

CHAPTER 16

TRAIL EASEMENT REGULATION

16.01 Scope and Purpose. This regulation is established to provide a procedure by which permanent easements may be obtained by the Association for riding and hiking trails. The riding and hiking trail system in Rancho Santa Fe as implemented by this regulation serves the purposes discussed in the following subsections:

16.0101 Rural Character. Rancho Santa Fe is distinguished by its rural character. A primary element of the rural character of Rancho Santa Fe is its accommodation and promotion of equestrian activities. Equestrian activities are supported by the private keeping of horses and the capability of Association members to ride on trails and through open spaces within the community. The rural character of the community is also enhanced by maintaining narrow roads without sidewalks in all areas but the village center. The development of trails assists in preserving this aspect of the community's character by eliminating the need to provide sidewalks or extensive shoulders along roads to accommodate non-vehicular traffic.

16.0102 Covenant-Wide System. The incremental expansion of a varied and interesting Association-maintained system of private riding and hiking trails has historically been, and continues to be, an important long-term goal of the Association.

16.0103 General Welfare. The formation of a system of trails dedicated to equestrian and hiking uses separates vehicular traffic from equestrian and pedestrian traffic, thereby maintaining the general welfare of Association members.

16.02 Major Land Use Changes; Association's Discretionary Authority. The following land use modifications to property under the jurisdiction of the Protective Covenant are hereinafter collectively referred to as "Major Land Use Changes": (1) the subdivision of land (Chapter 60); (2) boundary adjustments between parcels where one or more buildable parcels are created (Chapter 60 & 61); (3) the annexation of property to the jurisdiction of the Protective Covenant (Chapter 81); and (4) modifications to the Protective Covenant's local protective restrictions (Chapter 80) that are likely to result in intensification of trail use within Rancho Santa Fe. Major Land Use Changes will result in the creation of new property boundaries and spaces and/or intensification of land uses. The Association Board of Directors ("the Board"), in its discretion, may approve, conditionally approve or deny Major Land Use Changes. As part of such discretion, the Board has the authority and power to mitigate expected adverse land use impacts resulting from such Major Land Use Changes. The Board finds that requiring trail easement dedications from applicants as a condition to the Board's approval of Major Land Use Changes will mitigate the expected adverse land use impacts resulting from Major Land Use Changes, and will benefit the community character and its general welfare.

16.03 Trails Plan Map. The Board has adopted a Trails Plan Map that it periodically updates. The

Board may further update the Trails Plan Map from time to time pursuant to Board resolutions. Such updates shall not constitute an amendment to this regulation.

16.04 Easements.

16.0401 Acceptance of Trail Easements. The Manager is hereby authorized to accept dedications of revocable and irrevocable easements for trails on behalf of the Association.

16.0402 Trail Easement Dedication. The Board may require the applicant to dedicate a permanent, irrevocable easement for a riding and hiking trail on a property as a condition to the Board's approval of a Major Land Use Change, when any of the following listed conditions are found by the Board to exist:

- a. A desired trail is indicated on the adopted Trails Plan Map on said property; or
- b. An existing revocable easement exists for a trail on said property; or
- c. A trail is in use on said property, but has not been acquired by easement; or,
- d. An area on said property does not meet any other criteria listed above but, nevertheless, in the opinion of the Board, is found to constitute an appropriate route for inclusion in the trail system.

16.05 Factors for Board Consideration. In deciding whether to condition its approval of a Major Land Use Change on a trail easement dedication, the Board may consider whether trail construction would further the Association's goal of expanding trail linkages and whether such acquisition would enhance the general welfare of the trail users.

16.06 Trail Width. The standard width of a trail easement shall be 10 feet. The width of the trail easement dedication may deviate from the standard where, in the opinion of the Board, conditions require a greater or lesser width.

16.07 Future Trail Requirements. The Board may require a permanent, irrevocable trail easement even if the easement is for a small or unconnected portion of a trail or if the Association has no immediate plans for construction or improvement of that trail section.

16.08 Trail Surfacing. The Association has the right, but not the obligation, to develop and maintain all dedicated trail easements with surfacing materials that are deemed appropriate by the Association for equestrian and hiking trail use. This rule does not apply to driveways.

16.0801 Rule for Driveways. The provisions in this paragraph apply if (1) a property owner grants a trail easement to the Association as a condition to the Association's approval of the member's Major Land Use Change, and a pre-existing improved driveway or accessway crosses over any portion of such easement or (2) a property owner intends to construct a driveway or other accessway that will cross over a pre-existing trail easement. In either such case, the Association may require that the property owner install and maintain, at the property owner's expense, slip-resistant surface materials or surface treatments over that portion of the driveway or accessway that crosses over the easement.

16.09 Preparation and Recordation. All dedicated trail easements shall be on forms provided, or approved in advance, by the Association. If so requested by the Association, the property owner shall provide to the Association the proper legal description of the easement and reasonable evidence of the exact name of the legal owner(s) of the affected property, so that the Association can finalize the form and deliver it to the property owner for signature in the presence of a notary public. After the property owner signs the trail easement, the Association shall file the trail easement for record in the Office of the San Diego County Recorder.

16.10 Effective Date. The effective date of this chapter is March 17, 1994.

16.11 Amended Date. This chapter was amended at §§16.0103, 16.0104, 16.0302, 16.04, and 16.08 on January 15, 1998. This chapter was amended and restated on April 17, 2008.