



The Online Division of The Sacramento Bee

This story is taken from [Daniel Weintraub](#) at sacbee.com.

Daniel Weintraub: Farmland battle shows eminent domain in practice

By Daniel Weintraub -- Bee Columnist
Published 2:15 am PDT Thursday, July 28, 2005

When Steve Gidaro gazes out across the sprawling Conaway Ranch, sandwiched between the Sacramento River and the city of Davis, he sees waterfowl to preserve and hunt, rich farmland producing rice, wheat and tomatoes, and huge, open tracts that hold value as habitat for the endangered Swainson's hawk and giant garter snake.

Gidaro grew up in suburban Sacramento but began hunting at a young age and learned from his father a love for Northern California's wetlands. Although he is a local developer, he says he has no desire to build on the ranch he owns with several partners.

"We can do wildlife-friendly farming and conservation and make money at the same time," Gidaro told me this week.

But when the members of the Yolo County Board of Supervisors look at the same land, they see a threat. They worry that Gidaro or some future owner will fallow the land and sell its water rights, try to build thousands of homes or commit so much of the land to habitat preservation that commercial farming, a key part of the county's mostly rural economy, will no longer be viable.

"It's our land," Supervisor Mike McGowan told me.

It isn't, yet. But McGowan and the other members of the board's majority would like the land to be owned by the government. And since Gidaro and his partners aren't selling, the county has gone to court to seek a forced sale, through the power of eminent domain.

Eminent domain has been in the news a lot lately. The U.S. Supreme Court, in a decision last month, ruled that government can force the owner of private property to sell and then transfer the land to another private owner for no greater reason than that the use the public agency has in mind might produce more tax revenue than is being paid by the people who own it now. A California state senator, meanwhile, has proposed a state constitutional amendment that would limit the use of eminent domain to cases where the public controls or uses the property it forces someone to sell.

Neither the decision nor the proposed new law would come into play on Conaway Ranch, because here the government - Yolo County - intends to retain ownership of the land and manage it on behalf of the public. But the case still bears watching as a breathtaking example of the sweeping powers that eminent domain vests in the hands of a few people, in this case a four-person majority on the county's five-member governing board.

Consider that the county is talking about buying, by force, a ranch that covers 17,000 acres, nearly three times the size of the nearby city of Davis, home to a campus of the University of California. The land is farmed by 20 different operations, comes with rights to 50,000 acre-feet of water and is dotted with working natural gas wells. Nearly half the land sits within the Yolo Bypass or the Cache Creek Settling Basin, two areas that while farmed, are subject to frequent winter flooding.

The county, despite its desires, doesn't have the money to buy the ranch, even in a forced sale. So it is counting on a grant or loan of as much as \$50 million from the Rumsey Band of Wintun Indians, who operate a casino up the road (approved by the county). So far, nobody has spelled out exactly what the tribe would get in exchange for its generosity. But the county is backing legislation that

would permit the Rumsey Band to serve as one member on a new governing board that would manage the ranch's assets and could earn income off its resources.

The entire proposal is troubling. The county seems to assume that these acres would be better managed by a public agency than private owners, but the land has been in private ownership for more than a century and, even according to the county, remains a jewel to be protected. The ranch is managed now by the same people who have been its stewards for more than 15 years. Given the restrictions that are already on the land, the ranch's owners have an economic incentive to preserve the vast majority of the property in its current state.

Still, county officials say they are worried that, even if no visible threat exists today, nobody knows what the owners will do in the future. Yet the land is currently zoned for agriculture and is limited to that use in the county's general plan.

The Board of Supervisors would have to approve any change. And while the county complains that the current owners will not guarantee that they will never seek to build on the land, the county itself is not willing to offer such an ironclad promise.

The bottom line: Land that is under competent, private management and is being put to economically productive yet environmentally sensitive uses would be taken by the government through a forced sale in a sort-of pre-emptive strike against potential and entirely hypothetical future harm.

That just doesn't seem right.

About the writer:

- The Bee's Daniel Weintraub can be reached at (916) 321-1914 or at dweintraub@sacbee.com. Readers can see his daily Weblog at www.sacbee.com/insider

Go to: [Sacbee](#) / [Back to story](#)

This article is protected by copyright and should not be printed or distributed for anything except personal use.
The Sacramento Bee, 2100 Q St., P.O. Box 15779, Sacramento, CA 95852
Phone: (916) 321-1000

[Copyright © The Sacramento Bee](#)