

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE NO. 2026-03

**AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE DISPOSITION OR
CHANGE OF USE OF REAL PROPERTY UNDER SANTA FE COUNTY'S OPEN
SPACE, TRAILS, AND PARKS PROGRAM**

**BE IT ORDAINED BY THE SANTA FE COUNTY BOARD OF COUNTY
COMMISSIONERS:**

SECTION 1. SHORT TITLE.

This Ordinance shall be cited as the "Procedure for the Disposition or Change of Use of Real Property under Santa Fe County's Open Space, Trails and Parks Program."

SECTION 2. PURPOSE AND LEGISLATIVE AUTHORITY

NMSA 1978 § 4-37-1 (1975) authorizes the Board of County Commissioners to adopt rules and regulations pertaining to open spaces, trails and parks.

The purpose of this Ordinance is to establish a transparent, public process to aid in decision-making when a proposal is made to either dispose of or change the use of an open space, trail or park property.

SECTION 3. DEFINITIONS.

For the purpose of this policy, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (A) Board of County Commissioners (Board). The Board of County Commissioners for Santa Fe County.
- (B) County Open Lands, Trails and Parks Advisory Committee (COLTPAC). Advisory committee to the Board of County Commissioners on matters relating to open spaces, trails, and parks.
- (C) Change of Use. The conversion of all or a portion of an open space, trail, or park property to another use such as residential, commercial, industrial, or any other use that substantially alters the purpose or activity for which the property is used.
- (D) Community Organization. An organization that is recognized by resolution of the Board of County Commissioners to represent a specified geographical area, as defined by the Sustainable Growth Management Plan.
- (E) Disposition. The conveyance of an open space, trail, or park property by sale, donation, or any other means.

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- (F) Open Space, Trails, and Parks.
 - (1) Those properties acquired by the County and so designated in the adopted Open Space, Trails, and Parks Strategic Management Plan, as amended.
 - (2) Any other properties so designated at the time of acquisition or subsequently.
- (G) Requestor. Person, entity, or organization submitting a proposal for the disposition or change of use of an open space, trail, or park property.

SECTION 4. PROCEDURE.

- (A) Requestor.
 - (1) Any requestor may submit a proposal for the disposition or change of use of an open space, trail, or park property, provided that (a) any requestor subject to the Santa Fe County Code of Conduct must comply with that code, and (b) any private party must disclose a financial interest, if any, that they or an immediate family member has in the outcome of the proposal.
 - (2) Any requestor representing a firm, company, corporation or other private or public organization must disclose that representation in the proposal.
- (B) Proposal. The requestor must complete a written proposal and provide supporting documentation demonstrating why the requestor believes the property should be disposed of or have a change in use.
 - (1) The proposal should include the following information to the best knowledge of the requestor:
 - a. Identify the specific disposition or change of use being proposed, and how that disposition or change of use will benefit and/or be consistent with surrounding properties and property uses;
 - b. Original purpose, funding source, and enabling legislation related to the County's acquisition of the property;
 - c. Identification of the community groups, neighboring area residents and other members of the public that were involved with the initial acquisition;
 - d. Community expectations of the property at the time of acquisition and how those may have changed;
 - e. A site-specific analysis that describes how, in the opinion of the requestor, the property no longer contains significant natural, recreational, historic, cultural or other resource values, the loss of which could not be mitigated; or a determination that the property no longer serves or is consistent with these values;
 - f. Evidence that maintaining and managing the property poses an extraordinary burden on County resources; and
 - g. Whether the County's property is an inholding or adjacent to land held by a property owner or manager who is willing to acquire the land and has demonstrated responsible stewardship of adjacent or similar property.
 - (2) Proposals may be submitted at any time.

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(C) COLTPAC Review.

- (1) Any proposal must first be submitted to COLTPAC—via the County’s COLTPAC staff liaison—for review.
- (2) The COLTPAC staff liaison will review the proposal for completeness.
- (3) After COLTPAC is notified by the liaison that the proposal is complete, COLTPAC shall conduct a preliminary review at a public meeting to determine if it merits formal review per the process specified in paragraphs (4) through (6) below. All proposals initiated by Santa Fe County staff or elected officials are to be formally reviewed by COLTPAC and brought to the Board for consideration.
- (4) If COLTPAC determines that the proposal merits formal consideration, it shall:
 - a. Notify and consult with any related stakeholder groups, individuals, or organizations (to the extent that those groups, individuals, or organizations can be located) that:
 1. Played a role in the property’s acquisition or maintenance; or
 2. Live within a one-mile radius of the property in question; or
 3. Currently have a documented interest in the property’s values, use, or maintenance; or
 4. Have ancestral ties to the property and/or ties of custom and culture.
 - b. If the open space, trail, or park property is located within the boundary of a Community Organization, notify and consult with that Community Organization.
 - c. Consider the consistency of the proposal with the adopted Santa Fe County comprehensive plan; Santa Fe County strategic plan; Open Space, Trails, and Parks strategic plan; and/or any other related plans.
 - d. Request additional information from the requestor, as appropriate.
- (5) COLTPAC shall consider proposals for property dispositions or change of use during a public meeting, during which COLTPAC shall vote to recommend approval, conditional approval, or denial of the proposal, or to table the proposal to a future meeting date.
- (6) COLTPAC shall transmit its recommendation to the Board, along with a written analysis, for all proposals whether or not the proposal receives a formal review.

(D) Decision.

- (1) After receiving COLTPAC’s recommendation, the Board shall hold two public hearings prior to voting on the property disposition or change of use. At these hearings, staff will present COLTPAC’s recommendation and written report. Members of the public will have the opportunity to submit written comments and provide oral testimony.
- (2) At the conclusion of the second public hearing, the Board shall then approve, conditionally approve, or deny the property disposition or change of use. Conditional approval may include terms, conditions and deed restrictions concerning the development and use of the property. Every approved disposition shall be subject to a condition mandating compliance with applicable state laws, including but not limited to NMSA Sections 13-6-2 and 13-6-2.1.

(E) Sale of Property. If the property is sold, the proceeds of the sale shall go toward the Open Space, Trails and Parks Program.

SECTION 5. SEVERABILITY.

If a provision of this Ordinance or its application to any person or circumstance is held by a court of competent jurisdiction to be invalid, the invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of the Ordinance are severable.

SECTION 6. EFFECTIVE DATE.

The effective date of this Ordinance shall be thirty (30) days after this Ordinance is recorded with the County Clerk.

PASSED, APPROVED AND ADOPTED ON THIS 28 DAY OF April, 2026.

SANTA FE COUNTY
THE BOARD OF COUNTY COMMISSIONERS

By: _____

Justin S. Greene, Chair

ATTEST:



Katharine E. Clark
Santa Fe County Clerk

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for Record On The 1ST Day Of May, 2026 at 03:19:48 PM and Was Duly Recorded as Instrument # 2082690 of The Records Of Santa Fe County

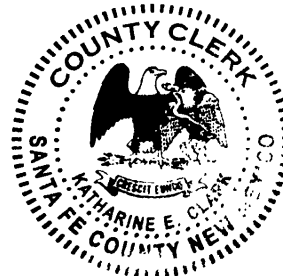
Witness My Hand And Seal Of Office
Katharine E. Clark
County Clerk, Santa Fe, N.M.

Deputy 

Approved as to Form:



Walker Boyd
Santa Fe County Attorney



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