



NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Ground Water Quality Bureau*



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

Harold Runnels Building  
1190 St. Francis Drive  
P.O. Box 5469, Santa Fe, NM 87502-5469  
Phone (505) 827-2918 Fax (505) 827-2965  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)

RYAN FLYNN  
Secretary - Designate

BUTCH TONGATE  
Deputy Secretary

January 24, 2014

Mr. Jose Larranaga, Commercial Development Case Manager for Santa Fe County  
102 Grant Ave  
PO Box 276  
Santa Fe, NM 87504-0276

**RE: Response to Request for Comments for CDRC CASE # Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC**

Dear Mr. Larranaga:

The Ground Water Quality Bureau (GWQB) of the New Mexico Environment Department (NMED) has reviewed the letter and enclosures from you, titled, *CDRC CASE # Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC* (Letter), dated November 19, 2013, and received by NMED on November 19, 2013. The Letter requests that the GWQB review the enclosures for technical completeness. The enclosures consist of a Construction Materials Extraction report and Material Extraction Plan for a proposed basalt aggregate operation prepared by James W. Siebert and Associates, Inc. and submitted to Santa Fe County on behalf of the applicant - Buena Vista Estates, Inc & Rockology Limited LLC. The quarry is proposed to be located east of Interstate 25 and south of Waldo Canyon Road in Section 22, T15N, R8E, Santa Fe County.

The proposed operation is briefly described as follows:

The proposed quarry sits on 50 acres in which 34,000 cubic yards of overburden will be stockpiled and 1.26 million cubic yards of basaltic material will be processed. Overburden will be removed by a track dozer and stockpiled at the site for reclamation at closure. The exposed basalt layer will then be drilled and blasted. Blasted rock will be crushed, screened, and stockpiled. No water will be used in the process with the exception of that necessary for dust control. Up to 2.19 acre feet per year of water used for dust control will be hauled from the Santa Fe County bulk water services facility. A Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the site to meet EPA requirements. No chemicals or additives will be used in the crushing process.



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Jose Larranaga  
January 24, 2014  
Page 2

The NMED GWQB does not typically regulate aggregate operations and, based on the information provided, processing of the basaltic material would not likely be a source of water contaminants. However, in order for NMED to make an official determination whether a Discharge Permit might be required, the applicant is advised to file a Notice of Intent (NOI) with the Ground Water Quality Bureau, which would include the submittal of information relevant to the potential impacts to ground water quality. Furthermore, if at some time in the future the applicant changes the amount or character of the aggregate operation or location of the quarry, the applicant is advised to file an NOI with the GWQB for an official determination of whether a Discharge Permit is required.

Issuance of this letter does not relieve the applicant of liability should the operation result in actual pollution of surface or ground waters. Further, this letter does not relieve the applicant of the responsibility to comply with any other applicable federal, state, and/or local laws and regulations, such as zoning requirements, plumbing codes and nuisance ordinances.

If you have any questions, please contact either Brad Reid at 505-827-2963 or myself at 505-827-0195.

Sincerely,



Kurt Vollbrecht, Acting Program Manager  
Mining Environmental Compliance Section

KV:br

cc: Robert Italiano, District Manager, NMED District 2  
NMED SWQB  
County File  
Jose Larranaga, Santa Fe County (signed PDF copy via electronic mail:  
joselarra@cosanta-fe.nm.us)

NBB-98

State of New Mexico  
Energy, Minerals and Natural Resources Department

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Susana Martinez  
Governor

F. David Martin  
Cabinet Secretary-Designate

Brett F. Woods, Ph.D.  
Deputy Cabinet Secretary

Fernando Martínez, Director  
Mining and Minerals Division



January 15, 2013

Mr. Jose E. Larrañaga  
Santa Fe County  
Building and Development Services  
P.O. Box 276  
Santa Fe, NM 87504-0276

**RE: CDRC Case # Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC**

Dear Mr. Larrañaga,

The Mining and Minerals Division ("MMD") Mining Act Reclamation Program ("MARP") has received a letter from Santa Fe County, dated November 19, 2013, requesting review of the Buena Vista Estates and Rockology LLC ("BVER") application. The letter requests a review of the application for technical accuracy and for compliance with the [Santa Fe County] Land Development Code under Article XI, Section 1 – Zoning for Extraction of Construction Materials. We appreciate your contacting our agency about the permitting of this project, however MARP's jurisdiction does not allow us to regulate this type of mining facility.

MARP's jurisdiction over hard rock mining projects is established in Chapter 69 Article 36 of the New Mexico Statutes Annotated ("NMSA"), which is also referred to as the New Mexico Mining Act ("Act"). According to 69-36-3.H of the Act, the definition of "mining" does not mean "the extraction of sand, gravel, caliche, borrow dirt and quarry rock used as aggregate in construction." The BVER project proposes a mining zone to allow the extraction of aggregates for construction purposes to be used in ready-mix concrete, asphalt, landscaping, and base course. Based on 69-36-3.H of the Act, MARP has no jurisdictional authority pertaining to the BVER project, therefore a permit from MARP will not be required for the BVER project. Because MARP's jurisdictional authority is derived from 69-36 NMSA, MARP is unable to comment on the technical accuracy of the BVER application or comment on compliance with the Santa Fe County Land Development Code.

BVER is not required to obtain a state mining permit with MARP however, Pursuant to §19.7.1.8 of the New Mexico Administrative Code, BVER is required to register the mine with MMD once permitted by Santa Fe County. Mr. John Pfeil of the Mine Registration,

**RE: CDRC Case # Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC**

January 15, 2014

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Reporting and Safeguarding Program can be reached at (505) 476-3407 for the forms necessary for registration.

If you have any questions, please contact DJ Ennis at (505) 476-3434, or by email at david.ennis@state.nm.us.

Sincerely,



Holland Shepherd, Program Manager  
Mining Act Reclamation Program

cc: Fernando Martinez, Director, MMD  
John Pfeil, Manager, Mine Registration Program  
David J. (DJ) Ennis, P.G., Senior Reclamation Specialist



Susana Martinez  
Governor

STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 FAX (505) 827-6338

December 20, 2013

Jose E. Larrañaga  
Development Review Team Leader  
County of Santa Fe  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, NM 87504-0276

Re: CRDC Case # Z/DMXT 13-5360 Buena Vista Estates and Rockology LLC

Dear Mr. Larrañaga:

I am writing in response to the above referenced project and your request for comments on the proposed construction materials extraction pit. Included with the proposed extraction report was a cultural resources inventory report prepared by Townsend Archaeological Consultants in 2007.

Townsend Archaeological Consultants did not find any cultural resources during their archaeological survey of the 50 acre parcel of land and recommended clearance for the proposed materials pit and access road. The Historic Preservation Division (HPD) concurs with Townsend Archaeological Consultants' findings and no additional archaeological investigations are necessary.

In addition to reviewing the cultural resources survey report; I also reviewed our New Mexico Cultural Resources Information System (NMCRIS). According to NMCRIS, there are several segments of the Camino Real (LA 80012 and LA 80011) and Old US 85/Route 66 (LA 157100) within 1 mile of the proposed materials extraction pit. None of these segments are listed on the State Register of Cultural Properties or the National Register of Historic Places although they may be eligible for listing.

Because of the presence of the segments of US 85/66 and Camino Real within 1 mile of the project area, a line of sight analysis was conducted to determine whether the materials pit would be visible from each of the segments. This analysis showed that the materials pit would not be visible from most locations because of intervening topography. Based on this analysis, HPD has no concerns with the proposed project.

NBB-101

If you have any questions, please do not hesitate to contact me. I can be reached by telephone at (505) 827-4064 or by email at [michelle.ensey@state.nm.us](mailto:michelle.ensey@state.nm.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Ensey', written in a cursive style.

Michelle M. Ensey  
Archaeologist

Log: 98261

NBB - 102



STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER  
SANTA FE

Scott A. Verhines, P.E.  
B  
State Engineer

December 11, 2013

CONCHA ORTIZ Y PINO

POST OFFICE BOX 25102  
130 SOUTH CAPITOL  
SANTA FE, NEW MEXICO 87504-5102  
(505) 827-6091  
FAX: (505) 827-3806

Mr. Jose E. Larranaga  
Commercial Development Case Manager  
Santa Fe County  
P.O. Box 276  
102 Grant Avenue  
Santa Fe, NM 87504-0276

**CERTIFIED MAIL**  
**RETURN RECEIPT**  
**REQUESTED**

**Reference: Buena Vista Estates, Inc & Rockology Limited LLC**

Dear Mr. Larranaga:

On November 19, 2013 the Office of the State Engineer (OSE) received a request to provide comments for the Master/Development Buena Vista Estates, Inc & Rockology Limited LLC.

The proposal provides an outline for a mining zone to allow for the extraction of aggregates for construction. Santa Fe County Water Utilities is the proposed water supply which will be trucked in. The property is located east of Interstate 25 and south of Waldo Canyon Road (County Road 57) in Santa Fe County, New Mexico within Sections 22, Township 15 North, and Range 7 East.

This proposal was reviewed pursuant to the Santa Fe County Land Development Code (Code) and the New Mexico Subdivision Act.

The Development Plan includes a Water Budget, which states that water will be used for dust control. The water will be delivered to the site by truck and stored in a 10,000 gallon tank. Drinking water will be provided in the form of 20 gallon containers. According to Table 2 of the Water Budget, 2.19 acre-feet per year of water would be used for dust control.

When a subdivision proposal is received by the OSE, the developer's water demand analysis is reviewed to determine if it is technically correct and reasonable. The OSE also verifies that the appropriate conservation measures are reflected in the analysis. Further, data in the water demand analysis is compared with the data and statements included in the disclosure statement and in the restrictive covenants to make sure that they are consistent with each other. Since, the aforementioned documents are not provided with the applicant's submittal, the technical analysis described above was not performed.

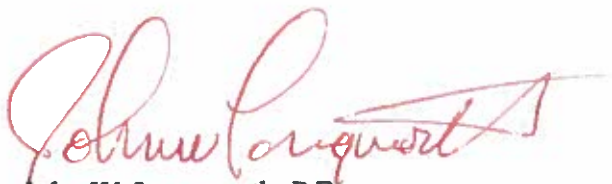
NBB-103

Buena Vista Estates, Inc & Rockology Limited LLC  
December 11, 2013  
Page 2 of 2

Development Plans are not required (by the Code) to provide the level of detail that is required by the OSE for a water demand analysis. Article VII, Section 6.1 of the Santa Fe County Land Development Code (Code) allows the Santa Fe County Land Use staff to refer development plan to state agencies for review *"if, in the opinion of the County Hydrologist and the Code Administrator, such referrals will provide information necessary to the determination of whether or not a proposed development is in conformance with provisions of this Code"*. The OSE recognizes the proactive actions on behalf of the County to solicit the technical opinion of the OSE on this development plan. However, because the proposed development is not formally covered under the New Mexico Subdivision Act, the OSE declines to provide formal comments at this time. We appreciate the opportunity to review the Buena Vista Estates, Inc & Rockology Limited LLC Plan.

If you have any questions, please call Kenneth Richard at 505-827-3838.

Sincerely,



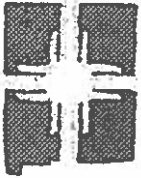
John W. Longworth, P.E.

Water Use & Conservation/Subdivision Review Bureau Chief

cc: OSE Water Rights Division, Santa Fe Office

NBB-104





*New Mexico* DEPARTMENT OF  
**TRANSPORTATION**

December 2, 2013

Mr. Jose E. Larrañaga  
Commercial Development Case Manager  
P.O. Box 276  
Santa Fe, NM 87504-0276

Re: CRDC Case #Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC

Dear Mr. Larrañaga:

Traffic staff reviewed the Development Report for the above referenced project in Santa Fe County, NM. It is apparent from the Traffic Impact Assessment that impacts from the development will be minimal to the state roadway system. No further action is required.

If you have any questions, please feel free to call me at 505-995-7803.

Sincerely,

Will Montoya  
District 5 Traffic Section

xc: Javier A. Martinez, P.E., District Traffic Engineer, District 5

**Susana Martinez**  
Governor

**Tom Church**  
Cabinet Secretary, Designa

**Commissioners**

**Pete K. Rahn**  
Chairman  
District 3

**Ronald Schmeits**  
Vice Chairman  
District 4

**Dr. Kenneth White**  
Secretary  
District 1

**Robert R. Wallach**  
Commissioner  
District 2

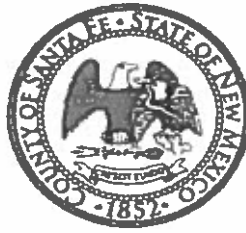
**Butch Mathews**  
Commissioner  
District 5

**Jackson Gibson**  
Commissioner  
District 6

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

December 20, 2013

Mr. Jose Larranaga  
Commercial Development Case Manager  
Santa Fe County Land Use Department  
102 Grant Ave  
Santa Fe, NM 87504

**RE: CDRC CASE # Z/DMXT 13-5360 BUENA VISTA ESTATES & ROCKOLOGY, LLC**

Dear Jose,

This letter is in response to your request for a review of the Buena Vista Estates & Rockology LLC presented by James W. Siebert and Associates, dated November 2013.

Although this project is outside of our service area, we have issued a willing and able letter to provide bulk water services for the project in Waldo Canyon, Buena Vista, LLC (please refer to the letter issued on May 20, 2013). The construction materials extraction report mentioned that the bulk water purchased will be used for dust control and potable water will be purchased in ten to twenty gallon containers for daily use. We would like to point out that the bulk water provided by the County is a 24hour potable water station.

If you have any questions or concerns, please do not hesitate to contact us.

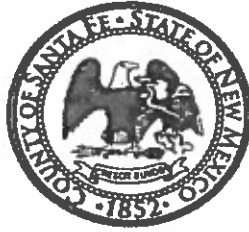
Respectfully,

Paul Casaus  
Utilities Engineering Associate  
Santa Fe County Utilities Department

Daniel Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Liz Stefanics  
Commissioner, District 4

Kathy Holian  
Commissioner, District 5

Katherine Miller  
County Manager

**PUBLIC WORKS DIVISION  
MEMORANDUM**

**Date:** November 27, 2013

**To:** Jose Larranaga, Land Use Department

**From:** Paul Kavanaugh, Engineering Associate Public Works  
Johnny P. Baca, Traffic Manager Public Works

**Re:** CDRC CASE # Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC.

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The referenced project has been reviewed for compliance of the Land Development Code, of Article XI (Zoning for Extraction of Construction Materials), Section 8.1 (General Policy on Roads), in which the roadway/driveway needs to conform. The project is located east of Interstate 25 and south of Waldo Canyon Road (County Road 57), within Sections 20,21,22,26,27&28, Township 15 North, Range 7 East. The applicant is requesting approval to allow for the creation of a mining zone on fifty (50) acres of land that is part of an existing one thousand three hundred and fifty-nine acre tract (1,359 acres).

**Access:**

The applicant is proposing to construct an access road approximately one quarter mile in length. The access road will utilize County Road 57 (Waldo Canyon Road). The distance from Interstate 25 and the proposed access road is .6 miles. County Road 57 is an eighteen (18') foot road with no shoulders which traverses in a north/south direction. Santa Fe County conducted an inspection of this road and has determined that County Road 57 has deteriorated to the point of alligator cracking, longitudinal cracks with moderate raveling. County Road 57 has a PASER (Pavement Surface Evaluation and Rating) rating of five (5). Santa Fe County Public Works feels that the additional truck traffic will have a significant impact to road surface thus furthering the road deterioration.

**Conclusion:**

Public Works has reviewed the plans submitted by the agent James W. Siebert and Associates, Inc., and feels that they can support the above mentioned project with the following conditions:

- The applicant shall apply a two (2") inch overlay of HMA on County Road 57 (Waldo Canyon Road) from East Interstate 25 Frontage to the most southern boundary of the applicant's access road (approximately 4,500 linear feet).
- Applicant shall obtain the required road construction permit from Public Works Department/ Land Use Department prior to any work on County Road 57 (Waldo Canyon Road).
- The applicant shall provide a 3% crown on County Road 57 (Waldo Canyon Road) as per Appendix 5.B.3 of the Land Development Code

NBB-107

Applicant shall provide Santa Fe County Public Works a Traffic Control Plan and a pavement Plan prior to approval of permits from the Public Works Department and the Land Use Department.

SANTA FE COUNTY PLANNING DEPARTMENT  
TRANSPORTATION PLANNING

November 27, 2013

Jose E. Larranaga  
Commercial Development Case Manager

Re: CDRC Case# Z/DMXT 13-5360 Buena Vista Estates & Rockology LLC

Jose:

I have reviewed the project submittal with the following comments:

1.5 Submittals for Mining Uses: 1.5.1 7) A traffic generation report pursuant to Article III. Section 4.4.1 Submittals. Subsection 6 (Error Subsection 5)

A Traffic Impact Assessment prepared by Jorge Gonzalez, P.E. was submitted in accordance to this section. Based on assessment of minimal impacts no improvements to County Road 57 are identified, "as warranted".

The following actions are recommended from the assessment:

1. Secure driveway permit from Santa Fe County for access to County Road 57
2. Install Stop sign at exit from the site onto County Road 57
3. Pave driveway access from paved section of County Road 57 to existing road easement with 50 foot radius at County Road 57
4. Install sign on County Road 57 in both directions notifying traffic of "Trucks turning"

It is estimated from the report that up to 12 trucks will haul material from the site on a daily basis. It is recommended that a condition of approval be added for the safety of vehicular travel along County Road 57 as well as impacts to the road surface: Excess mud and dirt transported from the site onto County Road 57 shall be minimized to the extent possible. Prior to exiting the proposed facilities and onto County Road 57 all trucks are to have excess dirt/gravel/mud removed from tires and the undercarriage of the vehicles. Excess dirt and gravel on paved County Roads may be cause for unsafe traveling surfaces for vehicles and bicycles, cause damage to vehicular traffic due to flying debris and induce excessive long term damage to road surfaces.

Respectfully submitted,

  
Erick J. Aune

Senior Transportation Planner

Erick J. Aune AICP, Senior Transportation Planner  
102 GRANT AVENUE · SANTA FE, NEW MEXICO · 87501  
PHONE (505) 986.6214 E-MAIL [eaune@santafecounty.org](mailto:eaune@santafecounty.org)

NBB-109

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## Santa Fe County Fire Department Fire Prevention Division

### Official Development Review

Date	12/10/2013		
Project Name	Buena Vista Estates & Rockology LLC		
Project Location	East of I25 and South of Waldo Canyon Rd		
Description	Mining Zone	Case Manager	Jose Larranaga
Applicant Name	Buena Vista Eslates Inc.	County Case #	Z/DMXT 13-5360
Applicant Address	931 San Pedro SE Albuquerque, NM 87108	Fire District	Turquoise Trail
Applicant Phone			
Review Type:	Commercial <input checked="" type="checkbox"/>	Residential <input type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input checked="" type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
Project Status:	Approved <input checked="" type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>
		Inspection <input type="checkbox"/>	Lot Spllt <input type="checkbox"/>

The Fire Prevention Divison/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated.

#### Fire Department Access

*Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal*

- Fire Access Lanes

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

▪ **Roadways/Driveways**

*Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.*

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 14' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development.

▪ **Street Signs/Rural Address**

*Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

*Section 901.4.5 Street or Road Signs. (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.*

▪ **Slope/Road Grade**

*Section 902.2.2.6 Grade (1997 UFC) The gradient for a fire apparatus access road shall not exceed the maximum approved.*

This fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

▪ **Restricted Access/Gates/Security Systems**

*Section 902.4 Key Boxes. (1997 UFC) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

A Knox lock will be installed at the gate located on County Road 57 as stated on page 10 of the Construction Materials Extraction Report. Details, information and forms are available from the Fire Prevention Division

## **Fire Protection Systems**

▪ **Water Storage/Delivery Systems**

*Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.*

Section 903.3 Type of Water Supply (1997 UFC) *Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the chief may be guided by Appendix III-A.*

Due to the lack of adequate resources for fire flow a 10,000-gallon tank will be dedicated to fire protection on the site. This tank will have a draft hydrant attached to the fire protection tank with the location of the draft hydrant being accessible to fire trucks as stated on page 10 of the Construction Materials Extraction Report. Plans and location for said system shall be submitted prior to installation for approval by this office and shall meet all minimum requirements of the Santa Fe County Fire Department. Details and information are available through the Fire Prevention office.

▪ **Fire Extinguishers**

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

Twenty pound ABC fire extinguishers shall be located at the constructions trailer, tool shed, and at the crusher and screener. Ten pound extinguishers will be available at all movable machinery at the site as stated on page 10 of the Construction Materials Extraction Report. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

## **General Requirements/Comments**

▪ **Inspections/Acceptance Tests**

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

▪ **Permits**


As required



**Final Status**

Recommendation for Final Development Plan approval with the above conditions applied.

**Buster Patty**

  
\_\_\_\_\_  
Fire Marshal

\_\_\_\_\_  
Date 12-10-13

Through: David Sperling, Chief

File: DevRev/Turquoise Trail/Buena Vista Estates & Rocknology LLC/12.10.13

Cy: Jose Laranaga, Land Use  
Applicant  
File

## MEMORANDUM

**DATE:** January 23, 2014

**TO:** Jose Larranaga, Commercial Development Case Manager

**FROM:** John Lovato, Terrain Management

**VIA:** Penny Ellis-Green, Interim Land Use Administrator  
Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

**FILE REF:** CDRC CASE # DMXT Phase I, II, & III 13-5360 Rockology/ Buena Vista Estates

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### REVIEW SUMMARY

The referenced project has been reviewed for compliance with the Santa Fe County Land Development Code and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance. The request is for Master Plan Zoning for phases I, II, and III. The 1,359 acre tract is located off County road 57 east of Interstate 25. The mining will encumber 50 acres of the 1,359 acre parcel.

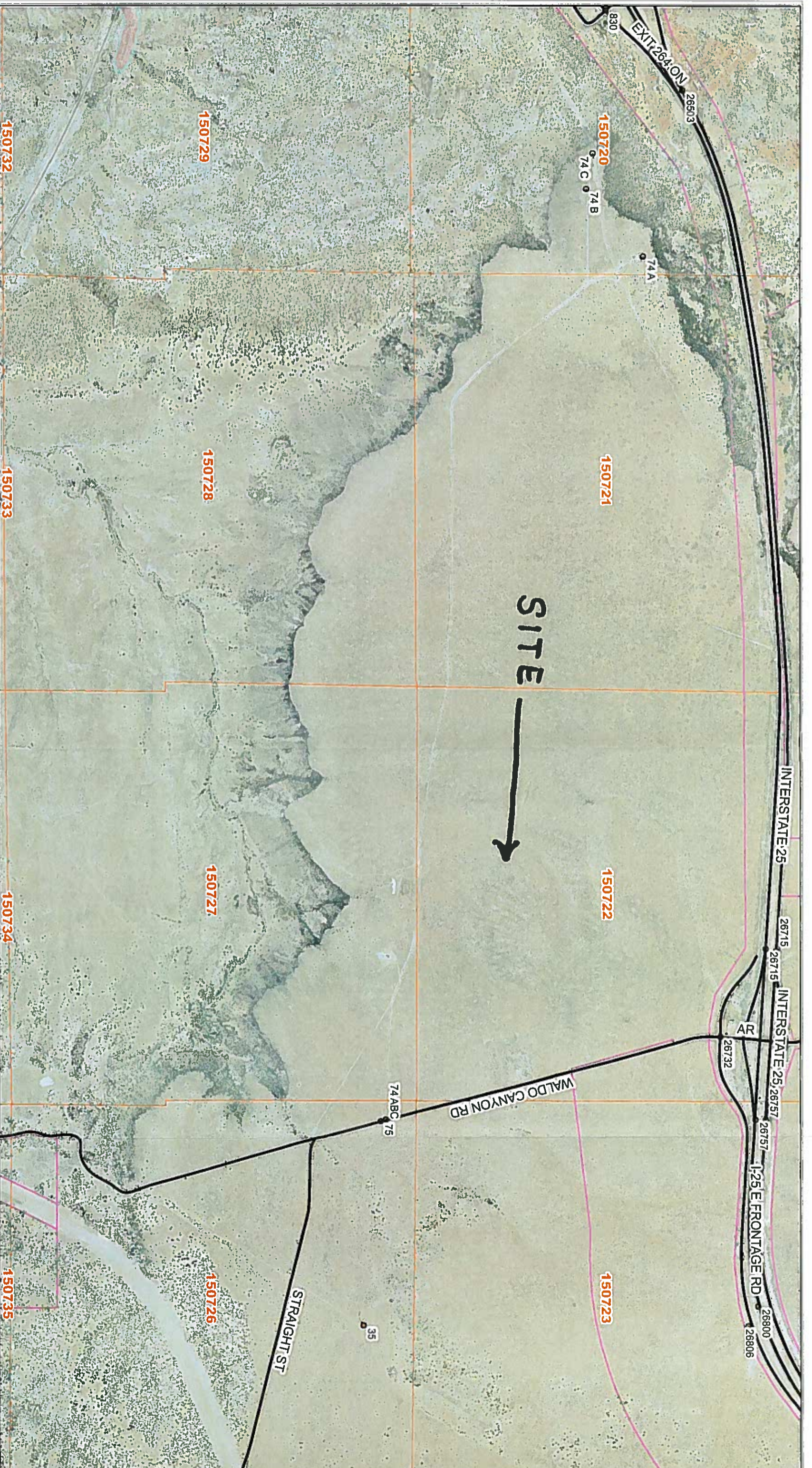
### Storm Drainage and Erosion Control:

The Applicant has submitted Topography, Soils map, Grading and Drainage Plan, and Reclamation Plan. A 31,245 cubic foot retention pond is proposed which will serve as drainage control for onsite drainage. The total amount of ponding required is 22,264. Therefore, the submittal is in conformance for phase I, II, and III and complies with Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

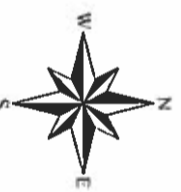
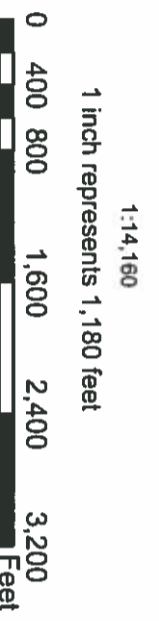
### Terrain Management

The site contains slopes 0-15% and slopes from northeast to southwest portion of the extraction. The site is located outside of the 100 year FEMA designated flood hazard and contains one small drainage location on the site. The Submittal is in conformance of Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance

NBB-114



- Legend**
- ROADS
  - Parcels
  - 0.2 % Annual Chance Flood Hazard
  - 2011 Zone A (No BEEs Determined)
  - 2011 Zone AE
  - 2011 Floodways
  - 2011 Zone AO
  - 2011 Zone D



2008 Orthophotography  
2 FOOT CONTOURS

This information is for reference only.  
Santa Fe County assumes no liability for  
errors associated with the use of these data.  
User are solely responsible for  
confirming data accuracy.

**ARTICLE XI  
ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS**

**SECTION 1 - MINERAL EXTRACTION: CONSTRUCTION MATERIALS**

**1.1 Applicability**

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

**1.1.1 Special Uses**

Industrial, manufacturing and related office uses not related to mining uses are allowed in mining zones, provided they meet the requirements of the Santa Fe County Land Development Code 1980-6, as amended.

**1.1.2 Conflicting Provisions**

The provisions of this Article XI shall apply to zoning for extraction of construction materials; namely, stone, sand and gravel, and any provision in this Code which is contrary to this Article XI, shall have no application and shall be precluded by this Article XI.

**1.1.3 Penalties**

- A. Failure to comply with this Article XI of the Code shall result in the imposition of penalties as set forth in Article II, Section 5, of this Code.
- B. Penalties may also include suspension or revocation of the Mineral Exploration and/or Mining Land Use Permit.

**1.2 Location Standards for Creation of New Mining Zones**

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

- 1.2.1 Demonstrated existence of significant mineral resources.
- 1.2.2 Use of the land for mining uses is reasonably compatible with other uses in the area affected by the mining use, including but not limited to traditional patterns of land use, recreational uses, and present or planned population centers or urban and metropolitan areas.
- 1.2.3 A history of significant mining activity in the area, if mining has been conducted in the area (not required for creation of new mining zones).
- 1.2.4 The area designated is particularly suited for mining uses, in comparison with other areas of the County, as set forth in Sections 1.2.1, 1.2.2 and 1.2.3.

**1.3 Maximum Height**

Structures shall be limited to a maximum height of thirty six (36) feet from the highest point of the surface of the ground at the perimeter of the structure. This height limitation shall also apply to temporary or portable drilling equipment. It is acknowledged that the provisions of this Section may be pre-empted by height restrictions of structures as imposed and regulated by the Federal Aviation Administration, and that such standards may be imposed upon mining operations, applications and permits. See Article II, Section 3.4 for additional information.



#### 1.4 Submittals Required for Creation of Mining Zones

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

#### 1.5 Submittals for Mining Uses

##### 1.5.1 Submittals for Mining Uses

All applications for mining uses shall contain:

- a. Vicinity map. A vicinity map showing the mine site and the area within a three (3) mile radius of the mine site drawn on a U.S.G.S. topographic quadrangle map.
- b. Existing site data. A map for the mine site, general survey, aerial photograph or any combination of the foregoing shall be at a scale of one (1) inch to five hundred (500) feet, or such other scale as approved by the Code Administrator, and shall include the following:
  - 1) A description of existing structures and improvements, including streets and utilities on and within two hundred (200) feet of the mine site unless otherwise required by the Code Administrator.
  - 2) A survey of the mine site showing the exterior boundary lines, bearings, and distances which, unless otherwise specified by the Code Administrator, shall be determined to a degree of precision such that no discrepancy between computed and measured distances shall exceed one (1) part in one thousand two hundred and eighty (1.280) parts.
  - 3) A notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and bench marks, if any, and certification of a professional engineer or a qualified land surveyor or other qualified person who prepared the existing site data.
  - 4) The location, width and purpose of any known or visible easements, right-of-way, or access to the mine site.
  - 5) Present tract designations or other identification according to official records in the County Clerk's office, if any, including the name and address of the owner of the property on which the mine site is located; and the name and address of the mineral owner of the property on which the mine site is located.
  - 6) Owners of record of property adjacent to the mine site.
- c. An operations plan consisting of the following:
  - 1) Maps, plans, graphics, descriptions, timetables, and reports which correlate and specify:
    - a) a detailed description of the method(s) or technique(s) of mining to be employed in each stage of the operation where any surface disturbance on affected lands will occur;
    - b) pursuant to the standards in Article VI, Section 3, Terrain Management of the Code, a description of all earthmoving activities which includes backfilling of cuts, and leveling or compaction of overburden;
    - c) if applicable, the location and size of all water diversions and impoundments or discharge of water used in mine operations;
    - d) the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
    - e) areas to be used for storage of equipment and vehicles;
    - f) location and size of any structures;
    - g) areas designated to be reclaimed;
    - h) hours of operation and, if applicable, a description of outdoor lighting; and

- 510
- i) fire protection plans.
  - 2) A description of how construction materials will be processed on and/or removed from the site.
  - 3) A description of how each phase of exploration or extraction correlates to the reclamation plan.
  - 4) A time table for each phase of operations and reclamation.
  - 5) A description of the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.
  - 6) A drainage control plan showing methods which will be utilized to avoid erosion on and adjacent to the affected lands.
  - 7) A traffic generation report pursuant to Article III, Section 4.4.1, Submittals, Subsection 6).
  - 8) A description of all hazardous materials to be used and transported in connection with the mining activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.
- d. A plan to provide for reclamation of the mine site. For mining uses involving open pit mining operations, the mining operator shall be required to submit a plan for recontouring and reseeded or revegetation of the mine site or any phases thereof when the property or portions thereof has been mined. The plan for reseeded or revegetation may not require seeding or reseeded or revegetation of the open pit, but it shall require a plan to reseed or revegetate the remaining disturbed areas of the mine site, excluding roads, with reasonable allowances to recognize areas that cannot be practically seeded or revegetated because of slope, rock conditions or other limitation factors, in an attempt to provide roughly comparable vegetation to that which existed in the area prior to mining, through a single reasonable effort. The Board may require a security for completion of the reclamation required under the section. The security may be in the form of a:
- (1) surety bond issued by an insurance company which is rated "A" or better by Standard and Poors or a comparable rating service; or
  - (2) by a letter of credit in a form approved by the Board, issued by a state or national bank whose deposits are insured by the Federal Deposit Insurance Corporation; or
  - (3) if approved by the Board, by a corporate undertaking issued by the applicant corporation or its parent corporation listed on the New York or American Stock Exchange or major foreign stock exchange.
- e. If applicable, a description of hazardous materials produced or used by the operation, and a plan for disposal of the wastes, including comments by the New Mexico Environmental Improvement Division.
- f. An estimate of the average annual payroll, ad valorem taxes, gross receipts and other economic benefits for the proposed mining uses.
- g. A listing of the permits required to be obtained to engage in the mining use on the mine site. Upon obtaining copies of the required permits, submission of a copy of each of these permits to the Code Administrator. Copies of the submittals or other data presented in support of obtaining required permits shall be provided to the Code Administrator upon request and the listing of the regulatory agency under which this permit is required.
- h. The Code Administrator or the County Development Review Committee may recommend to the Board of County Commissioners and the Board of County Commissioners may require that the applicant provide an environmental impact statement for the proposed mining use. No impact statement shall be required until specific regulations are adopted by the Board setting forth the requirements for the scope, format, and content for environmental impact statements.
- 10

- i. Submission of an affidavit of ownership of mineral rights, in a form supplied by the Code Administrator.
- j. Exceptions and Substitutions for Submittals. Upon request of the applicant and approval of the Code Administrator, submittals may be substituted for submittals required by the Code. Upon request of the applicant and the approval of the Code Administrator, submittals required in this section may be omitted or modified.

#### 1.6 Performance Standard

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

#### 1.7 Reviews for Mining Uses

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

##### 1.7.1 Special District Review

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

##### 1.7.2 Environmental Review

Except as otherwise provided in this Ordinance, mining uses shall not be subject to the Code. The applicant shall submit evidence of planned compliance with all federal and state environmental laws, rules and regulations, including but not limited to permits required by the U.S. Environmental Protection Agency, State of New Mexico; Environmental Improvement Division of the Health and Environment Department; Water Quality Control Commission of the New Mexico Environmental Improvement Division of the Health and Environment Department; and other appropriate federal and state agencies. In addition, the applicant shall be subject to the following sections of Article VII, Environmental Requirements of the Code:

- a. Section 1, except, Sections 1.2.3c, d; 1.2; 1.4.2; 1.4.3; 1.4.4, 1.4.4a, (Flood Hazards)
- b. Section 2. (Liquid Waste Disposal)
- c. Section 3. (Terrain Management)
- d. Section 4. (Air Quality)
- e. Section 6 (Water Supply) does not apply if the mining use will not be utilizing water or will utilize permitted water rights for its water supply.
- f. Section 7. (Solid Waste)

1.7.3 Procedures for zoning for extraction of construction materials are set forth in Article II of the Code.

#### 1.8 Conformance to Building, Mechanical and Electrical Codes

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

Map of Property  
in Santa Fe County

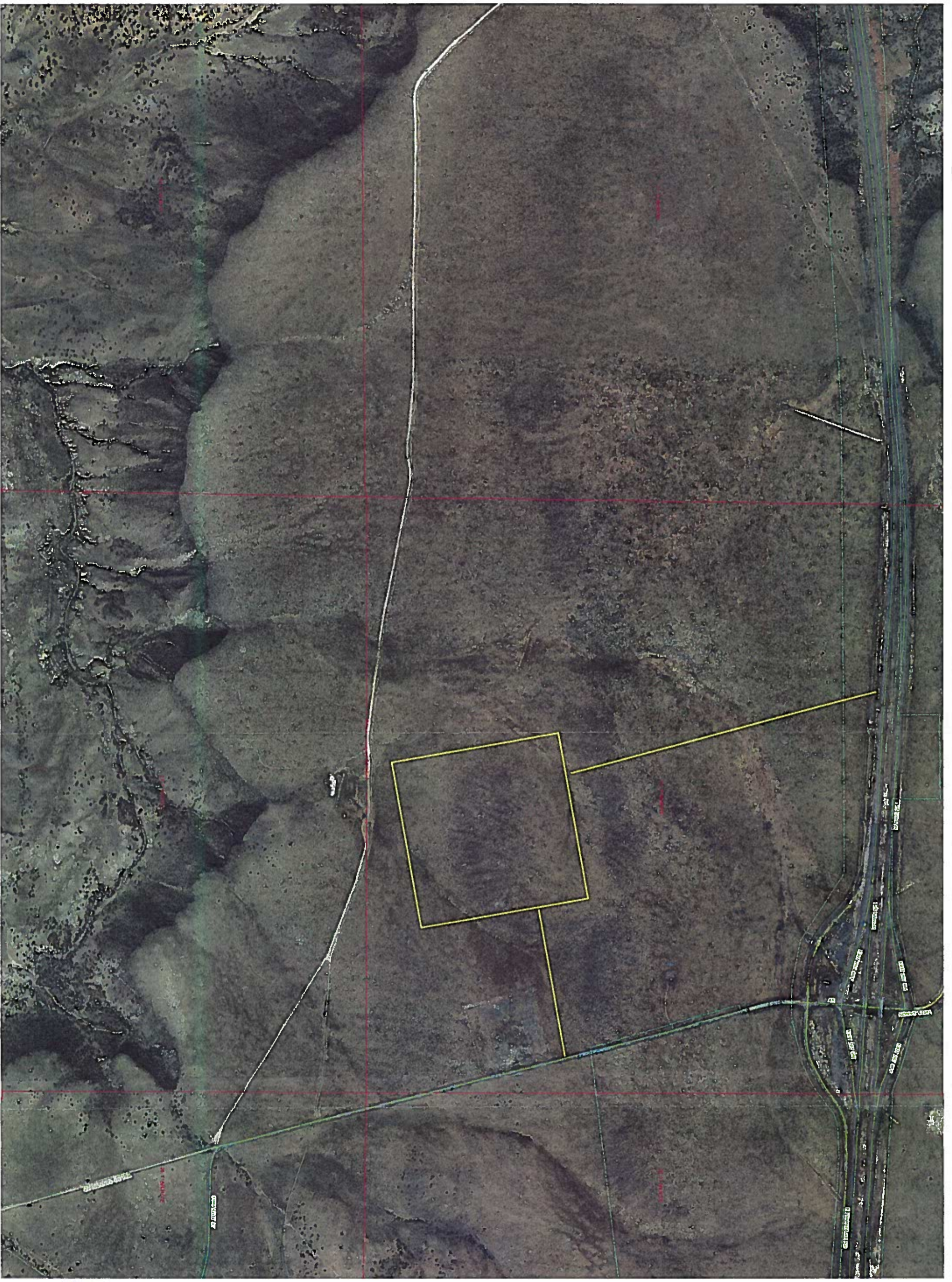
- Legend
- Proposed Wildlife Mining Area
  - Roads
  - Parcels
  - Pass Section Lines

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1 inch equals 480 feet



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Map of Property  
In Santa Fe County

- Legend
- Proposed Waldo Kim
- Roads
- Parcels
- Plus Section Lines

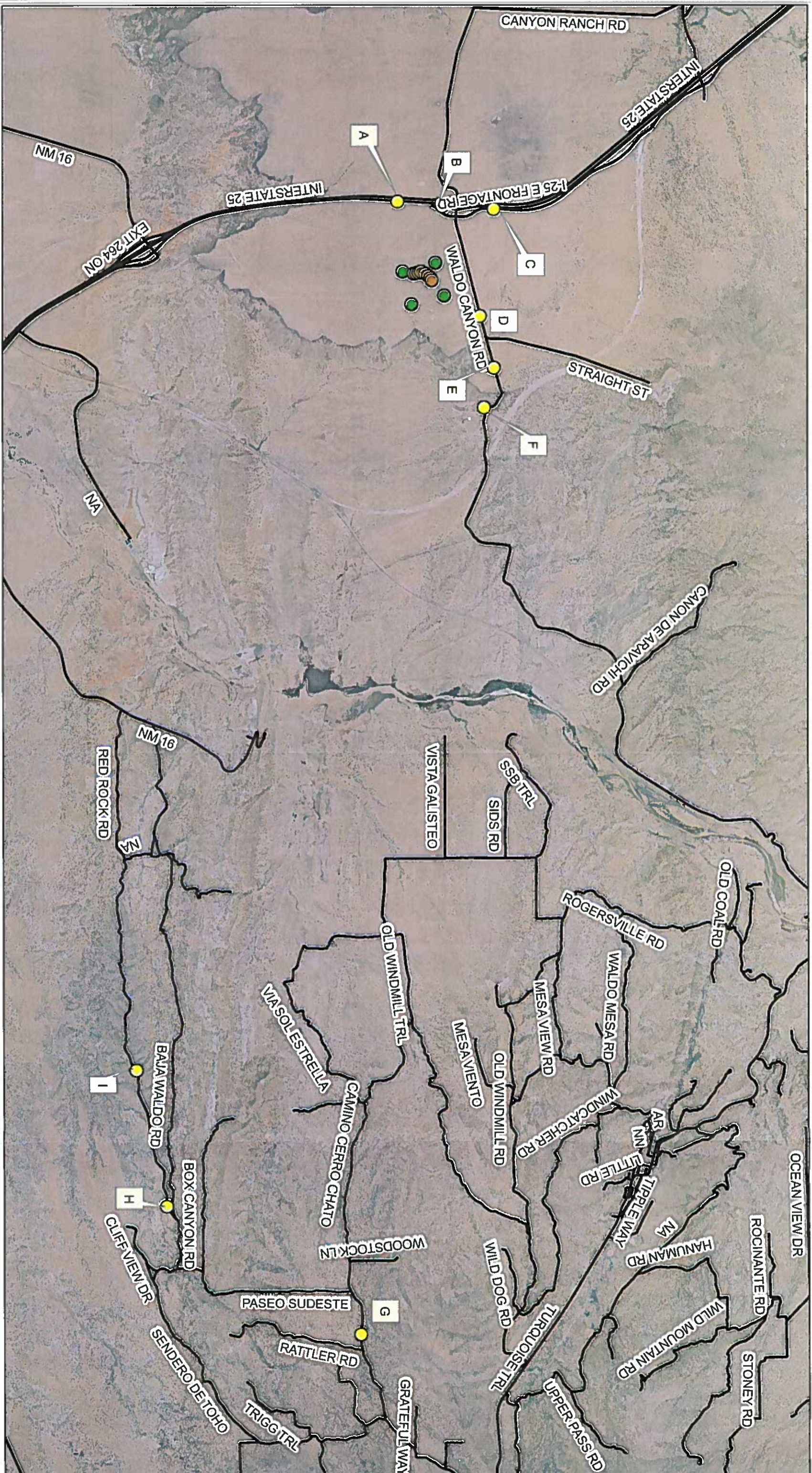
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**Legend**

- Material Stock Pile
- Proposed Gravel site
- Photo Location Sites
- ROADS

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1 inch represents 4,000 feet

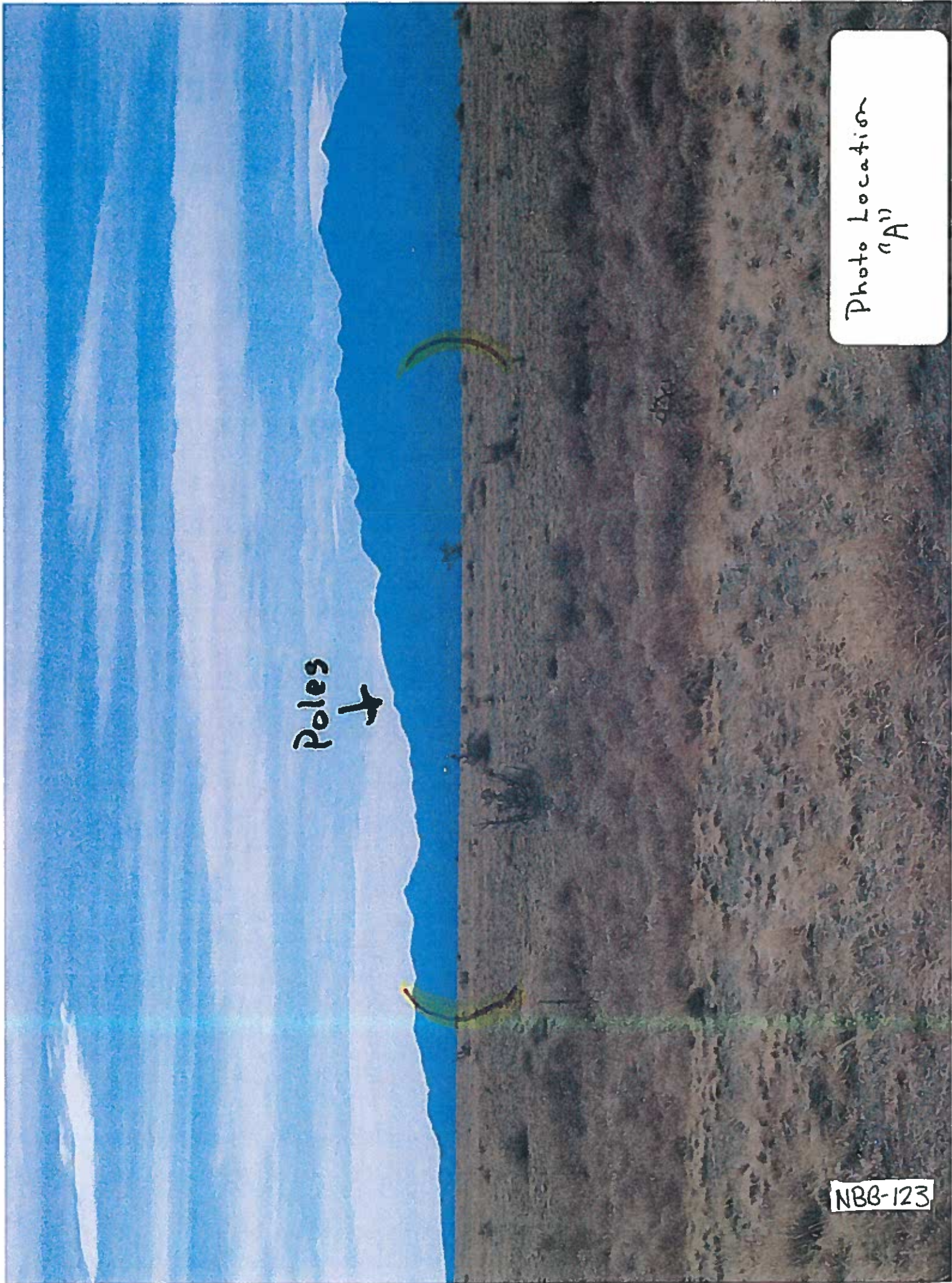


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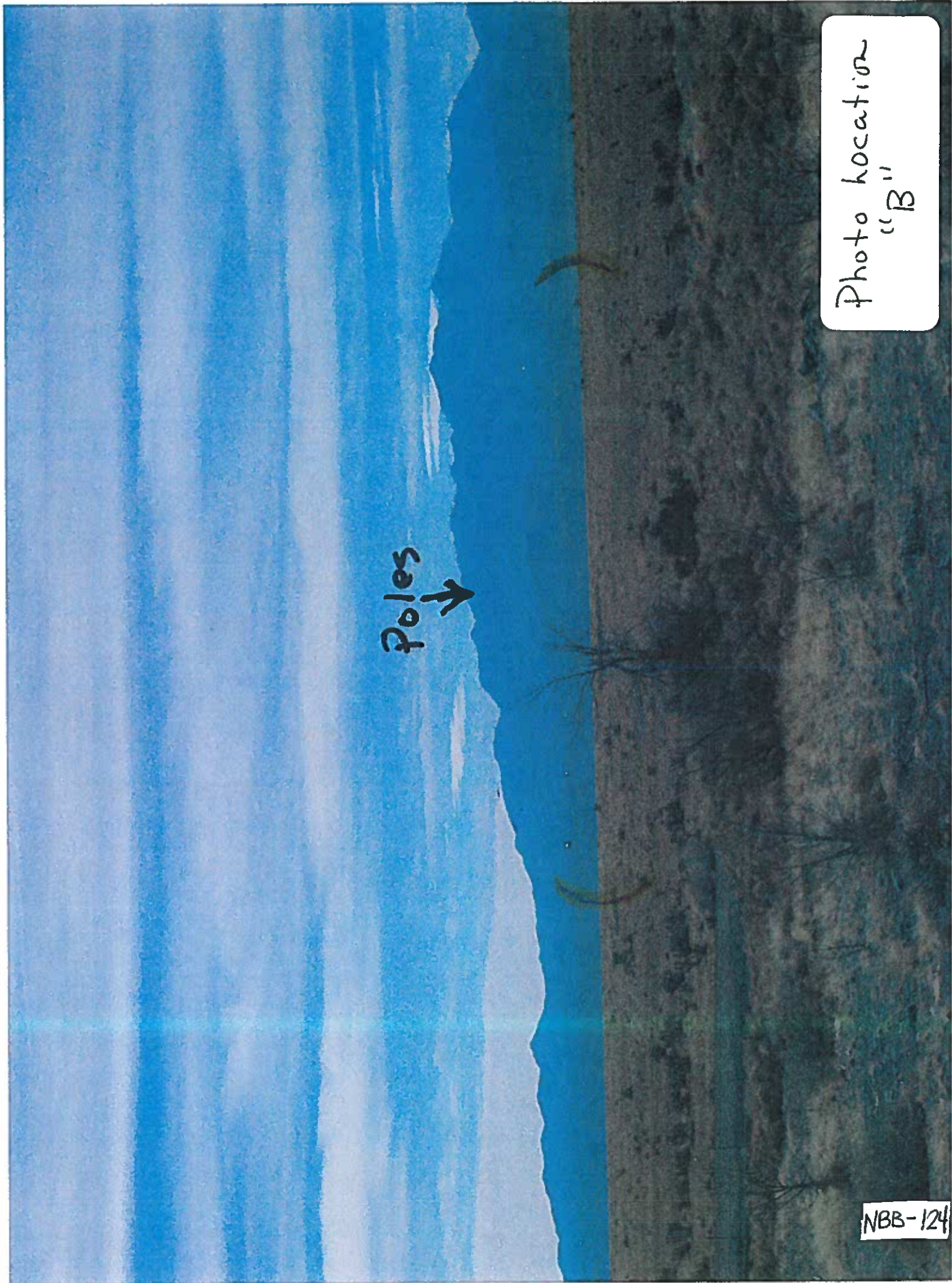
March 12, 2014  
NFB-1



Poles  
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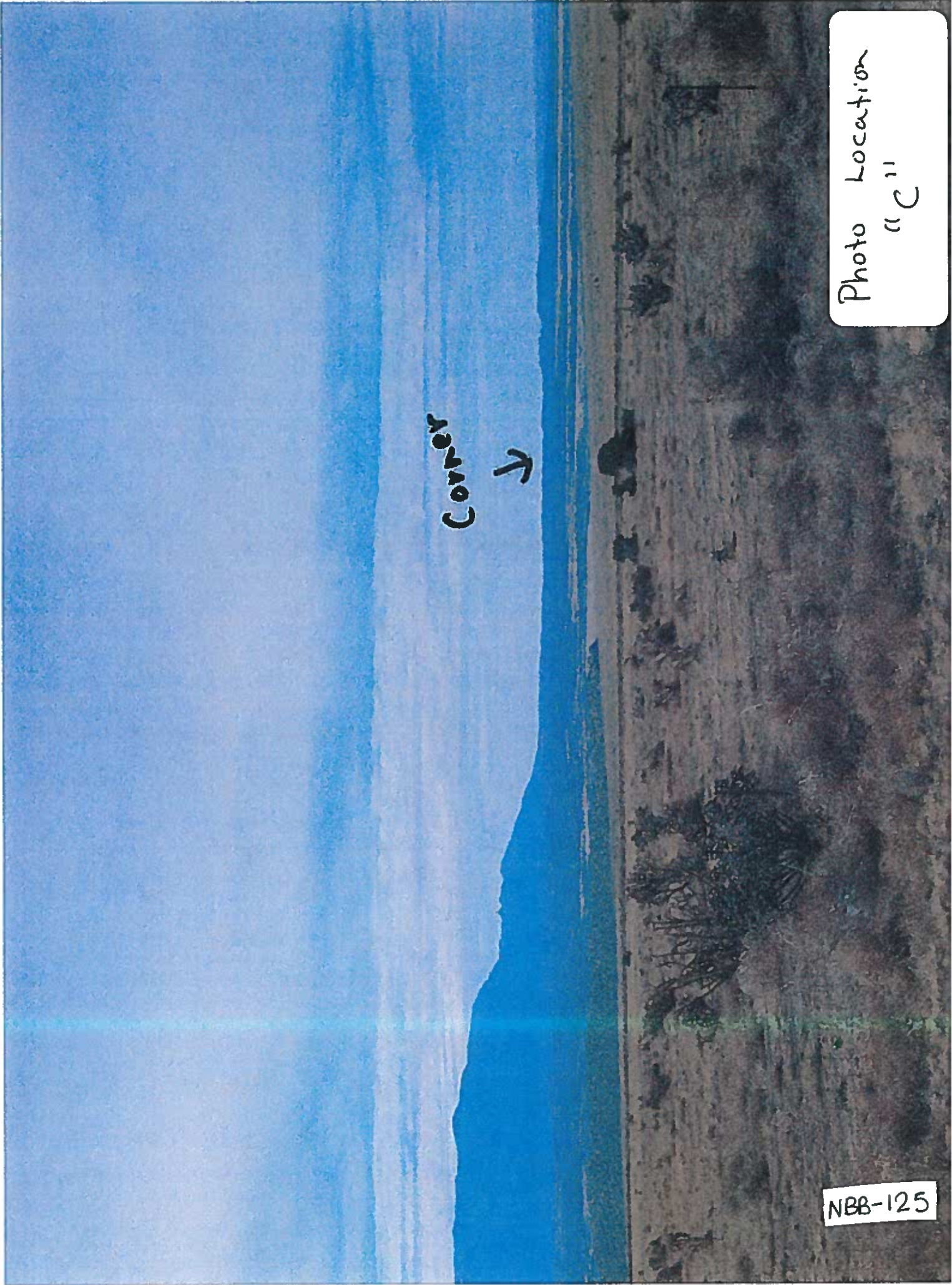
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Poles  
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Photo location  
"B"

NBB-124



Corner  
↓

NBB-125

Photo Location  
"C"

SE Corner

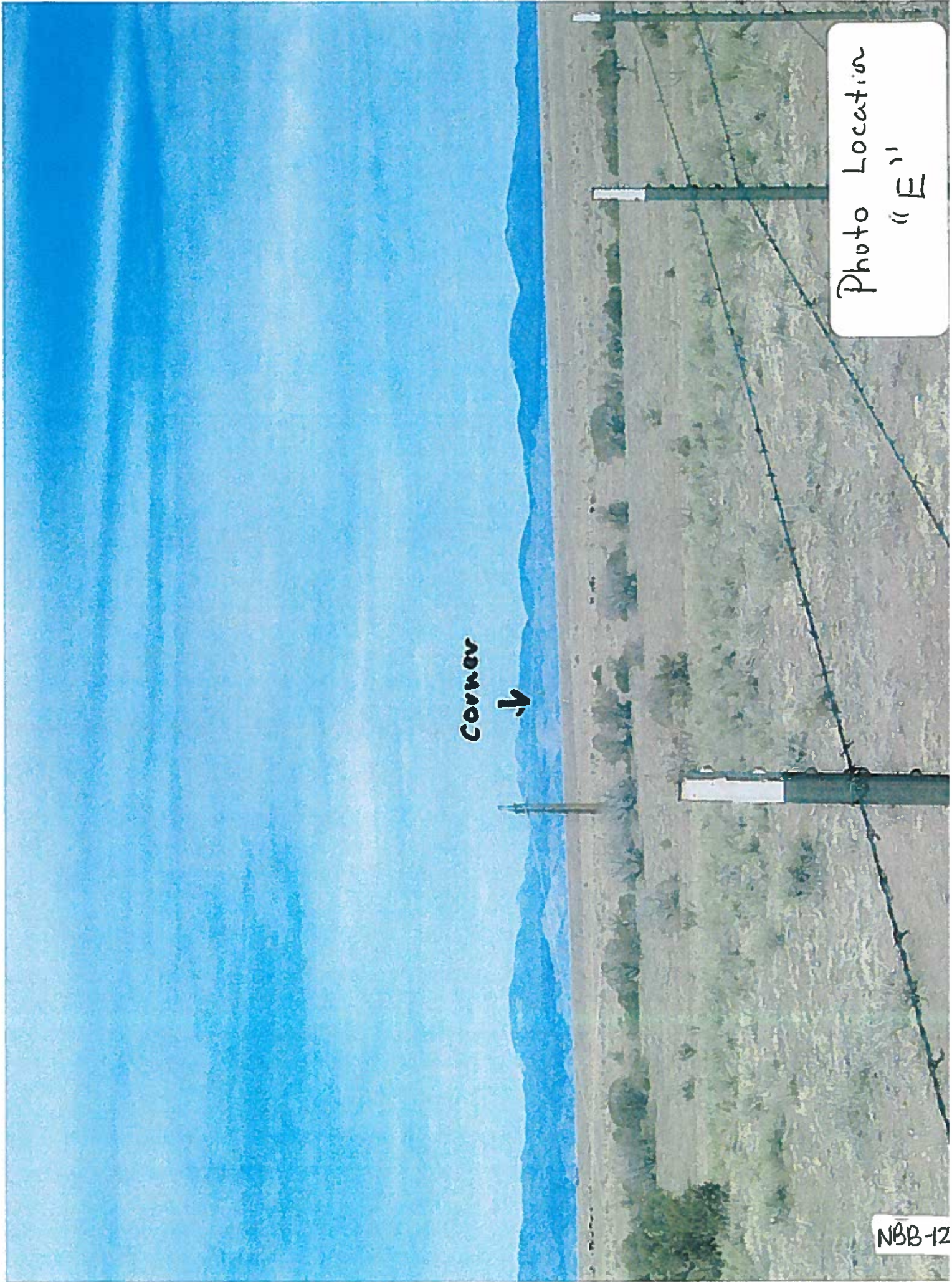


Stockpile



Photo Location  
"D"

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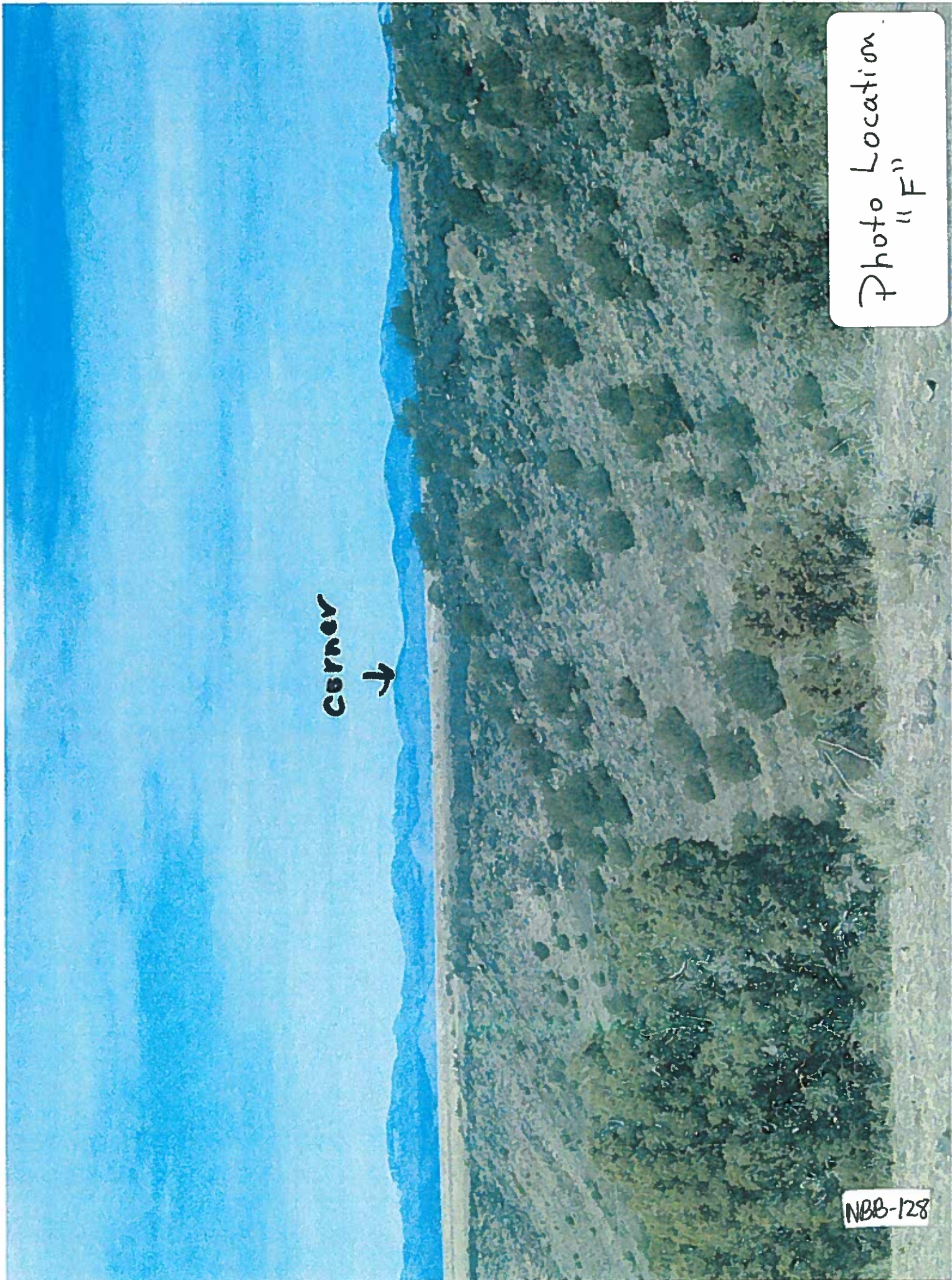


Corner



Photo Location  
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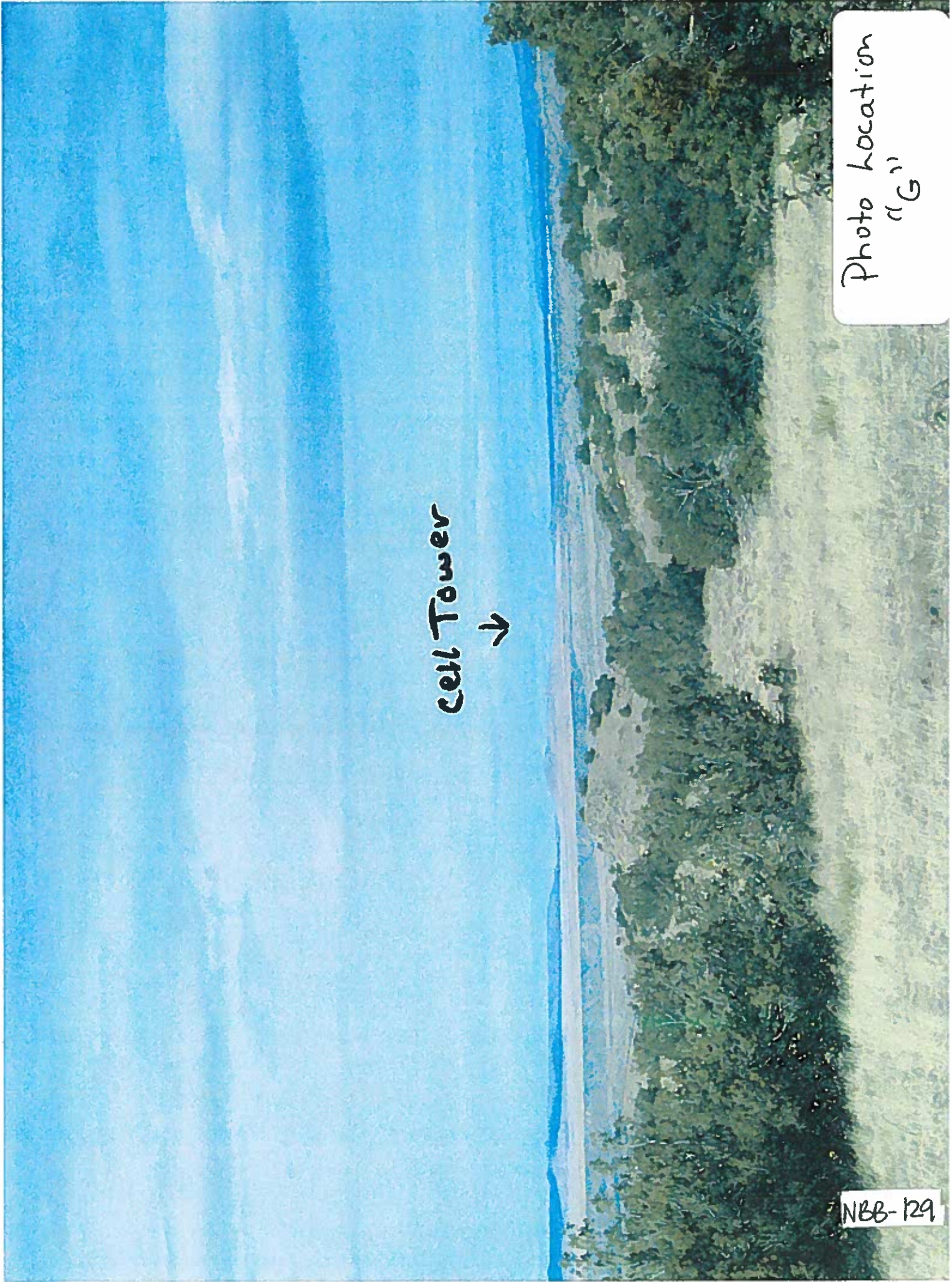


corner  
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Photo Location  
"F"

NBB-128

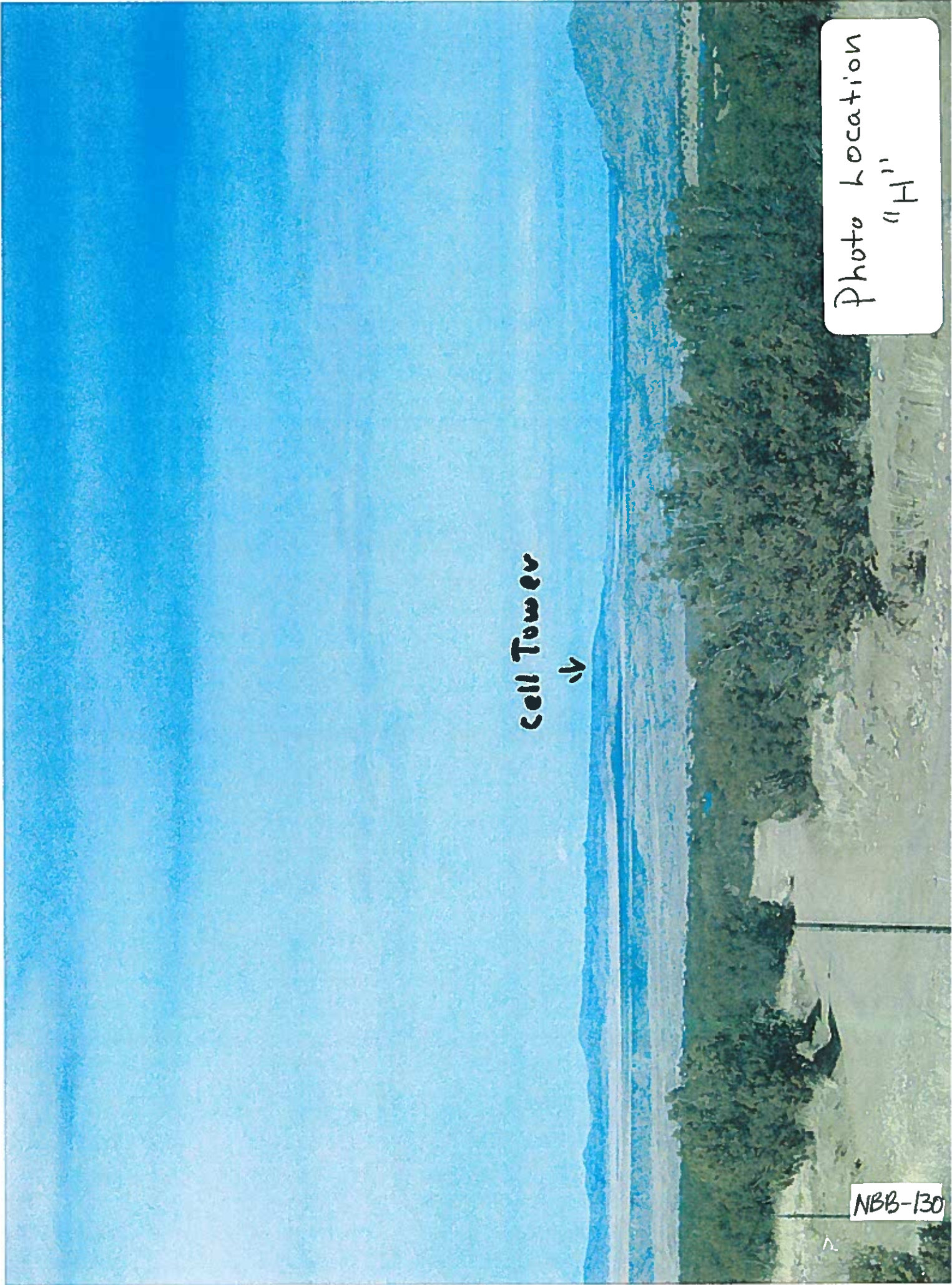




Cell Tower  
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Photo Location  
"G"

NBB-129



cell tower  
↓

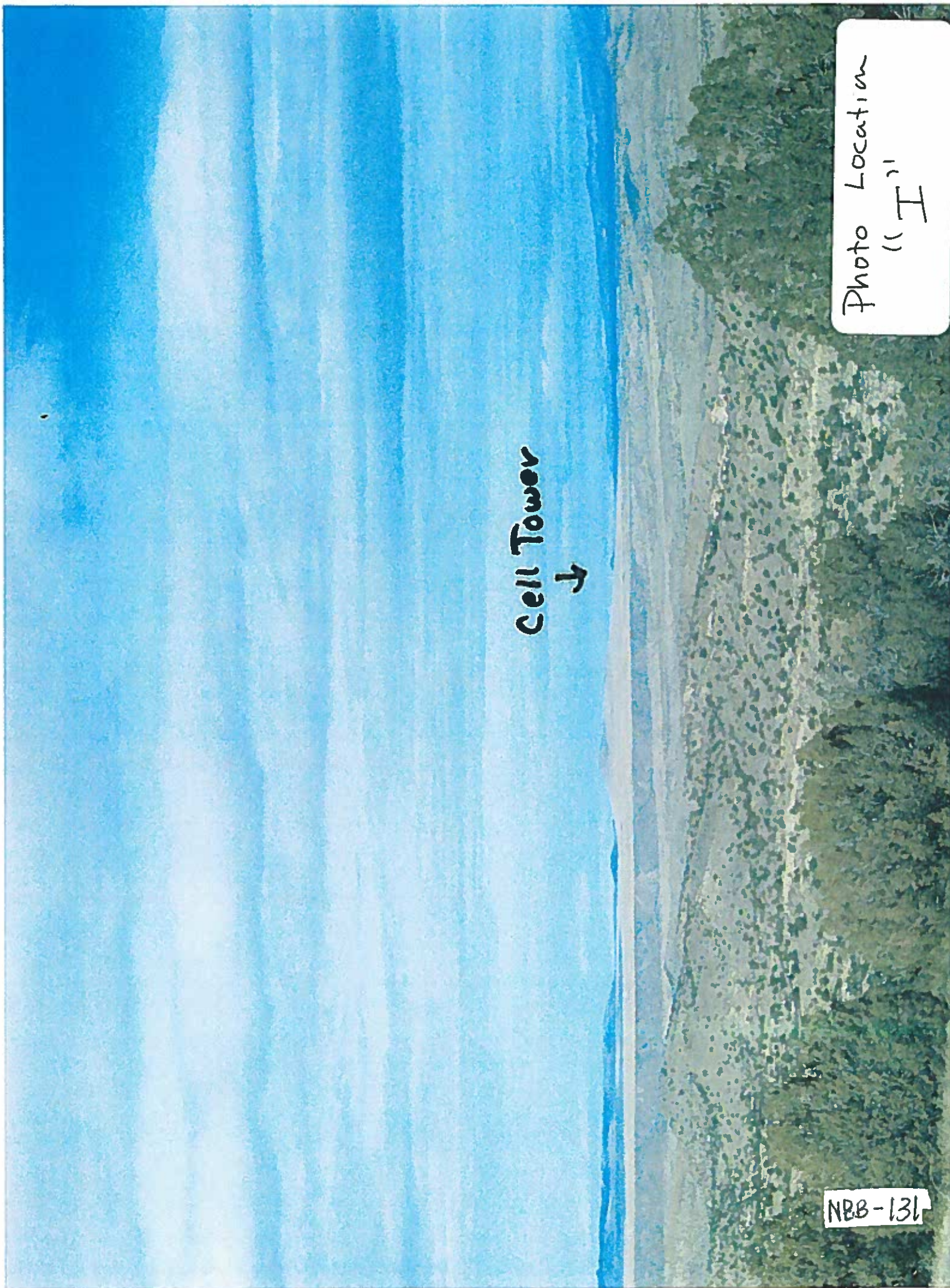
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"H"

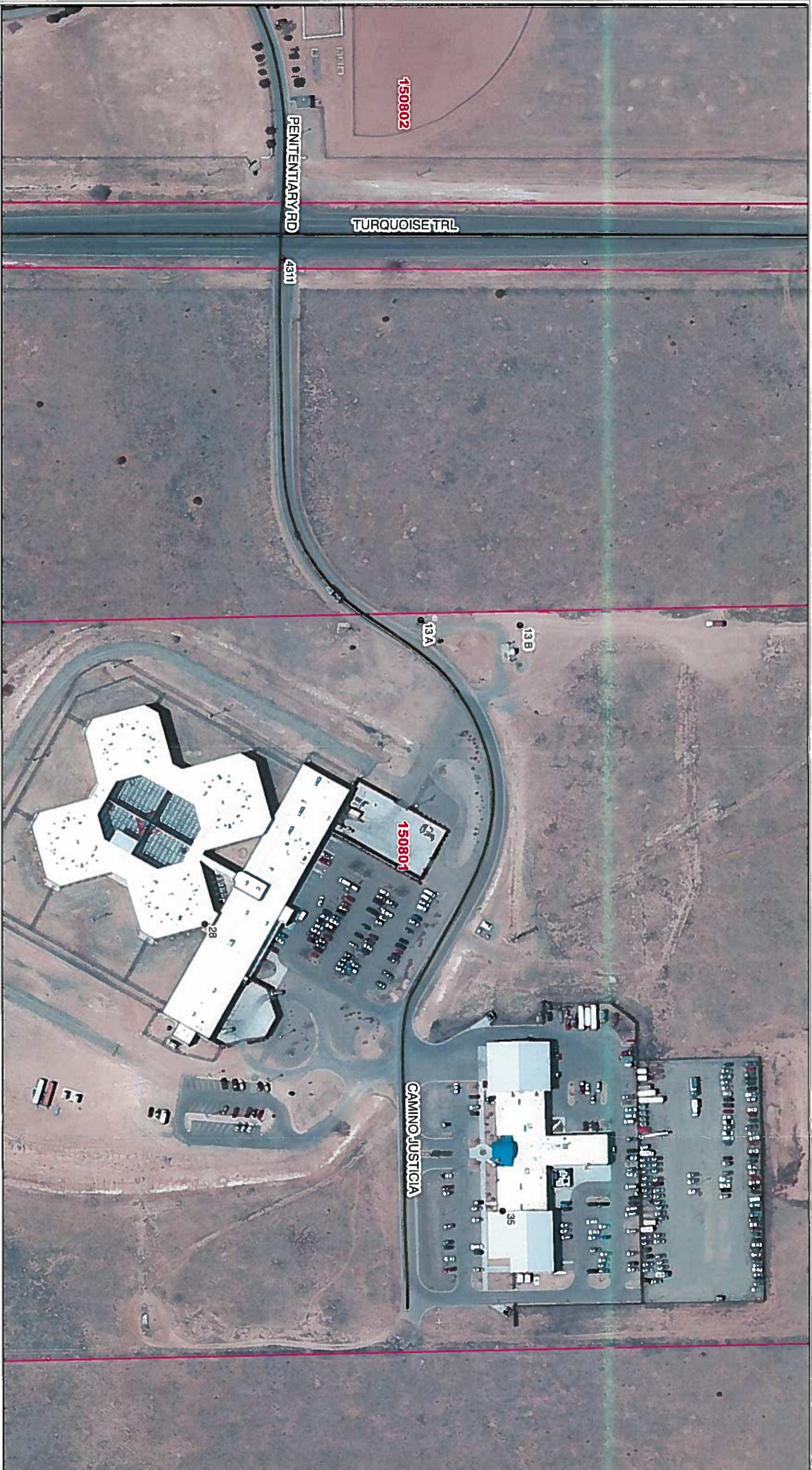
NBB-130

Cell Tower  
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NBB-131

Photo Location  
"I"

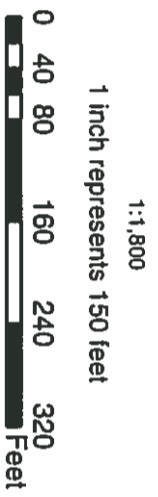




# Legend

ROADS

Parcels



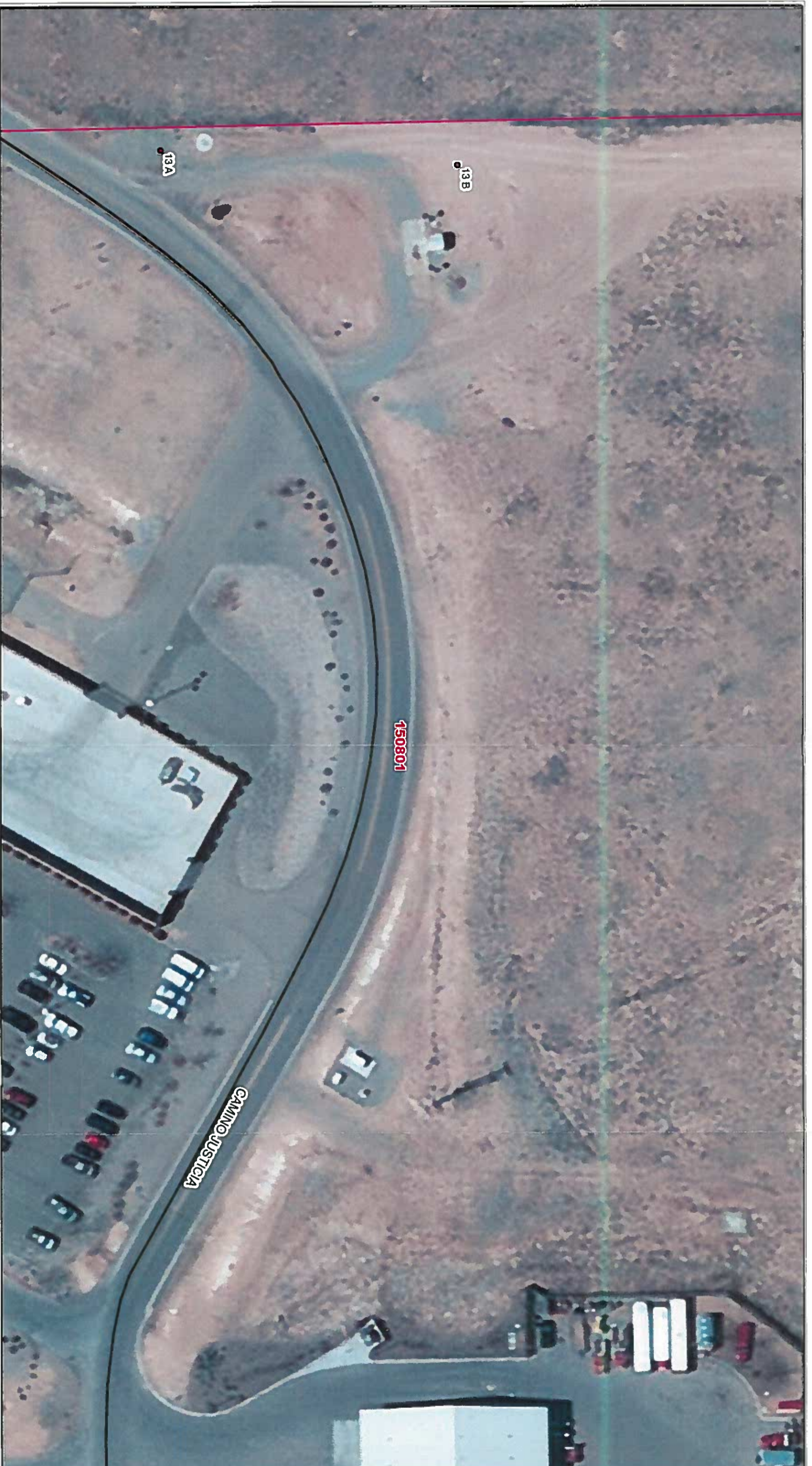
Orthophotography  
2 FOOT CONTOURS

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February 7, 2013

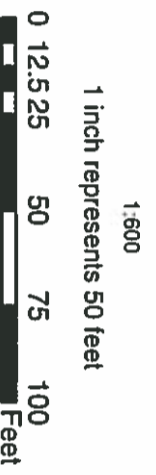
NBB-132



# Legend

ROADS

Parcels



Orthophotography  
2 FOOT CONTOURS

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February 7, 2013

N128-11

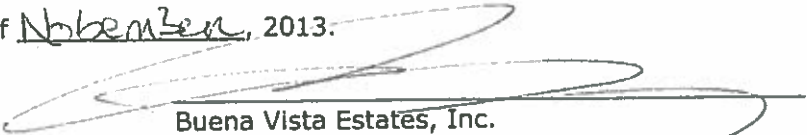
**AFFIDAVIT OF [Buena Vista Estates, Inc]**

STATE OF NEW MEXICO    )  
  ) ss.  
COUNTY OF Santa Fe    )

I, [Peter Naumburg], am first duly sworn, state upon my oath as follows:

1. I am the [Vice President] of [Buena Vista Estates, Inc.] ("Applicant").
2. I am authorized by Applicant to testify to all matters addressed in this Affidavit.
3. Applicant filed application [Buena Vista Estates, Inc & Rockology, Limited LLC Case #2013-5360] to mine construction material in Santa Fe County ("Application").
4. Applicant has completed all necessary research to determine title to the construction material sought to be mined, and affirms that Applicant owns all legal rights to that material.
5. Should the assertion in ¶ 4 prove to be incorrect, Applicant agrees to indemnify Santa Fe County against any and all liability arising, directly or indirectly, from that error.
6. Should the assertion in ¶ 4 prove to be incorrect, Applicant understands that Santa Fe County may suspend or revoke any permit granted pursuant to the Application. Further the Affiant sayeth naught.

Dated this 19<sup>th</sup> day of November, 2013.

  
 Buena Vista Estates, Inc.  
 Peter Naumburg, Vice President  
 10901 Holly Avenue, NE  
 Albuquerque, NM 87122

Subscribed and sworn to before me this 19<sup>th</sup> day of November, 2013.

  
 Notary Public

My commission expires 5/23/13



NBB-134