaries of the proposed operation, including accessory equipment, structures, and/or facilities in aliquot format, unless a more precise legal description is determined to be needed by the Planning Director.
- F. A site plan drawn to scale, sufficient in size to show all necessary details, no larger than 11x17, with multiple sheets (if necessary), which includes the following information:
 - 1. Topography and proposed grading of the site plan.
 - 2. Project boundary lines and dimensions, including lease lines and property lines.
 - 3. Location and coordinates of all proposed well holes and related accessory equipment. Location of all roadways (access roads), any proposed landscaping, pipelines, tanks, treatment or other structures and facilities to be installed, and any existing or abandoned wells if such are known to exist.
 - 4. Location of all existing dwellings and structures, located within fifteen hundred and fifty (1,550) feet for all wells proposed to be drilled less than ten thousand (10,000) feet in depth or located within three thousand two hundred and seventy (3,270) feet in depth, for all wells proposed to be drilled greater than ten thousand (10,000) feet, of the proposed well holes. Identification of the use of each structure, and distances between well holes and existing buildings shall be noted. Location of existing property lines and distance from well site to property line.
 - 5. Location of all new flare gas production lines, lines for production, electrical lines, and location of tank farms to be used.
 - 6. North arrow, date the site plan was prepared, and scale.
 - 7. Location of all recorded easements onsite, roads, section/midsection lines, located within ½ mile of the proposed wells.
 - 8. Location of all accessory/ancillary facilities (including trucking parking, onsite storage, etc.) to be installed with the proposed wells. Location of planned ground disturbance on irrigated or prime agricultural land.
 - 9. Description of project boundary in relation to Tier areas as defined in Figure 19.98.015.
 - 10. California Division of Oil, Gas and Geothermal Resources permit application number, if available.
 - 11. Identify the location of the 100-year floodplain, if applicable.

12. Identify the proposed source of water (domestic or production), if applicable.
13. Show location of all new proposed underground pipelines.
14. Location of any existing Oil and Gas Conformity Review boundaries within and/or contiguous to the proposed boundary.
15. Written documentation in sufficient detail to allow the County to determine that all conditions required in Section 19.98.060 will be complied with, including all applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program for the Revisions to the Zoning Ordinance (C) – 2015.
16. Evidence that notice was provided to Land/Surface Owners as required by Section 19.98.085 H.

- G. Signature Block and Statement (Land/Surface Owner, Mineral Owner and Operator). The following statement shall be included ~~to~~ on the first page of the site plan. The statement shall be signed by all parties, irrespective of ownership relationship. Multiple lines may be added for multiple ownership signatures. A dated letter of authorization, with specific Assessor Parcel Numbers, from the Land/Surface Owner addressed to the County of Kern may be submitted asking that the signature on the site plan be waived.

REQUIRED STATEMENT

The undersigned Land/Surface Owner is the owner of APN# _____. The undersigned is the Mineral Owner and/or Operator or Lessee of the Mineral Owner. The Land/Surface Owner and the Mineral Owner and/or the Operator or Lessee have come to an agreement regarding the use of the surface of the property in connection with the Kern County permit that is being issued with this site plan.

Land/Surface Owner:	Mineral Owner:	Operator:
_____	_____	_____
Print Name	Print Name	Print Name
_____	_____	_____
Title/Company	Title/Company	Title/Company
_____	_____	_____
Signature	Signature	Signature
_____	_____	_____
Date	Date	Date

- H. Notification Requirements – Tier 2, 3, 4 and 5 Areas.
1. A physical letter of notification of application that requires a signature for delivery shall be sent by the applicant to all Land/Surface Owners of the property for which the Conformity Review is being requested, if the Land/Surface Owners are different from the mineral owners. The notice shall include all information required by State law. The letter of notification package shall include a copy of proposed site plan, and invitation to the Land/Surface Owner(s) offering a meeting with the Mineral Owner or Operator, and including an official County handout explaining the conformity review process. The package shall be sent 30 days before submittal of the

application. The application shall include evidence that the letter was sent and the signatures received. Any application for which the Land/Surface Owner letter is returned for failure to obtain a signature, the Applicant shall provide evidence that the Land/Surface Owner of the property cannot be located through normal means such as tax records. A dated letter of authorization, with specific Assessor Parcel Numbers and the period of time applicable, from the Land/Surface Owner addressed to the County of Kern may be submitted asking that the notification be waived as allowed by State law. In site locations where mineral rights are owned by the United States Government and the surface is privately owned, the application package shall include confirmation that the proposed site plan has been submitted to the United States Bureau of Land Management.

2. Access of the surface for purposes of conducting pre-application activities, such as surveys, shall be subject to any existing agreement between the Mineral Owner and the Land/Surface Owner, and State regulations. Such access is not subject to the notification requirements set forth in this title. On split estates, it is the intent of the County that the decisions generated by this Ordinance only apply to the mineral estate. No decisions generated by this Ordinance shall change the existing rights or authority of the private surface owners to full use and enjoyment of their property under laws and regulations in effect prior to the effective date of this Ordinance, or change the existing rights or authority of the mineral owner to pursue mineral exploration and production except to require compliance with this Ordinance. The right to enter split estate private surface lands to permit oil and gas operations shall be consistent with existing law or as limited by private agreement between the parties. The right to enter split estate private surface lands by individuals or entities for purposes of conducting biological and cultural resource surveys is limited to those individuals or entities under contract to, and liable to, the mineral owner/operator, and is further limited to the locations of existing or planned oil and gas activities, and such adjacent areas required by survey protocols for relevant species.

19.98.090 OIL AND GAS CONFORMITY REVIEW – WITH APPLICABLE SURFACE OWNER SIGNATURE

- A. An applicant for a ministerial Oil and Gas Conformity Review permit pursuant to this chapter shall submit an application to the Planning Director in the format and number of copies specified by the Planning Director. The application shall contain all the information specified for the application by the applicable section of this chapter. The application shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.040 of this Title. For Tier 2, 3 and 5 Areas, a copy of the application shall be provided to the Land/Surface owner per the requirements of 19.98.085.H above. The application must contain the signature block and statement pursuant to Section 19.98.085.G, or shall contain a letter from the Land/Surface Owner waiving the need for said signature on the specified parcel of the proposed application. The waiver letter must be dated and provide specific language as to the length of time the letter is valid if to be used for future Oil and Gas Conformity Reviews.

- B. The Planning Director shall inform the applicant in writing within seven (7) business days of receipt that the application is complete and shall issue the permit if he/she determines that the proposed use meets the implementation standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete.
- C. Within three (3) business days of reviewing the second submittal, if required, to correct any deficiencies, the Planning Director shall issue the permit if he/she determines that the proposed use meets the implementation standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete.
- D. Within seven (7) business days of reviewing the third submittal to correct any deficiencies, the Planning Director shall issue the permit if he/she determines that the proposed use meets the implementation standards and conditions specified in the applicable provisions of chapter. If the application remains incomplete, a mandatory in person meeting with the applicant, and any consultant processing the application on behalf of the applicant, will be required to resolve the issues preventing issuance of the permit. The in-person meeting cannot be waived, and shall be held at the Kern County Planning and Community Development Department.
- E. Failure of the Planning Director to meet any deadline for application review or permit issuance as provided in this section shall not cause a permit to be deemed approved.
- F. Any reviews beyond three (3), as provided above, shall require additional fees to be paid, as set forth pursuant to Section 19.06.040 of this Title, and shall be completed within thirty (30) days after the application is deemed complete.
- G. Prior to conducting any drilling activity, the applicant (or operator, if acting on behalf of an applicant) must have received and have on file both the approved Permit to Conduct Well Operations from California Division of Oil, Gas and Geothermal Resources and an approved Oil and Gas Conformity Review unless the activity involves facility placement not subject to California Division of Oil, Gas and Geothermal Resources permit approval.
- H. Upon issuance of this permit:
 - 1. The County shall send a notification to the applicant, applicable responsible agencies, and the land/surface owner (if different from the mineral owner) stating a permit has been issued by the County. The approval letter shall include a stamped site plan, list of applicable conditions and mitigation measures, and a determination that the permit approval falls within the scope of the Environmental Impact Report prepared for the Revisions to the Zoning Ordinance (C) – 2015, and that other state, regional, and local agencies are responsible agencies under the California Environmental Quality Act.
 - 2. The applicant shall notify the Land/Surface owner of the proposed dates for access of the property to commence operations and/or to comply with mitigation measures. Such notification may take the form of multiple letters. A dated letter of authorization, with specific Assessor Parcel Numbers and the period of time applicable, from the Land/Surface Owner, addressed to the County of Kern, may be submitted asking that the notification of access be waived or has already been satisfied with a single notification

letter.

- I. If the development for which a permit has been approved pursuant to this article has not commenced within one (1) year of the granting of the permit, or if the permit has been unused, abandoned, discontinued, or has ceased for a period of one (1) year, the permit shall become null and void and of no effect, unless an extension has been granted by the Planning Director upon written request for an extension before the expiration of the one- (1-) year period. A copy of any expiration or extension shall be provided to the Land/Surface Owner.

19.98.100 OIL AND GAS CONFORMITY REVIEW - WITHOUT REQUIRED SURFACE OWNER SIGNATURE

The provisions contained in this section apply only to applications submitted within Tier 2, 3 and 5 Areas, which do not contain the surface owner signature as required by Section 19.98.070, above:

- A. An applicant for a ministerial Oil and Gas Conformity Review permit pursuant to this chapter, which does not include the Land/Surface Owner signature required pursuant to Section 19.98.085 F, shall submit an application to the Planning Director in the format and number of copies specified by the Planning Director. The application shall contain all the information specified for the application by the applicable provisions of this chapter. A copy of the application shall be provided to the Land/Surface Owner per the requirements of Section 19.98.080.F above. The application shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.040 of this Title.
- B. The Planning Director shall inform the applicant in writing on the thirtieth (30) calendar day of receipt that the application is complete or that additional information is needed to complete the application and therefore the application is deemed incomplete. The Planning Director shall notify the Surface/Land Owner of their option for an in-person meeting with the Department to discuss the conformity review process and answer questions regarding the site plan, to be scheduled within the thirty (30) day period stated above.
- C. Second Thirty (30) Day Review Period.
 1. If the application is deemed complete during the thirty (30) day period in Section 19.98.100 B, a mandatory second thirty (30) calendar day review will commence immediately following the end of the first review period.
 2. If the application is found to be incomplete during the review period in Section 19.98.100 B, a subsequent thirty (30) day review period will commence at the time of submittal by the Applicant of the additional documentation.
 3. The Planning Director shall notify the Surface/Land Owner of their option for an additional in-person meeting with the Department to answer questions including review of any revisions to the site plan, to be scheduled within the thirty (30) day period stated above.
 4. The Planning Director shall request to schedule a mandatory in-person meeting with the Applicant to review the current site plan and discuss the conformity review process.

5. On the first business day following the 30 day review period, the Planning Director shall issue the permit if he/she determines that the proposed use meets the implementation standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete.
- D. All subsequent reviews, due to incomplete application submittals, shall require a mandatory thirty (30) calendar day review period. The Planning Director shall issue the permit if he/she determines that the proposed use meets the development standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete. If application remains incomplete, a mandatory in-person meeting with the applicant, and any consultant processing the application will be required to resolve the issues preventing issuance of the permit. The in-person meeting cannot be waived.
 - E. Any reviews beyond three (3), as provided above, shall require additional fees to be paid, as set forth pursuant to Section 19.06.040 of this Title, and shall be completed within thirty (30) days after the application is deemed complete.
 - F. At any time during the review periods in Sections 19.98.100.A through D the applicant submits proof of the required surface owner signature on the site plan, the application will be deemed acceptable to be processed under the provisions set forth in Section 19.98.090.
 - G. Failure of the Planning Director to meet any deadline for application review or permit issuance as provided in this section shall not cause a permit to be deemed approved.
 - H. No sooner than thirty (30) calendar days from issuance of the Kern County Oil and Gas Conformity Review and any other necessary state or federal permits, the applicant may begin construction of the facility. This period shall be used to coordinate deposits and inspections pursuant to 19.98.140 (Inspection Compliance). Prior to conducting any drilling activity the operator must have received and have on file both the approved Permit to Conduct Well Operations, from California Division of Oil, Gas and Geothermal Resources and an approved Oil and Gas Conformity Review unless the activity involves facility placement not subject to California Division of Oil, Gas and Geothermal Resources permit approval.
 - I. Upon issuance of this permit:
 1. The County shall send a notification to the Applicant, applicable responsible agencies, and the Land/Surface Owner stating a permit has been issued by the County. The approval letter shall include a stamped site plan, list of applicable conditions and mitigation measures, and a determination that the permit approval falls within the scope of the Environmental Impact Report prepared for the Revisions to the Zoning Ordinance (C) – 2015, and that other state, regional, and local agencies are responsible agencies under the California Environmental Quality Act.
 2. The Applicant shall notify the Land/Surface owner of the proposed dates for access of the property to commence operations and/or to comply with mitigation measures. Such notification may take the form of multiple letters.

- J. If the development for which a permit has been approved pursuant to this article has not commenced within one (1) year of the granting of the permit, or if the permit has been unused, abandoned, discontinued, or has ceased for a period of one (1) year, the permit shall become null and void and of no effect, unless an extension has been granted by the decision-making authority upon written request for an extension before the expiration of the one- (1-) year period. A copy of any expiration or extension shall be provided to the Land/Surface Owner.

19.98.110 MINOR ACTIVITY REVIEW — APPLICATION CONTENTS

An application for Minor Activity Review ministerial permit for Tier 1-3 and 5 Areas, pursuant to Section 19.98.040 of this chapter, shall include the following:

- A. Name, telephone number and address of the applicant.
- B. Name(s), telephone number(s) and address(es) of the property owner(s), mineral owner(s), oil and gas operator (if different than the applicant).
- C. Assessor's parcel number(s) of all parcels located within the boundaries of the proposed operation, including accessory equipment, structures, and/or facilities. Latitude/Longitude coordinates for all wells.
- D. Preliminary Title Report, not over ninety (90) days old. A Guarantee of Title may be submitted for parcels with a Preliminary Title Report on file, over (90) days old. For all Tier 2-5 Applications only.
- E. Description of proposed oil and gas activity and written documentation in sufficient detail to allow the County to determine that all conditions required in Section 19.98.060 will be complied with, including all applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program for the Revisions to the Zoning Ordinance (C) – 2015.
- F. Sufficient number of photographs to identify the extent of existing ground disturbance.
- G. For Tier 2, 3 and 5 Areas only, documentation of a letter submitted to the Land/Surface Owner(s), if different from the Mineral Owner, informing the Land/Surface owner of the Minor Activity Review application and providing a complete copy of the application, shall be mailed and received a minimum of thirty (30) days prior to application being submitted to the County for review.

19.98.120 MINOR ACTIVITY REVIEW

- A. An applicant for a Minor Activity Review ministerial permit for Tiers 1-3, and 5, pursuant to this chapter shall submit an application to the Planning Director in the format and number of copies specified. The application shall contain all the information specified for the application by the applicable section of this chapter. The application shall be accompanied by the fee established by the Board of Supervisors pursuant to Section 19.06.040 of this Title. For Tier

- 2, 3 and 5 Areas, a copy of the application shall be provided to the Land/Surface Owner per the requirements of Section 19.98.080.F above.
- B. The Planning Director shall to inform the applicant in writing within seven (7) business days of receipt that the application is complete and shall issue the permit if he/she determines that the proposed use meets the development standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete.
 - C. Within three (3) business days of reviewing the second submittal, if required, to correct any deficiencies, the Planning Director shall issue the permit if he/she determines that the proposed use meets the development standards and conditions specified in the applicable provisions of this chapter or inform the applicant that additional information is needed to complete the application and therefore the application is deemed incomplete.
 - D. Within seven (7) business days of reviewing the third submittal, if required, to correct any deficiencies, the Planning Director shall make reasonable efforts to issue the permit if he/she determines that the proposed use meets the development standards and conditions specified in the applicable provisions of Title. If additional information is needed, a mandatory in-person meeting with the applicant, and any consultant processing the application will be required to resolve the issues preventing issuance of the permit. The in-person meeting cannot be waived.
 - E. Failure of the Planning Director to meet any deadline for application review or permit issuance as provided in this section shall not cause a permit to be deemed approved.
 - F. Any reviews beyond three (3), as provided above, shall require additional fees to be paid, as set forth pursuant to Section 19.06.040 of this Title, and shall be completed within thirty (30) days after the applicant is deemed complete.
 - G. Prior to conducting any activity the operator must have received and have on file both approved applicable California Division of Oil, Gas and Geothermal Resources permit(s), if necessary, and an approved Minor Activity Review pursuant to the chapter.
 - H. Upon issuance of this permit, the County shall send a notification to the applicable responsible agencies stating a permit has been issued by the County and that the agency has certain requirements under the California Environmental Quality Act as a responsible agency.
 - I. If the development for which a permit has been approved pursuant to this article has not commenced within one (1) year of the granting of the permit, or if the permit has been unused, abandoned, discontinued, or has ceased for a period of one (1) year, the permit shall become null and void and of no effect, unless an extension has been granted by the decision-making authority upon written request for an extension before the expiration of the one- (1-) year period. A copy of any expiration or extension shall be provided to the Land/Surface Owner.

19.98.130 SELF-CERTIFICATION

Upon issuance of Oil and Gas Conformity Review or Minor Activity, as specified in Sections 19.98.090 and 19.98.120 of this chapter, and any other necessary state or Federal permits, the

applicant may begin construction of the facility. The provisions of this section do not apply to issuance of an Oil and Gas Conformity Review pursuant to 19.98.100 (Oil and Gas Conformity Review - Without Required Surface Owner Signature) of this chapter. The applicant must self-certify compliance with Chapter 19.98 during the construction and operation process. Once the project applicant has completed the construction of the oil and gas facilities, as indicated on the approved site plan, the project applicant will provide a self-certified statement, in writing, to the County, in a format specified by the Director.

During construction and continued operations of the activities specified by the approved site plan, the applicant will be responsible for complying with the issued Oil and Gas Conformity Review, and all applicable implementation standards as outlined in this chapter. Should a violation of a permit issued under this chapter occur on-site, a Certification and Finalization process for the Oil and Gas Conformity Review will be conducted by the County Oil and Gas Inspector, and self-certification for the permit will no longer be permitted for the applicant for the next issued permit, as a probationary period. Once the applicant has demonstrated compliance on the following permit, any subsequent permit may be self-certified.

19.98.140 INSPECTION COMPLIANCE

Upon receipt of an issued permit pursuant to Section 19.98.100 (Oil And Gas Conformity Review - Without Required Surface Owner Signature), the applicant must contact the Planning and Community Development Department and the Public Works Department to pay pursuant to Section 19.06.040 of this title and provide a signed Cost Recovery Agreement, and schedule an inspector to be present during all activities related to the Oil and Gas Conformity Review. The County inspector or third-party building inspector retained by the County shall confirm compliance with all requirements of this Title and Mitigation Measures, and other federal and State laws. All compliance verification costs shall be incurred by the applicant, including any costs for requested onsite inspections by environmental resource experts to confirm or resolve compliance issues. During construction for all activities specified by the approved site plan, a building inspector will be present on the site to monitor and enforce the applicant's compliance with the issued Oil and Gas Conformity Review, and all applicable standards and conditions as outlined in the permit. The applicant may submit a request along with a surveillance plan, as long as there is no residence on the property, unless the surface owner agrees to the plan, for consideration by the Planning Director, after evidence it has been sent to the surface owner to allow for comments to the Department during consideration. The Plan shall outline the use of onsite cameras with real-time surveillance or 24-hour a day taped or other surveillance methods approved by the Planning Director, in conjunction with review and/or onsite inspections by the County Inspector or third-party inspector retained by the County. Throughout operations of the activities specified by the approved site plan, the applicant shall comply with the issued Oil and Gas Conformity Review, and all applicable standards and conditions as outlined in the permit.

19.98.145 IDLE WELLS

- A. An operator shall file a notification with the County, and with the Surface/Land Owner (if different from the Mineral Owner) of any Idle or Long Term Idle Well, within 30 days of changing the well status in Tier 2 through 5.
- B. For purposes of this section, a "Idle Well" is defined as a well that has not produced oil or natural gas, or has not been used for injection for six consecutive months of continuous

KERN COUNTY ZONING ORDINANCE

AMENDED REVISED DRAFT – BOARD OF SUPERVISORS (NOVEMBER 9, 2015)

FINAL

- operation during the last five or more years. A “Long-Term Idle Well” means any well that has not produced oil or natural gas, or has not been used for injection for six consecutive months of continuous operations during the last 10 or more years. An “active observation well” means a well being used for the sole purpose of gathering reservoir data, such as pressure or temperature in a reservoir being currently produced or injected by the operator, and the data is gathered at least once every three years. An Idle well or Long-Term Idle Well does not include an active observation well.
- C. Any well operator, land owner or resident within one mile of an Idle or Long-Term Idle Well (or surface owner if different from mineral owner of the actual idle or long-term idle well subject to the notice) may file a notice with the County asking for confirmation of the status that a well is either a Idle or Long Term Idle Well, and the County shall forward this notice to the California Division of Oil, Gas and Geothermal Resources to seek information about the status of this well and the owner/permittee for the well. The County shall cooperate with the California Division of Oil, Gas and Geothermal Resources in its enforcement of regulations applicable to these wells.
 - D. The County shall check with the California Division of Oil, Gas and Geothermal Resources whether an applicant for an Oil and Gas Conformity Review permit or Conditional Use Permit, in Tier 2 through 5, is the subject of an idle well complaint pursuant to California Public Resources Code Section 3235 for an idle well located in Tier 2 through 5, and if so shall coordinate with the California Division of Oil, Gas and Geothermal Resources to assure that the applicant is in compliance with applicable idle well regulations for the well(s) included in the ~~notice~~ complaint(s). An applicant not in compliance with idle well regulations, as determined by official correspondence from the California Division of Oil, Gas and Geothermal Resources, shall not be eligible to receive additional Oil and Gas Conformity Review permits or conditional use permits under this Chapter until such time as the Division of Oil, Gas and Geothermal Resources has advised the County that the applicant is in compliance or has entered into a written agreement with the California Division of Oil, Gas and Geothermal Resources for achieving compliance. The County shall continue to process Oil and Gas Conformity Review permits or conditional use permits under this Chapter for an applicant until such time as the County has received the official correspondence from the Division of Oil, Gas and Geothermal Resources, making its compliance determination regarding the idle well(s) in the complaint(s).
 - E. The Kern County Planning and Community Development Department shall obtain, on an annual basis, a copy of the idle well list from the California Division of Oil, Gas and Geothermal Resources.

19.98.150 PLUGGED AND ABANDONED

Any permit issued pursuant to this chapter must plug and abandon all permitted wells per the following procedures:

- A. The applicant shall plug and abandon all facilities in accordance with applicable laws and regulations as administered by the California Division of Oil, Gas and Geothermal Resources.

- B. Within thirty (30) days from completion of the plugged and abandoned procedures for any well constructed after the amendment of this Chapter 19.98, the applicant shall submit to the Planning and Community Development Department a letter stating which facilities have been abandoned, including the unique well identification number for each well. Compliance of this requirement shall include written confirmation from California Division of Oil, Gas and Geothermal Resources.

19.98.160 PERMIT REVOCATION AND MODIFICATION

Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this Title.

NOTE: The following text is contained in the current Zoning Ordinance (Title 19), and are shown as ~~strikethrough~~ for proposed replacement with the text above for Chapter 19.98. Yellow highlights, above, show changes being proposed by Planning Staff to the Board of Supervisors, subsequent to the Planning Commission Hearing on October, 5, 2015

~~CHAPTER 19.98~~

~~OIL AND GAS PRODUCTION~~

SECTIONS:

~~19.98.010 PURPOSE AND APPLICATION~~

~~19.98.020 UNRESTRICTED DRILLING~~

~~19.98.030 DRILLING BY MINISTERIAL PERMIT~~

~~19.98.040 DRILLING BY CONDITIONAL USE PERMIT~~

~~19.98.050 DEVELOPMENT STANDARDS AND CONDITIONS~~

**~~19.98.060 PLOT PLAN REVIEW — CONDITIONAL USE PERMIT — APPLICATION
CONTENTS~~**

~~19.98.070 PERMIT REVOCATION AND MODIFICATION~~

~~19.98.010 PURPOSE AND APPLICATION~~

~~The purpose of this chapter is to promote the economic recovery of oil, gas, and other hydrocarbon substances in a manner compatible with surrounding land uses and protection of the public health and safety by establishing reasonable limitations, safeguards, and controls on exploration, drilling, and production of hydrocarbon resources. The procedures and standards contained in this chapter shall apply to all exploration drilling and production activities related to oil, gas, and other hydrocarbon substances carried out in unincorporated Kern County.~~

~~19.98.020 UNRESTRICTED DRILLING~~

KERN COUNTY ZONING ORDINANCE

AMENDED REVISED DRAFT – BOARD OF SUPERVISORS (NOVEMBER 9, 2015)

FINAL

~~No review or permit shall be required for the drilling of any steam injection well, steam drive well, service well, or any well intended for the exploration for or development or production of oil, gas, and other hydrocarbon substances, or for any related accessory equipment, structure, or facility in the Exclusive Agriculture (A), Limited Agriculture (A-1), Medium Industrial (M-2), Heavy Industrial (M-3), or Natural Resource (NR) Districts, provided that:~~

- ~~A. All drilling installations and operations comply with the requirements of State law and with applicable fire and safety ordinances and regulations of the County of Kern.~~
- ~~B. Drilling shall not be commenced within one hundred (100) feet of any existing residence without the written consent of the owner thereof.~~
- ~~C. Signs shall be limited to directional, warning, and identification signs in connection with oil, gas, or other hydrocarbon drilling and development operations.~~
- ~~D. Disposal of nonhazardous oilfield liquid waste and production water is considered an accessory facility only if the facility complies with the following:~~
 - ~~1. The nonhazardous oilfield liquid waste or production water is produced and disposed of within the same designated oilfield; or~~
 - ~~2. The nonhazardous oilfield liquid waste or production water disposed of outside the designated oilfield of origin is produced by and disposed of solely and only by the same individual, corporation, or entity.~~

19.98.030 DRILLING BY MINISTERIAL PERMIT

- ~~A. No well for use as an injection well and no well for the exploration for or development or production of oil or gas or other hydrocarbon substances may be drilled, and no related accessory equipment, structure, or facility may be installed in the Light Industrial (M-1) or Recreation Forestry (RF) District until an application for plot plan review has been submitted to and approved by the Planning Director as consistent with the standards set out in Section 19.98.050 of this chapter and in accordance with the procedures set out in Sections 19.102.040 through 19.102.060 of this title. In approving an application for plot plan review, the Planning Director may waive any standards set out in Section 19.98.050 of this chapter if he/she determines that such waiver will not result in material detriment to the public welfare or to the property of other persons located in the vicinity.~~
- ~~B. Disposal of nonhazardous oilfield liquid waste and production water is considered an accessory facility only if the facility complies with the following:~~
 - ~~1. The nonhazardous oilfield liquid waste or production water is produced and disposed of within the same designated oilfield; or~~

2. ~~The nonhazardous oilfield liquid waste or production water disposed of outside the designated oilfield of origin is produced by and disposed of solely and only by the same individual, corporation, or entity.~~

~~19.98.040 DRILLING BY CONDITIONAL USE PERMIT~~

- A. ~~No well for use as an injection well and no well for the exploration for or development or production of oil, gas, or other hydrocarbon substances may be drilled, and no related accessory equipment, structure, or facility may be installed in any zoning district described in this title in which such uses are permitted as conditional uses until an application for a conditional use permit has been submitted to and approved by the Planning Commission as consistent with the standards set out in Section 19.98.050 of this chapter and in accordance with the standards and procedures set out in Sections 19.102.130 through 19.102.180 and Chapter 19.104 of this title. In approving a conditional use permit, the Planning Commission may waive any condition set out in Section 19.98.050 of this chapter if it determines that such waiver will not result in material detriment to the public welfare or the property of other persons located in the vicinity.~~
- B. ~~Disposal of nonhazardous oilfield liquid waste and production water is considered an accessory facility only if the facility complies with the following:~~
 1. ~~The nonhazardous oilfield liquid waste or production water is produced and disposed of within the same designated oilfield; or~~
 2. ~~The nonhazardous oilfield liquid waste or production water disposed of outside the designated oilfield of origin is produced by and disposed of solely and only by the same individual, corporation, or entity.~~
- C. ~~If a producing well or service well is not completed upon land subject to a conditional use permit issued pursuant to this chapter and Chapter 19.104 of this title within twelve (12) months from the date of issuance of the permit, or within any extended period thereof, the conditional use permit shall expire and the premises shall be restored as nearly as practicable to their original condition. No permit shall expire while the permittee is continuously conducting drilling, redrilling, completing or abandoning operations, or related operations, in a well on the lands covered by such permit, which operations were commenced while said permit was otherwise in effect. Continuous operations are operations suspended not more than thirty (30) consecutive days. If, at the expiration of the twelve (12) month period, the permittee has not completed his drilling program on the lands covered by such permit, the Planning Commission may, upon a written request of the permittee, extend the permit for the additional time requested by permittee for the completion of such drilling program.~~

~~19.98.050 DEVELOPMENT STANDARDS AND CONDITIONS~~

~~All wells drilled, pursuant to Section 19.48.020 of this title and Sections 19.98.030 and 19.98.040 of this chapter, for the exploration for or development or production of oil, gas, and other hydrocarbon substances and related facilities and activities shall comply with the following standards, unless otherwise provided in this chapter:~~

- A. ~~No oil or gas well shall be drilled within one hundred (100) feet of any public highway or building not necessary to the operation of the well, or within one hundred and fifty (150) feet of any dwelling, or within three hundred (300) feet of any building used as a place of public assembly, institution, or school, or within fifty (50) feet of any building utilized for commercial purposes constructed prior to the commencement of such drilling, without the written consent of the owner of such structure.~~
- B. ~~All drilling and production activities shall conform to all applicable fire and safety regulations, and firefighting apparatus and supplies required by the Kern County Fire Department shall be maintained on the site at all times during drilling and production operations.~~
- C. ~~No signs, other than directional and warning signs and those required for identification of the well, shall be constructed, erected, maintained, or placed on the premises or any part thereof, except those required by law or ordinance to be displayed in connection with the drilling or maintenance of the well.~~
- D. ~~Sanitary toilet and washing facilities, if required by the Kern County Health Department or other governmental agencies, shall be installed and maintained in a clean and sanitary condition during drilling operations, and at such other times as specified by these agencies.~~
- E. ~~Proven technological improvements generally accepted and used in drilling and production methods shall be employed as they may become available if they are capable of reducing nuisances or annoyances.~~
- F. ~~All derricks, boilers, and other drilling equipment employed pursuant to this section to drill any well hole or to repair, clean out, deepen, or redrill any completed or drilling well shall be removed within ninety (90) days after completion of production tests following completion of such drilling, or after abandonment of any well, unless such derricks, boilers, and drilling equipment are to be used within a reasonable time, as determined by the Planning Director, for the drilling of another well or wells on the premises.~~
- G. ~~Within ninety (90) days after any well has been placed in production, or after its abandonment, earthen sumps used in drilling or production or both (unless such sumps are to be used within a reasonable time as determined by the Planning Director for the drilling of another well or wells) shall be filled and the drilling site restored as nearly as practicable to a uniform grade. Temporary earthen sumps may be used for cleanout or remedial work on an existing well or other production facility. However, these sumps shall be filled and the site restored as nearly as practicable to uniform grade within ninety (90) days after the cleanout or other remedial work is completed. Such restoration work shall comply with all applicable regulations of the California Division of Oil and Gas.~~
- H. ~~Any derrick used for servicing operations shall be of the portable type, provided, however, that upon presentation of proof that the well is of such depth or has such other characteristics, or for other cause, that a portable type derrick will not properly service such well, the Planning Director may approve the use of a standard type of derrick.~~
- I. ~~Whenever oil or gas is produced into and shipped from tanks located on the premises, such tanks, whenever located within five hundred (500) feet of any dwelling or~~

~~commercial building, shall be surrounded by shrubs or trees, planted and maintained so as to develop attractive landscaping or shall be fenced in such a manner as to, insofar as practicable, screen such tanks from public view. Such fencing shall comply with the requirements of the California Division of Oil and Gas.~~

- ~~J. Whenever a well is located within five hundred (500) feet from an existing dwelling unit, except in case of an emergency, no materials, equipment, tools, or pipe used for either drilling or production operations shall be delivered to or removed from the drilling site, except between the hours of eight (8:00) a.m. and eight (8:00) p.m., unless otherwise required by the California Division of Oil and Gas.~~
- ~~K. Pumping wells shall be operated by electric motors or muffled internal combustion engines.~~
- ~~L. The height of all pumping units shall not exceed thirty five (35) feet and shall be painted and kept in neat condition.~~
- ~~M. All vehicle parking and maneuvering areas shall be treated and maintained with oiled sand or a similar dust binding material.~~
- ~~N. After production begins and a pump is installed on the wellhead, a fence at least six (6) feet in height shall be installed around the pump site or drilling island for public safety. This fence shall be constructed of chain link with wood or metal slats or other screening fence as may be approved by the Planning Director. This fencing and screening requirement shall apply only to those pump sites located within five hundred (500) feet of any dwelling. Such fencing shall comply with the requirements of the California Division of Oil and Gas.~~
- ~~O. All required federal, State, and County rules and regulations shall be complied with at all times, including, but not limited to, the rules and regulations of the following agencies:~~
 - ~~1. California Division of Oil and Gas~~
 - ~~2. Kern County Fire Department~~
 - ~~3. Kern County Health Department~~
 - ~~4. Regional Water Quality Control Board~~
 - ~~5. Air Pollution Control District~~
 - ~~6. Kern County Engineering and Survey Services Department~~

~~19.98.060 PLOT PLAN REVIEW — CONDITIONAL USE PERMIT — APPLICATION CONTENTS~~

~~An application for plot plan review pursuant to Section 19.98.030 of this chapter and an application for a conditional use permit pursuant to Section 19.98.040 of this chapter shall include the following:~~

- A. ~~_____ Name and address of the applicant~~
- B. ~~_____ Name(s) and address(es) of the property owner(s)~~
- C. ~~_____ Assessor's parcel number(s)~~
- D. ~~_____ Legal description of the property~~
- E. ~~_____ A plot plan or site development plan (in the case of a conditional use permit) drawn at the scale specified by the Planning Director, which includes the following information:~~
 - 1. ~~_____ Topography and proposed grading~~
 - 2. ~~_____ Location of all proposed well holes and related accessory equipment, structures, and facilities to be installed and any abandoned wells if such are known to exist~~
 - 3. ~~_____ Location of all existing dwellings and buildings used for other purposes, located within three hundred (300) feet of the proposed well holes, identification of the use of each structure, and distances between well holes and existing buildings~~
 - 4. ~~_____ North arrow~~
- F. ~~_____ Narrative description of the proposed development, including:~~
 - 1. ~~_____ Acreage or square footage of the property~~
 - 2. ~~_____ Nature of hydrocarbon development activity~~
 - 3. ~~_____ Description of equipment to be used~~
 - 4. ~~_____ Distance to all existing buildings~~
 - 5. ~~_____ Phasing or development schedule~~

~~19.98.070 PERMIT REVOCATION AND MODIFICATION~~

~~Any permit issued pursuant to this chapter may be revoked or modified pursuant to Section 19.102.020 of this title.~~

REVISIONS TO OTHER SECTIONS OF THE ZONING ORDINANCE (Revisions in Underline and ~~Strikethrough~~) No proposed Planning Staff changes since Planning Commission Hearing on October 5, 2015

CHAPTER 19.48

DRILLING ISLAND (DI) DISTRICT

19.48.080 HEIGHT LIMITS

Height limits in the DI District are as follows:

- A. None on derricks and other equipment used during the exploration and drilling phase of development.
- B. Pumping units shall not exceed ~~thirty-five (35)~~ eighty (80) feet in height.

19.48.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. All drilling and other hydrocarbon development activity in the DI District shall be carried out in accordance with the standards and procedures set out in Section 19.98.050060 of this title. All activities subject to an Oil and Gas Conformity Review or Minor Activity Review shall comply with the provisions of Section 19.98.060 of the title.
- B. Development in the DI District shall comply with the interpretations and provisions of Chapter 19.08 of this title.

CHAPTER 19.81

OUTDOOR LIGHTING

“DARK SKIES ORDINANCE”

19.81.050 EXEMPTIONS

The following are permanently exempt from the provisions of this chapter:

- 1. Outdoor lighting specifically approved in conjunction with a discretionary permit.
- 2. Federal and State Facilities: Outdoor light fixtures on, in, or in connection with facilities and land owned or operated by the government of the United States of America or the State of California; however, these agencies are encouraged to comply with the provisions of this ordinance.

3. Airports and Other Lighting Required by the Federal Aviation Administration: Outdoor lighting for public and private airports and any other uses that are regulated by the Federal Aviation Administration.
4. Correctional Institutions: Outdoor lighting for federal, State, and County-owned or operated correctional institutions; however, voluntary compliance with the intent and provisions of this chapter is encouraged.
5. Emergency Light: Temporary emergency lighting needed by the sheriff's department, police department, fire department, public utility, rescue operation or in conjunction with any other emergency service.
6. Temporary Construction: All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
7. Internally Illuminated Signs: All internally illuminated signs, including those used for on-site and off-site advertising purposes. Such signs are regulated by the provisions of Chapter 19.84 (Signs) of the Kern County Zoning Ordinance.
8. Neon, Argon, or Krypton: All fixtures illuminated solely by neon, argon, or krypton.
9. United States Flag and State of California Flag: Lighting used to illuminate a properly displayed United States Flag and/or the State of California Flag.
10. Lighting Required by Building Codes or other Regulations: Communication towers, exit signs, lighting for stairs/ramps, lighting for points of ingress/egress to buildings, and all other illumination required by air navigation safety provisions, building codes, OSHA standards, and other permitting requirements from State or federal agencies.
11. Fossil Fuel Light: All outdoor light fixtures producing light directly by the combustion of fossil fuels (such as kerosene lanterns, gas lamps, etc.)
12. Street Lighting: Lighting equipment within a public or private right-of-way or easement for the principal purpose of illuminating streets, roadways, and/or other areas open to transport by vehicle or pedestrian traffic.
13. Seasonal Displays: Displays using multiple low wattage bulbs or lasers, provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe condition. Such displays shall not be illuminated for more than forty-five (45) days per calendar year.
14. Water Features: Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
- ~~15. Oil and Gas Exploration and Production: Outdoor lighting in association with oil and gas exploration and production operations and related facilities shall be exempt from this chapter and are regulated by the provisions of Chapter 19.98 of the Kern County Zoning Ordinance.~~
15. Temporary Event Lighting: Temporary lighting for special events that does not conform to this chapter shall be reviewed as part of an application for a

Temporary Event Permit (TEP), pursuant to Chapter 19.08.340 of the Kern County Zoning Ordinance. Any temporary lighting exemption approved via the TEP process shall be utilized for a period of time that exceeds a combined total of twelve (12) combined days on any one (1) parcel during a calendar year. Exemptions are renewable for a period of not more than twelve (12) additional combined days. Requests for renewal of a temporary exemption shall be processed in the same manner as the original request. No outdoor light fixtures shall be exempted from this chapter for more than twenty-four (24) days combined during a calendar year.

~~47-~~ 16. Steeples: Lighting used to illumination the tall ornamental tower that forms the superstructure of a church, temple, office building, etc., shall be exempt from this chapter.

~~48-~~ 17. Temporary Agricultural Activities: Lighting used to illuminate temporary agricultural activities such as harvesting on property zoned A (Exclusive Agriculture) or A-1 (Limited Agriculture) and lasting no more than twelve (12) consecutive days and no more than twenty four (24) combined days on any one parcel during a calendar year.

CHAPTER 19.50

FLOODPLAIN PRIMARY (FPP) DISTRICT

19.50.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

- A. All development within the FPP District is subject to the requirements of the Flood Damage Prevention Ordinance, Chapter 17.48 of this code.
- B. Development in the FPP District shall comply with the interpretations and provisions of Chapter 19.08 of this title.
- C. Oil or gas exploration and production shall comply with Section 19.98.~~050~~060 and the following standards:
 - 1. The following uses are permitted within the FPP District if they will not obstruct flows, will not cause peripheral flooding of other properties, will not cause any increase in flood levels during the occurrence of the base flood discharge, will be resistant to floatation and immune to extensive damage by flooding, and will not endanger life or property:
 - (a) All oil or gas wells, including pumps and all other associated equipment.
 - (b) Feasible remedial work, improvements, and flood-proofing of facilities.
 - 2. No oil or gas well shall be drilled on the slope or within ten (10) feet of the top or toe of the bank of a river or stream located within the FPP District. The required

setback on the top of bank shall be measured from an imaginary plane on a slope two (2) horizontal to one (1) vertical projected upward from the toe of the existing bank.

3. All oil or gas wells in the FPP District, including pumps and all other associated equipment, shall be designed such that they are resistant to damage by flooding.
4. All pipelines in the FPP District shall be flood-proofed by burial to sufficient depth to prevent rupture during flood conditions or by suspension at least two (2) feet above the surface of the base flood. Supports for elevated pipelines shall also carry a catwalk to facilitate removal of debris caught by supports during floods.
5. The location of all buried pipelines shall be recorded on appropriate maps by the company that owns said pipelines, and the maps shall be made available to any public agency that shall request a copy.
6. All drilling, redrilling, and producing, including remedial work, well pulling, work-overs, and deepening, shall conform to all applicable fire, safety, spacing, and environmental State law and regulations.
7. Proven technological improvements generally accepted and used in drilling and production methods shall be adopted as they may from time to time become available, if capable of reducing factors of nuisance and annoyance.
8. Prior to the commencement of any drilling, a copy of a Spill Prevention Control and Countermeasure Plan, as required by the United States Environmental Protection Agency, shall be filed with the Kern County ~~Engineering and Survey Services~~ Public Works Department.
9. All pumps expected to be inaccessible during times of flood shall be equipped with an accessible remote switch to shut off the pumps during emergencies.
10. The derrick, all boilers, and all other drilling equipment used pursuant to this chapter to drill any well hole or to repair, clean out, deepen, or redrill any completed or drilling well shall be removed within ninety (90) days after completion of production tests following completion of such drilling, or after abandonment of any well, unless such derrick, boilers, and drilling equipment are to be used within a reasonable time limit, determined by the Kern County ~~Engineering and Survey Services~~ Public Works Department, for the drilling of another well or wells on the premises.
11. After any well has been placed in production, no earthen sumps shall be used for the storage of petroleum or gas.
12. Within ninety (90) days after any well has been placed in production or after its abandonment, earthen sumps used in drilling or production or both shall be

emptied by vacuum truck or other approved means, then filled, and the drilling site restored as nearly as practicable to a uniform grade, unless such sumps are to be used within a reasonable time limit, as determined by the Kern County ~~Engineering and Survey Services~~ Public Works Department.

13. Any derrick used for servicing operations shall be of the portable type; provided, however, that upon presentation of proof that the well is of such depth or has such other characteristics, or for other cause, that a portable-type derrick will not properly service such well, the Kern County ~~Engineering and Survey Services~~ Public Works Department may approve the use of a standard type of derrick.
14. Directional and warning signs, and those required for identification of the well, shall be constructed, erected, placed, or maintained on the premises, except those required by law to be displayed in connection with the drilling or maintenance of the well.
15. If a producing or service well is not secured twelve (12) months from the date of commencement of drilling operations or any extended period granted by the Kern County ~~Engineering and Survey Services~~ Public Works Department, the premises shall be restored to the original condition as nearly as practicable to do so. If at the expiration of the twelve- (12-) month period, the drilling program has not been completed, the Kern County ~~Engineering and Survey Services~~ Public Works Department may, upon a written request, grant an additional period of time as requested for the completion of such drilling program.

CHAPTER 19.66

PETROLEUM EXTRACTION (PE) COMBINING DISTRICT

19.66.020 PERMITTED USES

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in a PE District:

- A. Wells for the exploration for and development and production of oil or gas or other hydrocarbon substances if the well or wells are located more than ~~three~~two hundred ~~and ten~~ (300210) feet away from any existing dwelling or existing building utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.
- B. Deepening or redrilling, within the existing well bore, of any well used for the production or development of oil or gas or other hydrocarbon substances, or the replacement of any production facility which did not require a conditional use permit on the date drilling began or the date the facility was installed.

- C. Drilling of a replacement well when the original well did not require a conditional use permit, and where the original well has been abandoned in accordance with California Division of Oil and Gas regulations and drilling of a replacement well commences within one (1) year of the conclusion of abandonment procedures, and the replacement well is located within twenty (20) feet of the original well or is farther from any existing dwelling or commercial building than the original well.
- D. Uses permitted by the base district with which the PE District is combined.

19.66.030 USES PERMITTED BY A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in a PE District subject to securing a conditional use permit in accordance with the procedures set out in Chapter 19.104 of this title:

- A. Wells for the exploration for and development and production of oil or gas or other hydrocarbon substances if the well or wells are located within ~~three hundred and ten (300)~~two hundred and ten (210) feet of any existing dwelling or existing building utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.
- B. Conditional uses permitted by the base district with which the PE District is combined.

19.66.080 HEIGHT LIMITS

Height limit requirements in a PE District are as follows:

- A. No height limit on derricks and other equipment used during the exploration and drilling phase of development.
- B. Pumping units shall not exceed ~~thirty-five (35)~~eighty (80) feet in height.
- C. All other uses permitted by the base district shall conform to the height limits of the base district with which the PE District is combined.

19.66.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

All drilling and hydrocarbon development activities in a PE District shall be carried out in accordance with the standards and procedures set out in Section 19.98.050060 of this title. All activities subject to an Oil and Gas Conformity Review or Minor Activity Review shall comply with the provisions of Section 19.98.060 of the title.

CHAPTER 19.102

PERMIT PROCEDURES

ARTICLE II. MINISTERIAL PERMITS ISSUED BY THE PLANNING DIRECTOR

19.102.040 GENERAL REQUIREMENTS — PERMIT TYPES

The ministerial permits specified in this title for review pursuant to this article shall be issued by the Planning Director upon submission of an application containing the information specified in applicable sections of this title and a determination by the Planning Director that the proposed use or development meets the development standards and conditions specified in the applicable section or sections of this title. These permits include:

- A. CRV recycling center permit (Section 19.08.480)
- B. Temporary animal permit plot plan review (Sections 19.14.130 and 19.60.130 through 19.60.160)
- C. Extensions for temporary mobilehomes and recreational vehicles (Sections 19.16.130 and 19.18.160)
- D. Mobilehome park plot plan review (Sections 19.26.130 through 19.26.190)
- E. Minor plan modifications (Section 19.52.130 through 19.52.180, 19.56.130 through 19.52.180, 19.56.130 through 19.56.200, 19.58.130 through 19.58.180, and 19.100.050)
- F. Commercial wind farm plot plan review (Section 19.64.130 through 19.64.150)
- G. Geologic hazard plot plan review (Section 19.68.130 through 19.68.150)
- H. Special development standards plot plan review (Sections 19.80.040 through 19.80.070)
- I. Off-street parking plot plan review not in conjunction with a ministerial permit (Sections 19.82.100 through 19.82.130)
- J. Landscaping plot plan review not in conjunction with a ministerial permit (Sections 19.86.070 through 19.86.100)
- K. Density bonus permit (Sections 19.92.030 through 19.92.060)
- L. Home occupation permit (Sections 19.94.050 through 19.94.080)
- M. Production water injection wells for the purpose of disposing of production wastewater produced in the same oilfield in which the injection well is located (Section 19.98.030)
- N. ~~Oil and gas plot plan review (Section 19.98.030)~~ Oil and Gas Conformity Review and Minor Activity Review (Section 19.98.070 through 19.98.120)

- O. Large family day-care permit - no hearing (Sections 19.96.030 through 19.96.060)
- P. Temporary batch plant (thirty (30) days or less) plot plan review (Section 19.08.290)
- Q. Secondary residential unit plot plan review (Section 19.90.040 through 19.90.060)
- R. Truck parking as accessory to residential use permit (Section 19.08.252)

CHAPTER 19.108

NONCONFORMING USES, STRUCTURES, AND LOTS

19.108.040 NONCONFORMING USES OF LAND

- A. A nonconforming use of land shall not be expanded, extended, or intensified in any way with respect to scope, duration, or frequency of the use, except as follows:

The Planning Commission may authorize the expansion or intensification of legal, nonconforming uses if, after consideration at a public hearing noticed pursuant to Section 19.102.150, both of the following findings can be made:

1. The proposed expansion will not create any significant adverse impacts to surrounding properties.
2. The only other remedy to bring the use into conformance would require an amendment to the applicable General Plan.

Public hearing notification shall consist of mailing notices to property owners having property within three hundred (300) feet from the exterior boundaries of the subject property. Published notice in a local newspaper shall not be required, unless the Planning Director determines that such additional notice is warranted. In consideration of a request to expand or intensify a legal, nonconforming use, the terms and conditions for any approval shall be as specified in Section 19.104.050.

- B. A nonconforming use of land shall not be changed to or replaced by any other use except a use that complies with the regulations of the zoning district in which the subject property lies.
- C. Any nonconforming use of land that has been discontinued or abandoned for a period of one (1) year or more shall not be reestablished. In instances where the assessed value of improvements on the property exceeds fifty thousand dollars (\$50,000), as determined by the County Assessor, the nonconforming use shall not be reestablished if the use has been discontinued or abandoned for a period of two (2) years or more.

- D. The exploration for or development or production of oil, gas, or other hydrocarbon substances ~~shall not be considered nonconforming uses of land lawfully constructed prior to MONTH, DAY, YEAR~~ shall be considered nonconforming uses of land. Any ~~subsequent alteration or expansion of these facilities is maintenance, production, operations, well stimulation treatments, alterations or expansion, and other activities involving existing wells, including ancillary facilities, are allowed subject to Chapter 19.98 of this Title.~~
- E. A legal nonconforming dwelling in any zone district may be replaced with the approval of the Planning Director, provided that all applicable requirements of this title, other than density or conditional use permit requirements, can be satisfied.
- F. Any use of land continuously in existence for a period of twenty (20) years or more may qualify as a legal, nonconforming use pursuant to Section 19.108.080, irrespective of when zoning requirements became effective for that property, provided that the Planning Director determines that the use is not significantly incompatible with surrounding land uses and that there is no significant threat to the public health, safety, and welfare in allowing the use to continue.

19.108.060 NONCONFORMING SETBACKS

Any use permitted under the provisions of this title that currently exists with nonconforming setbacks may:

1. ~~be~~ replaced in the same location if damaged or destroyed by fire, earthquake, explosion, or act of God regardless of the cost of such reconstruction; or
2. Be maintained in accordance with the provisions of this Title provided there is no greater degree of nonconformity with regard to setback.

C H A P T E R 19.08

INTERPRETATIONS AND GENERAL STANDARDS

SECTIONS:

19.08.010 PURPOSE

19.08.020 ZONING DISTRICT BOUNDARIES

19.08.030 DETERMINATION OF SIMILAR USE — GENERALLY

19.08.040 DETERMINATION OF SIMILAR USE — APPLICATION — CONTENTS

19.08.050 DETERMINATION OF SIMILAR USE — APPLICATION — TIME

19.08.060 DETERMINATION OF SIMILAR USE — PROCEDURE

19.08.070 DETERMINATION OF SIMILAR USE — APPEAL

19.08.080 DETERMINATION OF SIMILAR USE — CRITERIA

19.08.085 ALTERNATIVE TO DETERMINATION OF SIMILAR USE

19.08.090 PUBLIC UTILITY USES — COUNTY REVIEW

19.08.100 INTERPRETATION OF MINIMUM LOT SIZES

19.08.110 DETERMINATION OF ACCESSORY USES AND STRUCTURES

19.08.120 FRONT-YARD SETBACK EXCEPTION

KERN COUNTY ZONING ORDINANCE

AMENDED REVISED DRAFT - BOARD OF SUPERVISORS (NOVEMBER 9, 2015)

FINAL

- 19.08.130 LESS RESTRICTIVE USES PROHIBITED
- 19.08.140 LOCATION OF DWELLINGS
- 19.08.150 HEIGHT OF BUILDINGS
- 19.08.160 HEIGHT OF STRUCTURES
- 19.08.170 DWELLINGS ABOVE OTHER USES — YARD REQUIREMENTS
- 19.08.180 ACCESSORY BUILDINGS
- 19.08.190 THROUGH LOTS — SETBACK REQUIREMENTS
- 19.08.200 YARD ENCROACHMENTS
- 19.08.210 FENCES, WALLS, AND HEDGES
- 19.08.220 STORAGE IN YARDS
- 19.08.225 STRUCTURES AND STORAGE IN PUBLIC ROADS
- ~~19.08.230 PRIVATE OIL PIPELINES AND RELATED FACILITIES —~~
COUNTY REVIEW REGIONAL OR INTERSTATE TRANSMISSION
PIPELINE FACILITIES — COUNTY REVIEW
- 19.08.240 BUILDING ACROSS PROPERTY LINES
- 19.08.252 TRUCK PARKING AS A RESIDENTIAL ACCESSORY USE
- ~~19.08.260 OIL AND GAS EXPLORATION BY SCIENTIFIC MEANS~~
- 19.08.270 COUNTY REVIEW OF PROJECTS RELATED TO NATIONAL SECURITY
- 19.08.280 EMERGENCY OCCUPANCY OF MOBILE HOMES OR TRAVEL TRAILERS
- 19.08.290 TEMPORARY BATCH PLANTS
- 19.08.300 PUBLIC ACCESS EASEMENTS
- 19.08.320 FIREWORKS STANDS AND CHRISTMAS TREE SALES
- 19.08.340 TEMPORARY EVENTS
- 19.08.360 LARGE WATER SYSTEMS — ABOVEGROUND FACILITIES
- 19.08.370 POTBELLIED PIGS
- 19.08.375 PYGMY GOATS
- 19.08.380 TEMPORARY OCCUPANCY OF RECREATIONAL VEHICLES
- 19.08.390 WASTE STOCKPILE — FINANCIAL ASSURANCES
- 19.08.400 STREET IDENTIFICATION REQUIREMENTS
- 19.08.405 SETBACK REQUIREMENTS FROM SECTION AND MIDSECTION LINES
- 19.08.410 LAND DIVISIONS
- 19.08.415 SMALL WIND ENERGY SYSTEM
- 19.08.420 DOG KEEPING IN RESIDENTIAL DISTRICTS
- 19.08.430 ANIMAL SHELTERS GRACE PERIOD
- 19.08.440 COMMERCIAL AUTO RESTORATION
- 19.08.450 STREET VENDORS AND FOOD PEDDLERS
- 19.08.460 METEOROLOGICAL (MET) TOWERS
- 19.08.470 NON-COMMERCIAL LIQUIFIED PETROLEUM GAS (LPG), LIQUIFIED
 NATURAL GAS (LNG) AND COMPRESSED NATURAL GAS (CNG)
- 19.08.480 BEVERAGE CONTAINER RECYCLING (CRV) COLLECTION CENTER

~~19.08.230 PRIVATE OIL PIPELINES AND RELATED FACILITIES — COUNTY REVIEW~~

~~The provisions of this title shall not be construed to apply to the construction, installation, operation, and maintenance of pipelines for the transmission of crude oil or natural gas operated by private enterprises;~~

~~provided, however, before any right-of-way for transmission lines is acquired for regional or interstate facilities, the proposed route shall be submitted for the Planning Director review and recommendation.~~

19.08.230 REGIONAL OR INTERSTATE TRANSMISSION PIPELINE FACILITIES — COUNTY REVIEW

Before any right-of-way for transmission lines is acquired for regional or interstate facilities, the proposed route shall be submitted for the Planning Director review and recommendation.

~~19.08.260 OIL AND GAS EXPLORATION BY SCIENTIFIC MEANS~~

~~The provisions of this title shall not be construed to apply to the exploration for oil and gas by scientific means.~~

TABLE OF CONTENTS

CHAPTERS	PAGE
19.02 GENERAL PROVISIONS	1
19.04 DEFINITIONS	4
19.06 ADMINISTRATION	58
19.08 INTERPRETATIONS AND GENERAL STANDARDS	60
19.10 ZONING DISTRICTS ESTABLISHED	83
19.12 EXCLUSIVE AGRICULTURE (A) DISTRICT	86
19.14 LIMITED AGRICULTURE (A-1) DISTRICT	104
19.16 ESTATE (E) DISTRICT	119
19.18 LOW-DENSITY RESIDENTIAL (R-1) DISTRICT	132
19.20 MEDIUM-DENSITY RESIDENTIAL (R-2) DISTRICT	143
19.22 HIGH-DENSITY RESIDENTIAL (R-3) DISTRICT	153
19.26 MOBILEHOME PARK (MP) DISTRICT	164
19.28 COMMERCIAL OFFICE (CO) DISTRICT	175
19.30 NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT	185
19.32 GENERAL COMMERCIAL (C-2) DISTRICT	198
19.34 HIGHWAY COMMERCIAL (CH) DISTRICT	215
19.36 LIGHT INDUSTRIAL (M-1) DISTRICT	226
19.38 MEDIUM INDUSTRIAL (M-2) DISTRICT	243
19.40 HEAVY INDUSTRIAL (M-3) DISTRICT	261
19.42 RECREATION-FORESTRY (RF) DISTRICT	281
19.44 OPEN SPACE (OS) DISTRICT	292
19.45 PARK AND RECREATION (PR) DISTRICT	295
19.46 NATURAL RESOURCE (NR) DISTRICT	299
19.48 DRILLING ISLAND (DI) DISTRICT	309
19.50 FLOODPLAIN PRIMARY (FPP) DISTRICT	312
19.52 SPECIAL PLANNING (SP) DISTRICT	319
19.53 PLATTED LANDS (PL) DISTRICT	325
19.54 LOT SIZE (LS) COMBINING DISTRICT	334
19.56 PRECISE DEVELOPMENT (PD) COMBINING DISTRICT	337
19.58 CLUSTER (CL) COMBINING DISTRICT	342

19.60	RESIDENTIAL SUBURBAN (RS) COMBINING DISTRICT	347
19.61	RURAL LIVING (RL) COMBINING DISTRICT	351
19.62	MOBILEHOME (MH) COMBINING DISTRICT	355
19.64	WIND ENERGY (WE) COMBINING DISTRICT	358
19.66	PETROLEUM EXTRACTION (PE) COMBINING DISTRICT	369
19.68	GEOLOGIC HAZARD (GH) COMBINING DISTRICT	373
19.70	FLOODPLAIN (FP) COMBINING DISTRICT	378
19.72	FLOODPLAIN SECONDARY (FPS) COMBINING DISTRICT	382
19.73	KERN RIVER CORRIDOR (KRC) COMBINING DISTRICT	386
19.74	SCENIC CORRIDOR (SC) COMBINING DISTRICT	392
19.76	AIRPORT APPROACH HEIGHT (H) COMBINING DISTRICT	394
19.78	INTERIM DISTRICTS	400
19.80	SPECIAL DEVELOPMENT STANDARDS.....	401
19.81	OUTDOOR LIGHTING - DARK SKIES	410
19.82	OFF-STREET PARKING	422

TABLE OF CONTENTS (cont'd)

19.84	SIGNS.....	437
19.86	LANDSCAPING	457
19.88	HILLSIDE DEVELOPMENT	483
19.89	ADULT BUSINESSES	488
19.90	SECONDARY RESIDENTIAL UNITS	493
19.91	WIRELESS COMMUNICATION FACILITIES	497
19.92	DENSITY BONUSES	502
19.94	HOME OCCUPATIONS	506
19.96	LARGE FAMILY DAY-CARE HOMES	510
19.98	<u>OIL AND GAS PRODUCTION ACTIVITIES</u>	513
19.100	SURFACE MINING OPERATIONS	519
19.102	PERMIT PROCEDURES.....	531
19.103	DEVELOPMENT AGREEMENTS	546
19.104	CONDITIONAL USE PERMITS	554
19.106	VARIANCES	557
19.108	NONCONFORMING USES, STRUCTURES, AND LOTS	560
19.110	ZONE MODIFICATIONS	564
19.112	AMENDMENTS TO ZONING TITLE	567
19.114	ENFORCEMENT AND PENALTIES	570
19.116	LIQUOR LICENSE DETERMINATION OF PUBLIC CONVENIENCE	576
19.118	WATER EXPORT.....	578
19.120	MEDICAL MARIJUANA DISPENSARIES.....	583

CHAPTER 19.26

MOBILEHOME PARK (MP) DISTRICT

19.26.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses are permitted in the MP District with a conditional use permit:

A. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Recreational vehicle park, except as permitted by Subsection 19.26.020.B

B. MISCELLANEOUS USES

- Drainage sump
- Water system, large
- Water treatment plant

C. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Oil or gas exploration and production pursuant to Chapter 19.98 of this title

CHAPTER 19.12

EXCLUSIVE AGRICULTURE (A) DISTRICT

19.12.020 PERMITTED USES

E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- ~~— Cogeneration facility or steam generators, primarily intended for steam production used for production of oil or gas, excluding coal fired~~
- Electrical power generating plant in conjunction with a biogas recovery system associated with a confined animal facility, subject to the criteria specified in Section 19.12.130.G
- Explosives storage, temporary
- Mineral exploration
- Oil or gas exploration and production pursuant to Chapter 19.98 of this title
- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415, except when all criteria specified below for wind-driven electrical generators will be satisfied , in which case a small wind energy system permit pursuant to Section 19.08.415 shall not be required

- Wind-driven electrical generators when accessory to a permitted or conditionally permitted use where:
 1. The system employed is designed to supplement other electricity sources, or as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption.
 2. The wind generators are located a minimum distance of one times (1x) the overall machine height from any property line.
 3. The parcel on which the wind generators will be erected does not abut a residential zoning district.
 4. The wind generator(s) will be located a minimum of one and one-half (1 1/2) times the overall height to any off-site dwelling.
 5. The proposed height of the wind turbines does not exceed the maximum heights specified in Figure 19.08.160.

19.12.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Backfilling of surface mines with inert, nonorganic fill material, limited to construction and demolition wastes, where a Solid Waste Facility Permit is not required
- ~~Coal-fired~~ eCogeneration facility or steam generators, primarily intended for production of oil or gas
- Concrete or asphalt batch plant
- Dam, small hydro
- Dam, large hydro
- Electrical power generating plant
- Explosives storage, permanent
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Rock, gravel, sand, concrete, aggregate, or soils crushing, processing, or distribution

- Solar energy electrical generators when not accessory to a permitted or conditionally permitted use
- Wind-driven electrical generators when accessory to a permitted or conditionally permitted use which do not comply with the installation standards specified in Section 19.12.020.E.

CHAPTER 19.14

LIMITED AGRICULTURE (A-1) DISTRICT

19.14.020 PERMITTED USES

E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- ~~— Cogeneration facility or steam generators, primarily intended for steam production, used for production of oil and gas, excluding coal fired~~
- Mineral exploration
- Oil or gas exploration and production pursuant to Chapter 19.98 of this title, including the temporary installation of commercial coaches as accessory to this activity, not to exceed a two- (2-) year period
- Solar energy electrical generator which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415

19.14.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- ~~Coal-fired~~ Cogeneration facility or steam generators, primarily intended for production of oil or gas
- Concrete or asphalt batch plant, temporary
- Electrical power generating plant, excluding nuclear or coal powered
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Solar energy electrical generators when not accessory to a permitted or conditionally permitted use

- Wind-driven electrical generators, commercial

CHAPTER 19.38

MEDIUM INDUSTRIAL (M-2) DISTRICT

19.38.020 PERMITTED USES

H. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Cogeneration facility or steam generators, not primarily intended for production oil or gas, excluding coal fired
- Electrical power generating plant, excluding nuclear or coal
- Mineral exploration
- Oil or gas exploration and production pursuant to Chapter 19.98 of this title
- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415

19.38.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- ~~Coal-fired~~ Cogeneration facility or steam generators
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Ore reduction
- Potash manufacture
- Rock, gravel, sand, concrete, aggregate, or soils crushing, processing, or distribution
- Solar energy electrical generators when not accessory to a permitted or conditionally permitted use
- Wind generators, commercial

CHAPTER 19.40

HEAVY INDUSTRIAL (M-3) DISTRICT

19.40.020 PERMITTED USES

H. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Cogeneration facility or steam generators, not primarily intended for production oil or gas, excluding coal fired
- Electrical distribution stations
- Electrical power generating plants, excluding nuclear and coal
- Mineral exploration
- Oil or gas exploration and production pursuant to Chapter 19.98 of this title
- Rock, gravel, sand, concrete, aggregate, or soils crushing, processing, or distribution
- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415
- Wind-driven electrical generators when accessory to a permitted or conditionally permitted use where:
 1. The annual amount of power generated does not exceed the total on-site annual power demand.
 2. The wind generators are located a minimum distance of one (1) times the overall machine height from any property line.
 3. The parcel on which the wind generators will be erected does not abut a residential zoning district.
 4. The wind generator(s) will be located a minimum of one (1) times the overall height to any off-site dwelling.
 5. The proposed height of the wind turbines does not exceed the maximum heights specified in Figure 19.08.160.

19.40.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- ~~Coal-fired~~ Cogeneration facility or steam generators

- Electrical power generating plant, nuclear or coal powered
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Solar energy electrical generators when not accessory to a permitted or conditionally permitted use
- Wind-driven electrical generators, commercial
- Wind-driven electrical generators when accessory to a permitted or conditionally permitted use which do not comply with the installation standards specified in Section 19.12.020.E.

CHAPTER 19.46

NATURAL RESOURCE (NR) DISTRICT

19.46.020 PERMITTED USES

E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- Accessory structures and equipment storage for natural resource extraction or processing uses
- ~~— Cogeneration facility or steam generators, primarily intended for steam production for another permitted use, excluding coal fired~~
- Explosives storage, temporary, subject to approval by the Kern County Fire Department
- Mineral exploration
- Oil or gas exploration and production pursuant to Chapter 19.98 of this title
- Solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand
- Small wind energy system, pursuant to Section 19.08.415

19.46.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

G. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- ~~Coal-fired~~ Cogeneration facility or steam generators
- Concrete or asphalt batch plant
- Electric power generating plant
- Explosives storage
- Mining and mineral extraction pursuant to Chapter 19.100 of this title
- Rock, gravel, sand, concrete, aggregate, or soils crushing, processing, or distribution
- Solar energy electrical generators when not accessory to a permitted or conditionally permitted use
- Wind-driven electrical generators, commercial or domestic

CHAPTER 19.44

OPEN SPACE (OS) DISTRICT

19.44.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are all permitted in the OS District subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 19.104 of this title:

A. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Park
- Roads or trails for motor driven vehicles, excluding race courses

B. INSTITUTIONAL USES

- Public service uses

C. TRANSPORTATION FACILITIES

- Auto parking lot

D. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

— Oil or gas exploration and production pursuant to Chapter 19.98 of this title

DE. MISCELLANEOUS USES

— Restrooms and shelters

— Scientific study sites for the systematic exploration and classification of archaeological, anthropological, or historic artifacts or remains