availability and capacity		o			
Fire protection and emergency medical service availability and response times	Yes	Yes	Yes	Yes	Yes
Sulfide and other reactive minerals	Yes	No	No	No	Yes

2. **Sampling and Analysis Plans.** The Applicant shall not commence the EIR until ~~the County approves~~a ~~licensed New Mexico~~ Professional Engineer has prepared Sampling and Analysis Plans (SAPs) for surface water, ground water, soils, geochemistry, vegetation, terrain, and cultural and archaeological resources that ensure the collection of sufficient information to adequately characterize each impact. Each SAP shall describe the sampling methodology, including the number, density, and locations of samples, the collection method, including recording, mapping, and field data evaluation, and the method for stabilizing, shipping, and analyzing the samples, including the chain of custody procedures. ~~The applicant shall not commence the sample collection under a SAP until the County approves the SAP in writing.~~ The Applicant shall revise and submit a SAP if the Administrator determines that the SAP is not adequate or more samples or data are necessary.

~~**11.7.2.2. Adequate Facilities and Service Assessment.** The applicant shall submit an Adequate Public Facilities and Service Assessment (APFA) as specified in Section 6.4.~~

11.7.1.97. Additional Plans, Reports and Assessments. The following additional plans, reports and assessments: ~~**11.7.2.10.5.3. Water Services Availability Report.** The applicant shall submit a~~**A Water Service Availability Report** ~~(WSAR) shall be submitted with the application per~~described in ~~Section 6.5 (Water Service Availability Report) of the SLDC. Additionally, the WSAR shall demonstrate that the DCI will not infringe on other water rights, impair wells, or adversely affect the quality or quantity of ground or surface waters.~~

~~1. Extraction and filling of a reservoir shall not infringe on downstream appropriator's water rights.~~

~~**11.7.2.10.5.4. Project Traffic Impact Assessments and Road Standards.** The applicant shall submit a Traffic Impact Assessment (TIA) as specified in Section 6.6. Additionally, the TIA shall identify:~~

~~1. the estimated number and weight of vehicles both loaded and unloaded that will enter and leave the DCI and their impact on the surrounding road network;~~

~~2. the traffic routes that will be used by vehicles entering and leaving the DCI, that avoid, to the maximum extent possible, residential areas, commercial areas, environmentally and visually sensitive areas, schools, governmental buildings, villages, towns, and municipalities, and other congested locations;~~

~~3. the estimated time and frequency of vehicles entering and leaving the DCI; and~~

~~4. a plan to prevent the loss of transported materials and minimize or eliminate fugitive dust during transportation.~~

~~1. All roads carrying sand and gravel related traffic shall conform to the requirements of Section 7.11 (Road Design Standards) of the SLDC.~~

~~**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.~~

~~**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:~~

~~**a.** 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;~~

~~**b.** avoid the deterioration of all access roads; and~~

~~**c.** otherwise comply with Section 6.6 of the SLDC.~~

~~**4. Traffic Counts.** Traffic counts at the entrance of the operation shall be presented at the annual review of the operation's permit.~~
~~**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:~~

~~**a.** avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities, and already congested locations where possible;~~

~~**b.** identify alternative routes;~~

~~**c.** identify the timing of truck haul traffic; and~~

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

~~**11.7.2.5. Fiscal Impact Assessment.** The applicant shall submit a Fiscal Impact Statement (FIA) as specified in Section 6.7. The FIA shall include the cost of long-term environmental impact abatement and restoration and the associated fiscal impact on the applicant, County, and any other affected governmental body.~~

~~**11.**7.2.6~~~~**10.5.13. Protection of Historic and Archaeological Resources.** Any application for sand and gravel extraction~~The applicant ~~shall submit~~ a~~an archaeological report conforming to the requirements of~~as ~~specified in~~ Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC. In addition,

~~the applicant must consult with any tribal group who, after receiving notice, determines that the proposed DCI will disturb indigenous cultural or archeological sites. The applicant shall consult with the tribal group and person preparing the Archeological Study in developing a Cultural Resource Protection Plan that avoids the disturbance of cultural and archeological resources.~~

1. Technical and Financial Feasibility Assessment. The Applicant shall submit a Technical and Financial Feasibility Assessment certified by a Professional Engineer with expertise in Mineral Resource Extraction and Processing and approved by the Administrator that demonstrates the technical and financial feasibility of the proposed DCI for all phases of development, operation, and closure, including a description of debt and equity at each phase, the debt retirement schedule, estimated reclamation costs and schedule, sources of funding to retire debt, estimated construction costs and schedule, estimated annual costs, and proof that the Applicant possesses the right and expertise to use the technology in the proposed DCI.

~~**11.7.2.8. Noise Study.** The applicant shall submit A noise a study showing the the baseline and projected noise levels at the property boundaries and representative locations at the site of the proposed DCI, including the projected noise level for each piece of equipment at the proposed DCI. 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.~~

2. Applicant Background Report ~~Report~~. The Applicant shall update and submit all information required in Section 11.6.1.6.

3~~**11.10.5.25. Reclamation Plan and Bonding.**~~ The Applicant shall submit a~~A~~ reclamation plan ~~shall be provided that is~~ designed and certified by a ~~New Mexico registered~~ Professional Engineer with expertise in reclamation and approved by the Administrator. The plan shall identify the phases of reclamation, if any, the estimated cost of each phase, the full cost of all phases, and the relationship of each phase of operation and reclamation, and demonstrate how the Permittee will comply with the reclamation standards specified below ~~or landscape architect, and meets the reclamation standards specified below in Section 10.3.25~~. The Professional Engineer, or another Professional Engineer with comparable expertise in reclamation and approved by the Administrator, shall oversee implementation of the plan. ~~how reclamation of one phase will begin prior to initiation of the next phase and 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.~~

~~**11.10.5.26. Reclamation Standards.** The reclamation plan shall comply with the following standards:~~

a~~1.~~ **General.** Land areas shall be reclaimed to a ~~pre-operational~~ condition suitable for new land uses. ~~Reclamation shall restore land areas to a condition suitable for new land uses.~~ Wildlife habitat conditions shall be

restored in a manner comparable to or better than ~~, to~~ the habitat conditions that existed prior to the proposed ~~gravel operation~~DCI. All other site conditions shall comply with the standards of this Chapter, the SLDC, and other applicable federal, state, and local requirements; ~~In general, all slopes shall be graded to 3:1 or flatter to promote revegetation.~~

b~~2.~~ **Grading.** Disturbed areas shall be re-graded to blend into and conform to the general natural form and contours of the adjacent areas. a~~.~~ ~~In general, all slopes (cut or fill)~~ shall be graded to 3:1 or less~~flatter~~; and~~.~~ ~~Such methods must be approved as part of the Reclamation Plan.~~

c~~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 using NMSU Seed Certification and Noxious Weed Certification. The plan shall identify all soil types and depths, and the best practice methods for salvaging, storing, and replacing disturbed soils. If no soil is present, the plan shall explain how revegetation will be accomplished. ~~;~~

~~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.~~

~~**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.~~

~~**11.** 14.4.5.~~ **Emergency Response and Preparedness Plan.**~~-~~ The Applicant shall submit an Emergency Response and Preparedness Plan (ERP-P) designed and certified by a Professional Engineer with expertise in emergency response and preparedness and approved by the Administrator which includes:

~~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.~~

a. a description and plan of response to emergencies that may be associated with the operation of the proposed DCI, including explosions, fires, gas or water pipeline leaks or ruptures, Hazardous Material spills, vehicle accidents, and the failure of berms, retaining walls, dams or ponds;

b. fire prevention, response, and health and safety plans.

~~2. The ERP Plan shall consist of the following information, at a minimum:~~

~~a. 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;~~

c~~3.~~ the names, addresses, and 24-hour telephone numbers~~, including a 24 hour emergency number~~ of at least two (2) persons responsible for emergency ~~field operations~~response; and

d~~4.~~ 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~~s~~ spatial reference, and~~.~~ the ~~Additionally, all~~ digital data shall be provided to the County for use in its GIS databases and mapping ~~in this format~~ ~~;~~ ~~and~~

~~5. 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 cash or certified check for the County's cost to review the ERP and to conduct a public hearing on the ERP. The County shall provide an estimate of the cost of conducting the review and public hearing, which shall serve as the basis for the initial deposit. If the County determines that the cost of conducting the review and public hearing exceeds the amount of the initial deposit, the applicant shall make one or more additional deposits, provided however, the County shall refund any unexpended funds on deposit after the review and public hearing are completed.~~

~~6. a fire prevention, response, and health and safety plan.~~

5~~3.~~ **Fugitive Dust Control Plan.** ~~-~~The Applicant shall submit a fugitive dust control plan designed and certified by a Professional Engineer with expertise in fugitive dust control and approved by the Administrator, including the chemical and physical characterization of the dust, the control measures to be implemented to reduce the dust, and the sources of water to be used for dust control, provided however that the Board shall not approve a dust control plan which proposes to use potable water for dust control.

6. Greenhouse Gas Emissions Assessment~~Study~~ and Plan. The Applicant shall submit an assessment and plan for greenhouse gas emissions prepared by a Professional Engineer with expertise in greenhouse gas emissions control and approved by the Administrator. The assessment shall identify and quantify the greenhouse gas emissions attributable to the proposed DCI. The plan shall demonstrate how the Applicant will offset those emissions.

7. Hazardous and Toxic Materials Plan. The Applicant shall submit a Hazardous and Toxic Materials Plan prepared by a Professional Engineer with expertise in the handling and storage of Hazardous Materials and approved by the Administrator. The plan shall identify the Hazardous Materials associated with each phase of the proposed DCI, including fuels, oils, explosives, hazardous and toxic chemicals, reactive chemicals and minerals, and biological toxins, along with a plan to handle, store, and dispose those materials in compliance with this Chapter, the SLDC, and other applicable federal, state, and local requirements. ~~Technology and~~

8. Wildlife Impact Mitigation Plan. The applicant shall submit a Wildlife Impact Mitigation Plan developed by a professional biologist with expertise in wildlife impact mitigation approved by the Administrator. The plan shall describe how wildlife impacts attributable to the proposed DCI will be eliminated or mitigated to the greatest extent possible.

11.7.2. Review Criteria. The Administrator, Hearing Officer, Planning Commission, and Board shall consider the following criteria when making a recommendation or decision regarding DCI Conditional Use Permit:

11.7.2.1. Whether the proposed DCI is consistent with the DCI Overlay Zoning District;

11.7.2.2. Whether the proposed DCI is consistent with the SGMP and applicable Area, District and Community Plan;

11.7.2.3. Whether the proposed DCI or a previous phase of an approved DCI could cause or has caused harm to any resource referenced in this Chapter or the SLDC, including soil, water, air, roads, facilities, structures, cultural, historic, or archaeological sites, adjoining uses, or public or private property;

11.7.2.4. Whether the proposed DCI complies with all federal, state and local laws, regulations, and ordinances;

11.7.2.5. Whether the Applicant, which includes all partners and limited partners of a partnership Applicant, all officers, directors or executives of a corporate Applicant, all stockholders holding more than five percent of the stock of a corporate Applicant, and any person with an ownership interest in the Applicant, has complied with federal, state and local laws, regulations, ordinances, development orders, conditions of approval and other requirements in previous activities by the Applicant, the persons identified in this paragraph, or entities they own or control; and

11.7.2.6. Whether the Applicant proves that the proposed DCI will comply with the standards of this Chapter, the SLDC, and other applicable federal, state, or local standards.

11.8~~7.3~~. PERFORMANCE STANDARDS.

11.8.1~~10.5.7~~. Visual ~~Screening Measures~~Resources. The proposed DCI shall meet the following standards for the protection of visual resources:

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

11.8.1.1. General. The view from all public roads, rivers, parks, ~~open space~~ and adjoining residential areas shall be screened ~~based on the viewshed analysis~~;

11~~2~~.8.1.2. Buildings. All buildings shall be ~~The~~ designed, scaled, and located~~tion~~ to ~~of all buildings shall~~ reduce the visibility of the proposed DCI from off-site;

11~~3~~.8.1.3. ~~Surrounding~~ Vegetation - General. ~~Any vegetation on site that can act as screening of the extraction area shall be preserved, including vegetation existing in the required setbacks.~~ Vegetation in the DCI Overlay Zoning District shall be preserved to the maximum extent possible; and

11.8.1.4. Vegetation - Screening. Vegetation that screens any part of the proposed DCI shall be preserved.

~~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.~~

11.~~8.3.7~~.8.2. Hazardous and Toxic Materials. ~~Any fuel, explosives, or other~~ H~~h~~azardous M~~m~~aterials, including all materials identified in the Hazardous and Toxic Materials Plan, ~~stored on the site~~ shall be contained within a tank or structure with a lined impoundment ~~structure~~ designed by a ~~registered New Mexico~~ Professional Engineer with expertise in the handling and storage of Hazardous Materials. The tank or structure and lined impoundment ~~structure~~ shall be set back a minimum of five~~three~~ hundred (5~~3~~00) feet from the~~any~~ property boundaries~~y~~, of the proposed DCI and a minimum of one thousand~~five hundred~~ (10~~5~~00) feet from a private domestic well or water body, including stream, pond, lake, spring, seasonal watercourse, wetland, and riparian area, and a minimum of one thousand (1000) feet from any well or spring that supplies water for a public water system, or any greater distance required by a wellhead protection program.

11.8.3. Water Resources. Water quality shall not be degraded below the applicable standards of the New Mexico Water Quality Act (NMAC 20.6.2 and NMAC 20.6.4), and the use of water shall not exceed the permitted amount, cause detriment to existing water rights, or be contrary to the conservation of water in the County. The Board shall consider the following factors in determining impact on water resources:

11.8.3.1. Chemical, physical and biological characteristics including water circulation, temperature, substrate, suspended particulates, clarity, odor, color and taste of water, concentration of heavy metals or any other regulated constituents, and concentration of nutrients, including phosphorus and nitrates;

11.8.3.2. Erosion or sedimentation;

11.8.3.3. Sediment and other pollutant loading;

11.8.3.4. Filtration, pollutant uptake and storage capacity of wetlands and riparian areas;

11.8.3.5. Stream channel morphology, shoreline stability, and structure and function of a water body, including stream, pond, lake, spring, seasonal watercourse, wetland, and riparian area;

11.8.3.6. Surface and subsurface flow patterns;

11.8.3.7. Nutrient levels and eutrophication rates;

11.8.3.8. Capacity, aerial extent, and functioning of a water body, including stream, pond, lake, spring, seasonal watercourse, wetland, and riparian area.

11.8.3.9. Flushing flows, stormwater runoff, and other nonpoint sources of pollutants;

11.8.3.10. Groundwater recharge and discharge patterns in the watershed; and

11.8.3.11. Wells.

11.8.4~~10.5.12.~~ Wildlife and Environmental Resources. The proposed DCI shall meet the following standards for the protection of wildlife and environmental resources:
~~Protection is required for critical environmental resources including wetlands, riparian areas, and~~

important wildlife habitats.

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

11.8.4.2. All sand and gravel operationsThe location and time of activities shall be limited to locations and times of year that ensure no significant negative impacts to federally or state listed endangered or threatened species or to any other species of conservation concern; and;

11.8.4.3. No sand and gravel development. Wshall interrupt a wildlife corridors shall not be interrupted.

11.10.5.148.5. Terrain Management. The proposed DCI shall meet the following terrain management standards: Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.

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:

11.8.5.1a. **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;

11.8.5.2b. **Site Vegetation Removal and Revegetation.** The removal of eExisting vegetation shall not be removedoccur more than thirty (30) days prior to the commencement of grading; Areas that have been filled, covered, or graded shall be revegetated as soon as practicable,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 assuresupport vegetation growth;

11.8.5.3. **Noxious Weeds**. All seed mixtures, mulch, and erosion control and revegetation materials shall comply with the NMSU Seed and Noxious Weed Certification;

11.8.5.4c. **Topsoil, Stripping, Stockpiling, and Redistribution.** The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade. Stockpiling shall conform to best practices and shall ensure that soil organisms in stockpiled soil remain viable until completion of the redistribution process;

11.8.5.5d. **Cut and Fill Slopes.** Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%;and fill slopes shall be graded to a slope no steeper than 3:1, to allow for permanent revegetation or landscaping unless a properly designed retaining wall is used, or a steeper slope is approved by the County. The County shallmay 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;

11.8.5.6. **Surface Runoff.** The volume of surface runoff shall not exceed the volume that occurred prior to commencement of the proposed DCI. Runoff shall be contained in a retention pond designed~~and sized~~ by a P~~New Mexico~~ professional Engineer; and.

11.8.5.7~~2. **Sediment and Erosion Control.**~~ Sediment shall not be transported or deposited into any water body, including stream, pond, lake, spring, seasonal watercourse, wetland, and riparian area, or any property outside the property boundaries of the proposed DCI, excluding properly designed sediment ponds pursuant to section 11.14.6.6.4. Best management practices, including grading, fencing, landscaping, soil stabilization, and backfilling, shall be used to reduce the rate and volume of run-off, reduce erosion, and prevent the transport and deposition of sediment.~~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:~~

~~a. grading material to reduce the rate and volume of run-off;~~

~~b. retaining sediment within the pit and disturbed area; and.~~

~~c. establishing temporary vegetation or mulch on short-term erosion, sedimentation or windblown dust.~~

11.8.6. **Fugitive Dust.** The proposed DCI shall meet the following standards for the control of fugitive dust:

11.8.6.1~~c. Dust control measures include but are not limited to~~Fugitive dust shall be reduced to the maximum extent possible, including 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 suppressants meeting federal, state, and local water resource protection standards and applied in accordance with the manufacturer's recommendations, and road hardening or paving; ~~applied in amounts, frequency, and rates recommended by the manufacturer.~~

~~2d. The DCI shall not operate when the wind speed exceeds mph. In no circumstances shall a sand and gravel operator continue extraction operations during a high wind event.~~

11.8.6.23~~e. All sand and gravel operations shall~~E~~incorporate an entry~~ and ~~/~~exit aprons, steel grates, or other equivalent devices ~~capable of~~to remove~~ing~~ bulk material from the tires of vehicle traffic shall be installed; and

11.8.6.3. Potable water shall not be used for dust control. ~~;~~

11.8.7. **Greenhouse Gas Emissions.** The proposed DCI shall offset all greenhouse gas emissions to ensure a net zero increase in the amount of emissions.

11.8.8. Fiscal Impact. The Applicant shall bear all costs associated with the proposed DCI, and the proposed DCI shall have no negative fiscal impact on the County.

11.8.9. Financial Feasibility. The Applicant shall demonstrate the financial capability to pay for all phases of the proposed DCI, reclamation, and remediation by posting a financial guarantee as specified in Section 11.5.6.

11.8.10. Air Quality. Federal and state air quality standards shall not be exceeded.

~~**11.5.2.** The Hearing Officer and Planning Commission shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Conditional Use Permit:~~

~~**11.5.2.1.** consistency with the Sustainable Growth Management Plan and any applicable Area, District and Community Plan;~~

~~**11.5.2.2.** consistency with the DCI Overlay Zoning District approval; and~~

~~**11.5.2.3.** 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.~~

11.8~~10.~~11~~5.28.~~ Annual ~~Operating Plan and~~ Monitoring Report. The proposed DCI shall meet the following monitoring standards:

11.8.11.1. ~~An annual operating plan and~~The Permittee shall submit an annual monitoring report~~, capable of audit, shall be prepared and submitted~~ to the ~~Land Use~~ Administrator no later than~~by~~ January 31st of each year after approval of the DCI Conditional Use Permit. The report shall describe the phase of operation, if applicable, ~~summarize the operations of~~the nature of operation during the previous year, the size and nature of disturbance of the area affected by operation, the structures and facilities constructed, the~~including~~ number of on- and off-site truck trips and sizes of trucks, the area developed and primarily affected by the DCI~~mined~~, the quantities and type of materials extracted, transported, and disposed~~mined in tonnage and cubic yards~~, the ~~amount of area undergoing~~status of reclamation, including the size and type of activities and estimated cost of reclamation to be completed, the results of air, soil and ground or surface water monitoring, an updated ERP-P, and any other information requested by the Administrator;
~~, and the success of reclamation including any violations issued and their outcome.~~

~~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.~~

11.8.11.2. After reviewing the report, the Administrator shall recommend and the Board shall determine, after a hearing, whether the DCI Conditional Use Permit should be suspended, revoked, or modified. If the ~~Administrator~~Board determines that the permit should be modified, it may require the Permittee to cease the operation until a news ~~and~~DCI Conditional Use Permit has been approved~~I Board~~.

11.8.11.3. If the Permittee fails to timely submit a report required under this Section, the Administrator may take any enforcement action available to her, including but not limited to suspension or revocation of the DCI OCnditional Use Permit; and

11.8.11.4. Reports shall be kept on file as a matter of public record.

~~11.74.6. Revocation or Suspension, Modification, or Revocation of a DCI Conditional Use Permit.~~

~~11.74.6.1. A DCI Conditional Use Permit is subject to revocation or suspension by the The Land Use Administrator may suspend, modify or revoke a DCI Conditional Use Permit for any of the following reasons:~~

~~1. any conduct that constitutes a failure to comply with performance a standards or condition in the s imposed by the DCI Conditional Use Permit;~~

~~2. conduct of the DCI outside the authorized engaging in the activities allowed by the Conditional Use Permit that are outside the geographic boundaries of the DCI Conditional Use Permit;~~

~~3. the revocation or suspension, revocation, cancellation, or similar action of any federal, or state, or local permit required as a condition of approval of the DCI Conditional Use Permit; or~~

~~4. It is found that the Permittee misrepresented any material submitted to the County pursuant the permit; or~~

~~54. any other conduct, whether or not within the scope of the DCI Conditional Use Permit, that damages or commits waste to private or public property.~~

~~11.74.6.2. The Land Use Administrator shall serve a written Notice of Suspension, Modification or RevocationViolation to the Holder of the DCI Conditional Use PermitPermittee either by certified mail at the address provided in the application or by personal delivery to the HolderPermittee, either at the Holder's Permittee's address or at the worksite of the PermitDCI's location. The Notice of Violation shall provide the following:~~

~~1. a statement of the reason for the suspension, modification or revocation with reference to the SLDC ornature of the violation with reference to this Ordinance or the terms of the DCI Conditional Use Permit;~~

~~2. a brief description of the reason for the suspension, modification or revocationand location of the violation; and~~

~~3. a statement that the Permittee's failure to resolve the reason for the suspension, modification or revocationremove and correct the violation, or to cease and desist from further acts of the violation within fifteen (15) days of receipt of the Notice of Violation mayshall result in revocation or suspension or revocation of the DCI Conditional Use Permit.~~

~~11.74.6.3. If the Holder Permittee fails to resolve the reason for the suspension, modification or revocationor refuses to correct or to cease and desist from further acts of the violation within the fifteen (15) days of receipt of the Notice, afforded or to the satisfaction of the Land Use Administrator, or if the Holder Permittee disagrees with issuance of the Notice of Violation and so informs the Land Use Administrator in writing:~~

~~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 the Permittee's receipt of the Notregreferral.~~

~~2. during the hearing, it shall be the burden of the Land Use Administrator bears the burden to demonstrate by a preponderance of the evidence that a violation of the DCI Conditional Use Permit should be suspended, modified or revokedhas occurred as set forth in Section 4.6.1 above;~~

~~3. the Permittee~~Holder ~~may then provide a defense by calling witnesses and~~or ~~submitting evidence disputing the evidence of the Land Use Administrator's reason for the suspension, modification or revocation;~~

~~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, modify, or not revoke or not suspend the DCI Conditional Use Permit;~~

~~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:~~

~~a. affirm the recommendation of the Hearing Officer to either revoke, suspend, modify, or not revoke or not suspend the DCI Conditional Use Permit; or~~

~~b. issue a decision to not revoke, modify or not suspend the DCI Conditional Use Permit but impose additional conditions related to curing the effects of the violation and preventing future violationsin the DCI Conditional Use Permit.~~

~~6. 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.~~

~~7. If the Holder Permittee 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 the DCI, further operation by the Holder and may invokein addition to any other remedies available to the County pursuant to NMSA 1978, §§ 3.17.1, 3.18.17 and 3.21.1 (as amended).~~

~~8. The remedies described in this section above areshall not be construed as the exclusive remedies that are available to the County.~~

~~11.5. REVIEW CRITERIA.~~

~~11.5.1. The Hearing Officer, Planning Commission 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:~~

~~11.5.1.1. consistency with the SGMP and any applicable Area, District and Community Plan;~~

~~11.5.1.2. environmental effects and impacts identified in the Environmental Impact Report (EIR) are avoided or appropriately mitigated;~~

~~11.5.1.3. 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;~~

~~11.5.1.4. 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;~~

~~11.5.1.5. 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;~~

~~11.5.1.6. whether impacts of traffic generated as a result of the activities taking place in the proposed DCI Overlay Zoning District can be mitigated;~~

~~11.5.1.7. 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~~

~~11.5.1.8. 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.~~

~~11.5.2. The Hearing Officer and Planning Commission shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Conditional Use Permit:~~

~~11.5.2.1. consistency with the Sustainable Growth Management Plan and any applicable Area, District and Community Plan;~~

~~11.5.2.2. consistency with the DCI Overlay Zoning District approval; and~~

~~11.5.2.3. 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.~~

~~11.6. FINDINGS. The Board of County Commissioners hereby finds, declares and determines that this Ordinance:~~

~~11.6.1. 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;~~

~~11.6.2. 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;~~

~~11.6.3. prevents the occurrence of adverse public nuisance and/or land use effects and impacts resulting from the abandonment of DCI activities within the County;~~

~~11.6.4. 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;~~

~~11.6.5. 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;~~

~~11.6.6. 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:~~

~~11.6.6.1. 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;~~

~~11.6.6.2. under the *Wildlife Conservation Act* (NMSA 1978, § §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;~~

~~11.6.6.3. 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;~~

~~11.6.6.4. pursuant to the New Mexico Public Health Act, NMSA 1978, §24-1-1, 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;~~

~~11.6.6.5. air, soil, and water contamination may occur during different stages of DCI operations, and such contamination could affect human health;~~

~~11.6.6.6. 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;~~

~~11.6.6.7. the burden of proof of harmlessness for any proposed technological innovation must lie with the proponent of the innovation, not the general public;~~

~~11.6.6.8. DCIs could have a negative effect on tourism, landscapes and communities;~~

~~11.6.6.9. 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;~~

~~11.6.6.10. 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:~~

~~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. 2008-10 (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;~~

~~2. DCIs in the Galisteo Basin will have significant impact on archaeological, historical, cultural and environmental resources and sensitive areas;~~

~~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;~~

~~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;~~

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

~~7. sensitive environmental systems and cultural, archaeological and historic sites in the Galisteo Basin require permanent protection from DGI projects.~~

~~11.7. GENERAL REGULATIONS FOR ALL DGIS.~~

~~11.7.1. 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 11-1 below, shall be construed to be part of the environmental setting, environmental effects, and avoidance or mitigation of impacts and effects.~~

~~Table 11-1 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;~~

~~Soil-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~~

11.98. REGULATIONS FOR LANDFILLS.

11.98.1. Purpose; Intent. T~~he purpose of t~~his Section ~~is to~~ establishes operational, location, and general standards for landfills and associated activities, in addition to Sections 11.1 through 11.7, ~~that are designed to establish reasonable limitations, safeguards, and~~ to mitigate negative impacts on the surrounding properties.

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

11.98.3. Operational Standards and Requirements.

11.98.3.1 ~~Operating~~ Solid Waste Permit. The Applicant shall obtain a~~A~~ solid waste permit ~~shall be obtained~~ from the New Mexico Environmental Improvement Board ~~per Title~~ pursuant to NMAC 20~~, Chapter~~ 9~~, Part~~ 3 (Solid Waste Facility Permits and Registrations)~~of the New Mexico Administrative Code (NMAC)~~. The permit shall be

submitted with the application for a DC [prior to obtaining a Conditional Use Permit.

~~**11.8.3.2. Access.** Adequate and available access is required per Section 7.4 (Access and Easements) of the SLDC.~~

~~**11.8.3.3. Visual Screening Measures.** Visual screening is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards.~~

~~**1. General.** The view from all public roads, rivers, and adjoining residential areas shall be screened.~~

~~**2. Buildings.** All buildings' design, scale, and location shall reduce the visibility from off site.~~

~~**3. Surrounding Vegetation.** Any vegetation on site that can act as screening of the extraction area shall be preserved.~~

~~**11.8.3.4. Lighting.** All Landfills must comply with Section 7.8 (Lighting) of the SLDC.~~

~~**11.8.3.5. Signs.** All development must comply with Section 7.9 (Signs) of the SLDC.~~

~~**11.8.3.6. Parking and Loading.** All landfills must meet the parking and loading requirements in Section 7.10 (Parking and Loading) of the SLDC.~~

~~**11.8.3.7. Hazardous Materials.** Any fuel, explosives, or other hazardous materials stored on the site shall be contained within a lined impoundment structure designed by a registered New Mexico professional engineer. The impoundment structure shall be set back a minimum of 300 feet from any property boundary.~~

~~**11.8.3.8. 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.~~

~~**11.8.3.9. Terrain Management.** Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.~~

~~**1. Grading and Erosion Control.** In addition to the Terrain Management requirements of the SLDC, drainage and erosion control shall comply with the following:~~

~~**a. 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.~~

~~**b. 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.~~

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

~~d. 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.~~

~~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:~~

~~a. grading to reduce the rate and volume of run-off;~~

~~b. retaining sediment within the pit and disturbed area; and,~~

~~c. establishing temporary vegetation, mulch, or other soil stabilization application as needed to prevent short term erosion, sedimentation or windblown dust.~~

~~**11.8.3.10. Air Quality and Noise.**~~

~~1. All requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met.~~

~~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.~~

11.98.3.211. Setbacks.

1. r~~The~~ refuse and salvage material shall not be placed or stored either temporarily or permanently closer than ~~be at least~~ three hundred (300) feet from the~~all~~ property ~~lines~~ boundaries and five hundred (500) feet from all public road rights-of-way, public recreational easements, and any water bodies and/or seasonal water courses~~environmentally sensitive lands~~.

2. the property boundaries shall not be located closer than ~~The site shall be located at least~~ one-quarter (1/4) mile from any existing dwelling or land subdivided for residential development.

~~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.~~

~~**11.8.3.12. 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.~~

11.98.3.313. Analysis of Landfills in the County. The Applicant shall submit a~~A~~n 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~~facility in the County.

11.98.3.414. Hours of Operation. A~~l~~ landfill~~s~~ shall not be open to the public earlier than