

**KERN COUNTY PLANNING AND
NATURAL RESOURCES DEPARTMENT**

**INSTRUCTIONS TO APPLICANT FILING
FOR ZONE CHANGE**

I. GENERAL INFORMATION

A request for change of a land use zone classification is a request to amend the official Ordinance Code of Kern County. As such, a request for change of zone must meet certain procedural and legislative requirements in order for an application to be accepted and processed.

IMPORTANT - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

A proposal for change of zone must be consistent with the land use designation that exists on the adopted elements of the applicable General or Specific Plan. An application for change of zone will not be processed if the request is inconsistent with the General Plan or an adopted specific plan.

A change of zone must comply with the provisions of the California Environmental Quality Act (CEQA), and findings must be made and/or documents prepared signifying the degree of potential environmental impact of a proposed change of zone prior to the commencement of public hearing. The degree of potential environmental impact of a project will be determined by the Department Staff after completing an initial review of the proposal. In addition to this application, information, materials, and filing fees may be required in order to conduct the CEQA Initial Study and prepare a CEQA document.

The Department will prepare a staff report and recommendation on the zone change request. The Kern County Planning Commission will consider the change of zone at a duly noticed and advertised public hearing. The Planning Commission's responsibility is to make a recommendation to the Kern County Board of Supervisors, after which another noticed and advertised public hearing is scheduled before the Board of Supervisors. The action of the Board of Supervisors is final.

II. APPLICATION INSTRUCTIONS

Please complete the application in its entirety. **Please type all application information legibly.**

1. **Plot Plan.** All applications must include a plot plan. The plot plan must meet the following minimum criteria:
 - a) Scale of the drawing and north point
 - b) The street address of the property and a vicinity map showing adjacent streets and other landmarks to assist in locating the property, distance and direction from the nearest road intersection, and any other identifying features
 - c) The location of all existing and proposed uses, structures, fences, signs, landscaping, and improvements
 - d) The location of all off-street parking and loading facilities, including driveways, individual parking and loading zones, points of ingress and egress, median strips, and traffic islands

- e) An elevation sketch of all existing and proposed signs, fences, and structures, including dimensions and heights above the ground
- f) Any other information which the applicant or the Director of the Department deems necessary for proper consideration of the application

2. **Environmental Assessment Form.** A fully complete and accurate Environmental Assessment Form (EAF) must be submitted with the application for change of zone. The EAF can be obtained from the Planning and NATURAL RESOURCES Department.
3. **Filing Fees.** A Preliminary Review fee is required. An application for a Zone Change fee requires a deposit + a per lot fee or flat fee. See the Land Development Services Fee Schedule for further information. <https://kernplanning.com/planning-fees/>

NOTE

The Department may charge additional fees on a time-and-material basis if the proposed project is such that the scope of Staff work required is beyond that normally associated with an application for change of zone. The applicant will be notified prior to implementation of such a fee structure for the project. The issuance of a receipt for filing fee signifies the start of the application process.

4. **Legal Description.** Submittal of a complete and accurate legal description is required. It is preferred that a copy be included as an electronic version in the Microsoft Word format.
5. **Other Materials or Data.** The Department may require such other materials, data, or reports as are determined necessary to conduct an appropriate analysis of the project.
6. **Optional Materials.** The applicant may submit statements, letters, or petitions in support of the request. Any other studies, reports, or materials pertaining to the request may also be submitted by the applicant.
7. **Processing Time.** Processing time is variable for each request. Processing time is dependent upon the degree of complexity of each case, the adequacy of information provided by the applicant, and the type of CEQA document required for the proposal. An estimate of the time required to achieve a hearing date can be given by the Department after conclusion of the Initial Study.
8. **Questions and Assistance.** Department Staff is available to answer questions or provide assistance in the preparation of an application for change of zone.

APPLICATION FOR ZONE CHANGE

KERN COUNTY PLANNING AND NATURAL RESOURCES DEPARTMENT

2700 "M" Street, Suite 100

Bakersfield, CA 93301

(661) 862-8600

SECTION A - APPLICANT

1. Name of Applicant: _____
Mailing Address _____
City _____ State _____ Zip Code _____
Telephone: _____ Fax: _____ Email _____
2. Name of Individual Representative (if not same as above):

Mailing Address (include Zip Code): _____
Telephone: _____ Fax: _____ Email _____

SECTION B - PROPERTY OWNER(S)

1. Name of Current Record Property Owner(s) (if not same as above):

Mailing Address _____
City _____ State _____ Zip Code _____
Telephone: _____ Fax: _____ Email _____
2. Approximate Date Interest in Property Was Acquired: _____
Month/Year

SECTION C – PROJECT DESCRIPTION

1. Existing Site Zoning: _____
2. Proposed Change of Zone: _____

3. Exact Description of Proposed Project for Which Change of Zone is Sought: _____

4. Description of Private or Public Basic Need Infrastructure Services Available to Site:
Sewage Disposal: _____
Domestic Water: _____
Site Access: _____

Other: _____

SECTION D - SITE LOCATION

1. Street Address of Site (if available): _____

2. Description of Site Location: _____

3. Complete and Accurate Site Legal Description (attach additional pages as needed): _____

4. Assessor's Parcel Number(s): _____
5. Square Footage or Acreage of Site: _____
6. Present Land Use of Project Site: _____

7. Surrounding Land Uses:
North - _____
East - _____
South - _____
West - _____

SECTION E - BASIS OR EXPLANATION OF NEED FOR CHANGE OF ZONE

SECTION F - VERIFICATION STATEMENT

The California Legislature has passed a law that requires persons applying for development projects to review a listing of all hazardous waste sites. For a current list of the Hazardous Waste Sites, please go to the California Environmental Protection Agency website at: <http://www.calepa.ca.gov/SiteCleanup/CorteseList/>. If the site of your proposed development project is included on the list of hazardous waste sites, then it shall be so noted. Please note that if your proposed development project site is included on the Cortese list, the preparation of an environmental document will be required in conjunction with the project, per Section 65962.5. A copy of the law requiring this verification is attached for your reference. Please review the list of hazardous waste sites and sign the Verification Statement below.

(Review of list related to hazardous waste sites)

I, _____, as applicant for a development project, have reviewed the lists of projects relating to hazardous wastes pursuant to Section 65962.5 of the California Government Code. The proposed site **(is) (is not)** included on the list. **(CIRCLE ONE)**

List (if applicable)

Date

Signature

SECTION G - APPLICANT CERTIFICATION

I hereby certify to the County of Kern that I, _____, am the applicant for this request and that I have read and understand the instructions to applicant. I understand that this is a request to initiate a request for change of zone procedures only and does not constitute a commitment or opinion of the final resolution of this request. Fees submitted are application filing fees and are nonrefundable. All required attachments are appended to this application, and the attachments and information provided on this application are true and correct.

Signature of Applicant

Date

Signature of Property Owner of Record

Date

SECTION H - INDEMNIFICATION AGREEMENT

In consideration by the County of Kern of a permit for a land use approval project located at

(address or general location)

I/We (identified below) agree to indemnify, defend, and hold harmless the County of Kern and its officers, agents, employees, departments, commissioners and boards ("County" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the Applicant's representations contained within this application, including without limitation any CEQA determination or any related development approvals or conditions, whether imposed by County or not, except for County's sole active negligence or willful misconduct.

This indemnification agreement does not prevent the Applicant or property owner from challenging any decision by County related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

County will promptly notify Applicant and property owner (if different than Applicant) of any such claim, action, or proceeding, falling under this condition within thirty days of actually receiving such claim. County, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend County at the sole cost and expense of the Applicant and/or property owner, jointly and severally, and County is not obligated to use any law firm or attorney chosen by another entity or party.

Applicant/Contact:

(If the applicant is not an individual, the corporation name goes under "Print Name", authorized signature below it, and complete below.)

Print Name

Signature

Date

By: _____

Print Name

Title: _____

IMPORTANT NOTE:

Original signatures of the applicant are required on this form for this application to be considered complete for processing.

OFFICE USE ONLY

Zone Change Case No. _____ Zone Map No. _____

Work Order No. _____

FILING FEES

DESIGNATIONS

A. Zone Change \$ _____

S.D. No. _____

B. EAF \$ _____

G.P. Designation _____

C. _____ \$ _____

S.P. Designation _____

D. _____ \$ _____

S.P. Title _____

TOTAL \$ _____

Floodplain _____

Receipt No. _____

Airport P.A. _____

ACCEPTANCE

By: _____

Date: _____

CEQA EVALUATION

This application requires an Environmental Assessment Form (EAF).

Categorically Exempt (Section _____).

In accordance with Section 15061(b)(3), it can be seen with certainty that this proposal will not have an effect on the environment.

Basis for Finding: _____

NOTES

65962.5. (a) The Department of Toxic Substances Control shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

- (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.
- (2) All land designated as hazardous waste property or border zone property pursuant to former Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.
- (3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.
- (4) All sites listed pursuant to Section 25356 of the Health and Safety Code.

(b) The State Department of Health Services shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Section 116395 of the Health and Safety Code.

(c) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

- (1) All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code.
- (2) All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the Department of Toxic Substances Control pursuant to subdivision (e) of Section 13273 of the Water Code.
- (3) All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13304 of the Water Code, that concern the discharge of wastes that are hazardous materials.

(d) The local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Code of Regulations, shall compile as appropriate, but at least annually, and shall submit to the Department of Resources Recycling and Recovery, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. The Department of Resources Recycling and Recovery shall compile the local lists into a statewide list, which shall be submitted to the Secretary for Environmental Protection and shall be available to any person who requests the information.

(e) The Secretary for Environmental Protection shall consolidate the information submitted pursuant to this section and distribute it in a timely fashion to each city and county in which sites on the lists are located. The secretary shall distribute the information to any other person upon request. The secretary may charge a reasonable fee to persons requesting the information, other than cities, counties, or cities and counties, to cover the cost of developing, maintaining, and reproducing and distributing the information.

(f) Before a lead agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site that is included on any of the lists compiled pursuant to this section and shall specify any list. If the site is included on a list, and the list is not specified on the statement, the lead agency shall notify the applicant pursuant to Section 65943. The statement shall read as follows:

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the Government Code. Accordingly, the project applicant is required to submit a signed statement that contains the following information:

Name of applicant:

Address:

Phone number:

Address of site (street name and number if available, and ZIP Code):

Local agency (city/county):

Assessor's book, page, and parcel number:

Specify any list pursuant to Section 65962.5 of the Government Code:

Regulatory identification number:

Date of list:

Applicant, Date

(g) The changes made to this section by the act amending this section, that takes effect January 1, 1992, apply only to projects for which applications have not been deemed complete on or before January 1, 1992, pursuant to Section 65943.