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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2007-12

AN ORDINANCE

**AMENDING SECTION 14-8.15 SFCC 1987 REQUIRING THE DEDICATION OF LAND
OR EASEMENTS FOR THE PURPOSE OF PUBLIC, NON-MOTORIZED TRAILS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

**Section 1. Section 14-8.15 SFCC 1987 (being ordained as Ord. No. 2003-35, § 4)
is amended to read:**

**14-8.15 DEDICATION AND DEVELOPMENT OF LAND FOR PARKS, OPEN SPACE,
TRAILS AND RECREATIONAL FACILITIES**

**Section 2. Section 14-8.15(A) SFCC 1987 (being ordained as Ord. No. 2003-35,
§4) is amended to read:**

(A) Purpose

- (1) The Governing Body deems it in the best interest of the City and its citizens that adequate provision is made for parks, open space, trails, and recreational facilities, and for City maintenance thereof.
- (2) These regulations shall provide standards for the dedication of land or easements to the City to assist in implementing the City's Parks, Open Space, Trails and Recreation Master Plan.
- (3) These regulations shall provide standards based upon the average number of persons per housing unit according to Census 2000 which is 2.0 persons per unit for the City of Santa Fe.

- 1 (4) Land dedicated for neighborhood parks shall be based upon a rate of
- 2 three (3) acres per one thousand (1,000) persons, or per five hundred
- 3 (500) housing units.
- 4 (5) Land dedicated for regional parks, community parks, open space and
- 5 trails shall be based upon a rate of twelve (12) acres per one thousand
- 6 (1,000) persons, or per five hundred (500) housing units.
- 7 (6) For useable park land, park dedication should result in a park area of no
- 8 less than one (1) acre.
- 9 (7) Land or easements dedicated for public, non-motorized trails may be
- 10 used to satisfy the requirement for dedication of regional parks under
- 11 paragraph (5) above, and to establish an interconnected regional
- 12 transportation system.

13 **Section 3. Section 14-8.15(B) SFCC 1987 (being ordained as Ord. No. 2003-35,**
14 **§4) is amended to read:**

- 15 **(B) Applicability**
- 16 (1) Except as limited in paragraph (B)(3) below, this section shall apply to
- 17 applications for subdivision or development approvals that create new
- 18 residential lots or dwelling units submitted after the effective date of this
- 19 section.
- 20 (2) Developments which are part of an annexation plat, master plan or
- 21 similar document which dedicated park land in compliance with §14-
- 22 8.15 are not required to comply at time of individual subdivision or plan
- 23 approval.
- 24 (3) Public, non-motorized trail dedication requirements set forth in §14-
- 25 8.15(D) shall only apply to all subdivision for residential lots and

1 development plan approvals for nonresidential uses requiring approvals
2 by the Planning Commission or the Summary Committee.

3 **Section 4. [NEW MATERIAL.] A new Section 14-8.15 (D) SFCC 1987 is**
4 **ordained to read:**

5 **(D) Public, Non-Motorized Trail Dedication Requirements**

6 (1) Dedications to the City for the purpose of public, non-motorized trails
7 shall be made either by the dedication of fee simple land or by dedication
8 of a public easement as determined by city staff. Such dedications are
9 required wherever the approved Parks, Opens Space, Trails and
10 Recreation Master Plan indicates a trail within or along the property line
11 of a parcel to which §14-8.15 applies. The City may, at its discretion,
12 also require trail dedication where it can be demonstrated that public trail
13 use has occurred continuously for a period of ten (10) years or more, as
14 demonstrated by city staff through aerial photography supplemented by
15 written testimony from affected parties.

16 (2) Staff shall determine the width of the required dedication based on the
17 type of trail, existing topography and current City standards. The
18 alignment of the trail may be modified by staff from that shown in the
19 Parks, Opens Space, Trails and Recreation Master Plan in order to
20 accommodate preservation of natural resources, address drainage and
21 topography, improve public access, or to accommodate design goals of
22 the property owner as long as the connections between public rights of
23 ways, open space or parks shown on the Parks, Opens Space, Trails and
24 Recreation Master Plan is accomplished.

25 (3) The dedication for the trail shall be shown on the subdivision plat or final

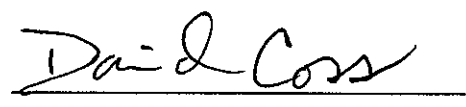
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development plan.

(4) If the area dedicated for a trail is in partial fulfillment toward the regional park land dedication requirements, then the City at its discretion may pro-rate the fee that would ordinarily be required.

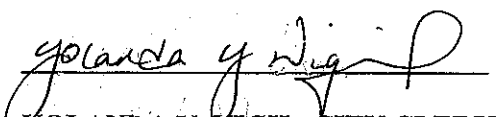
(5) The developer shall be responsible for the development of the trail in accordance with City's standards. The City is responsible for maintenance of the trail upon inspection and acceptance of the improvements.

PASSED, APPROVED and ADOPTED this 25th day of April, 2007.

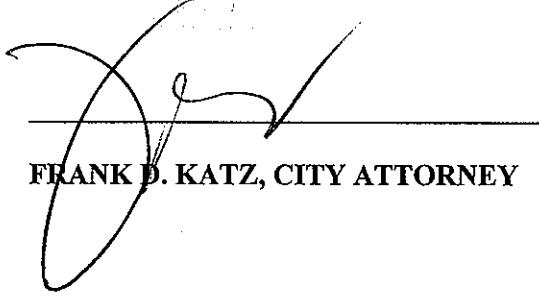


DAVID COSS, MAYOR

ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:


FRANK D. KATZ, CITY ATTORNEY