

Open Space and Habitat Commission  
Discussion of Open Space and Habitat Elements  
Proposed MRIC Project  
March 7, 2016

**Question #1**

Focusing on those areas that fall within the purview of the Commission, is the project consistent with the City Council's Guiding Principles?

This question asks the Commission to decide whether or not the MRIC project as proposed meets the Guiding Principles for Davis Innovation Center(s) as approved by the City Council on December 16, 2014 (the "Guiding Principles"). **Attachment 1** includes the relevant excerpt from the Guiding Principles. This section discusses each topic highlighted in yellow in **Attachment 1**.

**Ag Mitigation Requirement**

The City's ag mitigation requirement requires a developer to first protect the farmland adjacent to the proposed project (the "Adjacent Mitigation") unless an alternative site has "extraordinary community benefits," which is discussed below. Once that is done, the developer can satisfy the remainder of the 2:1 ag mitigation requirement by looking elsewhere within the Davis Planning Area (the "Remainder Mitigation"). The ordinance incentivizes developers to (1) first, protect farmland adjacent to the proposed project, (2) second, protect farmland within a quarter mile of the city limits, (3) third, protect farmland in priority acquisition areas, and (4) lastly, protect farmland elsewhere within the Davis Planning Area. (See **Attachment 2** for relevant excerpts from the City's ag mitigation ordinance, and **Attachment 4** for a hypothetical example of an ag mitigation calculation).

- ***Location of ag mitigation.*** The City has not received a formal proposal from the MRIC Project developers about the project's ag mitigation land (an estimated 212 acres of ag land would be developed under the proposed MRIC project). They have proposed in the media to use a portion of the City's 774-acre property east of the MRIC project site (also known as the Howatt/Clayton property) to satisfy the MRIC Project's ag mitigation requirements. It is not clear whether the developer is proposing to buy the City's land or buy an easement on the City's land.
  - ***No adjacent mitigation land proposed.*** The City's ag mitigation ordinance requires that "All new development projects adjacent to agricultural land that are subject to mitigation under this article shall be required to provide agricultural mitigation along the entire non-urbanized perimeter of the project." It also states that: "The city council may approve mitigation that does not meet the adjacency requirement if an alternative mitigation proposal meets the intent of this chapter and would have extraordinary community benefits." See **Attachment 2**.

The land immediately to the north and east of the MRIC Project is already under conservation easement. The land to the south is a freeway. However, the land to the west is farmland. The developer has not mentioned to the City any attempts to protect the adjacent farmland on the west side of the proposed MRIC Project and has not proposed protecting this adjacent farmland. The developer also has not proposed using part of the MRIC project site itself to satisfy the adjacent ag mitigation requirement. The developer also has not specified how the Howatt/Clayton property (possibly an "alternative

mitigation proposal”) meets the intent of the City’s ag mitigation ordinance and provides “extraordinary community benefits,” as required in the City’s ordinance.

- ***Remainder mitigation land proposed.*** As mentioned, the MRIC Project developers are proposing to use the City’s Howatt/Clayton property as the remainder mitigation land. In general, the City’s ordinance states that the remainder mitigation land (1) must be similar in quality to the ag land being developed and (2) must be developable (i.e., “the property is not subject to any easements, contamination, or physical conditions that would legally or practicably preclude modification of the property’s land use to a nonagricultural use.”). See **Attachment 2**. The City used stormwater funds to purchase the property as part of a settlement agreement with the farmers who were farming the Howatt/Clayton property at the time. The City did not use open space funds to purchase the Howatt/Clayton property. The farmers sued the City, claiming the Mace Ranch residential development led to more frequent flooding of their farm fields. As part of the settlement agreement, the City agreed to buy the Howatt/Clayton property from the farmers. A majority of the Howatt/Clayton property is in a flood zone and serves as a drainage mitigation parcel for development in east Davis. The Commission needs to determine if the Howatt/Clayton property qualifies as remainder mitigation land.
  
- ***Use of City land for ag mitigation.*** The City’s ag mitigation ordinance is silent on the issue of whether or not a developer can use City-owned land to satisfy the ag mitigation requirement.

#### Suggested discussion topics:

1. Should the developer be required to provide adjacent mitigation land, or submit information supporting the determination that adjacent mitigation land is not available?
2. Alternatively, does the Howatt/Clayton land count as alternative adjacent mitigation land (i.e., does it provide “extraordinary community benefits”)?
3. Is the Howatt/Clayton land eligible to serve as remainder ag mitigation land, given the criteria listed in the City’s ordinance?
4. Is the Commission supportive of the developer using the City’s Howatt/Clayton land (or any of the City’s ag land for that matter) for any of the project’s ag mitigation land?

#### **Ag Buffer Requirement**

- ***Location of buffer.*** The City’s agricultural buffer ordinance (See **Attachment 3**) requires a minimum 150-foot-wide “ag transition area/buffer” between the newly developed area and any adjacent farmland. The MRIC Project as proposed includes a 150-foot-wide ag buffer on the project’s north and east sides, per the City’s ordinance. However, there is no ag buffer proposed for the project’s northwest side where new development will be adjacent to farmland, which would be inconsistent with the City’s ordinance. The MRIC FEIR points out the missing buffer on the northwest side and, pursuant to the City’s ordinance, the City will require the site plan to be revised to include an ag buffer on the northwest side of the project.
  
- ***50-foot-wide portion of buffer – public accessibility and ownership.*** The City’s agricultural buffer ordinance requires that the 50-foot-wide “ag transition area” be publicly accessible and that the land “shall be dedicated to the City.” The 50-foot-wide “ag

transition area” in the MRIC Project as proposed will be publicly accessible, per the City’s ordinance. However, the applicant is proposing to retain ownership which may not be aligned with the City’s ordinance.

- ***100-foot-wide portion of buffer – public accessibility and ownership.*** According to the City’s ag buffer ordinance, “there shall be no public access to the one-hundred-foot agricultural buffer unless otherwise permitted due to the nature of the area (e.g., railroad tracks).” The ordinance also states that the land “must be dedicated to the City in fee title, or, at the discretion of the City, an easement in favor of the City shall be recorded against the property.” The applicant has not provided details regarding proposed public accessibility of the 100-foot-wide ag buffer in the MRIC Project. The MRIC project developer has stated that this portion of the ag buffer will remain privately owned, but has not proposed an easement on the land, which may not be aligned with the City’s ordinance.
- ***Maintenance of buffer.*** The City’s agricultural buffer ordinance states that the City will “maintain the agricultural buffer and transition area once the land is improved, dedicated, and annexed” and that private sources of maintenance funds are allowed (i.e., special assessment districts). The MRIC Project proposes that the ag buffer will be owned and maintained by the MRIC property owners who will assess themselves to pay for the maintenance. This proposed arrangement may not be aligned with the City’s ordinance in two ways: (1) the 50-foot-wide ag transition area is not proposed to be owned by the City, and (2) the 100-foot-wide ag buffer area is not proposed to have a conservation easement on it.

**Suggested discussion topics:**

1. Is the Commission supportive of the developer’s proposal to keep the 50-foot-wide ag transition area privately owned?
2. Is the Commission supportive of the developer’s proposal to keep the 100-foot-wide ag buffer area privately owned? If so, should the developer be required to provide the City with a conservation easement on this land?
3. Is the Commission supportive of public access in the 100-foot-wide ag buffer area? For example, would the Commission be supportive of the public being allowed into this area to pick fruit off the orchard trees?

**Storm water treatment and flow control through bio swales that allow conjunctive uses (habitat, wetland and water quality)**

- ***Ag buffer as bio swale.*** The MRIC Project developers have proposed using a portion of the 100-foot-wide ag buffer as seasonal wetlands. The remainder of the 100-foot-wide buffer would be orchards.
- ***Drainage ditch as bio swale.*** It is unclear whether the MRIC Project as proposed includes a riparian corridor/seasonal wetlands along the entire drainage ditch that runs west-east through the property. Drawings indicate that the ditch would be underground on the western part of the project.

Suggested discussion topics:

1. Does the Commission support orchards in the 100-foot-wide portion of the ag buffer?
2. What are the Commission's design preferences for the drainage ditch that runs west-east through the property?

**Usable open space/habitat opportunities overlapping with the drainage systems, including pathways systems throughout with public access and interpretive exhibits.**

- Public access would be provided on the privately owned, 50-foot-wide, ag transition area.
- Public access would be provided on the privately owned riparian corridor.
- Unclear if developers are proposing interpretive exhibits in these areas.

Suggested discussion topics:

1. Is there enough publicly accessible open space on the project site?
2. Is the Commission supportive of publicly accessible open space that is privately owned?
3. Does the Commission want to say anything about interpretive exhibits?

**Use of native species and drought tolerant landscaping that creates wildlife habitat value, such as native pollinators**

- Current plant palette lacks a focus on both California/regional natives and plants providing ecological value to native animal species.
- Orchards are proposed in the ag buffer.

Suggested discussion topics:

1. Does the Commission want to say anything about California/regional natives and plants providing ecological value to native animal species on the project site?

**Maximize interconnectedness of open spaces and minimize open space with fragmented and linear edge effects**

- As proposed, the MRIC project's only open space is the partial ag buffer that runs along the eastern and northern edges of the project.
- It is unclear whether the MRIC project as proposed includes a riparian corridor running through the center of the project.

## Suggested discussion topics:

1. Does the Commission want to say anything about the size, shape, location, and interconnectedness of the open spaces on the project site?

### Overall

Does the Commission believe the MRIC project as proposed is consistent with the City Council's Guiding Principles, based on the discussion above?

### **Question #2**

What comments or recommendations does the Commission have regarding project design and proposed features?

Ideas/questions heard and discussed at the February 1, 2016 OS&H Commission meeting:

### **General**

- Minimize surface parking; project includes too much surface parking
- Concentrate development near I-80 to maximize the open space area; leave more of site undeveloped (reserve area north of drainage ditch for demonstration ag lands)

### **Native Pollinators**

- Plant only native species and pollinators on entire site

### **Net Ecological Benefit Concept**

Project must produce a "net ecological benefit," not just mitigate impacts. Restored riparian corridor helps. Burrowing owl sites that work helps. Orchards don't provide ecological benefit and aren't great for views. So project now doesn't produce a net ecological benefit. What improvements might provide a net ecological benefit? Some ideas:

- Restored riparian corridor and enhanced wildlife connectivity?
- Real burrowing owl habitat?
- Bike path/wildlife corridor all the way to Yolo Bypass?
- No buildings on 25 acres?
- Securing 25 acres elsewhere and donating money for startup/endowment for farm?
- Ag buffer for habitat not orchards?
- Ag mitigation per city ordinance?

### **City's 25 acres**

- Don't include the 25 acres in the project?
- Don't build anything on the City's 25 acres?
- Use the 25 acres for ag demonstration land?
- Provide alternative site for farm as part of ag mitigation?

### **East-West Drainage Ditch**

- Riparian corridor must run all the way through the project and be at least X feet wide; must connect to other wildlife corridors

### **Ag Buffer**

- Are orchards in the ag buffer a recommended use?
- Should an ag buffer also be on the northwest side of the project?
- Should the 50-foot-wide ag transition area (the publicly accessible part) be dedicated to the City instead of privately owned?
- Should the 100-foot-wide ag buffer area (the closed-to-the-public part) be required to have a conservation easement on it?

### **Ag Mitigation**

- What about adjacent mitigation land?
- Is the City's Howatt/Clayton property acceptable remainder ag mitigation land?

Attachment 1: Excerpt – Guiding Principles  
Attachment 2: Excerpt -- City's Ag Mitigation Ordinance  
Attachment 3: Excerpt – City's Ag Buffer Ordinance  
Attachment 4: Sample Calculation – City's Ag Mitigation Ordinance

## Attachment 1 Excerpt -- Guiding Principles

Each site will be required to mitigate with agricultural land on a 2 to 1 acre basis, as provided for in current ordinances and regulations. Agricultural conservation easements are a common tool to achieve the desired objectives. Additionally, discussions with Yolo County and the County Ag Commissioner will need to address the County's Ag buffer requirements and the potential opportunity for research fields within the Ag buffer, in addition to City standards for Ag buffers.

Careful consideration will need to be given to the design, maintenance and ownership of open space areas. Internal drainage, paseo, and pathway systems would likely be maintained by project. The potential budgetary impacts of any proposed City maintenance areas will be carefully evaluated in the fiscal analysis.

Other considerations would include:

- Significant LEED (or LEED equivalent) construction and practices throughout the innovation center.
- Use of advanced building materials.
- Water conservation, recycling and reuse.
- Storm water treatment and flow control through bio swales that allow conjunctive uses (habitat, wetland and water quality).
- Use of parking and rooftops for energy generation (and possible green roofs).
- Usable Open Space/Habitat opportunities overlapping with the drainage systems, including pathways systems throughout with public access and interpretive exhibits.
- Use of native species and drought tolerant landscaping that creates wildlife habitat value, such as native pollinators.
- Greenbelt spine(s) to interconnect the nearby neighborhoods.
- Maximize interconnectedness of open spaces and minimize open space with fragmented and linear edge effects.
- Integrate a robust urban forest for tree shade, aesthetics, carbon sequestration, and reduced heat island effects, while ensuring compatibility with PV systems.
- Utilize planting techniques to maximize successful growth of healthy trees over time (structural soils, cantilevered sidewalks, etc...)

**Attachment 2**  
**Excerpt – City’s Ag Mitigation Ordinance**

**GENERAL**

**40A.03.025 Agricultural land mitigation requirements.**

- (a) The city shall require agricultural mitigation as a condition of approval for any development project that would change the general plan designation or zoning from agricultural land to nonagricultural land and for discretionary land use approvals that would change an agricultural use to a nonagricultural use.
- (b) The city has determined that effectively locating mitigation lands provides increased protection of agricultural lands threatened with conversion to non-agricultural uses. Requirements and incentives are established in this article to direct mitigation to areas that are under threat of conversion. In recognizing the importance of the location of mitigation, the city has identified two general categories of agricultural mitigation: (1) adjacent mitigation; and (2) remainder mitigation. For every applicable development project, the determination as to whether a combination of adjacent and remainder mitigation shall be required or whether only remainder mitigation shall be required shall be based on site specific factors, as specified in this article. Adjacent mitigation is addressed in Section 40A.03.030; remainder mitigation is addressed in Section 40A.03.035.
- (c) Total mitigation for a development project shall not be less than a ratio of two acres of protected agricultural land for each acre converted from agricultural land to nonagricultural land. Location based factors (credits) for remainder mitigation contained in Section 40A.03.035 may result in ratios greater than 2:1. (Ord. 2300 § 1, 2007)

**ADJACENT MITIGATION**

**40A.03.030 Requirements for adjacent land mitigation.**

- (a) **Mitigation along the non-urbanized perimeter.** All new development projects adjacent to agricultural land that are subject to mitigation under this article shall be required to provide agricultural mitigation along the entire non-urbanized perimeter of the project. The required adjacent mitigation land shall be a minimum of one-quarter mile in width, as measured from the outer edge of the agricultural buffer required in Section 40A.01.050. Certain land uses listed in Section 40A.03.030(e) are exempt from the adjacency requirement.
- (b) **Satisfaction of adjacent agricultural mitigation.** Adjacent agricultural mitigation shall be satisfied by:
- (1) Granting a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to or for the benefit of the city and/or a qualifying entity approved by the city. Mitigation shall only be required for that portion of the land which no longer will be designated agricultural land, including any portion of the land used for park and recreation purposes.
  - (2) Mitigation credit for required adjacent mitigation is shown in the table below.

**Attachment 2**  
**Excerpt – City’s Ag Mitigation Ordinance**

**Required Adjacent Mitigation**

Location of mitigation land	Credit factor
Required minimum adjacent mitigation	1 times the number of acres protected

(3) If more than the required 2:1 mitigation acreage is required to create the adjacent mitigation land, no more than twice the project acreage shall be required to satisfy the mitigation requirements of this chapter. If more than twice the project acreage is required to satisfy the minimum one-quarter mile requirement, the configuration of the mitigation land shall be determined by the city council. In determining the configuration of the mitigation land, the city council shall consider factors such as, but not limited to, the following: (A) the shape of the mitigation land; (B) the quality of the soil in the mitigation land; (C) contamination of the mitigation land; (D) whether the mitigation land is in common ownership or owned by multiple owners; (E) fragmentation from other agricultural lands or connectivity to agricultural land; and (F) the existing use of the mitigation land.

(4) The Davis planning area includes clusters of rural residential parcels that, due to their size and spacing, preclude commercial farming operations. For purposes of this article, a “cluster of rural residential parcels” shall mean a group of parcels where the majority of parcels have an existing residential structure and an average size of less than ten acres. If the required adjacent mitigation land includes a cluster of existing rural residential parcels, the city council may treat the cluster of rural residential parcels as part of the development project and allow the required adjacent mitigation land to be located on the outside edge of the cluster of rural residential parcels. If the city council chooses to do so, that decision shall not increase the total amount of adjacent mitigation required by the development project.

(c) **Exclusion of agricultural buffer from adjacent mitigation.** The land included within the agricultural buffer required by Section 40A.01.050(c) shall not be included in the calculation for the purposes of determining the amount of land that is required for mitigation.

(d) **Alternative mitigation proposals.** The city council may approve mitigation that does not meet the adjacency requirement if an alternative mitigation proposal meets the intent of this chapter and would have extraordinary community benefits. Alternative mitigation proposals may be approved if the following three factors are present, and the city council makes appropriate findings:

- (1) The alternative mitigation is threatened by demonstrated growth pressure equal to or greater than that faced by areas adjacent to the project site. Demonstrated growth pressure shall be established by a comparison of current land value of the alternative site and the adjacent site. Valuation analysis shall be prepared by an independent certified appraiser; and
- (2) The alternative mitigation is strategically located and provides one or more of the following: (A) protects a locally unique resource, (B) provides connectivity between existing protected or agricultural lands, (C) due to its location provides protection of other lands and resources in the Davis planning area and/or (D) located within a city-identified priority open space acquisition area; and
- (3) The alternative mitigation is of a size that facilitates protection of the targeted resource and its long term management.

**Attachment 2**  
**Excerpt – City’s Ag Mitigation Ordinance**

(e) **Exemptions.** The following land uses are exempt from the adjacent mitigation requirements of this article, but not the remaining provisions:

- (1) The following projects, so long as they are not a part of a larger development project: permanently affordable housing, public schools, and public parks.
- (2) That portion of a development project abutting land already protected by permanent conservation easements or by some other form of public ownership that guarantees adjacent lands will not be developed for urban uses.
- (3) That portion of a development project abutting a limited access public road such as Interstate 80 or State Highway 113.
- (4) Small projects, as defined in Section 40A.03.020. (Ord. 2300 § 1, 2007)

**REMAINDER MITIGATION**

**40A.03.035 Requirements for remainder land mitigation.**

(a) **General.** Remainder mitigation is mitigation land that is not required to be located at the non-urbanized perimeter of a project. Remainder mitigation may be located anywhere within the Davis planning area, subject to approval by the city council, in accordance with Section 40A.03.050. Incentives shall be provided for locating the remainder mitigation in areas targeted for protection by the city as shown in the table below.

- (b) **Satisfaction of remainder mitigation.** Remainder mitigation shall be satisfied by:
- (1) Granting a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to or for the benefit of the city and/or a qualifying entity approved by the city. Mitigation shall only be required for that portion of the land which no longer will be designated agricultural land, including any portion of the land used for park and recreation purposes.
  - (2) The following credits shall be applied to remainder mitigation land:

<b>Remainder Mitigation Table</b>	
<b>Location of mitigation land</b>	<b>Credit factors</b>
Adjacent to city limits and within ¼ mile of the city limits, excluding any land required as adjacent mitigation land.	2 times the number of acres protected
Adjacent to the required minimum adjacent mitigation land, if applicable	1 times the number of acres protected
Within city designated priority open space acquisition areas.	1 times the number of acres protected
Elsewhere in the Davis planning area	0.2 times the number of acres protected

**Attachment 2**  
**Excerpt – City’s Ag Mitigation Ordinance**

<b>Total</b>	Mitigation acreage, as adjusted by the credit factors for adjacent mitigation (see Section 40a.03.030) and remainder mitigation (above), must total two times the acreage changed to nonagricultural. If the calculation of credit factors results in actual mitigation that is less than 2:1, additional acreage within the Davis planning area shall be secured to satisfy the total mitigation ratio requirement.
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Location and configuration of the mitigation land must be approved by the city council, in accordance with the factors specified in Section 40A.03.035(a).

- (3) In lieu of conserving land as provided above, up to fifty percent of the remainder mitigation requirement may be satisfied by the payment of a fee based upon the fair market value of acquiring a farmland conservation easement or farmland deed restriction located adjacent to the city limits, subject to the following:
  - (A) For the purpose of establishing the in lieu fee, a qualified conservation easement appraiser shall establish the fair market value by conducting an appraisal of the required minimum adjacent mitigation land for the project. If no adjacent mitigation land is required for a project, the in-lieu fee shall be based on recent land transactions for properties located on and/or near the city limits. Appraisal costs shall be paid for by the developer or project applicant, and the qualified conservation easement appraiser shall be under contract with the city.
  - (B) The in lieu fee shall include a ten percent administrative fee to cover the city’s costs to implement mitigation.
  - (C) The in lieu fee shall include an inflator that takes into account the inflation of property values and shall include a standard assumption for the time it takes the city to acquire property for agricultural mitigation. The inflator shall be calculated based on a three-year average of the House Price Index (HPI) for the Sacramento Metropolitan Statistical Area compiled by the Office of Federal Housing Enterprise Oversight. The inflator shall be based on the three most recent years for which HPI data are available and shall be based on an assumption that the city will spend the in lieu fee within three years from the payment date.
  - (D) The in lieu fee option must be approved by the city council.
  - (E) The in lieu fee, paid to the city, shall be used for farmland mitigation purposes, with priority given to strategically located lands with prime agricultural soils and high habitat value.
- (c) **Exclusion of agricultural buffer from mitigation land.** The land included within the agricultural buffer required by Section 40A.01.050(c) shall not be included in the calculation for the purposes of determining the amount of land that is required for mitigation.
- (d) It is the intent of this article that the city shall work in a coordinated fashion with the habitat conservation objectives of the Yolo County Natural Heritage (NCCP/HCP) program. It is the intent of this article to not allow stacking of easements, except easements covering riparian corridors that may be subject to

**Attachment 2**  
**Excerpt – City’s Ag Mitigation Ordinance**

agricultural and habitat easements and that do not generally exceed five percent of the total area on any particular easement of agricultural mitigation land shall be permitted. (Ord. 2300 § 1, 2007)

**40A.03.050 Lands eligible for remainder mitigation.**

This section shall only apply to remainder mitigation.

(a) The agricultural mitigation land shall be located within the Davis planning area as shown in the Davis general plan. In making their determination to accept or reject proposed mitigation land, the following factors shall be considered by the city council:

(1) The lands shall be compatible with the Davis general plan and the general plans of Yolo and Solano counties.

(2) The lands shall include agricultural land similar to the acreage, soil capability and water use sought to be changed to nonagricultural use.

(3) The lands shall include comparable soil types to that most likely to be lost due to proposed development.

(4) The property is not subject to any easements, contamination, or physical conditions that would legally or practicably preclude modification of the property's land use to a nonagricultural use.

(5) The easement configuration(s) would be grossly irregular such that it precludes efficient agricultural operation or bisects existing farm irrigation systems and does not protect other natural resources, such as stream corridors.

(b) The advisory committee shall recommend to the city council acceptance of agricultural mitigation land of twenty acres or more by a qualifying entity and/or the city, except that it may consider accepting smaller parcels if the entire mitigation required for a project is less, or when the agricultural mitigation land is adjacent to larger parcels of agricultural mitigation land already protected. Contiguous parcels shall be preferred.

(c) Land previously encumbered by a conservation easement of any nature or kind is not eligible to qualify as agricultural mitigation land. (Ord. 2300 § 1, 2007)

**Attachment 3**  
**Excerpt – City’s Ag Buffer Ordinance**

**40A.01.050 Agricultural buffer requirement.**

(a) In addition to the right to farm deed restriction and notice requirement, the city has determined that the use of property for agricultural operations is a high priority. To minimize future potential conflicts between agricultural and nonagricultural land uses and to protect the public health, all new developments adjacent to designated agricultural, agricultural reserve, agricultural open space, greenbelt/agricultural buffer, Davis greenbelt or environmentally sensitive habitat areas according to the land use and open space element maps shall be required to provide an agricultural buffer/agricultural transition area. In addition, development limits or restricts opportunities to view farmlands. Public access to a portion of the agricultural buffer will permit public views of farmland. Use of nonpolluting transportation methods (i.e., bikes), and use of the land to fulfill multiple policies including, but not limited to, agricultural mitigation and alternative transportation measures meets the policy objectives of the Davis general plan. The agricultural buffer/agricultural transition area shall be a minimum of one hundred fifty feet measured from the edge of the agricultural, greenbelt, or habitat area. Optimally, to achieve a maximum separation and to comply with the five-hundred-foot aerial spray setback established by the counties of Yolo and Solano, a buffer wider than one hundred fifty feet is encouraged.

(b) The minimum one-hundred-fifty-foot agricultural buffer/agricultural transition area shall be comprised of two components: a fifty-foot-wide agricultural transition area located contiguous to a one-hundred-foot-wide agricultural buffer located contiguous to the agricultural, greenbelt, or habitat area. The one-hundred-fifty-foot agricultural buffer/transition area shall not qualify as farmland mitigation pursuant to Article 40A.03 of this chapter.

(c) The following uses shall be permitted in the one-hundred-foot agricultural buffer: native plants, tree or hedge rows, drainage channels, storm retention ponds, natural areas such as creeks or drainage swales, railroad tracks or other utility corridors and any other use, including agricultural uses, determined by the planning commission to be consistent with the use of the property as an agricultural buffer. There shall be no public access to the one-hundred-foot agricultural buffer unless otherwise permitted due to the nature of the area (e.g., railroad tracks). The one-hundred-foot agricultural buffer shall be developed by the developer pursuant to a plan approved by the community services director or designee. The plan shall include provision for the establishment, management and maintenance of the area. The plan shall incorporate adaptive management concepts and include the use of integrated pest management techniques. The property shall be dedicated to the city in fee title, or, at the discretion of the city, an easement in favor of the city shall be recorded against the property, which shall include the requirements of this article.

(d) The following uses shall be permitted in the fifty foot agricultural transition area: bike paths, community gardens, organic agriculture, native plants, tree and hedge rows, benches, lights, trash enclosures, fencing, and any other use determined by the planning commission to be of the same general character as the foregoing enumerated uses. There shall be public access to the fifty-foot agricultural transition area. The fifty-foot agricultural transition area shall be developed by the developer pursuant to a plan approved by the community services director or designee. Once the area is improved, approved, and accepted by the community services department, the land shall be dedicated to the city.

(e) The city reserves its right to form a special benefit assessment district, or other applicable district as is permitted under state law, and to maintain the agricultural buffer and transition area once the land is improved, dedicated, and annexed. (Ord. 1823 § 1; Ord. 2300 § 2, 2007; Ord. 2390 § 3, 2012)

**Attachment 4**  
**Sample Calculation – City’s Ag Mitigation Ordinance**

<b>City Municipal Code Section 40A</b>			
<b>Example: If a development project converts 500 acres of ag land to non-ag land</b>			
Acres of ag land developer's project converts to non-ag land:		500	
Acres developer needs to satisfy the 2:1 ag mitigation requirement:		1,000	
	<b>Applicable ratio</b>	<b>Actual acres developer protects</b>	<b>Acres that count toward the ag mit req</b>
<b>First -- Land Adjacent to Project</b>			
Acres adjacent to project; along non-urbanized perimeter of project	1:1	200	200
<b>Second -- Land Not Adjacent to Project</b>			
Acres adjacent to city limits and within ¼ mile of the city limits	2:1	200	400
Acres adjacent to the required minimum adjacent mitigation land	1:1	0	0
Acres within city designated priority open space acquisition areas	1:1	200	200
Acres elsewhere in the Davis planning area	0.2:1	1,000	200
	<b>Total</b>	<b>1,600</b>	<b>1,000</b>
Notes:			
(1) Developers do not have to mitigate the acres used for the ag buffer.			
(2) The above ag mitigation requirement has not been put into practice yet.			
a. Wildhorse, Evergreen, El Macero -- all built under previous version which required only 1:1 ag mitigation and/or in-lieu fee.			
b. The Cannery -- project was zoned industrial, so no ag land was converted in developing The Cannery.			
c. Covell Village -- the above ag mitigation requirements were calculated and doable, but the project was voted down.			