

**CASE NO. VAR/MIS 10-5020
CAJA DEL RIO LANDFILL VARIANCE AND INFORMATION REGARDING
THE GAS COLLECTION SYSTEM
SANTA FE SOLID WASTE MANAGEMENT AGENCY, APPLICANT**

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as “the BCC”) for hearing on February 9, 2010, on the Application of Santa Fe Solid Waste Management Agency, (hereinafter referred to as “the Applicant”), for a variance of height and information regarding a gas collection system. The BCC, having reviewed the Application and supplemental materials, Staff reports and conducted a public hearing on the request, finds that the Application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. The Applicant requests a variance of Article III, Section 2.3.6.b (Height Requirements) of the Land Development Code (“Code”), to allow a thirty foot structure to exceed the height requirements of twenty-four feet.
2. The property is located at 149 Wildlife Way, within Sections 22 and 27, Township 17 North, Range 8 East.
3. The requested height is the minimum height necessary for the proposed gas collection and control system to function properly.
4. The stack height is specifically designed around the burner configuration and the anticipated landfill gas heat output for proper combustion.
5. The height of the stack ensures that the flame would not be visible by the surrounding area and will not impact neighboring properties.

6. The gas collection and control system, as designed, will allow the landfill to meet federal requirements.
7. Literal enforcement of Article III, Section 2.3.6.b would be contrary to the public interest and the purpose of the Code.
8. Strict compliance with the requirements of the Code could create a hazard and jeopardize the health and safety of the county and its inhabitants.
9. The federal mandate associated with the site is a non-self-inflicted condition;
10. Granting a variance to allow the height of the stack for the purpose of a gas collection and control system would be considered a minimal easing of the code and would result in achieving the purposes of the Code.
11. In support of the Application, Randall Kippenbrock (SWMA Executive Director) described the need for the variance for the gas collection system to meet Federal guidelines.
12. Caroline Semon spoke in favor the Application.
13. The Commission recommends the following special conditions of approval;
 - a. The Applicant shall not permit the unpermitted asphalt batch plant on its premises to be operated, and shall cause the batch plant to be removed within a reasonable time.
 - b. The Applicant shall not create any uses that are not normally associated with operation of a solid waste landfill without first having gained approval of the use through the Land Development Code or successor document.

14. After conducting a public hearing on the request and having heard from the Applicant and the public, the Board of County Commissioners hereby approves the request for a variance of Article III, Section 2.3.6.b subject to the Applicant complying with special conditions as stated above.

IT IS THEREFORE ORDERED that the Application is approved, and the Applicant is allowed a variance to allow a structure to exceed the height requirements set forth in Article III, Section 2.3.6.b of the Land Development Code subject to the conditions set forth herein.

I certify that the Application was approved by the Board of County Commissioners on this _____ day of _____, 2010.

The Board of County Commissioners of Santa Fe County

By: _____
BCC Chairperson

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney

