

I. LAND USE ELEMENT

of the

KINGS COUNTY GENERAL PLAN

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I. INTRODUCTION

A. Purpose

The Land Use Element describes the desired location, distribution, and extent of land for such uses as agriculture, housing, business, industry, the military, open space, natural resources, recreation and scenic vistas, public facilities, education, waste treatment and disposal facilities, and others. It groups uses in order to prevent conflict between those which are mutually incompatible. It includes standards for population density and building intensity.

The Land Use Element guides the physical growth, use, and development of Kings County land through the year 2010. Compact city and community boundaries are used to obtain a more compact development pattern, thus lowering public service costs and protecting farmland from premature development. Land Use policies balance the protection of individual property owners' rights and property value with the provision of public services to the community at large.

B. Consistency with Other Elements

The Land Use Element is consistent with the other elements of the General Plan because all elements use the same population, housing, and employment projections; policies of the Land Use Element support, and are supported by, policies of the other elements; and the policies of all elements are cross-referenced where necessary.

C. Scope and Organization

The Land Use Element contains three major sections:

1. "II. Policies for Urban Areas," which addresses Residential, Commercial, Transitional, and Industrial uses, plus spheres of influence.

2. "III. Policies for Rural Areas," which addresses Agricultural or Rural Residential uses, plus floodplain management.
3. "IV. Policies for Other Land Uses," which addresses varied topics including hazardous waste management facilities, mineral extraction, storm drainage, and public/quasi-public uses.

The land use maps shown in Figures 3-10 reflect the goals, objectives, and policies of the Land Use and other elements of this General Plan. The land use maps and text must be used together in order to fully understand the policies which apply to any particular situation.

General Plan land use designations do not include a detailed study of specific parcels. The use of individual parcels is regulated by the Zoning Ordinance (Appendix 2, Tables 5 and 6, show General Plan land use designations and their equivalent zone districts, and briefly describe permitted uses in each zone district). Future detailed evaluation may show that certain General Plan-designated land uses are not warranted and that an alternate designation is desirable.

D. Specific, or "Area", Plans.

Occasionally the Board of Supervisors may deem it necessary and appropriate to adopt detailed and unique policies for specific areas of the County. These Specific, or "Area", Plans include detail necessary to address issues related to those areas which do not necessarily apply to other areas of the County, and require the application of other regulations, requirements, or standards for development to that specific area or community. Specific Plans may be included in the General Plan by reference, and the territory covered by a specific or area plan shall be noted on the Land Use Map (Figure 3).

II. POLICIES FOR URBAN AREAS

The term "urban area" refers to unincorporated city fringe areas and rural communities. A "city fringe" is the unincorporated developed area adjacent to a city boundary. This is generally the area within a City's Primary Sphere of Influence.

The unincorporated towns of Armona, Kettleman City, and Stratford are rural communities. Each has its own sewer and water services delivered by a community

service or public utility district. The territory within the Home Garden Community Services District is part of the Hanford fringe area, and receives sewer service from the City of Hanford.

Growth in urban areas beyond the service range of sewer and water lines can present severe environmental and health problems as well as severe service delivery problems. Coordination between the County, the cities,

and the rural communities will avoid random growth and encourage efficient service delivery by directing new development to areas served by cities or rural communities, thus more likely avoiding environmental and health problems.

The general plan policies of the incorporated cities of Avenal, Corcoran, Hanford, and Lemoore are not affected by the Kings County General Plan. This General Plan recognizes the internal policies of each city's general plan but neither adopts nor rejects any of them as they apply to the city's incorporated territory.

GOAL LU 1: Annex city fringe areas to the cities. Develop and service rural communities according to County improvement standards. Urban services shall be provided only by existing cities and services districts.

Objective LU 1.1: Require new development in city fringe areas (except a single-family house on an existing lot) to annex to the city. Require all new development adjacent to special districts to annex to the district which provides services. Encourage existing fringe area development to annex to the city or special district which is providing services.

Policy LU 1.1a: Require urban growth to be contiguous to existing urban and rural community development, and to annex to a city or special district providing services. Once territory is annexed into an incorporated city, that city's general plan policies shall supersede the County's general plan policies for that area.

Policy LU 1.1b: Maintain a Limited Agriculture land use designation adjacent to urban areas in order to avoid conflicts between urban and intensive agricultural uses and to preserve land for future urban expansion.

Objective LU 1.2: Avoid inefficient expansions of special district services by ensuring that development density is appropriate for the operation of an efficient system.

Policy LU 1.2a: Assure that physical services and infrastructure will accommodate projected growth. Do not approve new development beyond the service capability of service providers.

Objective LU 1.3: Develop city fringe areas infrastructure according to city improvement standards.

Policy LU 1.3a: Except as set forth in Policy LU 1.3c below require public improvements for new private development and County capital improvements in city fringe areas, including but not limited to such public improvements as water and sewer lines, streets, curbs, and gutters, to be installed to city (not County) improvement standards.

Policy LU 1.3b: Except as set forth in Policy LU 1.3c below require public improvements be constructed to city standards for developments in the primary sphere of influence. Development in the secondary sphere of influence shall be to County standards.

Policy LU 1.3c: In those areas designated "Agricultural" by a city General Plan, the *Kings County Improvement Standard* shall apply as applied to all other Agricultural land within the unincorporated area of the County.

Objective LU 1.4: Maximize cooperative planning and implementation of the General Plan through coordination with the cities and rural communities.

Policy LU 1.4a: Maintain a current County General Plan and review it periodically.

Policy LU 1.4b: Cooperate with each city in Kings County in the development and adoption of a single set of General Plan policies for each city planning area.

Policy LU 1.4c: Periodically, in coordination with the Housing Element Update, assess the remaining capacity of existing public services in relation to projected growth.

Policy LU 1.4d: Allocate the majority of new housing growth to the cities and lesser amounts to Armona, Kettleman City, and Stratford, as described in the Housing Element.

Policy LU 1.4e: Refer development proposals within a city or rural community's primary sphere of influence to that city or district for review and comment. Development in the secondary sphere of influence shall be to County standards.

Objective LU 1.5: Require developers to pay for the installation of infrastructure and facilities which their developments cause to be necessary.

Policy LU 1.5a: Require all new development applications to contain information on infrastructure capacity to be used by the subject development, and expected remaining infrastructure capacity.

Policy LU 1.5b: Require developers, pursuant to Section 65995(b) of the California Government Code, to pay school impact fees at the time a building permit is issued to finance the construction of school facilities made necessary by their developments. School impact fees are deemed to provide full and complete school facilities mitigation, in accordance with Section 65996(b) of the California Government Code. Denying, or refusing to approve, a development on the basis of a developer's refusal to provide school facilities mitigation that exceeds the school impact fees is prohibited by Section 65995(i) of the California Government Code. In addition, denying or refusing to approve a development on the basis that school facilities are inadequate is prohibited by Section 65996(b) of the California Government Code.

Policy LU 1.5c: In areas shown for urban use require new development in excess of one dwelling unit on an existing parcel to annex to the city and connect to city services. In areas designated "Substantially Developed Fringe Areas," one housing unit per existing parcel will be permitted without annexation (see Land Use maps, Figures 4-10). In special district fringe areas, require development to annex to the special district before building permits are issued.

Objective LU 1.6: Preserve the identity of the rural communities.

Policy LU 1.6a: Maintain identified boundaries between Armona and nearby incorporated cities as depicted in the Open Space Element, Figure 13.

Objective LU 1.7: Notwithstanding Objective LU 1.1 and Policy LU 1.1a, allow small developments, in excess of one single-family residence on an existing parcel, in areas designated "Substantially Developed Fringe Areas" on the land use maps of the General Plan.

Policy LU 1.7a: In addition to Policy LU 1.5c, allow small developments, i.e., divisions of land in city fringe areas that cannot be readily annexed, on parcels that were less than ten (10) acres in area prior to February 18, 1994, and designated "Substantially Developed Fringe Area" on the land use maps of the General Plan. Such small developments must conform to the current general plan, be zoned for residential uses, no variances or exceptions are required, and all required services and access to the proposed parcels are available and constructed to the standards of the agency providing the services.

Objective LU 1.8: Apply uniform development standards in the rural communities in order to foster orderly, cost-efficient growth.

Policy LU 1.8a: In areas shown for urban uses, where community services are not immediately available, the developer shall pay for the extension of services or enter into a deferred improvement agreement for the future extension of services, before building permits will be issued (See Appendix 2, "Agreement by Owner or His Successors in Interest to Construct Future Land Development Improvements").

Policy LU 1.8b: Require all new development in rural communities to comply with County General Plan, subdivision, zoning, and building ordinances, and County improvement standards.

Policy LU 1.8c: Require developers to improve all access roads to the nearest county maintained road.

Policy LU 1.8d: In order to prevent uncoordinated, sprawling growth and to delay costly expansion of district facilities, encourage infilling of vacant or underutilized parcels where water and sewer are available by providing incentives such as a reduction of development application fees of 25%.

Policy LU 1.8e: Preserve the rural character of the rural communities and of the farmland that surround them.

A. Residential

The Residential land use designations are used only in the city fringe areas and rural communities. Only the cities of Hanford, Corcoran and Lemoore have fringe areas, Avenal does not. Residential land use designations are applied to the rural communities of Armona, Kettleman City, and Stratford. Home Garden is part of the Hanford fringe area. These communities have community water and sewer systems. The only other areas where the Residential land use designation is applied is Hardwick where no new Residential land use designation shall be applied due to the lack of a community sewer system. This category includes land intended for a full range of urban residential services, including, but not limited to, public domestic water and sewer service, and storm drainage. Land surrounding city fringe areas within a cities sphere of influence is intended to remain in limited

agricultural use as a buffer zone between the developed residential city and rural community areas and intensive agricultural areas. The development of fringe areas must be in accordance with city improvement standards, except for agricultural developments on land designated as agricultural by a city General Plan (see Policy LU 1.1a, LU 1.3a, LU 1.3b, LU 1.3c, and LU 3.4a). Development in rural communities must be in accordance with County zoning, building and subdivision ordinances and County Improvement Standards.

Residential densities are based upon the availability of urban services and infrastructure, land use compatibility, environmental suitability, projected growth, neighborhood character, and other factors (see Appendix 2, Tables 7-9, for more information on available residential acres in each community by General Plan designation).

GOAL LU 2: Designate a sufficient amount of Residential land to accommodate projected urban population growth to the end of the year 2009.

Objective LU 2.1: Encourage the development of safe, decent and sanitary housing alternatives for all income levels, as detailed in the Housing Element.

Policy LU 2.1a: Ensure that sufficient land is designated "Residential" to accommodate the projected increase in housing units needed, as indicated in the latest adopted Housing Element.

Policy LU 2.1b: Accommodate the following increases in population and housing units in the unincorporated communities, based on remaining service capacity as specified by the special districts:

Note: The information below will be updated with the 2003 Housing Element data.

- Armona--about 360 additional units, or approximately 1224 additional persons, by 1997; and 340 additional units, or approximately 1156 additional persons by 2005; for a total of 700 new units, or approximately 2380 additional persons, by 2005.
- Kettleman City--about 75 additional units, or 255 additional persons, by 1997; increases beyond that are not projected.
- Stratford--about 60 units, or 204 persons, by 1997; increases beyond that are not projected.

Policy LU 2.1c: Refer any development proposal for five or more residential units which may have a direct or indirect impact on school facilities to the affected school district for review and comment. Consider school district comments in reviewing the proposed project.

Policy LU 2.1d: Encourage the revitalization of existing residential neighborhoods as detailed in the Housing Element.

Policy LU 2.1e: Increase the affordability of housing, the amount of housing for farm employees, and the number of multifamily rentals as detailed in the Housing Element.

B. Commercial/Industrial

Commercial land use designations provide for various types of retail stores, offices, service establishments, and wholesale businesses to concentrate for the convenience of the public. They are located near or convenient to the areas and patrons they serve. They should not conflict with residential or agricultural uses.

Commercial and industrial designations are implemented by the zoning ordinance, which allows varying degrees of intensity of use (see Appendix 2, Tables 10 and 11, for more information on available acres of commercially and industrially designated land). Standards for development are contained in the zoning and subdivision ordinances and the County Improvement Standards

Commercial and industrial development in the city fringe areas shall annex to the city providing the urban services, or develop to the city's standards if annexation is not possible. The development of agricultural service and produce processing facilities within the Agricultural areas of the County shall develop to County standards.

Industrial land use designations provide appropriately located areas for industrial plants and power generation facilities. Thermal, wind, and solar photovoltaic electrical generating facilities, that commercially produce power for sale, shall be regulated as conditional uses. Cogeneration facilities and hydroelectric generating facilities shall be regulated as conditional uses except as set forth in the following paragraph.

The installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities shall be regulated as permitted uses, subject to issuance of a site plan review, that are categorically exempt pursuant to Section 15329 of the CEQA Guidelines. In addition, the installation of hydroelectric generating facilities, with a capacity of 5 megawatts or less, in connection with existing dams, canals, and pipelines shall be regulated as permitted uses, subject to issuance of a site plan review, that are categorically exempt pursuant to Section 15328 of the CEQA Guidelines. Their locations should be protected from intrusion by residential and other inharmonious uses.

GOAL LU 3: Direct future industrial and commercial development to the cities and rural communities.

Objective LU 3.1: Provide commercial areas to meet the shopping needs of rural community residents near residential areas and transportation routes.

Policy LU 3.1a: Require retail commercial uses to locate close to transportation routes and major residential areas.

Policy LU 3.1b: Require all new industrial and commercial development in city fringe areas to annex to the city or special district which provides services. If annexation to a city is not feasible, such commercial or industrial development shall develop to city improvement standards.

Objective LU 3.2: Provide adequate industrial areas to promote cost-effective operations and to create more local employment opportunities with minimal adverse effects.

Policy LU 3.2a: Require industrial uses to locate near adequate transportation resources and away from residential concentrations.

Policy LU 3.2b: New industrial areas in city fringe areas will only be identified in city general plans, and development shall be required to annex to the city providing the urban services.

Objective LU 3.3: Concentrate new commercial and industrial businesses and rehabilitate existing commercial and industrial structures, in designated commercial and industrial areas.

Policy LU 3.3a: Ensure that encroachment of incompatible uses does not occur.

Policy LU 3.3b: Where necessary to prevent land use conflicts, ensure that new uses are properly buffered and landscaped. Where industrial and service commercial development is located adjacent to, or across the street from, existing residential uses or areas designated for residential use, a seven-foot decorative concrete block wall with landscaping shall be required, and access points shall be limited to a minimum 800 feet apart and aligned with other streets wherever possible.

Policy LU 3.3c: Encourage private demolition or rehabilitation of deteriorated commercial and industrial structures.

Objective LU 3.4: Coordinate commercial and industrial growth with the long-range capital improvement plans of the County, cities, and special districts.

Policy LU 3.4a: When a commercial or industrial development, or major expansion of an existing commercial or industrial use, is proposed in a city fringe area, require annexation to the city. When a commercial or industrial development, or major expansion, is proposed to receive services from a special district, require annexation to that special district.

Policy LU 3.4b: When public services are not available in city fringe areas, require all new or expanding commercial and industrial development enter into a deferred improvement agreement with the city that will provide the urban services. In rural communities served by special districts the developer shall enter into a deferred development agreement with the County to connect to services when they become available.

Objective LU 3.5: Provide for Home Occupation uses.

Policy LU 3.5a: Allow home occupation businesses in residential and agricultural areas, provided the home occupation blends into the residential or agricultural nature of the area and the use remains unobtrusive to adjacent and nearby uses and activities.

Policy LU 3.5b: Home occupations shall be operated by the occupant of the residence the home occupation is located within, and no other employees shall work at the home occupation site. Farming is not a home occupation but is a use already permitted in agricultural areas, thus is not affected by this policy.

C. Spheres of Influence

A sphere of influence is a plan adopted by the Local Agency Formation Commission of Kings County (LAFCO) for a local agency's future boundary and service area. Spheres of influence define where new development will be encouraged to annex to service-providing agencies. Spheres of influence are effective in preventing urban sprawl and duplication of public services; in promoting planned, efficient urban development patterns; and in protecting agricultural and open space land from premature development.

LAFCO is required by state law to adopt a sphere of influence for each city and special district in the county.

The adoption of a sphere of influence is a prerequisite for processing annexations to a city. LAFCO reviewed and modified city spheres of influence in the middle 1990's which included both a primary sphere of influence and a secondary sphere. The primary sphere is the territory where immediate growth (and annexation) is directed. The territory within the secondary sphere of influence is the outer ring reserved for future growth shown in a city's or community's general plan. The secondary sphere is zoned Limited Agriculture (AL-10) and prohibits any

major permanent urban or agricultural service development.

Before the end of 2005 LAFCO should adopt its Urban Service Review for all cities and rural communities.

GOAL LU 4: Recommend that the LAFCO of Kings County adopt city and rural community spheres of influence that are consistent with each jurisdiction's General Plan.

Objective LU 4.1: Identify service areas for the cities and unincorporated communities, for consideration by LAFCO when they adopt or amend spheres of influence.

Policy LU 4.1a: Recommend to LAFCO that spheres of influence:

- include areas currently served by the cities and rural communities;
- include only undeveloped land that could logically be served in the future when anticipated growth or change occurs;
- maintain the agricultural character and use of agricultural preserves;
- eliminate overlap in services between the cities and rural communities and other agencies;
- recognize the range of services the cities and rural communities could provide; and
- promote orderly expansion of urban areas, based on General Plan goals and policies.

D. Transitional Areas

Areas designated Transitional consist of a mixture of residential and professional/business office uses located at the boundary between areas designated Residential and Commercial. Where these mixed uses are identified, the Transitional zone shall be used to allow both uses to continue without nonconforming status until a more definite development trend is established. It is the County's policy that the General Plan and specific development trends be reviewed at least every five years to evaluate the appropriateness of continued Transitional designation, and that, when deemed appropriate, a specific zone designation of either Residential or Commercial, whichever is most compatible with predominant existing uses in the area, be applied.

E. Airport Land Use Areas

In 1994 Kings County completed the "Kings County Airport Land Use Compatibility Plan." The purpose of

the Plan is to establish procedures and criteria by which the County of Kings and the cities of Corcoran and Hanford can address compatibility issues when making planning decisions regarding land uses within the spheres of influence of public use airports. The Plan criteria are intended to ensure that local general plans, specific plans, and zoning ordinances take into account factors which influence compatibility between airports and the surrounding land uses. The "Kings County Airport Land Use Compatibility Plan" is incorporated into the Kings County General Plan by reference. The Plan only affects public use airports.

The General Plan goals, objectives, and policies of the "Kings County Airport Land Use Compatibility Plan" are found in the Safety Element. All land use decisions for projects located within the airport sphere of influence as identified by Figure 22A and 22B will be subject to the criteria of Table 16A of the Safety Element.

III. POLICIES FOR RURAL AREAS

A. Agriculture

Agricultural production is a major component of Kings County's economy. Economic pressure and economic advantages have influenced many landowners to divide their land and sell it for nonagricultural residential uses, resulting in large numbers of non-farm residential uses on good farmland.

Kings County supports the promotion of a "good neighbor policy" between agricultural and nonagricultural property owners. This means that nonagricultural land uses located in agricultural zones are considered secondary uses. Accordingly, the County's agricultural land use policies prohibit the designation of new nonagricultural land uses in agricultural areas, in order to preserve productive agricultural land and discourage its premature conversion to urban uses.

There are three agricultural land use designations in the General Plan--Limited Agriculture, General Agriculture, and Exclusive Agriculture. The purposes of the three designations are to protect agricultural land from the encroachment of incompatible uses, to provide appropriate locations for agricultural support businesses, and to provide a safety and noise buffer around NAS Lemoore.

The major differences between the three designations relate to minimum parcel size, animal keeping, and agricultural service businesses:

The Limited Agriculture designation is applied around urban and rural community areas throughout the county to serve as a buffer between urban and intensive agricultural uses. Permitted activities in the Limited Agriculture areas include field crops, vines, pasture grazing, farm related homes, farm related shops, and uses that include the temporary or permanent keeping of animals such as kennels and veterinary hospitals; but exclude new livestock animal concentrations such as dairies, new intensive agri-service businesses of a permanent nature, such as cotton gins or other large produce processing activities, farm equipment sales, and service or repair establishments. However, existing agri-service businesses that were established prior to November 16, 2000, may construct new accessory structures that are incidental to the existing use. The minimum parcel size is ten acres.

The General Agriculture designation is applied throughout the county beyond the Limited Agriculture

and urban areas. Permitted activities in the General Agriculture designation are the same as in the Limited Agriculture designation, but also include animal concentrations and agri-service businesses. Minimum parcel sizes range from 20 to 40 acres, as follows:

- North County (north of Kansas Avenue): 20 acres
- South County (south of Kansas Avenue): 40 acres

The Exclusive Agriculture designation is applied generally in a three-mile-wide band around NAS Lemoore as follows:

- West of 22nd Avenue and north of Kansas Avenue

The physical development of agricultural properties is regulated and implemented by the Zoning Ordinance, in which the same designations--Limited Agriculture (AL-10), General Agriculture (AG-20 and AG-40), and Exclusive Agriculture (AX)--will be used (see Figure 3 for map of agriculturally designated land). The minimum parcel size in the Exclusive Agriculture area is 40 acres.

1. Stabilization of Agricultural Use at the Urban Fringe

Rapid urban growth can raise the price of farmland, increase the likelihood of its purchase for nonagricultural use, and discourage new agricultural investment. Thus, competition occurs between urban and agricultural uses at the urban boundary.

GOAL LU 5: Protect agricultural lands by maintaining large parcel sizes and preventing the development of incompatible urban uses.

Objective LU 5.1: Maintain large parcel sizes by keeping land adjacent to urban areas in agricultural production prior to conversion to urban uses.

Policy LU 5.1a: Maintain the Limited Agriculture or General Agriculture designation until all feasible alternative locations for urban and rural community uses have been developed.

Objective LU 5.2: Prevent the division of agricultural land into parcels less than ten acres in size within the urban fringe and areas designated Limited Agriculture.

Policy LU 5.2a: Continue to use Williamson Act contracts on all prime agricultural land within 3 miles of city and rural community boundaries, except as provided in Policy 9.1a.

Policy LU 5.2b: Designate all land outside urban and rural community areas as Limited Agriculture, General Agriculture, or Exclusive Agriculture.

Objective LU 5.3: Allow lot line adjustments between parcels which do not have the minimum site area when it facilitates better land utilization.

Policy LU 5.3a: The common property line between two adjacent parcels, where at least one of the parcels contain an area less than the minimum parcel area required for that zone district, may be adjusted so that territory may be transferred from one parcel to the other if the following findings can be made:

- A. No new parcels are created.
- B. Where individual water supply or individual sewage waste disposal systems are to be utilized on the sites, the smallest parcel shall not be diminished to less than one (1) acre in area.
- C. No health or safety problems are likely to occur from the transfer.
- D. The transfer of the territory from one parcel to the other is accomplished by a "lot line adjustment" pursuant to Article VII of the Kings County Subdivision Ordinance (Chapter 21 of the Kings County Code of Ordinances).
- E. If one or both parcels are subject to a California Land Conservation (Williamson) Act of 1965 contract, the adjusted parcels will still comply with the provisions of the Act and the contract.
- F. No parcel that currently conforms to the minimum parcel size shall be reduced in area to less than the minimum parcel area required for that zone district.

2. Mitigation of Conflicts Between Agricultural and Nonagricultural Uses

In the past, small residential lots have been created on the urban fringes and in some agricultural areas, resulting in

conflict between agricultural and nonagricultural uses. Complaints by residents about customary farming practices have sometimes prevented farming in the most effective way.

GOAL LU 6: Support agriculture by preserving the right of farmers to operate efficiently, based on customary and usual agricultural practices.

Objective LU 6.1: Define agriculture as the highest and best use in agricultural areas.

Policy LU 6.1a: The primary and highest use of land designated for agricultural uses is agriculture and related support services and uses. In these areas residential uses are accessory and secondary to agricultural uses.

Policy LU 6.1b: Facilitate the reversion to acreage of "paper subdivisions" in the county.

Policy LU 6.1c: Encourage abandonment of little used public roads in sparsely settled rural areas.

Policy LU 6.1d: Continue the implementation of the "Right to Farm" ordinance and publicize its contents to property owners in areas designated for agricultural use.

3. Commercial and Industrial Uses in Agricultural Areas

Agricultural activities require a variety of related services. Some are appropriate for location in agricultural areas,

depending upon their connection to agriculture, the potential for conflicts in land use, the scale and adaptability of the service, and the amount of land lost to farming.

GOAL LU 7: Allow related agricultural support services to locate in areas designated General Agriculture.

Objective LU 7.1: Restrict agricultural support services to those services which are not harmful to long-term agricultural or future urban use, and which are located on land designated General Agriculture.

Policy LU 7.1a: Allow permanent agricultural service and processing facilities in areas designated General Agriculture. This does not include Exclusive Agricultural designated "Open Space for Public Safety" around the Lemoore Naval Air Station.

4. Farm Housing

Elements establish agricultural housing policies to meet the various needs of farmers and farm employees.

Farm management sometimes requires on-site housing for farmers and farm employees. The Land Use and Housing

GOAL LU 8: Ensure that housing located on farmland is for the use of those engaged in farming. Encourage the construction of seasonal farm employee housing as needed.

Objective LU 8.1: Permit on-site incidental farm employee housing.

Policy LU 8.1a: Base the number of agricultural housing units permitted per farm on the nature, intensity, and employment needs of the agricultural use of that farming operation.

Policy LU 8.1b: Require the location of agricultural employee housing in a manner that minimizes the effect on agricultural productivity, but not to the detriment of the occupants of the housing.

Objective LU 8.2: Support nonprofit organizations in their efforts to provide safe and adequate housing for farm employees.

Policy LU 8.2a: Assist local agencies such as the Kings County Housing Authority in developing programs for financing and building farm employee housing, as indicated in the Housing Element.

Policy LU 8.2b: Support the development of temporary seasonal dormitory housing, mobile homes, and recreational vehicle "parks" for temporary farm employees and migrant workers.

Objective LU 8.3: Family farming may include two or more generations farming the same land. Additional housing units may be allowed in those cases where more than one generation is actively engaged in farming the land. This may be accomplished through the site plan review process consistent with the goal that a residential use on farmland is incidental to the farming operation and is exclusively for the use of those who are actively engaged in farming the land.

Policy LU 8.3a: Allow divisions and transfers of land that create homesites of not less than one (1) acre in size, between immediate family members who are actively engaged in farming the subject land. Such a division shall include restrictions that tie the new parcel to the parent parcel by the use of recorded declarations of intent that the new parcel is not for sale to another party. In addition, parcels that are restricted by a California Land Conservation (Williamson Act) Contract will be required to record joint management agreements. Such agreements and declarations shall include an acknowledgment that there will be penalties for unlawful conveyance of undersize parcels and that the parent parcel contains at least the minimum area required in the zone district in which it is located. The only exception permitted is where

the parent parcel is smaller than the required minimum site area in its zone but is part of a larger farming operation owned by the applicant that includes another separate parcel with at least the minimum site area.

Policy LU 8.3b: Allow the division of the actual residence of a retiring farmer from the remainder of the land that is actually farmed on a commercial basis, to enable the farmer to retain his or her farm home separate from the agricultural acreage, as long as the acreage of the parcel prior to the division has been continuously owned by the divider for at least the last seven (7) years or other time period as may be required by law, whichever is the greater, and the parcel before the division contains at least a minimum area of ten acres. The parcel that is retained shall be not less than one (1) acre in size. This policy does not apply to parcels zoned Agricultural, but used primarily as rural residential (even when there is a “hobby farm” incidental to the residential use); or would create a new parcel that would primarily be used as rural residential rather than for farming purposes. This policy assumes that the absolute minimum parcel size necessary to farm on a commercial basis is seven and one-half (7½) acres, and that homesites are generally not larger than two and one-half (2½) acres in size. However, when there is a proposed division of land for the purpose of creating a homesite for a retiring farmer on land which is restricted by the California Land Conservation (Williamson) Act of 1965, said proposed division is subject to all the following conditions and limitations:

- A. The homesite parcel which will be created must have an existing residence which has been on the property for at least 5 years.
- B. The landowner must have owned the property for at least 10 years.
- C. The remaining parcels shown on the map must be at least 10 acres in size if the land is prime agricultural land, and at least 40 acres in size if the land is not prime agricultural land.
- D. The homesite parcel shall not be less than 1 acre in size.

Policy LU 8.3c: Allow divisions that create financing parcels of not less than one (1) acre in size for financing agricultural-related projects and housing incidental to agricultural uses, but which are not intended for sale or transfer and which will remerge with the parent parcel upon completion of the financing agreement. Financing parcels shall not be required to have a parent parcel of the minimum size required for their zone district. Such parcels may be separated from the parent parcel only if the parcel is acquired into excess status by a lender pursuant to a bona fide involuntary foreclosure or similar involuntary process of law, including but not limited to a deed in lieu of foreclosure.

Policy LU 8.3d: When a new homesite parcel, or parcels, is created pursuant to Policy 8.3a and 8.3b above, and: 1) it is restricted by a Williamson Act contract, and 2) it is less than 10 acres in size for prime land, or 40 acres for non prime land; the divider is encouraged to record a notice of non-renewal to remove the new homesite parcel from the Williamson Act contract, simultaneously with the parcel map that creates any such new homesite parcel.

5. Agricultural Preserves and Annexation

As cities and rural communities grow, some surrounding agricultural land will be converted to urban use. While preserving this land in agricultural use for as long as possible is in the public interest, doing so requires that the land not be taxed out of economic existence. Farmers can get some economic relief under the Williamson Act, which allows the County to assess property taxes based on the agricultural value, not the fair market value, of the land.

A Williamson Act contract requires the owner to keep the land in agricultural use for ten years; automatic annual extensions assure the indefinite continuation of the ten-

year life of the contract until the owner or the County files a Notice of Non-renewal.

Even when development to urban use is appropriate, it is difficult to cancel a contract under the terms of the Williamson Act. There are three possible methods of cancellation:

1. The preferred method is for either the County or the landowner to file a Notice of Nonrenewal, which becomes effective in nine to ten years.
2. The second preferred method is cancellation by the City Council immediately upon annexation if the contract was successfully protested by the annexing city.

3. The least preferred method is cancellation at the request of the landowner, conditional upon approval by the City Council or County Board of Supervisors. This method requires prior approval by the City Council or County Board of Supervisors of a specified alternative use and payment of a cancellation fee to the State.

Information is available from the County Planning Department regarding the Williamson Act status of land around the cities.

GOAL LU 9: Ensure that the protection afforded agricultural properties under the Williamson Act program does not foster discontinuous patterns of fringe area development on unprotected properties, causing urban sprawl.

Objective LU 9.1 In cooperation with the cities, identify areas where future annexation will have the least possible effect on Agricultural Preserve land.

Policy 9.1a: In cooperation with the cities and services districts, file Notices of Non-Renewal on contracted land within the urban fringes which has been identified as prime development land for the upcoming ten year period. The purpose is to direct growth according to the future needs of the community; to ensure a sufficient supply of land in locations where services are, or are planned; and to avoid discontinuous development patterns.

GOAL LU 10: Restrict the locations where dairies and stock replacement facilities may be located to those areas of the County where they are most compatible with surrounding uses and activities and environmental constraints as presented in the *Dairy Element*.

Objective LU 10.1: Use specific standards to avoid potential land use conflicts through the site plan review (SPR) streamlined review process when approving new dairies and expansions of existing dairies and stock replacement facilities.

Policy LU 10.1a: Proposed new dairies and dairy stock replacement facilities, and expansions of existing dairies and stock replacement facilities, may be approved through the SPR process if they meet all of the criteria in the *Dairy Element* concerning siting, design, operation, monitoring and reporting.

B. Rural Residential

The purpose of the Rural Residential land use designation is to recognize existing Rural Residential areas.

In order to eliminate new conflicts between agricultural and nonagricultural interests, the County will not designate additional areas for Rural Residential use except when a proposed change advances or protects another General Plan goal better than an agricultural designation.

GOAL LU 11: Prevent new conflicts between agricultural and nonagricultural interests while recognizing the rights of property owners in existing Rural Residential zones.

Objective LU 11.1: Prohibit the designation of new areas as "Rural Residential."

Policy LU 11.1a: Maintain but do not expand Rural Residential zoning in the communities of Grangeville, Hardwick, and Halls Corner, and in rural areas of the county.

Policy LU 11.1b: Protect Rural Residential zones from encroachment by potentially conflicting intensive agricultural uses by the use of the Limited Agriculture land use designation as a buffer.

Objective LU 11.2: Allow the development of areas designated by the General Plan and zoned Rural Residential.

Policy LU 11.2a: Permit minor development intended to make more efficient use of the land in existing Rural Residential zones, within the limits of the available services.

Policy LU 11.2b: Consider exceptions to this prohibition only in those instances where a Rural Residential designation clearly advances or protects another General Plan goal better than an agricultural designation. Assure that residents of such areas are assessed for the cost of additional service through zone-of-benefit assessments commensurate with the additional costs incurred in delivering services to locations not contiguous with existing urban, rural community, or rural residential areas.

C. Floodplain Management

Kings County maintains a floodplain management program based on information and maps published by the Federal Emergency Management Agency (FEMA) showing local areas subject to flood hazard (see Figure

11). Figure 11 shows the general floodplain areas as they exist in 1993; however, the latest published FEMA maps are the basis for applying floodplain management policies in Kings County, as implemented through Chapter 5A of the Kings County Code of Ordinances (Flood Damage Prevention).

IV. POLICIES FOR OTHER LAND USES

A. Hazardous Waste Facilities

Efforts to decrease the production of hazardous wastes help lessen the burden on existing hazardous waste management facilities, but additional disposal capacity is expected to be needed in the future in Kings County and throughout the state. For this reason, the Kings County General Plan was amended in 1990 to include the Kings County Hazardous Waste Management Plan (KCHWMP), which identifies policies as to specific sites and siting criteria for hazardous waste facilities. That document is not rescinded and is included herein by reference.

The KCHWMP describes the capacity of the Chemical Waste Management, Inc., Kettleman Hills hazardous waste management facility, located in Kings County near Kettleman City, which accepts hazardous wastes from most of the counties in California.

The KCHWMP also identifies Kings County criteria and procedures for siting any further hazardous waste facilities that may be proposed. Such facilities are to be located in areas designated Heavy Industrial or General Agriculture (see Figure 3 and Table 12, for locations of lands so designated).

B. Mineral Extraction

Oil and gas production in Kings County has diminished over the past 25 years, and this trend is likely to continue. Oil and gas companies have in the past successfully

restored well sites to their original condition after use. They are encouraged to continue this practice. If they do not, the County will develop regulations to ensure proper well site restoration.

There are no other types of mineral extraction in Kings County, except for excavation from "borrow pits" for sandy material used in road construction.

Previously, the only mineral mining operations in the county were a gypsum mine and an open pit mercury mine, but they have ceased operation. Open pit mining is regulated by the State Surface Mining and Reclamation Act, which requires a local permit and a reclamation plan. These requirements are implemented through the conditional use permit process of the County zoning ordinance.

C. Storm Drainage

In order to protect property from storm water damage, Kings County maintains existing storm drainage facilities and requires storm drainage facilities in new development.

County policy as implemented through the "Kings County Improvement Standards" requires that new development in rural communities be consistent with existing Storm Drainage Master Plans.

It is also County policy that new development in the unincorporated urban fringe areas of Corcoran, Hanford, and Lemoore be consistent with those cities' existing storm drainage standards. Since the City of Avenal does

not have an urban fringe, County floodplain management policies apply to areas outside the city boundaries of Avenal.

The County requires generally that, if a storm drainage system exists, developers connect to it. If a storm drainage plan has not been adopted for area services, developers are required to enter deferred agreements for the future construction of storm drainage improvements, and construct onsite storm water containment facilities in the interim.

D. Public/Quasi-Public

The Public/Quasi-Public land use designation identifies sites which serve the public and are owned or operated by government agencies, non-profit entities, or public utilities.

Permitted uses include parks, schools, libraries, governmental facilities, cemeteries, airports, hospitals, sewage treatment plants, and waste management sites. These sites may be located in rural, urban fringe, or rural community areas (see Figure 3, and Table 12, for locations of waste treatment and disposal sites).

E. Areas Outside Kings County Jurisdiction

Land within the boundary of an incorporated city, the Lemoore Naval Air Station, and Santa Rosa Rancheria are outside the jurisdiction of this General Plan.

F. Other Non-Agricultural Open Space Uses

The agricultural area of the county may provide appropriate areas for certain predominantly open uses of land which are not injurious to agricultural uses but which may not be harmonious with the more densely populated urban areas and rural communities of the county. Such uses may include waste management facilities; wastewater treatment facilities; and communication towers, antennas, and satellite dishes. Such activities shall be regulated as conditional uses. Additional uses may include power generation facilities. Thermal, wind, and solar photovoltaic electrical generating facilities, that commercially produce power for sale, shall be regulated as conditional uses. Cogeneration and hydroelectric generating facilities shall be regulated as conditional uses except as set forth in the following paragraph.

The installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities shall be regulated as permitted uses, subject to issuance of a site plan review, that are categorically exempt pursuant to Section 15329 of the CEQA Guidelines. In addition, the installation of hydroelectric generating facilities, with a capacity of 5 megawatts or less, in connection with existing dams, canals, and pipelines shall be regulated as permitted uses, subject to issuance of a site plan review, that are categorically exempt pursuant to Section 15328 of the CEQA Guidelines.

V. IMPLEMENTATION

Land Use Program 1:

Publish informational leaflets detailing County zoning regulations, for distribution to the public.

Land Use Program 2 (2002 Update):

Bring the Kings County Zoning Ordinance into conformance with *General Plan* policies, as follows:

- A. Consider changing zone district boundaries, or relying more heavily on administrative review rather than on the conditional use permit process, in order to streamline the planning process. Retain the opportunity for public review and comment on potentially significant projects.

- B. Continue to apply the "General Agriculture" (AG) zone to areas so designated on the General Plan map, with minimum parcel size as indicated (e.g., AG-20 and AG-40). Permit, or permit subject to administrative action, all agricultural uses in the AG zone. Require Conditional Use permits of all agricultural service industries, agricultural airports, and other commercial operations which are now permitted, or are permitted subject to administrative approval, in agricultural zone districts.

New and expanding dairies, and dairy replacement stock facilities activities, shall be reviewed and processed as site plan reviews consistent with the policies found in the *Dairy Element*.

- C. Apply the "Limited Agriculture" (AL) zone to areas so designated on the General Plan map, with a ten-acre minimum parcel size. Permit new non-intensive, temporary agricultural service activities and uses, such as kennels and veterinary hospitals, to locate in the AL zone. Do not approve uses for new livestock animal concentrations or agricultural service industries in new permanent structures and facilities within areas designated "Limited Agriculture."

Land Use Program 3:

Modify Agricultural Land Divisions to include Declarations of Intent, Acknowledgment of Penalties, and Joint Management Agreements, similar to Williamson Act procedures involving divisions between family members.

Land Use Program 4:

As expressed in Local Agency Formation Commission (LAFCO) "sphere of influence" policies and as required under state planning law, continue to consult with cities and special districts concerning development proposals which may impact them in the long term. Seek referral from these agencies of their projects which are likely to impact the unincorporated fringe or the entire county.

Land Use Program 5:

Continue processing flood zone applications pursuant to the County's Flood Damage Prevention Ordinance.

Investigate application of a floodplain zone to areas identified in forthcoming Office of Emergency Services "Inundation Maps" and U.S. Department of Housing and Urban Development "Flood Prone Areas" maps. Revise land use policies if new evidence of susceptibility to flooding is received.

Land Use Program 6:

Modify the Agricultural Preserve (Williamson Act) program by designating areas of prime agricultural land subject to premature urbanization within which preserves will be actively encouraged. Ensure that this modification does

not open new land to development without conducting a review of the General Plan.

Land Use Program 7:

Review annexation proposals to assure that they are consistent with community service district and urban sphere of influence boundaries, and with General Plan land use designations.

Land Use Program 8:

Review proposed capital improvement plans for consistency with adopted General Plan policies.

Land Use Program 9:

Conduct an inventory of all County departments to identify regulatory requirements associated with the land use permitting process, including the appropriate contact person and their statutory jurisdiction.

Land Use Program 10 (2003 Update):

Conduct a specific study with the City of Lemoore to address the area bounded by Houston (D Avenue), State Highway 198, and the Lemoore Canal. This area is a community entrance which historically has not been uniformly intensively farmed, and includes small lots and "spot" zoning.

In 2000 a survey of property owners was conducted concerning what direction development in this area should take. The majority of the land owners did not want any changes. The City of Lemoore was not interested in extending services across the Lemoore Canal to this area or annexing it. No further consideration is proposed.

Land Use Program 11 (2002Update):

Implement the *Dairy Element* of the *Kings County General Plan*.

Land Use Program 12:

Conduct a land use study of the land on the east side of State Highway 41, between 1/2 mile south of Grangeville Boulevard and the Kings Rest Motel (south of Halls Corner), to determine the best land use designation for this area.

TABLE 12
KINGS COUNTY WASTE SITES

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FIGURE 3
KINGS COUNTY LAND USE MAP
(right side of book, across from Table 12)

FIGURE 4
LAND USE MAP OF CORCORAN FRINGE

FIGURE 5
LAND USE MAP OF HANFORD FRINGE

FIGURE 6
LAND USE MAP OF LEMOORE FRINGE

FIGURE 7
LAND USE MAP OF ARMONA

FIGURE 8
LAND USE MAP OF KETTLEMAN CITY

FIGURE 9
LAND USE MAP OF STRATFORD

FIGURE 10
LAND USE MAP OF GRANGEVILLE

FIGURE 11
KINGS COUNTY FLOOD HAZARD AREAS