

SANTA FE COUNTY

Ordinance No. 1991-14

AN ORDINANCE ESTABLISHING PROCEDURES FOR ADMINISTRATIVE HEARINGS OF APPLICATIONS FOR TEMPORARY SAND AND GRAVEL MINING PERMITS, REPEALING THE SANTA FE COUNTY ORDINANCE 1991-8 AND AMENDING SANTA FE COUNTY ORDINANCE 1991-3.

BE IT ORDAINED by the Board of County Commissioners of the County Santa Fe, State of New Mexico:

Santa Fe County Ordinance 1991-8 is hereby repealed. Santa Fe County Ordinance 1991-3, Section 1.9B. is hereby repealed and the following language is substituted thereto:

Section 1.9B

Applications for permits to mine construction materials, to construct sand and gravel mine sites, and to construct road materials fabrication plants, that are temporary in nature, using mobile equipment, including but not limited to: crushers, stackers, conveyors, asphalt hot mix plants and concrete batch plants, for state, federal or local highway projects may be approved by the Code Administrator, according to this Section. Such temporary permits, not exceeding 180 calendar days, must comply with all provisions of this Ordinance except for the requirements for height. Height requirements shall be controlled by FAA regulations in those areas where applicable. If not located in an FAA regulated area, height of any improvement shall not exceed that dimension as approved by the Code Administrator. All materials stockpiles should be configured so as to prevent any sight safety distance conflicts from any road or access way. Temporary permits may be renewed once up to 180 additional calendar days, in discretion of the Code Administrator.

1. Before any temporary permit or renewal of a temporary permit shall be granted by the Code Administrator under this section, a public administrative hearing shall be held by the Code Administrator at which time sworn testimony shall be taken by the Code Administrator from the applicant, any person opposed to the application and the general public. The Code Administrator shall require the applicant to post notice, such notice provided or approved by the Code Administrator on the subject property for at least fifteen (15) calendar days prior to the posted hearing date on the matter. The applicant shall further publish in a newspaper of general circulation in the County of Santa Fe, a notice alerting the public to the date, place, time, and scope of the hearing to be held by the Code Administrator for approval of such mining application. The Code

- 1 Administrator shall approve the content of the notice
2 prior to publication.
- 3 2. The applicant shall mail, by certified mail, return
4 receipt requested, notice of the hearing to be held by
5 the Code Administrator on the application, which mailing
6 shall set forth the date, place, time, and purpose of
7 such hearing in a form approved by the Code
8 Administrator. The notice shall be sent to all property
9 owners within one hundred (100) feet of the boundaries
10 of the subject property.
- 11 3. At the hearing held by the Code Administrator in this
12 matter, the Code Administrator shall accept sworn
13 testimony from interested persons as well as from the
14 applicant. The applicant shall have the right to
15 cross-examine any opponent to the application, and the
16 Code Administrator may, in his discretion, permit the
17 applicant to be cross-examined by competent interested
18 parties. After the hearing, the Code Administrator may
19 (a) grant the permit, (b) deny the permit, (c) grant the
20 permit with conditions or (d) refer the entire matter to
21 the County Development Review Committee. The Code
22 Administrator may announce the ruling at the time of the
23 hearing and shall follow the oral ruling by a written
24 decision within five days. Should the Code
25 Administrator not announce a ruling at the hearing, his
written decision must be rendered within five days of
the hearing. Copies of the written decision shall be
supplied by regular mail to the applicant and all
interested parties who request same at the hearing. The
decision shall include a certification of mailing
containing the date of mailing to the applicant and any
interested parties.
4. If there is no opposition to the application, the Code
Administrator, upon being satisfied that all submittal
requirements contained in this Ordinance have been
complied with, may issue the temporary mining
certificate to the applicant, five (5) working days
after the Code Administrator enters the written decision.
5. Any aggrieved party to the Code Administrator's decision
may file an appeal of that decision by submitting,
within five (5) working days of the decision in writing,
a Notice of Appeal with the Code Administrator,
requesting the matter of the application to be heard by
the County Development Review Committee. In such case,
the Code Administrator shall not issue any permit to the
applicant, but must schedule a hearing on the
application before the County Development Review
Committee. If appealed, the Code Administrator may send
his opinion to the County Development Review Committee.
Any request for appeal received more than five (5)
working days after the date the Code Administrator's
hearing shall have no force or effect.
6. If the decision of the Code Administrator is appealed,
the County Development Review Committee shall follow

the Santa Fe County Land Development Code, Ordinance 1980-6, as amended.

7. The Board of County Commissioners may, in its discretion, decide to hear the matter of the application pursuant to Section 2.3.2e of the Santa Fe County Land Development Code. In that case, the County Development Review Committee shall not hear the matter of the application.
8. The issuance of the temporary permit shall not be considered by the County Development Review Committee or the Board of County Commissioners as justification for a permanent zoning change to permit sand and gravel mining on the subject property at a subsequent hearing by any applicant.
9. For the purposes of application for temporary sand and gravel mining permits, this procedure supersedes the procedure set forth in Santa Fe County Ordinance 1980-6 Article 4, Section 2.3.1a.

EFFECTIVE DATE: This ordinance shall become effective on the 30th day after the date of adoption by the Board.

PASSED, APPROVED AND ADOPTED, THIS 12th DAY OF November, 1991.

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

Linda Grill
LINDA GRILL, CHAIRWOMAN

ATTEST:

Jona G. Armijo
JONA G. ARMILJO, COUNTY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
TERRENCE P. BRENNAN,

Terrence Brennan
SANTA FE COUNTY ATTORNEY

755584
COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 21 day of Nov A.D.
19 91, at 11:04 o'clock A m.
and was duly recorded in book 770
page 092-094 of the records of
Santa Fe County.

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

Christina Garcia
Deputy

CERTIFICATE OF FILING

I, Jona G. Armijo, County Clerk, do hereby certify that the foregoing ordinance designated at Ordinance No. 1991-14 was filed in my office on the 21 day of November, 1991, in the Book Number 770 Pages 92-94 at 11:04 A.M.

Jona G. Armijo
Jona G. Armijo, County Clerk

