

## **Appendix A**

### **Decision-Making Process for Land Acquisitions**

This appendix provides a summary of the decision-making process that will be followed by the City before a land acquisition (either fee title or conservation easement) occurs as part of the City's effort to further the goals of the Open Space Program.

The goal of this appendix is to provide decision-makers with an objective open space property evaluation system. It establishes the framework for a consistent, objective, and open acquisition process. The implementation of this process will enable staff, advisory bodies, and decision-makers to clearly understand their respective roles in a typical open space transaction. Providing an open process with opportunities for public participation helps garner community support for both the individual transaction and the program as a whole.

This appendix seeks to answer five basic questions:

1. What are the principles that will guide the City's acquisition decisions?
2. What types/categories of land will the City purchase/protect?
3. How will the City find out about potential acquisitions?
4. How will the City evaluate potential acquisitions?
5. What is the process for acquiring/protecting open space?

### **What are the Principles that will Guide the City's Acquisition Decisions?**

The City carries out its open space protection goals by setting policy and acquiring conservation easements and ownership of land from willing sellers. The City is committed to an approach that maximizes preservation of open space lands and resources. An effective, direct, and equitable method of doing so is to purchase protection (easements and fee-title interest) at a fair market price from willing sellers. Several fundamental principles will guide all acquisitions by the City:

1. *Acquire Land From Willing Sellers Only.* Acquire open space from willing sellers only.<sup>4</sup>
2. *Acquire Land Within Davis Planning Area Only.* Lands or resources must be located within the Davis Planning Area to qualify for acquisition or management by the City.
3. *Stretch the Dollar.* Acquire and hold the least interest in a property necessary to carry out the City's General Plan goals for open space protection. This means the City will be limiting its fee title acquisitions and focusing on conservation easements.
4. *Favor Conservation Easements.* Use conservation easements as the primary method of open space protection. Purchasing only part of a property's rights (such as development rights) protects land at a fraction of the cost of purchasing all the rights (fee title interest), thereby maximizing the acreage that can be brought into the City's Open Space Program. Conservation easements shall be held in perpetuity.

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<sup>4</sup> In rare instances it may be advantageous for a property owner to request condemnation of property by the City. Condemnation will not be used by the City to acquire open space unless requested by the landowner.

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5. *Make Strategic Fee-Title Acquisitions.* Acquire and hold fee-title to properties where protection of unique resources, restoration, or public access is desired.
6. *Pay Fair Market Value.* Acquire land at no more than fair market value, based on a professional appraisal.
7. *Take a Balanced Approach.* Balance efforts to protect natural resources with efforts to maintain agricultural production in the Davis Planning Area.
8. *Seek Multiple Benefits.* Seek protection of open space lands that overlap multiple acquisition categories.

The City seeks to protect the greatest amount of high quality open space land and resources as possible within its funding constraints. *However, despite remarkable community willingness to pay for open space protection, all undeveloped land and sensitive resources in the Davis Planning Area cannot be protected due to high land costs and multiple competing uses for the land.* In order to maximize the effectiveness of available funding, the City will use the most cost-effective open space protection tools (e.g., conservation easements) and seek to acquire open space that serves to buffer other lands from threat of conversion.

### **What Types/Categories of Land Will the City Purchase/Protect?**

Acquisition categories identify the various types of open space lands and resources identified by the City for protection. These categories help organize the City's acquisition priorities by identifying the land and resource values that are desirable to the community. They are (in no order of importance):

- *Urban Fringe:* Protect land near the city limits to help define the urban limits of Davis and provide an adequate buffer between urban and rural land uses.
- *Community Separator:* Protect land between Davis and neighboring cities to preserve the unique character of each community.
- *Agriculture:* Protect prime agricultural lands and sustainable farming practices (e.g., organic agriculture) to maintain the long-term viability of agriculture in the Davis Planning Area.
- *Biological and Natural Resources:* Protect important wildlife habitat (including land that can be restored/enhanced to provide additional wildlife habitat), sensitive species, and other significant natural resources.

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- *Scenic Resources*: Protect land providing views and scenic vistas of significant landmarks, such as nearby and distant mountain ranges.

### **How will the City Find out About Potential Acquisitions?**

The City will use various methods to find out about potential open space land acquisitions. The methods listed below are just some of the actions the City will take to find out about possible open space land acquisitions:

- Contact key landowners, either directly or indirectly through land trusts and/or brokers, to inform them about the Open Space Program and determine interest in selling land or easements in the targeted key priority acquisition areas outlined in the 2030 Strategic Plan.
- Partner with the Yolo Habitat Conservancy to complete open space acquisitions (fee title or easement) related to the Yolo Habitat Conservation Plan/Natural Communities Conservation Plan, more commonly called the Yolo HCP/NCCP.
- Partner with local land trusts and land brokers to stay active in the market and complete open space acquisitions (fee title or easement acquisitions).

### **How will the City Evaluate Potential Acquisitions?**

The following list illustrates some of the key considerations the City may discuss when thinking about acquiring an open space property or conservation easement. These considerations are not intended to limit the discussion of the positive or negative attributes of a proposed acquisition by the City. Instead, they should be used to assist in the analysis of whether a particular parcel or resource should be protected by the City. The following considerations should not be considered static and should be modified to address changing conditions and unique circumstances:

#### ***Location and Size Considerations***

For potential acquisitions under the Urban Fringe, Agriculture and Scenic Resources categories, considering the site's location is more critical than its size. For potential acquisitions under the Community Separator, Agriculture, and Biological & Natural Resources categories, considering the site's size is more critical than the site's location. Some of the key questions that should be discussed during the site evaluation process include:

- Is the site within the probable path of development?
- Will acquiring this site increase the possibility of creating an open space "island" (i.e., a small open space area surrounded by urban development)?
- Is the site considered prime farmland?
- Does the site provide uninterrupted views of significant local and regional landmarks?

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- Will the protection of this site help to protect other open space in the same area?
- Is the site large enough to sustain typical agricultural operations?
- What is the site's soil quality and overall agricultural production potential/value?
- Is the site large enough to provide useable habitat for plant and animal species?
- What are the surrounding land uses and will they be compatible with the use of the protected open space in the future?

#### ***Connectivity and Adjacency Considerations***

For potential acquisitions under all acquisition categories, considering the site's ability to connect/link other existing open space areas and the site's location adjacent to other existing open space areas is critical. Some of the key questions that should be discussed during the site evaluation process include:

- Does the site link together, or help to link together, existing protected open spaces?
- Does the site increase the size of existing protected open spaces?
- Will the site's protection contribute significantly to the protection of other high priority open space lands or resources?

#### ***Relative Risk of Conversion Considerations***

For potential acquisitions under all acquisition categories, considering the site's relative risk of being converted to urban uses in the short- and mid-term is critical. Some of the key questions that should be discussed during the site evaluation process include:

- What is the site's zoning?
- What is the status of the site's Williamson Act contract?
- Is the site already served by critical infrastructure, such as roads and utilities?

#### ***Relative Scarcity Considerations***

For potential acquisitions under the Urban Fringe, Scenic Resources, and Biological & Natural Resources categories, considering the site's relative scarcity is critical. Some of the key questions that should be discussed during the site evaluation process include:

- Is the site in a scarce land use category and therefore more important to protect?
- Will this site provide additional opportunities for public access and recreation (e.g., hiking, biking, wildlife viewing, etc.) that are currently in scarce supply?
- Is the site's land use type in general decline in the Davis Planning Area?
- How much of this land use type is already protected as open space?
- Does this site support sensitive species?

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### ***Biodiversity Considerations***

For potential acquisitions under the Biological & Natural Resources category, considering the site's ecological value and biodiversity are critical. Some of the key questions that should be discussed during the site evaluation process include:

- Does the site have a variety of habitat types?
- Does the site currently have (or did it historically have) riparian, upland, and wetland habitats?
- What is the site's ecological value (e.g., unique habitat, species diversity, protection of listed species or species in local decline, etc.)?

### ***Land Management Considerations***

For potential acquisitions under all acquisition categories, considering how the site can and should be managed in perpetuity is critical. Some of the key questions that should be discussed during the site evaluation process include:

For fee title properties:

- Can the land be acquired with reasonable effort in relation to its cost?
- Does the site have any title issues, boundary disputes, or pending legal actions?
- Does the City have the human and financial resources to manage the site appropriately in perpetuity?

For easement properties:

- Can the easement be acquired with reasonable effort in relation to its cost?
- Does the site have any title issues, boundary disputes, or pending legal actions?
- Will the landowner commit to furthering the conservation goals of the site (i.e., sustainable farming practices, voluntary protection of sensitive natural resources, etc.)?
- Is the landowner insisting on provisions in the easement that would diminish the property's conservation values?
- Are the human and financial resources in place to enforce and monitor the easement in perpetuity?

### **What is the Process for Acquiring/Protecting Open Space?**

This section of the appendix is intended to guide the City in a typical open space land acquisition. Though there are numerous intermediate steps and each acquisition is unique, the following outline of the steps involved in a typical land transaction illustrates the critical decision points and opportunities for public input. A typical land acquisition includes the following general steps, after a parcel has been identified for acquisition:

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1. Make contact with the property owner(s) or broker(s) to discuss possible acquisition of fee title interest or conservation easement.
2. Request a “letter of interest” from the landowner(s), if necessary, that states the landowner(s) interest in discussing a possible acquisition and allows City staff/representatives to do a property evaluation and site visit.
3. Complete a preliminary property evaluation, which includes a property description, an initial analysis of the property’s consistency with the goals of the Open Space Program, and possible acquisition funding sources.
4. Present the preliminary property evaluation to the Open Space and Habitat Commission for discussion and direction on appropriate next steps (public input opportunity). Work with the Commission’s working group on acquisitions to refine the preliminary property evaluation if necessary.
5. Discuss the potential acquisition opportunity with the City Council in closed session to get direction from the City Council on appropriate next steps.

If direction is given from the City Council to proceed, the following steps are necessary:

1. Hire professionals to complete appraisal, environmental site assessment, title reports, and other pertinent documents and information.
2. Hire professionals to complete required analysis under the California Environmental Quality Act (“CEQA”).
3. Negotiate terms/draft transactional documents for acquisition of fee title interest or conservation easement, whichever is applicable. Discuss the status of negotiations with the City Council in closed session, if necessary. Keep the Open Space and Habitat Commission informed of the status of negotiations (public input opportunity).
4. Present the final terms of the transaction to the Open Space and Habitat Commission for recommended action on transaction (public input opportunity).
5. Present the final terms of the transaction to the City Council for recommended action on transaction and budget approval (public input opportunity).

If direction is given from the City Council to proceed, staff will work to execute the transaction documents and complete the acquisition.

The acquisition process outlined above provides an overview of a typical open space land transaction. However, the City Council may modify the process in exceptional cases (subject to legal requirements) where there is a high risk of loss without accelerated action by the City.