



**Planning Commission Public Hearing Comments by Chair, Charlie Gonzalez
March 21, 2019**

Section 11.4.3. Incorrect reference to Section 11.10.2, Junkyards.

Staff Response: Section 11.4.3 amended to insert correct reference to Section 10.19.

Section 11.5.6.7.5. Financial Guarantee should be reviewed every 3 to 5 years to provide flexibility for unforeseen events.

Staff Response: Section 11.5.6.7.5 Amended to add time range for review of financial guarantees.

Section 11.5.10. Clarify that the Permittee is responsible for renewing an expiring permit.

*Staff Response: Section 11.5.10 Amended to add the following sentence:
"It is the responsibility of the Applicant or Permittee to apply to renew the expired Permit."*

Section 11.5.12.1. Add code violations as a potential ground for suspension of permit.

Staff Response: Section 11.5.12.1 Amended to add new criterion: "New or recent code violations."

Section 11.6.1.4. Add references to rock outcroppings and 30% slopes.

Staff Response: Section 11.6.1.4.7 Amended to add references to rock outcroppings and 30% slopes.

Section 11.7.1.9. Add a requirement to submit a Stormwater Pollutant Prevention Plan.

*Staff Response: Added Section 11.7.1.9.9 to include additional requirement as follows:
"The Applicant shall submit a temporary and permanent SWPPP prepared by a Professional Engineer with expertise in stormwater pollution prevention describing the potential for and nature of sediment pollution, erosion, and other contamination of stormwater runoff. The plan shall describe best practices for mitigating pollution of stormwater runoff."*

Section 11.7.1.9.3.c. The plan should specify the type of reseeded, such as hydroseeding, broadcast seeding, or drill seeding.

Staff Response: Section 11.7.1.9.3.c Amended to add the following statement: "The plan shall identify the method of reseeded."

Section 11.8.1.1. The standard for screening should be specified, such as the type, height, and material.

Staff Response: No Change. The type of screening should be determined by the LUA, taking into consideration the facts of the particular DCI.

Section 11.8.3. Add septic systems, leach fields, and flooding to the list of water resources.

Staff Response: Section 11.8.3 amended to include septic systems, leach fields, and flooding to the list of water resources references to the list.

Section 11.8.5.5. Retaining walls should be certified by a professional engineer.

Staff Response: Section 11.8.5.5. amended to include requirement for a Professional Engineer to design retaining walls.

Section 11.14.4.6.4. Add “staging areas” to the list.

Staff Response: Section 11.14.4.6.4 Amended to include requirement to identify “staging areas.”



Chapter 11 – Developments of Countywide Impact (DCIs)

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CHAPTER ELEVEN – DEVELOPMENTS OF COUNTYWIDE IMPACT (DCIs)

11.1. PURPOSE. Developments of Countywide Impact (DCIs) are those developments that have potential for far-reaching effects on the community, ~~DCIs are developments that would~~ place major demands on public facilities and 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~~ including adverse noise, light, odor and vibration; explosive hazards; traffic congestion; and burdens on County emergency response services. ~~Therefore~~ For these reasons, ~~the~~ special regulation of DCIs is necessary:

11.1.1. To protect the health, safety and welfare of the citizens, residents, and businesses of the County from the potentially harmful or hazardous long-term impacts of DCIs;

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

11.1.3. To preserve the quality of life, ~~the~~ economy, infrastructure, environment, natural and cultural resources, and natural landscapes;

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

11.1.5. To protect environmentally sensitive lands and visual and scenic qualities.

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

11.26.1. 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;

11.26.2. Promotes the purposes of planning and land use regulation by assuring that adequate public facilities and services such 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 DCIs projects;

11.26.3. Prevents the occurrence of adverse public nuisance and/or land use effects and impacts resulting from the abandonment of DCIs activities within the County;

11.26.4. 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;

11.26.5. 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;

11.26.6. 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:

11.26.6.1. Water pollution and depletion by DCIs pose a significant risk because clean water is a precious resource in the County's unique high desert environment that

Requires protection:

11.2.6.2~~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;

11.2.6.3~~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 may 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;

11.2.6.4~~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, and may cause cancer, lung disease, and respiratory diseases, various DCIs must show documentation of disclose potential community health effects, and these effects must be scrutinized, and thoroughly mitigated before DCIs are permitted activities occur;

11.2.6.5~~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;

11.2.6.6~~11.6.6.5.~~ Air, soil, and water contamination may occur during different stages of DCIs operations, and such contamination could affect human health, which should be minimized to the greatest extent possible;

11.2.6.7~~11.6.6.6.~~ All New Mexicans have an equal right to live in a safe and healthy environment, and implementation of the precautionary principles promotes this premise as well as reduces and reduces potential effects on public health resulting from exposure to environmental toxins;

11.2.6.8~~11.6.6.7.~~ The burden of proof of harmlessness for any proposed technological innovation must lies with the proponent of the innovation Applicant, not the general public;

11.2.6.9~~11.6.6.8.~~ DCIs could have a negative effect on tourism, landscapes and communities; and

11.2.6.10~~11.6.6.9.~~ recognizes that the County of Santa Fe has independent and 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 DCIs projects throughout in the County, including the Galisteo Basin and other unincorporated areas of the County, which is consistent with state law and has not been preempted in any manner and makes no finding that the state has preempted or occupied DCI regulation; and

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:

a1. 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;

b2. DCIs in the Galisteo Basin will have a significant impact on archaeological, historical, cultural and environmental resources and sensitive areas;

c3. water resources in the Galisteo Basin are at risk as DCIs in the Galisteo Basin threaten water resources, including the diminishment or pollution of local water supplies and sources of groundwater;

d4. 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;

e5. 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;

f6. clean air and water are essential to most resources and activities in the Galisteo Basin and will be degraded by DCIs activity; and

g7. sensitive environmental systems and cultural, archaeological and historic sites in the Galisteo Basin require permanent protection from DCIs projects.

11.32. SCOPE.

~~11.2.1. Scope.~~ This ~~Chapter Ordinance shall apply~~ to all applications for any of the DCIs listed ~~in this Section herein,~~ including any applications that are pending on ~~January 13, 2016,~~ the effective date of the Sustainable Land Development Code (SLDC), ~~this Ordinance~~ that have not been approved. However, ~~this Chapter Ordinance shall not apply to an operation that would be a DCI but for which development permits with vested rights that were issued as of the effective date of this Ordinance. To have vested rights, generally:~~

~~11.3.12.2.1. The County issued the permit before March January 13, 2016; and there must be prior approval by the County for use of buildings or land for the DCI, and~~

~~11.3.22.3.2. there must be a The Permittee made a substantial change in position in reliance on the approval issuance of the permit.~~

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

~~11.43.1. Landfills;~~

~~11.43.2. Junkyards;~~

~~11.43.3. Sand and gravel extraction and processing, except as specified in Section 10.1944.10.2;~~

~~11.43.4. large-scale feedlots and factory farms (Concentrated animal feeding operations);~~

~~11.43.5. ———oil Oil and gas drilling and production; and~~

~~11.43.6 Mining and resource extraction.~~

~~11.5.4. GENERAL PROVISIONS, PROCEDURE AND SUBMITTALS. Any application for a proposed DCI Overlay Zoning District or DCI Conditional Use Permit shall comply with the must meet all regulations, standards, and provisions of this Chapter and the SLDC. The regulations, standards and provisions described in this Chapter are specific to a DCI Overlay Zoning District or DCI Conditional Use Permit. WhereIn the event of a conflict arises between this Chapter and another regulation, standard, or provision of the SLDC regulations and the DCI standards and provisions of this Chapter, the DCI standards and provisions more stringent regulation, standard, or provision shall prevail. All DCIs shall comply with the following general provisions:~~

~~11.5.4.1. No DCI is Permitted by Right in the County. The oOperation of a DCI shall require the prior establishment of a DCI Overlay Zoning District, except where such a zone is prohibited, the issuance of a DCI Conditional Use Permit, and the issuance of grading and construction permits. A DCI Overlay Zoning District shall not be used by a DCI other than the DCI approved for that DCI Overlay Zoning District.~~

~~11.5.210.5.27. Existing Sand and Gravel Extraction DCI Uses. An operation that would be a DCI under this Chapter that existedAny sand and gravel extraction use existing prior to adoptionthe effective date of the Land Development Code on (January 1, 1981) and but that hashaving been in continuous operation since its commencement, may continue operations; to operate in substantially the same manner, or in the size of operation greater than twenty-five (25) percent of the area in use on December 31, 1980, shall comply with this Chapter and may expand up to 25% beyond the area currently and formerly mined on that parcel. An operation that would be a DCI under this Chapter, but that was approved by the County after the effective date of the Land Development Code on January 1, 1981, but prior to the effective date of the SLDC on JanuaryMarch 13, 2016, Any sand and gravel extraction use approved by the County prior to the adoption of this Ordinance may continue to operateoperations in accordance with their Ffinal Order County approvals approving the operation, provided however that any change in the manner or size of the operation shall require approval of a DCI Overlay Zoning District and a DCI Conditional Use Permit. Any new phase or further expansion proposed, but not previously approved, shall comply with this Ordinance.~~

~~11.5.3. Most Stringent Requirement or Standard. The SLDC applies to all applications for a DCI Overlay Zoning District and DCI Conditional Use Permit except when this Chapter specifies a more stringent requirement or standard, in which case the more stringent requirement or standard shall apply.~~

~~11.4.2. 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.~~

~~11.5.4.33. Application Procedures. An Applicationtion requestingproposing afor a DCI shall submit an application for a DCI Overlay Zoning District, (DCI Over# followed by an application for aay) or for a DCI Conditional Use Permit, shall followin accordance with the procedures set forth in Chapter 4 of the SLDC for Overlay Zones and Conditional Use Permits, provided however that~~

~~the. These two applications cannot be~~ shall not be submitted and run or processed concurrently.

11.5.4. Public Involvement. Any person may review applications, including supporting materials, and submit comments and information to the Hearing Officer, Planning Commission, and Board of County Commissioners regarding an application for a DCI Overlay Zoning District or DCI Conditional use Permit.

11.5.5-1.7. Pre-application meeting. Prior to the submission of an application for a DCI Overlay Zoning District ~~and~~ a DCI Conditional Use Permit, the Applicant shall conduct a pre-application meeting in accordance with Section 4.4.4, and ~~with the additional requirement that the applicant~~ additionally, shall give notice to all- residents, land owners, and applicable Registered Organizations and Community Organizations ~~of the SLDC~~ that are located within ~~five~~ (5+) miles of the boundaries of the proposed or approved DCI Overlay Zoning District.

11.5.6. Costs, Fees, and Financial Guarantees. The Applicant and/or Permittee shall pay all costs associated with a DCI Overlay Zoning District and DCI Conditional Use Permit, including:

11.5.6.1. All costs associated with preparing or reviewing a permit application;

11.5.6.2. All costs incurred by the County to review and process a permit application, including the cost of retaining consultants and other persons to conduct assessments, prepare studies, and review applications;

11.5.6.3. All costs related to the annual reporting requirements of this Chapter and the SLDC, including the cost of retaining consultants and other persons to conduct assessments and prepare studies;

11.5.6.4. All costs related to the inspection of DCI facilities;

11.5.6.5. All costs related to the construction of improvements to existing public facilities and the construction of new public facilities based on the findings of the Adequate Facilities Public Assessment and the Traffic Impact Assessment, including an annual maintenance fee calculated at the end of each fiscal year by a Professional Engineer that is sufficient to reimburse the County for the cost of maintaining public facilities that is attributable to the DCI;

11.5.6.6. All costs incurred by the County related to the evaluation of compliance with a DCI Overlay Zoning District or DCI Conditional Use Permit, including the cost of retaining consultants and other persons; and

11.5.6.7. All costs related to reclamation shall be guaranteed in the form of a Financial Guarantee with the following characteristics:

1. only Financial Guarantees will be accepted;
2. the Financial Guarantee shall amount to no less than one hundred twenty five (125) percent of the estimated total cost of reclamation performed by a ~~licensed New Mexico~~ Professional Engineer. The Administrator may increase the bond amount requirement following the annual review, and the Applicant or Permittee shall post the additional amount no later than thirty (30) days after notice;
3. the Financial Guarantee shall be posted with a New Mexico-based bank with a local Santa Fe branch;
4. the Financial Guarantee shall be irrevocable; and

5. the Financial Guarantee shall be revised at least every three to five years to reflect the revised estimate of the cost of reclamation.

If the Permittee fails to maintain the Financial Guarantee, the Administrator may take any enforcement action available to her, including but not limited to suspension of the DCI Conditional Use Permit.

11.5.7. Compliance with Federal and State Laws and Regulations. All DCIs shall demonstrate compliance with applicable federal and state laws and regulations prior to the commencement of any activity authorized by a DCI Conditional Use Permit.

11.5.8. Maps. All maps shall be prepared in CAD or GIS format compatible with the Santa Fe County ESRI GIS System, NAD1983 State Plane New Mexico Central FIPS 3002 US Feet. The Applicant shall coordinate with the County to provide electronic, paper, and pdf copies of the CAD and GIS files. The scale of the pdf and paper maps may vary provided each map clearly illustrates the applicable features on letter or tabloid sized paper and can be reproduced using the GIS and CAD data. All topographic maps shall be submitted with two (2) foot contours.

~~**11.5.9. Determination.** After the filing of an administratively complete application and the completion of the procedural requirements for application review, the Board may determine to either approve, approve subject to conditions, or deny a DCI Permit and/or Overlay Zoning District based on the Review Criteria of Section 11.6.2:~~

~~———— **Approval.** The Board finds that the application is complete and that the applicant proves that the proposed DCI will comply with all of the standards of this Chapter and the SLDC without the need for additional conditions.~~

~~———— **Approval with Conditions.** The Board finds that the application is complete and that additional conditions are reasonable and necessary to ensure compliance with the standards of this Chapter and the SLDC given site specific conditions. The applicant will have thirty (30) days to review and provide written comments on draft conditions and will receive written explanation of the reasons for the conditions from the Board. The Board may also find that failure to comply with the standards of this Chapter and the SLDC without additional conditions as a basis for denial.~~

~~———— **Denial.** The Board may deny an application for a DCI Overlay Zoning District and/or Conditional Use Permit based on determinations including but not limited to the following:~~

~~———— The application is incomplete or the applicant misrepresented any material in the application;~~

~~———— The applicant fails to prove that the proposed DCI will comply with the standards of this Chapter and the SLDC or any other relevant federal, state, or local standards; Or~~

~~———— The applicant or any person or entity that owns, operates, manages, or controls the applicant has not complied with federal, state, or local laws and regulations in previous activities.~~

~~———— **Appeals.** If the Board denies, terminates, modifies, suspends, approves or approves with conditions an application or permit for a DCI Overlay Zoning District and/or Conditional Use Permit, the applicant, permittee or any other person affected by the action may appeal that decision pursuant Section 4.5.5 of the SLDC.~~

11.5.9. Inspection. Representatives of the County may at any time, and at the expense of the Permittee, conduct inspections and/or review of monitoring data to ensure compliance with the DCI Conditional Use Permit and the standards of this Chapter and the SLDC.

11.5.10. Expiration Date. The Administrator may recommend, and the Board may specify an expiration date for a DCI Conditional Use Permit that it deems reasonable and necessary to ensure compliance with the standards of this Chapter and the SLDC. A Permittee shall obtain a new DCI Conditional Use Permit prior to the expiration date in order to continue the operation. The expiration of a DCI Conditional Use Permit shall not relieve the Permittee of any obligation under the SLDC. It is the Permittee's responsibility to apply to renew an expired permit.

11.5.11. Transfer. A Permittee shall not transfer a DCI Conditional Use Permit to any other person or entity without the approval of the Board. The Board may deny a transfer if the DCI does not demonstrate compliance with the criteria of section 11.6.2.11. A Permittee shall maintain all financial assurances at all times, including during and after the transfer process, until the Administrator approves new financial assurances for the transferee.

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

11.5.127.6.1. The ~~Land Use~~ Administrator may suspend, modify or revoke a DCI Conditional Use Permit for any of the following reasons:

1. failure to comply with a standard or condition in the DCI Conditional Use Permit;
2. conduct of the DCI outside the authorized boundaries of the DCI Conditional Use Permit;
3. the suspension, revocation, cancellation, or similar action of any federal, state, or local permit required as a condition of approval of the DCI Conditional Use Permit;
4. it is found that the Permittee misrepresented any material statement in the application, including any supporting material, submitted to the County or a federal or state agency for a permit pursuant the permit; or
5. ~~5.~~ other conduct, whether or not within the scope of the DCI Conditional Use Permit, that damages or commits waste to private or public property; or
6. New or recent code violations. ;

11.5.127.6.2. The ~~Land Use~~ Administrator shall serve a written Notice of Suspension, Modification or Revocation of the DCI Conditional Use Permit to the Permittee ~~either by certified mail at the address provided in the application and or by personal delivery to the Permittee either at the Permittee's address or at the DCI's location.~~ The Notice shall ~~state~~ provide the following:

1. ~~4.~~ a statement of the reason for the proposed suspension, modification or revocation with reference to the SLDC or the DCI Conditional Use Permit;
2. the Permittee's obligation to cure the reason for the proposed suspension or revocation within fifteen (15) days of receipt of the Notice; and

2. a brief description of the reason for the suspension, modification or revocation; and

33. a statement that the Permittee's failure to resolve the reason for the suspension, modification or revocation within fifteen (15) days of receipt of the Notice shall result in suspension or revocation of the DCI Conditional Use Permit; the DCI Conditional Use Permit shall be suspended or revoked if the Permittee fails to cure the proposed reason for the proposed suspension or revocation by the specified date.

11.5.127.6.3. If the Permittee fails to resolve the reason for the suspension, modification or revocation within the fifteen (15) days of receipt of the Notice by the specified date, or if the Permittee disagrees with the Notice and so informs/ notifies the Land Use Administrator in writing that it disputes the Notice:

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 later/ longer than thirty (30) days after the Permittee's receipt of the Notice;

2. during the hearing, the Land Use Administrator bears the burden to demonstrate by a preponderance of the evidence that the DCI Conditional Use Permit should be suspended, modified or revoked;

3. the Permittee may call witnesses and submit evidence disputing the the Land Use Administrator's reason for the suspension, modification or revocation;

4. within fifteen (15) working days of the hearing, the Hearing Officer shall make written findings of fact and rulings of law and recommend to the Planning Commission and Board whether to suspend or either revoke, suspend, modify, or not revoke or suspend the DCI Conditional Use Permit;

5. ~~5.~~ the matter shall be scheduled for a hearing before the Planning Commission, which hearing shall be noticed in accordance with Section 4.6.4 and scheduled as soon as practicable, and after hearing, the Planning Commission shall make written findings of fact and rulings of law and recommend to the Board whether to suspend or revoke the DCI Conditional Use Permit;

6. the matter shall be scheduled for a hearing before the ~~and~~ 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 Planning Commission to suspend or revoke, suspend, modify, or not revoke or suspend the DCI Conditional Use Permit; or

b. issue a decision to not revoke, modify or suspend the impose additional conditions on the DCI Conditional Use Permit ~~but impose additional conditions in the DCI Conditional Use Permit.~~

76. 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;

87. If the Permittee fails or refuses to comply with an order of the Board, the Land Use Administrator may seek a court order enjoining the DCI. In addition to any

other remedies available to the County pursuant to NMSA 1978, §§ 3.17.1, 3.18.17 and 3.21.4 under state law; and:

98. The remedies described in this section shall not be construed as the exclusive remedies available to the County.

11.6. DCI OVERLAY ZONING DISTRICTS.

11.6.14.4. Application for a DCI Overlay Zoning District Requirements. ~~An applicant who submits an application for approval of~~Any person requesting application for a DCI Overlay Zoning District shall ~~include submit a concept plan that includes the following:~~

11.6.1.1 Application Submissions Checklist. ~~Everything required by LUA on a checklist~~All materials required by the Administrator on the application submissions checklist.

11.6.1.2. Requirements and Procedures. ~~Follow all requires and procedures in Ch. 4~~All submittals necessary to comply with the requirements and procedures described in Chapter 4 of the SLDC.

~~11.7.2.6. Protection of Historic and Archaeological Resources. The applicant shall submit an updated Archaeological Resources Report. 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.~~

11.6.1.37.2.8. Noise Study. The applicant shall submit a Noise Study in accordance with section 7.21.4.

~~11.6.1.14.4.1. Map. An accurate map of the project area proposed DCI Overlay Zoning District, including its relationship to surrounding areas, existing topography and key features.~~

~~11.6.1.44.4.2. A detailed description DCI Overlay Plan and Report. A DCI Overlay Plan and Report shall include ~~to~~ the following ~~of the proposed DCI Overlay Zoning District~~ activities on the entirety of the owner or applicant's property in the same ownership ~~and proposed DCI including maps as appropriate:~~~~

~~1. a~~A map of the proposed DCI Overlay Zoning District, including its relationship to surrounding areas, existing topography and key features

~~2~~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;

~~3~~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 proposed DCI Overlay Zoning District ~~concept plan site perimeter~~;

~~43.~~ 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 ~~activities in the proposed DCI Overlay Zoning District~~;

~~5.~~ a viewshed analysis describing the visual impact of the proposed DCI Overlay Zoning District;

~~64.~~ 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 proposed DCI Overlay Zoning District, ~~site~~ and the proposed traffic routes ~~to and from the proposed DCI Overlay Zoning District~~ to the nearest intersection with an arterial road or highway;

~~75.~~ 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 fifteen (15) percent% and thirty (30) percent% and ~~slopes~~ ~~steep slopes~~ greater than thirty (30) percent%, rock outcroppings, ~~general and~~ wildlife vegetation habitats and habitat corridors, located in or within five (5) miles of the ~~concept plan site perimeter~~ proposed boundaries of the DCI Overlay Zoning District;

~~86.~~ a statement explaining how the proposed DCI Overlay Zoning District ~~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 within the proposed boundaries ~~covering the property~~;

~~9.~~ ~~7.~~ a statement ~~or visual presentation of~~ explaining how the proposed DCI Overlay Zoning District ~~overlay will~~ relates to and ~~is~~ be compatible with adjacent and neighboring areas; ~~within the five (5) miles radius of the project site perimeter~~ of the proposed boundaries and how the proposed DCI Overlay Zoning District will not adversely affect other land uses in the County or the ability to successfully implement the visions, goals, objectives, policies and/or strategies of any County planning document; ~~and~~

~~10.~~ the identification of federal, state, and local laws and regulations potentially applicable to the proposed DCI;

~~11.~~ A detailed schedule for each phase of the proposed DCI including timing of each phase, boundaries and description of each phase of development, operation, and reclamation; and:

~~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.~~

~~128.~~ all application requirements ~~set out in this Chapter~~ Ordinance.

11.6.14.1.3. Site Plan. 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.

11.6.14.4.54. Studies, Reports and Assessments. All Studies, Reports and Assessments (SRAs) required in Chapter 6 of the SLDC shall be prepared and submitted by the applicant. The County may hire outside consultants to review the SRAs at the expense of the applicant including the following additional information:-

11.7.2.3. Water Services Availability Report. The applicant shall submit an updated Water Service Availability Report (WSAR) demonstrating that the proposed DCI will not infringe on other water rights, impair wells, or adversely affect the quality or quantity of ground or surface waters:-

11.7.2.4. Traffic Impact Assessment. The applicant shall submit an updated Traffic Impact Assessment (TIA). The updated TIA shall identify:

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

1b. the traffic routes that will be used by vehicles entering and leaving the proposed DCI, that avoid, to the maximum extent possible, residential areas, commercial areas, environmentally and visually sensitive areas, scenic byways, schools, governmental buildings, villages, towns, and municipalities, and other congested locations;

1c. the estimated time and frequency of vehicles entering and leaving the DCI; and

1d. a plan to prevent the loss of transported materials and minimize or eliminate fugitive dust during transportation; and-

11.7.2.5. Fiscal Impact Assessment. The applicant shall submit an updated Fiscal Impact Statement (FIA). The updated FIA shall identify 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 including impacts on tax base and public services.

4. Cultural Resource Protection Plan. The Cultural Resource Protection Plan shall identify and demonstrate consultation with each potentially affected tribe, band, and traditional community, the identification of cultural and archaeological resources and sites, and measures to avoid disturbance or disruption of resources, sites, and practices. The plan shall be prepared by a licensed professional archeologist and a professional anthropologist with expertise in the cultures of the region.

11.6.1.6. Applicant Background. The Applicant shall furnish the following information under oath:

1. name and address, including all aliases, the date and state or province and country of incorporation;

2. name and address of the registered agent, if any;
3. all partners or 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 other person with an ownership interest in the Applicant;
4. all entities owned (partially or wholly) or controlled in any manner by any person or entity identified in Section 11.6.1.7.2;
5. any mining or resource extraction operation or facility that the Applicant previously operated in this or any other county, city, state, or country;
6. whether the Applicant, including any person or entity identified in Section 11.6.1.7.2, has ever had any license, permit, development order or other type of zoning or land use approval suspended, revoked, withdrawn, cancelled, or otherwise restricted, the reason for such action, and the name of the person or entity under which the Applicant operated that was subject to such action;
7. all convictions, pleas of nolo contendere, or settlements related to a criminal statute or ordinance of any jurisdiction, including deferred sentences and conditional discharges, except minor traffic violations, by any person identified under this section;
8. all forfeitures or other adverse actions regarding a bond by any person identified under this section; and
—all civil suits under the law of any jurisdiction related to alleged harm or impact to the environment or public resources, including air and water quality.

~~11.4.4.5. Emergency Response and Preparedness Plan.~~

~~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.~~

~~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;~~

~~3. the name, address and phone number, including a 24-hour emergency number of at least two persons responsible for emergency field operations;~~

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

~~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~~

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

11.6.1.54.4.6. Phasing Schedule. A detailed phasing schedule for each phase of the proposed DCI including timing of each phase, boundaries and description of each proposed phase of development, operation, and reclamation.

9.

11.6.1.74.4.7. Additional Information. Such other information as the Administrator or the Board may shall require, including any additional information necessary to determine compliance with the standards for the approval of the DCI Overlay Zoning District.

~~11.4.4.8.~~ 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.

11.6.1.74.4.9. Proof of pre-application meeting. Prior to the submission of any application for a DCI Overlay Zoning District, the applicant shall attend a pre-application meeting with the all residents, land owners/lessees, owners of non-residential structures, within one mile of the perimeter of the project area and with all County groups, and Registered Organizations and Community Organizations that have previously are registered for notification of applications for DCI Overlay Zoning Districts or Overlay Districts DCIs in accordance with under Sections 2.2.2, 2.2.3 and 4.4.4 of the SLDC that are located within one (1) mile of the boundaries of the proposed DCI Overlay Zoning District. The applicant shall furnish an address list for such persons and organization the one mile area to the Administrator, and shall send out notices to all persons and organizations affected parties and publish notice of the meeting in a newspaper of general circulation at least fifteen (15) 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. The Such meeting shall be conducted at the offices of the County, or with the approval of the County, within a community close to the location of the proposed DCI Overlay Zoning District 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 related to the proposed DCI Overlay Zoning District between the parties. Provided however that the 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 participants to consolidate their presentations and otherwise cooperate so that in

order to facilitate the effective and cordial discussion of issues and problems takes place.

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

11.6.25. REVIEW CRITERIA.

11.5.1. The Administrator, 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 regarding of a DCI Overlay Zoning District:

11.6.25.1.1. Whether the proposed DCI Overlay Zoning District is consistent with the SGMP and any applicable Area, District and Community Plans;

11.6.2.2. Whether the proposed DCI Overlay District is consistent with applicable federal and state regulations; planning documents;

11.6.2.35.1.2. Whether the environmental effects and impacts identified in the Environmental Impact Report (EIR) are avoided or if unavoidable, the environmental effects and impacts identified in the EIR are appropriately mitigated to the greatest extent possible, and whether that mitigation is adequate;

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

11.6.2.55.1.4. Whether improvements identified in the APFSA/APFA can be provided, as set forth in the capital improvements plan, or provided by the applicant, or by the County pursuant to the capital improvements plan, and when such facilities will be available;

11.6.2.65.1.5. Whether water is available for each of the phases of the proposed DCI as set forth in the Water Service Availability Report (WSAR), whether the proposed water use is reasonable given local conditions and community needs, and whether the Applicant includes methods to lessen impacts on water resources as required by the SRAs;

11.5.1.66.2.7. Whether the impacts of traffic identified in the TIA are generated as a result of the activities taking place in the proposed DCI Overlay Zoning District can be mitigated;

11.5.1.76.2.8. Whether the proposed location DCI Overlay Zoning District is compatible with adjoining uses given the size, design and operational characteristics of the proposed DCI, and whether the DCI facilities or can be made compatible with the surrounding area by using through reasonable effort and conditions of approval;

11.6.2.9. Whether the proposed DCI Overlay Zoning District or proposed DCI may cause a public nuisance or have an effect or impact on adjoining uses or resources, including 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 resources impacts, and impacts upon air and water quality and quantity, which cannot be mitigated to acceptable levels through reasonable effort;

~~the past performance of the operator's past compliance (or lack thereof), with federal, state and local laws pertaining to the DCI; and~~

~~11.6.2.105.1.8. Whether the proposed DCI will be detrimental to the safety, health, prosperity, order, comfort and/or convenience of the residents of the County; pursuant to NMSA 1978, § 4-37-1.~~

~~11.6.2.11. Whether the Applicant, which includes all partners or limited partners of a partnership Applicant, all officers, directors or executives of a corporate Applicant, and 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, 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~~

~~———11.6.2.12. Whether tThe applicant fails to proves that the proposed DCI will comply with the standards of this Chapter, and the SLDC, and or any other applicablerelevant federal, state, or local standards.;~~

~~The applicant or any person or entity that owns, operates, manages, or controls the applicant has not complied with federal, state, or local laws and regulations in previous activities;~~

11.7. DCI CONDITIONAL USE PERMIT

~~**11.7.14.5. Application for a DCI Conditional Use Permit Requirements.** Any application for a DCI Conditional Use Permit shall include the following:~~

~~11.7.1.1 Application Submissions Checklist. All materials required by the Administrator on the application submissions checklist.~~

~~11.7.1.2. Requirements and Procedures. Submittals necessary to comply with the requirements and procedures described in Chapter 4 of the SLDC.~~

- ~~— Everything required by LUA on a checklist~~
- ~~— Follow all requires and proceeedures in Ch. 4~~

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

~~**11.7.14.5.34. Final Order.** A -FFinal Order from the Board granting approval of the DCI Overlay Zoning District;~~

~~11.7.1.4. Demonstration of Compliance. A demonstration of compliance with all conditions imposed in the Final Order from the Board granting approval of the DCI Overlay Zoning District;~~

~~**11.7.1.54.5.2. State and Federal Permits.** All required state and federal permits approved in conjunction with the proposed DCI;~~

~~11.7.1.6. Phased Plan. A plan identifying each phase of the development, operation, and reclamation of the proposed DCI, including a map with the GPS coordinates for each aspect of the phase in GIS format based on the standard Santa Fe County GIS spatial reference (NAD 1983 State Plane New Mexico Central FIPS 3002 Feet).~~

11.7.1.74.5.3. Cost Estimate. A preliminary cost estimate prepared and sealed by a New Mexico Professional Engineer for all site improvements and reclamation, if appropriate; and

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

11.7.1.84.5.5. Studies, Reports, and Assessments. SRAs as specified in Chapter 6 shall be updated, and shall address additional potential impacts specified in this section as described in section 11.7.2 and any additional requirements specific to the applicable DCI subsection. All final SRAs, complying with any comments and conditions imposed through the DCI Overlay Zoning District approval. The following additional information is required for the SRAs for a DCI Conditional Use Permit:

Environmental Impact Report.

1. 11.7.2. Studies, Reports, and Assessmentsport The Applicant shall submit an updated portEIR as specified in section 6.3. Into include addition to all requirements specified in section 6.3, the EIR shall address the applicable potential impacts identified in Table 11-1 using the best available science.

Table 11-1. Potential Categories of Impacts to be Identified, Mapped and Addressed.

<u>CATEGORY OF POTENTIAL IMPACTS TO IDENTIFY, MAP, AND ADDRESS</u>	<u>SAND AND GRAVEL EXTRACTION</u>	<u>LANDFILLS</u>	<u>JUNKYARDS</u>	<u>CONCENTRATED ANIMAL FEEDING OPERATIONS</u>	<u>MINERAL RESOURCE EXTRACTION AND PROCESSING</u>
<u>Federal and State endangered and threatened species and species of concern impacts</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Connectivity and protection of significant wildlife habitat areas</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Stormwater runoff rates, surface water flows and levels</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Surface water contamination, and degradation generally</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Wetland and riparian area viability</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

<u>Groundwater levels and availability, potential groundwater depletion</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Groundwater contamination, and degradation generally</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Water well contamination-potential</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Erosion, siltation, and dust-potential</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Soils bearing strength and stability for development</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Wildfire hazard</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>
<u>Earthquake and landslide hazards</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Flooding hazards and floodwater contamination</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Archaeological and historic resources protection</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Impacts to Landscape scenic quality</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Impacts to Conservation and open space areas, scenic roads, and recreation trails, including visual impacts and noise</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Viability of Agricultural crop lands and improved-pasture lands</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Nuisance, hazard, traffic, character, and visual impacts to residential uses</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Nuisance, hazard, and visual impacts to commercial and public</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

<u>or institutional uses</u>					
<u>Adequacy of roads for intended use</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Water system availability and capacity</u>	<u>Yes</u>	<u>Yes/No</u>	<u>Yes/No</u>	<u>Yes</u>	<u>Yes</u>
<u>Fire protection and emergency medical service availability and response times</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Sulfide and other reactive minerals</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>

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 (FIS) as specified in Section 6.7. The FIS shall include the cost of long-term environmental impact abatement and restoration and the associated fiscal impact on the