

SANTA FE COUNTY

Ordinance No. 1990-10

SANTA FE COUNTY NON COAL MINING MORATORIUM ORDINANCE

AN INTERIM ZONING ORDINANCE AMENDING SECTION 5 OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE ORDINANCE 1980-6; PLACING A MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR DEVELOPMENT PERMITS FOR MINERAL EXPLORATION AND EXTRACTION, OTHER THAN FOR COAL; AND PROVIDING AN EXPIRATION DATE.

The Board of County Commissioners of Santa Fe County finds:

1. Economic conditions in the mineral extraction industry are such that rapid expansion of that industry in Santa Fe County is probable in the near future;

2. The existing Section 5 of Santa Fe County Land Development Code Ordinance 1980-6, as amended, offers insufficient protection to quality of life for the citizens of Santa Fe County against possible environmental abuses by mining operators, including, but not limited to, pollution of water resources, destruction of flood controlling watershed, creation of toxic and noxious waste, deforestation, and other, similar damage;

3. Mineral estate owners must be afforded a stable, predictable regulatory environment in which profitably to develop their interests;

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13 WHEREFORE, the Santa Fe County Land Development Code Ordinance
14 1980-6, as amended, is hereby AMENDED to include the following
15 Section 5.0: (

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17 5.0 Moratorium on New Applications

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19 5.0.1 As of the effective date of this ordinance, no
20 applications for new or expanded mineral exploration or
21 extraction uses, other than for coal, will be accepted in order
22 to permit Santa Fe County to review and restructure this
23 section 5. Applications for new or expanded mineral
24 exploration or extraction uses will be accepted commencing as
25 of the expiration date of this ordinance.

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5.0.2 Applications received prior to the effective date of this ordinance which contain all submittals required by this Section 5 and are accompanied by all applicable fees will be accepted, processed and granted or denied in the usual course of business. No such application may be significantly modified between the effective and expiration dates of this ordinance, inclusive.

5.0.3 Applications accepted pursuant to section 5.0.2, above, shall be governed by the County Land Use Code Ordinance 1980-6 as amended and in effect prior to the effective date of this ordinance. New applications and modifications to existing applications accepted after the expiration date of this ordinance shall be governed by the County Land Use Code Ordinance 1980-6 as amended and in effect as of the expiration date of this ordinance.

5.0.4 The effective date of this ordinance shall be the earliest date allowed by law following passage and publication.

5.0.5 The expiration date of this moratorium shall be defined as either 180 days after the effective date of this ordinance or the date upon which a zoning ordinance modifying this section 5 becomes effective, whichever date is earlier.

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4 5.0.6 This ordinance shall apply to all unincorporated areas
5 within Santa Fe County except those areas lying within the
6 extraterritorial zoning jurisdiction of any incorporated
7 municipality, state owned land, federal reservations and other
8 areas administered by the federal government, and Indian tribal
9 lands.

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11 PASSED, APPROVED AND ADOPTED this 10th day of July, 1990, in
12 open session in Santa Fe, New Mexico.

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14 BOARD OF COMMISSIONERS OF
15 SANTA FE COUNTY

16
17 *Linda Grill*
18 Linda Grill, Chairman
19 711,860

20 ATTEST:

21 *Jona G. Armijo*
22 Jona G. Armijo,
Santa Fe County Clerk

COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 11 day of July A.D.
19 90 at 3:10 o'clock PM m.
and was duly recorded in book 687
page 228 - 231 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, N.M.

Joyce Medina
Deputy

23 Approved as to form and legal
24 sufficiency:

25 *Norman Osborne*
Norman Osborne
County Attorney

