

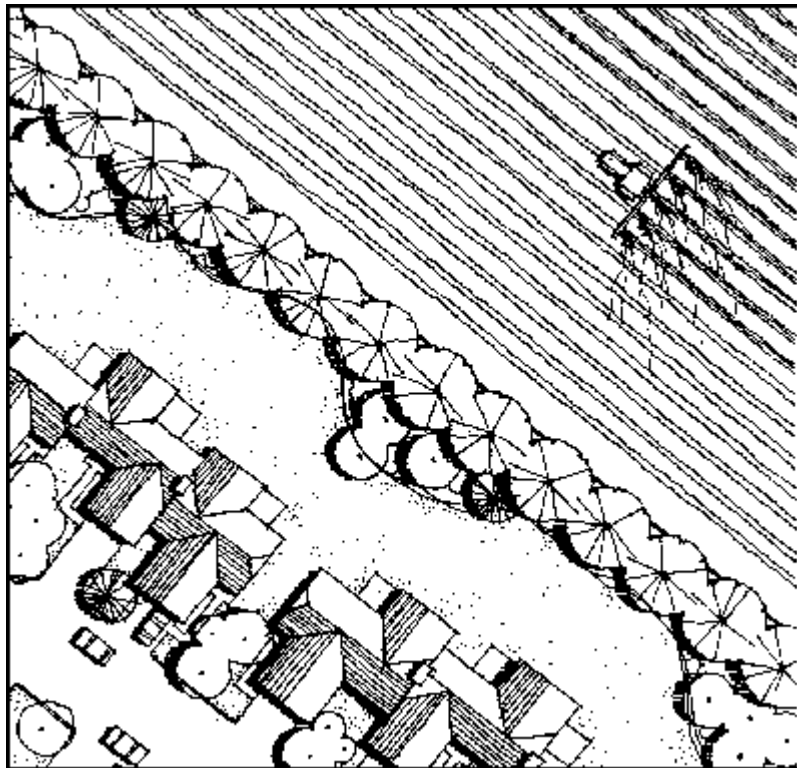
CITY OF ORLAND

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Incorporated 1909

Administrative Guidelines for Implementation of General Plan Agricultural Buffering Policies **(FINAL adopted 9/6/05)**



Agricultural Buffering Guidelines

INTRODUCTION

The City of Orland General Plan (adopted March 2003) states that, “The most significant natural resource in the Orland planning area is the high quality agricultural land surrounding the City.” The City also recognizes the socioeconomic values of smaller agricultural operations that benefit the community and programs such as 4-H. The Open Space Element of the General Plan also states that, “Practices commonly associated with agricultural production are often incompatible with urban residential settings such as noise and dust. Other agricultural practices such as burning and spraying may also result in conditions which conflict with residential land uses. Because of the inherent conflicts between agricultural and urban uses, new urban development that cannot be directed to infill parcels within the City should provide buffers to ensure that adjacent agricultural activities can continue.”

The General Plan has adopted certain Policies and Implementation Programs which allow and/or require agricultural lands be protected from incompatible adjacent land uses. Incompatible adjacent land uses are those which tend to interfere with and/or disrupt agricultural practices and may constrain agricultural activities over time. One of the protective methods mentioned by the City’s General Plan is to insulate or buffer agricultural properties from adjacent incompatible land uses.

“Buffers”: are defined as physical separations between land parcels which utilize topographic features, a substantial vegetation barrier, a water barrier, a landscape berm, separations, or a combination of these and other design features (see 4.0). Where buffers are to be implemented as part of an overall development project, they are typically designed specifically for that particular application and locale. The specific type and location(s) of buffering will be required by the City at the time a development project is proposed on one or more parcels which are located adjacent to agricultural uses. Buffers may be located on the non-agricultural or agricultural parcel(s) (see 5.1.3). (Refer to Figure 1)

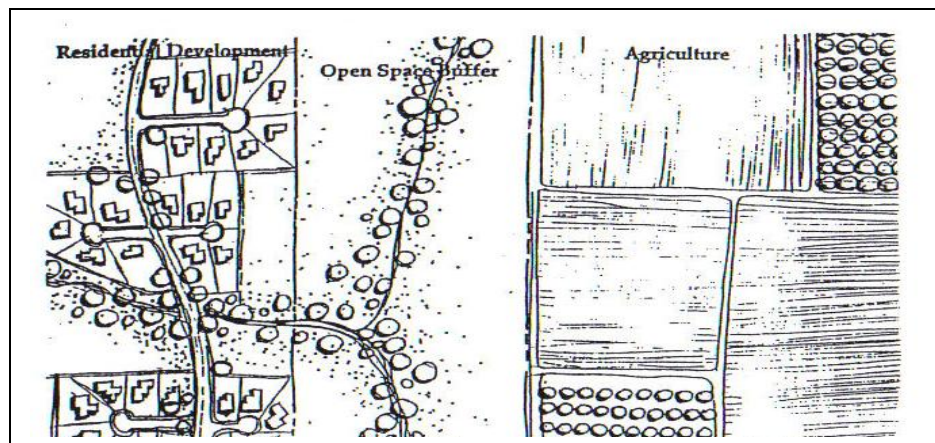


Figure 1. Buffers provide insulation from conflicts for agricultural land uses.

Intent of these Guidelines:

These guidelines are meant to be the City's written statement or outline of concepts and principles for buffering. The guidelines state desired, good or best practices and design features that should be used to achieve the policy objectives of the Orland General Plan, as listed below. The guidelines are meant to guide and direct City staff, project applicants, Planning Commissioners, and City Council members in the process of deciding if projects have adequately met the objectives in the Orland General Plan listed below. These are meant to be "guidelines", not one-size-fits-all "regulations or rules". Each project application will be studied, assessed and considered on a case-by-case basis. The intent of these guidelines is to promote unity and harmony in land use planning.

General Plan Background:**Land Use Element:**

Agriculture is an integral part of Orland and its economy. It is recognized that agriculture operations affect life in Orland. Noise, dust and odor are only some of the side effects of successful agricultural operations. While the General Plan mentions the buffering of potentially incompatible uses from this activity, it is inevitable that there may be some conflict. When feasible, the City will protect and preserve agricultural uses.

1.0 Authority

The City of Orland General Plan contains policies and programs (referenced below) relating to Agricultural Buffering:

1.1 Findings

Urbanization and other land use conversion may result in conflicts between agricultural land non-agricultural uses. Agricultural land users commonly have concerns about potential conflicts including: restrictions on farming operations, loss of profit, increased risk, theft and vandalism, introduction of pests, noise, and litter from residential uses. Residential land users commonly have concerns about conflicts related to pesticide use, noise, odors, dust, smoke, lights, animal containment, irrigation, overspray, extended hours of operation, groundwater pollution, visual impacts, and traffic from agricultural operations.

2.0 Land Use Policies, and Programs

Listed below are the General Plan policies and programs that address major land use issues and concerns that pertain to agricultural buffering.

Program 1.2.A.4: The City may restrict or prohibit residential development next to industrially or agriculturally designated or developed land to avoid conflict. The City may also increase setbacks to avoid conflict as a function of the development approval process.

Policy 1.4.B.2: The City shall incorporate design buffers between potentially incompatible land uses and may restrict new land uses from compromising existing businesses from operations.

Goal 4.1: Promote and protect the continued viability of agriculture surrounding Orland.

Policy 4.1.A: Encourage the development and redevelopment of property within the City Limits.

Policy 4.1.B: Direct urban development to areas where agricultural operations are already constrained by existing non-agricultural uses.

Policy 4.1.C: During the project review process, address the impacts of siting environmentally sensitive uses in areas where conflicts with agricultural production and processing activities may result. The City may require establishment of buffers between the new urban use and the existing agricultural use.

Policy 4.1.D: The City shall work with the Orland Unit Water Users Association and the Federal Bureau of Reclamation to develop a comprehensive plan to address safety, continued use, viability and access for irrigation facilities within the General Plan Area.

Policy 4.1.E: The City shall refer all development requests adjacent to, or affecting, facilities owned and operated by the Orland Unit Water Users Association to the Association for review and comment prior to consideration by the City.

Policy 4.1.F: Maintain buffer zones around areas of existing and planned agricultural processing activities. Do not permit sensitive uses to encroach within the buffer zones.

Policy 4.1.G: Buffer zones surrounding agricultural processing plants may vary in width based upon existing and proposed uses, as well as whether vegetation screens are incorporated to improve buffer effectiveness.

Note: *Noise related standards for locating sensitive development in the vicinity of processing plants are contained in the Noise Element.*

Policy 4.1.H: Work with Glenn County to identify and adopt City/County "Areas of Mutual Concern". Also consider standard mitigation measures to reduce impacts of development on agricultural activities.

3.0 Program Implementation Guidelines

The General Plan includes certain implementation measures which require the preparation of subsequent planning documents, and plans for agricultural preservation related to specific development project applications. These Implementation Guidelines are listed below and will be used to minimize conflicts

between agricultural and non-agricultural uses. The program includes, but is not limited to, the following implementing “tools”:

- 1). Buffers should be physically and biologically designed to avoid conflicts between agricultural and non-agricultural uses. The biological design should ensure that the buffer does not provide a host environment for pests or carriers of disease which could potentially impact farming operations.
- 2). Buffers should normally be located on the parcel proposed for non-agricultural use (see **5.1.3**).
- 3). Buffers should primarily consist of a physical separation between agricultural and non-agricultural uses. The appropriate width shall be determined on a site-by-site basis, taking into account the type of existing agricultural uses, the nature of the proposed development, the natural features of the site, and any other factors and project design features that affect the specific situation.
- 4). In addition to physical separation, the following buffer options should be considered: greenbelts/open space, park and recreation areas, roads, fences, walls, waterways, and vegetative screens. These buffering options may be used in any combination to most effectively reduce conflicts arising from adjacent incompatible uses.
- 5). An on-going maintenance program for the buffer which may include vector controls.
- 6). Policies indicating that buffer restrictions may be removed if all adjacent parcels have been irreversibly converted to non-agricultural uses.
- 7). When the City staff determines that buffer features should be considered on a project, Section 5.1.2 of these guidelines requires the City staff and applicant to consult with a qualified consultant. City staff will send a mailing to all property owners within a ¼ mile radius of the project site to solicit their comments, at least 14 days prior to this consultation with the qualified consultant.

4.0 Buffer Descriptions

A buffer is a strip of land or other design feature used to physically separate one conflicting use from another. Buffer zones are specifically intended to shield or obstruct noise, dust, lights, or other nuisances generated on one parcel and transmitted to another. A buffer zone can take several forms. Distance can create one form of horizontal buffer. A barrier such as dense tree plantings or earth mounds can create another type of buffer. Usually a combination of more than one buffer type makes the most appealing and effective buffer system. Fences or walls are also viable buffer designs but, used by themselves, are often not a good single solution to separating potentially conflicting land uses. One of the best buffers for agricultural uses is horizontal distance, or separations being maintained between conflicting land uses. Reasonable separation distances provide for the spatial insulation needed to dilute the effects of noise, dust, insects (flies) or pesticides from one parcel to another.

A well designed buffer system will consider, incorporate and utilize some of the following:

- *Uses on both sides of the proposed buffer area,*
- *Physical or legal barriers in the area,*
- *Features of the development project such as parks trails or roadways.*
- *Historic or environmental features of the site,*
- *Flood plains or streams,*
- *Views / vistas*
- *Major landmarks*
- *Existing circulation system*
- *Existing structures*
- *Soil types in the area*
- *Maintenance of the buffer and the entity responsible*
- *Efficient use of land*
- *Level of cooperation between parties*

The following sections describe the buffering elements that will be considered in the planning of development projects which are located adjacent to agricultural areas. It is important to carefully consider a project's buffering needs in order to prevent future problems and avoid potential conflicts to adjacent agricultural areas in the future.

5.0 Buffer Standards and Guidelines

These Buffering Standards and Guidelines provide a set of criteria and examples for buffering that will be used to incorporate appropriate buffering designs for various development projects. These Standards and Guidelines will be used by the City Staff, applicants, Planning Commission and City Council in determining the general development characteristics and design features that projects requiring buffers should comply with.

5.1 Definition of Buffering Standards and Buffering Guidelines

Buffering Standards are intended to provide the design norms for buffering while the Guidelines describe various strategies or ways that the Standards may be implemented.

5.1.1. When Should Buffers Be Used?

The City shall consider the use of buffers for any new "project" which proposes to locate adjacent to an existing or zoned agricultural use or for a "project" which proposes to expand its use through the granting of additional entitlements from the City and is located adjacent to an agricultural use. These "projects" will be evaluated on a case by case basis for potential land use conflicts to agriculture. **"Project"**: here is defined as actions deemed by the California Environmental Quality Act/ CEQA as a "project".

5.1.2 Compatible Biological Design

Standard: Buffers should be physically and biologically designed to avoid conflicts between agricultural and non-agricultural uses. The biological design should ensure that the buffer does not provide a host environment for pests or carriers of disease which could potentially impact adjacent agricultural operations.

Guideline: As part of the overall project application, the City staff and applicant will consult with a qualified consultant*, to insure that the plant materials or other buffer improvements proposed will not create a host environment for pests or diseases for the agricultural area. If the City feels that additional consultants are needed, the City will determine what consultants are necessary. The City reserves the right to approve any consultant and their work. The project applicant is responsible for the costs of any consultants required by the City. (*Qualified consultants may include Resource Ecologists, Biologists, various agricultural consultants, entomologists, and other related fields)

5.1.3 Location

Standard: Buffers should normally be located on the parcel proposed for non-agricultural use. However, the City may consider buffer proposals located on the agricultural use that are appropriately negotiated and mutually acceptable between the two uses.

Guideline: A development project located adjacent to an agricultural use or parcel(s) will normally be required to locate the required buffer on the development project's side. No residential structures will be allowed within the buffer zone. Other compatible uses may be allowed within the buffer area as determined by the City.

5.1.4 Buffer Separation Distances

Standard: Buffers should primarily consist of a physical separation between agricultural and non-agricultural uses. Ideal general separations are listed in table 1-1 below. However, ideal physical separations may be reduced at the City's discretion by the use of "modifying" design features described in these guidelines. **"Separation":** is here defined as the **distance between the agricultural use property line and the residential use property line**. The appropriate buffer features and/or separation distance shall be determined on a site-by-site basis taking into account the type of existing agricultural uses, the nature of the proposed development, the natural features of the site, and any other factors that may affect the specific buffering needs. Table 1-1 identifies a range of recommended separations from various agricultural uses that should be considered during the buffer design process. City staff may require project applicants to consult with

various qualified consultants (at the applicant's expense) regarding recommended buffer separation distances.

Table 1-1

Recommended Separations between Crops and Residential Use

Agricultural Use	Buffer Zone Width	
	Buffer Width Range ^(A) ^(B)	Modifiers
Field Crops	100 to 400 ft.	1.,2.,3.
Irrigated Orchards	300 to 800 ft.	1.,2.,3.
Irrigated Vegetables, Rice	200 to 800 ft.	1.,2.,3.
Rangeland, Pasture	50 to 200 ft.	2.,3.
Vineyards	300 to 800 ft.	1.,2.,3.
Wholesale Nurseries	100 to 400 ft.	1.,2.,3.
Animal Husbandry	200 to 1,000 ft.	3.

(A.) Residential structures prohibited, non-habitable structures permitted on a case-by-case basis. Actual buffer zone dimensions determined upon project or design review.

(B.) When deemed appropriate by staff, it may be determined that no (ZERO feet) separation distance should be required between agricultural and residential uses (see Section 6.7).

1. Use of screen plantings, berms, other types of compatible agriculture and other compatible land use types may allow for reduced separations. The actual separation distance will be determined at the project/design review stage with recommendations from agriculture experts or other consultants.
2. Use of roads, drainage and irrigation canals, compatible utility or service areas and utility corridors as part of the required separation is encouraged.
3. Buffer widths may be increased if a determination is made by the City that other non-residential uses will create a conflict to the adjacent agricultural operations.

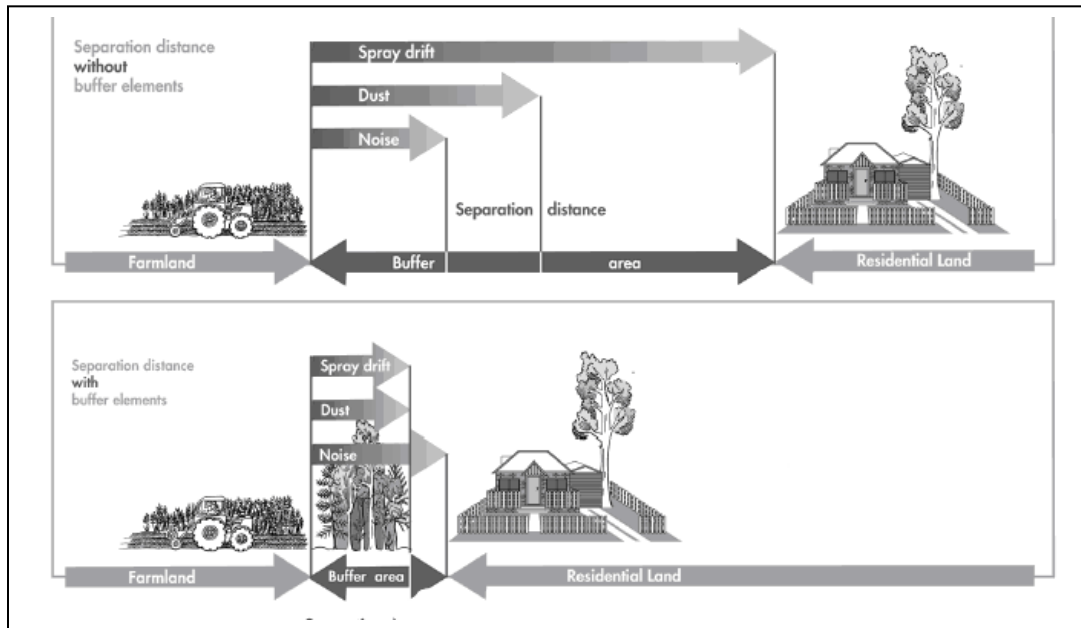


Figure 2. Design features used to reduce recommended separations.

Guideline: Creative project design and the use of additional buffering design features, strategies and techniques may permit a reduction of the recommended separations at the City's discretion. The project applicant may be required by the City to seek with input from various qualified consultants* (at the applicant's expense), and may be requested to provide scientifically-valid recommendations regarding the specific buffer proposed. The City and recommending agencies will also consider the type of development proposed, the natural features of the site, and will also consider compatible land uses (see **5.1.5**) which may be located in and adjacent to the buffer and which will not significantly impact agriculture or other adjacent land uses.

*Consultants may include experts or professionals with experience relating to the proposed buffer type, including, but not limited to: Resource Ecologists, Biologists, Farm Advisors, Licensed Pest Control Advisors, Landscape Architects, and Agricultural Production Experts.

5.1.5 Land Use and Other Buffer Options

Standard: In addition to physical separations (see 5.1.4), other land uses and or design features which create a buffer should be considered. These include: greenbelts/ open space, large parcels, park and recreation areas, roads, waterways, vegetative screens, and organic farms. These buffering options may be used in any combination to most effectively reduce conflicts anticipated from adjacent incompatible uses. (Refer to **Figure 3**)

Guideline: Consider a required buffer area as an opportunity to include compatible land uses into the buffer area. Compatible uses include some industrial uses, some commercial uses, park and recreation uses, wetlands/habitat areas, open space, and other uses such as parking areas, landscaped areas etc.

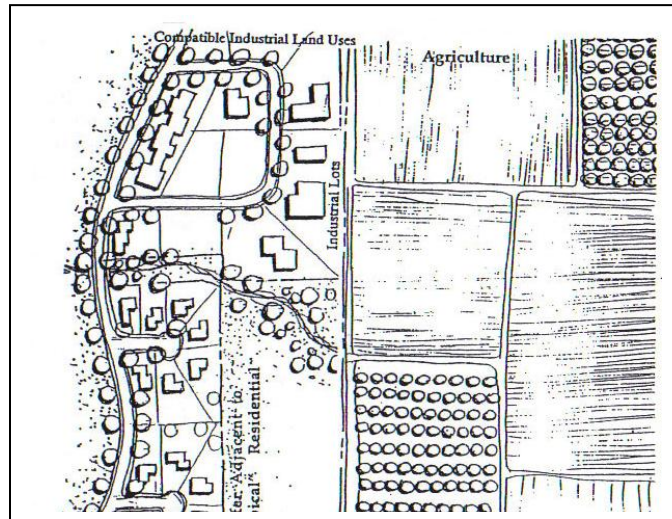


Figure 3. Land Use and Other Buffer Options

5.1.6 Maintenance

Standard: The City will require that All buffers will have an ongoing, reliable, maintenance program for the buffer which includes a funding program and may include vector controls. The proposed buffer maintenance program will be submitted and assessed in the course of the project's application.

Guideline: The design of the buffer and materials used (i.e. landscaping, etc.) can significantly affect the overall cost of maintenance. The maintenance program will consider the method of maintenance, the frequency and how the on-going funding for the maintenance program will be derived.

5.1.7 Conversion

Standard: When development is proposed on one or more parcels located within the City of Orland Sphere of Influence, the conditions imposed by the City on the development project may include conditions indicating that the buffer restrictions may be removed if/when all of the adjacent parcels have been irreversibly converted to non-agricultural uses. A project that proposes eventual conversion of

a buffer to residential or other use shall include a strategy or plan on how the buffer area will be converted to an urban use if all of the adjacent parcels have been irreversibly converted to non-agricultural uses. Such a strategy may include retention of buffer area features such as roads, drainage canals, compatible utility or service areas and utility corridors, park and recreation uses, wetlands/habitat areas, open space and other features.

Guideline:

- 1) When supporting findings can be made, the City may require a buffer distance which exceeds the distances found on Table 1-1. This is to provide additional “insulation” for agricultural parcels located immediately outside of the urban boundary and will result in a more permanent urban boundary line.
- 2) For development projects located within the City of Orland Sphere of Influence and where a buffer conversion plan is required by the City, the buffer conversion plan shall include a strategy for providing utilities, street access and other infrastructure to the buffer area should it be developed.

6.0 Examples of Buffers

Projects requiring buffering from existing agricultural uses should include a comprehensive review of the current and future trends in the area. Buffers should be considered a dynamic feature that should be capable of being modified to fit the present and future situation (see Section 5.1.7 Conversion).

6.1 Greenbelts/Open Space

In large master planned projects that abut agricultural properties, wetlands, wildlife habitat, greenbelts or open space corridors can be effective buffers. Buffers or greenbelts can be heavily landscaped or remain natural. Greenbelts can contain much of the open space that may otherwise be included on the interior of the project. A reorientation of the project towards the exterior of the site with the use of a greenbelt as a buffer for the agricultural use can have many benefits. The greenbelt may need to contain additional protections such as fencing, a wall or tree hedgerow to prevent residents or pets from wandering into the active farmland.

6.2 Park and Recreation Areas

A required buffer may double as a park or recreation area thus serving the need to both buffer and provide recreation areas for the project. The park could be a passive design, or active, depending on the circumstances of the site and the sensitivity of the surroundings. Connections to existing or planned trails can add other benefits to the area within and surrounding the proposed development project. Note that certain park activities may be incompatible with adjacent agricultural areas if/when agricultural spraying occurs, etc. (Refer to **Figure 4**)

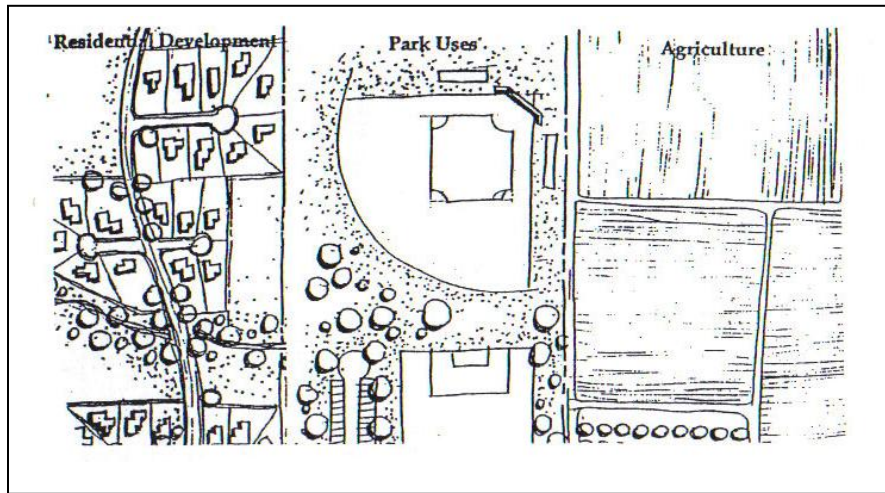


Figure 4. Incorporation of Park and Recreation Areas into Buffers

6.3 Roads

Road alignments placed at the edge of a subdivision or development project can be an element of an effective buffer. Consideration should be given to road design that directs residential traffic impacts away from zones of agricultural use.

6.4 Waterways

In some instances, a project may be adjacent to a waterway such as an irrigation canal, stream or levee system. These barriers create a natural boundary, require little or no maintenance and are visually pleasing. Waterway buffers will normally be preexisting to the project in most instances. A development project may propose a lake, pond or drainage facility as part of the project to meet the drainage and aesthetic objectives of the project; these facilities may also be included in the buffer area. (Refer to **Figure 5**)

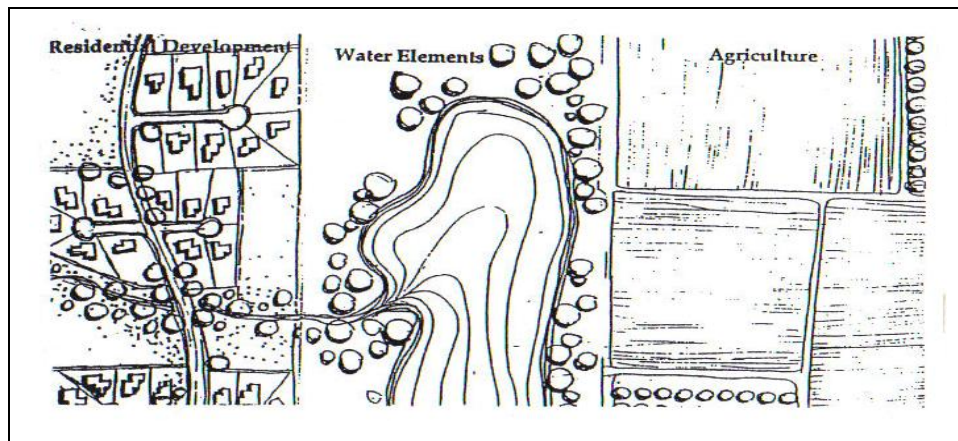


Figure 5. Water Features can serve as elements of buffers.

6.5 Barriers and Vegetative Buffers

A wall or fence may provide a simple solution to buffer conflicting land uses. Problems of trespassing, vandalism, litter, theft and dogs can be reduced by insertion of fences and walls. A wall or fence in combination with landscaping can reduce the negative effects of walls as plain barriers. Trees, shrubs or natural landscaping is usually preferred over just walls. In some areas, hedgerows can be used to separate parcels effectively. A **hedgerow** is a densely-planted vegetative barrier that provides buffering in both vertical as well as horizontal elements. The width will vary by crop type and project design. Hedgerows usually have minimal maintenance and can be incorporated along with other buffer features. Examples of hedgerows: Natural grass strips, tree windbreaks, forests, agricultural plantings which are compatible with the adjacent areas, etc. (Refer to **Figure 6**)

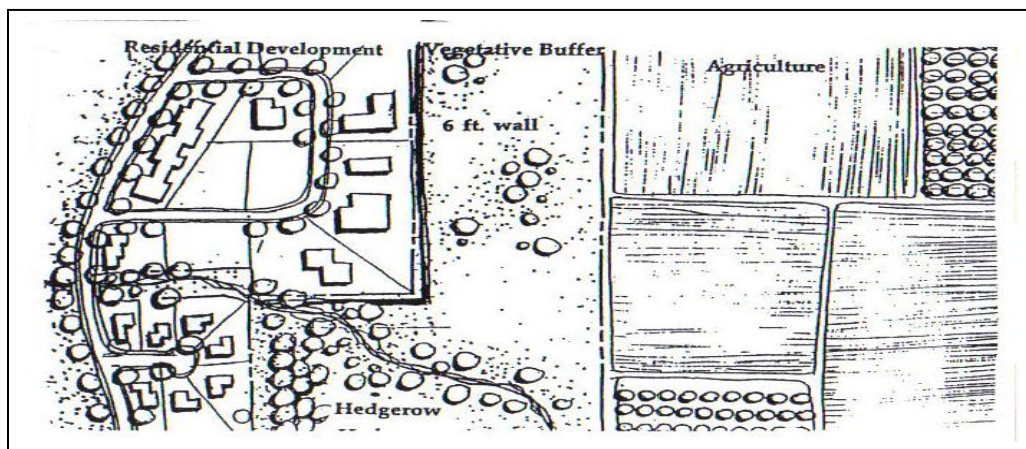


Figure 6. Walls, hedgerows plantings and other barriers provide additional buffering.

6.6 Agricultural Easements

Agricultural easements are a relatively new concept that allows a property owner to reserve the use of their property specifically for agriculture. Agricultural easements can either be granted for a specific term or may be permanent. A property owner may impose an agricultural easement on a property which will then reserve the property to an agricultural use for the term of the easement. An agricultural easement may include a buffer area which provides for the separations and insulation from adjacent uses as recommended in these guidelines. Since an agricultural easement is relatively permanent, they should only be implemented in locations where agricultural uses are deemed to be viable for at least 20 years or more.

6.7 Buffer Separations

Different agricultural activities and different land use configurations should have different buffering requirements. Agricultural production practices, spraying requirements, harvest and tillage practices vary considerably by type of crop and buffer distances would vary accordingly. Table 1-1 includes some recommended buffering distances. When deemed appropriate by staff, it may be determined that no (ZERO feet)

separation distance should be required between agricultural and residential uses. Future sensitive land uses which may be located adjacent to or in the vicinity of existing agricultural uses may need additional buffering. One method is to require additional separation distances from the agricultural parcels. Sensitive uses include, but are not limited to schools, daycare centers, medical care facilities and certain “clean” electronics manufacturing and industrial uses.

6.8 Large Lot Buffer Zones

Large lot buffer zones can be composed of larger residential lots in the range of 1/2 acre in size. A series or corridor of such larger lots can be placed on the outside of a subdivision project as a means to buffer adjacent agricultural land. Such larger lots create a type of transition zone between the agricultural area and the higher density subdivision lots. (Refer to **Figure 7**).

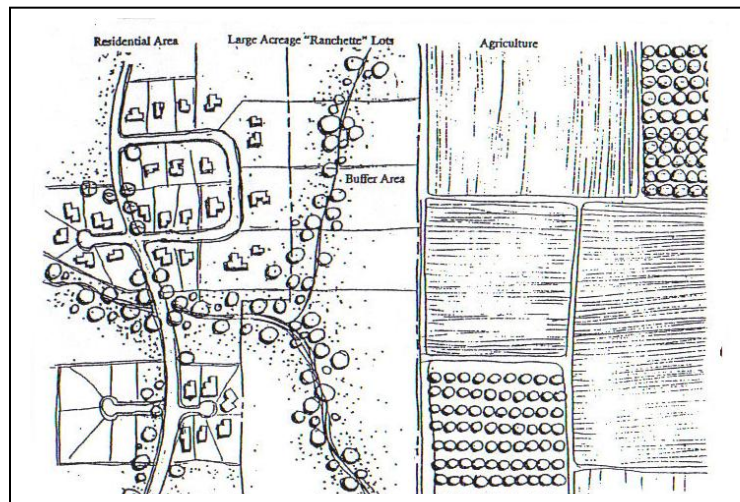


Figure 7. Larger acreage lots can provide buffering for agriculture.

6.9 Implementation

Where a development project is proposed adjacent to an existing viable agricultural use, or an agriculturally-zoned parcel, the required buffer should be designed by the project applicant/developer as part of their project. The project, including the proposed buffer types, separation distances and other elements, will be reviewed by City staff through the normal review process that each project receives. The Planning Commission or the City Council will, as required in the City Code, review the project and make a determination regarding the application, including the proposed buffer(s). The Planning Commission or the City Council will make the final determination regarding the project application, and they may require modifications as they see appropriate.

7.0 Maintenance Program

A maintenance program for all proposed buffers is required to be developed by the project applicant and submitted to the City for review. The program, in the form of a draft report, shall be submitted with the development project application at the time of project submittal to the City. The program shall include provisions for short and long term maintenance of the buffer, financial arrangements to pay for maintenance, technical issues to be considered in maintenance, drainage, and lastly a provision for review by the City to determine the effectiveness of the buffer. As part of the maintenance program, the City will require a confirmation of maintenance for an appropriate term for the proposed buffer. Confirmation may be provided, for example, by formation of a Property Owners Association responsible for maintenance, or other responsible entity such as an assessment district which is charged with the on-going maintenance of the buffer. The City will require consultation (at applicant's expense) with a qualified consultant and any other agency or other consultants as necessary to determine if the proposed maintenance program is adequate.

7.1 Agricultural Statement of Acknowledgement

In all cases where residential uses are proposed adjacent to existing agricultural uses, the City will require that the developer of the project sign the agricultural statement of acknowledgment for residential development in the form set forth in **Appendix B**. Such acknowledgement shall then be recorded in the county recorder's office on each newly created parcel. This is to ensure that potential buyers and users of these newly created parcels are fully aware of the potential impacts of the adjacent agricultural uses.

Appendix A. Agency Assistance

1. The Glenn County Agricultural Commissioner, the U.C. Cooperative Extension Office are possible resources that may have information or documents addressing buffer zones. The Glenn County Agricultural Commissioner is responsible for fostering and assisting with agricultural production in the County. Pesticide management and permitting is one of the responsibilities of the Agricultural Commissioners' Department. The Commissioner's authority comes from the California Code of Regulations, Title 3. Food and Agriculture, Division 6. Pesticides and Pest Control Operations, Division 6. Pesticides and Pest Control Operations, Chapter 3. Pest Control Operations, Subchapter 2. Work Requirements, Article 1. Pest Control Operations Generally, Section 6614 (see Appendix B).
2. The City may ask consultants to review and comment (at the applicant's expense) on residential projects that interface with agricultural uses, regarding technical aspects of the project design, maintenance program development and incorporation of buffers that will be effective. The City may require that the project applicant utilize these resources to assist in biological evaluation of the site, technical considerations and incorporation of conservation measures.
3. The Glenn County Air Pollution Control District (a division of the Agricultural Commissioner's Office) is the County agency responsible for monitoring and regulating air quality, and for the issuance of agricultural burn permits. The District is a possible resource addressing areas affecting particulate matter (dust), odors, burning and volatile organic compounds and other toxic air emissions.
4. The City may require that the project applicant seek input from private-industry professionals and consultants, to provide a range of services to assist in the buffer design process. Arborists, Resource Ecologists, Licensed Pesticide Control Advisors and Landscape Architects are a few of the consultants who generally have the expertise to assist in determining an appropriate buffer design as well as the required maintenance program.

Appendix B. California Code of Regulations (Title 3. Food and Agriculture)

Division 6. Pesticides and Pest Control Operations

Division 6. Pesticides and Pest Control Operations

Chapter 3. Pest Control Operations

Subchapter 2. Work Requirements

Article 1. Pest Control Operations Generally

Section 6614. Protection of Persons, Animals, and Property.

(a) An applicator prior to and while applying a pesticide shall evaluate the equipment to be used, meteorological conditions, the property to be treated, and surrounding properties to determine the likelihood of harm or damage.

(b) Notwithstanding that substantial drift would be prevented, no pesticide application shall be made or continued when:

(1) There is a reasonable possibility of contamination of the bodies or clothing of persons not involved in the application process;

(2) There is a reasonable possibility of damage to nontarget crops, animals, or other public or private property; or

(3) There is a reasonable possibility of contamination of nontarget public or private property, including the creation of a health hazard, preventing normal use of such property. In determining a health hazard, the amount and toxicity of the pesticide, the type and uses of the property and related factors shall be considered.

Appendix C. Right to Farm Ordinance and Agricultural Statement of Acknowledgement

Agricultural Statement of Acknowledgement:

This property is near or adjacent to property used for agricultural operations or included in an area zoned for agricultural purposes. Users and residential occupants of this property may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, odors, fumes, dust, smoke, the operation of machinery of any kind during any 24-hour period, the application of manures, and the application by spraying or otherwise of chemical fertilizers, soil amendments and pesticides. The City of Orland has determined that those inconveniences or discomforts arising from agricultural operations will not be considered to be a nuisance, if such operations are consistent with legal and accepted agricultural customs and standards. Upon transfer of this real property by sale, exchange, installment land sale contract, lease with an option to purchase, or other option to purchase, the transferor shall require that the agricultural statement of acknowledgment for residential development in the form set forth above be signed by the purchaser and recorded in the county recorder's office in conjunction with the deed conveying the real property.

Appendix C. Sample Agricultural Statement of Acknowledgment:

Agricultural statement of acknowledgment

Condition # _____ of the City of Orland's approval of Tentative Subdivision Map # _____, known as the (name of development) requires this acknowledgment to be recorded prior to issuance of a building permit, transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase or other option to purchase, or ground lease coupled with improvements with dwelling units, the issuance of a discretionary permit including but not limited to subdivision permits and use permits, for use on or adjacent to lands zoned for agricultural operations.

" This property is near or adjacent to property used for agricultural operations or included in an area zoned for agricultural purposes. Users and residential occupants of this property may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, odors, fumes, dust, the operation of machinery of any kind during any 24-hour period, the application of manures, and the application by spraying or otherwise of chemical fertilizers, soil amendments and pesticides. The City of Orland has determined that those inconveniences or discomforts arising from agricultural operations will not be considered to be a nuisance, if such operations are consistent with legal and accepted agricultural customs and standards. Upon transfer of this real property by sale, exchange, installment land sale contract, lease with an option to purchase, or other option to purchase, the transferor shall require that the agricultural statement of acknowledgment for residential development in the form set forth above be signed by the purchaser and recorded in the county recorder's office in conjunction with the deed conveying the real property."

Date: _____

PROPERTY OWNERS:

State of _____)

County of _____)

On this the _____ day of _____, before me, the undersigned Notary Public, personally appeared

_____ Personally
known to me. _____ Provided to me on the basis of satisfactory evidence to be the person(s)
whose name(s) _____ subscribed to the within instrument and acknowledged that
_____ executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

Present A.P. No. _____ "

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