

SANTA FE COUNTY

Ordinance No. 1991-3

1
2 AN ORDINANCE, ESTABLISHING PERFORMANCE AND DEVELOPMENT
3 STANDARDS AND SUBMITTAL REQUIREMENTS PERTAINING TO ZONING
4 FOR EXTRACTION OF CONSTRUCTION MATERIALS: STONE, SAND,
GRAVEL, AGGREGATE, OR SIMILAR NATURALLY OCCURRING MATERIALS;
AND TO DECLARE AN EMERGENCY.

5 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA
6 FE COUNTY:

7
8 ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS

9
10 SECTION 1 - MINERAL EXTRACTION: CONSTRUCTION MATERIALS

11 1.1 Applicability

12 Mineral extraction activity for construction
13 materials, including but not limited to, stone, sand,
14 gravel, aggregate, or similar naturally occurring materials,
15 (hereinafter: construction materials) shall be allowed
16 anywhere in the County, provided the requirements of this
17 Ordinance are met.

18 1.1.1 Special Uses.

19 Industrial, manufacturing and related
20 office uses not related to mining uses are allowed in mining
21 zones, provided they meet the requirements of the Santa Fe
22 County Land Development Code 1980-6 as amended,
23 (hereinafter: "Code")
24
25

1 1.2 Location Standards for Creation of New Mining
2 Zones

3 The Santa Fe County Board of County Commissioners
4 may create new mining zones, provided the following location
5 standards are satisfied.

6 1.2.1 Demonstrated existence of significant
7 mineral resources.

8 1.2.2 Use of the land for mining uses is
9 reasonably compatible with other uses in the area affected
10 by the mining use; including but not limited to, traditional
11 patterns of land use, recreational uses and present or
12 planned population centers or urban and metropolitan areas.

13 1.2.3 A history of significant mining activity in
14 the area, if mining has been conducted in the area (not
15 required for creation of new mining zones).

16 1.2.4 The area designated is particularly suited
17 for mining uses, in comparison with other areas of the
18 County, as set forth in Sections 1.2.1, 1.2.2 and 1.2.3,
19 supra.

20 1.3 Maximum Height.

21 Structures shall be limited to a maximum height of
22 36 feet from the highest point of the surface of the ground
23 at the perimeter of the structure. This height limitation
24 shall also apply to temporary or portable drilling
25 equipment.

1 1.4 Submittals Required for Creation of Mining Zones

2 In addition to submittals required by Section 1.5,
3 an applicant seeking the creation of a mining zone shall
4 submit information showing that the proposed zone meets the
5 locational standards set forth in Section 1.2.

6 1.5 Submittals for Mining Uses

7 1.5.1 Submittals for Mining Uses

8 All applications for mining uses shall
9 contain:

10 a. Vicinity map. A vicinity map showing
11 the mine site and the area within a three mile radius of the
12 mine site drawn on a U.S.G.S. topographic quadrangle map.

13 b. Existing site data. A map for the mine
14 site, general survey, aerial photograph or any combination
15 of the foregoing shall be at a scale of one (1) inch to five
16 hundred (500) feet, or such other scale as approved by the
17 Code Administrator, and shall include the following:

18 1) A description of existing
19 structures and improvements including streets and utilities
20 on and within two hundred (200) feet of the mine site unless
21 otherwise required by the Code Administrator.

22 2) A survey of the mine site showing
23 the exterior boundary lines, bearings, and distances which,
24 unless otherwise specified by the Code Administrator, shall
25 be determined to a degree of precision such that no

1 discrepancy between computed and measured distances shall
2 exceed one (1) part in one thousand two hundred and eighty
3 (1,280) parts.

4 3) A notation stating acreage, scale,
5 true and magnetic north arrow, U.S.G.S. datum and bench
6 marks, if any, certification of a professional engineer or a
7 qualified land surveyor or other qualified person who
8 prepared the existing site data.

9 4) The location, width and purpose of
10 any known or visible easements, right of way or access to
11 the mine site.

12 5) Present tract designations or other
13 identification according to official records in the County
14 Clerk's office, if any, the name and address of the owner of
15 the property on which the mine site is located; the name and
16 address of the mineral owner of the property on which the
17 mine site is located.

18 6) Owners of record or property
19 adjacent to the mine site.

20 c. An operations plan consisting of the
21 following:

22 1) Maps, plans and graphics
23 descriptions, timetables, and reports which correlate and
24 specify:
25

1 a) a detailed description of the
2 method(s) or technique(s) of mining to be employed in each
3 stage of the operation where any surface disturbance on
4 affected lands will occur;

5 b) pursuant to the standards in
6 Article VI, Section 3, Terrain Management of the Code, a
7 description of all earthmoving activities which includes
8 backfilling of cuts, and leveling or compaction of
9 overburden;

10 c) if applicable, the location and
11 size of all water diversions and impoundments or discharge
12 of water used in mine operations;

13 d) the size and location of
14 area(s) to be disturbed, which includes excavations,
15 overburden spoils, topsoil stockpiles, driveways and roads;

16 e) areas to be used for storage of
17 equipment and vehicles;

18 f) location and size of any
19 structures;

20 g) areas designated to be
21 reclaimed;

22 h) hours of operation and if
23 applicable, a description of outdoor lighting;

24 i) fire protection plans.
25

1 2) A description of how construction
2 materials will be processed on and/or removed from the site.

3 3) A description of how each phase of
4 exploration or extraction correlates to the reclamation
5 plan.

6 4) A time table for each phase of
7 operations and reclamation.

8 5) A description of the steps to be
9 taken to comply with applicable air and water quality laws
10 and regulations and any applicable health and safety
11 standards.

12 6) A drainage control plan showing
13 methods which will be utilized to avoid erosion on and
14 adjacent to the affected lands.

15 7) A traffic generation report
16 pursuant to Article III, Section 4.4.1, Submittals,
17 Subsection 6).

18 8) A description of all hazardous
19 materials to be used and transported in connection with the
20 mining activity and a description of steps that will be
21 taken to insure that the use of such materials will have no
22 adverse impact on the residents or environment of Santa Fe
23 County.

24 d. A plan to provide for reclamation of
25 the mine site. For mining uses involving open pit mining

1 operations the mining operator shall be required to submit a
2 plan for recontouring and the reseeding or revegetation of
3 the mine site or any phases thereof when the property or
4 portions thereof has been mined.

5 The plan for reseeding or revegetation
6 may not require seeding or reseeding or revegetation of the
7 open pit, but it shall require a plan to reseed or
8 revegetate the remaining disturbed areas of the mine site,
9 excluding roads, with reasonable allowances to recognize
10 areas that cannot be practically seeded or revegetated
11 because of slope, rock conditions or other limitation
12 factors, in an attempt to provide roughly comparable
13 vegetation to that which existed in the area prior to
14 mining, through a single reasonable effort. The Board may
15 require security for completion of the reclamation required
16 under the section. The security may be in the form of a (1)
17 surety bond issued by an insurance company which is rated
18 "A" or better by Standard and Poors or a comparable rating
19 service; or (2) by a letter of credit in a form approved by
20 the Board, issued by a state or national bank whose deposits
21 are insured by the Federal Deposit Insurance Corporation;
22 or, if approved by the Board (3) by a corporate undertaking
23 issued by the applicant corporation or its parent
24 corporation listed on the New York or American Stock
25 Exchange or major foreign stock exchange.

1 e. If applicable, a description of
2 hazardous materials produced or used by the operation, and a
3 plan for disposal of the wastes, including comments by the
4 New Mexico Environmental Improvement Division.

5 f. An estimate of the average annual
6 payroll, ad valorem taxes, gross receipts and other economic
7 benefits for the proposed mining uses.

8 g. A listing of the permits required to be
9 obtained to engage in the mining use on the mine site. Upon
10 obtaining copies of the required permits, submission of a
11 copy of each of these permits to the Code Administrator.
12 Copies of the submittals or other data presented in support
13 of obtaining required permits shall be provided to the Code
14 Administrator upon request and the listing of the regulatory
15 agency under which this permit is required.

16 h. The Code Administrator or the County
17 Development Review Committee may recommend to the Board of
18 County Commissioners and the Board of County Commissioners
19 may require that the applicant provide an environmental
20 impact statement for the proposed mining use. No impact
21 statement shall be required until specific regulations are
22 adopted by the Board setting forth the requirements for the
23 scope, format, and content for environmental impact
24 statements.
25

1 i. Submission of an affidavit of ownership
2 of mineral rights, in a form supplied by the Code
3 Administrator.

4 j. Exceptions and Substitutions for
5 Submittals.

6 Upon request of the applicant and
7 approval of the Code Administrator, submittals may be
8 substituted for submittals required by the Code. Upon
9 request of the applicant and the approval of the Code
10 Administrator, submittals required in this section may be
11 omitted or modified.

12 1.6 Performance Standard

13 No mining use activity will be permitted if it is
14 determined that the use will have a significant adverse
15 affect on health, safety, morals or general welfare of the
16 County or its residents.

17 1.7 Reviews for Mining Uses

18 Except as provided in this Section, Mining Uses as
19 defined in the Code shall not be subject to the provisions
20 of Article III, Section 10, Lot Size Regulations of the
21 Code. The applicant shall submit evidence that the
22 applicant has obtained an adequate water supply as evidenced
23 by appropriate permits issued by the State Engineer's
24 Office/Interstate State Stream Commission of the State of
25 New Mexico.

1 1.7.1 Special District Review.

2 The Code Administrator shall check the
3 location of the proposed use and shall inform the applicant
4 of any additional submittals or reviews required because of
5 location of the proposed use within a Special Review
6 District and make the applicable review.

7 1.7.2 Environmental Review.

8 Except as otherwise provided in this
9 Ordinance, Mining Uses shall not be subject to the Code.
10 The applicant shall submit evidence of planned compliance
11 with all federal and state environmental laws and rules and
12 regulations, including but not limited to permits required
13 by the U.S. Environmental Protection Agency, State of New
14 Mexico, Environmental Improvement Division of the Health and
15 Environment Department; Water Quality Control Commission of
16 the New Mexico Environmental Improvement Division of the
17 Health and Environment Department and other appropriate
18 federal and state agencies. In addition, the applicant
19 shall be subject to the following sections of Article VII,
20 Environmental Requirements of the Code:

- 21 a. Section 1, except, Sections 1.2.3c, d;
22 1.2; 1.4.2; 1.4.3; 1.4.4, 1.4.4a, (Flood Hazards)
23 b. Section 2. (Liquid Waste Disposal)
24 c. Section 3, (Terrain Management)
25 d. Section 4. (Air Quality)

1 e. Section 6 does not apply if the mining
2 use will not be utilizing water or will utilize permitted
3 water rights for its water supply. (Water Supply)

4 f. Section 7. (Solid Waste)

5 1.7.3 Procedures for zoning for extraction of
6 construction materials are setforth in Article II of the
7 Code.

8 1.8 Conformance to Building, Mechanical and Electrical
9 Codes.

10 The Code Administrator shall review the submitted
11 plans, and specifications for compliance with the building,
12 mechanical, and electrical provisions of the Code and for
13 engineering design. Upon approval of a development permit,
14 construction must begin within one year of the date of the
15 issuance of the development permit, or it becomes void and a
16 new application for a development permit must be made.

17 1.9 General Review.

18 A. The Code Administrator shall review the
19 submittals, and the performance standard(s), make
20 recommendations according to the procedures set forth in
21 Article II, Section 2.3.2, and 3.1.

22 B. Permits for mine sites used to provide
23 construction materials for state or local highway projects
24 may be approved by the Code Administrator, but must comply
25 with all provisions of this ordinance. Such permits shall
terminate 180 days from the date of issuance.

1.10 Continuance of Existing Mining Uses

A. The provisions of Article II, Section 4.5 of the Code shall apply to mining uses in existence on the effective date of this Ordinance. Mining uses in existence as of the effective date of this Ordinance shall not be subject to the requirements of this Ordinance except as follows.

1. A description of current operations, which sets forth the following:

a. The area which the operator is currently mining or which is in a temporary state of cessation. This description shall be either a legal description, or a US Geological Survey map or comparable map, outlining, to the satisfaction of the County, the area of operation;

b. The type of mining operation;

c. The date the mining interest was acquired;

d. The nature of the title of the ownership or possessory interest (fee simple, lease, and mining location) all of which are to be submitted within four (4) months of the effective date of this Ordinance, and

2. A reclamation plan for the current operations which provides for the following requirements:

1 a. On all affected areas, the operator in
2 consultation with the surface estate owner and mineral
3 estate owner where possible, and in agreement with the
4 County, whose agreement will not be unreasonably
5 withheld, shall determine which parts of the affected area
6 shall be reclaimed;

7 b. A detailed description of how the
8 reclamation is to be achieved;

9 c. A detailed description of techniques
10 proposed to be used in reclamation;

11 d. A detailed timetable for each phase of
12 reclamation;

13 e. An estimated cost of accomplishing the
14 reclamation plans, or an explanation of how the reclamation
15 is to be done, with any bonding or financial responsibility
16 requirements to be decided by the Code Administrator on a
17 case-by-case basis;

18 f. A detailed description of the measures
19 to be taken during the reclamation process to provide for
20 the protection of the quantity and quality of surface and
21 ground water systems, both on and off site, from adverse
22 effects of the mining and reclamation processes; all of
23 which (1 through 6) are to be submitted within 18 months of
24 the effective date of this Ordinance.
25

1 g. In order for the County to determine
2 present environmental conditions or land that the mining
3 operation claims to be a pre-existing mining use under this
4 Section and on which such mining operator intends to conduct
5 mining activities:

6 1) Where such information can be
7 lawfully obtained, a description of all streams, creeks,
8 arroyos, and bodies of water within 1000 feet of the
9 boundaries of the current mining activity;

10 2) A detailed description and maps of
11 the tailings, mineral waste, and geologic conditions on the
12 tract;

13 3) A scaled plan in cross-section by
14 length and height, showing existing profiles of slope of the
15 affected area, and the proposed mineral exploration and/or
16 mining operation;

17 4) An inventory and detailed
18 description of existing vegetation, wildlife and wildlife
19 habitat according to species and density of occurrence.

20 B. An existing mining use shall be permitted to
21 continue as a non-conforming use in accordance with the
22 provisions of this Ordinance, until it is abandoned. For
23 purposes of this Ordinance "abandoned" means a mine site on
24 which no significant mine use has occurred for more than 3
25 years. Mining uses and mining operations shall be deemed to

1 be in existence on the mine site on the effective date of
2 this Ordinance if actual construction has commenced on a
3 substantial portion of any structures and improvements
4 subsequently used in the mining use and/or a substantial
5 portion of the planned mining operation has begun. However,
6 an operator of a mining use or mining operation shall submit
7 copies of any of its permits or approvals which it holds
8 from the United States Environmental Protection Agency, the
9 State of New Mexico Environmental Improvement Division, the
10 State of new Mexico Natural Resources Division, Water
11 Resources, and the County of Santa Fe Blasting Permit, if
12 any of these are required by the applicable governmental
13 agency. Mining uses in existence on the effective date of
14 the Ordinance may not be enlarged upon, expanded or extended
15 without obtaining a development permit.

16
17 EMERGENCY:

18
19 The Board of County Commissioners hereby find and declare
20 that this Ordinance deals with an emergency, since emergency
21 passage of this Ordinance is necessary to correct an
22 immediate danger to the public health, safety and welfare,
23 which would be threatened if the County had no ordinance
24 regulating sand and gravel extraction.
25

705581

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

PASSED, APPROVED AND ADOPTED THIS 16th DAY OF January, 1991.
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS:

Raymond M. Chavez
RAYMOND M. CHAVEZ, CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Terrence Brennan
TERRENCE BRENNAN, County Attorney

ATTEST:

Jona G. Armijo
JONA G. ARMIJO, County Clerk

CERTIFICATE OF FILING

I Jona G. Armijo, County Clerk, do hereby certify that the foregoing ordinance designated as Ordinance 1991-3 was filed in my office on the 18 day of January, 1991 in Book Number 705 Pages 566-581.

727333
COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 18 day of Jan, A.D.
19 91, at 1213 o'clock PM
and was duly recorded in Book 705
page 566-581 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