

CHAPTER 19.12

EXCLUSIVE AGRICULTURE (A) DISTRICT

SECTIONS:

- 19.12.010 PURPOSE AND APPLICATION**
- 19.12.020 PERMITTED USES**
- 19.12.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT**
- 19.12.040 PROHIBITED USES**
- 19.12.050 MINIMUM LOT SIZE**
- 19.12.060 MINIMUM LOT AREA PER DWELLING UNIT**
- 19.12.070 YARDS AND SETBACKS**
- 19.12.080 HEIGHT LIMITS**
- 19.12.090 MINIMUM DISTANCE BETWEEN STRUCTURES**
- 19.12.100 PARKING**
- 19.12.110 SIGNS**
- 19.12.120 LANDSCAPING**
- 19.12.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

19.12.010 PURPOSE AND APPLICATION

The purpose of the Exclusive Agriculture (A) district is to designate areas suitable for agricultural uses and to prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Uses in the A district are limited primarily to agricultural uses and other activities compatible with agricultural uses. No final subdivision maps (tracts) are permitted in the A district.

19.12.020 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 the A District:

- A. AGRICULTURAL USES
 - 1. Growing and Harvesting Crops
 - Berry crops
 - Bush crops
 - Christmas trees
 - Field crops, dryland
 - Field crops, irrigated
 - Flowers and horticultural specialties, wholesale only

- Greenhouse, wholesale only
- Herbs
- Hydroponically grown plants
- Nursery, plant, wholesale only
- Nut and fruit trees
- Timber
- Vegetables
- Vine crops

2. Breeding and Raising Animals

- Alpacas
- Beekeeping
- Beef cattle or livestock grazing
- Birds, including show or racing pigeons and other small fowl
- Commercial poultry farms, in which poultry are kept in confined quarters for the purpose of hatching, breeding, processing, butchering, and egg or other poultry by-product production for retail or wholesale purposes, pursuant to Subsection 19.12.130.E (see also Subsection 19.12.030.A)*
- Dairy stock grazing
- Fish and frogs
- Hogs, excluding a hog farm or ranch
- Horses, donkeys, llamas, or mules
- Poultry, including chickens, ostriches, turkeys, or other fowl, excluding commercial poultry farms or ranches in which poultry are kept in confined facilities, as determined by the Planning Director
- Rabbits or furbearing animals
- Sheep or goats
- Vermiculture, pursuant to Subsection 19.12.130.

3. Agricultural Industries

- Agricultural services, when incidental and secondary to the primary use of the premises for agriculture
- Agricultural services laboratory, with a maximum of five (5) employees and one thousand (1,000) square feet of building area
- Animal products processing, including meat packing, canning, and shipping, when the livestock is produced or grown by the owner of the processing facility on the premises or on land leased, rented, or owned by the owner of the processing facility and within a reasonable distance of the facility
- Cotton gin*
- Fruit, vegetable, and plant products processing, including cold storage, packing, preserving, canning, and shipping*
- Grain elevator or storage
- Honey extraction
- Noncommercial livestock feed storage, wholly enclosed
- Winery, rough, when located one (1) mile or more from any residential or commercial zoning

* These uses shall be subject to development standards and a plot plan review pursuant to Sections 19.80.030 and 19.80.040 of this title.

B. RESIDENTIAL USES

- Accessory dwelling unit, pursuant to Chapter 19.90
- Farm labor housing, twelve (12) or fewer employees
- Manufactured home or mobilehome, occupied by the owner or full-time on-site employee
- Residential accessory structures
- Residential facility, serving six (6) or fewer persons
- Single-family dwelling, occupied by the owner or full-time on-site employee
- Supportive housing, serving six (6) or fewer persons
- Transitional housing, serving six (6) or fewer persons

C. COMMERCIAL USES

1. General Retail Sales

- Christmas trees, temporary
- Fruit stand, temporary, pursuant to Subsection A of Section 19.12.130 of this chapter

2. Services

- Animal husbandry instruction and classes
- Horse boarding and training

D. UTILITY AND COMMUNICATIONS FACILITIES

- Transmission lines and supporting towers, poles, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company or other company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title
- Utility substation

E. RESOURCE EXTRACTION AND ENERGY DEVELOPMENT USES

- 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.

F. MISCELLANEOUS USES

- Accessory buildings, including cargo containers, if incidental and accessory to a permitted use
- Commercial coach, when incidental and accessory to a permitted use
- Corporate or administrative offices, when the combined square footage does not exceed ten thousand (10,000) square feet, in conjunction with, and accessory to, a use permitted or conditionally permitted in this chapter.
- Day-care home, large family, pursuant to Chapter 19.96
- Day-care home, small family
- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use
- Flood control facilities
- Garage or yard sales pursuant to Subsection C of Section 19.12.130
- Home occupation pursuant to Chapter 19.94
- Hunting or fishing club, not involving structures
- Liquid fuel storage tanks, above ground, for dispensing purposes
- Managed wetlands
- Water storage or groundwater recharge facilities
- Water system, small or large

- Wildlife or nature preserve

19.12.030 USES PERMITTED WITH A CONDITIONAL USE PERMIT

The following uses and all others determined to be similar to those uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in the A 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. AGRICULTURAL USES

1. Breeding and Raising of Animals:

- Beef cattle or livestock feed lot or stock auction or sales yard
- Commercial poultry farms, in which poultry are kept in confined quarters for the purpose of hatching, breeding, processing, butchering, and egg or other poultry by-product production for retail or wholesale purposes, except as permitted by Subsection 19.12.020.A
- Hogs, including hog farms and ranches
- Vermiculture, except as permitted by Subsection 19.12.020

2. Agricultural Industries

- Agricultural by-product processing
- Alcohol distillery
- Agricultural chemical storage and repackaging
- Agricultural pesticide and herbicide, blending, and distribution
- Agricultural services laboratory
- Agricultural and nonagricultural trucking facilities
- Animal products processing, including slaughter
- Brewery
- Biomass energy conversion
- Commercial livestock feed storage
- Contract harvesting

- Creamery
- Dairy, except within the officially established sphere of influence of any city while that city has an ordinance in effect barring the expansion of existing dairies or the approval of new dairies within their city limits
- Dead animal and fat rendering
- Ethanol plant, not involving the outside storage of feedstock
- Farm machinery and equipment repair
- Fertilizer manufacture and storage for agricultural use only
- Flour mill
- Glucose processing
- Oil extraction, non-mineral
- Saw or planing mill
- Soil amendment, not involving liquid chemicals or organic materials, including blending and distribution
- Winery
- Wool pulling and scouring;

B. RESIDENTIAL USES

- Additional single-family dwellings, not to exceed a density of one (1) dwelling unit per twenty (20) acres, except for properties subject to a Williamson Act Land Use Contract requiring a minimum lot size of eighty (80) acres where the maximum permitted density shall be one (1) dwelling unit per eighty (80) acres
- Community care facility;
- Farm labor housing, no limit
- Supportive housing, serving seven (7) or more persons
- Transitional housing, serving seven (7) or more persons;

C. COMMERCIAL USES

1. General Retail Sales
 - Fruit stands, permanent

2. Services

- Agricultural supply services
- Equestrian services
- Farm labor contractor
- Veterinary, large animal, which may also include small animal facilities

D. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Bed and breakfast inn, pursuant to Section 19.12.130.D of this chapter
- Equestrian establishment
- Golf course and golf driving ranges
- Guest ranch, when accessory to a commercial ranching operation
- Hunting dog field trial training and competitions
- Lakes, private, for recreational skiing or boating
- Park or playground
- Racetrack or test track, automobile, bicycle, horse, or motorcycle
- Recreational vehicle park
- Retreat, church or nonprofit organization owned and operated
- Shooting range or gun club, simulated war games, or similar activities, outdoor only
- Thermal pools and hot springs
- Trade fairs, exhibitions, and festivals, excluding flea markets and swap meets
- Whitewater rafting launch or landing site

E. TRANSPORTATION FACILITIES

- Airport, private
- Airport, public use
- Heliport

F. UTILITY AND COMMUNICATIONS FACILITIES

- Radio, television, or commercial communications transmitter, receiver, or translator, microwave towers

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
- Cogeneration 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.

H. WASTE FACILITIES

- Agricultural green waste composting, except when incidental and accessory to a permitted use and which does not involve the importation of feedstock or bulking agents, except those produced as a normal and incidental part of the agricultural operation and where there is no commercial export of the finished material
- Animal waste composting, except when incidental and accessory to a permitted use which generates animal waste
- Animal waste product processing

- Green-waste collection, recovery, and composting
- Hazardous waste disposal facility
- Nonhazardous oil production and/or oily waste disposal facility
- Nonhazardous oilfield waste treatment or recycling
- Sanitary landfill, private landfill or monofill
- Septage disposal site
- Sewage sludge composting
- Sewage treatment plant
- Soil reclamation or remediation for soils contaminated with nonhazardous materials
- Transfer station, large volume
- Transfer station, small volume
- Waste-to-energy facility

I. INSTITUTIONAL USES

- Cemetery, mausoleum, columbarium, or mortuary
- Charitable or public service organization
- Church
- Community or regional correctional and similar involuntary detention facilities
- Crematory, when in conjunction with a cemetery, mausoleum, columbarium, or mortuary
- Fire or police station
- Government office or building
- Public agency or public utility buildings and facilities
- Rehabilitation facilities
- Water treatment plant
- Zoo

J. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. General

- Preschool
- Elementary school
- Junior high school
- Senior high school
- College or university

2. Specialized

- Agricultural schools and instruction
- Police/security training facility

K. MISCELLANEOUS USES

- Animal shelter
- Construction staging and equipment storage, temporary
- Corporate or administrative offices in excess of ten thousand (10,000) square feet in conjunction with, and accessory to, a use permitted or conditionally permitted in this chapter
- Drainage sump
- Hunting or fishing club
- Kennel or dog training facilities
- Liquefied petroleum gas, bulk storage or distribution, in excess of two thousand (2,000) gallons capacity.
- Railroad caboose and similar accessory structures
- Rescue/Sanctuary Animal Facility, Large
- Wild animal keeping

19.12.040 PROHIBITED USES

All other uses not permitted by Sections 19.12.020 and 19.12.030 of this chapter or accessory thereto under Section 19.08.110 are prohibited.

19.12.050 MINIMUM LOT SIZE

No lot created within the A District shall contain less than twenty (20) gross acres, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites. In the event the lot is under Williamson Act Contract and designated 8.2, 8.3, or 8.5 by the County General Plan or equivalent designation of any other adopted General or Specific Plan, the minimum area shall be eighty (80) acres, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites. There shall be no minimum lot size for agricultural industry uses approved in conjunction with a conditional use permit or land division actions where the proposed lot size is considered as part of the discretionary approval.

19.12.060 MINIMUM LOT AREA PER DWELLING UNIT

There shall be no more than one (1) principal single-family dwelling per legal lot in the A District, except pursuant to Section 19.12.020 of this chapter.

19.12.070 YARDS AND SETBACKS

The following yard and setback requirements apply in the A District:

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
1. Fifty-five (55) feet from the legal centerline of any existing or proposed public or private local street or access easements.
 2. Seventy (70) feet from the legal centerline of any existing or proposed secondary highway.
 3. Eighty (80) feet from the legal centerline of any existing or proposed major highway.
- In no case shall the front-yard minimum setback be less than twenty-five (25) feet from the right-of-way established by any Official or Specific Plan Line, street, or access easement.
- B. **Side Yard.** There shall be a side yard on each side of a building of not less than five (5) feet, except that on the street side of corner lots, buildings shall be set back a minimum of ten (10) feet from the right-of-way of any local street, existing or proposed secondary or major highway, or the right-of-way established by any Official or Specific Plan Line.
- C. **Rear Yard.** There shall be a rear yard of not less than five (5) feet except that in the case of through lots, the designated rear yard shall be in accordance with the front-yard setback requirements.

19.12.080 HEIGHT LIMITS

The following height limits apply in the A District:

- A. Residential buildings shall not exceed three (3) stories or thirty-five (35) feet in height.
- B. Radio, television, communication, and microwave towers shall not exceed one hundred and fifty (150) feet in height.
- C. There is no height limit on other nonresidential structures, except in areas of protected military airspace as specified in Section 19.08.160.

19.12.090 MINIMUM DISTANCE BETWEEN STRUCTURES

The following requirements apply to the minimum distance between structures in the A District:

- A. There shall be at least ten (10) feet between any residential buildings.
- B. There shall be at least six (6) feet between a residential building and any nonresidential structure, except that animals, pens, coops, stables, barns, corrals, other structures for housing livestock and buildings for processing, packing, or storing agricultural produce shall be at least one hundred (100) feet away from any residential building. There shall be a minimum setback of twenty (20) feet between an on-site residential building and an aviary.

19.12.100 PARKING

Off-street parking in the A District shall be provided in accordance with the requirements of Chapter 19.82 of this title.

19.12.110 SIGNS

The following types of signs are permitted in the A District in accordance with the requirements of Chapter 19.84 of this title:

- A. Temporary real estate signs advertising the property for sale or for rent, not to exceed sixteen (16) square feet each, excluding the area of any vertical and/or horizontal support members
- B. Temporary construction signs
- C. Temporary political, religious, or civic campaign signs
- D. Agricultural signs
- E. Agricultural industry signs, when approved in conjunction with a conditional use permit
- F. Institutional identification signs, when approved in conjunction with a conditional use permit
- G. Off-site directional signs for agricultural product direct marketing facilities pursuant to Subsection C of Section 19.12.130 of this chapter
- H. Oilfield identification signs

19.12.120 LANDSCAPING

No landscaping is required in the A District, except where the proposed use is subject to a plot plan review pursuant to Chapter 19.80.

19.12.130 SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS

The following special review procedures and development standards apply in the A District:

- A. Temporary fruit stands for the sale of agricultural, horticultural, or farming products permitted pursuant to Section 19.12.020 of this chapter shall be approved by the Planning Director in accordance with the procedures set out in Sections 19.102.080 through 19.102.110 of this title and shall comply with the following standards and requirements:
 - 1. The floor area of the fruit stand shall not exceed four hundred (400) square feet.
 - 2. The fruit stand shall not be located closer than fifty-five (55) feet from the centerline of any public road, street, or highway right-of-way.
 - 3. The stand shall be erected in such a manner that it can be readily removed by means of skids or other device.
 - 4. The owner shall remove the stand at his/her own expense when the stand is not in use for a period of thirty (30) days.
 - 5. Customer parking areas shall be treated with a dust binder in a manner to continuously prevent fugitive dust.
 - 6. The Planning Director may impose other reasonable conditions to ensure that this temporary use will not be detrimental to the public health, safety, and welfare.

- B. Off-site directional signs for agricultural product direct marketing facilities subject to the following standards:
 - 1. The direct marketing facility shall be established and operated in accordance with the provisions of this title and shall be primarily limited to the sale of unprocessed agricultural commodities grown on the same ranch or farm that provides such sale.
 - 2. The maximum sign area for each sign shall not exceed one hundred and fifty (150) square feet.
 - 3. The number of signs shall be limited to a maximum of nine (9).
 - 4. The minimum spacing between signs shall be six hundred and sixty (660) feet.
 - 5. The signs are for directional purposes only, and the text shall be limited to the producer's name or his brand name, the products available, and directions to the location of the point of sale.

6. Signs may be illuminated only during the actual hours that the facility is open for public sale of products.
 7. Sign height shall not exceed twelve (12) feet.
 8. Signs are permitted for a temporary, cumulative period of seven (7) months within any calendar year.
 9. Any sign permitted in accordance with this section shall not be located more than five (5) miles from the direct marketing facility for which the sign provides directions, unless the facility is located more than five (5) miles from a designated County major highway or state or federal highway. In such cases, a single sign may be located at the nearest designated County major highway or state or federal highway, regardless of the distance from the facility.
 10. All signs shall comply with the provisions and regulations of the California Department of Transportation, Outdoor Advertising Branch, when located adjacent to a state or federal highway.
 11. Prior to installation of any sign, a plan showing the location and the spacing of each sign shall be submitted to the Planning Director for approval. A copy of such plan shall be retained by the Planning Department for file purposes.
- C. Garage or yard sales are permitted without special permit provided they meet the following standards:
1. Sales last no longer than three (3) days.
 2. Sales are held no more than twice yearly.
 3. Sales are conducted on the owner's or tenant's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.
 4. No goods purchased for resale may be offered for sale.
 5. No consignment goods may be offered for sale.
 6. Directional signs may be placed on the street right-of-way.
 7. All directional and advertising signs shall be freestanding and removed after completion of the sale.
 8. All directional and advertising signs placed on private property shall have the owner's permission.
 9. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- D. An application for a bed and breakfast inn will not be considered complete until the following information is either confirmed or submitted:
1. The bed and breakfast facility will result from the conversion of an existing dwelling. Expansions of an existing dwelling to accommodate a bed and breakfast

inn shall not exceed twenty-five percent (25%) of the gross floor area of the existing structure.

2. If the site is restricted by a Williamson Act Land Use Contract, the bed and breakfast facility shall be clearly accessory and subordinate to a primary commercial agricultural use of the property.
3. The applicant shall submit a statement regarding the project's effect on surrounding agricultural properties and uses, including a clearance from the Agricultural Commissioner which shall indicate the degree to which the proposal will adversely impact the ability of operators of adjacent farming operators to make aerial applications of herbicides and/or pesticides.

E. Commercial poultry farms are permitted if all of the following criteria are satisfied:

1. No portion of the proposed site lies within two (2) miles of the City of Bakersfield or within one (1) mile of any other incorporated city.
2. The General Plan designation for the entire site is 8.1 or 8.3 and no portion of the site is designated 2.3 (Shallow Groundwater) or is located in a floodway.
3. There is no property zoned or designated by the General Plan or applicable Specific Plan for residential development (E or R-1, R-2, and R-3) within three (3) miles from the exterior boundary of the site.
4. There is no property designated 4.2 (Rural Community) within one (1) mile from the exterior boundary of the site and no property designated 4.3 (Specific Plan Required) within three (3) miles from the exterior boundary of the site.
5. There are no areas zoned or designated by the General Plan or applicable Specific Plan for commercial uses and no retail commercial uses, including hotels and motels, within a one (1) mile radius from the exterior project boundary.
6. There are no residential facilities, community care facilities, hospitals, recreational vehicle parks, or public or private schools within a two (2) mile radius from the exterior project boundary.
7. The facility operator obtains all local, State, and federal approvals, licenses, and permits prior to the commencement of operations.

F. Vermiculture operations are permitted if all of the following criteria are satisfied:

1. The purpose of the operation is to enhance on-site soil characteristics through worm castings.
2. The site is used for commercial irrigated crop production.
3. All worm feedstock is limited completely to preprocessed greenwaste and similar organic materials (excluding sludge).

4. Feedstock waste streams and volumes shall be approved, in writing, by the Kern County Environmental Health Services Department.
 5. There is no on-site composting.
 6. There is no stockpiling of feedstock greater than 72 hours.
 7. There is no commercial sales of feedstock or feedstock residual.
 8. The site is located a minimum of one mile from any residentially or commercially zoned property as measured from the exterior project boundaries.
 9. The operation is in full compliance with all State and federal requirements.
- G. Electrical power generating plant in conjunction with a biogas recovery system associated with a confined animal facility, subject to the following:
1. The rated capacity of the power plant shall not exceed ten (10) megawatts.
 2. There are no off-site dwellings located within 500 feet of the proposed power plant site.
 3. The power plant is predominately powered by methane gas produced through a biogas recovery system or systems using an anaerobic digester system (e.g. covered lagoon, complete mix digester, plug flow digester, or sequencing batch reactor).
 4. The generating plant will be constructed on, or immediately contiguous to, a confined animal facility and the biogas used to power the plant will be produced exclusively from biogas recovered from that confined animal facility and other proximate confined animal facilities.
 5. Storage lagoons located on all confined animal facilities contributing sources of biogas used for the storage of effluent prior to the processing of that material through the anaerobic digester shall be covered. Open air lagoons are permitted only for the storage of effluent that has been processed through an anaerobic digester. Each contributing confined animal facility shall recover biogas on the site of the contributing facility with its own biogas recovery system using an anaerobic digester system in a manner consistent with the requirements of this subsection.
 6. The internal combustion engines powering the generating plant are gas driven.
 7. Hydrogen sulfide produced from the biogas recovery process is either treated or burned efficiently enough so as to not be a detectable source of nuisance odor, as determined by the applicable Air Pollution Control District.
- H. Development in the A District shall also comply with the interpretations and provisions of Chapter 19.08 of this title.