

# LAND ACQUISITION & STEWARDSHIP

## POLICIES & PROCEDURES

## ACQUISITION PROCESS OVERVIEW

Staff shall utilize the following processes to bring acquisition projects involving the Open Lands Program to completion. These processes are represented by both a Flow Chart and a Narrative. These processes apply to projects that are staff-initiated, partner-initiated, or a result of an outside inquiry.

---

### Definitions:

---

These colors appearing throughout the following policies and procedures indicate that the corresponding process, procedure, or step applies to and must be completed or followed for that acquisition project type, unless a compelling reason not to do so exists, and is noted accordingly.

**Non-ownership interest (expertise/discretionary donation):** Acquisition projects in which the County will not acquire any ownership interest, and requiring only staff expertise or an amount of funding from the Open Lands Program that is within the discretionary spending limit of the Open Lands Manager (typically transaction costs).

**Non-ownership interest (larger donation):** Acquisition projects in which the County will not acquire any ownership interest, and requiring an amount of funding that exceeds the discretionary limit of the Open Lands Manager (generally exceeding transaction costs).

**Secondary ownership interest (Partner projects):** Acquisition projects in which the County will acquire an ownership interest, but the County is not the lead entity facilitating the project. Common examples of these projects are generally partnership projects resulting in the county acquiring:

- A secondary fee-title interest,<sup>1</sup>
- A secondary conservation easement interest, or
- A primary conservation easement interest acquired as part of another entity's acquisition of the fee title interest in the same property.

**Primary ownership interest:** Acquisition projects in which the County will acquire an ownership interest, and is the lead entity facilitating the project. Common examples of these projects result in the County acquiring:

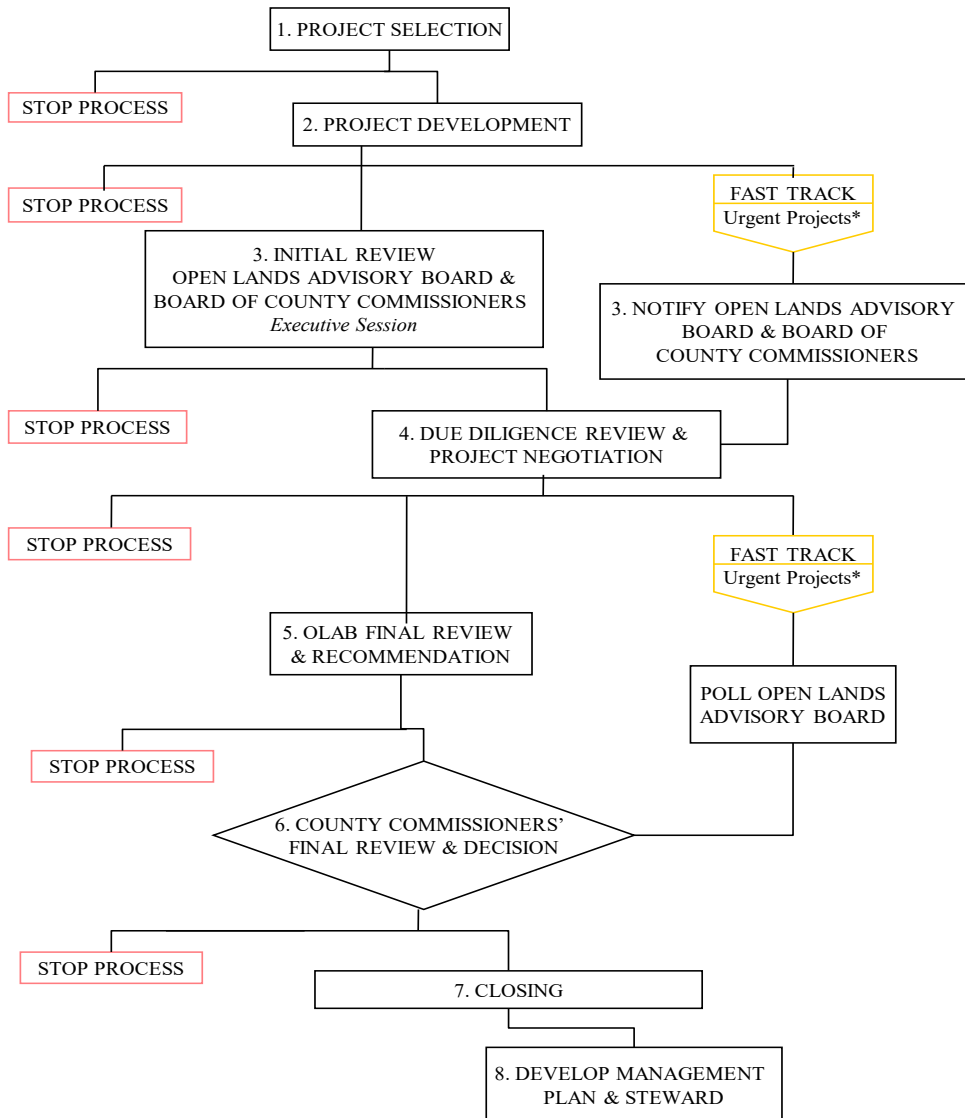
- A primary fee-title interest, or
- A primary conservation easement interest.

---

<sup>1</sup> When the County acquires a 50% interest, the lead entity's process should apply. If there is no obvious lead entity, the acquisition project may be processed according to the partner that will have primary stewardship and/or management responsibilities.

### Acquisition Process Overview (Flow Chart)

[Refer to Narrative for more details]





\* Urgent Projects are determined on a case-by-case basis, but generally the reason for the urgency must be out of the control of the party seeking the Fast Track, to qualify.

## Acquisition Process Overview (Narrative)

[Refer to Flow Chart for visual representation]


### 1. Project Selection


- |                          |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A. Review the project description, maps, budget, and partnership request.   |
|                          |                          |                          | <input type="checkbox"/> | B. Conduct preliminary discussions with landowner or representative, and provide <a href="#">Landowner Information Packet</a> as appropriate.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | C. Examine project using <a href="#">Project Selection &amp; Evaluation Criteria</a> .  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | D. Decide to proceed or not and notify the landowner/representative of the  decision.<br>(refer below) |

 Any time this stop sign appears in this document, the Open Lands Manager may decide to **STOP THE PROCESS** based on feedback from Boards, information learned through the review process, or a breakdown in negotiations. If so, he/she may decide to:


- a) Refer to another agency or Rural Land Use Center,
  - b) Act as partner, not lead,
  - c) Put the project on hold as a lower priority, or
  - d) Reject the project if it fails to satisfy the Initial Screening Criteria or performs poorly on the Project Evaluation Criteria.
- Should the Open Lands Manager decide to stop the process, Staff will notify the landowner/representative of the decision.
  - Should the Open Lands Manager decide to proceed with the process as the lead entity, Staff will proceed with the following process.
  - Should the Open Lands Manager decide to proceed with the process as partner, not lead, Staff will proceed with the following process as a partner entity moves forward with the project.

### 2. Initial Review - Open Lands Advisory Board (OLAB)<sup>3</sup> & Board of County Commissioners (BOCC)

- |                          |                          |                          |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A. Perform Initial Review with OLAB & BOCC and receive direction to move forward with acquisition process. <sup>4</sup>  |
|--------------------------|--------------------------|--------------------------|---|

 **FAST TRACK:** Urgent projects may require notifying OLAB & BOCC instead of scheduling an Initial Review.



### 3. Project Development

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | A. View the property. <sup>5</sup>   |
|                          | <input type="checkbox"/> | B. Investigate potential partners and funding sources, develop and review preliminary preservation options and preliminary financing and budget with staff and partners.  |



<sup>3</sup> OLAB is a citizen advisory board that advises Larimer County Open Lands on acquisitions and other matters relating to the program. Department staff would ask that OLAB recommend the acquisition to the Larimer County Board of County Commissioners.

<sup>4</sup> Note: There may be several iterations of initial review as project is developing.


<sup>5</sup> Note: This could occur at any point in the process, numerous times, by multiple staff, as appropriate.


- C. Develop and review preliminary management issues and options with staff. 
- D. Conduct negotiations with property owner. 

**4. Due Diligence Review & Project Negotiation –**


- A. Complete [Due Diligence Review Procedure](#) checklist according to project acquisition type. The following provides an overview of the major steps in the Due Diligence Review process. Some of the steps may not be necessary in all cases. 
  - i. Phase 1 Environmental Assessment
  - ii. Value Determination (Appraisal)
  - iii. Title Review (Title Commitment, Minerals Report, Water Rights Review)
  - Survey
- B. Prepare contract and execute it with owner and County Manager (contingent upon BOCC final approval). 
- C. Prepare draft conservation easement, as appropriate
- D. Prepare partnership agreement with cooperating agency, as appropriate.

**5. Open Lands Advisory Board Final Review & Recommendation**

- A. Perform Final Review with OLAB & BOCC, solicit public comment, and receive recommendation from OLAB, and vote on motion to approve or deny contract from BOCC.
- B. Solicit public comment.
- C. Make recommendation to County Commissioners. 

 **FAST TRACK:** Urgent projects may require polling the Open Lands Advisory Board instead of scheduling a Final Review.

**6. County Commissioners' Final Review & Decision**

- A. Review and discuss [Final Review](#) and [Project Evaluation Criteria](#), including transaction terms and conditions in public meeting.
- B. Motion and vote on approval or denial of contract. 

**7. Closing**

- A. Prepare [Baseline Report](#) (for Conservation Easements) to be signed at closing.
- B. Schedule closing, arrange for transfer of funds, and execute and record deed.

**8. Develop Management Plan & Monitor**

- A. Develop [Management Plan](#) within one year of closing.
- B. Regularly monitor conservation easements to ensure compliance with easement terms.