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Commissioner, District 1

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Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



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Commissioner, District 4

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Commissioner, District 5

Katherine Miller
County Manager

Date: August 4, 2015

To: Board of County Commissioners

From: Penny Ellis-Green, Growth Management Director *PEG*
Willie Brown, Assistant County Attorney *WRB*

Via: Katherine Miller, County Manager
Gregory S. Shaffer, County Attorney

Re: Ordinance No. 2015-____. An Ordinance Amending The Land Development Code To Add A New Article XVII, Developments Of Countywide Impact To Regulate Landfills, Junkyards And Sand And Gravel Extraction Of A Certain Scale And Make Amendments To Other Articles Of The Land Development Code Related To The New Article XVII.

Summary:

On July 14, 2015 the Board gave authorization to publish title and general summary of the DCI Ordinance. A first public hearing to adopt this Ordinance was held on July 28, 2015. The hearing of August 11, 2015 is the second public hearing to adopt the Ordinance.

The timeline for adoption of the DCI ordinance is as follows:

- June 30 – Release of Ordinance and presentation to the BCC.
- July 14 – Request to BCC to publish Title and General Summary of the Ordinance.
- July 28 – First Public Hearing.
- August 11 – Second Public Hearing and Adoption of the Ordinance.

As stated, on July 28, 2015 the Board held the first public hearing on the DCI Ordinance. During that hearing, staff informed the Board that from July 6th to July 15th, it had held four Growth Management Area meetings on the proposed Ordinance throughout the County specifically at: Galisteo Community Center, Edgewood Fire Station, Nancy Rodriguez Community Center and Pojoaque Sixth Grade Academy Building. After each meeting, staff conferred with its contract consultants to review and address each verbalized or written public comment which were then entered onto a spreadsheet along with staff's recommendations.

An updated public comment spreadsheet capturing all public comments as of August 4th is attached as Exhibit C. Staff has reviewed *all* written public comments that have been received; this has resulted in numerous changes being proposed. However, some of the comments were not included for a variety of reasons, such as they were punitive, added new layers of bureaucracy, were vague or ambiguous, or were unnecessarily prescriptive.

Changes since the July 14th Board meeting

The attached ordinance includes changes that were presented at the July 28th BCC meeting. All changes since the version of the ordinance provided to the Board on July 14th are highlighted in yellow. Some are substantive, as with the new language in section 10.3.17. that addresses the noise and vibration levels that must be included in a blasting monitoring report. Other changes address syntax, punctuation, grammar, clarification, typographical errors and section numbering errors. Staff also explained that a map had been attached to the draft ordinance as an exhibit in response to public comment received on the boundaries of the Galisteo Basin.

The three corrected sections that were not included in the July 28th version of the draft ordinance but were presented and have now been corrected are set forth below.

4.6.56. The remedies described above are not inclusive remedies that are available to the County. (pg. 8)

* * *

10.3.17.1. Ground vibration shall not exceed 0.50 inches per second Peak Particle Velocity (PPV) at any property line, unless such property is owned by the operator and not leased to any other person. (pgs. 24-25)

* * *

~~10.3.25.6.~~10.3.26.5. **Prior to Approval of Reclamation Study.** In no case shall a location and time of excavation be approved that may have negative impacts on any state or federally designated endangered or threatened species, or critical habitat. (pg. 27)

Since the July 28th BCC meeting but not discussed during that meeting because changed afterwards, the following additional text changes were made to the draft ordinance as indicated in yellow highlight and also underscored and stricken:

1.1 Applicability

Mineral extraction activity for sand and gravel mining as defined in Article XVII of this Ordinance ~~construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials, (hereinafter: construction materials)~~ that affects less than 10 acres of land and extracts less than 20,000 tons of construction material, shall be allowed anywhere in the County, provided the requirements of this Land Development Code Ordinance are met.

1.1.2 [Section 1.1.2 shall be deleted in its entirety.]

1.7.2 [The following sentence of section 1.7.2 shall be deleted.] "Except as otherwise provided in this Ordinance, mining uses shall not be subject to the Code." (pg. 1)

3.3. Sand and Gravel Mining - Mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring loose rocks and materials such as granite, basalt, shale, slate and sandstone. Producing gravel like materials by blasting and breaking solid rock shall be included in this definition. (pg. 2)

4.6.3.1. the matter shall be referred scheduled for a hearing before a Hearing Officer, which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled as soon as is practicable but in no event longer than thirty (30) days after referral; (pg. 7)

4.6.3.5. the matter shall be referred scheduled to the Board for a hearing before the Board, which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled as soon as practicable, and after hearing, the Board may: (pg. 7)

Water system availability and capacity: (pg. 12) [Period removed from end of sentence under first column of Table 17-1]

10.2.1. * * * No applicant, operator or owner, whether individually or as an agent or corporate officer of any business entity, who has been granted an approval to operate a sand and gravel extraction operation of less than 10 acres of land or less than 20,000 tons of earth material shall be granted approval to operate an expanded or similar extraction operation on the same or contiguous property, where the total of any additional operation increases the extraction operation to one in excess of 10 acres of land, or to one in excess of 20,000 tons of earth material. [pg. 18]

10.3.4.5. Designation of Construction and Haul Routes. The application shall designate proposed truck haul and traffic routes that shall be subject to limitation by the BCC, which proposal shall:

1. Truck haul and traffic routes shall avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities, and already congested locations where possible;

2. identify Alternative routes shall also be identified;

3. identify the Timing of truck haul traffic may be limited by the BCC; and;
and

4. Applicant shall submit include a fugitive dust plan for designated routes to and prevent loss of loads and fugitive dust during excavation and transportation.

(pgs. 19-20)

10.3.17.2. Noise levels shall not exceed the values specified in Table 17-2 below:

1. Lower frequency limit of measuring system, Hz + 3dB ————— Maximum level in dB;
2. 0.1 Hz or lower — flat response — 134 peak;
3. 2.0 Hz or lower — flat response — 133 peak; or
4. 6.0 Hz or lower — flat response — 129 peak.

Table 17-2 Maximum Allowable Noise Levels.

Lower frequency limit of measuring system, Hz + 3dB	Maximum level in dB
0.1 Hz or lower — flat response	134 peak
2.0 Hz or lower — flat response	133 peak
6.0 Hz or lower — flat response	129 peak

(pg. 24)

10.3.25. Reclamation Plan and Bonding. A reclamation plan shall be provided that is designed and certified by a New Mexico registered professional engineer or landscape architect, and meets the reclamation standards specified below in Section 10.3.25. (pg. 26)

10.3.24. Phasing. * * * The applicant must GPS all stakes and make them digitally available to the County upon request in GIS format based on the standard Santa Fe County GIS spatial reference. (pg. 26)

Action Requested

This is the second public hearing for this Ordinance. Staff recommends that the Board approve adoption of the DCI ordinance in final form attached as Exhibit A. A redline version of the ordinance is attached as Exhibit B.

Exhibits

Exhibit A – Proposed Ordinance (in final form without watermark or redlines)

Exhibit B – Proposed Ordinance (in edited form with watermark and redlines)

Exhibit C – Spreadsheet of public comments received and reviewed as of July 28th

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE No. 2015 - ____.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO ADD A NEW ARTICLE XVII, DEVELOPMENTS OF COUNTYWIDE IMPACT TO REGULATE LANDFILLS, JUNKYARDS AND SAND AND GRAVEL EXTRACTION OF A CERTAIN SCALE AND MAKE AMENDMENTS TO OTHER ARTICLES OF THE LAND DEVELOPMENT CODE RELATED TO THE NEW ARTICLE XVII.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SANTA FE THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE IS HEREBY AMENDED BY ADDING THE FOLLOWING:

ARTICLE XI. ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS

1.1 Applicability

Mineral extraction activity for sand and gravel mining as defined in Article XVII of this Ordinance that affects less than 10 acres of land and extracts less than 20,000 tons of construction material, shall be allowed anywhere in the County, provided the requirements of the Land Development Code are met.

1.1.2 [Section 1.1.2 shall be deleted in its entirety.]

1.7.2 [The following sentence of section 1.7.2 shall be deleted.] ~~"Except as otherwise provided in this Ordinance, mining uses shall not be subject to the Code."~~

ARTICLE XVII DEVELOPMENTS OF COUNTYWIDE IMPACT (DCIs)

Section 1. Purpose.

Developments of Countywide Impact (DCIs) are those that have potential for far reaching effects on the community. DCIs are developments that would place major demands on public facilities, the County's capital improvement plan and budget, and/or have the potential to affect the environment and public health, safety, and welfare beyond the impacts on immediately neighboring properties. DCIs have the potential to create serious adverse noise, light, odor and vibration; explosive hazards; traffic congestion; and burdens on County emergency response services. Therefore, special regulation of DCIs is necessary:

1.1. to protect the health, safety and welfare of the citizens, residents, and businesses of the County from the potentially harmful or hazardous impacts of DCIs;

1.2. to ensure short and long-term compatibility (both on-site and off-site) of DCIs and the County at large;



1.3. to preserve the quality of life, the economy, infrastructure, environment, natural and cultural resources, and natural landscapes;

1.4. to promote sustainability by protecting against the degradation of air, surface water, groundwater, and soils; and

1.5. to protect environmentally sensitive lands and visual and scenic qualities.

Section 2. Designation.

Due to their potential impact on the County as a whole, the following activities are designated DCIs subject to the requirements of this chapter:

2.1. landfills;

2.2. junkyards; and

2.3. sand and gravel extraction pursuant to Section 10.2.1. of this Ordinance.

Section 3. Definitions.

3.1. Junkyard - A place where scrap materials, including automobile bodies and parts, construction debris or metal, are stored or stockpiled for reuse, parts salvage or destruction, and are generally, but not always, associated with a junk or scrap business.

3.2. Landfill - A solid waste facility that receives solid waste for disposal as defined in Environmental Improvement Board's (EIB) regulation 20.9.2 New Mexico Administrative Code (NMAC) and as further regulated by regulations of the EIB.

3.3. Sand and Gravel Mining - Mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring loose rocks and materials such as granite, basalt, shale, slate and sandstone. Producing gravel like materials by blasting and breaking solid rock shall be included in this definition.

Section 4. Procedure and Submittals.

4.1. No DCI is permitted by right in the County. Operation of a DCI shall require the establishment of a DCI Overlay Zoning District, issuance of a DCI Conditional Use Permit and issuance of grading and construction permits.

4.2. Applicability of the Sustainable Land Development Code (SLDC). Although not currently effective, any reference in this Ordinance to the SLDC, Ordinance No. 2013-6, shall neither indicate nor suggest the implementation of the SLDC, but incorporates by reference into this Ordinance the specific language or provision being referenced.

4.3. Application Procedures. An application for a DCI Overlay Zoning District (DCI Overlay) or for a DCI Conditional Use Permit shall follow the procedures set forth in Chapter 4 of the SLDC for Overlay Zones and Conditional Use Permits.

4.4. Application for a DCI Overlay Zoning District. An applicant who submits an application for approval of a DCI Overlay Zoning District shall submit a concept plan that includes:

4.4.1. An accurate map of the project area including its relationship to surrounding areas, existing topography and key features.

4.4.2. A detailed description of the proposed DCI activities on the entirety of the owner or applicant's property in the same ownership:

4.4.2.1. the planning objectives and the character of the development to be achieved through the overlay, and the approximate phases in which the DCI activity will occur;

4.4.2.2. the approximate location of all neighboring development areas, subdivisions, residential dwellings, neighborhoods, traditional communities and community centers, and other non-residential facilities and structures within five (5) miles of the concept plan site perimeter;

4.4.2.3. the approximate location, arrangement, size, height, floor area ratio of any existing and proposed buildings, structures and parking facilities and facilities and activities related to the intended use;

4.4.2.4. the proposed traffic circulation plan, including number of daily and peak hour trips of any and all vehicles including heavy equipment to and from the site and the proposed traffic routes to the nearest intersection with an arterial road or highway;

4.4.2.5. the location of all fire, police, and emergency response service facilities and all roads shown on the capital improvement plan; floodways, floodplains, wetlands or other natural resource areas surrounding the applicant's property; location of historic, cultural and archeological sites and artifacts; steep slopes between 15% and 30% and steep slopes greater than 30%, general wildlife vegetation habitats and habitat corridors within five (5) miles of the concept plan site perimeter;

4.4.2.6. a statement explaining how the proposed overlay complies with the vision, goals, objectives, policies and strategies of the County's Sustainable Growth Management Plan (SGMP) and any Area, District and Community Plan covering the property;

4.4.2.7. a statement or visual presentation of how the overlay will relate to

and be compatible with adjacent and neighboring areas, within the five (5) mile radius of the project site perimeter; and

4.4.2.8. all application requirements set out in this Ordinance.

4.4.3. A detailed site plan depicting boundaries, dimensions, acreage, existing and proposed structures, storage, stockpiling, equipment, lighting, streets and easements, setbacks and separations and preservation areas.

4.4.4. All Studies, Reports and Assessments (SRAs) required in Chapter 6 of the SLDC. The applicant shall be responsible for the cost of all SRAs as set forth in Section 6.2.2 of the SLDC.

4.4.5. Emergency Response and Preparedness Plan.

4.4.5.1. An application for a DCI Overlay Zoning District shall include an emergency preparedness and response plan ("ERP Plan"). The ERP Plan shall include a provision for the applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with an emergency. This plan shall be filed with the County at the time of application for the DCI Overlay District and shall be updated on annual basis or as conditions change. The ERP Plan shall be coordinated with and approved by the emergency management officer prior to beginning field operations.

4.4.5.2. The ERP Plan shall consist of the following information, at a minimum:

1. a cash, certified or bank check, letter of credit, or cash deposit, to cover all of the County's expenses in reviewing the ERP, engaging consultants, and for a Hearing Officer to conduct the first public hearing on the ERP. The County will provide an estimate of the cost of conducting the study, which shall provide the basis for the initial deposit. The applicant shall make additional deposits if the initial deposit is inadequate to reimburse the County for the costs of the study, and the County shall refund any unexpended funds on deposit after the study is completed;
2. the name, address and phone number, including a 24 hour emergency number of at least two persons responsible for emergency field operations;
3. a printed map with latitude/longitude UTM graticules along the edges. These maps shall be produced and available in GIS format based on the standard Santa Fe County GIS spatial reference. Additionally, all digital data shall be provided to the County for

use in its GIS databases and mapping in this format;

4. a written response plan for the potential emergencies that may be associated with the operation of the facilities. This may include any or all of the following: explosions, fires, gas or water pipeline leaks or ruptures, hazardous material vehicle spills or vehicle accidents; failure of berms, dams or ponds used by DCI operator; and

5. a fire prevention, response, and health and safety plan.

4.4.6. Phasing Schedule. A detailed phasing schedule including timing of each phase, boundaries and description of each proposed phase.

4.4.7. Such other information as the Administrator shall require, including any additional information necessary to determine compliance with the standards for the approval of the DCI Overlay Zoning District.

4.4.8. At the time of application , the applicant shall submit all information required by the County necessary to carry out the above-referenced SRAs. In addition to the SRAs to be conducted by the County, the applicant and any other interested party may prepare and furnish to the County its own SRAs, or parts thereof.

4.4.9. Prior to the submission of any application for a DCI Overlay Zoning District, the applicant shall attend a pre-application meeting with all residents, owners/lessees of non-residential structures, within one mile of the perimeter of the project area and with all County groups, Registered Organizations and Community Organizations that have previously registered for notification of applications for DCIs or Overlay Districts in accordance with Sections 2.2.2, 2.2.3 and 4.4.4 of the SLDC. The applicant shall furnish an address list for the one-mile area to the Administrator and shall send out notices to all affected parties at least fifteen business days prior to the meeting. In addition, the applicant shall publish notice of the meeting in a newspaper of general circulation at least fifteen days prior to the meeting. Such meeting shall be conducted at the offices of the County, or within a community close to the location of the DCI and shall be presided over by a designated County Hearing Officer. The proceedings shall be designed to resolve, to the extent possible, issues and problems between the parties. Such meeting shall not last longer than three (3) hours without the consent of the applicant, and the Hearing Officer shall have the authority to request invitees to consolidate presentations and otherwise cooperate so that effective and cordial discussion of issues and problems takes place.

4.4.10. A report demonstrating consistency of the project with the SGMP, Area, District or Community Plans and any federal, state and local regulations.

4.5. Application for a DCI Conditional Use Permit. An application for a DCI Conditional Use Permit, which shall be for a single phase only if multiple phases are intended, shall include:

4.5.1. Final Order from the Board granting approval of the DCI Overlay Zoning District;

4.5.2. all required state and federal permits approved in conjunction with the proposed DCI;

4.5.3. a cost estimate prepared and sealed by a New Mexico professional engineer for all site improvements and reclamation, if appropriate;

4.5.4. a detailed development plan, meeting the submittal requirements of Article V, Section 7.1.2. of this Code; and

4.5.5. all final SRAs, complying with any comments and conditions imposed through the DCI Overlay Zoning District approval.

4.6. Revocation or Suspension of a DCI Conditional Use Permit.

4.6.1. A DCI Conditional Use Permit is subject to revocation or suspension by the Land Use Administrator for the following reasons:

4.6.1.1. any conduct that constitutes a failure to comply with performance standards or conditions imposed by the Conditional Use Permit;

4.6.1.2. engaging in the activities allowed by the Conditional Use Permit that are outside the geographic boundaries of the Permit;

4.6.1.3. the revocation or suspension of any federal or state permit required as a condition of approval of the Conditional Use Permit; or

4.6.1.4. any other conduct, whether or not within the scope of the Conditional Use Permit, that damages or commits waste to private or public property.

4.6.2. The Land Use Administrator shall serve a written Notice of Violation to the Holder of the DCI Conditional Use Permit either by certified mail at the address provided in the application or by personal delivery to the Holder, either at the Holder's address or at the worksite of the Permit. The Notice of Violation shall provide the following:

4.6.2.1. a statement of the nature of the violation with reference to this Ordinance or the terms of the DCI Conditional Use Permit;

4.6.2.2. a brief description and location of the violation; and

4.6.2.3. a statement that failure to remove and correct the violation, or to cease and desist from further acts of the violation within fifteen (15) days of receipt of Notice of Violation may result in revocation or suspension of the DCI Conditional Use Permit.

4.6.3. If the Holder fails or refuses to correct or to cease and desist from further acts of the violation within the fifteen (15) days afforded or to the satisfaction of the Land Use Administrator, or if the Holder disagrees with issuance of the Notice of Violation and so informs the Land Use Administrator in writing:

4.6.3.1. the matter shall be scheduled for a hearing before a Hearing Officer, which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled as soon as is practicable but in no event longer than thirty (30) days after referral;

4.6.3.2. during the hearing, it shall be the burden of the Land Use Administrator to demonstrate by a preponderance of the evidence that a violation of the DCI Conditional Use Permit has occurred as set forth in Subsection 4.6.1 above;

4.6.3.3. the Holder may then provide a defense by calling witnesses or submitting evidence disputing the evidence of the Land Use Administrator;

4.6.3.4. within five (5) working days of the hearing, the Hearing Officer shall make written findings of fact and rulings of law and recommend to the Board to either revoke, suspend, not revoke or not suspend the DCI Conditional Use Permit;

4.6.3.5. the matter shall be scheduled for a hearing before the Board, which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled as soon as practicable, and after hearing, the Board may:

1. affirm the recommendation of the Hearing Officer to either revoke, suspend, not revoke or not suspend the DCI Conditional Use Permit; or
2. issue a decision to not revoke or not suspend the DCI Conditional Use Permit but impose additional conditions related to curing the effects of the violation and preventing future violations.

4.6.4. Any person aggrieved by a final decision of the Board pursuant to this section may appeal to District Court in accordance with NMSA 1978, § 39-3-1.1

(as amended) and Rule 1-074 NMRA.

4.6.5. If the Holder of the DCI Conditional Use Permit fails or refuses to comply with an order of the Board after its issuance, the Land Use Administrator may seek a court order enjoining further operation by the Holder and may invoke other remedies available pursuant to NMSA 1978, §§ 3.17.1, 3.18.17 and 3.21.1 (as amended).

4.6.6. The remedies described above are not inclusive remedies that are available to the County.

Section 5. Review Criteria.

5.1. The Hearing Officer, County Development Review Committee and Board of County Commissioners shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Overlay Zoning District:

5.1.1. consistency with the SGMP and any applicable Area, District and Community Plan;

5.1.2. environmental effects and impacts identified in the Environmental Impact Report (EIR) are avoided or appropriately mitigated;

5.1.3. whether adequate public facilities either exist or can be promptly funded as identified in the Adequate Public Facilities and Services Assessment (APFA) as required by the SRAs;

5.1.4. whether improvements identified in the APFA can be provided, as set forth in the capital improvements plan, or provided by the applicant, and when such facilities will be available;

5.1.5. whether water is available for each of the phases of the proposed DCI as set forth in the Water Service Availability Report as required by the SRAs;

5.1.6. whether impacts of traffic generated as a result of the activities taking place in the proposed DCI Overlay Zoning District can be mitigated;

5.1.7. whether the proposed location is compatible with adjoining uses given the size, design and operational characteristics of the proposed DCI, and whether the DCI facilities can be made compatible with the surrounding area by using reasonable efforts to mitigate any public nuisance or land use effects or impacts of the DCI operation. Factors to be considered include impacts to property values, public safety; impacts on cultural, historic and archaeological resources, emergency services response, wildlife and vegetation resources, noise; impacts on roads and highways, vibration, odor, glare, fire protection, access, visual impacts;

and impacts upon air and water quality and quantity, the past performance of the operator's past compliance (or lack thereof), with federal, state and local laws pertaining to the DCI; and

5.1.8. whether the proposed DCI will be detrimental to the safety, health, prosperity, order, comfort and convenience of the County pursuant to NMSA 1978 § 4-37-1.

5.2. The Hearing Officer and County Development Review Committee shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Conditional Use Permit:

5.2.1. consistency with the Sustainable Growth Management Plan and any applicable Area, District and Community Plan;

5.2.2. consistency with the DCI Overlay Zoning District approval; and

5.2.3. to determine the operator's compliance with federal, state and local laws pertaining to the DCI during the development of previous phases of the DCI.

Section 6. Findings.

The Board of County Commissioners hereby finds, declares and determines that this Ordinance:

6.1. promotes the health, safety, and welfare of the County, its residents, and its environment by regulating adverse public nuisance and/or land use impacts and effects resulting from DCIs;

6.2. promotes the purposes of planning and land use regulation by assuring that adequate public facilities and services as defined by this Ordinance including roads, fire, police, stormwater detention and emergency and response services will be available at the time of approval of DCI projects;

6.3. prevents the occurrence of adverse public nuisance and/or land use effects and impacts resulting from the abandonment of DCI activities within the County;

6.4. protects the County's priceless, unique, and fragile ecosystem, the preservation of which is of significant value to the citizens of the County and state;

6.5. protects the County's unique and irreplaceable historic, cultural, archaeological, and eco-tourist sites and scenic vistas, in addition to water and other natural resources;

6.6. ensures the health, safety, and welfare of the County and its residents, and protects the natural and ecological resources of Santa Fe County as follows:

6.6.1. New Mexico has an interest in strengthening protection to historic, archaeological and cultural resources by issuing new rules and new statutes, if necessary, to put into place greater, and in some cases absolute protection, for highly sensitive and significant historical, cultural and archaeological sites and landscapes;

6.6.2. under the Wildlife Conservation Act (NMSA 17-2-37 through 17-2-46), species of wildlife indigenous to the state that may be found to be threatened or endangered by DCIs require such police power regulation over DCIs so as to maintain and, to the extent possible, enhance wildlife population within the carrying capacity of the habitat;

6.6.3. because DCIs may presently or in the future potentially cause irreparable harm to the County's water supply and pollution of water and air, may cause cancer, lung disease, and respiratory diseases, various DCIs must show documentation of community health effects, and these effects must be scrutinized, and thoroughly mitigated before DCI activities occur;

6.6.4. pursuant to the New Mexico Public Health Act, NMSA 24-1-1 (1978), the Department of Health has the authority to "investigate, control, and abate the causes of disease... sources of mortality and other conditions of public health." Environmental hazards resulting from DCI projects may potentially cause adverse health effects;

6.6.5. air, soil, and water contamination may occur during different stages of DCI operations, and such contamination could affect human health;

6.6.6. all New Mexicans have an equal right to live in a safe and healthy environment, and implementation of precautionary principles promotes this premise as well as reduces potential effects on public health resulting from exposure to environmental toxins;

6.6.7. the burden of proof of harmlessness for any proposed technological innovation must lie with the proponent of the innovation, not the general public;

6.6.8. DCIs could have a negative effect on tourism, landscapes and communities; and

6.6.9. recognizes that the County of Santa Fe has supplemental authority, in addition to the authority of the state to regulate adverse public nuisance, land use and environmental impacts and effects consistent with state legislation and regulation, stemming from DCI projects in the Galisteo Basin and unincorporated areas of the County and makes no finding that the state has preempted or occupied DCI regulation.

6.7. acknowledges that the Galisteo Basin has been recognized by the United States Congress as a nationally significantly archaeological resource and contains within it a number of areas protected under the auspices of the Galisteo Archaeological Sites Protection Act, Public Law 108-208 (2004), and finds additionally that:

6.7.1. the boundary of the Galisteo Basin is depicted in the Galisteo Basin Planning Area Map attached as Exhibit A, which is the same map attached to ordinance No. 2008-19 (Oil and Gas Ordinance), and which area further contains specific sites identified in and protected by the Galisteo Basin Archaeological Sites Protection Act referenced above, including any maps referenced in that Act;

6.7.2. DCIs in the Galisteo Basin will have significant impact on archaeological, historical, cultural and environmental resources and sensitive areas;

6.7.3. water resources in the Galisteo Basin are at risk as DCIs in the Galisteo Basin may negatively diminish or pollute local water supplies and sources of groundwater;

6.7.4. due to the importance of the hydrology of the Galisteo Basin, not only to the citizens of Santa Fe County but to the interstate stream system through its contributions to the Rio Grande, it is extremely important to protect the quantity and quality of the surface and ground water resources in the Galisteo Basin;

6.7.5. the Galisteo Basin is home to a variety of native plant and animal species whose arid habitats will be impacted negatively by DCIs. In addition terrestrial wildlife, aquatic and riparian species and habitats such as those found around the springs, wetlands, and drainages in the Galisteo Basin must be protected;

6.7.6. clean air and water are essential to most resources and activities in the Galisteo Basin and will be degraded by DCI activity; and

6.7.7. sensitive environmental systems and cultural, archaeological and historic sites in the Galisteo Basin require permanent protection from DCI projects.

Section 7. General Regulations for all DCIs.

7.1. Identification, Mapping, and Analysis of Potential Impacts. The Environmental Impact Report (EIR) shall identify whether potential impacts would occur, where a "Yes" is indicated in the column for the proposed use, with respect to the category of potential impacts indicated in the row. The EIR shall include a description and maps of relevant information related to these impacts both on- and off-site, and identify whether factors related to these impacts exist on the property or would be affected either on- or off-site by the proposed use and development of the property, and describe whether and how

potential adverse impacts will be avoided or mitigated. The categories of potential impacts that are listed in Table 17-1 below, shall be construed to be part of the environmental setting, environmental effects, and avoidance or mitigation of impacts and effects.

Table 17-1 Categories of Impacts to be Identified, Mapped and Addressed.

CATEGORY OF POTENTIAL IMPACTS TO IDENTIFY, MAP, AND ADDRESS	SAND AND GRAVEL EXTRACTION	LANDFILLS	JUNKYARDS
Federal and State endangered and threatened species and species of concern impacts	Yes	Yes	Yes
Connectivity and protection of significant wildlife habitat areas	Yes	Yes	Yes
Stormwater runoff rates, surface water flows and levels	Yes	Yes	Yes
Surface water contamination, and degradation generally	Yes	Yes	Yes
Wetland and riparian area viability	Yes	Yes	Yes
Groundwater levels and availability, potential groundwater depletion	Yes	Yes	Yes
Groundwater contamination, and degradation generally	Yes	Yes	Yes
Water well contamination potential	Yes	Yes	Yes
Erosion, siltation, and dust potential	Yes	Yes	Yes
Soils bearing strength and stability for development	No	Yes	No
Wildfire hazard	Yes	No	Yes
Earthquake and landslide hazards	No	Yes	No
Flooding hazards and floodwater contamination	Yes	Yes	Yes
Archaeological and historic resource protection	Yes	Yes	Yes
Impacts to landscape scenic quality	Yes	Yes	Yes
Impacts to conservation and open space areas, scenic roads, and recreation trails, including visual impacts and noise	Yes	Yes	Yes
Viability of agricultural crop lands and improved pasture lands	Yes	Yes	No
Nuisance, hazard, traffic, character, and visual impacts to residential uses	Yes	Yes	Yes
Nuisance, hazard, and visual impacts to commercial and public or institutional uses	Yes	Yes	Yes

Adequacy of roads for intended use	Yes	Yes	Yes
Water system availability and capacity	Yes	No	No
Fire protection and emergency medical service availability and response times	Yes	Yes	Yes

Section 8. Regulations for Landfills.

8.1. Purpose; Intent. The purpose of this Section is to establish operational, location, and general standards for landfills and associated activities that are designed to establish reasonable limitations, safeguards, and to mitigate negative impacts on the surrounding properties.

8.2. Applicability.

This Section 8 applies to the place of business or establishment which is maintained, operated or used for disposal of solid waste located within Santa Fe County.

8.3. Operational Standards and Requirements.

8.3.1 Operating Permit. A Solid Waste permit shall be obtained from the New Mexico Environmental Improvement Board per Title 20, Chapter 9, Part 3 of the New Mexico Administrative Code (NMAC). The permit shall be submitted prior to obtaining a Conditional Use Permit.

8.3.2. Access. Adequate and available access is required per Section 7.4 (Access and Easements) of the SLDC.

8.3.3. Visual Screening Measures. Visual screening is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards.

8.3.3.1 General. The view from all public roads, rivers, and adjoining residential areas shall be screened.

8.3.3.2. Buildings. All buildings' design, scale, and location shall reduce the visibility from off site.

8.3.3.3. Surrounding Vegetation. Any vegetation on site that can act as screening of the extraction area shall be preserved.

8.3.4. Lighting. All Landfills must comply with Section 7.8 (Lighting) of the SLDC.

8.3.5. Signs. All development must comply with Section 7.9 (Signs) of the SLDC.

8.3.6. Parking and Loading. All landfills must meet the parking and loading requirements in Section 7.10 (Parking and Loading) of the SLDC.

8.3.7. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment structure. The impoundment structure shall be set back a minimum of 300 feet from any property boundary.

8.3.8. Protection of Historic and Archaeological Resources. Any landfill development shall submit an archaeology report conforming to the requirements of Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC.

8.3.9. Terrain Management. Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.

8.3.9.1. Grading and Erosion Control. In addition to the Terrain Management requirements of the SLDC, drainage and erosion control shall comply with the following:

- 1. Removal of Organic Materials.** Fill areas shall be properly prepared by removing organic materials, such as vegetation and rubbish, and any other material which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site.
- 2. Site Vegetation Removal and Revegetation.** The removal of existing vegetation shall not occur more than 30 days prior to the commencement of grading, and permanent revegetation shall be commenced as soon as practical after any landfill has been filled, covered and graded. Site specific native seed mixtures shall be used to revegetate all disturbed areas with the exception of landscaped areas if any. Mulching shall be used in order to assure vegetation growth.
- 3. Topsoil, Stripping, Stockpiling, and Redistribution.** The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.
- 4. Cut and Fill Slopes.** Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%, to allow for permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the County. The County may require the submission of a detailed engineering report and analysis prepared by a professional engineer or landscape architect relative to the safety of such cuts and fills, if necessary considering soil type, soil stability, and any proposed structures.

8.3.9.2. Sediment and erosion control. Practices for sediment and erosion control shall be designed, constructed and maintained to mitigate further entry of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:

1. grading to reduce the rate and volume of run-off;
2. retaining sediment within the pit and disturbed area; and,
3. establishing temporary vegetation, mulch, or other soil stabilization application as needed to prevent short-term erosion, sedimentation or windblown dust.

8.3.10. Air Quality and Noise.

8.3.10.1. All requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met.

8.3.10.2. Noise Study. A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the application.

8.3.11. Setbacks.

8.3.11.1. The refuse and salvage material shall be at least 300 feet from all property lines and 500 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.

8.3.11.2. The site shall be located at least one-quarter mile from any existing dwelling or land subdivided for residential development.

8.3.11.3. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible

8.3.12. Protection from Trespassing. The proposed use shall be fenced in accordance with the standards in Section 7.7. (Fences and walls) of the SLDC for health and safety protection.

8.3.13. Analysis of Landfills in the County. An analysis of the existing capacity, the remaining life, and the need for a new major solid waste disposal site shall be submitted with the application.

8.3.14. Hours of Operation. Landfills shall not be open to the public earlier than 8 a.m. nor remain open later than 5 p.m.

Section 9. Regulations for Junkyards.

9.1. Purpose; Intent. The purpose of this Section is to establish operational, location, and general standards for junkyards and associated activities that are designed to establish reasonable limitations, safeguards, and mitigate negative impacts on the surrounding properties.

9.2. Applicability. This Section 9 applies to the place of business or establishment which is maintained, operated or used for storing, keeping, buying or selling junk or scrap, or for the maintenance or operation of a motor vehicle graveyard located within Santa Fe County.

9.3. Operational Standards and Requirements.

9.3.1. Access. Adequate and available access is required per Section 7.4 (Access and Easements) of the SLDC.

9.3.2. Visual Screening Measures. Visual screening is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards:

9.3.2.1. General. The view from all public roads, rivers, and adjoining residential areas shall be screened.

9.3.2.2. Buildings. All buildings' design, scale, and location shall reduce the visibility from off site.

9.3.2.3. Surrounding Vegetation. Any vegetation on site that can act as screening of the storage or worksite area shall be preserved.

9.3.2.4. Hours of Operation. Junkyards shall not be open to the public earlier than 8 a.m. nor remain open later than 5 p.m.

9.3.3. Lighting. All junkyard developments must comply with Section 7.8 (Lighting) of the SLDC.

9.3.4. Signs. All junkyard development must comply with Section 7.9 (Signs) of the SLDC.

9.3.5. Parking and Loading. All junkyards must comply with Section 7.10 (Parking and Loading) of the SLDC.

9.3.6. Hazardous Materials. Any fuel, explosives, or other hazardous materials

stored on the site shall be contained within an impoundment structure.

9.3.7. Protection of Historic and Archaeological Resources. Any application for a junkyard development shall submit an archaeological report conforming to the requirements of Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC.

9.3.8. Terrain Management. Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.

9.3.9. Air Quality and Noise.

9.3.9.1. The requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met.

9.3.9.2. Noise Study. A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the application.

9.3.9.3. Reclamation and revegetation shall be required at such time as the junkyard ceases to do business.

9.3.10. Setbacks.

9.3.10.1. The refuse and salvage material shall be at least 300 feet from all property lines and 500 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.

9.3.10.2. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible.

9.3.11. Protection from Trespassing. All proposed use shall be fenced in accordance with the standards in Section 7.7. (Fences and walls) of the SLDC for health and safety protection.

Section 10. Regulations for Sand and Gravel Extraction.

10.1. Purpose; Intent. The purpose of this Section 10 is to establish operational, location, reclamation and general standards for sand and gravel operations and associated extraction activities that are designed to establish reasonable limitations, safeguards, mitigate negative impacts on the surrounding properties, and provide controls for the conservation of natural resources and rehabilitation of land.

10.2. Applicability.

10.2.1. This Section 10 applies to the extraction and processing of any sand and gravel extraction operation that affects 10 or more acres of land or extracts more than 20,000 tons of earth materials, or utilizes blasting. Small, incremental increases of an approved extraction operation by the same owner or operator that effectively avoid the application and approval requirements of this ordinance are prohibited. No applicant, operator or owner, whether individually or as an agent or corporate officer of any business entity, who has been granted an approval to operate a sand and gravel extraction operation of less than 10 acres of land or less than 20,000 tons of earth material shall be granted approval to operate an expanded or similar extraction operation on the same or contiguous property, where the total of any additional operation increases the extraction operation to one in excess of 10 acres of land, or to one in excess of 20,000 tons of earth material. Instead, any such additional operation shall be treated as a DCI and shall require application and processing under this Ordinance.

10.2.2. Sand and gravel extraction and processing includes any removal, stockpiling, or processing of any material in Section 3.3 above. Any screening, crushing, gravel recycling, washing, or stockpiling of aggregate, in concert or by itself, constitutes gravel processing.

10.2.3. This Section 10 does not apply to:

10.2.3.1. Excavation related to basements and footings of a building, or retaining walls .

10.2.3.2. Sand and gravel operations that are less than 10 acres in size and extract less than 20,000 tons of earth materials and which do not utilize blasting, are regulated by Article XI of the Land Development Code.

10.2.3.3. Mineral Exploration and Extraction regulated by Article III, Section 5 of this Ordinance.

10.3. Operational Standards and Requirements.

10.3.1. State and Federal Permits. All sand and gravel extraction operations shall submit all required state permits, FEMA and/or Army Corps of Engineers permits with the Conditional Use Permit application.

10.3.2. Hours of Operation. Hours of operation are limited to the period between sunrise or 7:00 a.m. whichever is latest, and sunset or 6:00 p.m., whichever is earliest, Monday through Saturday. The Board may further restrict hours per section 10.3.4.5.1 of this Ordinance.

10.3.3. Water Services Availability. A Water Service Availability Report shall

be submitted with the application per Section 6.5 (Water Service Availability Report) of the SLDC.

10.3.3.1. Extraction and filling of a reservoir shall not infringe on downstream appropriator's water rights.

10.3.4. Project Traffic Impacts and Road Standards.

10.3.4.1. All roads carrying sand and gravel related traffic shall conform to the requirements of Section 7.11 (Road Design Standards) of the SLDC.

10.3.4.2. Transportation Facility Improvements. An analysis of all roads accessing the site shall be submitted to the County with detailed information concerning the ability of the roads to adequately support the projected traffic, including potential weight of vehicles for 20 years or the life of the sand and gravel extraction operation. Cost of all required improvements, on and off-site, shall be borne entirely by the applicant.

10.3.4.3. The Board of County Commissioners may establish a maximum size and number of truck trips allowed to enter and exit a processing location where needed to:

1. avoid a reduction in the level of service for all access roads and roads within the study area as provided in the Traffic Impact Analysis (TIA) the time of application;
2. avoid the deterioration of all access roads; and
3. otherwise comply with Section 6.6 of the SLDC.

10.3.4.4. Traffic Counts. Traffic counts at the entrance of the operation shall be presented at the annual review of the operation's permit.

10.3.4.5. Designation of Construction and Haul Routes. The application shall designate proposed truck haul and traffic routes that shall be subject to limitation by the BCC, which proposal shall:

1. avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities, and already congested locations where possible;
2. identify alternative routes;
3. identify the timing of truck haul traffic; and

4. include a fugitive dust plan for designated routes to prevent loss of loads and fugitive dust during transportation.

10.3.5. Project description. The applicant shall provide a detailed statement describing the project including:

10.3.5.1. The amount and type of materials to be excavated;

10.3.5.2. Duration of the excavation activity and reclamation activity;

10.3.5.3. The proposed method of excavation;

10.3.5.4. The amount of fill to remain on site; and

10.3.5.5. A statement from a New Mexico professional engineer indicating the type of material(s) to be excavated and their suitability for road and structural fill construction.

10.3.6. Access. Adequate and available access is required per Section 7.4 (Access and Easements) of the SLDC.

10.3.7. Visual Screening Measures. Visual screening, which shall include all phases, is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards.

10.3.7.1. General. The view from all public roads, rivers, parks, open space and adjoining residential areas shall be screened.

10.3.7.2. Buildings. The design, scale, and location of all buildings shall reduce the visibility from off site.

10.3.7.3. Surrounding Vegetation. Any vegetation on site that can act as screening of the extraction area shall be preserved, including vegetation existing in the required setbacks.

10.3.7.4. For all proposed extraction areas of greater than 10 acres, the extraction shall be designed in phases in order to minimize the visual impact.

10.3.8. Lighting. All Sand and Gravel operations must comply with Section 7.8 (Lighting) of the SLDC.

10.3.9. Signs. All sand and gravel operations must comply with Section 7.9 (Signs) of the SLDC, but are limited to two signs of 4 square feet each.

10.3.10. Parking and Loading. All Sand and Gravel operations must comply

with Section 7.10 (Parking and Loading) of the SLDC.

10.3.11. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within a lined impoundment structure.

10.3.12. Wildlife. Protection is required for critical environmental resources including wetlands, riparian areas, and important wildlife habitats.

10.3.12.1. Any modification of the terrain within a floodplain area shall be environmentally sound and not result in net loss of wildlife habitat.

10.3.12.2. All sand and gravel operations shall be limited to locations and times of year that ensure no significant negative impacts to federally listed endangered species.

10.3.12.3. No sand and gravel development shall interrupt a wildlife corridor.

10.3.13. Protection of Historic and Archaeological Resources. Any application for sand and gravel extraction shall submit an archaeological report conforming to the requirements of Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC.

10.3.14. Terrain Management. Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.

10.3.14.1. Grading and Erosion/Sediment Control. In addition to the Terrain Management requirements of the SLDC, drainage and erosion control shall comply with the following:

1. Removal of Organic Materials. Fill areas shall be properly prepared by removing organic materials, such as vegetation and rubbish, and any other material which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site.

2. Site Vegetation Removal and Revegetation. The removal of existing vegetation shall not occur more than 30 days prior to the commencement of grading; however, permanent revegetation shall be commenced as soon as practical after the completion of grading. Site specific native seed mixtures shall be used to revegetate all disturbed areas with the exception of lawn and landscaped areas if any. Mulching shall be used in order to assure vegetation growth.

3. Topsoil, Stripping, Stockpiling, and Redistribution. The

existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.

4. Cut and Fill Slopes. Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%, to allow for permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the County. The County may require the submission of a detailed engineering report and analysis prepared by a professional engineer or landscape architect relative to the safety of such cuts and fills, if necessary considering soil type, soil stability, and any proposed structures.

10.3.14.2. Sediment and Erosion Control. Practices for sediment and erosion control shall be designed, constructed and maintained to mitigate further entry of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall be instituted and consist of utilization of proper reclamation methods and sediment control practices including, but not limited to:

1. grading material to reduce the rate and volume of run-off;
2. retaining sediment within the pit and disturbed area; and,
3. establishing temporary vegetation or mulch on short term erosion, sedimentation or windblown dust.

10.3.15. Air Quality and Noise.

10.3.15.1. The requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met; however, only a preliminary air quality report is required for submittal with the application. Once approved, a final air quality permit is required prior to commencement of any activity on the site.

10.3.15.2. Noise Study. A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the application. Such noise study shall provide a baseline of three consecutive weekdays representative of non-excavation activities.

10.3.15.3. Fugitive Dust Control. Dust control is required for all active sand and gravel extraction operations.

1. The presence of dust at a sand and gravel operation is attributable to earth moving, soil or surface disturbance, construction or demolition; movement of motorized vehicles on

any paved or unpaved roadway or surface, right-of-way, lot or parking area; and the tracking out or transport of bulk material (i.e., sand, gravel, soil, aggregate, or any other inorganic or organic material capable of creating fugitive dust related to extraction activities) onto any paved or unpaved roadway in Santa Fe County.

2. Fugitive dust consists of airborne particulate matter from a source, resulting in particulate matter emissions that can be detected by the human eye.

3. Dust control measures include but are not limited to the use of wet suppression through manual or mechanical application; the use of fabric fencing material or equivalent that shall be a minimum of 24 inches in height and anchored 6 inches below the surface on the bottom edge installed around the perimeter of the disturbed surface area; the use of dump truck tarps; and the use of chemical dust suppressant applied in amounts, frequency, and rates recommended by the manufacturer.

4. In no circumstances shall a sand and gravel operator continue extraction operations during a high wind event.

5. All sand and gravel operations shall incorporate an entry/exit apron, steel grates, or other equivalent devices capable of removing bulk material from the tires of vehicle traffic.

6. An applicant for a sand and gravel Conditional Use Permit shall submit a fugitive dust control plan as part of the application. The fugitive dust plan must detail the control measures the operator intends to use to reduce the quantity of visible fugitive dust, transported material, temporary cessation of activity during a high wind event and track-out leaving the property or area under the control of the operator.

10.3.16. Blasting Plan. If a proposed operation intends to do any blasting, a blasting plan shall be submitted with the application and for any future blasting after the initial blast.

10.3.16.1. The plan shall be created by a qualified blasting firm which is knowledgeable with State of New Mexico requirements and National Fire Protection Association (NFPA) 495.

10.3.16.2. Blasting may only be conducted during the hours of operation in Section 10.3.2. above.

10.3.16.3. The blasting plan shall identify the maximum number of holes

to be shot each occurrence, the type of explosive agent, maximum pounds per delay, method of packing, type of initiation device to be used for each hole, blasting schedule and establish noise and vibration standards.

10.3.16.4. The Applicant shall notify the County of proposed blasting ten working days prior to a blast and shall provide the name of the qualified blasting firm and provide insurance of \$1,000,000 for each occurrence.

10.3.16.5. The County may hire a qualified blasting firm to review the Applicant's blasting plan at the expense of the Applicant.

10.3.16.6. The operator shall require that any blasting be conducted by someone who has been trained and examined and who holds certification issued by the Director of the Mining and Minerals Division of the Energy, Minerals and Natural Resources Department or the Director's designee. Comparable certification from another state is acceptable.

10.3.17. Monitoring Report. The applicant shall monitor all blasting and record all noise and vibration levels in a monitoring report. The monitoring report shall be submitted to the Land Use Administrator within five (5) working days of blasting and shall comply with the following ground vibration and noise levels:

10.3.17.1. Ground vibration shall not exceed 0.50 inches per second Peak Particle Velocity (PPV) at any property line, unless such property is owned by the operator and not leased to any other person.

10.3.17.2. Noise levels shall not exceed the values specified in Table 17-2 below:

Table 17-2 Maximum Allowable Noise Levels.

Lower frequency limit of measuring system, Hz + 3dB	Maximum level in dB
0.1 Hz or lower—flat response	134 peak
2.0 Hz or lower—flat response	133 peak
6.0 Hz or lower—flat response	129 peak

10.3.18. Sand and Gravel Operation Setbacks.

10.3.18.1. Sand and gravel operations shall be setback:

1. 500 feet from all property lines;
2. 500 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands; and
3. One half mile from residential structures.

10.3.18.2. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible

10.3.19. Protection From Trespassing. The proposed use shall be fenced in accordance with the standards in Section 7.7. (Fences and walls) of the SLDC for health and safety protection.

10.3.20. Height. Any equipment used for sand and gravel extraction must meet the height standards for the zoning district in which it is located. Height shall be measured from existing grade prior to commencement of any grading activity on the site, and shall also conform to the height measurement requirements of Section 7.17.9.3 of the SLDC.

10.3.21. Activities in or Near Water Bodies.

10.3.21.1. Uncontrolled/Natural Watercourses. When working near uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that neither disturbs nor degrades fisheries and waterfowl habitat. This requirement shall apply to any water body, which shall include: naturally occurring rivers, streams, ponds, lakes, seasonal streams and seasonal lakes.

10.3.21.2. Minimum Buffer. A minimum 100 foot buffer of natural vegetation between the water's edge and any sand and gravel operation is required.

10.3.21.3. No Negative Impact. No extraction is permitted that is deemed by the County to have a negative impact on any water body.

10.3.22. Solid Waste. All sand and gravel operations must comply with Section 7.20 (Solid Waste) of the SLDC.

10.3.23. Liquid Waste. All sand and gravel operations must comply with the wastewater requirements of Section 7.13 (Water Supply, Wastewater and Water Conservation) of the SLDC.

10.3.24. Phasing. All phases shall be clearly staked prior to commencement of any activity on the property. The applicant must GPS all stakes and make them digitally available to the County upon request in GIS format based on the standard Santa Fe County GIS spatial reference.

10.3.24.1. The maximum size of any phase of the development shall be ten acres.

10.3.24.2. Only one phase of the development shall be excavated at a time.

10.3.25. Reclamation Plan and Bonding. A reclamation plan shall be provided that is designed and certified by a New Mexico registered professional engineer or landscape architect, and meets the reclamation standards specified below in Section 10.3.25. The plan shall restrict extraction operations to areas of workable size so that no area is left inactive and unreclaimed for more than 60 days, unless approved by the DCI Permit. The plan shall specify any phasing of reclamation and estimate the cost of the entire reclamation project. A bond shall be posted to implement the reclamation plan at 125% of expected cost of the reclamation. The bond amount shall be reviewed annually, as part of the annual review of the DCI Permit, for the purpose of up-dating the bond amount in accordance with any changing costs of reclamation. The reclamation plan does not replace a landscape plan that may be required for any subsequent development of the gravel processing and extraction site.

10.3.26. Reclamation Standards. The reclamation plan shall comply with the following standards:

10.3.26.1. General. Reclamation shall restore land areas to a condition suitable for new land uses. Wildlife habitat shall be restored in a manner comparable or better, to the habitat conditions that existed prior to the gravel operation. In general, all slopes shall be graded to 3:1 or flatter to promote revegetation.

10.3.26.2. Grading. Disturbed areas shall be re-graded to blend into and conform to the general natural form and contours of the adjacent areas. In general, all slopes (cut or fill) shall be graded to 3:1 or flatter. Such methods must be approved as part of the Reclamation Plan.

10.3.26.3. Revegetation of all disturbed areas is required. The plan shall describe the vegetation prior to any grading of the site and shall demonstrate how the site will be returned to its original, or better vegetated condition.

10.3.26.4. Mining operations shall be allowed to progress so long as the disturbed areas within previous phases have been reclaimed within 6 months after the commencement of the new phase; provided that, the County will consider extensions due to weather conditions and taking into account seasonal changes. Reclamation shall commence within 30 days of the commencement of a new phase of extraction.

10.3.26.5. Prior to Approval of Reclamation Study. In no case shall a location and time of excavation be approved that may have negative impacts on any state or federally designated endangered or threatened

species, or critical habitat.

10.3.27. Existing Sand and Gravel Extraction Uses.

Any sand and gravel extraction use existing prior to adoption of the Land Development Code (January 1, 1981) and having been in continuous operation, may continue operations and may expand up to 25% beyond the area currently and formerly mined on that parcel. Any sand and gravel extraction use approved by the County prior to the adoption of this Ordinance may continue operations in accordance with their final County approvals. Any new phase or further expansion proposed, but not previously approved, shall comply with this Ordinance.

10.3.28. Annual Operating Plan and Monitoring Report.

10.3.28.1. An annual operating plan and monitoring report, capable of audit, shall be prepared and submitted to the Land Use Administrator by January 31st each year. The report shall summarize the operations of the previous year including number of truck trips and sizes of trucks, the area mined, quantities mined in tonnage and cubic yards, the amount of area undergoing reclamation, and the success of reclamation including any violations issued and their outcome.

10.3.28.2. For the first three years, the report shall be reviewed at a public hearing with the Board of County Commissioners. After the third year, the Board may allow the report to be reviewed administratively by the Land Use Administrator and brought to the Board when the Land Use Administrator has determined a significant change in operations has occurred, or circumstances have changed warranting re-evaluation of the DCI permit.

Section 11. Application Fee.

Each application for a DCI Overlay District and DCI Conditional Use Permit shall be accompanied by the nonrefundable application fees in the amounts set forth in Appendix A. Other fees related to reports and reviews listed in Appendix A shall require payment at a later date.

Section 12 . Severability.

If any provision of this Ordinance shall be held invalid or non-enforceable by any court of competent jurisdiction for any reason, the remainder of this Ordinance shall not be affected and shall be valid and enforceable to the fullest extent of the law.

Section 13. Effective Date.

This Ordinance shall become effective thirty (30) days following recordation in the Office of the County Clerk.

PASSED, APPROVED AND ENACTED this ____ day of August, 2015, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By _____
ROBERT A. ANAYA, Chair

ATTEST:

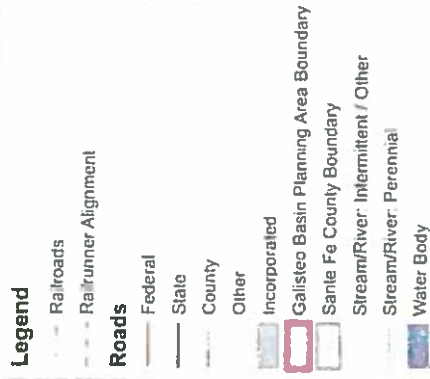
GERALDINE SALAZAR, County Clerk

APPROVED AS TO FORM:

GREGORY S. SHAFFER, County Attorney

**APPENDIX A
APPLICATION FEES**

Application for a DCI Overlay Zone:	\$7,500
Application for a DCI Conditional Use Permit:	\$ 3,000
Inspection Fees	\$250 per inspection
Fee for preparation of SRAs	Full cost of preparation and review by outside consultants
Fee for Specialized Review if needed	Full cost of review by outside consultant.

[illegible]

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE No. 2015 - ____.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO ADD A NEW ARTICLE XVII, DEVELOPMENTS OF COUNTYWIDE IMPACT TO REGULATE LANDFILLS, JUNKYARDS AND SAND AND GRAVEL EXTRACTION OF A CERTAIN SCALE AND MAKE AMENDMENTS TO OTHER ARTICLES OF THE LAND DEVELOPMENT CODE RELATED TO THE NEW ARTICLE XVII.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SANTA FE THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE IS HEREBY AMENDED BY ADDING THE FOLLOWING:

ARTICLE XI. ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS

1.1 Applicability

Mineral extraction activity for sand and gravel mining as defined in Article XVII of this Ordinance construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials, (hereinafter: construction materials) that affects less than 10 acres of land and extracts less than 20,000 tons of construction material, shall be allowed anywhere in the County, provided the requirements of this Land Development Code Ordinance are met.

1.1.2 [Section 1.1.2 shall be deleted in its entirety.]

1.7.2 [The following sentence of section 1.7.2 shall be deleted.] "Except as otherwise provided in this Ordinance, mining uses shall not be subject to the Code."

ARTICLE XVII DEVELOPMENTS OF COUNTYWIDE IMPACT (DCIs)

Section 1. Purpose.

Developments of Countywide Impact (DCIs) are those that have potential for far reaching effects on the community. DCIs are developments that would place major demands on public facilities, the County's capital improvement plan and budget, and/or have the potential to affect the environment and public health, safety, and welfare beyond the impacts on immediately neighboring properties. DCIs have the potential to create serious adverse noise, light, odor and vibration; explosive hazards; traffic congestion; and burdens on County emergency response services. Therefore, special regulation of DCIs is necessary:

1.1. to protect the health, safety and welfare of the citizens, residents, and businesses of the County from the potentially harmful or hazardous impacts of DCIs;

1.2. to ensure short and long-term compatibility (both on-site and off-site) of DCIs and



the County at large;

1.3. to preserve the quality of life, the economy, infrastructure, environment, natural and cultural resources, and natural landscapes;

1.4. to promote sustainability by protecting against the degradation of air, surface water, groundwater, and soils; and

1.5. to protect environmentally sensitive lands and visual and scenic qualities.

Section 2. Designation.

Due to their potential impact on the County as a whole, the following activities are designated DCIs subject to the requirements of this chapter:

2.1. landfills;

2.2. junkyards; and

2.3. sand and gravel extraction pursuant to Section 10.2.1. of this Ordinance.

Section 3. Definitions.

3.1. Junkyard - A place where scrap materials, including automobile bodies and parts, construction debris or metal, are stored or stockpiled for reuse, parts salvage or destruction, and are generally, but not always, associated with a junk or scrap business.

3.2. Landfill - A solid waste facility that receives solid waste for disposal as defined in Environmental Improvement Board's (EIB) regulation 20.9.2 New Mexico Administrative Code (NMAC) and as further regulated by regulations of the EIB.

3.3. Sand and Gravel Mining - Mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring loose rocks and materials such as granite, basalt, shale, slate and sandstone. Producing gravel like materials by blasting and breaking solid rock shall be included in this definition.

Section 4. Procedure and Submittals.

4.1. No DCI is permitted by right in the County. Operation of a DCI shall require the establishment of a DCI Overlay Zoning District, issuance of a DCI Conditional Use Permit and issuance of grading and construction permits.

4.2. Applicability of the Sustainable Land Development Code (SLDC). Although not currently effective, any reference in this Ordinance to the SLDC, Ordinance No. 2013-6, shall neither indicate nor suggest the implementation of the SLDC, but incorporates by

reference into this Ordinance the specific language or provision being referenced.

4.3. Application Procedures. An application for a DCI Overlay Zoning District (DCI Overlay) or for a DCI Conditional Use Permit shall follow the procedures set forth in Chapter 4 of the SLDC for Overlay Zones and Conditional Use Permits.

4.4. Application for a DCI Overlay Zoning District. An applicant who submits an application for approval of a DCI Overlay Zoning District shall submit a concept plan that includes:

4.4.1. An accurate map of the project area including its relationship to surrounding areas, existing topography and key features.

4.4.2. A detailed description of the proposed DCI activities on the entirety of the owner or applicant's property in the same ownership:

4.4.2.1. the planning objectives and the character of the development to be achieved through the overlay, and the approximate phases in which the DCI activity will occur;

4.4.2.2. the approximate location of all neighboring development areas, subdivisions, residential dwellings, neighborhoods, traditional communities and community centers, and other non-residential facilities and structures within five (5) miles of the concept plan site perimeter;

4.4.2.3. the approximate location, arrangement, size, height, floor area ratio of any existing and proposed buildings, structures and parking facilities and facilities and activities related to the intended use;

4.4.2.4. the proposed traffic circulation plan, including number of daily and peak hour trips of any and all vehicles including heavy equipment to and from the site and the proposed traffic routes to the nearest intersection with an arterial road or highway;

4.4.2.5. the location of all fire, police, and emergency response service facilities and all roads shown on the capital improvement plan; floodways, floodplains, wetlands or other natural resource areas surrounding the applicant's property; location of historic, cultural and archeological sites and artifacts; steep slopes between 15% and 30% and steep slopes greater than 30%, general wildlife vegetation habitats and habitat corridors within five (5) miles of the concept plan site perimeter;

4.4.2.6. a statement explaining how the proposed overlay complies with the vision, goals, objectives, policies and strategies of the County's Sustainable Growth Management Plan (SGMP) and any Area, District and Community Plan covering the property;

4.4.2.7. a statement or visual presentation of how the overlay will relate to and be compatible with adjacent and neighboring areas, within the five (5) mile radius of the project site perimeter; and

4.4.2.8. all application requirements set out in this Ordinance.

4.4.3. A detailed site plan depicting boundaries, dimensions, acreage, existing and proposed structures, storage, stockpiling, equipment, lighting, streets and easements, setbacks and separations and preservation areas.

4.4.4. All Studies, Reports and Assessments (SRAs) required in Chapter 6 of the SLDC. The applicant shall be responsible for the cost of all SRAs as set forth in Section 6.2.2 of the SLDC.

4.4.5. Emergency Response and Preparedness Plan.

4.4.5.1. An application for a DCI Overlay Zoning District shall include an emergency preparedness and response plan ("ERP Plan"). The ERP Plan shall include a provision for the applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with an emergency. This plan shall be filed with the County at the time of application for the DCI Overlay District and shall be updated on annual basis or as conditions change. The ERP Plan shall be coordinated with and approved by the emergency management officer prior to beginning field operations.

4.4.5.2. The ERP Plan shall consist of the following information, at a minimum:

1. a cash, certified or bank check, letter of credit, or cash deposit, to cover all of the County's expenses in reviewing the ERP, engaging consultants, and for a Hearing Officer to conduct the first public hearing on the ERP. The County will provide an estimate of the cost of conducting the study, which shall provide the basis for the initial deposit. The applicant shall make additional deposits if the initial deposit is inadequate to reimburse the County for the costs of the study, and the County shall refund any unexpended funds on deposit after the study is completed;

2. the name, address and phone number, including a 24 hour emergency number of at least two persons responsible for emergency field operations;

3. a printed map with latitude/longitude UTM graticules along the edges. These maps shall be produced and available in GIS format

based on the standard Santa Fe County GIS spatial reference. Additionally, all digital data shall be provided to the County for use in its GIS databases and mapping in this format;

4. a written response plan for the potential emergencies that may be associated with the operation of the facilities. This may include any or all of the following: explosions, fires, gas or water pipeline leaks or ruptures, hazardous material vehicle spills or vehicle accidents; failure of berms, dams or ponds used by DCI operator; and

5. a fire prevention, response, and health and safety plan.

4.4.6. Phasing Schedule. A detailed phasing schedule including timing of each phase, boundaries and description of each proposed phase.

4.4.7. Such other information as the Administrator shall require, including any additional information necessary to determine compliance with the standards for the approval of the DCI Overlay Zoning District.

4.4.8. At the time of application, the applicant shall submit all information required by the County necessary to carry out the above-referenced SRAs. In addition to the SRAs to be conducted by the County, the applicant and any other interested party may prepare and furnish to the County its own SRAs, or parts thereof.

4.4.9. Prior to the submission of any application for a DCI Overlay Zoning District, the applicant shall attend a pre-application meeting with all residents, owners/lessees of non-residential structures, within one mile of the perimeter of the project area and with all County groups, Registered Organizations and Community Organizations that have previously registered for notification of applications for DCIs or Overlay Districts in accordance with Sections 2.2.2, 2.2.3 and 4.4.4 of the SLDC. The applicant shall furnish an address list for the one-mile area to the Administrator and shall send out notices to all affected parties at least fifteen business days prior to the meeting. In addition, the applicant shall publish notice of the meeting in a newspaper of general circulation at least fifteen days prior to the meeting. Such meeting shall be conducted at the offices of the County, or within a community close to the location of the DCI and shall be presided over by a designated County Hearing Officer. The proceedings shall be designed to resolve, to the extent possible, issues and problems between the parties. Such meeting shall not last longer than three (3) hours without the consent of the applicant, and the Hearing Officer shall have the authority to request invitees to consolidate presentations and otherwise cooperate so that effective and cordial discussion of issues and problems takes place.

4.4.10. A report demonstrating consistency of the project with the SGMP, Area,

District or Community Plans and any federal, state and local regulations.

4.5. Application for a DCI Conditional Use Permit. An application for a DCI Conditional Use Permit, which shall be for a single phase only if multiple phases are intended, shall include:

4.5.1. Final Order from the Board granting approval of the DCI Overlay Zoning District;

4.5.2. all required state and federal permits approved in conjunction with the proposed DCI;

4.5.3. a cost estimate prepared and sealed by a New Mexico professional engineer for all site improvements and reclamation, if appropriate;

4.5.4. a detailed development plan, meeting the submittal requirements of Article V, Section 7.1.2. of this Code; and

4.5.5. all final SRAs, complying with any comments and conditions imposed through the DCI Overlay Zoning District approval.

4.6. Revocation or Suspension of a DCI Conditional Use Permit.

4.6.1. A DCI Conditional Use Permit is subject to revocation or suspension by the Land Use Administrator for the following reasons:

4.6.1.1. any conduct that constitutes a failure to comply with performance standards or conditions imposed by the Conditional Use Permit;

4.6.1.2. engaging in the activities allowed by the Conditional Use Permit that are outside the geographic boundaries of the Permit;

4.6.1.3. the revocation or suspension of any federal or state permit required as a condition of approval of the Conditional Use Permit; or

4.6.1.4. any other conduct, whether or not within the scope of the Conditional Use Permit, that damages or commits waste to private or public property.

4.6.2. The Land Use Administrator shall serve a written Notice of Violation to the Holder of the DCI Conditional Use Permit either by certified mail at the address provided in the application or by personal delivery to the Holder, either at the Holder's address or at the worksite of the Permit. The Notice of Violation shall provide the following:

4.6.2.1. a statement of the nature of the violation with reference to this

Ordinance or the terms of the DCI Conditional Use Permit;

4.6.2.2. a brief description and location of the violation; and

4.6.2.3. a statement that failure to remove and correct the violation, or to cease and desist from further acts of the violation within fifteen (15) days of receipt of Notice of Violation may result in revocation or suspension of the DCI Conditional Use Permit.

4.6.3. If the Holder fails or refuses to correct or to cease and desist from further acts of the violation within the fifteen (15) days afforded or to the satisfaction of the Land Use Administrator, or if the Holder disagrees with issuance of the Notice of Violation and so informs the Land Use Administrator in writing:

4.6.3.1. the matter shall be ~~referred-scheduled~~ for a hearing before a Hearing Officer, which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled as soon as is practicable but in no event longer than thirty (30) days after referral;

4.6.3.2. during the hearing, it shall be the burden of the Land Use Administrator to demonstrate by a preponderance of the evidence that a violation of the DCI Conditional Use Permit has occurred as set forth in Subsection 4.6.1 above;

4.6.3.3. the Holder may then provide a defense by calling witnesses or submitting evidence disputing the evidence of the Land Use Administrator;

4.6.3.4. within five (5) working days of the hearing, the Hearing Officer shall make written findings of fact and rulings of law and recommend to the Board to either revoke, suspend, not revoke or not suspend the DCI Conditional Use Permit;

4.6.3.5. the matter shall be ~~referred-scheduled to the Board~~ for a hearing before the Board, which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled as soon as practicable, and after hearing, the Board may:

1. affirm the recommendation of the Hearing Officer to either revoke, suspend, not revoke or not suspend the DCI Conditional Use Permit; or
2. issue a decision to not revoke or not suspend the DCI Conditional Use Permit but impose additional conditions related to curing the effects of the violation and preventing future violations.

4.6.4. Any person aggrieved by a final decision of the Board pursuant to this section may appeal to District Court in accordance with NMSA 1978, § 39-3-1.1 (as amended) and Rule 1-074 NMRA.

4.6.5. If the Holder of the DCI Conditional Use Permit fails or refuses to comply with an order of the Board after its issuance, the Land Use Administrator may seek a court order enjoining further operation by the Holder and may invoke other remedies available pursuant to NMSA 1978, §§ 3.17.1, 3.18.17 and 3.21.1 (as amended).

4.6.6. The remedies described above are not inclusive remedies that are available to the County.

Section 5. Review Criteria.

5.1. The Hearing Officer, County Development Review Committee and Board of County Commissioners shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Overlay Zoning District:

5.1.1. consistency with the SGMP and any applicable Area, District and Community Plan;

5.1.2. environmental effects and impacts identified in the Environmental Impact Report (EIR) are avoided or appropriately mitigated;

5.1.3. whether adequate public facilities either exist or can be promptly funded as identified in the Adequate Public Facilities and Services Assessment (APFA) as required by the SRAs;

5.1.4. whether improvements identified in the APFA can be provided, as set forth in the capital improvements plan, or provided by the applicant, and when such facilities will be available;

5.1.5. whether water is available for each of the phases of the proposed DCI as set forth in the Water Service Availability Report as required by the SRAs;

5.1.6. whether impacts of traffic generated as a result of the activities taking place in the proposed DCI Overlay Zoning District can be mitigated;

5.1.7. whether the proposed location is compatible with adjoining uses given the size, design and operational characteristics of the proposed DCI, and whether the DCI facilities can be made compatible with the surrounding area by using reasonable efforts to mitigate any public nuisance or land use effects or impacts of the DCI operation. Factors to be considered include impacts to property values, public safety; impacts on cultural, historic and archaeological resources,

emergency services response, wildlife and vegetation resources, noise; impacts on roads and highways, vibration, odor, glare, fire protection, access, visual impacts; and impacts upon air and water quality and quantity, the past performance of the operator's past compliance (or lack thereof), with federal, state and local laws pertaining to the DCI; and

5.1.8. whether the proposed DCI will be detrimental to the safety, health, prosperity, order, comfort and convenience of the County pursuant to NMSA 1978 § 4-37-1.

5.2. The Hearing Officer and County Development Review Committee shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Conditional Use Permit:

5.2.1. consistency with the Sustainable Growth Management Plan and any applicable Area, District and Community Plan;

5.2.2. consistency with the DCI Overlay Zoning District approval; and

5.2.3. to determine the operator's compliance with federal, state and local laws pertaining to the DCI during the development of previous phases of the DCI.

Section 6. Findings.

The Board of County Commissioners hereby finds, declares and determines that this Ordinance:

6.1. promotes the health, safety, and welfare of the County, its residents, and its environment by regulating adverse public nuisance and/or land use impacts and effects resulting from DCIs;

6.2. promotes the purposes of planning and land use regulation by assuring that adequate public facilities and services as defined by this Ordinance including roads, fire, police, stormwater detention and emergency and response services will be available at the time of approval of DCI projects;

6.3. prevents the occurrence of adverse public nuisance and/or land use effects and impacts resulting from the abandonment of DCI activities within the County;

6.4. protects the County's priceless, unique, and fragile ecosystem, the preservation of which is of significant value to the citizens of the County and state;

6.5. protects the County's unique and irreplaceable historic, cultural, archaeological, and eco-tourist sites and scenic vistas, in addition to water and other natural resources;

6.6. ensures the health, safety, and welfare of the County and its residents, and protects the natural and ecological resources of Santa Fe County as follows:

6.6.1. New Mexico has an interest in strengthening protection to historic, archaeological and cultural resources by issuing new rules and new statutes, if necessary, to put into place greater, and in some cases absolute protection, for highly sensitive and significant historical, cultural and archaeological sites and landscapes;

6.6.2. under the Wildlife Conservation Act (NMSA 17-2-37 through 17-2-46), species of wildlife indigenous to the state that may be found to be threatened or endangered by DCIs require such police power regulation over DCIs so as to maintain and, to the extent possible, enhance wildlife population within the carrying capacity of the habitat;

6.6.3. because DCIs may presently or in the future potentially cause irreparable harm to the County's water supply and pollution of water and air, may cause cancer, lung disease, and respiratory diseases, various DCIs must show documentation of community health effects, and these effects must be scrutinized, and thoroughly mitigated before DCI activities occur;

6.6.4. pursuant to the New Mexico Public Health Act, NMSA 24-1-1 (1978), the Department of Health has the authority to "investigate, control, and abate the causes of disease... sources of mortality and other conditions of public health." Environmental hazards resulting from DCI projects may potentially cause adverse health effects;

6.6.5. air, soil, and water contamination may occur during different stages of DCI operations, and such contamination could affect human health;

6.6.6. all New Mexicans have an equal right to live in a safe and healthy environment, and implementation of precautionary principles promotes this premise as well as reduces potential effects on public health resulting from exposure to environmental toxins;

6.6.7. the burden of proof of harmlessness for any proposed technological innovation must lie with the proponent of the innovation, not the general public;

6.6.8. DCIs could have a negative effect on tourism, landscapes and communities; and

6.6.9. recognizes that the County of Santa Fe has supplemental authority, in addition to the authority of the state to regulate adverse public nuisance, land use and environmental impacts and effects consistent with state legislation and regulation, stemming from DCI projects in the Galisteo Basin and unincorporated areas of the County and makes no finding that the state has preempted or occupied DCI regulation.

6.7. acknowledges that the Galisteo Basin has been recognized by the United States Congress as a nationally significantly archaeological resource and contains within it a number of areas protected under the auspices of the Galisteo Archaeological Sites Protection Act, Public Law 108-208 (2004), and finds additionally that:

6.7.1. the boundary of the Galisteo Basin is depicted in the Galisteo Basin Planning Area Map attached as Exhibit A, which is the same map attached to ordinance No. 2008-19 (Oil and Gas Ordinance), and which area further contains specific sites identified in and protected by the Galisteo Basin Archaeological Sites Protection Act referenced above, including any maps referenced in that Act;

6.7.2. DCIs in the Galisteo Basin will have significant impact on archaeological, historical, cultural and environmental resources and sensitive areas;

6.7.3. water resources in the Galisteo Basin are at risk as DCIs in the Galisteo Basin may negatively diminish or pollute local water supplies and sources of groundwater;

6.7.4. due to the importance of the hydrology of the Galisteo Basin, not only to the citizens of Santa Fe County but to the interstate stream system through its contributions to the Rio Grande, it is extremely important to protect the quantity and quality of the surface and ground water resources in the Galisteo Basin;

6.7.5. the Galisteo Basin is home to a variety of native plant and animal species whose arid habitats will be impacted negatively by DCIs. In addition terrestrial wildlife, aquatic and riparian species and habitats such as those found around the springs, wetlands, and drainages in the Galisteo Basin must be protected;

6.7.6. clean air and water are essential to most resources and activities in the Galisteo Basin and will be degraded by DCI activity; and

6.7.7. sensitive environmental systems and cultural, archaeological and historic sites in the Galisteo Basin require permanent protection from DCI projects.

Section 7. General Regulations for all DCIs.

7.1. Identification, Mapping, and Analysis of Potential Impacts. The Environmental Impact Report (EIR) shall identify whether potential impacts would occur, where a "Yes" is indicated in the column for the proposed use, with respect to the category of potential impacts indicated in the row. The EIR shall include a description and maps of relevant information related to these impacts both on- and off-site, and identify whether factors related to these impacts exist on the property or would be affected either on- or off-site by

the proposed use and development of the property, and describe whether and how potential adverse impacts will be avoided or mitigated. The categories of potential impacts that are listed in Table 17-1 below, shall be construed to be part of the environmental setting, environmental effects, and avoidance or mitigation of impacts and effects.

Table 17-1 Categories of Impacts to be Identified, Mapped and Addressed.

CATEGORY OF POTENTIAL IMPACTS TO IDENTIFY, MAP, AND ADDRESS	SAND AND GRAVEL EXTRACTION	LANDFILLS	JUNKYARDS
Federal and State endangered and threatened species and species of concern impacts	Yes	Yes	Yes
Connectivity and protection of significant wildlife habitat areas	Yes	Yes	Yes
Stormwater runoff rates, surface water flows and levels	Yes	Yes	Yes
Surface water contamination, and degradation generally	Yes	Yes	Yes
Wetland and riparian area viability	Yes	Yes	Yes
Groundwater levels and availability, potential groundwater depletion	Yes	Yes	Yes
Groundwater contamination, and degradation generally	Yes	Yes	Yes
Water well contamination potential	Yes	Yes	Yes
Erosion, siltation, and dust potential	Yes	Yes	Yes
Soils bearing strength and stability for development	No	Yes	No
Wildfire hazard	Yes	No	Yes
Earthquake and landslide hazards	No	Yes	No
Flooding hazards and floodwater contamination	Yes	Yes	Yes
Archaeological and historic resource protection	Yes	Yes	Yes
Impacts to landscape scenic quality	Yes	Yes	Yes
Impacts to conservation and open space areas, scenic roads, and recreation trails, including visual impacts and noise	Yes	Yes	Yes
Viability of agricultural crop lands and improved pasture lands	Yes	Yes	No
Nuisance, hazard, traffic, character, and	Yes	Yes	Yes

visual impacts to residential uses			
Nuisance, hazard, and visual impacts to commercial and public or institutional uses	Yes	Yes	Yes
Adequacy of roads for intended use	Yes	Yes	Yes
Water system availability and capacity:	Yes	No	No
Fire protection and emergency medical service availability and response times	Yes	Yes	Yes

Section 8. Regulations for Landfills.

8.1. Purpose; Intent. The purpose of this Section is to establish operational, location, and general standards for landfills and associated activities that are designed to establish reasonable limitations, safeguards, and to mitigate negative impacts on the surrounding properties.

8.2. Applicability.

This Section 8 applies to the place of business or establishment which is maintained, operated or used for disposal of solid waste located within Santa Fe County.

8.3. Operational Standards and Requirements.

8.3.1 Operating Permit. A Solid Waste permit shall be obtained from the New Mexico Environmental Improvement Board per Title 20, Chapter 9, Part 3 of the New Mexico Administrative Code (NMAC). The permit shall be submitted prior to obtaining a Conditional Use Permit.

8.3.2. Access. Adequate and available access is required per Section 7.4 (Access and Easements) of the SLDC.

8.3.3. Visual Screening Measures. Visual screening is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards.

8.3.3.1 General. The view from all public roads, rivers, and adjoining residential areas shall be screened.

8.3.3.2. Buildings. All buildings' design, scale, and location shall reduce the visibility from off site.

8.3.3.3. Surrounding Vegetation. Any vegetation on site that can act as screening of the extraction area shall be preserved.

8.3.4. Lighting. All Landfills must comply with Section 7.8 (Lighting) of the SLDC.

8.3.5. Signs. All development must comply with Section 7.9 (Signs) of the SLDC.

8.3.6. Parking and Loading. All landfills must meet the parking and loading requirements in Section 7.10 (Parking and Loading) of the SLDC.

8.3.7. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment structure. The impoundment structure shall be set back a minimum of 300 feet from any property boundary.

8.3.8. Protection of Historic and Archaeological Resources. Any landfill development shall submit an archaeology report conforming to the requirements of Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC.

8.3.9. Terrain Management. Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.

8.3.9.1. Grading and Erosion Control. In addition to the Terrain Management requirements of the SLDC, drainage and erosion control shall comply with the following:

1. Removal of Organic Materials. Fill areas shall be properly prepared by removing organic materials, such as vegetation and rubbish, and any other material which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site.

2. Site Vegetation Removal and Revegetation. The removal of existing vegetation shall not occur more than 30 days prior to the commencement of grading, and permanent revegetation shall be commenced as soon as practical after any landfill has been filled, covered and graded. Site specific native seed mixtures shall be used to revegetate all disturbed areas with the exception of landscaped areas if any. Mulching shall be used in order to assure vegetation growth.

3. Topsoil, Stripping, Stockpiling, and Redistribution. The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.

4. Cut and Fill Slopes. Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%, to allow for permanent revegetation or landscaping unless a retaining wall is used or a

steeper slope is approved by the County. The County may require the submission of a detailed engineering report and analysis prepared by a professional engineer or landscape architect relative to the safety of such cuts and fills, if necessary considering soil type, soil stability, and any proposed structures.

8.3.9.2. Sediment and erosion control. Practices for sediment and erosion control shall be designed, constructed and maintained to mitigate further entry of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:

1. grading to reduce the rate and volume of run-off;
2. retaining sediment within the pit and disturbed area; and,
3. establishing temporary vegetation, mulch, or other soil stabilization application as needed to prevent short-term erosion, sedimentation or windblown dust.

8.3.10. Air Quality and Noise.

8.3.10.1. All requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met.

8.3.10.2. Noise Study. A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the application.

8.3.11. Setbacks.

8.3.11.1. The refuse and salvage material shall be at least 300 feet from all property lines and 500 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.

8.3.11.2. The site shall be located at least one-quarter mile from any existing dwelling or land subdivided for residential development.

8.3.11.3. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible

8.3.12. Protection from Trespassing. The proposed use shall be fenced in

accordance with the standards in Section 7.7. (Fences and walls) of the SLDC for health and safety protection.

8.3.13. Analysis of Landfills in the County. An analysis of the existing capacity, the remaining life, and the need for a new major solid waste disposal site shall be submitted with the application.

8.3.14. Hours of Operation. Landfills shall not be open to the public earlier than 8 a.m. nor remain open later than 5 p.m.

Section 9. Regulations for Junkyards.

9.1. Purpose; Intent. The purpose of this Section is to establish operational, location, and general standards for junkyards and associated activities that are designed to establish reasonable limitations, safeguards, and mitigate negative impacts on the surrounding properties.

9.2. Applicability. This Section 9 applies to the place of business or establishment which is maintained, operated or used for storing, keeping, buying or selling junk or scrap, or for the maintenance or operation of a motor vehicle graveyard located within Santa Fe County.

9.3. Operational Standards and Requirements.

9.3.1. Access. Adequate and available access is required per Section 7.4 (Access and Easements) of the SLDC.

9.3.2. Visual Screening Measures. Visual screening is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards:

9.3.2.1. General. The view from all public roads, rivers, and adjoining residential areas shall be screened.

9.3.2.2. Buildings. All buildings' design, scale, and location shall reduce the visibility from off site.

9.3.2.3. Surrounding Vegetation. Any vegetation on site that can act as screening of the storage or worksite area shall be preserved.

9.3.2.4. Hours of Operation. Junkyards shall not be open to the public earlier than 8 a.m. nor remain open later than 5 p.m.

9.3.3. Lighting. All junkyard developments must comply with Section 7.8 (Lighting) of the SLDC.

9.3.4. Signs. All junkyard development must comply with Section 7.9 (Signs) of the SLDC.

9.3.5. Parking and Loading. All junkyards must comply with Section 7.10 (Parking and Loading) of the SLDC.

9.3.6. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment structure.

9.3.7. Protection of Historic and Archaeological Resources. Any application for a junkyard development shall submit an archaeological report conforming to the requirements of Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC.

9.3.8. Terrain Management. Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.

9.3.9. Air Quality and Noise.

9.3.9.1. The requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met.

9.3.9.2. Noise Study. A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the application.

9.3.9.3. Reclamation and revegetation shall be required at such time as the junkyard ceases to do business.

9.3.10. Setbacks.

9.3.10.1. The refuse and salvage material shall be at least 300 feet from all property lines and 500 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.

9.3.10.2. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible.

9.3.11. Protection from Trespassing. All proposed use shall be fenced in accordance with the standards in Section 7.7. (Fences and walls) of the SLDC for health and safety protection.

Section 10. Regulations for Sand and Gravel Extraction.

10.1. Purpose; Intent. The purpose of this Section 10 is to establish operational, location, reclamation and general standards for sand and gravel operations and associated extraction activities that are designed to establish reasonable limitations, safeguards, mitigate negative impacts on the surrounding properties, and provide controls for the conservation of natural resources and rehabilitation of land.

10.2. Applicability.

10.2.1. This Section 10 applies to the extraction and processing of any sand and gravel extraction operation that affects 10 or more acres of land or extracts more than 20,000 tons of earth materials, or utilizes blasting. Small, incremental increases of an approved extraction operation by the same owner or operator that effectively avoid the application and approval requirements of this ordinance are prohibited. No applicant, operator or owner, whether individually or as an agent or a corporate officer of any business entity, who has been granted an approval to operate a sand and gravel extraction operation of less than 10 acres of land or less than 20,000 tons of earth material shall be granted approval to operate an expanded or similar extraction operation on the same or contiguous property, where the total of any additional operation increases the extraction operation to one in excess of 10 acres of land, or to one in excess of 20,000 tons of earth material. Instead, any such additional operation shall be treated as a DCI and shall require application and processing under this Ordinance.

10.2.2. Sand and gravel extraction and processing includes any removal, stockpiling, or processing of any material in Section 3.3 above. Any screening, crushing, gravel recycling, washing, or stockpiling of aggregate, in concert or by itself, constitutes gravel processing.

10.2.3. This Section 10 does not apply to:

10.2.3.1. Excavation related to basements and footings of a building, or retaining walls .

10.2.3.2. Sand and gravel operations that are less than 10 acres in size and extract less than 20,000 tons of earth materials and which do not utilize blasting, are regulated by Article XI of the Land Development Code.

10.2.3.3. Mineral Exploration and Extraction regulated by Article III, Section 5 of this Ordinance.

10.3. Operational Standards and Requirements.

10.3.1. State and Federal Permits. All sand and gravel extraction operations shall submit all required state permits, FEMA and/or Army Corps of Engineers permits with the Conditional Use Permit application.

10.3.2. Hours of Operation. Hours of operation are limited to the period between sunrise or 7:00 a.m. whichever is latest, and sunset or 6:00 p.m., whichever is earliest, Monday through Saturday. The Board may further restrict hours per section 10.3.4.5.1 of this Ordinance.

10.3.3. Water Services Availability. A Water Service Availability Report shall be submitted with the application per Section 6.5 (Water Service Availability Report) of the SLDC.

10.3.3.1. Extraction and filling of a reservoir shall not infringe on downstream appropriator's water rights.

10.3.4. Project Traffic Impacts and Road Standards.

10.3.4.1. All roads carrying sand and gravel related traffic shall conform to the requirements of Section 7.11 (Road Design Standards) of the SLDC.

10.3.4.2. Transportation Facility Improvements. An analysis of all roads accessing the site shall be submitted to the County with detailed information concerning the ability of the roads to adequately support the projected traffic, including potential weight of vehicles for 20 years or the life of the sand and gravel extraction operation. Cost of all required improvements, on and off-site, shall be borne entirely by the applicant.

10.3.4.3. The Board of County Commissioners may establish a maximum size and number of truck trips allowed to enter and exit a processing location where needed to:

1. avoid a reduction in the level of service for all access roads and roads within the study area as provided in the Traffic Impact Analysis (TIA) the time of application;
2. avoid the deterioration of all access roads; and
3. otherwise comply with Section 6.6 of the SLDC.

10.3.4.4. Traffic Counts. Traffic counts at the entrance of the operation shall be presented at the annual review of the operation's permit.

10.3.4.5. Designation of Construction and Haul Routes. The application shall designate proposed truck haul and traffic routes that shall be subject to limitation by the BCC, which proposal shall:

1. Truck haul and traffic routes shall avoid residential areas, commercial areas, environmentally and visually sensitive areas,

schools and other civic buildings, municipalities, and already congested locations where possible—;

2. identify Alternative routes shall also be identified;

13. identify the Timing of truck haul traffic may be limited by the BCC; and

24. Applicant shall submit include a fugitive dust plan for designated routes to, and prevent loss of loads and fugitive dust during excavation and transportation.

10.3.5. Project description. The applicant shall provide a detailed statement describing the project including:

10.3.5.1. The amount and type of materials to be excavated;

10.3.5.2. Duration of the excavation activity and reclamation activity;

10.3.5.3. The proposed method of excavation;

10.3.5.4. The amount of fill to remain on site; and

10.3.5.5. A statement from a New Mexico professional engineer indicating the type of material(s) to be excavated and their suitability for road and structural fill construction.

10.3.6. Access. Adequate and available access is required per Section 7.4 (Access and Easements) of the SLDC.

10.3.7. Visual Screening Measures. Visual screening, which shall include all phases, is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards.

10.3.7.1. General. The view from all public roads, rivers, parks, open space and adjoining residential areas shall be screened.

10.3.7.2. Buildings. The design, scale, and location of all buildings shall reduce the visibility from off site.

10.3.7.3. Surrounding Vegetation. Any vegetation on site that can act as screening of the extraction area shall be preserved, including vegetation existing in the required setbacks.

10.3.7.4. For all proposed extraction areas of greater than 10 acres, the extraction shall be designed in phases in order to minimize the visual

impact.

10.3.8. Lighting. All Sand and Gravel operations must comply with Section 7.8 (Lighting) of the SLDC.

10.3.9. Signs. All sand and gravel operations must comply with Section 7.9 (Signs) of the SLDC, but are limited to two signs of 4 square feet each.

10.3.10. Parking and Loading. All Sand and Gravel operations must comply with Section 7.10 (Parking and Loading) of the SLDC.

10.3.11. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within a lined impoundment structure.

10.3.12. Wildlife. Protection is required for critical environmental resources including wetlands, riparian areas, and important wildlife habitats.

10.3.12.1. Any modification of the terrain within a floodplain area shall be environmentally sound and not result in net loss of wildlife habitat.

10.3.12.2. All sand and gravel operations shall be limited to locations and times of year that ensure no significant negative impacts to federally listed endangered species.

10.3.12.3. No sand and gravel development shall interrupt a wildlife corridor.

10.3.13. Protection of Historic and Archaeological Resources. Any application for sand and gravel extraction shall submit an archaeological report conforming to the requirements of Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC.

10.3.14. Terrain Management. Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.

10.3.14.1. Grading and Erosion/Sediment Control. In addition to the Terrain Management requirements of the SLDC, drainage and erosion control shall comply with the following:

1. Removal of Organic Materials. Fill areas shall be properly prepared by removing organic materials, such as vegetation and rubbish, and any other material which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site.

2. Site Vegetation Removal and Revegetation. The removal of existing vegetation shall not occur more than 30 days prior to the commencement of grading; however, permanent revegetation shall be commenced as soon as practical after the completion of grading. Site specific native seed mixtures shall be used to revegetate all disturbed areas with the exception of lawn and landscaped areas if any. Mulching shall be used in order to assure vegetation growth.

3. Topsoil, Stripping, Stockpiling, and Redistribution. The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.

4. Cut and Fill Slopes. Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%, to allow for permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the County. The County may require the submission of a detailed engineering report and analysis prepared by a professional engineer or landscape architect relative to the safety of such cuts and fills, if necessary considering soil type, soil stability, and any proposed structures.

10.3.14.2. Sediment and Erosion Control. Practices for sediment and erosion control shall be designed, constructed and maintained to mitigate further entry of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall be instituted and consist of utilization of proper reclamation methods and sediment control practices including, but not limited to:

1. grading material to reduce the rate and volume of run-off;
2. retaining sediment within the pit and disturbed area; and,
3. establishing temporary vegetation or mulch on short term erosion, sedimentation or windblown dust.

10.3.15. Air Quality and Noise.

10.3.15.1. The requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met; however, only a preliminary air quality report is required for submittal with the application. Once approved, a final air quality permit is required prior to commencement of any activity on the site.

10.3.15.2. Noise Study. A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the

application. Such noise study shall provide a baseline of three consecutive weekdays representative of non-excavation activities.

10.3.15.3. Fugitive Dust Control. Dust control is required for all active sand and gravel extraction operations.

1. The presence of dust at a sand and gravel operation is attributable to earth moving, soil or surface disturbance, construction or demolition; movement of motorized vehicles on any paved or unpaved roadway or surface, right-of-way, lot or parking area; and the tracking out or transport of bulk material (i.e., sand, gravel, soil, aggregate, or any other inorganic or organic material capable of creating fugitive dust related to extraction activities) onto any paved or unpaved roadway in Santa Fe County.
2. Fugitive dust consists of airborne particulate matter from a source, resulting in particulate matter emissions that can be detected by the human eye.
3. Dust control measures include but are not limited to the use of wet suppression through manual or mechanical application; the use of fabric fencing material or equivalent that shall be a minimum of 24 inches in height and anchored 6 inches below the surface on the bottom edge installed around the perimeter of the disturbed surface area; the use of dump truck tarps; and the use of chemical dust suppressant applied in amounts, frequency, and rates recommended by the manufacturer.
4. In no circumstances shall a sand and gravel operator continue extraction operations during a high wind event.
5. All sand and gravel operations shall incorporate an entry/exit apron, steel grates, or other equivalent devices capable of removing bulk material from the tires of vehicle traffic.
6. An applicant for a sand and gravel Conditional Use Permit shall submit a fugitive dust control plan as part of the application. The fugitive dust plan must detail the control measures the operator intends to use to reduce the quantity of visible fugitive dust, transported material, temporary cessation of activity during a high wind event and track-out leaving the property or area under the control of the operator.

10.3.16. Blasting Plan. If a proposed operation intends to do any blasting, a blasting plan shall be submitted with the application and for any future blasting after the initial blast.

10.3.16.1. The plan shall be created by a qualified blasting firm which is knowledgeable with State of New Mexico requirements and National Fire Protection Association (NFPA) 495.

10.3.16.2. Blasting may only be conducted during the hours of operation in Section 10.3.2. above.

10.3.16.3. The blasting plan shall identify the maximum number of holes to be shot each occurrence, the type of explosive agent, maximum pounds per delay, method of packing, type of initiation device to be used for each hole, blasting schedule and establish noise and vibration standards.

10.3.16.4. The Applicant shall notify the County of proposed blasting ten working days prior to a blast and shall provide the name of the qualified blasting firm and provide insurance of \$1,000,000 for each occurrence.

10.3.16.5. The County may hire a qualified blasting firm to review the Applicant's blasting plan at the expense of the Applicant.

10.3.16.6. The operator shall require that any blasting be conducted by someone who has been trained and examined and who holds certification issued by the Director of the Mining and Minerals Division of the Energy, Minerals and Natural Resources Department or the Director's designee. Comparable certification from another state is acceptable.

10.3.17. Monitoring Report. The applicant shall monitor all blasting and record all noise and vibration levels in a monitoring report. The monitoring report shall be submitted to the Land Use Administrator within five (5) working days of blasting and shall comply with the following ground vibration and noise levels:

10.3.17.1. Ground vibration shall not exceed 0.50 inches per second Peak Particle Velocity (PPV) at any property line, unless such property is owned by the operator and not leased to any other person.

10.3.17.2. Noise levels shall not exceed the values specified in Table 17-2 below:

Table 17-2 Maximum Allowable Noise Levels.

Lower frequency limit of measuring system, Hz + 3dB	Maximum level in dB
0.1 Hz or lower—flat response	134 peak
2.0 Hz or lower—flat response	133 peak
6.0 Hz or lower—flat response	129 peak

~~1. Lower frequency limit of measuring system, Hz + 3dB~~ ~~Maximum level in dB;~~

~~2. 0.1 Hz or lower flat response 134 peak;~~

~~3. 2.0 Hz or lower flat response 133 peak; or~~

~~4. 6.0 Hz or lower flat response 129 peak.~~

10.3.18. Sand and Gravel Operation Setbacks.

10.3.18.1. Sand and gravel operations shall be setback:

1. 500 feet from all property lines;
2. 500 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands; and
3. One half mile from residential structures.

10.3.18.2. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible

10.3.19. Protection From Trespassing. The proposed use shall be fenced in accordance with the standards in Section 7.7. (Fences and walls) of the SLDC for health and safety protection.

10.3.20. Height. Any equipment used for sand and gravel extraction must meet the height standards for the zoning district in which it is located. Height shall be measured from existing grade prior to commencement of any grading activity on the site, and shall also conform to the height measurement requirements of Section 7.17.9.3 of the SLDC.

10.3.21. Activities in or Near Water Bodies.

10.3.21.1. Uncontrolled/Natural Watercourses. When working near uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that neither disturbs nor degrades fisheries and waterfowl habitat. This requirement shall apply to any water body, which shall include: naturally occurring rivers, streams, ponds, lakes, seasonal streams and seasonal lakes.

10.3.21.2. Minimum Buffer. A minimum 100 foot buffer of natural vegetation between the water's edge and any sand and gravel operation is

required.

10.3.21.3. No Negative Impact. No extraction is permitted that is deemed by the County to have a negative impact on any water body.

10.3.22. Solid Waste. All sand and gravel operations must comply with Section 7.20 (Solid Waste) of the SLDC.

10.3.23. Liquid Waste. All sand and gravel operations must comply with the wastewater requirements of Section 7.13 (Water Supply, Wastewater and Water Conservation) of the SLDC.

10.3.24. Phasing. All phases shall be clearly staked prior to commencement of any activity on the property. The applicant must GPS all stakes and make them digitally available to the County upon request in GIS format based on the standard Santa Fe County GIS spatial reference.

10.3.24.1. The maximum size of any phase of the development shall be ten acres.

10.3.24.2. Only one phase of the development shall be excavated at a time.

10.3.25. Reclamation Plan and Bonding. A reclamation plan shall be provided that is designed and certified by a New Mexico registered professional engineer or landscape architect, and meets the reclamation standards specified below in Section 10.3.25. The plan shall restrict extraction operations to areas of workable size so that no area is left inactive and unreclaimed for more than 60 days, unless approved by the DCI Permit. The plan shall specify any phasing of reclamation and estimate the cost of the entire reclamation project. A bond shall be posted to implement the reclamation plan at 125% of expected cost of the reclamation. The bond amount shall be reviewed annually, as part of the annual review of the DCI Permit, for the purpose of up-dating the bond amount in accordance with any changing costs of reclamation. The reclamation plan does not replace a landscape plan that may be required for any subsequent development of the gravel processing and extraction site.

10.3.26. Reclamation Standards. The reclamation plan shall comply with the following standards:

10.3.26.1. General. Reclamation shall restore land areas to a condition suitable for new land uses. Wildlife habitat shall be restored in a manner comparable or better, to the habitat conditions that existed prior to the gravel operation. In general, all slopes shall be graded to 3:1 or flatter to promote revegetation.

10.3.26.2. Grading. Disturbed areas shall be re-graded to blend into and

conform to the general natural form and contours of the adjacent areas. In general, all slopes (cut or fill) shall be graded to 3:1 or flatter. Such methods must be approved as part of the Reclamation Plan.

10.3.26.3. Revegetation of all disturbed areas is required. The plan shall describe the vegetation prior to any grading of the site and shall demonstrate how the site will be returned to its original, or better vegetated condition.

10.3.26.4. Mining operations shall be allowed to progress so long as the disturbed areas within previous phases have been reclaimed within 6 months after the commencement of the new phase; provided that, the County will consider extensions due to weather conditions and taking into account seasonal changes. Reclamation shall commence within 30 days of the commencement of a new phase of extraction.

10.3.26.5. Prior to Approval of Reclamation Study. In no case shall a location and time of excavation be approved that may have negative impacts on any state or federally designated endangered or threatened species, or critical habitat.

10.3.27. Existing Sand and Gravel Extraction Uses.

Any sand and gravel extraction use existing prior to adoption of the Land Development Code (January 1, 1981) and having been in continuous operation, may continue operations and may expand up to 25% beyond the area currently and formerly mined on that parcel. Any sand and gravel extraction use approved by the County prior to the adoption of this Ordinance may continue operations in accordance with their final County approvals. Any new phase or further expansion proposed, but not previously approved, shall comply with this Ordinance.

10.3.28. Annual Operating Plan and Monitoring Report.

10.3.28.1. An annual operating plan and monitoring report, capable of audit, shall be prepared and submitted to the Land Use Administrator by January 31st each year. The report shall summarize the operations of the previous year including number of truck trips and sizes of trucks, the area mined, quantities mined in tonnage and cubic yards, the amount of area undergoing reclamation, and the success of reclamation including any violations issued and their outcome.

10.3.28.2. For the first three years, the report shall be reviewed at a public hearing with the Board of County Commissioners. After the third year, the Board may allow the report to be reviewed administratively by the Land Use Administrator and brought to the Board when the Land Use

Administrator has determined a significant change in operations has occurred, or circumstances have changed warranting re-evaluation of the DCI permit.

Section 11. Application Fee.

Each application for a DCI Overlay District and DCI Conditional Use Permit shall be accompanied by the nonrefundable application fees in the amounts set forth in Appendix A. Other fees related to reports and reviews listed in Appendix A shall require payment at a later date.

Section 12 . Severability.

If any provision of this Ordinance shall be held invalid or non-enforceable by any court of competent jurisdiction for any reason, the remainder of this Ordinance shall not be affected and shall be valid and enforceable to the fullest extent of the law.

Section 13. Effective Date.

This Ordinance shall become effective thirty (30) days following recordation in the Office of the County Clerk.

PASSED, APPROVED AND ENACTED this ____ day of August, 2015, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By _____
ROBERT A. ANAYA, Chair

ATTEST:

GERALDINE SALAZAR, County Clerk

☐ **APPROVED AS TO FORM:**

GREGORY S. SHAFFER, County Attorney

DRAFT 8-04-15

**APPENDIX A
APPLICATION FEES**

Application for a DCI Overlay Zone: \$7,500

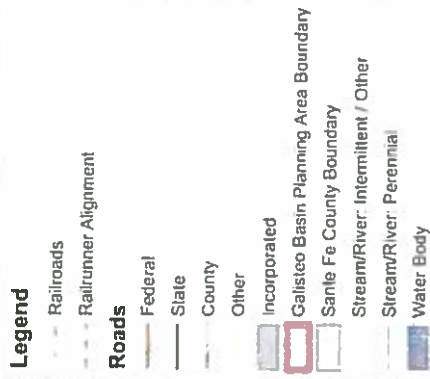
Application for a DCI Conditional Use Permit: \$ 3,000

| Inspection Fees _____ \$250 per inspection

Fee for preparation of SRAs Full cost of preparation and review by
outside consultants

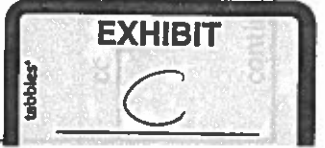
| Fee for Specialized Review if needed _____ Full cost of review by outside consultant.

DRAFT 8-04-15



to find that what had been taken to be the only possible explanation for the observed results was in fact a consequence of the way the data had been analyzed. The authors conclude that the results of the study are not as clear as they first appeared and that the results are not as clear as they first appeared.

Section	Comments	Response
Ti+A2:C14title	The title says this ordinance will add Article XVII to the Land Development Code. Does this refer to the existing code that is currently in effect? If so, how will it be incorporated into the SLDC?	Yes, see red line. It is anticipated that these regulations will be incorporated into the updated SLDC.
Title	Includes the words " and sand and gravel mining of a certain scale." Since the chapter intends to regulate sand and gravel mines with blasting – regardless of scale (as in size) – because of the intensity and impact of such activity, should the title somehow reflect this?	No changes recommended.
1	Add under Purpose, "If applicant fails to meet the criteria, the BCC may deny the application."	Not necessary, the burden is on the applicant to demonstrate compliance, not the County. No changes recommended.
1.3	How does the County intend to enforce these regulations?	Enforcement is always a challenge, but clear regulations will promote compliance and make enforcement more manageable. No changes recommended.
Sections 2 and 3	In the future there may be other types of proposed developments that would affect the health, safety and welfare of the people of Santa Fe County. Has consideration been given to placing language here to allow for future adjustments/additions?	No changes recommended.
2.3.	Sand and gravel extraction pursuant to Section 10.2.1 – see comments below on that section.	See responses below:
3.1	Suggest adding: "Fully enclosed warehouses where salvage operations and storage of reusable parts occurs are not subject to this Section. Nothing in this Section shall prevent such warehouses from being deemed DCIs under separate Sections."	No changes recommended.
3.1.	Junkyards: "Scrap Materials" must be distinguished from a hobby's car "collection".	No changes recommended.
Section 3.1	There are EIB regulations for junk and Salvage yards that should be cited.	No changes recommended.
ed...	What happens to the current hard rock mining regulations tied to the current code. Shouldn't they be identified as a "DCI" in this section, even though the regulation is tied to another section of the existing code?	No changes recommended. Identified in SLDC.
ed...	Junkyards: Does the county wish to distinguish "car collections" of more than 10 vehicles exempt from the DCI regulations. Such collections could be registered for a fee with the county as a "private collection"	No changes recommended.



continued...	ADD the following: Any proposed DCI zone for a property lying adjacent to an identified Community, District, or area plan or overlay must be placed at least 500' from the boundary of the overlay as identified in the 2013 SLDC.	No changes recommended.
3.1.	ADD "An outdoor place..."	No changes recommended.
3.1.	ADD AT END: "Fully enclosed salvage and recycling operations are not included in the definition of junkyard unless they have an outdoor component."	No changes recommended.
3.2.	Landfill. Is the listing of NMAC and EIB as regulators to define which landfills? As opposed to implying these landfills are regulated by those agencies but not the county?	No changes recommended.
3.3.	Sand and Gravel mining. Rather than limiting the regulated extraction activities to only construction materials, consider broadening the definition to include other uses, because the scale and/or methods of extraction and processing is what matters under this chapter, as opposed to whether or not it gets used to build something.	Made changes.
3.3.	Rephrase this so that basalt is not the only geological rock type mentioned. Thus "Extraction of naturally occurring minerals as materials for construction and other purposes, including but not limited to rock, stone, sand, gravel, aggregate, cobbles, river rock, and similar naturally granular materials. Materials consisting of any geological type of rock (for example, granite, basalt, shale, sandstone and similar categories of rock) are subject to this ordinance. Extraction of rock to be finished as blocks or slabs for masonry, sculpture, or other uses are covered under [Mining Ordinance.]"	Made changes.
3.3.	REPLACE as follows: "Activity of extracting minerals typically but not exclusively used for construction materials, including but not limited to sand, gravel, aggregate, cobbles, and similar naturally occurring granular materials, consisting of or derived from any geological rock type such as granite, basalt, slate, or sandstone. Blasting or otherwise breaking solid rock to produce gravel-like particles is also included in this definition of sand and gravel mining. Removal of subsoil from the site for fill or any other purpose is included under this definition. Removal of fertile topsoil from the site is regulated separately."	No additional changes recommended.

	REASONING: It is important that the definitions be as clear as possible. Sand and gravel are used for many purposes; "construction materials" does not fully define these. It is important (to avoid loopholes) to differentiate between size-and-shape terms like sand or gravel, and the rock of which these are formed, like granite etc. It is also critical that the list be inclusive of methods that extract from solid geological formations, as well as the more common scooping of granular materials	
	Procedures and Submittals In the sections that deal with the specific types of DCI developments addressed under this Article, there are requirements for specific studies and reports. Are these required documents for review intended to be part of the application materials, the same way as studies in Chapter 6 of the SLDC are? If so, this should be explicitly stated.	Yes, these requirements are part of the application process. No changes recommended.
Section 4	Should this also say "The BCC and CDRC are under no obligation to permit any DCI, nor to change zoning status of any parcel in order to permit a DCI."	Not necessary, the burden is on the applicant to demonstrate compliance, not the County. No changes recommended.
4.1	ADD AT END: "The County is under no obligation to change the zoning status of any parcel, but has the discretionary authority to deny or to permit such changes based on review criteria and the judgment of the Board of County Commissioners."	No changes recommended.
4.1	Applicability of the Sustainable Land Development Code (SLDC). Might the term "merely" be construed by some to state that the applicable referenced portions of the SLDC are just 'referenced' but not actually required to be applicable. Is there a way to clarify that the referenced material is actually being adopted into DCI Chapter XVII, and does apply to projects reviewed here?	Made changes.
4.2.	ADD the date on which Ordinance 2013-6 was adopted, in order to identify the official text unequivocally.	No changes recommended.

	ADD NEW SECTION (after 4.2.5) and renumber: "a complete and accurate estimate of water usage for all purposes throughout the life of the operation, detailing each purpose and the phase in which each use would occur; and documentation of the availability of sufficient water for such uses, the source(s) of such water, and a binding agreement from the source or provider of such water. In the case that the applicant proposes to use water rights controlled by the applicant or other private owner, applicant must present approval by the State Engineer and Interstate Stream Commission for the proposed uses." 4.2.X. REASONING: In the existing draft, documentation of water availability is not required until the conditional Use Permit process. Since water is itself a matter of countywide importance, it is neither prudent for the County, nor fair to the applicant, to grant an Overlay Zone without ascertaining water availability first. The requirement for a Water Availability report under C.U.P. application requirements can accept copies of the same documentation submitted for the Overlay process.	No changes recommended.
4.3.	Application procedures. Will the applicant be required to provide all owners of record, and their concurrence with the project? Is a survey required?	No changes recommended.
Section 4.3. 4.4. 4.5	In Section 4, Procedure and Standards, 4.3 references the procedures in Chapter 4 of the SLDC, but then 4.4 and 4.5 give detailed requirements for applications for a DCI Overlay Zoning District and for a Conditional Use Permit. It's not clear how these new sections fit into the SLDC chapter.	Modifications may be necessary to bring these regulations into the SLDC and those modifications will be done at that time.
4.3	Overlay and DCI: The establishment of an Overlay Zone is required as part of any DCI application. Overlay Zones are also required in some non- DCI situations. The procedure for application for an OZ appears to be the same. Similarly, the procedures for conditional Use Permits are the same for DCI and non- DCI applications. I think this is a good thing, though there could be a possibility of abuse?	Agreed. The goal is to clearly define these processes to limit the potential for abuse. No changes recommended.
4.4.	This section in general. Is there a specification of the level of qualifications required for the compilers of these various studies? Is there a requirement that Best Available Science be the standard where that would be expected, to ensure the quality and accuracy of the material to be reviewed?	Yes, see sec. 6.2.2 of SLDC. Plus, qualifications of 3rd party consultants will be in contracts issued by County. No changes recommended.

	The list under 4.4 specifies what needs to be included in the Overlay Zoning District application. To make the structure of the list consistent, 4.4.5 should be 'An emergency....plan'; 4.4.6 does not need the title 'Phasing Schedule.'; 4.4.8 should begin 'All information...'. Also, 4.4.9 doesn't fit in the list of items to be submitted so should be placed outside the list.	Review of the formatting is being done as part of this process.
4.4.1.	An accurate map of the project: Consider adding " ... including all easements and other encumbrances." Also consider adding that the map must include the ownership boundary.	No changes recommended.
4.4.2.1.	The word "approximate" is used for the phases. This makes it harder for the County and the public to accurately understand what will occur in terms of scale and intensity.	No changes recommended, but limiting size of phases is under consideration.
4.4.2.2.	Might undeveloped properties be shown as well? The rationale being that it is then easier for the County and the public to understand how many parcels are affected within the 5 mile radius. Any parcel might be considered as at least one or more single family residences affected, depending on parcel size. Also consider specifying that the (5 mile) radius is from the ownership boundary. This would ensure that even if the concept "drifted", the most accurate information about adjacent ownerships is always there. Given the broad open scale of the County, and the ability to see or be negatively impacted by activities many miles away, might there need to be a provision here to enlarge the 5 mile radius requirement in certain cases.	No changes recommended.
4.4.2.3	Add, to be explicit, "height," ...	Made changes.
4.4.2.4.	Traffic circulation plan. What level of qualification is required for the developer of this plan? How would the applicants be held to their plan, so the intensity does not "escalate" over time?	No changes recommended.
4.4.2.4 "trip"	Add "for passenger vehicles, trucks, and any special equipment (extremely heavy or over-width vehicles)," ...	Made changes.
4.4.2.4 "highway"	ADD: "and listing the tare and loaded weights of any vehicle except passenger cars and pickups expected to enter or leave the site"	No changes recommended.
4.4.2.4 "water trucks"	There should be a clear discussion of the water trucks in the application for a DCI zone. Type, size, weight, number of trips, from whence. The effects on roads leading from the source, etc.	No change recommended.
4.4.2.4.	ADD "including any water tankers and other heavy or oversize equipment" ...	No changes recommended.

4.4.2.4.	REPLACE references to SLDC with the specific and relevant text of that section.	No changes recommended.
4.4.2.5	It is my understanding that a wildlife corridors map has not been adopted and will not be part of the SLDC. If this does not exist at the time of a DCI application, will the application be held up until it is adopted?	No changes recommended. The wildlife corridor is addressed in Preliminary Official Maps attached to the SGMP, which could be amended into the SLDC as an attachment.
4.4.2.6.	There needs to be a reference to the appropriate community, district, or area overlay as it appears in the SLDC.	No changes recommended.
4.4.2.7.	In 4.4.2.7, saying 'within the five (5) mile radius of the project site perimeter' implies that a site is circular. Would it be better to say just 'within five (5) miles of any portion of the project site perimeter'?	No changes recommended.
4.4.3	ADD: "lighting," ...	Made changes.
4.4.5	Under 4.5, 4.5.2 is not something to be included in the application and should be placed outside the list.	Made changes to 4.4.5 and eliminated 4.4.5.2.
4.4.5	The County is responsible for preparing the Emergency Response and Preparedness Plan. The ERP Plan must be coordinated by the "emergency management officer". Will a DCI project be held up until an emergency management officer is assigned?	No changes recommended. The applicant is responsible for the ERP.
4.4.5.	ADD: vehicle accidents "on or off site"	No changes recommended.
4.4.5.2.	Include language for an emergency plan in case of failure of retention ponds, berms, and retaining walls.	Made changes.
4.4.5.2 (1 - 5)	There is not a time frame for preparing the ERP. The time frame should be "to be completed within 30 days of receipt of payment for the Plan.	No changes recommended. The applicant is responsible for the ERP.
4.4.5.2. (4)	ADD: "failure of berms, dams, or ponds used for temporary or long-term onsite control of runoff or any other liquid," ...	Made changes.
4.4.5.2.3.	ADD AT END "and all digital data shall be provided to the County for use in its GIS databases and mapping;"	No changes recommended.
4.4.5.2.4	REPLACE "may include any or all of" with "including but not limited to" ; REPLACE "used by DCI operator" to "used by the facility"	No changes recommended.
4.4.6.	REASONING: Better to refer to the whole operation; in some cases the operator and owner might be different, leaving possible loopholes. ADD: "and shall include revegetation plans as required under 10.3.24.3 and elsewhere in this ordinance."	This requirement is already included. No changes recommended.

4.4.7.	There should be a requirement of the applicant to list all of the applicable State and Federal Compliance Requirements. These requirements must be met before a conditional use permit can be applied for.	No change recommended.
4.4.8.	Consider adding: "At the time of application, the applicant shall provide all information that the County requires to carry out all required Studies, Reports, and Assessments (SRAs). The applicant and any other interested party shall have the option of preparing other SRAs relevant to the application, and furnishing the results to the County."	Not necessary, the burden is on the applicant to demonstrate compliance, not the County. No changes recommended.
4.4.8.	If there is a difference in the findings from the SRA's prepared by the applicant versus the SRA's prepared by the opponents how will staff resolve the accuracy of each?	No changes recommended. The SRA section in the SLDC allows for a 3rd Party review at the expense of the applicant.
4.4.8.	Violates state and federal statute and constitutional provisions.	No changes recommended. this section is a reference to a link to the Studies Reports and Assessments section of SRAs in SLDC.
4.4.9.	Instead of " within one mile of the perimeter of the project area," could the section state "within one mile of the ownership boundary," to allow for project "creep" during the review process. Thus providing up front the most accurate list of ownerships. "five business days" notice would be too short a time for many members of the affected public in this section to re-arrange their schedules without major disruption. Might the section use a longer time period as is used with other County notice procedures?	Made changes.
Continue...	Might there be some wording in this section to require that the applicant's project information is developed enough for the public attendees to have a clear understanding of its potential impacts, so that the proceedings can hopefully achieve their purpose to resolve to the extent possible, issues and problems between the parties. Also, if the applicant changes the proposal, will there be a future pre-application meeting with the parties, for the same purpose?	No changes recommended.

4.4.9.	Concern regarding notification/meeting with neighbors within 1 mile; should be at least 2 miles, but 5 miles is preferred based on other sections. Consider including the entire transportation route instead of 1 mile. Determine what applicant is required to bring to the public meeting. Require that handouts of plans and highpoints of meetings to be provided or accessible to the public. Track and document pre-application meetings. Allow for pre-application meeting to be held in other locations rather than only in County offices; too far to travel. Notification of public meeting – Needs earlier notification, two weeks (10 business days)	Made changes.
4.4.9.	Five days' notice is not sufficient. Recommendation that notification be 10 business days. Use the County's website online bulletin for DCI applications. Add this to language. Public notification should be greater than 1 mile. Preference would be 5 miles, or at least 2-3 miles.	Made changes.
4.4.9.	Amend to: 10 days notice	Made changes.
4.4.9 "the applicant"	ADD: "The applicant must present, at a minimum, detailed site plans as described in 4.4.3 above; preliminary answers to all questions raised by 4.2 above; and at least a summary of the report required under 4.4.10 concerning consistency with the SGMP. The pre-application meeting shall therefore not be scheduled before applicant has and is ready to present such information to the public."	Made changes.
4.4.9 "invitees"	ADD: "and the applicants"	No changes recommended.
4.4.9	Planning should insure that there is a requirement in Section 2.2.2. of the existing code or in Section 2.2.2 of the 2013 code for reporting the community meeting and the results of the meeting would be included in any decision made by the hearing officer. If this requirement is not found in the code, then it must be stipulated in this section.	No changes recommended. Section 4.4.4 was added.
4.4.9.	REPLACE references to SLDC with the specific and relevant text of those sections. ADD "request invitees and applicant"	No changes recommended.
New section 4.4.9.1.	"The applicant must present at a minimum detailed site plans as required in 4.4.3 above, and preliminary information on all matters covered under 4.4.2 above."	Add language referencing Section 4.4.4 of SLDC

New section 4.4.9.2.	"The pre-application meeting shall not be scheduled until the applicant is ready to present such information to the public."	No changes recommended.
4.4.10.	Include community, district, or area, plan overlay found in the appropriate section of the 2013 SLDC.	No changes recommended.
4.5	Under 4.5, 4.5.2 is not something to be included in the application and should be placed outside the list	Review of the formatting is being done as part of this process.
4.5.2.	"... all potentially dangerous facilities." Are these facilities of the project, or intended to also show others in the area that could be affected, for example fuel storage.	No changes recommended.
4.5.3.	REPLACE "improvements and reclamation, if appropriate" with "improvements, and by the Reclamation Specialist (see Section 10.3.25.1.x of this Ordinance) for reclamation works."	No changes recommended.
4.5.4	REFERENCE UNCLEAR: "of this code" refers to LDC? SLDC? Art XVII?	No changes recommended.
4.5.5.	COMMENT: The reference to Article V Sec. 7.1.2 is to LDC Development Plan Requirements for Subdivisions. It includes many plan elements not at all applicable to any form of mining; e.g. 7.1.2.n wants calculations of Residential densities. It appears that referencing Article V, Section 5.4, Submittals, which is specific to mining, would be a far better way to specify submittals for sand and gravel.	No changes recommended.
4.6.	Revocation of a DCI Conditional Use Permit. Section 1 (Purpose) of this Article XVII states clearly that DCIs place major demands on the County, and have the potential to affect the environment and the public health, safety and welfare. Why then is the project owner and/or operator given 15 business days to stop an activity that violates the terms of the Conditional Use Permit? In other words, negatively affects the health, safety and welfare of the people of Santa Fe County? Might an immediate Stop Work Order be posted and provided to the project owner and/or operator be more in the best interests of the people of Santa Fe County? Followed up with rapid interactions between the County and the proponents to resolve the issue to protect the people of the County.	Made changes. See new sec. 4.6.5.
4.6.	REPLACE: The term "Holder" is used only in sections 4.6.2, 4.6.3, 4.6.5 and subsections. Except for the first usage in 4.6.2 itself, I suggest replacing with "Permit Holder" for clarity.	No changes recommended.
4.6.1.	REPLACE "by the Land Use Administrator" with "by the County"	No changes recommended.

4.6.1.4.	ADD: "whether specified in the conditional Use Permit or not," AND DELETE FROM END OF SENTENCE ... "that is not within the scope of C U P."	Made changes.
4.6.2.3.	Provide criteria for cease and desist / emergency orders to prevent loss of life and/or disasters. Add language: "In case of emergencies, the County will use all means necessary to immediately stop the operation." (Willy Brown clarified that the County can already seek an injunction to abate the nuisance in the case of an emergency).	Made changes. See new sec. 4.6.5.
4.6.2.3.	ADD AS 4.6.2.4: "Notwithstanding any provision of this Section 4.6, if in the judgment of the Land Use Administrator or other competent County official, any action or inaction by the Holder creates a clear and present danger to any person, or clear and present threat of irreparable environmental damage, the County may order the Holder to cease and desist immediately and correct the condition. This provision shall only be invoked for serious threats; grievances and appeals may be pursued through the courts, but shall under no circumstances be grounds for refusing to cease and desist and correct the threatening condition(s)."	Made changes.
4.6.3.	Notice should be sent to all "interested" parties so that they may have the option to review evidence and provide testimony.	Made changes.
4.6.3.2.	What burden of proof does the Permit holder have?	No changes recommended.
4.6.3.5.	For activities that are clearly egregious, or repeated violations with no clear intent of the permit holder to correct activities, would the Board have the authority to revoke the permit?	No changes recommended. See new secs. 5.1.8 and 5.2.3.
4.6.3.5.1	DELETE all words EXCEPT "affirm the recommendation of the Hearing Officer"	No changes recommended.
4.6.3.5.3	ADD NEW SUBSECTION "3. reject the recommendation of the Hearing Officer for good reason shown"	No changes recommended.
4.6.5.	ADD AT END ", which include the right to require immediate stoppage of all activity in case of clear and present danger to life or property."	No changes recommended.
Section 5	Similarly, in Section 5, adding 'to ensure' at the beginning of 5.1.3, 5.1.4, 5.1.5 and 5.1.6 would make that list parallel. Also, in 5.1.4, we suggest adding 'to identify' between 'and' and 'when' in the last clause. Also, in 5.2.3, we suggest adding 'to review' before 'the past performance'.	Made changes.

New Section 5.1.X	with renumbering: ADD "whether all required bonds are in order and issued by sources acceptable to the County;"	No changes recommended.
5.1.1.	ADD: "an their associated overlays to the 2013 SLDC".	No changes recommended
5.1.3.	Clarify what adequate public facilities assessment means.	Made changes.
5.1.4.	ADD COMMA AFTER "capital improvements plan", and ADD SEMICOLON AFTER "by the applicant"	Made changes.
5.1.5.	Consider rephrasing so it is clear that the review will clearly evaluate whether water is available for each and every phase of the proposed DCI. This is necessary because of the cumulative impact of water withdrawal.	Made changes.
5.1.5.	Perhaps "water availability" should be further restricted for DCI's in this section. It might be appropriate to insure that DCI projects using public water sources would be the first to be eliminated or cut back in times of drought or overall water shortage.	No changes recommended.
5.1.5.	SUB: "each and every" INSTEAD OF "the various"	Made changes.
5.1.7.	REPLACE "adjoining uses" with "nearby uses".	No changes recommended.
5.1.7.	INSERT ; AND MAKE REMAINDER OF 5.1.7 INTO ITS OWN SECTION 5.1.8: 5.1.8. to determine the operator's past compliance (or lack thereof) with federal, state, and local laws related to this DCI or to similar past projects; and to determine, given the explicit authority of the reviewers to deny the CUP application on grounds of non-compliance, whether the evidence warrants doing so; and	Made changes.
5.1.8.	Violates state and federal statute and constitutional provisions.	Made changes. Staff deleted this section from draft ordinance.
5.1.8.	REPLACE with "the compliance history of all owners and operators with federal, state or local requirements related to the type of DCI for which application is being made."	No changes recommended.
5.2.	Consider adding to the criteria that each application shall be reviewed for "consistency with this Article" so there is no misunderstanding on anyone's part.	No changes recommended.
5.2.	ADD the following : consistency with any applicable SLDC area, district, or community overlay".	No changes recommended.
5.2.	Amend to: "the Hearing Officer, the CDRC and the BCC."	No changes recommended.

	Although there is a section on process for revoking an Overlay (4.6) there is no corresponding section stating the procedure for review and approval. If this is not spelled out in a more general section, it must be added here. It was my understanding that the CDRC was always advisory, and the BCC made any such development permit decisions.	No changes recommended.
5.2.	REPLACE with "the compliance history of all owners and operators with federal, state or local requirements related to the type of DCI for which application is being made, including compliance during any previous phases of the current operation" REASONING: Language should be the same as 5.1.8, and should include a provision to review compliance on the current development if applying for a new phase.	No changes recommended.
Section 6. Findings	Move to either an introductory or closing location in the ordinance: This looks to me like it was cut and pasted from somewhere else, where it was the introduction (i.e., giving reasons for the existence of a DCI ordinance). I agree it should either be at the beginning (as part of Section 1, or a renumbering where it becomes Section 2) or at the end, just before the adoption text and signatures.	No changes recommended.
Section 6. Findings	COMMENT: I believe it is more common to place Findings near the beginning of the ordinance, under or after Section 1, Purpose. This may be considered stylistic, but located between sec 6 and 7, this language detours from performance requirements in a distracting way. The Section could also be placed at the end.	No changes recommended.
6.3	DIANE - that is worth further proofreading. There are references to revegetation; I haven't read far enough to know whether they include "at the Operator's expense."	No changes recommended.
6.6	In the list under 6.6, the language of the last paragraph, 6.6.10, does not have the same structure as the previous paragraph. Should this be a separate 6.6.7 with the following paragraphs renumbered?	No changes recommended.
6.6.3.	Showing "documentation of community health effects" will be extremely difficult since many factors effect health, including pollen from plants that may grow in the area. This is an unreasonable standard since it is not directly related to the DCI application.	No changes recommended. This requirement is covered by the EIR report required by the SRA requirement.

		No changes recommended. The referenced language is aspirational no regulatory language and came from Oil & Gas Ordinance; also, it is the standard police power language found in state statute and used by numerous local governments in land use regulations.
6.6.	Violates state and federal statute and constitutional provisions.	No changes recommended. The referenced language is aspirational no regulatory language and came from Oil & Gas Ordinance; It acknowledges the importance of protecting archeological and historically significant sites
6.6.1.	Violates state and federal statute and constitutional provisions.	No changes recommended.
6.6.6.	ADD: "and to the likely results of greenhouse gas emissions on local and global climate;"	No changes recommended.
6.6.6.	COMMENT (appropriately numbered, perhaps?),ADD AT END: and from the predicted impacts of greenhouse gas emissions on local and global climate;	No changes recommended.
	This seems to imply that all technological innovations are harmful. Since when has the County been in the business of determining what innovations are appropriate and which are harmful? Fields of solar arrays could be considered harmful. Would they then be considered a technological innovation that should be prohibited?	No changes recommended.
6.6.7	The County needs to clarify the purpose of Sections 6.6.7 and 6.6.8.	No changes recommended.
		No changes recommended. We added identical Exhibit A from Oil & Gas Ordinance to this ordinance and added a new section that refers to the Galisteo Basin Archaeological Sites. Protection Act of 2004 (federal P.L. 108-208) which contains a reference to 19 maps maintained by federal agency.
6.6.7.	Violates state and federal statute and constitutional provisions.	No changes recommended.
	AMEND FINAL CLAUSE TO READ: "and the right to stop implementation of potentially harmful technological innovations in an open democratic process;"	No changes recommended.
6.6.10.	At the end of this section it states: "makes no finding that the state has preempted or occupied DCI regulation" What does this mean?	No changes recommended. The State has the authority to pre-empt any area of law within the scope of the DCI ordinance.
6.7.	Remove all language including the Galisteo Basin and make it more general cultural landscape language.	No changes recommended.
6.7.	Is there a map that describes the boundary of the Galisteo Basin. Public Law 108-208 does not include a map.	No changes recommended. The map is included in the Oil and Gas Ordinance.

	COMMENT: After considerable discussion with many people, I believe this section should be drastically condensed. the DCI Ordinance is explicitly and by title about developments of Countywide impact; 6.7 and subsections gives an impression, certain to aggravate residents in other parts of the County, that this is all about the Galisteo Basin. (The language is from the O&G ordinance, where it was relevant.) Thus I suggest simplifying and generalizing, as follows, and DELETING 6.7.1 through 6.7.6.	Change was made.	
6.7.	REPLACE 6.7 with "contributes to the protection of the many areas within Santa Fe County, including for example the Rio Grande Valley/Rift, Route 66, and the Galisteo Basin, whose significance has been recognized as national and/or regional for hydrological and wildlife resources, archaeology, and history, by the US Congress and other well-known bodies;	No changes recommended.	
6.7.1.	CHANGE "will have significant" TO "would have unusually significant" ...	No changes recommended.	
Table 7-1- Wildfire Hazard (Sand & Gravel) "No"	Mining equipment has real potential to spark wildfire, even if the mine itself isn't at risk of burning. CHANGE TO "yes"	Made changes.	
Table 7-1- Water supply availability (Sand & Gravel) "No"	REVISE TEXT AND CHANGE TO "Yes": Water availability and capacity for all projected uses throughout all phases of the project; if supply from a central system is proposed, proof of adequate long-term supply without reduced present or future availability to or added expense by existing users	No changes recommended.	
Section 7	In Section 7, should the table be 7-1 or 17-1? Why does the second-to-last item on water availability and capacity, not have an impact to be identified, mapped and addressed for any of the DCIs?	No changes recommended, the table is within Article 17.	

Categories of Impacts. Might all projects addressed under this Chapter need to be addressed for each of the categories in the Table? Soil bearing, wildfire hazard, earthquake hazard and water availability could be issues for any of the types of DCIs. It might be difficult to make an overarching decision to the contrary, without reviewing the specific project's merits and issues. How would the cumulative impact of projects proposed where there are also nearby intensive similar activities in existence. Ones that would have come under this Article if proposed today? It seems that the cumulative impact to the people of Santa Fe County would be greater in this case.	No changes recommended.
Provide thorough assessment of visual impacts. How is the viewshed mapped? Specify techniques or requirements for the assessment. Add view corridors / view shed to Table 17-1 and add language for protection of cultural landscapes. Define sand and gravel, include "minerals". Distinguish between sand/gravel and hard rock.	Made changes to sand & gravel definition.
Include a solid / liquid waste management plan including items such as filters, and portable toilets.	New sections 10.3.22 and 10.3.23 were added to the ordinance.
The authorized representatives of the County, without advance notice and upon presentation of appropriate credentials, shall: 1. Have the right of entry to, upon or through any DCI operation, on any premises at any time to determine if the applicant is in compliance with the permit requirements and conditions, or for any other good reason; and 2. At reasonable times, and without delay, have access to and copy any records associated with permitting and compliance, and inspect any monitoring equipment or method of operation required under the Code. 3. In addition to County officials and consultants to the County in the course of their duties, authorized representatives of the County may include three (3) persons chosen from the Board, CDRC, or the Technical Advisory Committee, and one (1) other citizen of Santa Fe County, approved jointly by the Board and the permittee.	No changes recommended (consent through application)

	4. Before exercising right of entry under 7.2.1, every authorized representative shall be properly safety trained, equipped with proper safety equipment and devices. The County shall provide such training for each authorized representative, and shall attest to such training in the credentials issued to each representative.	
7.2.2.	Whenever exercising right of entry under 7.2.1 County representatives shall be accompanied at all times by an authorized representative of the operator or permittee, who will, at all times, be present on the site during normal business hours. In the absence of an officially authorized representative of the operator or permittee, County representatives shall be accompanied by two (2) employees of the operation.	No changes recommended.
7.2.3.	County representatives shall have the right to record all or part of any site visit with video and/or audio recording devices, and shall notify the representative of the operator or permittee that they are doing so. In the event of after-hours site visits, the entire visit shall be recorded. Failure to record some aspects of the site visit shall not disqualify the County representatives or their findings.	No changes recommended.
7.2.4	After such a site visit as set forth herein, and if a majority of the County representatives finds that a violation of this Code appears to have taken place, then the County representatives shall alert the Code Administrator in writing, of such a condition. Such a report shall be dealt with immediately under the provisions of Section 4.6 of this Ordinance.	No changes recommended.

New Section 7.3	Analysis of the visual impact of any DCI covered by this Ordinance shall be conducted using modern computer-based methods of viewshed analysis, typically part of GIS software or similar. Viewsheds calculated using topographic data must indicate all viewpoints from which the DCI would be visible; the viewshed from a road, trail, or corridor is the cumulative viewshed from all points on that linear feature. Visibility of any proposed buildings, major equipment, and plumes of smoke, dust, or other airborne substances predicted to be produced during operation of the DCI shall be calculated based on the maximum proposed or predicted height or size of these objects. Visual analysis conducted with poles, flags, and photographic methods may be used as an adjunct to software methods, but not substituted for it. Any photographs submitted as part of a visual analysis must be taken with a lens that closely approximates the normal field of vision of the human eye, requiring a 35-mm -equivalent focal length of 50mm."	No changes recommended.
Table 17.1	GENERAL SUGGESTION: Place the three columns in the same order, L-R, that the DCI types are covered in ordinance text: Junkyard, Landfill, S&G. (This alphabetical order is from the Definitions; for consistency, Junkyards should be Section 8, Landfills Section 9.) , THANK YOU for the changes re wildfire and water. CHANGE heading of Water availability to "Water availability for all uses and phases" REASONING: Existing heading could be read as excluding water availability reporting if NOT from a central system. Whether from private well, water body, or community system, any DCI must address annual and total water use, and impacts on other users, as a condition prior to permitting.	Changes made.
Section 8 8.1	Landfills. Should there be a section that addresses hours of operation, to limit the impact on the public of Santa Fe County to a specific time frame? The same would be true of limiting lighting timing and intensity, and requiring that any minimal security lighting be pointed down, otherwise it is visible for miles in this open landscape. How will the issue of odor and its offsite impacts be addressed within this section? REPLACE "surrounding properties" with "other properties and the environment."	Made changes. No changes recommended.

8.2.	ADD: "Provisions of this Section explicitly apply to such facilities belonging to or operated by any branch of government, including Santa Fe County itself."	No changes recommended.
8.2.	ADD AT END: "All landfills regardless of acreage or volume are subject to the provisions of this Section 8."	No changes recommended.
8.3.	ADD in 8.3 AS SEPARATE SECTION: 8.3.x. Hours of Operation. No landfill shall be open to the public, nor shall staff engage in any activity, outside the hours of 8AM to 5PM. Days of operation may be set to accommodate public and staff, and may include weekends.	Hours of operation are addressed in the ordinance. Made changes.
8.3.1	REPLACE "New Mexico Statutes" with "NMAC".	Change was made.
8.3.3.1	ADD AT END: "Visual impact analysis of the proposed landfill is required, as defined under section 7.3 of his Ordinance."	No changes recommended.
8.3.4.	ADD: "Only security lighting, designed for minimum light output, shall be allowed outside of hours of operation."	No changes recommended.
8.3.4	ADD: "Outside hours of operation, the minimum practicable lighting for security shall be the only permitted lighting. All lighting shall be aimed downward and shall be designed to avoid light spillover."	No changes recommended.
Add new Sections	REASONING: consistent across DCI types; language based on 10.3.4. Both landfills and junkyards have truck traffic, some of which may be oversize or heavy.	No changes recommended.
8.3.4.1	All roads carrying landfill- related traffic shall conform to the requirements of Section 7.11 (Road Design Standards) of the SLDC.	No changes recommended.
8.3.4.2	Transportation Facility Improvements. An analysis of all roads accessing the site shall be submitted to the County with detailed information concerning the ability of the roads to adequately support the projected traffic, including potential weight of vehicles for 20 years, or the life of the landfill operation. Cost of all required improvements, on and off-site, shall be borne entirely by the applicant.	No changes recommended.
8.3.4.3	The Board of County Commissioners may establish a maximum size and number of truck trips allowed to enter and exit a processing location where needed to: 1.avoid a reduction in the level of service for all access roads and roads within the study area as provided in the Traffic Impact Analysis (TIA) the time of application;	No changes recommended.

	2.avoid the deterioration of all access roads; and 3.otherwise comply with Section 6.6 of the SLDC.	
8.3.4.4.	Traffic Counts. Representative traffic counts at the entrance of the operation shall be presented at the annual review of the operation's permit	No changes recommended.
8.3.9.1	2. Site Vegetation Etc. REPLACE "as soon as practical after completion of grading" with "as soon as practical after any landfill cell has been filled, covered, and closed." 4. Cut and Fill Slopes REPLACE first sentence with "Cut and fill slopes shall be graded to approximate and merge with surrounding natural slopes where possible, and to allow for successful native revegetation. Slopes shall be as gradual as practical, and in no case steeper than 2:1 or 50%." (KEEP the second sentence, The county may require...)	Changes made.
8.3.9.2.	Sediment and erosion control. REPLACE "to prevent additional contribution of sediment to" with "to prevent increasing the amount of sediment carried off the development site by water or wind and deposited in or on streams..." REPLACE second sentence with "Measures to prevent erosion and sedimentation shall meet the intent of the NPDES, and shall be drawn from the list recognized as best management practices by the International Erosion Control Association." 1. DELETE "the backfill material" (Reasoning: should apply to all grading) 3. REPLACE "on areas that will remain subject to erosion for a period of 6 months" with "as needed to prevent short-term erosion, sedimentation, or windblown dust."	Changes made.
8.3.10	Air Quality and Noise. In addition to changing reference to text, ADD NEW SECTIONS	No changes recommended.
8.3.10.3	If a landfill uses compactors, crushers or similar equipment, they shall be enclosed in a sound-insulated structure. Compactors on garbage trucks delivering refuse are not subject to this section."	No changes recommended.
8.3.10.4	The layout of the facility shall be planned to limit backing by vehicles that have back-up alarms to the minimum possible. Using such vehicles within the above-referenced sound-insulated structure is one acceptable method of limiting back-up signal noise impacts."	No changes recommended.

8.3.11.1.	Might the section clarify that the setbacks applied to the entire project including structures, activities and all materials and other aspects of the operation including parking. How will setbacks from critical areas including steep slopes be addressed?	No changes recommended.
8.3.11.1.1.	ADD "any salvage material, plus associated buildings, equipment, and storage" ...	No changes recommended.
8.3.11.1.1	REPLACE initial "The" with "All".	No changes recommended.
8.3.11.3	DELETE "as necessary".	Changes made.
8.3.14	DELETE "on weekdays": DELETE "but shall not than 8 a.m." and ADD ", with the same hours of operation. "RESULTING TEXT: "Landfills shall not be open to the public earlier than 8 a.m. nor remain open later than 5 p.m.. Landfills may be open to the public on weekends, with the same hours of operation."	Changes made.
Section 9	Junkyards. Consider adding the same additions as Section 8 to provide for clear hours of operation, limit lighting, and clarify that all aspects of the project would be within the setbacks and buffers. How will setbacks from critical areas and steep slopes be addressed?	Made changes.
Section 9	There are EPA, State and federal regulations that pertain to junk and salvage yards. Especially relevant are the requirements for fluid removal to prevent ground and water contamination. These regulations should be cited. There needs to be some statement concerning (a) tire disposal and (b) the disposal of hazardous waste.	No changes recommended.
Section 9	Add paragraph to "9 addressing the prevention of groundwater and soil contamination.	No changes recommended.
9.1.	Add language that the junkyard regulations are specific to outdoors and exclude indoor salvage / warehouse operations.	No changes recommended.
9.1.	What is a "motor vehicle graveyard". Not defined	No changes recommended.
9.1	REPLACE "surrounding properties" with "other properties and the environment."	No changes recommended.
	COMMENT: Same as 8.1 (landfills; purpose). Important to be consistent.	
3.1	ADD EXCLUSION OF FULLY-ENCLOSED SALVAGE WAREHOUSES per Section	
9.2.	ADD including any salvage by any govt agency, including SF County (see Section 8.2)	No changes recommended.

9.3.	ADD Hours of Operation, and prohibition of after-hours lighting except minimal security lighting, same as Section 8.	Hours of operation are addressed in the ordinance. Made changes.
Add new Section	INSERT a section on erosion and sediment, which applies to junkyards, depending on where they are located and how they are laid out. COPY from REVISED 8.3.9.2, above, including subsections.. Will require re-numbering	No changes recommended.
9.3.x.x	Sediment and erosion control. REPLACE "to prevent additional contribution of sediment to" with "to prevent increasing the amount of sediment carried off the development site by water or wind and deposited in or on streams..." REPLACE second sentence with "Measures to prevent erosion and sedimentation shall meet the intent of the NPDES, and shall be drawn from the list recognized as best management practices by the International Erosion Control Association." 1. DELETE "the backfill material" (Reasoning: should apply to all grading) 3. REPLACE "on areas that will remain subject to erosion for a period of 6 months" with "as needed to prevent short-term erosion, sedimentation, or windblown dust."	No changes recommended.
Add new Section 9.3.9.4	"Reclamation and revegetation shall be required at such time as the junkyard ceases to do business, or has not been in active use buying and selling salvaged items for a period of one year or more. Reclamation shall be in accordance with the County standards for site reclamation current at the time of closure of the junkyard. Reclamation shall be at the owner's expense; failure to comply with reclamation requirements shall result in a lien by the County to cover the cost of reclamation by the County."	No changes recommended.
9.3.2.3.	I DON'T UNDERSTAND EXTRACTION AREA IN REGARD TO A JUNKYARD. SUGGEST REWORDING THIS SECTION TO RESEMBLE 8.3.11.3: "9.3.2.3. Surrounding Vegetation. Existing vegetation on the entire site shall be preserved to the maximum extent possible. Any vegetation that serves to screen any aspect of the operation from neighboring or public view shall be preserved, as shall all vegetation existing in any setbacks."	Made changes.
9.3.3.	ADD prohibition of lighting after hours of operation, except minimal security lighting. See Sec 8.	No changes recommended.

9.3.3.1	ADD AT END: "Visual impact analysis of the proposed landfill is required, as defined under section 7.3 of his Ordinance."	No changes recommended.
9.3.4	All roads carrying junkyard salvage-related traffic shall conform to the requirements of Section 7.11 (Road Design Standards) of the SLDC.	No changes recommended.
9.3.6.	Should 9.3.6, Hazardous Materials under Junkyards, have the same language about setbacks for the impoundment structure as 8.3.6? Should this setback language also be included in 10.3.11?	No changes recommended.
New Section 9.3.10.3	If a junkyard uses compactors, crushers or similar equipment, they shall be enclosed in a sound-insulated structure."	No changes recommended.
New Section 9.3.10.4	The layout of the facility shall be planned to limit backing by vehicles that have back-up alarms to the minimum possible. Using such vehicles within the above-referenced sound-insulated structure is one acceptable method of limiting back-up signal noise impacts."	No changes recommended.
9.3.14	Hours of Operation. DELETE "on weekdays"; DELETE "but shall not ... than 8 a.m." and ADD ", with the same hours of operation." RESULTING TEXT: "Junkyards shall not be open to the public earlier than 8 a.m. nor remain open later than 5 p.m.. Landfills may be open to the public on Saturdays, with the same hours of operation."	Change was made.
9.3.11	REASONING: Consistency with Section 8; many salvage-yard customers are weekend mechanics, and could not readily visit during M-F hours.	Change was made.
9.3.11.3	REPLACE initial "The" with "All". DELETE "as necessary".	Change was made.
10.1	Purpose; Intent. REPLACE "surrounding properties" with "other properties" and ADD "or on the general economic resources of the County including those important to real estate, tourism, and the arts,"	No changes recommended.
	REPLACE "gravel processors and associated extraction activities" with "sand and gravel operations and associated activities"	Change was made.

10.2.	Applicability. Consider revising the end of the first sentence to add "or crushers." Depending on the intensity of activity, crushing noise can and does carry many miles in this open landscape. Also, should the wording in this paragraph read 10 acres OR 20,000 tons? Might there be cases where an operation of less than 10 acres would have the intensity of activity to more broadly affect the health and welfare of the people of Santa Fe County? How could that be addressed in this Chapter. How would the 20,000 tons of earth materials provision be regulated in terms of a time frame? For example 20,000 tons of materials extracted 5 days a week might result in the processing of and shipping of 6 trucks per day leaving a site in a year. In a three month period the intensity would quadruple from the initial example, and so forth as the time frame narrowed. Clearly these examples have different intensities. How should this be addressed? See also 10.2.3.3., as the comments also apply.	Made changes.
10.2	Applicability. ADD "operation that, as planned, affects" DELETE " by the same owner or operator " REASONING: An owner who purchased the operation from the original permittee might argue that they were exempt and could expand incrementally. REPLACE "No applicant, operator or owner who" with "No sand and gravel extraction operation that" ...	No changes recommended.
10.2.	ADD: Disclosure of any hidden affiliation of applicant's or operator with any adjoining property application for similar DCI operations shall lead to an immediate suspension or revocation of the applicant's permit	Made Changes.
10.2.1.	Clarify definition for sand and gravel. It should not include fill dirt. Clarify that Ordinance is for commercial sales versus grading a site. Include Chapter 11 for Level 1 sand and gravel extraction. Not enough directive on what the operator's responsibilities are – needs to be spelled out; keep record of tonnage over time; needs uniformity in approach. Add "new" to last sentence, between require and application.	Made changes.

10.2.1.	First sentence, change to "This Section 10 applies to the extraction and processing of any sand and gravel extraction operation that affects 10 acres or more of land and or extracts more than 20,000 tons of earth materials over the life of the mine, or which utilizes blasting.	Made changes.
10.2.1.	In 10.2.1, shouldn't this read '...affect 10 acres or more of land OR extract more than 20,000 tons...'? Our understanding is that any one of these large-scale parameters would place a sand and gravel operation under these more rigorous regulations.	Made changes.
10.2.1.	SUGGESTED RE-PHRASING (reasons for some of the changes are at end of this note): "This Section 10 applies to any operation that extracts or processes sand or gravel (as defined under 3.3) and which does any one of the following: a) affects 10 or more acres of land surface area; b) extracts more than 20,000 tons of such materials; or c) utilizes blasting or cutting of solid rock. Small incremental expansions of an approved extraction operation that intentionally or unintentionally avoid the application and approval requirements of this ordinance are prohibited. Any additional operation that increases the total operation at the same or contiguous location, such that the total exceeds 10 acres or 20,000 tons, shall require application and processing under this ordinance. For this Section, "contiguous location" means any area of extraction whose edge(s) lie within one-quarter mile of the nearest edge of the prior approved operation. This Section applies whether expansion is undertaken by the original permittee, any operator, or any person who takes over the permit under any circumstances."	See Changes to Section 10.2.

	KS REASONING ON THE ABOVE SUGGESTIONS: * As Diane points out, the criteria are "OR" not "AND." * "Earth materials" would include topsoil, which has NOT thus far been defined (in 3.3 or elsewhere) as a "sand and gravel" material. I would favor including it (in 3.3). However, even if we do, "earth materials" here could be misconstrued as meaning that 20K tons of "overburden" soil had to be removed before the limit was reached. * We discussed the fact that blasting is only one high-noise and high-dust technology. I strongly urge that on-site crushing be grounds to classify as a DCI, and that the language be able to include unusual and future technologies used for quarrying (as opposed to scooping out naturally granular materials). GRANULAR MATERIALS is the key to defining sand, gravel, topsoil, etc. as opposed to the cutting, blasting, or quarrying of solid rock. * "same owner/operator" and "effectively avoid" are ambiguous and could become loopholes. No permittee should be able to argue that the expansion didn't "effectively" avoid, nor that it was unintentional. Nor should hiring a new operator, or selling the business to a relative, allow expansion by that person without new application. * "Contiguous" needs a definition. The distance could be argued, but it is important to keep the phrasing about which edges define proximity. I would call it a "location" because "property" implies legal boundaries, when what we are trying to control is operational boundaries.	See Red Line. Made changes.
Continue...	DELETE "rock quarrying or gravel" and REPLACE WITH: includes any removal, stockpiling, or processing of any naturally granular materials including but not limited to the examples given in Section 3.3. Delete "rock quarrying"; this is more related to removing large chunks of rock and crushing it for gravel.	No changes made.
10.2.2.	There needs to be an addition to this section that exceptions are granted per 10.3.25 for sand and gravel extraction operations existing prior to the adoption of the Land Development Code.	No changes recommended.
10.2.1.	The draft needs to be careful to distinguish between the existing code and the 2013 code.	No changes recommended.
10.2.1	After "utilizes blasting"	No changes recommended.

	ADD ", or fails to meet the criteria for Minimal Impact Mining in 19.10.1.M.(2) NMAC, subsections a, b, c, f, g, and h "	No changes recommended.
10.2.2.	REPLACE "construction material in Section 3.3" with "any materials defined in Section 3.3" REASONING (As noted concerning section 3.3) These materials are also used for non-construction purposes, and the County has no reliable way to ascertain the use intended by a buyer. ADD AT END: "Soil moved incidental to sand and gravel extraction and stockpiled for on-site use in reclamation shall not be included in calculating the tonnage limit, but shall be calculated as part of the acreage limit." Why are decorative building materials excluded? A project could have just as much impact on the people of Santa Fe County if the scale and type of operation were conducted in the same way. What if the decorative rock were removed by blasting, for example?	No changes recommended.
10.2.3.1.	KS NOTE: 10.2.3.1 is utterly unclear and should be deleted entirely. What is "decorative" and what is not? Finding a small area of gravel exposed at the surface would allow an operator to dig out anything below it, and probably around it as well. PLEASE delete.	Made changes.
10.2.3.1.	Define or clarify what decorative building material is?	Made changes.
10.2.3.1.	ADD AT END: "or excavation for demolition of such structures. Nothing in the section shall prevent the sale, use, or recycling of materials excavated incidental to construction or land grading or any permitted land use where excavation is primarily for purposes other than production of sand or gravel as herein defined." REASONING: I believe recycling of construction materials, including commercially, is in the County's best interests, and should not be unintentionally included under these regulations. Even when there no building is constructed, simple grading of land, for purposes ranging from stock tanks to recreation facilities and public works, can also produce excess materials that can and should be reused.	No changes recommended.
10.2.3.2.	THIS ALSO makes no sense. How could basements and footings be construed as mining? It MIGHT make sense to say that the section doesn't apply to "demolition of buried foundations or other constructed objects." Add Excavation for basements and footings of a building, or retaining wall or demolition that involves excavation.	Made changes.

10.2.3.2.	Clarification is needed for "regulated by article XI of the Land Development Code means the existing code or the 2013 SLDC"	No changes recommended.
10.2.3.2.	REPLACE "operations that are less than" with " operations that, as planned, affect"	No changes recommended.
10.2.3.2.	REPLACE "this is" with "which are"	Change was made.
10.2.3.2.	ADD AT END: "...Code as amended (See Section 12)"	
10.2.3.2.	COMMENT: Section 12 (renumbered, and located just before Severability) would include the existing preamble (just under the Title, before Definitions) that affects Article XI, and other necessary coordination of language between Articles XVII and XI.	
10.2.3.3.	Add "as amended" to the end of the sentence.	No changes recommended.
10.2.3.3.	10.2.3.3 We'd suggest splitting this into 2 sentences with a period after 'blasting' and then 'These operations are regulated...' The word 'does' should be 'do'.	Made changes.
10.2.3.3.	CHANGE "this is" to "are".	
10.2.3.3.	CHANGE: two instances of "and" to "or".	
10.2.3.3.	ADD: "or crushers" after "blasting"	Made changes.
10.2.3.3.	ADD AT END: "Article III Section 5 of this Ordinance, as amended."	No changes recommended.
	ADD NEW SUBSECTION 10.2.3.x, "The Definition of "mineral" in Article III Section 5 is hereby amended as follows. The final clause of the definition shall be amended by the addition of the following underlined text, to read: "but shall not include surface water, or subsurface water, sand or gravel regulated by Article XI of this code, or regulated by Article XVII of this Code."	
New Section 10.2.3.x.	Minerals Other Than Sand and Gravel A sand and gravel permit, whether DCI or not, is not valid for mining or processing of any mineral other than sand or gravel. In the event that other minerals (as defined under Article III Section V.2 Definitions, Mineral) are encountered during permitted operations of sand and gravel mining, such other minerals may not be mined, processed or removed from the site without a permit appropriate to the type of mineral discovered	No changes recommended.
10.3.1	ADD AT END: "with the Conditional Use Permit application."	Change was made.
10.2.3.4.	10.2.3.4 This refers to Article III, Section 5 of this Ordinance, but there is no Article III in the draft. Is this correct?	No changes recommended.

10.2.3.4.	THIS NEEDS TO BE CHECKED, AS WELL AS THE REFERENCE TO ARTICLE XI. The Land Development Code is being superseded (yes?), so it should not form part of the cross-referencing. And unless I am confusing sections, Art. XI is the one that deregulates all types of sand and gravel, as if drafted by Industry for Industry. Anyone else able to clarify this?	No changes recommended.
10.3.2.	Add "unless otherwise specified by the BCC". (see 10.3.4.5)	Made changes.
10.3.2	Hours of Operation REPLACE "7:00 a.m." with "8:00 a.m." AND "6:00 p.m." with "5:00 p.m."	No changes recommended.
	REASONING: There is no more reason for a mine to be open early and late, than for landfills or junkyards; clients must plan on the basis of hours set by this Ordinance. Saturday opening is reasonable, given that contractors and others using the materials are likely to work on Saturdays. Retaining the sunrise/sunset limits is reasonable because outside of seasonal daylight hours, the heavy and dangerous operations would require extra lighting impacts, or would endanger workers and customers.	
10.3.2.6.	Annual Operating Plan: Shouldn't this be a requirement for all DCI projects and not just sand and gravel?	No changes recommended.
10.3.3.1.	ADD: "Potable water includes water naturally potable, or made so by treatment, including treated effluent."	Made changes.
10.3.3.1.	Why was this paragraph eliminated. It should be universally applied to ALL DCI applications.	No changes recommended.
10.3.3.1.	Violates state and federal statute and constitutional provisions.	Made Changes. Staff deleted this section from draft ordinance.
10.3.3.1.	REPLACE "Extraction and filling of a reservoir shall not infringe" with "No permit shall be granted if the proposed water use(s) would infringe"	No changes recommended.
New Section 10.3.3.2	"Applicant shall make and document an effort with all due diligence to find non-potable water for any use not strictly requiring potable water. Absent such documented effort, no proposal to use potable water shall be considered for review. One-time or emergency uses are excepted from this requirement."	No changes recommended.
New Section 10.3.3.3	"Any on-site well shall be approved by the State Engineer and shall not contribute to over-allocation of groundwater in the applicable aquifer or basin."	No changes recommended.

10.3.4.2.	ADD: and any roads identified as primary routes of travel. See also 10.3.4.5.	No changes recommended.
10.3.4.2.	Transportation Facility Improvements ADD: "accessing the site or regularly used in transporting products from the site" REASONING: Accessing the site could be construed narrowly to mean only the final segment of road leading to the site. To give a concrete example, C.R. 59, also designated as First Street, is the road that "accesses the site" of the suspended gravel pit North of Cerrillos. However, the only haul routes out of the area are Main Street and C.R. 57 (Waldo Canyon Road). Under a narrow interpretation of "accessing the site" neither of these roads would be considered for impact or improvements.	No changes recommended.
10.3.4.2.2	REPLACE "all access roads" with "any roads within the study area" REASONING: See previous note for 10.3.4.2	No changes recommended.
10.3.4.3.	Under 10.3.4.3, the initial word 'to' should be deleted from items 2 and 3.	Made changes.
10.3.4.3.	The limitation on the number of truck trips is unrealistic considering the industry and the need to provide material for major building and road projects. Road projects have intensive material requirements. In order to comply with mandated construction schedules for road and major construction projects it is necessary to provide material on a regular and continuing basis until the project is completed. Would this same standard be applied to asphalt of concrete producers?	No changes recommended. There is no limitation in the ordinance.
10.3.4.4	Traffic Counts. ADD AT BEGINNING: "Representative traffic counts" ...	No changes recommended.
10.3.4.5.	Project Description. Should the project description include the related transportation routes as well as the site, given that section 10.3 has specific requirements governing transportation routes and facilities.	Made changes.
10.3.4.5 (1)	The following language modification is proposed. Timing of truck traffic may be limited by the BCC to the extent it may conflict with school bus traffic.	No changes recommended, too restrictive.
10.3.4.5.(2)	ADD "that includes both the extraction site and all related transportation routes"	Made changes.

10.3.4.5.	Designation of Construction and Haul Routes ADD NEW SECTION 10.3.4.5.3 as follows: "The Land Use Administrator may designate a haul route, and optionally may designate an alternative route. All haulers shall be required to use the designated routes exclusively. Repeated use of non-designated routes by any hauler, or repeated violations of traffic restrictions such as speed limits on designated routes, may be grounds for revocation of the Conditional Use Permit, even if the hauler(s) in violation are contractors to the Operator or Permit Holder. On receiving credible complaints of such violations from the public, the Land Use Administrator may order speed cameras or other methods to document the presence of infractions. If repeated violations are thus documented, the Operator or Permit Holder shall reimburse the County for the costs of such instrumentation and documentation." REASONING: There is a long history of gravel operators using the excuse that haulers are only subcontracted, and not controlled by the operator. This ignores the operators legitimate ability to cancel the contract of any repeat offender concerning haul routes, and leaves affected communities without recourse.	No changes recommended.
10.3.5.	This appears to me to be part of Transportation, and refers to the construction of roads. As written, it might seem to be about the entire project (including extraction). Thus I suggest clarifying. ADD: "describing all transportation-related construction that would be part of the project, including:"	No changes recommended.
10.3.5.	ADD after project (by phase if phasing is required), and in total".	No changes recommended
10.3.5.5.	In 10.3.5.5, should the word 'soil' be plural?	Made changes.
10.3.5.5.	What is "structural fill construction"?	No changes recommended, will look at adding clarification.
10.3.5.5.	REPLACE "soils" with "materials" AND REPLACE "suitability for road and structural fill construction" with "suitability and limitations for common uses of sand or gravel."	Changes made to first part, not to second part.
10.3.7.	Visual Screening. Should this section contain a provision to ensure that all parts of the entire activity are screened, including structures, parking, and other aspects of the operation. How will screening be addressed in terms of phasing?	Made changes.
10.3.7.1	General. ADD after "rivers," "parks, trails, and open space"	Made changes.
10.3.7.1	ADD AT END: "Visual impact analysis of the proposed landfill is required, as defined under section 7.3 of his Ordinance."	10.3.7.1

10.3.7.2	Buildings. REPLACE "All buildings' design, scale, and location" with "The design, scale, and location of all buildings and equipment"	Made changes.
10.3.7.3.	ADD: "any and all vegetation existing in the required setbacks shall be preserved."	Made changes.
10.3.7.4.	Should this section include a provision for reclamation of one phase before the commencement of the next, and provisions for reviewing and approving the reclamation before the next phase.	Made changes. See new sec. 10.3.22.1.
10.3.7.4.	DELETE "of greater than 10 acres" REASONING: Any extraction operation must be designed to minimize visual impact, regardless of size.)	No changes recommended.
10.3.8.	Should there be wording about limiting or prohibiting lighting after hours, except for minimal lighting for security purposes. Also, any lighting that is pointing horizontally is visible for miles in this open landscape and clear air.	No changes recommended.
10.3.8.	ADD prohibition of lighting after hours, except minimal security lighting that is downward, not horizontally directed.	No changes recommended.
10.3.8.	ADD AT END: "Outside of permitted hours of operation, only the minimum lighting for security shall be used. In the design of security lighting, uniform low-intensity lighting that avoids high contrast or glare shall be required. All lighting shall be aimed downward and shall be designed to avoid light spillover."	No changes recommended.
10.3.9	ADD AT END "each." for clarity.	Made changes.
10.3.11.	ADD "lined" before impoundment structure.	Made Changes.
10.3.12.1.	Wildlife- Is the flood plain considered a 100 year or 500 year? Specify that no mining be done within the 100 year flood plain.	No changes made. Requires consideration of all flood plains.
10.3.12.1.	change "will" to "must"	Made changes.
10.3.12.3.	Where are wildlife corridors defined? There was a County Wildlife Corridor map but it is my understanding that it was never adopted as part of the SLDC. If there is a map is it recognized and sanctioned by the Game and Fish Department?	No changes recommended. The wildlife corridor is addressed in Preliminary Official Maps attached to the SGMP, which could be amended into the SLDC as an attachment.
10.3.12.2	REPLACE " gravel processing" with "sand and gravel operations"	Made changes.
10.3.14.1.(1)	NOTE: Sec. 1 language pertains to extracting soil for engineering fill on roadways. It has no purpose here and is confusing.	Made changes.
10.3.14.1.(2)	ADD "grading, construction, or extraction activities" ADN SUBSTITUTE "such activities" for "grading" in the next line.	Made changes.

10.3.14.1.	1. Removal of Organic Material. COMMENT: This text applies only to fill-grading such as raised pads for structures or roads. DELETE the whole section and REPLACE with: "All grading for on-site structures and roads shall comply with standard engineering practices, including proper selection, preparation and compaction of fill soil, safe slopes, and road alignments appropriate for the type and weight of planned traffic." 2. REPLACE the whole section with: "Excavation shall be planned to minimize the area of active exposed mining at any given time, and to ensure that no vegetation is disturbed or removed any earlier than necessitated by active operations, and that all disturbed areas are regraded and revegetated in accordance with 10.3.25 (below) as promptly as possible once active mining in that area ceases. In no case shall more than 2 acres of land be disturbed and unreclaimed at any given time, nor shall any vegetation removal occur more than 30 days prior to the commencement of active mining operations on the site." MOVE the text about seed mixtures, mulching, etc, to the section on Reclamation.	No changes recommended.
10.3.14.1	4. REPLACE the first sentence with: "Surfaces created by mining, including blasting areas and stockpiles, shall be no steeper than necessary for safe operations." (KEEP FINAL SENTENCE) COMMENT: MOVE requirement for slopes allowing revegetation to section on Reclamation.	No changes recommended.
10.3.14.2.	ADD: "practices appropriate to industrial operations and large-scale grading and excavation, including but not limited to:"	Made changes.
10.3.14.2.	Sediment and erosion control. REPLACE "to prevent additional contribution of sediment to" with "to prevent increasing the amount of sediment carried off the development site by water or wind and deposited in or on streams..." REPLACE second sentence with "Measures to prevent erosion and sedimentation shall meet the intent of the NPDES, and shall be drawn from the list recognized as best management practices by the International Erosion Control Association." 1. DELETE "the backfill material"	No changes recommended. Changes made.

	3. REPLACE "on areas that will remain subject to erosion for a period of 6 months" with "as needed to prevent short-term erosion, sedimentation, or windblown dust." REASONING: To be consistent with Erosion & Sedimentation under Sections 8 and 9.	Changes made.
New Section 10.3.15.3	"If a sand and gravel operation uses crushers or similar equipment, they shall be enclosed in a sound-insulated structure."	No changes recommended.
New Section 10.3.15.4	"The layout of the facility shall be planned to limit backing by vehicles that have back-up alarms to the minimum possible. Using such vehicles within the above-referenced sound-insulated structure is one acceptable method of limiting back-up signal noise impacts."	No changes recommended.
10.3.15.1.	Might consideration be given to requiring a baseline noise study? Also, the section refers to specific equipment, but does not address the noise of blasting. Should this be explicitly addressed in the section? What qualifications are required for conducting and developing the noise study?	Made changes. (County has separate nuisance ordinance.)
10.3.15.2.	I AGREE. Consider requiring a baseline noise survey. ADD "showing projected noise and including a baseline of existing noise conditions taken on at least three days representative of current conditions" ...	Made changes.
10.3.15.3	Fugitive Dust Control COMMENT: Thank you for adding details in this section Subsection 2. MOVE and renumber as Subsection 1. Subsection 1. MOVE and renumber as Subsection 2. and REPLACE "The presence of dust at a sand and gravel operation is attributable to" with "Sources of fugitive dust attributable to aspects of sand and gravel operations include but not limited to: " Subsection 3. REPLACE "below the surface" with "below the soil surface" ADD AT END; "and the use of soil cement or proprietary soil stabilizers to harden traffic areas sufficient to prevent dust." Subsection 6. DELETE "transported material" REASONING: ambiguous; could mean materials deliberately transported as products	No changes recommended.
10.3.15.4.	What is a "high wind event"? It needs to be defined if it is to be useful.	Changes made.

10.3.16.	Blasting Plan. Will the blasting plan include timing, frequency, intensity and total amount of blasting over specific time periods, so the County and the public has a clear idea of the project from the outset? Might this be explicitly defined as a requirement?	No changes recommended.
10.3.16.	Add blasting permit requirement to this section. Include time restrictions and the number of blasts permitted. There should be a requirement for public input on blasting permits. Blasting can cause damage to homes. Suggestion by Penny Ellis-Green that the Ordinance should include language and conditions for liability insurance to be held by mining operation. Hours of operation and blasting - BCC should stipulate hours of operation and how many blasts are covered under the permit. Concern about trucks running non-stop. (Penny Ellis-Green said the Commission in the past has stipulated that trucking hours not conflict with school buses through the conditional use permit process).	No changes recommended, hours of operation are addressed.
10.3.16.	ADD: "If the operation will do any blasting," ... Submission of a blasting plan does not guarantee approval of blasting."	No changes recommended.
10.3.16	ADD Title Blasting	No changes recommended.
10.3.16.1	Blasting Plan RENUMBER AND ADD "If a proposed operation would use any blasting, a blasting plan shall be submitted" ...	Changes made.
10.3.16.2	ADD AT END: "No blasting may occur closer than 1/2 mile to any permanent structure that is not part of the sand and gravel operation."	No changes recommended.
10.3.16.3.	In 10.3.16.3, should the word 'shall' be inserted before 'establish'? Or is the intent for the plan to conform to existing noise and vibration standards? Does it make sense for the plan to establish standards?	Made changes.
10.3.16.3.	ADD: "A summary of the blasting plan, written to be understandable by lay-people and describing the noise, vibration and dust impacts from such blasting, shall be provided to the public at the pre-application meeting, and made available at all times throughout the life of the operation if approved."	Made changes.
10.3.16.4.	Public notification should be required.	No changes recommended.
10.3.16.4.	ADD "notify the County of proposed blasting and submit the required blasting plan ten working days before"	No changes recommended.

10.3.16.5.	ADD AT END "and shall provide the Permit Holder with written permission or denial for that blast only, within ten working days from receipt of the notification and plan."	No changes recommended.
New Section 10.3.16.8	"Any blasting activity carried out without written permission from the County; any blasting carried out by an unqualified contractor, as specified in 10.3.16.1; any blasting outside permitted hours of operation; and any blasting that causes serious injury to any third party or their property may be grounds for revocation of the Conditional Use Permit."	No changes recommended.
10.3.17	Monitoring Report RENUMBER as 10.3.16.7 to include the monitoring under Blasting, to which it refers exclusively.	No changes recommended.
10.3.18.	How are setbacks determined? Are they from the property line or from the structures? What are the setbacks from structures to the mining pit or operation?	Defined. No changes recommended.
10.3.18.	Setbacks. How will setbacks from critical areas such as steep slopes be addressed?	No changes recommended.
10.3.18.	"Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible". How is that feasible? This needs to be deleted from the ordinance.	No changes recommended.
10.3.18.1	RENUMBER) and ADD: "All mining activities including incidental activities and structures must be set back 500 feet" ...	
continued...	THANK YOU for changing the residential setback to one-half mile.	
10.3.18.3.	Change setback from residential structures and public land to 1 mile.	No changes recommended.
10.3.20.	I agree this is good - and predict industry objections.	No changes recommended.
10.3.20.	Most pits are 20 to 30 feet deep. This means that all the extraction equipment would have to be outside the pit where is it most visible. It would seem that the placement of the equipment in the pit would be the preferred location where it is the least visible.	No changes recommended. Measurement is taken at commencement of the operation.
10.3.21.1	It's not clear how 10.3.21.1 fits under 'Activities in or near Water Bodies'? Should it be part of 10.3.24 instead?	No changes recommended.
10.3.21.2	COMMENT: "Natural" is a very ambiguous and disputable term. I suggest deleting it.	No changes recommended.

	REPLACE the existing text with: "10.3.21.1 Watercourses And Water Bodies When working near any water body, the operation shall be conducted in a manner that neither disturbs nor degrade habitat for any native species. This requirement shall apply to all rivers, streams, ponds, lakes, seasonal streams and seasonal lakes."	
10.3.21.2.	REPLACE SECTION: 10.3.21.2. Water-Body. For purposes of this Section, water-bodies include naturally occurring rivers, streams, ponds, lakes, including seasonal streams and "playas " (seasonal lakes", all of which are essential wildlife habitat wherever they occur in New Mexico. Any work done near a water-body shall be conducted in a manner that improves habitat for native animal species that rely on natural water-bodies.	Made changes.
	" ...the proposed operation shall be conducted in a manner that improves fisheries and waterfowl habitat". Where has a similar condition been imposed on another land use? How would it be possible for an applicant to prove that the operation improves fisheries or waterfowl habitat?	
10.3.21.2.	REPLACE "100 foot buffer" with "500 foot buffer	Made changes.
10.3.21.2.	(REASONING: match other buffers; water bodies are at least as important as items in 10.3.18.)	No changes recommended.
	REPLACE "any plant site" with "any mining facility or activity"	
10.3.21.3.	Minimum Buffer. Define what the "plant site" consists of. Is it just the pit, buildings, and/or the entire area being disturbed? Should include all land disturbed by the operation.	Made changes. Changed to sand and gravel operation.
10.3.21.4.	CHANGE "the" TO "any	Made changes.
	ADD "and must submit GPS coordinates to the County to update County databases."	Made changes.
10.3.22.1.	Require a specific size for each phase.	Made changes.
	Unfortunately, I think this is basically impossible. Pits will be open for many years, and their size has a logic of its own, so they can't be forced into "workable size" by revegetation considerations. I SUGGEST REPLACING THE SECOND SENTENCE: "The plan shall provide phased revegetation such that replanting occurs immediately after active extraction is completed for any area. The plan shall also take seasonal conditions into account to maximize the germination and survival rate of plants used for revegetation."	
10.3.23.		No changes recommended.

10.3.23.4.	ADD "with the exception that a delay in re-planting of no more than 11 months may be accepted if seasonal considerations would improve reclamation prospects."	No changes recommended.
10.3.24	Phasing. REPLACE "and make them available" with "and submit digital location data to the County." DELETE "upon request."	Changes made.
10.3.25	Reclamation Plan and Bonding. COMMENT: The section with this title, as well as the next section (Reclamation standards) currently show the same number, 10.3.25. In correcting this, I would suggest that the entire text concerning reclamation be 10.3.25, with sections 10.3.25.1 for Plan and Bonding, and 10.3.25.2 for Standards, with subsections as needed for the remaining text. COMMENT: Suggest changing "bond" to "bond or approved financial guarantee" on first use in this section, thereafter "financial guarantee" instead of bond. (References in these suggestions are to the numbering in the redline file, even when numbering is suggested.)	No changes recommended.
10.3.25.	Existing Sand and Gravel. (note: the copy reviewed has two different 10.3.25 sections). Does this first paragraph apply ONLY to legally established operations? If so, might this be explicitly stated? Also, if the final County approval did not address blasting, might blasting now be required to be reviewed under this Article, since it is an increase in intensity that could have countywide impact on the health safety and welfare of the people of Santa Fe County? Annual Operation Plan Monitoring Report. This section may need renumbering.	Made changes.
10.3.25.	Concern was expressed about the 125% expansion of existing mining operations. Clarify when the expansion requires a new DCI.	Made changes.
10.3.25.	SUBSTITUTE "up to 25% beyond the area currently and formerly mined at that location."	Made changes.
10.3.25	Reclamation Plan and Bonding ADD: "designed by a Reclamation Specialist as defined below in 10.3.25.1.x. and included in grading and extraction plans submitted under the seal of a New Mexico registered" ...	

	ADD: "The plan shall be based on, and shall include full information on, baseline conditions at the site prior to the proposed development, and shall at a minimum include a transect of existing vegetation and one or more soil profiles sufficient to characterize existing soil and vegetation conditions. The plan shall demonstrate how the site will be returned to its original or better vegetated condition." ADD: "of workable size and in no case larger than two acres so that no area" ... REPLACE: "and unreclaimed for more than 60 days" with "without commencing reclamation within 30 days; the only exception shall be delays necessitated by seasonal planting conditions and approved as part of the Reclamation Plan." REASONING: Completion of reclamation within 60 days is unrealistic; many plants take several months minimum to become securely established. I have seen deadlines of the 60-day type act as an incentive to rush the reclamation process, leading to its ultimate failure. What is important is that reclamation should start promptly once active operations are completed in any area, with allowance for seasonal conditions. Also, Section 10.3.25.4 requires reclamation to commence within 30 days, so the same duration is used here. ADD: "at 125% of expected cost of the reclamation, except that where blasting is involved, due to the extra difficulty of reclamation over exposed rock and the danger of unreclaimed quarry pits, the bond for sites involving blasting shall be at 150% of the expected cost of the reclamation."	No changes recommended.
	ADD NEW SUBSECTION 10.3.25.1.x Reclamation Specialist. "The Reclamation Specialist shall be a person holding a professional qualification in site restoration from any of the degree-granting institutions listed by the Society for Ecological Restoration, 1017 O Street NW, Washington D.C. 20001 USA www.ser.org. A registered engineer or landscape architect may serve as Reclamation Specialist only if they hold an explicit certification specific to environmental restoration. The Reclamation Specialist shall ensure that grading, extraction, and operational plans are consistent and compatible with 10.3.25.1.x required reclamation."	No changes recommended.

10.3.25.1	COMBINE as one section: 10.3.25.1. General. + 10.3.25.3. Revegetation ... is required. RESULTING TEXT: "10.3.25.1.x Revegetation of all disturbed areas required. Reclamation shall restore all disturbed areas to a condition comparable to or better than the vegetative cover and wildlife habitat conditions that existed prior to the gravel operation, as evidenced by comparison of baseline and post-reclamation transects. Invasive plants found as part of the pre-existing conditions shall be removed."	No changes recommended.
10.3.25.1	COMBINE text concerning grading from 10.3.25.1, 10.3.25.2, and 10.3.14.1.4 (erosion & sedimentation section). Resulting Text. 10.3.25.1.x Grading. Disturbed areas shall be re-graded to conform to and blend into the general undisturbed contours of the site, and to provide the necessary topography for revegetation. In general, all slopes (cut or fill) shall be graded to 3:1 or flatter. Where blasting has been utilized, rock faces steeper than 2:1 must be reshaped to 2:1 or less by a combination of methods including but not limited to fill or terracing. Such methods must be approved as part of the Reclamation Plan, and if reshaping requires additional blasting, this must be approved by the County following the requirements of 10.3.16." REASONING: The three existing draft sections were not consistent, and were scattered in different locations. Blast pits from quarrying in solid rock are a well-known safety hazard. Demanding too gentle a slope in restoring such pits, however, can make dramatic widening of the pit the only option in achieving a regraded flat surface.	No changes recommended.
		Some changes made.
10.3.25.2.	ADD: "Even when Administratively reviewed, the report shall be available both digitally and in print as public record to any person requesting it, subject to the County's standard charges for copying, if any."	No changes recommended.
10.3.25.2.	Violates state and federal statute and constitutional provisions.	No changes recommended. The referenced section is straightforward and refers to grading an excavated site.
10.3.25.4	ADD: "so long as all disturbed areas within the previous phases" ... ADD AT END: "or within 30 days of completion of active mining under the previous phase, whichever is earlier."	Changes made.
		No changes recommended.

10.3.26	Existing Sand and Gravel Extraction Uses. ADD AT END OF FIRST SENTENCE: "Any further expansion requires new application under this Ordinance, Article XVII."	No changes recommended.
New Section 10.3.27.3	"10.3.27.3 Failure to timely submit the required annual report, or submission of a report that, in the judgment of the Land Use Administrator, substantively omits or distorts required data whether intentionally or not, may be grounds for revocation or suspension of the Permit."	No changes recommended.
10.3.28.	Is not justified and is undefined and vague.	No changes recommended. we will use the annual hearing/annual monitoring report to measure the number of loads removed from operation site to determine compliance and consistency with operator's plan.
10.19.	Section 10.19 (SLDC) doesn't have tonnage / acreage limits included in description.	No changes recommended.
New Section	ADD New Section in Article XVII REASONING: This Section deals with provisions of Article XI that create ambiguity either internally or in relation to Article XVII; and that in some cases, such as XI.1.1.2 Conflicting Provisions, completely and utterly exempt gravel mining from any regulation except Article XI, which would invalidate XVII even if legally adopted.	No changes recommended.
Appendix A	Under inspection fees, what is a courtesy inspection? Might clarification be needed for the public's understanding? How would fees for enforcement inspections be addressed, since this is a burden on the County?	No changes recommended.
Section 11	In Section 11, where is the referenced Appendix A?	Appendix A is the Fee Schedule. Made Changes.
Section 12	Amendment and Coordination of Article XI Article XI of the Santa Fe County Land Use Code of 1981 (as amended) is hereby amended as follows. Section numbers of Article XI are preceded by XI. in specifying amendment text:	No changes recommended.
12.1	Applicability. REPLACE "shall be allowed anywhere in the County, provided" with "must meet" AND DELETE "are met".	No changes recommended.
XI.1.1	Special Uses. REPLACE "related office uses" with "office uses" AND REPLACE "uses not related to mining" with "uses related to mining".	No changes recommended.
XI.1.1.1		No changes recommended.

	Conflicting Provisions. REPLACE EXISTING SECTION WITH "The provisions of this Article XI shall apply to sand and gravel extraction not subject to definition as a Development of Countywide Impact per Article XVII of the Santa Fe Land Development Code, as amended, or its successor codes."	No changes recommended.
XI.1.1.1.2	(new section) "Definitions."	No changes recommended.
	(new section) "Sand and Gravel Mining. Activity of extracting minerals typically but not exclusively used for construction materials, including but not limited to sand, gravel, aggregate, subsoil, cobbles, and similar naturally occurring granular materials, consisting of or derived from any geological rock type such as granite, basalt, slate, or sandstone. Use of excavated materials for construction or grading on the site from which they originate is not included under this definition. Sale, re-use, or recycling of materials excavated incidental to construction or demolition are not included under this definition."	No changes recommended.
XI.1.1.1.4.1	REASONING: This definition must be consistent with Art XVII, or the older definition would become a giant loophole	No changes recommended.
	Location Standards for Creation of New Mining Zones. REPLACE "the following location standards" with "the following location standards and all other provisions of this Section".	No changes recommended.
XI.1.2.3	DELETE SECTION	No changes recommended.
XI.1.2.4	REPLACE "1.2.2 and 1.2.3" with "and 1.2.2."	No changes recommended.
	REPLACE the third sentence, up to and including the words "the remaining disturbed areas" with "The plan for reseeding and revegetation shall include all disturbed areas"	No changes recommended.
XI.1.5.1 (d)	DELETE ", through a single reasonable effort".	No changes recommended.
	REPLACE the final sentence with "as set forth in this Article XI, Section 1.12. as amended."	No changes recommended.
XI.1.5.1 (h)	DELETE this section in its entirety.	No changes recommended.
XI.1.5.1 (j)	Environmental Review DELETE the first sentence in its entirety.	No changes recommended.
XI.1.7.2	REPLACE "subject to the following sections of Article VII" with "subject to all sections of Article VII."	No changes recommended.
	REPLACE reference to Art. 2, Sec. 2.4 (which governs public notice of meetings), with Art. 2, Sec. 2.3.4, Appeals.	No changes recommended.
XI.1.9.B.6		No changes recommended.

XI.1.10.B New Section	REPLACE "on which no significant mine use has occurred" with "on which no significant extraction of sand and gravel materials has occurred".	No changes recommended.
XI.1.12	Scope Format and Content of EIS If Required	No changes recommended.
continued...	This section sets forth the scope, format, and content for environmental impact statements (EIS) that may be required under XI.1.5.1(h). Such EIS shall provide all the information required by the National Environmental Protection Act (NEPA) for EIS under that Act, but shall analyze only the proposed development, without Alternatives. Social and Economic Impacts likely to affect citizens of Santa Fe County, or to affect its governing bodies, shall be included, as shall Historic and Cultural Impacts. If required, the EIS shall be prepared by a professional experienced in preparing EIS and approved by the County, and shall be submitted in print and digitally, in a format commonly used for EIS and approved by the County. The Applicant may propose a professional preparer so long as these criteria are met. All EIS preparation is at the Applicant's expense.	No changes recommended.
continued...	REASONING: Section 1.5.1 (h) of Article XI, LDC, states that an environmental impact statement may be required by the BCC or Administrator, but immediately makes this ineffectual by stating that no EIS shall be required until the BCC adopts standards for one. This new section is intended to remedy that. EIS is by now such a standard procedure that a brief reference should be sufficient to set a basic standard that the BCC can adopt, and thus, make it possible for them to enforce 1.5.1 (h).	No changes recommended.

We need to make blasting and crushing grounds for stricter requirements SRA and operational requirements, and higher bonding, even if both cases were DCIs. Blast pits are exceptionally hard to reclaim, and certainly won't respond to the minimalist efforts that are common with genuine gravel-scooping operations. And clearly the dust, noise, and vibration from blasting and crushing are far more serious and far-reaching than for a similar-sized operation that doesn't do either. (Ideally, I'd like to see blasting-for-gravel moved to Hard Rock Mining, which it much more resembles; but Penny has a valid worry - if we say that, but don't then revise Hard Rock, that creates gaps and loopholes that could leave blasted gravel (a lovely phrase) completely unregulated, to the great joy of the industry.	General (blasting)	See Red Line, 10.3.16.4. and 5. Made changes.
I am very concerned that the old Article XI is going to be allowed to be the standard for non-DCI G&S, even though the County assures me this is temporary until the SLDC is finished. That old non-law is the reason we are in this now. It was (by the looks of it) written for industry by industry. There is language in it that, taken literally, exempts them from any provision of the old Land Development Code whatsoever! I think there is a workable suggestion: to say (where the new ordinance currently references Art XI, the following, in effect: Non-DCI sand and gravel operations are regulated by Art. XI AS AMENDED HEREIN (giving a section number that would be at the end of the new ordinance now being drafted). That section would read: Art XI is hereby amended as follows, and would take the existing XI language, deleting all the worst loopholes, making it clear that the definition of sand and gravel is the same as used in the DCI sections, and updating whatever is important. That way, we don't leave a gaping loophole for smaller mines. The revised Art XI could be the basis (or not) for the new SLDC chapter that eventually replaces it, but in the meantime, there is something better than that gutless and confusing chapter to deal with the non-DCI application.	General (Articles XI)	See Red Line, Article XI, 1.1 Applicability
The point about "encouraging giant operations" - an unintended consequence of wanting operators to plan the whole operation, not encroach piecemeal. I think this is a real concern.	General	No changes recommended.

General	The fact that there are no upper limits on size or tonnage, nor on percentage of land surface disturbed. I think this could be resolved, for "real" gravel operations at least, by making restoration of the previous operation or phase a precondition for being able to apply for the next phase or area. This should specify that "no more than X acres (or Y % of the land surface of the property) may be under active excavation at any one time, and that any area over (size, percent) that is no longer actively being mined must be restored prior to any further application." Maybe even that failure of revegetation to establish can be grounds for suspension (not revocation, just stop-work) of a permit. With provisions like that, a very large area might be disturbed in total (which I doubt we can prevent), but at any given time, the impact on habitat, water, and watershed would be a much smaller footprint. To get this to work, I think we would have to talk to a mining engineer about how large an operation has to be on the surface, given the slopes created by scooping out loose gravel or sand. Otherwise, the idea of maxing out the disturbed area might be shot down as impractical.	No changes recommended.
General	Anne's question about landmark protection seems still very important. I'll have to re-read, but it seems to me that not much prevents someone from putting a junkyard in the Plaza, so to speak.	No changes recommended.
General	I think that requirements for operations that rely on blasting and/or on-site crushing should be more stringent than for those that do not. The noise and dust issues from blasting and crushing mean that setbacks should be considerably longer. The widely accepted professional consensus that "restoration" of blasted pits is seldom if ever successful should also mean that blasting requires a restoration bond of several times the amount otherwise required, and that proposed blasting should be a strong negative against granting either an overlay or a conditional use permit. I urge you to consider this as a priority in revisions.	No changes recommended.

General	Along the same lines, I think that blasting really should push any operation that uses it out of sand and gravel regulation, and into hard-rock, which by definition is what they're actually doing. Blasted bedrock pits are different to restore, and often cannot be, and I am afraid are exempt from some state restoration regulations. Regulations that could properly cover granular-material removal don't fit blasting operations, even if the end product is gravel-like. I think the three sections (DCI gravel, Art XI non- DCI gravel, and Hard Rock) need to be revised in parallel and coordinated, or they are going to be full of loopholes and headaches for everyone, even the miners. I do definitely understand your concern that blasting-for-gravel has to be covered in this DCI or it would create a loophole. Could this ordinance state "Blasting, whether for gravel or any other form of rock extraction, is a DCI and falls under the Hard Rock ordinance"?	No changes recommended.
General		No changes recommended.
General	I'm concerned about this process going too fast, and ending up with huge gaps. The re-cycling of the old Article XI is awful --that chapter exempts gravel mining from everything else in the Land Dev Code, and appears to have been written by and for the industry to ensure gravel was not under hard rock or any other regulation. I'm concerned about 'you can't glue it back' -- in other words, once you've buried the wetland under even a tiny landfill, what was special is gone forever. It would be best if Hard Rock and non-DCI-gravel were completed NOW in coordination with the DCI. If we can work on that between the formal publication-of-title and the final meeting, I am willing to help draft those revisions, pro bono.	No changes recommended.
General	But do we have (or can we get) good data on the average size of existing sand/gravel operations in Santa Fe County? It might make a better threshold, both in terms of "fit" with existing priorities and patterns, but also in terms of being justified by hard statistics.	No changes recommended.
General (Size/Scale)	Could you please send the source (the statute or location of the definition) of "small" under 10 acre mines? I wish to better understand the context.	The criteria was developed based on review of the existing NM mining regulations, other western counties, and our professional recommendation in order to permit the use of small with less land use impact. So it isn't just the 10 acres, but the combination of less than 10 acres, less than 20,000 cubic yards of material and no blasting.

Continue...	Typically a site with exposed sand and maybe some gravel which can be dug with standard equipment. The State does not regulate sand and gravel mining, but uses 10 acres as a cutoff for reclamation requirements for other mining.
Continue...	The State statutes have 10 acres as a cutoff in a couple of places - 19.10.3.303 MINIMAL IMPACT EXISTING MINING OPERATIONS:
	A. An existing mining operation that continues mining operations will not be considered a minimal impact existing mining operation if it exceeds 10 acres of disturbed land, except that an existing mining operation extracting humate may exceed 10 acres but not 20 acres if its approved closeout plan or reclamation plan provides for concurrent reclamation of mined-out areas. Also, from the Guidance Document for Part 3 Permitting Under the New Mexico Mining Act (hard rock mining)
Continue...	3.0 MINIMAL IMPACT NEW MINING OPERATIONS 3.1 Project Eligibility A mining operation is not a minimal impact project if the project will exceed 10 acres of disturbed land at any one time, excluding pre-existing roads and reclaimed areas within the permit area.
Continue...	To qualify for a minimal impact new operation permit, the disturbed area must be less than 10 acres in total. The project must also meet the definition of Minimal Impact in 19.10.1.M.(2) NMAC.
General- fugitive dust	Changes made.
Other comments	See 10.3.26.
Other comments	No changes recommended.

Other comments	Strengthen location criteria in old Article 11.	No changes recommended.
Other comments	Concern that Ordinance creates a loophole to come in small and expand, and create a stepping stone to larger operations.	See 10.3.25. Made Changes.
Other comments	Include language on type of materials mined.	See 10.2.2 and changes made to 3.3.
Other comments	Concern regarding the two levels of sand and gravel extraction. Ten acres is too large to be considered a small operation.	No changes recommended.
Other comments	Applicant should be required to decide the full size of operation at beginning rather than expanding later.	Agreed and have safeguards built in if the operation is expanded, see 10.3.25. Made changes.
Other comments	Operations should be limited to no more than 20 acres continuous regardless of owner.	No changes recommended.
Other comments	Determine appropriate area (mapping) for mining operations instead of allowing operators to apply individually.	No changes recommended.
Other comments	Suggestion that there be a minimum separation between individual mining operations by different operators.	No changes recommended.
Other comments	Mined areas should be reclaimed before expansion of operations is allowed	See 10.3.22, 23, and 24.
Other comments	Include phasing plan for entire geographical area regardless of owners, similar phasing as the Oil and Gas Ordinance	No changes recommended.
Other comments	Fees seem excessive for the two-step process. Question regarding how the fees are determined.	Changes made.
Other comments	Suggestion to strengthen old Article XI on location standards and identify suitable areas.	No changes recommended.
Other comments	If there's a restriction on size, what happens if they want to do more/expand?	See 10.3.25. Made Changes.
Other comments	Does the Ordinance encourage large operations?	The ordinance strive to seek a balance between small operations with lesser standards (See 10.2) and protecting the health, safety and welfare of the County residents.
Other comments		The criteria was developed based on review of the existing NM mining regulations, other western counties, and our professional recommendation in order to permit the use if small with less land use impact. So it isn't just the 10 acres, but the combination
Other comments	How were the two levels determined; per state regulation?	
Other comments	Section 10 or Section 7.1 should include a requirement for a solid / liquid waste management plan and cover items such as disposal filters and portable toilets.	No changes recommended.

Other comments	How are landfills regulated in terms of compaction, liners, etc.? Are transfer sites included in landfill regulations?	Does not include transfer stations, the DCI is for landfills only.
Other comments	How are asphalt plants that are associated with a gravel mine regulated?	Asphalt plants are not a DCI and are regulated as a separate use.
Other comments	Article 11 (LDC) and Section 10.19 (SLDC) review and incorporate asphalt plants.	Asphalt plants are not a DCI and are regulated as a separate use.
Other comments	Clarify the time frame of extraction limits.	There isn't a time frame for the extraction, annual reporting is required and each phase is limited to a maximum of 10 acres.
Other comments	Review the state Mining Act for information on minimum impact criteria and sizing of operations.	See response to item 154.
Other comments	What types of blasting are being utilized? How are these monitored? How are homes effected?	See revised language, setbacks are defined, blasting plan required, blasters must be certified, and a report is required within 5 days of the blasting.
Other comments	ADD the requirement of a Visual Impact Analysis using modern computer-based methods.	No changes recommended. Consent on application otherwise it's trespassing.
Other comments	Require that only uniform, downward-directed, low-intensity lighting that avoids high contrast or glare may be used after hours for security purposes. This requirement supports the intent of the dark skies ordinance, helps avoid light spillover, and helps to minimize lighting impacts in visible locations.	No changes recommended. Refer to the SLDC
Other comments	Expand the regulations for Sand and gravel Mining to mitigate negative impacts on properties beyond the properties immediately surrounding a mine site.	No changes recommended.
Other comments	Modify Level 1 mine definitions to include other State criteria for "minimal impact" operations. Please add provisions 19.10.1.M.(2).(a) through (c) and (f) through (l) in the NMAC.	No change recommended. DCI's are defined in the ordinance
Other comments	ADD a section requiring sand & gravel applicants to document thorough efforts to secure non-potable water for all uses (such as dust control) that do not strictly require the use of potable water.	No change recommended.
Other comments	Require that any on-site well be approved with water rights for industrial use by the State Engineer and require that any on-site well not contribute to over-allocation of groundwater in the applicable aquifer or basin.	No change recommended.
Other comments	Explicitly specify that the Land Use Administrator has authority to designate haul routes and alternative routes as needed.	Changes made.

Other comments	Specify that no more than 2 acres of land may be disturbed or remain unreclaimed at any given time. Vegetation removal should not occur more than 30 days before active mining operations are started on a site.	No changes recommended. Too prescriptive. 30 days is specified in Section 10.13.
Other comments	Require measures to prevent erosion and sedimentation that meet the intent of the NPDES, and that are drawn from the list recognized as best management practices by the International Erosion Control Association.	No changes recommended. Federal requirement applies where needed.
Other comments	Require that crushers, generators and similar equipment be enclosed in a sound-insulated structure, and the layout of any mining site is designed to limit back-up beeper noise from heavy equipment. This will help minimize noise from mining activity and heavy equipment that can otherwise impact areas a mile or more from a site.	No change recommended. Too prescriptive.
Other comments	Specify that, when working near any body of water body, the operation will be conducted in a manner that neither disturbs nor degrades habitat for any native species. This requirement should apply to all rivers, streams, ponds, lakes, seasonal streams and seasonal lakes.	No change recommended. EIR?
Other comments	Require all mining applicants to use a New Mexico approved, professional Reclamation Specialist to design and oversee reclamation plans and their implementation. Require that all disturbed areas be reclaimed to a condition comparable to, or better than, the vegetative cover and wildlife habitat conditions that existed prior to the gravel operation.	No change recommended. Experts?
Other comments	There needs to be a provision to restrict contiguous growth of DCI zone by new applicants. An exclusion zone once a DCI zone has been approved? 500 yards? 1/4 of a mile? Perhaps a zone identified by the Administrator?	No changes recommended.
Other comments	There needs to be clear reference to "owner" or "applicant" links to individuals, corporate entities, affiliations with other corporation, subsidiary or partnerships, or any other link that might demonstrate financial interests of a third party. Failure to disclose such relationships must lead to revocation of the conditional use permit.	No changes recommended.
Other comments	The draft needs to be clear that the application for a DCI involves at least two separate Commission approvals, one for the overlay application, the other for the conditional use permit.	No changes recommended.



