

LEGISLATIVE #

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Parks, Recreation and Cultural Affairs Disposition of Conservation Lands Policy

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Introduction

At times the City of Gainesville receives requests to sell City-owned property including City-owned property that was acquired for conservation and passive recreation purposes. The Parks, Recreation and Cultural Affairs Department (PRCA) has established this policy to provide direction for evaluation of the disposition of lands that were acquired or used specifically for conservation and passive recreation purposes. This policy pertains to Nature parks, centers and conservation areas as listed in section 18-18(b) of the City of Gainesville Code of Ordinances, as well as other City-owned lands under PRCA management, collectively referred to herein as “conservation land”. This policy is intended to supplement the City’s general Real Estate Guidelines as may be adopted or amended from time to time.

Laws and Regulations

City of Gainesville Comprehensive Plan

Objective 1.4 of the Recreation Element provides language concerning the disposal or sale of City-owned land or facilities. Policies 1.4.1, 1.4.2, and 1.4.3, direct that a report evaluating potential use of such land or facilities for recreation be prepared; that the City prepare a report for the City Manager recommending the disposal of, or adaptive reuse of, recreation facilities or properties; and that proceeds from the disposal or sale of any City-owned recreation and park properties shall be used for recreation and park infrastructure enhancement and improvements.

City of Gainesville Registry of Protected Public Places

The City of Gainesville voters adopted an amendment to the City Charter creating a new Section 5.09 as set forth in Ordinance #080576 which pertains to the sale or conversion of City-owned lands used or acquired for conservation, recreation, or cultural purposes. Charter Section 5.09 states that a registry of protected public places will be created which identifies those properties that are deemed worthy of the highest level of protection. The properties listed on this registry cannot be sold or converted to a use that will result in a loss of the value for which the property was placed on the registry, except by a majority vote of the electors voting in a city-wide referendum election.

City of Gainesville Land Development Code (Section 30-310.4)

The City of Gainesville adopted an amendment to the Land Development Code on (need to add date) creating a new section on Regulated Natural and Archaeological Resources. Section 30-310.4 discusses opportunities for mitigation of those resources. The terms of mitigation requires any land purchased for mitigation purposes to be set aside in a perpetual conservation state. Therefore, any lands set aside or purchased for

mitigation purposes will be designated as conservation land use and zoning and will be placed on the Registry of Protected Public Places for perpetual protection from land use/zoning changes and/or disposition.

PRCA Disposition of Conservation Lands Policy

The purpose of this policy is to outline the specific process for evaluating whether to dispose of City-owned conservation land. However, the disposition of conservation land should be an exception rather than a rule since the City is a steward for these lands, not a broker. Possible negative impacts of disposing of conservation land include loss of ecological value, loss of recreational value, detrimental effects on other public lands, and the creation of bad faith in the community as a result of public expectations regarding public land.

The Nature Operations Division (NOD) Natural Resource Management (NRM) staff within PRCA proactively manages conservation land. If conservation land is to be considered for disposition, it should be evaluated on its own merits independent of the knowledge of any offered proposal. Attributes to be evaluated for a property considered for disposition include:

- 1) ecological significance,
- 2) recreational significance,
- 3) expectation of future preservation, and
- 4) effect of disposition on other public property.

When the property has been deemed to be of no ecological or recreational value, then a disposition proposal can be evaluated for its appropriateness. The remainder of this policy outlines the process of property evaluation and disposition for conservation land.

Conservation Land Disposition Process

- 1) Requests to dispose of conservation land will be submitted to the PRCA Director by the City's Land Rights Coordinator. Conservation land may not be disposed of unless a determination is first made that the land is of no ecological or recreational value. The PRCA Director will inform NRM staff of the property requested for disposition. NRM staff will complete a site evaluation in accordance with this policy.
- 2) A site evaluation will be completed by NRM staff using the *Conservation Land Ranking Criteria* (Exhibit A). These criteria consider the property's ecological and recreational significance as well as expectations of future preservation and the effect disposing of a property will have on other public property. In addition, all applicable laws and regulations pertaining to conservation land will be adhered to through this process. **If needed, an economic development impact analysis will be coordinated with the Planning Department.**
- 3) NRM staff will submit their recommendation as to whether or not the land is needed for conservation or recreation purposes to the PRCA Director. The

PRCA Director will submit the site evaluation, with his comments, if any, to the Nature Centers Commission (NCC), via the NCC liaison, for review and recommendation to the City Commission. The NCC will review the request at their next available regularly scheduled public meeting to determine if the request is appropriate for the property under consideration.

- 4) The final recommendation will be submitted to the City Commission by the NCC. If the City Commission approves of the disposal, the City's *Real Estate Guidelines* will be followed to dispose of the property.
- 5) If the property is recommended for disposition and it was previously acquired with conservation funds, the sales proceeds received by the City at closing on the sale shall be deposited in the acquisition fund from which the land was purchased. If the previous acquisition fund is no longer active, sales proceeds received will be deposited into the City's Greenspace Acquisition fund.
- 6) If the proposed request involves an exchange of lands instead of a sale, the following additional items will be completed:
 - a. NRM staff will evaluate both the land to exchange and the conservation land using the *Conservation Land Ranking Criteria*.
 - b. If the land to exchange has low value, it will be referred ~~for~~ Economic Development ~~for~~ review and comment, which will be included with the ranking criteria summary.
 - c. In order to recommend the exchange, the land to exchange must be of significantly greater conservation value and significantly greater acreage and equal or greater appraised value than the conservation land.
 - d. The requestor will be required to pay all costs of the exchange, including but not limited to surveys, appraisals, title work, environmental assessment, and a land management endowment for continued land management needs of the exchanged land, which will be decided upon at the time of sale and included within the deed restrictions.

Exhibit A – Conservation Land Ranking Criteria

See “Disposition of Conservation Lands Policy_Ranking Criteria” Excel spreadsheet.

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Conservation Land Ranking Criteria

Category	Variable	Description
Ecological Significance	Size	In general, the larger a parcel the greater the conservation value. Since the City of Gainesville does not have many parcels greater than 100 acres within its boundary, this category is scaled to meet possible acquisition potential within the City's Urban Reserve.
	Number of viable FNAI Natural Communities	Natural community types are determined using the Florida Natural Areas Inventory (FNAI) classification system. These are defined by FNAI using a combination of structure, composition, topography, substrate, soil moisture, climate, and fire conditions. Natural communities are considered viable if these functional components have not been seriously altered or disturbed to the point that the community could no longer be recognizable as an FNAI community.
	FNAI Natural Communities Ranking	This is a measure of the rarity or vulnerability of a natural community as designated by FNAI. S1 = Critically imperiled within the State of Florida because of extreme rarity or vulnerability to extinction, S2 = Imperiled within the State of Florida because of rarity or vulnerability to extinction, S3 = Either rare or local throughout its range or found locally in a restricted range, S4 = Apparently secure in Florida but may be rare in parts of its range, and S5 = Demonstrably secure in Florida.
	Ecological Processes	Fire and hydrology are the two most common processes that shape and characterize Florida's natural communities. The degree to which these processes have been altered is a critical determinant of intactness. However, the extent to which the natural community can still support these process is also considered. Intact = typical ground cover present, little to no alteration of hydrology, presence of fire in typical return interval, and high species diversity and interactions. Intact, some restoration needed = minor hydrological alterations, fire excluded beyond typical return interval but potential for return is high, and presence of typical species. Moderately altered = moderate hydrological alterations, disturbance of groundcover where revegetation may be necessary, or other natural community restoration may be necessary. Highly altered = hydrology, groundcover or fire would be difficult to restore and restoration would be prohibitively expensive with improbable success rates.
	Typical Species	These species are listed in the FNAI Guide to Natural Communities. Those lists will be used to evaluate whether few, some or most of the typical plant and animal species are present for the natural communities on site.
	Listed Species	Any listed plant or animal species observed during site visits or previously documented are ranked with respect to their current status on the Federal, State of Florida, or FNAI lists. FNAI S1, S2, S3, and S4 were previously defined in the FNAI Natural Communities Ranking variable. Federal and State E = Endangered, Federal and State T = Threatened, Federal C = Candidate Species for Listing, State SSC = Species of Special Concern, State SGCN = Species of Greatest Conservation Need. S4 and S5 receive points only if on the FNAI Tracking List.

Conservation Land Ranking Criteria

Category	Variable	Description
Ecological Significance (Cont.)	Potential Listed Species	This category was created because extensive listed species surveys cannot always be completed in the appropriate observable time of year for any given site evaluation. This category estimates the number of listed species which could occupy the site based on the quality, number and type of existing natural communities found.
	Nonnative Invasive Exotic Species	The most up to date Florida Exotic Pest Plant Council Category I and II listing is used to identify nonnative invasive exotic species found on a site.
	Water Quality Protection	This variable is ranked with respect to the site's relative importance to the Floridan aquifer as well as surface waters and flood protection. The scores for these two parameters are averaged. Karst features are those made up of porous limestone where unconfined water can filter directly into the aquifer.
Effect on Public Property	Management Potential	Factors that affect management potential of a site include size and location of property, extent of exotic infestations, ability or practicality of prescribed fire application, restoration needs, and public access development.
	Boundary Impacts	Sites that contribute to the contiguity of City-owned conservation lands and to the regularity of the boundary of City-owned conservation lands are more highly desired than those sites that are isolated from existing conservation land. A property that "compacts" a conservation area is one that by its acquisition would make the boundary of the conservation area more regular, or by its surplus would leave the remaining City property with an irregularly-shaped boundary.
	Connectedness	Properties that are near or adjacent to large conservation areas are more highly valued than properties near or adjacent to smaller conservation areas; properties separated from conservation areas by land uses that allow movement of wildlife or natural processes are more highly valued than properties separated by roads or urban land uses.
Recreational Significance	Recreational Value	Because the City of Gainesville acquires land for the benefit of the public, lands that provide public access and/or recreational opportunities are of greater value. Recreational value includes existing or potential trails or other amenities, noise or visual buffers to recreational amenities, and existing or potential access points to City conservation areas.
Preservation Expectation	Archaeological Resources	The Florida Department of Historical Resources Master Site File will be evaluated on GIS to determine if any archeological sites exist on a site.
	Extrinsic Considerations	A particular property may have protection expectations in the form of deed restrictions, conservation easements, grant requirements, or citizen advocacy. Sites with those expectations will be given greater consideration. If the site is evaluated for acquisition and is already protected, the score will be low. If the site is evaluated for disposition and has protection expectations, the score will be high.

Conservation Land Ranking Criteria

Category	Variable	Range	Score
Ecological Significance	Size	100+ acres	10
		61-99 acres	8
		31-60 acres	5
		11-30 acres	3
		1-10 acres	1
	Number of viable FNAI Natural Communities	5+	10
		4	8
		3	6
		2	2
		1	1
	FNAI Natural Communities Ranking - Sum scores for all natural communities on site (i.e. 1 S1 + 2 S2 + 1 S3 = 16 points)	S1	5
		S2	4
		S3	3
		S4	2
		S5	1
	Ecological Processes - i.e. fire, hydrology, species interactions	Intact	10
		Intact, some restoration needed	7
		Moderately altered, major restoration needed	4
		Highly altered, some restoration possible	2
		Highly altered, restoration not likely	0
	Typical Species - per the FNAI Guide to Natural Communities of Florida (plants and animals)	Most typical species present	10
		Some typical species present	5
		Few typical species present	1
	Listed Species - Sum scores for all listed species on site (i.e. 1 S1 + 2 S2 + 1 S3 = 16 points)	S1, Federal E, State E	5
		S2, Federal T, State T	4
		S3, Federal C, State SSC	3
		S4, S5, State SGCN	2
	Potential Listed Species - with proper land management	10+ possible	5
		7-9 possible	4
		4-6 possible	3
		2-3 possible	2
		1 possible	1
	Non-Native Invasive Exotic Species	Less non-native invasives	10
Moderate non-native invasives, control needed		5	
Many non-native invasives, extensive control needed		1	
Water Quality Protection	Score = Parts (A+B)/2		
Part A: Recharge	Karst watershed, stream to sink	10	
	High recharge, some karst features	8	
	Moderate recharge	4	
	Low recharge	2	
Part B: Surface Waters	Wetlands, creeks, or water bodies	10	
	Regulated wetland or sinkhole buffers	8	

Conservation Land Ranking Criteria

Category	Variable	Range	Score	
Effects on Public Property	Management Potential	High	10	
		Moderate	7	
		Low	4	
		Too small or degraded	1	
	Boundary Impacts	Connects isolated City-owned parcels		10
		Compacts City-owned parcels		5
		Isolated parcel		1
	Connectedness		Score = Parts (A+B+C)/3	
	Part A: Adjacent Public Conservation Land (within 1 mile)	1001+ acres		10
		501-1000 acres		8
		101-500 acres		5
		11-100 acres		3
		1-10 acres		1
	Part B: Distance to Public Conservation Land	Widely contiguous boundary (\geq 1/2 mile)		10
		Narrowly contiguous boundary ($<$ 1/2 mile)		8
		Separated by two-lane road		5
		Separated by four-lane road		3
		Less than 1/2 mile		2
		Greater than 1/2 mile		1
	Part C: Intervening matrix	High quality natural areas		10
Low quality natural areas			8	
Agriculture with natural areas or corridors			6	
Agriculture			4	
Rural or Agriculture/Residential			2	
Urban			1	
Recreational Significance	Recreational Value	Potential to provide access to City property	20	
		Contains public trails/amenities	15	
		Potential for public trails/amenities	10	
		Buffer for existing public trails/amenities	5	
Preservation Expectation	Archaeological Resources - as listed on DHR Master Site File	3+ sites listed on property	3	
		1-2 sites listed on property	2	
		0 sites listed on property	0	
	Extrinsic Considerations	If considered for disposition: Property acquired with FCT or similar grant, protected by conservation easement or deed restrictions, listed on Registry of Protected Public Places, used for mitigation purposes, or managed or developed with grant funding		20
		If considered for disposition: Property has documented history of citizen advocacy, or was donated or sold to City with expectation to be used for public recreation		15
		If considered for acquisition: Property protected by conservation easement, deed restrictions, or used for mitigation		-5

Conservation Land Ranking Criteria

Category	Variable	Score
Ecological Significance	Size	
	# of FNAI Natural Communities	
	FNAI Natural Communities Ranking	
	Ecological Processes	
	Typical Species	
	Listed Species	
	Potential Listed Species	
	Nonnative Invasive Exotic Species	
	Water Quality Protection	
Effects on Public Property	Management Potential	
	Boundary Impacts	
	Connectedness	
Recreational Significance	Recreational Value	
Preservation Expectation	Archaeological Resources	
	Extrinsic Considerations	
TOTAL SCORE		