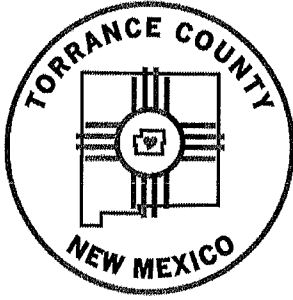


**TORRANCE COUNTY**  
**COMMISSION MEETING**

**July 8, 2020**

**9:00 A.M.**

**For Public View**  
**Do Not Remove**



## ***Torrance County***

BOARD OF COUNTY COMMISSIONERS (BCC)

**Kevin McCall**, District 1

**Ryan Schwebach**, District 2

**Javier Sanchez**, District 3

**Wayne Johnson**, County Manager

---

### **ADMINISTRATIVE MEETING AGENDA**

**WEDNESDAY, JULY 8<sup>TH</sup>, 2020 @ 9:00 AM**

- 1. Call to Order**
- 2. Invocation and Pledge of Allegiance**
- 3. Changes to the Agenda**
- 4. PROCLAMATIONS**
- 5. CERTIFICATES AND AWARDS**
- 6. BOARD AND COMMITTEE APPOINTMENTS**
  - A. MANAGER/GRANT COORDINATOR:** Motion to approve appointment of Debbie L. Ortiz as a voting member of the Estancia Valley Youth and Family Council, the Juvenile Justice Board for Torrance County.
- 7. PUBLIC COMMENT and COMMUNICATIONS**
- 8. APPROVAL OF MINUTES**
  - A. COMMISSION:** Motion to approve the June 24, 2020 Torrance County Board of County Commission Minutes.
- 9. APPROVAL OF CONSENT AGENDA**
  - A. FINANCE:** Approval of Payables.
- 10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE**
  - A. MANAGER:** Motion to approve the Torrance County Financial Reserve Ordinance, Ordinance 2020- \_\_\_\_\_. Public Hearing and Final Action

**B. PLANNING & ZONING:** Motion to approve Torrance County Zoning Ordinance Amendments, Ordinance 2020- \_\_\_\_\_. Public Hearing and Final Action

**11. ADOPTION OF RESOLUTION**

**A. FINANCE:** Motion to approve Budget adjustment Increases to close out FY2020, Resolution No. 2020- \_\_\_\_\_.

**B. FINANCE:** Motion to approve Budget Transfers to close out FY2020, Resolution No. 2020- \_\_\_\_\_.

**C. MANAGER:** Motion to authorize the County Manager to designate the Torrance County Records Custodian, pursuant to the NM Inspection of Public Records Act, Resolution 2020-\_\_\_\_\_.

**12. APPROVALS**

**A. PROCUREMENT:** Motion to approve unauthorized service/diagnosis of road equipment.

**B. MANAGER/EMERGENCY MANAGER:** Motion to approve EMPG Grant Agreement between NM Department of Homeland Security and Emergency Management and Torrance County.

**C. MANAGER:** Motion to approve a Commission directed deferral, in addition to the extension to July 28 requested by Commissioner Sanchez and granted by the County Manager, to date certain. Final plan review to be heard on July 22, 2020.

**13. DISCUSSION**

**A. MANAGER/GRANT COORDINATOR:** Report on activities of the Estancia Valley Youth and Family Council.

**14. EXECUTIVE SESSION**

**A. COMMISSION:** Discuss County Manager position, closed pursuant to Section 10-15-1(H)(2).

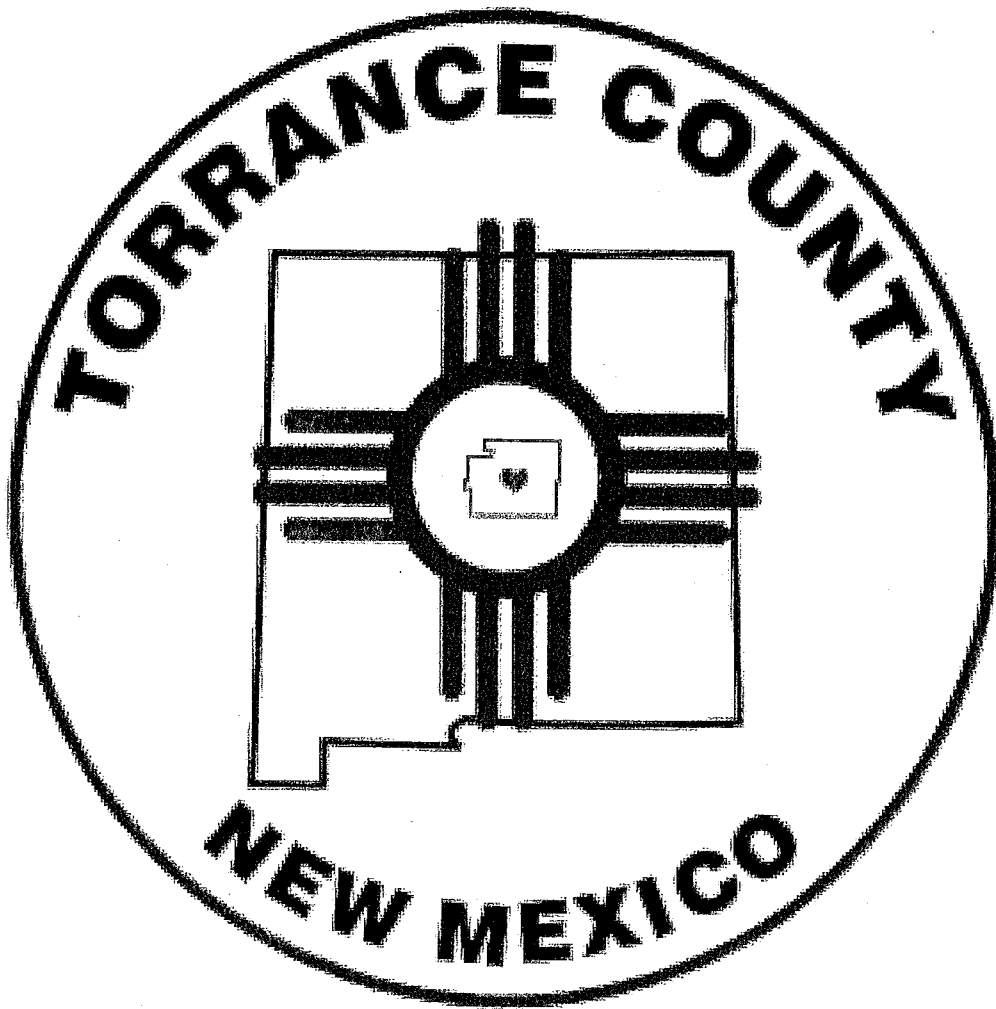
**B. MANAGER:** Purchase of the County Fairgrounds, closed pursuant to Section 10-15-1(H)(8).

**15. Announcement of the next Board of County Commissioners Meeting:  
July 22, 2020 @ 9:00 AM.**

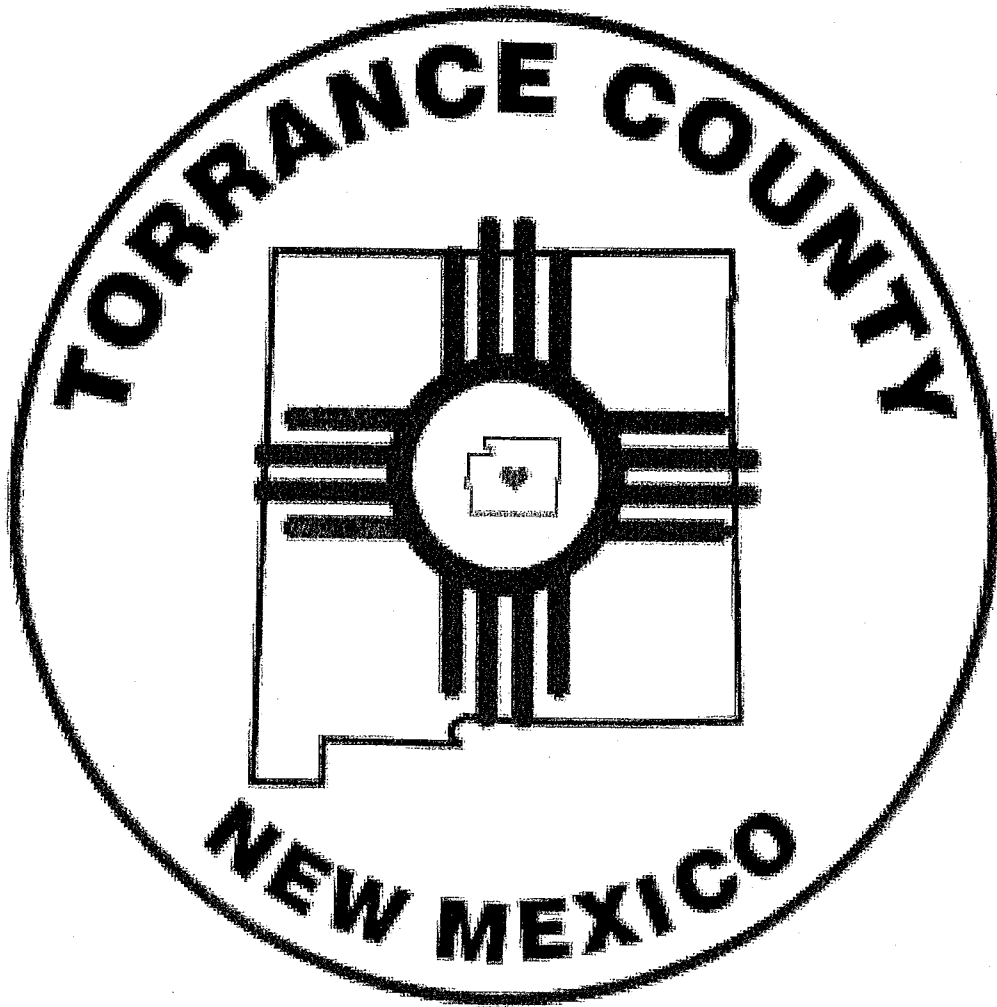
**16. Signing of Official Documents**



*Agenda Item*  
*No. 1*



*Agenda Item*  
*No. 2*

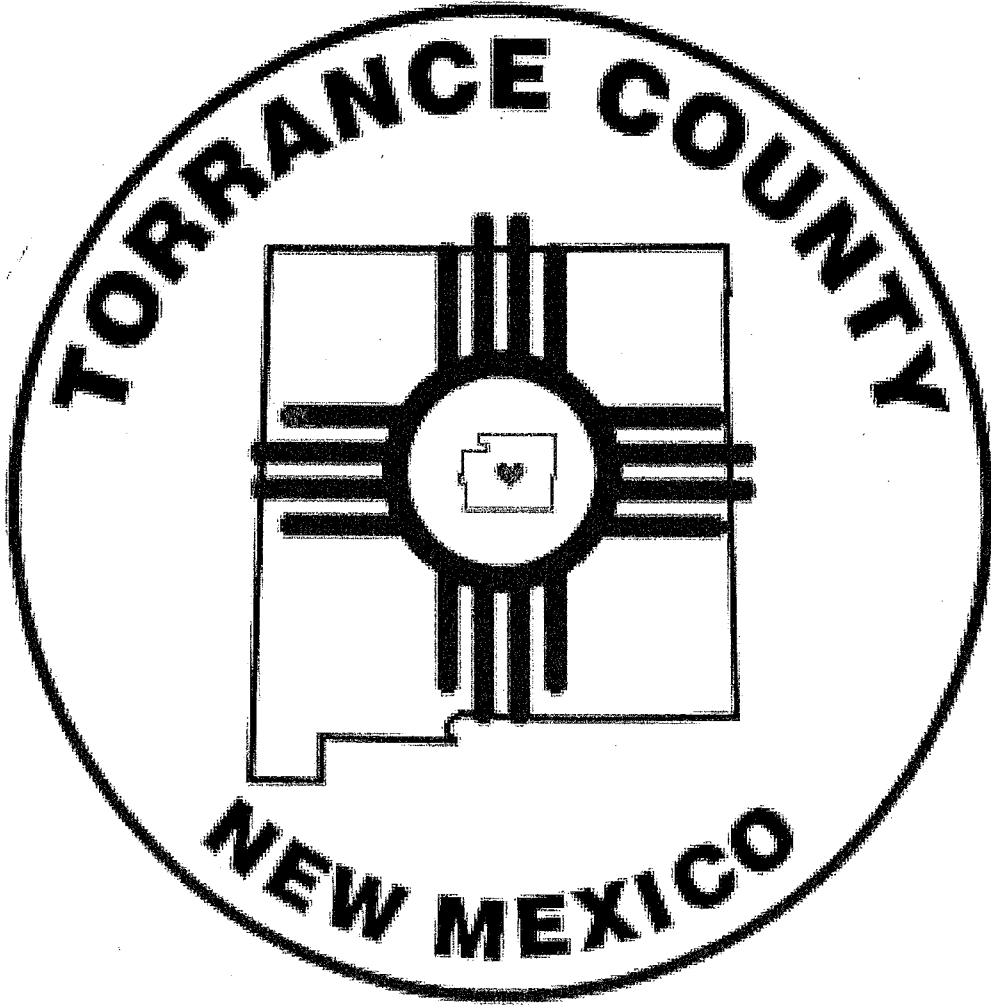


*Agenda Item*  
*No. 3*



*Agenda Item*

*No. 4*



*Agenda Item*  
*No. 5*





*Agenda Item*  
*No. 6-A*



June 10, 2020

To: Torrance County Commission

RE: Interest in EVYFC Board

Honorable Commissioners, and Torrance County Manager,

I would like to express my interest in becoming a Board Member of the EVYFC / Juvenile Justice Board for Torrance County.

I previously held the position as Vice-Chair when the Board was called the Torrance County Juvenile Justice Board and after that the Tri-County Juvenile Justice Board. I am currently the Coordinator and Manage the OSAP (Office of Substance Abuse Prevention) Grant, as well as a DOH and PHS Grant. Through these Grants we serve the TRI-County area, the Moriarty Edgewood, Estancia, and Mountainair School Districts. We work closely with the Torrance County Teen Court Program as well as the Torrance County DWI Program. We also work closely with Kimberlee Encinias-Connell TC-JPPO. I was on the Board when we worked with former Representative Rhonda King to secure Capital Outlay to start the RAC (Risk Assessment Center) on the Moriarty Edgewood High School Campus. This money was used to renovate, furnish, and purchase supplies for the portable on the MESD Campus. The RAC is used for the Teen Court Program, where I have served as a volunteer Judge for the program. I was on the Board when we began the Girls Circle, Boys Council programs, and we began working on Restorative Justice.

I currently attend the EVYFC Board Meetings working with the Board as an interested partner, because the work we do in the community coincides with EVYFC's work in the community, it would be beneficial if I were able to sit on the Board as a voting member. The children / students of Torrance County and the Tri County area are our future. We need these programs to ensure they are receiving the best chance to succeed.

I enjoy working in my community and continue to advocate for the youth as well as the elderly in our area. Thank you for considering my request to be placed on the EVYFC Board. In the event that I would not be able to attend a meeting I would like to request that Stephanie Reynolds be named as my proxy. Stephanie helps manage our grants and is a member of our OSAP, PTMI, DOH, PHS Grant team. If you have any questions I can be reached at the email or number below.

Sincerely,

Debbie L. Ortiz

PHTC/PTMI/OSAP Coordinator

[Debbie.ortiz.ptmi@gmail.com](mailto:Debbie.ortiz.ptmi@gmail.com)

505-453-2613



*Agenda Item*

*No. 7*



*Agenda Item*

*No. 8-A*

**DRAFT COPY  
TORRANCE COUNTY BOARD OF COMMISSIONERS  
COMMISSION MEETING  
JUNE 24<sup>th</sup>, 2020**

**COMMISSIONERS PRESENT:** RYAN SCHWEBACH -CHAIRMAN  
KEVIN MCCALL –DISTRICT 1  
JAVIER SANCHEZ –DISTRICT 3

**OTHERS PRESENT:**

WAYNE JOHNSON-COUNTY MANAGER  
JOHN BUTRICK-COUNTY ATTORNEY  
JANICE Y. BARELA- DEP. COUNTY MANAGER  
YVONNE OTERO-ADMIN. ASST.

**1.) CALL MEETING TO ORDER**

Chairman Schwebach calls the June 24<sup>th</sup>, 2020 Commission Meeting to order at 9:08 A.M.

**2.) Invocation and Pledge of Allegiance**

**Pledge lead by Chairman Schwebach**

**Invocation lead by Commissioner McCall**

**3.) Changes to the Agenda**

County Manager Johnson states that the auditors asked if they could give their presentation sooner, so County Manager Johnson is requesting that they be moved from item 12-A and allow them to give their presentation after the approval of the Consent Agenda.

County Manager Johnson also states that there is a revenue report that he has requested Jeremy Oliver to present to the Commission during item #7. This report is to give us information concerning GRT's & property tax in regards to the employee raises.

**4.) PROCLAMATIONS**

There were none presented.

**5.) CERTIFICATES AND AWARDS**

There were none presented.

**6.) BOARD AND COMMITTEE APPOINTMENT**

There were none presented

## 7.) PUBLIC COMMENT and COMMUNICATIONS

**County Manager Johnson** states that he has requested that Mr. Oliver give a brief update on where we are with implementing the raises for the employees. At first it was going to be staggered but with the GRT collection we will be able to proceed with raises for everyone during the full pay period in July.

**Jeremy Oliver** states that 99% of our predictions from property taxes have been collected. Federal PILT is the only thing that is outstanding. Mr. Oliver goes over some GRT's when the wind farms are being built. One year there was a \$100,000.00 uptick in GRT's for the calendar year.

Historically May, June, and July have not been the best collection month. However, we have beat that average the last two months and the amount continues to rise. We are on track to easily break \$400,000.00 if this rise continues. Mr. Oliver goes over a few other GRT numbers and explains the handouts various departments and their GRT's. Charts hereto attached.

**Chairman Schwebach** asks a question about the difference in 2018 and 2019. He states that in 2018 things seemed to be well above average and then in 2019 it was well below average. Chairman Schwebach asks Mr. Oliver if he has an explanation for that change.

**Jeremy Oliver** states that it may be from the closure of the prison and no projects being built but is not completely sure as to why there is such a significant drop.

**Chairman Schwebach** would like more analysis as to why there is such a difference in 2019.

**Jeremy Oliver** states that he will look further into it and get something to present to the Commission.

**County Manager Johnson** states that there is no way they can get the revenue from what the prison would have brought because of Taxpayer Privacy, Tax & Rev will not release that information. A lot of this is guess work on what is going on with the GRT's.

**Commissioner McCall** states that he can understand Chairman Schwebach's concern and would also like to see more information as to why there is such a change in GRT's. We do not want to implement these raises and then later realize it was too much and then the budget can't handle it because there isn't enough money coming in.

**Tracy Sedillo**, Treasurer, states that when she attended an affiliate meeting, everyone noticed an influx in their GRT's because more people are shopping locally than they are out of county. Most people don't want to go into Albuquerque because of the virus so they are staying in the county and doing everything they can here.

**County Manager Johnson** states that they are seeing a shift. People still must buy things. It is a matter of what and where you are making that purchase. County Manager Johnson would also

like to point out that the GRT we built this on was about \$212,000.00. The GRT that we are going to receive is about \$350,000.00. So, even if this fluctuates to about 50% of what we projected, we will still be above our budget number. He believes that from a GRT standpoint and tax payments we are ok. Then the PILT payments will start coming in from the windfarms.

**Commissioner McCall** is concerned that we are going to see a huge influx but does not want to get out to far from when all the construction is over, and the true Covid-19 hits us. Commissioner McCall believes that we have yet to see the worst of Covid-19. He thinks that in a year we are going to see a major downturn. We need to proceed with caution, as he is viewing this on a personal standpoint with his business and finances that he relies on.

**County Manager Johnson** states that he completely understands where Commissioner McCall is coming from. He hopes that Covid-19 will be gone by next year and things will get back on track for the future.

## **8.) APPROVAL OF MINUTES**

a.) **COMMISSION:** Motion to approve the June 10<sup>th</sup>, 2020 Torrance County Board of County Commission Minutes.

**ACTION TAKEN:** **Chairman Schwebach** makes a motion to approve the June 10<sup>th</sup>, 2020 Torrance County Board of County Commission Minutes. **Commissioner McCall** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

## **9.) APPROVAL OF CONSENT AGENDA**

a.) **FINANCE:** Approval of Payables

**ACTION TAKEN:** **Commissioner McCall** makes a motion to approve the Consent Agenda: Approval of Payables. **Chairman Schwebach** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

## **10.) ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE**

There were none presented

## **12.) DISCUSSION**

a.) **FINANCE:** Presentation of 2019 Audit Report by Hinkle & Landers

**Farley Vener**, President for Hinkle & Landers, is here today to present the 2019 Audit to the Commission. Mr. Vener states that he will be showing a PowerPoint presentation that summarizes the result of the audit. Mr. Vener goes over how they do the audit and what departments are involved with the audit.

Mr. Vener speaks about the scope of the audit. Their job is to determine if the financials are correct. In this process they would propose adjusting journal entries when needed. Torrance

County, as well as a few other entities, maintain their books monthly. The audit has to be on an accrual basis. There are a lot of cash to accrual adjustments, otherwise known as a non-attest service. The auditors can do this as long as everything is properly set up.

The auditors also investigate the internal structure and are required to report any deficiencies to the governing board. Another thing that is investigated is fraud, but there is not very many that are found in the audit. Mr. Vener goes over a few other steps on what goes on and what was done on the audit. There were 9 findings, 3 were resolved from last year, and 1 that repeated.

Mr. Vener states that one new thing that will be coming and will need a lot of attention are the lease's, or anything that the county is renting. This will all be moving to the balance sheet. Mr. Vener states that the audit is complete and would like to thank everyone for their help.

**Chairman Schwebach** asks Mr. Vener if he could go back to the information on leases.

**Farley Vener** states that the leases will affect all entities, for-profits, non-profits, and governmental entities. All leases will move to the balance sheet, using a vehicle is considered and asset and then it will be offset with a liability. **DISCUSSION ONLY, NO ACTION TAKEN.**

## **11.) ADOPTION OF RESOLUTION**

**a.) MANAGER:** Motion to approve Resolution No. 2020-21, the reorganization of the County Fairboard and defining its authority and obligations.

**County Manager Johnson** states that this is a resolution that has been in the works for a long time. This began when there was a need to change the timing of the appointment of the Fairboard members. The appointment was usually done right before the county fair, now the appointments will happen at a later part in the year.

Along with the change of appointment a few other areas needed to be changed as well as responsibilities of the members. The board needed a cleaner structure. Everything relating to contracts and responsibilities are now all organized in one location with this resolution

**Marcie Wallin** states the Fairboard had a meeting which was also discussed with County Manager Johnson and he clarified some points for the board. Ultimately the board did consider and approve support for the proposed reorganization. One question that was answered was the duties and responsibilities of the treasurer and the secretary. After a conversation with County Manager Johnson that has since been cleared up.

**County Manager Johnson** states that they chose to leave out the duties of the secretary from the resolution so that there was no confusion on his/her duties.

**ACTION TAKEN:** **Chairman Schwebach** makes a motion to approve Resolution NO. 2020-21, the reorganization of the County Fairboard and defining its authority and obligations. **Commissioner McCall** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**



**Commissioner McCall** asks Ms. Wallin if she can give him an update on how they are planning to conduct the fair this year with the issue of the Covid-19 pandemic.

**Marcie Wallin** states that they are working on the plans for the fair and how to keep everything safe. Most of what will happen depends on what the Governor will allow. We may have people come and set up their art to be judged but not allow any public in, and as far as the livestock show they may have the kids come in the day they are showing instead of being here the day before.

**b.) FINANCE:** Motion to approve Torrance County updated Purchasing Policy, Resolution No. 2020-22

**Noah Sedillo** states that there have been some updates made to the Purchasing Policy. On page 6 2.6 Purchase Voucher, the last sentence now reads that no reimbursement shall occur unless a Purchase Order has been issued to the employee seeking reimbursement prior to the purchase.

Some other changes that have been made are those to the threshold amount that is required for quotes. The previous amount was anything above \$2,499.99 would require 3 quotes, that is now raised to \$4,999.99 before an employee is required to get 3 quotes.

The threshold for what is required before going out for bid has also been increased. The previous amount was \$25,000.00 and that is now raised to \$30,000.00 before an employee is required to enter into the bid process.

**County Manager Johnson** states that none of the department heads will be losing control this will offer more flexibility, there has been some issues in the past by either going over the amount of the PO or hindering a department from obtaining supplies.

**ACTION TAKEN:** **Commissioner McCall** makes a motion to approve the Torrance County updated Purchasing Policy, Resolution No. 2020-22. **Chairman Schwebach** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**c.) FINANCE:** Budget Increase, PILT to school, Resolution No. 2020-23

**Jeremy Oliver** states that he is requesting a budget increase in the amount of \$239,200.00. The reason for this request is because the High Lonesome Mesa, LLC Wind Farm sent the entire distribution payment to Torrance County and did not send Estancia Public School Portion separately. Once this increase is made Torrance County will send the money to the school as stated in the bond agreement.

**ACTION TAKEN:** **Commissioner McCall** makes a motion to approve Resolution 2020-23 Budget Increase. **Chairman Schwebach** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

## **12.) DISCUSSION**

**b.) COMMISSION:** Proposal to the USDA on renewable energy and rural farms. (McCall)

**Commissioner McCall** states that he was approached by Mr. Lanard with some interesting information, he has done a lot of research on energy and water.

**Roger Lanard** states that he works on high-tech R & D for Department of Defense and NASA. He flies for Civil Air Patrol. He recently completed a low-level survey and noticed that one of the large windfarms is not on the map. This can cause problems for people that are flying low in the vicinity. This was mapped out and will be sent to the 27<sup>th</sup> Special Operations.

The reason Mr. Lanard has brought this is up is because while he was flying, he noticed a lot of geological formations in the area. These lend themselves uniquely to energy storage. Mr. Lanard states that he came up with a method for creating reservoirs with existing technology and using pumped hydro to store energy. This is the cheapest form of energy storage on the planet. Mr. Lanard is proposing to the Commission a request just for moral support to the Department of Agriculture for a small business innovative research program to study a pilot project here in Torrance County. Mr. Lanard explains how the pumped hydro works and how it will be used to provide energy. Dams are normally used for this but obviously in this area there are no dams. The evaporation is an issue, so there would need to be a top placed on the reservoir. Mr. Lanard states that brackish water may be used for the test projects.

Mr. Lanard states that he is planning on submitting to the 2020 USDA small business innovative research program, due in October, a request for the pilot project. Mr. Lanard is also going to try to get a proposal done so that the USDA can send it to the Washington Office.

**Commissioner McCall** states as he understands it the water will circulate from the top reservoir to the bottom reservoir, and with the cover it will not evaporate, and the electrical system is already present because of the wind turbines. Is that correct?

**Roger Lanard** replies, yes, that is correct.

**Chairman Schwebach** states that since the turbines began being built there has always been talk about these hydro storage units. This has always been scoffed at because this is not what you use the water for in the Western United States. You use the water to provide to the people and for agricultural use. The two things that caught Chairman Schwebach's eye was fixing the evaporation problem and the use of brackish water. Because of this, he is willing to endorse this. Chairman Schwebach states that this will eventually come to play, and he would like to be ahead of the game.

**Roger Lanard** states that he is not asking for money, he is just asking for the support of the county.

**Commissioner Sanchez** asks Mr. Lanard how many acre feet of water should be stored here in Torrance County. Commissioner Sanchez asks if there was a facility built with the capability of housing there 18,000-acre feet of water, where would it come from?

**Roger Lanard** states that in the Capitan's, if you excavated a portion totaling 18,000-acre feet you would store 150 gigawatt hours of electrical energy. Mr. Lanard states that if we can get this

going and operational this would make Torrance County the energy storage capital of the state possibly even the world. Simply because of the topography in this area.

Mr. Lanard states that from what he understands about the sub-surface water in the area, which is brackish water, it is very large. He is just wanting to do a pilot project here and show that it can be done.

**Commissioner McCall** states that this is worth looking into.

**County Manager Johnson** states that if the Commission would like they can draft something more formal so that the Commission can show their support. This would then be placed on a future agenda for approval. **NO ACTION TAKEN, DISCUSSION ONLY.**

### **13.) APPROVALS**

There were none presented.

### **14.) EXECUTIVE SESSION**

**ACTION TAKEN: Chairman Schwebach** makes a motion to enter into executive session to discuss the following items:

**A.) COMMISSION:** Discuss County Manager position, closed pursuant to Section 10-15-1(H)(2).

**B.) MANAGER:** Purchase of the County Fairgrounds, closed pursuant to Section 10-15-1(H)(8).

**Commissioner McCall** seconds the motion. Roll Call Vote: District 1-Yes, District 2-Yes, District 3-yes. No discussion, all Commissioners in favor. **MOTION CARRIED.**

### **EXECUTIVE SESSION ENTERED INTO at 10:31 am**

**ACTION TAKEN: Chairman Schwebach** makes a motion to return from executive session. **Commissioner McCall** seconds the motion. Roll Call Vote: District 1-Yes, District 2-Yes, District 3-yes. No discussion, all Commissioners in favor. **MOTION CARRIED.**

### **RETURN FROM EXECUTIVE SESSION AT 12:00 PM**

**Chairman Schwebach** states the following items were discussed in Executive Session.

**A.) COMMISSION:** Discuss County Manager position, closed pursuant to Section 10-15-1(H)(2).

**B.) MANAGER:** Purchase of the County Fairgrounds, closed pursuant to Section 10-15-1(H)(8).

**Commissioner McCall** seconds the motion. Roll Call Vote: District 1-Yes, District 2-Yes, District 3-yes. No discussion, all Commissioners in favor. **MOTION CARRIED.**

**Chairman Schwebach** states that no action was taken during executive session.

**15.) Announcement of the next Board of County Commissioners Meeting.**

**Chairman Schwebach** states that the next commission meeting will be held on July 8<sup>th</sup>, 2020 at 9:00 am at the Torrance County Administrative Building. Chairman Schwebach asks if the Special Meeting for July 13<sup>th</sup>, 2020 has been published.

**County Manager Johnson** states that it was not added to this agenda, but on July 13<sup>th</sup> at 9 am there will be a special meeting to discuss the variance that has been appealed for the Homestead Estates and the county's project for a shelter. This will be the only item on the agenda. This is a public hearing in a quasi-judicial setting.

**ADJOURN**

**ACTION TAKEN:** **Chairman Schwebach** makes a motion to adjourn the June 24<sup>th</sup>, 2020 Commission Meeting. **Commissioner McCall** seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

**MEETING ADJOURNED AT 12:01 PM**

\_\_\_\_\_  
Chairman Ryan Schwebach

\_\_\_\_\_  
Yvonne Otero-Administrative Assistant

\_\_\_\_\_  
Date

***The video of this meeting can be viewed in its entirety on the Torrance County NM website, Audio discs of this meeting can be purchased in the Torrance County Clerk's office and the audio of this meeting will be aired on our local radio station KXNM.***

*Agenda Item  
No. 9-A*



C E R T I F I C A T I O N

TOTAL CHECKS PRINTED 139

THE UNDERSIGNED MEMBERS OF THE TORRANCE COUNTY BOARD OF COMMISSIONERS DO CERTIFY THAT THE CLAIMS ENUMERATED ABOVE WERE APPROVED ALLOWED & DO AUTHORIZE THE WARRANTS AGAINST THE FUNDS OF TORRANCE COUNTY FOR THE SUM OF 4,866,613.49 ON ACCOUNT OF OBLIGATIONS INCURRED FOR THE SERVICES AS SHOWN ABOVE FOR THE PERIOD ENDING 07/01/2020 . WE CERTIFY THAT THE WITHIN NAMED PERSONS ARE LEGALLY ENTITLED UNDER THE CONSTITUTION OF THE STATUTES OF NEW MEXICO TO RECEIVE THE COMPENSATION STATED HEREIN. THAT THE SERVICES HAVE BEEN PERFORMED AS STATED IN THE ACCOUNTS HEREIN, THAT THEY ARE NECESSARY AND PROPER, THAT THIS VOUCHER HAS BEEN EXAMINED, THAT THE AMOUNTS CLAIMED ARE JUST, REASONABLE, AND AS AGREED AND THAT NO PART HAS BEEN PAID BY TORRANCE COUNTY.

SIGNED

ATTEST BY

-----  
Kevin McCall

-----  
Javier Sanchez

-----  
Ryan Schwebach

-----  
Linda Jaramillo

THE UNDERSIGNED COUNTY TREASURER DOES HEREBY CERTIFY THAT SUFFICIENT FUNDS EXIST FOR THESE ACCOUNTS PAYABLE CHECKS TO BE ISSUED ON THIS DATE AND DOES HEREBY AUTHORIZE THE FINANCE DEPARTMENT TO PROCESS THESE CHECKS.

-----  
Tracy L. Sedillo

CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
COUNTY TREASURER		26.60						
01 R	112327	DOUBLE H AUTO	OIL, OIL FILTERS, FUEL FILTER,	411-92-2201	2461820	06/18/2020	35008	248.75
		248.75	INVOICE#491862 ACCT#2927					
	06/22/2020							
1/4% FIRE EXCISE TAX		248.75						
01 R	112328	DT AUTOMOTIVE	OIL CHANGES, TIRES, TIRE REPAIRS	401-50-2201	4262220	06/22/2020	35165	2451.00
		2451.00	, MOUNT AND BALANCE, BRAKES,				35165	
	06/22/2020		ROTOR, WINDSHIELD WIPERS,				35165	
			WINDSHIELDS, FLUIDS, FILTERS,				35165	
			AND UNIT NEEDS.				35165	
			MAY 2020				35165	
			INVOICE#TCSO 35165					
COUNTY SHERIFF		2451.00						
01 R	112329	EAST MOUNTAIN AUTO GLASS	WINDSHIELD FOR DV1	691-38-2201	4362220	06/22/2020	35260	225.00
		450.00	3RD VISOR FRIT	691-38-2201		/ /	35260	225.00
	06/22/2020		2005 FORD ESCAPE				35260	
			LICENSE PLATE #: G61298				35260	
			VIN 1FMYU93155KE16049				35260	
			MILEAGE: 79,081				35260	
			INVOICE#23581					
VICTIM RESTITUTION		450.00						
01 O	112330	GUSTIN HARDWARE INC.	RATCHETS TO TIE DOWN VOTING	401-21-2219	3562220	06/22/2020	35259	22.49
		22.49	MACHINES				35259	
	06/22/2020		INVOICE#235855 ACCT#125					
ELECTIONS		22.49						
01 O	112331	GUSTIN HARDWARE INC.		401-36-2215	3962220	06/22/2020	34720	4.52
		27.09		401-37-2215		/ /	34720	4.52
	06/22/2020			401-15-2215		/ /	34720	4.51
				401-16-2215		/ /	34720	4.51
			& HARDWARE SUPPLIES FOR BUILDING	401-27-2215		/ /	34720	4.52
			INVOICE#236344 ACCT#125	401-23-2215		/ /	34720	4.51
ESTANCIA SENIOR CENTER		4.52	MORIARTY SENIOR CENTER	4.52	ADMINISTRATIVE OFFICES	4.51		
JUDICIAL COMPLEX MAINT		4.51	MOUNTAINAIR SENIOR CEN	4.52	MOUNTAINAIR HEALTH CLI	4.51		
01 O	112332	HOLLYFRONTIER REFINING &	TONS HFE 100P	402-64-2408	2861820	06/18/2020	35137	90115.50
		171013.43	TONS HFE 100P	402-62-2406		/ /	35137	80897.93
	06/22/2020		IFB 2020-01 HFE 100P OIL				35137	
			INVOICE#80/82/84/86/88/90/92/94					
SP PROJECT		90115.50	CAP PROJECT	80897.93				
01 O	112333	MAS MODERN MARKETING INC	CUSTOM KEY CHAINS (SMART CHOICE	605-04-2219	361820	06/18/2020	35164	1000.00
		1071.18	PROMOTION)				35164	
	06/22/2020		SHIPPING	605-09-2257		/ /	35164	71.18
			INVOICE#MMI137625-1					
DWI COMMUNITY GRANT FY		1000.00	WIND PILT	71.18				

01 O 112334

NIETO, PETER

PRIMARY ELECTION 06/02/2020

401-21-2205

661820 06/18/2020

114.15



CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
114.15			PICKUP AND DELIVERY OF ELECTION					
06/22/2020			MATERIALS					
ELECTIONS		114.15	=====					
01 O	112335	NM STATE PRINTING BUREAU	2,000 COUNT THERMO FROST	617-52-2257	3762220	06/22/2020	35126	4809.00
	13639.50		LUNCH BAG				35126	
06/22/2020			2,000 COUNT SUNBEAM JUMBO	617-52-2257	/	/	35126	3738.00
			SHOPPING BAG				35126	
			48 COUNT WASHED COTTON DAD CAP				35126	
			1,000 COUNT STRESS BALLS	617-52-2257	/	/	35126	1533.00
			1,000 COUNT STATUS VIBE PEN -	617-52-2257	/	/	35126	462.00
			WHITE/ORANGE				35126	
			1,000 COUNT STATUS VIBE PEN -	617-52-2257	/	/	35126	462.00
			WHITE/BLUE				35126	
			2,000 COUNT HAND SANITIZER				35126	
			1,000 COUNT IMPRINTED KEYCHAIN	617-52-2257	/	/	35126	976.50
			LANYARD				35126	
			2,000 COUNT SUNSCREEN LIP BALM	617-52-2257	/	/	35126	1659.00
			INVOICE#06-20-88776					
COMPLETE COUNT		13639.50	=====					
01 R	112336	NORTHERN TOOL & EQUIPMENT CO	SWANN COMMUNICATIONS 1080P DVR	401-50-2222	5562220	06/22/2020	35276	550.00
	578.19		SECURITY SYSTEM WITH 1TB HARD				35276	
06/22/2020			DRIVE - 8 CHANNELS - 4 CAMERAS				35276	
			ESTIMATED SHIPPING	401-50-2222	/	/	35276	28.19
			INVOICE#45258794					
COUNTY SHERIFF		578.19	=====					
01 O	112337	ORKIN INC.	PC STANDARD SERVICE JUNE 2020	401-10-2271	161820	06/18/2020		84.96
	354.46		INVOICE#198661198 ACCT#					
06/22/2020			31462749					
			PC STANDARD SERVICE JUNE 2020	911-80-2215	261820	06/18/2020		150.84
			INVOICE#198660353 ACCT#					
			25640741					
			PC STANDARD SERVICE JUNE 2020	401-16-2203	461820	06/18/2020		118.66
			INVOICE#198661199 ACCT#31550882					
COUNTY MANAGER		84.96	911-DISPATCH CENTER	150.84	JUDICIAL COMPLEX MAINT	118.66	=====	
01 O	112338	PRUDENTIAL OVERALL SUPPLY	MATS AND MOPS COUNTY ADMIN	401-15-2203	2661820	06/18/2020		35.14
	139.37		UNIFORMS STETSON/ARELY/MARISSA	401-65-2236	/	/		48.61
06/22/2020			MATS AND MOPS FOR JUDICIAL	401-16-2203	/	/		55.62
			INVOICE#45054-6947 & 45054-6946					
			ACCT#6528480					
ADMINISTRATIVE OFFICES		35.14	OPERATIONS & MAINTENAN	48.61	JUDICIAL COMPLEX MAINT	55.62	=====	
01 O	112339	PRUDENTIAL OVERALL SUPPLY	MATS AND MOPS COUNTY ADMIN	401-15-2203	4562220	06/22/2020		35.14
	132.45		UNIFORMS STETSON/ARELY/MARISSA	401-65-2236	/	/		41.69
06/22/2020			MATS AND MOPS FOR JUDICIAL	401-16-2203	/	/		55.62
			COMPLEX INVOICE#45054-7764					
			45054-7763 ACCT#6528480					
ADMINISTRATIVE OFFICES		35.14	OPERATIONS & MAINTENAN	41.69	JUDICIAL COMPLEX MAINT	55.62	=====	

01 O 112340  
186.93

SAMBA HOLDINGS, INC.

DRIVER RECORD MONITORING  
DRIVER MONITORING TAX PREVIOUS

413-91-2271

3662020 06/22/2020

186.93

CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount	
06/22/2020			BALANCE 04/01/2020 TO 04/30/2020 INVOICE#INV00343536 ACCT# M00004795 REF PO#34009						
		STATE FIRE ALLOTMENT	186.93						
01 R	112341	SOUTHWEST COPY SYSTEMS	COLOR COPIES TAX OVERAGES	401-30-2203	2561820	06/18/2020		29.44	
	29.44		INVOICE#438977 ACCT#CO28						
06/22/2020									
		COUNTY TREASURER	29.44						
01 O	112342	STAPLES BUSINESS ADVANTAGE	STAPLES PLASTIC CERTIFICATE FRAME	911-80-2219	5362220	06/22/2020	35268	35.60	
	204.97		BROTHER DR630 BLACK DRUM UNIT	911-80-2219		/ /	35268	73.49	
06/22/2020			BROTHER TN-660 BLACK TONER	911-80-2219		/ /	35268	95.88	
			INVOICE#3447819893 ACCT# DAL 70109685						
		911-DISPATCH CENTER	204.97						
01 O	112343	STAPLES BUSINESS ADVANTAGE	STAPLES 6X9 ENVELOPES		5462220		35280		
	60.66		STAPLES 10X13 ENVELOPES				35280		
06/22/2020			STAPLES 9X12 ENVELOPES				35280		
			3X5.5 ENVELOPES				35280		
			4X9.5 ENVELOPES	401-21-2219		/ /	35280	60.66	
			LATHEM RIBBON				35280		
			VERBATIM CD SLEEVE				35280		
			INVOICE#3448235280 ACCT#39489						
		ELECTIONS	60.66						
01 O	112344	STAPLES BUSINESS ADVANTAGE	STAPLES 6X9 ENVELOPES	401-21-2219	5862220	06/22/2020	35280	28.32	
	186.07		STAPLES 10X13 ENVELOPES	401-21-2219		/ /	35280	44.60	
06/22/2020			STAPLES 9X12 ENVELOPES	401-21-2219		/ /	35280	38.48	
			3X5.5 ENVELOPES	401-21-2219		/ /	35280	30.88	
			LATHEM RIBBON	401-21-2219		/ /	35280	39.00	
			VERBATIM CD SLEEVE	401-21-2219		/ /	35280	4.79	
			INVOICE#3447691484 ACCT#39489						
		ELECTIONS	186.07						
01 R	112345	TILLERY CHEVROLET GMC INC	OIL CHANGE	401-05-2201	2761820	06/18/2020	35295	711.84	
	711.84		2008 CHEVY EQUINOX				35295		
06/22/2020			MORIARTY DELIVERY VEHICLE				35295		
			LP: G75493				35295		
			VIN: 319101				35295		
			INVOICE#6061308						
		COUNTY COMMISSION	711.84						
01 O	112346	TRIADIC INC.	2 QANTUM, ULTRIUM 6, DATA	401-20-2219	2961820	06/18/2020	35119	80.00	
	88.00		CARTRIDGES 2500/6520 GB				35119		
06/22/2020			SHIPPING AND HANDLING	401-20-2219		/ /	35119	8.00	
			INVOICE#1701300 ACCT#1425						
		COUNTY CLERK	88.00						

01 R 112347 US AUTO GLASS, INC.  
530.00

WINDSHIELD REPLACEMENTS  
2007 CHEVY COBALT

605-03-2201

561820

/ /

34787

34787

250.00

CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
06/22/2020			2008 CHEVY UPLANDER INVOICE#17902/17901	605-03-2201	/ /		34787	280.00
DWI DISTRIBUTION GRANT 530.00								
01 R	112348	WAGNER EQUIPMENT CO.	SKID STEER RENTAL NMSWPA #90-000-19-00063 INVOICE#1101-1012-1102-1011 ACCT#100227	402-60-2254	4062220	06/22/2020	35006 35006	2709.42
COUNTY ROAD DEPARTMENT 2709.42								
01 R	112349	WAGNER EQUIPMENT CO.	REPAIRS ON GRADERS G1-G9 INVOICE#7593-6143 ACCT#100227	402-60-2244	4162220	06/22/2020	34656	766.68
COUNTY ROAD DEPARTMENT 766.68								
01 O	112350	WINDHAM WEAPONRY INC	16" M4 UPPER RECIEVER ASSEMBLY W/ BOLT CARRIER AND CHARGING HANDLE INVOICE#INV00000000123367	420-74-2231	5162220	06/22/2020	35040 35040 35040	1064.00
TRANSPORTATION OF PRIS 1064.00								
01 O	112351	CENTRAL NM ELECTRIC COOP.	MONTHLY ELECTRIC JUNE 2020 ACCT#404273700	401-15-2208	562320	06/23/2020		6.22
ADMINISTRATIVE OFFICES 6.22								
01 R	112352	COOPERATIVE EDUCATIONAL SERVICES	ATTITUDE 5500 LAPTOPS PLUS FLAT RATE LABOR TAX CES CONTRACT #17-03B-C102-ALL ACCT#17-03B-C102-ALL	612-20-2617 612-20-2617 612-20-2617	2962420	06/24/2020	35060 35060 35060 35060	3595.54 750.00 59.06
COUNTY CLERK 4404.60								
01 O	112353	CORECIVIC INC.	REIMBURSEMENT FOR HOUSING OF ICE INMATES FOR MAY 15TH-31ST 2020 INVOICE#TCSO-ICE 052020-REV	825-70-2172	862320	06/23/2020		1105852.59
ADULT INMATE CARE 105852.59								
01 O	112354	CORECIVIC INC.	REIMBURSEMENT FOR HOUSING OF ICE INMATES FOR MAY 1ST-14TH 2020 INVOICE#TCSO-ICE 052020 REV	825-70-2172	962320	06/23/2020		890374.90
ADULT INMATE CARE 890374.90								
01 O	112355	CORECIVIC INC.	REIMBURSEMENT FOR HOUSING OF USMS INMATES MAY 2020 REIMBURSEMENT FOR TRANSPORT USMS INMATES MAY 2020 INVOICE #USMS 042020 ACCT#CORECIVIC TORRANCE	825-70-2172	1062320	06/23/2020		84398.37



CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
01 O	112356	CORECIVIC INC.	INMATE HOUSING INMATE MEDICAL	420-70-2172	1162320	06/23/2020		48646.72
	48646.72		INVOICE#TCDF 042020 ACCT#					
	06/24/2020		CORECIVE/TORRANCE OTHER AGENCY					
			MANDAYS					
ADULT INMATE CARE		48646.72						
01 O	112357	DE LAGE LANDEN FINANCIAL SERVICE	MONTHLY SERVICE CONTRACT FOR	612-20-2203	362320	06/23/2020	34754	309.50
	309.50		INVOICE#68370561 ACCT#25568397					
	06/24/2020							
COUNTY CLERK		309.50						
01 R	112358	HOOVER, JAMES	TRAVEL TO LAS VEGAS NV INMATE	420-74-2205	1962320	06/23/2020		124.00
	124.00		EXTRADITION					
	06/24/2020							
TRANSPORTATION OF PRIS		124.00						
01 O	112359	HORIZONS OF NEW MEXICO	SHREDDING OF CONFIDENTIAL	612-20-2203	662320	06/23/2020		14.56
	14.56		DOCUMENTS CLERK/REF PO#34032					
	06/24/2020							
COUNTY CLERK		14.56						
01 O	112360	HORIZONS OF NEW MEXICO	SHREDDING DOCUMENTS TREASURER	401-30-2271	762320	06/23/2020		14.56
	14.56		JUNE 2020 REF PO#33988					
	06/24/2020							
COUNTY TREASURER		14.56						
01 R	112361	MELLOY DODGE	REPAIR AC SYSTEM ON 2016 RAM	911-80-2201	2262320	06/23/2020	35228	1353.24
	1353.24		1500				35228	
	06/24/2020		D-2				35228	
			LP: G99522				35228	
			VIN: 200581				35228	
			INVOICE#DOCSS20115 ACCT#11026					
911-DISPATCH CENTER		1353.24						
01 O	112362	NEXTIVA INC	VOIP PHONES JUNE 2020/ASSESSOR	610-40-2207	3162420	06/24/2020		347.28
	2111.85		CLERK	401-20-2207		/ /		202.58
	06/24/2020		MANAGER	401-10-2207		/ /		202.51
			FINANCE	401-55-2207		/ /		115.72
			MAINTENANCE	401-65-2207		/ /		57.86
			COMMISSION	401-10-2207		/ /		86.79
			PZ	401-08-2207		/ /		57.86
			CODE ENFORCEMENT	401-08-2207		/ /		28.93
			IT	401-65-2207		/ /		28.93
			ROAD	402-60-2207		/ /		57.86
			PROBATE	401-90-2207		/ /		28.93
			RURAL ADDRESSING	675-07-2207		/ /		28.93
			SHERIFF	401-50-2207		/ /		318.12
			COMMUNITY MONITOR	420-73-2207		/ /		28.93
			TREASURER	401-30-2207		/ /		231.37
			FIRE	413-91-2207		/ /		115.72
			EXTENSION	401-05-2207		/ /		144.60

CIVIL DEFENSE  
INVOICE#29956876501

604-83-2207

/ /

28.93



CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
ACCT#2029540								
COUNTY ASSESSOR	347.28	COUNTY CLERK	202.58	COUNTY MANAGER	289.30			
FINANCE DEPARTMENT	115.72	OPERATIONS & MAINTENAN	86.79	PLANNING & ZONING	86.79			
COUNTY ROAD DEPARTMENT	57.86	PROBATE JUDGE	28.93	RURAL ADDRESSING	28.93			
COUNTY SHERIFF	318.12	COMMUNITY MONITORING	28.93	COUNTY TREASURER	231.37			
STATE FIRE ALLOTMENT	115.72	COUNTY COMMISSION	144.60	COMMUNICATIONS/EMS TAX	28.93			
01 O	112363	NIMCO	YOU BOOZE, YOU LOSE ID KEY TAG	605-03-2257	462320	06/23/2020	35286	323.79
	2289.80		BETTER THINGS TO DO THAN DRUGS!				35286	
	06/24/2020		HAND SANITIZER				35286	
			BE DRUG FREE FIDGET HAND	605-03-2257		/ /	35286	398.00
			SANITIZER				35286	
			DISTRACT-A-MATCH GAME	605-03-2257		/ /	35286	129.95
			ALCOHOL PREVENTION - RECTRABLE	605-03-2257		/ /	35286	299.95
			PRESENTATION BANNER				35286	
			FATAL REACTION	605-03-2257		/ /	35286	929.95
			STANDARD SHIPPING	605-03-2257		/ /	35286	208.16
			INVOICE#498182					
DWI DISTRIBUTION GRANT 2289.80								
01 O	112364	PACIFIC OFFICE AUTOMATION, INC.	QUARTERLY OVERAGES TAX	401-10-2203	2462320	06/23/2020		88.22
	88.22		INVOICE#772014 ACCT#1821290					
	06/24/2020							
COUNTY MANAGER	88.22							
01 O	112365	PCM/TIGER DIRECT	27" LG LED BACKLIT LCD MONITOR	620-94-2225	162320	06/23/2020	35310	319.98
	339.96		SHIPPING	620-94-2225		/ /	35310	19.98
	06/24/2020		ADMIN ASSISTANT				35310	
			MANAGER'S OFFICE				35310	
			INVOICE#B13835160101					
INFRASTRUCTURE GROSS R 339.96								
01 O	112366	PITNEY BOWES PURCHASE POWER	POSTAGE REFILL ON 5/20/2020	401-10-2206	2562320	06/23/2020		2060.43
	2060.43		METER POSTAGE OVERAGE FEE					
	06/24/2020		FINANCE CHARGE ACCT#8000-9090					
			0137-3179					
COUNTY MANAGER	2060.43							
01 O	112367	PRESBYTERIAN MEDICAL SERVICES	MFHC RPHCA FY2020 FOR MAY	616-18-2272	262320	06/23/2020		7502.00
	7502.00		2020 DAILY OPERATIONS FOR					
	06/24/2020		INVOICE#MAY 20					
RPHCA GRANT FY20	7502.00							
01 O	112368	PUEBLO HOTEL SUPPLY	1 CASE QUATERNARY CLEANER	401-15-2220	2862320	06/23/2020	35055	203.98
	407.95		DISINFECTANT (0.5OZ/QT)	401-16-2220		/ /	35055	203.97
	06/24/2020		1 CASE OF 35 QUART BOTTLES W/				35055	
			TRIGGER SPRAYER				35055	
			FREIGHT				35055	
			INVOICE#INV477					
ADMINISTRATIVE OFFICES	203.98	JUDICIAL COMPLEX MAINT	203.97					

01 R 112369  
108.00

ROMERO, LEOPOLDO

TRAVEL TO LAS VEGAS NM INMATE 420-74-2205  
EXTRADITION

2062320 06/23/2020

108.00

CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
06/24/2020								
TRANSPORTATION OF PRIS 108.00								
01 R	112370	SOUND & SIGNAL SYSTEMS OF NM	INR14010 ISO PROX CARD (PVC)	911-80-2248	2162320	06/23/2020	35301	271.60
	271.60		INVOICE#69877 ACCT#19515					
06/24/2020								
911-DISPATCH CENTER 271.60								
01 O	112371	STEINER, JOHN	4TH QUARTER EVALUATION SERVICES	605-03-2272	3062420	06/24/2020		2400.00
	2400.00		NMGRT INVOICE#TC4-6-2020					
06/24/2020								
DWI DISTRIBUTION GRANT 2400.00								
01 O	112372	TLC UNIFORMS	SHIRTS, PANTS, BOOTS, BADGE	401-50-2236	1262320	06/23/2020	35263	1487.76
	1487.76		HOLDERS, TIES, TIE BARS, AND				35263	
			UNIFORM NEEDS.				35263	
			JUNE 2020				35263	
			INVOICE#226558/226990/227086					
06/24/2020								
COUNTY SHERIFF 1487.76								
01 O	112373	TORRANCE COUNTY FIRE DEPARTMENT	CPR LICENSE RENEWAL	911-85-2266	1862320	06/23/2020	35110	40.00
	40.00		A. REMMEY & W. RILEY				35110	
			INVOICE#69					
06/24/2020								
DFA TRAINING GRANT 40.00								
01 O	112374	VEXUS	LONG DISTANT FAXES/CLERK	401-20-2207	3262420	06/24/2020		4.02
	16.06		JUNE 2020 TREASURER	401-30-2207		/ /		4.02
			ASSESSOR	401-40-2207		/ /		4.01
			SHERIFF ACCT#019558501/019558401	401-50-2207		/ /		4.01
06/24/2020								
COUNTY CLERK	4.02	COUNTY TREASURER	4.02	COUNTY ASSESSOR	4.01			
COUNTY SHERIFF	4.01							
06/24/2020								
01 O	112375	VIA HOMES & DEVELOPMENT LLC	JUVENILE JUSTICE COORDINATOR	635-68-2272	2662320	06/23/2020		2838.00
	3070.69		GROSS RECEIPTS TAX JUNE 1-30	635-09-2271		/ /		232.69
			2020 INVOICE#6					
06/24/2020								
CYFD JUVENILE JUSTICE	2838.00	WIND PILT	232.69					
01 O	112376	WARE, SIDNEY K	4 SESSIONS OF BOYS COUNCIL	635-68-2272	2762320	06/23/2020		600.00
	646.13		COMPLETED JUNE 2020					
			GROSS RECEIPTS TAX INVOICE #160	635-09-2271		/ /		46.13
06/24/2020								
CYFD JUVENILE JUSTICE	600.00	WIND PILT	46.13					
01 R	112377	WATERWAY OF NEW MEXICO	FEET - TESTING OF ALL FIRE HOSE	407-91-2248	1362320	06/23/2020	35033	576.00
	807.66		ACCORDING TO NFPA 1962 STANDARDS				35033	
			FEET - TESTING ALL GROUND	407-91-2248		/ /	35033	174.00
			LADDERS ACCORDING TO NFPA 1932				35033	
			STANDARDS				35033	
			**HEAT SENSORS ARE AN ADDITIONAL				35033	
			CHARGE**				35033	
			NMGRT	407-91-2248		/ /	35033	57.66
06/24/2020								

INVOICE#2189

STATE FIRE ALLOTMENT

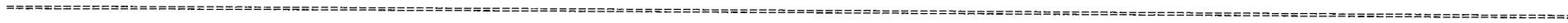
807.66

CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
01 V	112378	WATERWAY OF NEW MEXICO	FEET - TESTING OF ALL FIRE HOSE	406-91-2248	1462320	06/23/2020	35034	2172.00
	2445.58		ACCORDING TO NFPA 1962 STANDARDS				35034	
	06/24/2020		FEET - TESTING ALL GROUND	406-91-2248	/	/	35034	99.00
			LADDERS ACCORDING TO NFPA 1932				35034	
			STANDARDS				35034	
			**HEAT SENSORS ARE AN ADDITIONAL				35034	
			CHARGE**				35034	
			NMGRT	406-91-2248	/	/	35034	174.58
			INVOICE#2192					
STATE FIRE ALLOTMENT 2445.58								
01 R	112379	WATERWAY OF NEW MEXICO	FEET - TESTING OF ALL FIRE HOSE	408-91-2248	1562320	06/23/2020	35035	1566.00
	1763.92		ACCORDING TO NFPA 1962 STANDARDS				35035	
	06/24/2020		FEET - TESTING ALL GROUND	408-91-2248	/	/	35035	72.00
			LADDERS ACCORDING TO NFPA 1932				35035	
			STANDARDS				35035	
			**HEAT SENSORS ARE AN ADDITIONAL				35035	
			CHARGE**				35035	
			NMGRT	408-91-2248	/	/	35035	125.92
			INVOICE#2194					
STATE FIRE ALLOTMENT 1763.92								
01 R	112380	WATERWAY OF NEW MEXICO	FEET - TESTING OF ALL FIRE HOSE	409-91-2248	1662320	06/23/2020	35036	636.00
	762.43		ACCORDING TO NFPA 1962 STANDARDS				35036	
	06/24/2020		FEET - TESTING ALL GROUND	409-91-2248	/	/	35036	72.00
			LADDERS ACCORDING TO NFPA 1932				35036	
			STANDARDS				35036	
			**HEAT SENSORS ARE AN ADDITIONAL				35036	
			CHARGE**				35036	
			NMGRT	409-91-2248	/	/	35036	54.43
			INVOICE#2190					
STATE FIRE ALLOTMENT 762.43								
01 R	112381	WATERWAY OF NEW MEXICO	FEET - TESTING OF ALL FIRE HOSE	418-91-2248	1762320	06/23/2020	35038	558.00
	678.43		ACCORDING TO NFPA 1962 STANDARDS				35038	
	06/24/2020		FEET - TESTING ALL GROUND	418-91-2248	/	/	35038	72.00
			LADDERS ACCORDING TO NFPA 1932				35038	
			STANDARDS				35038	
			**HEAT SENSORS ARE AN ADDITIONAL				35038	
			CHARGE**				35038	
			NMGRT	418-91-2248	/	/	35038	48.43
			INVOICE#2188					
STATE FIRE ALLOTMENT 678.43								
01 O	112382	WESTERN TRAILS VETERINARY INC.	LARGE STERILIZATION/SMALL	401-82-2272	2362320	06/23/2020		237.90
	237.90		STERILIZATIONS/RABIES					
	06/24/2020		VACCINATIONS OFFICE VISITS					
			MEDICATIONS/ETC INVOICE#152685					
			ACCT#238					
ANIMAL SERVICES 237.90								
01 O	112385	ALBUQUERQUE IMAGE PRODUCTS	COLOR COPIES OVERAGE 6/2/2020	610-40-2203	2962420	06/25/2020		29.38

29.38  
06/25/2020

INVOICE#IN41376 ACCT#TC07

CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount	
		COUNTY ASSESSOR	29.38						
01 O	112386	ALVIS, JOHN R	CONSULTING PHARMACY QUARTERLY	411-92-2271	3262420	06/25/2020		250.00	
	250.00		INSPECTION 6/25/2020 INVOICE#						
	06/25/2020		039091						
		1/4% FIRE EXCISE TAX	250.00						
01 O	112387	AUTOZONE INC.	WIPERS, WASHER FLUID, TOW STRAPS	401-50-2201	162420	06/24/2020	35172	267.98	
	267.98		BATTERIES, OTHER MISC. EQUIPMENT				35172		
	06/25/2020		AND VEHICLE NEEDS				35172		
			MAY 2020 INVOICE#2248455498				35172		
		COUNTY SHERIFF	267.98						
01 O	112388	BERNALILLO CTY JUVENILE DETENTION	MAY 2020 HOUSING INVOICE#62358	420-72-2172	462420	06/24/2020		495.00	
	495.00								
	06/25/2020								
		JUVENILE INMATE CARE	495.00						
01 O	112389	BI INC	MAY BILLING (4 DEFENDANTS)	420-73-2218	2362420	06/25/2020		555.47	
	583.94		TAX INVOICE#1204460	420-73-2218		/ /		28.47	
	06/25/2020		ACCT#3533						
		COMMUNITY MONITORING	583.94						
01 O	112390	BOUND TREE MEDICAL, LLC	POWERHEART G3 PRO AED BATTERY	410-50-2222	1262420	06/24/2020	35218	1082.56	
	1082.56		POWERHEART G3 DEFIBRILLATOR				35218		
	06/25/2020		ESTIMATED SHIPPING & HANDLING				35218		
			INVOICE#83649504 ACCT#204887						
		COUNTY SHERIFF	1082.56						
01 O	112391	CODE 3 SERVICE LLC	2019 TAHOE EMERGENCY EQUIPMENT		2462420		35149		
	6727.22		INSTALL				35149		
	06/25/2020		2020 DODGE CARAVAN EMERGENCY	420-74-2618		/ /	35149	6727.22	
			EQUIPMENT INSTALL				35149		
			NMSWPA #60-000-15-00032				35149		
			INVOICE#200661						
		TRANSPORTATION OF PRIS	6727.22						
01 O	112392	CODE 3 SERVICE LLC	INSTALL OF EMERGENCY EQUIPMENT	803-59-2643	2862420	06/25/2020	35186	17198.00	
	17595.99		ON TWO 2019 TAHOES FOR TCSO	420-74-2618		/ /	35186	397.99	
	06/25/2020		NMSWPA #60-000-15-00032				35186		
			INVOICE#200631						
		LEGISLATIVE PROJECTS	17198.00	TRANSPORTATION OF PRIS	397.99				
01 O	112393	DT AUTOMOTIVE	OIL CHANGES, TIRES, TIRE REPAIRS	401-50-2201	662420	06/24/2020	35265	2266.00	
	2266.00		MOUNT AND BALANCING, FILTERS,				35265		
	06/25/2020		FLUIDS, ALIGNMENTS, ALL OTHER				35265		
			MAINTENANCE NEEDS				35265		
			JUNE 2020				35265		
			INVOICE#TCSO 35265						





CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
01 O	112394	ESTANCIA PUBLIC SCHOOLS	HIGH LONESOME WIND FARM PILOT	641-09-2410	1462420	06/25/2020		239200.00
		239200.00						
		06/25/2020						
		WIND PILT						239200.00
=====								
01 O	112395	EVSVA	TORRANCE COUNTY TIPPING FEES	419-05-2292	2162420	06/25/2020		17000.23
		17000.23	JUNE 2020 INVOICE#2782					
		06/25/2020	ACCT#720970000547					
		COUNTY COMMISSION						17000.23
=====								
01 O	112396	GM EMULSION LLC	MOBILIZATION	621-96-2612	1162420	06/24/2020	35046	1500.00
		26981.01	1.5" COMPACT ASPHALT OVERLAY	621-96-2612		/ /	35046	17000.00
		06/25/2020	TACK PER SQUARE YARD	621-96-2612		/ /	35046	3274.95
			RESTRIPE OVER EXISTING SCHEMATIC	621-96-2612		/ /	35046	3500.00
			SALES TAX	621-96-2612		/ /	35046	1706.06
			NMSWPA #90-000-19-00057				35046	
			INVOICE#ESTANADMIN					
		CAPITAL OUTLAY GROSS R						26981.01
=====								
01 O	112397	IAAO	IAAO COURSE 101		3062420		35320	
		1005.00	JASON COLE	610-40-2266		/ /	35320	335.00
		06/25/2020	TANNER SOLOMON	610-40-2266		/ /	35320	335.00
			KASSANDRA SANDY	610-40-2266		/ /	35320	335.00
			INVOICE#32633 ACCT#N/A3					
		COUNTY ASSESSOR						1005.00
=====								
01 O	112398	MARTINEZ, YOLANDA A.	ALIVE AT 25 INSTRUCTOR TRAINING	605-03-2266	1662420	06/25/2020	35271	770.00
		3082.52	ONLINE - TRACEY MASTER				35271	
		06/25/2020	ALIVE AT 25 PARTICIPANT	605-03-2221		/ /	35271	649.00
			HANDBOOKS				35271	
			SHIPPING CHARGES	605-03-2221		/ /	35271	73.52
			INSTRUCTOR RESOURCE KITS FOR	605-03-2221		/ /	35271	1590.00
			ALIVE @ 25				35271	
			SHIPPING CHARGES				35271	
			INVOICE#2150					
		DWI DISTRIBUTION GRANT						3082.52
=====								
01 R	112399	ORTIZ, ADRIAN	INVOICE#6242020 ALIVE AT 25	605-03-2272	1862420	06/25/2020		1000.00
		4081.55	COMPLETION					
		06/25/2020	TEEN COURT SERVICES-JUNE 2020	605-03-2272		/ /		3081.55
			AMOUNT OVER APPROVE CONTRACT					
			AMOUNT					
		DWI DISTRIBUTION GRANT						4081.55
=====								
01 O	112400	PROPORCE LAW ENFORCEMENT	SAFARILAND 6360 BASKET WEAVE	401-50-2231	562420	06/24/2020	35141	1459.20
		1459.20	INVOICE#413699					
		06/25/2020						
		COUNTY SHERIFF						1459.20
=====								
01 O	112401	PRUDENTIAL OVERALL SUPPLY	MATS AND MOPS COUNTY ADMIN	401-15-2203	362420	06/24/2020		35.14
		137.49	UNIFORMS=STETSON/ARELY/MARISSA	401-65-2236		/ /		46.73

06/25/2020

MATS AND MOPS FOR JUDICIAL  
COMPLEX INVOICE#45054-8594&

401-16-2203

/ /

55.62

CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
45054-8593 ACCT#6528480								
ADMINISTRATIVE OFFICES	35.14	OPERATIONS & MAINTENAN	46.73	JUDICIAL COMPLEX MAINT	55.62			
01 O	112402	PRUDENTIAL OVERALL SUPPLY	SHIRTS PANTS WEEK 5/12/2020	402-60-2236	1362420	06/24/2020		1339.72
	1339.72		WEEK 5/19/2020					
	06/25/2020		WEEK 5/26/2020/WEEK 6/2/2020					
			6/9/2020/6/16/2020 INVOICE#					
			687/488/327/949/766 ACCT#					
			#24563265					
COUNTY ROAD DEPARTMENT	1339.72							
01 O	112403	PRUDENTIAL OVERALL SUPPLY	MATS AND MOPS COUNTY ADMIN	401-15-2203	2662420	06/25/2020		96.73
	193.46		MATS AND MOPS FOR JUDICIAL	401-16-2203		/ /		96.73
	06/25/2020		COMPLEX ACCT#65276-25					
ADMINISTRATIVE OFFICES	96.73	JUDICIAL COMPLEX MAINT	96.73					
01 V	112404	PUBLIC SAFETY PSYCHOLOGY GROUP	PRE-ACADEMY PSYCH EVAL	401-50-2272	262420	06/24/2020	35171	600.00
	600.00		Q. WALLACE				35171	
	06/25/2020		INVOICE#25105					
COUNTY SHERIFF	600.00							
01 O	112405	SANDIA OFFICE SUPPLY	INK CARTRIDGES, ROLLING CARTS,	605-03-2219	1762420	06/25/2020	35317	2082.68
	2082.68		PLASTIC BINS, PAINT, PAINT				35317	
	06/25/2020		BRUSHES, LEGAL PADS, EASEL PADS,				35317	
			PAINT CANVASES, SHARPIES, TABLE				35317	
			COVERS, CANDY FOR PARADES				35317	
			(INCENTIVE ITEMS).				35317	
			INVOICE#863831-0					
DWI DISTRIBUTION GRANT	2082.68							
01 O	112406	SHI INTERNATIONAL CORP	LOGITECH HD PRO WEBCAM C920	407-91-2219	3162420	06/25/2020	35122	89.59
	716.72		WEB CAMERA - COLOR -	406-91-2219		/ /	35122	89.59
	06/25/2020		1920 X 1080 USB 2.0	408-91-2219		/ /	35122	89.59
			- H.264	409-91-2219		/ /	35122	89.59
				405-91-2219		/ /	35122	89.59
				418-91-2219		/ /	35122	89.59
				413-91-2219		/ /	35122	179.18
			INVOICE#B11884796 ACCT#1050159					
STATE FIRE ALLOTMENT	716.72							
01 O	112407	SOUND & SIGNAL SYSTEMS OF NM	INTEMPORARY PO# 05252020WJ	401-16-2215	1062420	06/24/2020	35266	357.49
	357.49		ISSUED ON 05/24/2020 FOR REPAIRS				35266	
	06/25/2020		BY VENDOR ON FIRE ALARM PANEL				35266	
			AT JUDICIAL COMPLEX RESET DUCT				35266	
			DETECTORS ON ROOF TOP UNIT #1,				35266	
			REPLACED 2 BATTERY BACKUPS AND				35266	
			REMOVED DEBRIS FROM SMOKE				35266	
			DETECTOR				35266	
			INVOICE#SD4579 ACCT#19510					
JUDICIAL COMPLEX MAINT	357.49							

01 O 112408  
579.49

SPORTSMAN'S WAREHOUSE, INC.

BROWNING DARK OPS PRO XD  
TRAIL CAMERA

401-50-2222

2562420 06/25/2020

35277  
35277

579.49

CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount	
06/25/2020			INVOICE#056 1B0G0080069 ACCT#0126-271697						
		COUNTY SHERIFF	579.49						
01 O	112409	STAPLES BUSINESS ADVANTAGE	L DESK W/HUTCH 2 DRAWER FILER	401-50-2219	962420	06/24/2020		1339.80	
	1339.80		TALL STORAGE INVOICE#						
06/25/2020			3448678930 ACCT#70109685 REF PO#35173						
		COUNTY SHERIFF	1339.80						
01 O	112410	STAPLES BUSINESS ADVANTAGE	SOFTSOAP HAND SOAP ALOE 7.5 OZ	413-91-2219	1562420	06/25/2020		7.16	
	7.16		INVOICE#3448790815 REF PO#						
06/25/2020			34987						
		STATE FIRE ALLOTMENT	7.16						
01 O	112411	STAPLES BUSINESS ADVANTAGE	PENS, HIGHLIGHTERS, COPY PAPER,	420-73-2219	2262420	06/25/2020	35270	657.45	
	657.45		NOTEBOOKS, BROTHER INK				35270		
06/25/2020			CARTRIDGES, HP TONER CARTRIDGES,				35270		
			HP LASERJET TONER, PRINTER STAND				35270		
			WOODEN SHELF, POCKET JOURNAL.				35270		
			ACCT#AD70109685						
		COMMUNITY MONITORING	657.45						
01 O	112412	T.A. TIRES & SERVICE	235/70 R16 HERCULES TERRA TRAC	690-86-2201	862420	06/24/2020	35318	540.00	
	540.00		AT II TIRES FOR DV1				35318		
06/25/2020			2005 FORD ESCAPE				35318		
			LICENSE PLATE # G61298				35318		
			VIN: 1FMYU93155KE16049				35318		
			MILEAGE 79,194				35318		
			INVOICE#912651						
		DV CONTRACT F20	540.00						
01 O	112413	THE MASTER'S TOUCH, LLC.	INVOICE#68271/P68271/M200267	610-40-2221	3462420	06/25/2020		5481.54	
	5481.54								
06/25/2020									
		COUNTY ASSESSOR	5481.54						
01 O	112414	TLC UNIFORMS	5.11 TACTICAL WOMEN'S DUTY BOOT	405-91-2236	3362420	06/25/2020	35082	419.93	
	419.93		(1) SIZE 8, (1) SIZE 9,				35082		
06/25/2020			5.11 TACTICAL MEN'S DUTY BOOT				35082		
			(1) SIZE 11 WIDE, (2) SIZE 10,				35082		
			(1) SIZE 10.5 WIDE, (2) SIZE 10				35082		
			WIDE.				35082		
			5.11 TACTICAL WOMEN'S EMS PANT				35082		
			(1) 2L.				35082		
			5.11 TACTICAL WOMEN'S EMS PANT				35082		
			SIZE 12 REG				35082		
			5.11 TACTICAL MEN'S EMS PANT				35082		
			(1) 34X30, (1) 40X30, (1) 44X30				35082		
			TAX				35082		
			INVOICE#225415 ACCT#TORRANCE						
			COUNTY FIRE						



CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
01 O	112415	TRIADIC INC.	CONTRACT SERVICES FOR JUNE 2020	401-65-2213	1962420	06/25/2020		4269.25
	4595.01		CONTRACT CHARGES AND GRT					
	06/25/2020		CLERKS CONTRACT CHARGES AND GRT	612-20-2203	/	/		163.38
			TREASURERS CONTRACT CHARGES AND GRT ACCT#1425	401-30-2203	/	/		162.38
OPERATIONS & MAINTENAN		4269.25	COUNTY CLERK	163.38	COUNTY TREASURER	162.38		
01 O	112416	TRIADIC INC.	TRIADIC PRINTER INSTALLATION & CONFIGURATION	401-55-2271	2062420	06/25/2020	35154	100.00
	205.54		TRAVEL MILEAGE (0.575 @ 156)	401-55-2271	/	/	35154	89.70
	06/25/2020		NM TAX (8.25%)	401-55-2271	/	/	35154	15.84
			INVOICE#170298 ACCT#1425					
FINANCE DEPARTMENT		205.54						
01 O	112417	US BANK CORPORATE PAYMENT SYSTEM	EMERGENCY MANAGER FUEL JUNE 2020	604-83-2202	2762420	06/25/2020		60.91
	10423.15		DV FUEL	690-09-2202	/	/		22.00
	06/25/2020		PZ	401-08-2201	/	/		161.32
			CLERK	401-21-2205	/	/		13.71
			CLERK	401-21-2205	/	/		95.50
			TREASURER	401-30-2202	/	/		50.50
			ASSESSORS	610-40-2202	/	/		64.69
			SHERIFF	401-50-2202	/	/		5836.68
			TRANSPORT	420-74-2202	/	/		1701.59
			ELECTRONIC MONITORING	420-73-2202	/	/		59.31
			OPS	401-65-2202	/	/		330.55
			ANIMAL SERVICES	401-82-2202	/	/		184.96
			DISPATCH	911-80-2202	/	/		39.62
			CIVIL DEFENSE	604-83-2202	/	/		258.07
			DIST 2 VFD	406-91-2202	/	/		160.54
			DIST 3 VFD	408-91-2202	/	/		101.96
			DIST 4 VFD	409-91-2202	/	/		68.80
			DIST 5 VFD	405-91-2202	/	/		386.83
			FIRE ADMIN	413-91-2202	/	/		771.34
			DIST 6 VFD	418-91-2202	/	/		54.27
			ACCT#5569634555537891					
COMMUNICATIONS/EMS TAX		318.98	WIND PILT	22.00	PLANNING & ZONING	161.32		
ELECTIONS		109.21	COUNTY TREASURER	50.50	COUNTY ASSESSOR	64.69		
COUNTY SHERIFF		5836.68	TRANSPORTATION OF PRIS	1701.59	COMMUNITY MONITORING	59.31		
OPERATIONS & MAINTENAN		330.55	ANIMAL SERVICES	184.96	911-DISPATCH CENTER	39.62		
STATE FIRE ALLOTMENT		1543.74						
01 O	112418	WATERWAY OF NEW MEXICO	FEET - TESTING OF ALL FIRE HOSE ACCORDING TO NFPA 1962 STANDARDS	406-91-2248	1462320	06/23/2020	35034	1237.33
	1237.33		FEET - TESTING ALL GROUND LADDERS ACCORDING TO NFPA 1932 STANDARDS				35034	
	06/25/2020		**HEAT SENSORS ARE AN ADDITIONAL CHARGE**				35034	
			NMGRT				35034	
			INVOICE#2192				35034	
STATE FIRE ALLOTMENT		1237.33						

01 O 112419  
1521.62

WATERWAY OF NEW MEXICO

FEET - TESTING OF ALL FIRE HOSE 405-91-2248  
ACCORDING TO NFPA 1962 STANDARDS

762420 06/24/2020

35037  
35037

1260.00



CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
06/25/2020			FEET - TESTING ALL GROUND LADDERS ACCORDING TO NFPA 1932 STANDARDS **HEAT SENSORS ARE AN ADDITIONAL CHARGE**	405-91-2248	/ /		35037	153.00
			NMGRT	405-91-2248	/ /		35037	108.62
			INVOICE#2195					
STATE FIRE ALLOTMENT		1521.62						
01 O	112420	ALL TRAFFIC SOLUTIONS, INC.	MESSAGE DISPLAY BOARD	604-83-2248	362520	06/29/2020	35250	1330.00
	8330.00		EMERGENCY MANAGER	427-28-2655	/ /		35250	7000.00
	06/30/2020		INVOICE#SIN025806					
COMMUNICATIONS/EMS TAX		1330.00	EMERGENCY MANAGEMENT	7000.00				
01 O	112421	BOOT BARN INC	BOOT ALLOWANCE FOR	402-60-2248	462520	06/29/2020	35249	2467.42
	2467.42		TORRANCE COUNTY ROAD DEPARTMENT				35249	
	06/30/2020		INVOICE#2950					
COUNTY ROAD DEPARTMENT		2467.42						
01 O	112422	CODE 3 SERVICE LLC	2019 TAHOE EMERGENCY EQUIPMENT	420-74-2618	1262520	06/29/2020	35149	12784.92
	12784.92		INVOICE#200662					
	06/30/2020							
TRANSPORTATION OF PRIS		12784.92						
01 O	112423	COOPERATIVE EDUCATIONAL SERVICE	BISCONNECT AND REMOVE CHAMPION	408-91-2215	1862520	06/29/2020	34340	6548.85
	6548.85		COOLER 6500 REMOVE OLD WOOD				34340	
	06/30/2020		PLATFORM, BUILD AND INSTALL NEW				34340	
			ANGLE IRON STAND FOR MASTERCOOL				34340	
			UNIT, INSTALL MASTERCOOL ASA71,				34340	
			INSTALL ELECTRICAL CONDUIT,				34340	
			INSTALL NEW 3/4 HP MOTOR, PULLEY				34340	
			AND BELT, CONNECT WATER/ELECTRIC				34340	
			AL, COMMISSION UNIT, DISPOSE OF				34340	
			OLD CHAMPION COOLER AND WOOD				34340	
			PLATFORM				34340	
			PRICE EXCLUDES TAX				34340	
			CES CONTRACT				34340	
			#18-07B-R201-ALL				34340	
			INVOICE#24-104598 ACCT#TORRANCE					
			COUNTY					
STATE FIRE ALLOTMENT		6548.85						
01 O	112424	CORECIVIC INC.	INVOICE#TCSO-ICE 112019	825-70-2172	2262520	06/29/2020		2056942.31
	2056942.31		REIMBURSEMENT FOR TRANSPORT OF					
	06/30/2020		ICE INMATES NOVEMBER 2019 AND					
			RENOVATION					
ADULT INMATE CARE		056942.31						
01 O	112425	DOUBLE H AUTO	OIL, OIL FILTERS, FUEL FILTER,	411-92-2201	2762520	06/30/2020	35008	177.99
	177.99		INVOICE#491862 ACCT#2927					
	06/30/2020							

1/4% FIRE EXCISE TAX

177.99

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CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
01 O	112426	EVSWA	CLEANUP OF DEBRIS ON ROADWAY	402-60-2272	1562520	06/29/2020	35324	42.43
			REQUESTED BY COUNTY MANAGER				35324	
	06/30/2020		JOHNSON				35324	
			INVOICE#1113					

COUNTY ROAD DEPARTMENT 42.43

01 O	112427	GUSTIN ELECTRIC	VERIFICATION OF ELECTRICAL	401-15-2215	1662520	06/29/2020	34989	2450.00
			OUTLET IN COUNTY CLERK'S				34989	
	06/30/2020		OFFICE FOR REPLACEMENT COPIER				34989	
			INVOICE#4836 ACCT#TORCO					

ADMINISTRATIVE OFFICES 2450.00

01 O	112428	HART'S TRUSTWORTHY HARDWARE	#B363823 ACCT#33		2862520		34717	
				413-91-2248		/ /	34717	19.99
	06/30/2020		LUMBER, PLUMBING NEEDS, PAINT,				34717	
			ROLLERS/BRUSHES, CLEANING				34717	
			SUPPLIES, MISCELLANEOUS				34717	
			ITEMS NEEDED FOR BUILDING MAINT				34717	
			ANCE/REPAIR AND SAFETY EQUIPMENT				34717	
			JANUARY - MARCH 2020				34717	

STATE FIRE ALLOTMENT 19.99

01 O	112429	HENRY SCHEIN MATRX MEDICAL	SAM IO DRIVER EA, 10 EA/CA	415-33-2344	1462520	06/29/2020	35151	1239.40
			SAM IO 45MM NEEDLE ASSEMBLY, 5PK	415-33-2344		/ /	35151	1850.94
	06/30/2020		SAM IO 25MM NEEDLE ASSEMBLY, 5PK	415-33-2344		/ /	35151	1542.45
			SAM IO STABALIZER	415-33-2344		/ /	35151	353.60
			SALES TAX	415-33-2344		/ /	35151	392.66

EMS ALLOTMENT 5379.05

01 O	112430	HOOVER, JAMES	TRAVEL TO LAS VEGAS NV INMATE	420-74-2205	762620	06/29/2020		31.00
			EXTRADITION RETURN					
	06/30/2020							

TRANSPORTATION OF PRIS 31.00

01 O	112431	MCLEOD MEDICAL CENTERS OF NM	INCDL NMDOT PHYSICALS FOR ROAD	402-60-2272	862620	06/29/2020	35323	660.00
			CREW:				35323	
	06/30/2020		ANTHONY MASTER				35323	
			ANTHONY MEDINA				35323	
			JOHN LUJAN				35323	
			PETE MONTANO				35323	
			DELFIN ROMERO				35323	
			RANDY RODRIGUEZ				35323	

COUNTY ROAD DEPARTMENT 660.00

01 O	112432	MJ JONES CONSTRUCTION	PAINT COMMON ROOM 3 TONES,	418-91-2215	2662520	06/30/2020	34870	2235.00
			KITCHEN 3 TONES, FRONT OFFICE				34870	
	06/30/2020		SPACE 3 TONES, GIRLS BATHROOM				34870	
			ALL WHITE, EPOXY PAINT IN THE				34870	
			ENTRANCE WALKWAY, KITCHEN AREA,				34870	
			AND GIRLS BATHROOM, DRYWALL MENS				34870	
			BATHROOM, HANG DRYWALL, MUD AND				34870	
			TAPE, SAND AND TEXTURE, FIX ANY				34870	

HOLES IN DRYWALL, PAINT.  
MATERIAL & LABOR

34870  
34870

CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
INVOICE#1001								
STATE FIRE ALLOTMENT		2235.00						
01 O	112433	MORIARTY FOODS	CONCESSION SUPPLIES	412-53-2247	2362520	06/29/2020	35281	94.91
	94.91		BOTTLED WATER AND DRY GOODS				35281	
	06/30/2020							
COUNTY FAIR		94.91						
01 O	112434	MORIARTY FOODS	NON-PERISHABLE FOOD FOR DV	691-38-2283	2562520	06/30/2020	34821	49.89
	49.89		VICTIM SUPPORT				34821	
	06/30/2020		ACCT#554					
VICTIM RESTITUTION		49.89						
01 O	112435	NM COALITION AGAINST DOMESTIC	REGISTRATION FOR CHRYSAL	690-09-2266	2062520	06/29/2020	35159	30.00
	30.00		MILBOURN AND ANNA MARTINEZ TO				35159	
	06/30/2020		ATTEND TELEHEALTH DONE RIGHT -				35159	
			REACHING CLIENTS DURING COVID-19				35159	
			INVOICE#1332053006					
WIND PILT		30.00						
01 V	112436	PUBLIC SAFETY PSYCHOLOGY GROUP	PRE-ACADEMY PSYCH EVAL	401-50-2272	262420	06/24/2020	35171	377.59
	755.18		Q. WALLACE				35171	
	06/30/2020		INVOICE#25105					
			PRE-EMPLOYMENT PSYCH EVAL TAX	401-50-2272	1762520	06/29/2020		377.59
			INVOICE#25105					
COUNTY SHERIFF		755.18						
01 O	112437	ROMERO, LEOPOLDO	TRAVEL TO LAS VEGAS NM INMATE	420-74-2205	662620	06/29/2020		27.00
	27.00		EXTRADITION RETURN					
	06/30/2020							
TRANSPORTATION OF PRIS		27.00						
01 O	112438	SIRCHE FINGERPRINT LABORATORIES	MARK N DOC REF PO#35217	401-50-2222	562620	06/29/2020		93.00
	93.00		INVOICE#0449959-IN					
	06/30/2020							
COUNTY SHERIFF		93.00						
01 O	112439	STAPLES BUSINESS ADVANTAGE	SHREDDER, STAPLER		1962520		35257	
	36.20		6 PK KLEENEX	401-65-2219		/ /	35257	36.20
	06/30/2020		ACCT#DAL 70109686					
OPERATIONS & MAINTENAN		36.20						
01 O	112440	STAPLES BUSINESS ADVANTAGE	SHAMPOO, CONDITIONER, DEODORANT,	690-86-2219	2162520	06/29/2020	35287	2372.74
	2372.74		TOOTHPASTE, BRUSH, BODY SOAP,				35287	
	06/30/2020		MOISTURIZER.				35287	
			ACCT# DAL 7109685					
DV CONTRACT F20		2372.74						
01 O	112441	TLC PLUMBING & UTILITY	CHANGE OUT BAD THERMOSTAT AND	401-15-2215	962620	06/29/2020		623.49

623.49  
06/30/2020

ADJUST AIR SPEED ON BLOWER  
MOTOR FOR BETTER AIR FLOW PRO

CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
1 AQ THERMOSTAT BILLABLE LABOR- TECHNICIAN TAX COUNTY CLERKS OFFICE INVOICE#SM52621901 ACCT#21945 REF PO#35302								
ADMINISTRATIVE OFFICES		623.49						
01 V	112442	TLC UNIFORMS	DIST 5 VFD UNIFORMS REF PO#35082	405-91-2236	162520	06/25/2020		1119.92
	1119.92		INVOICE#225415 ACCT#TORRANCE					
	06/30/2020		COUNTY FIRE					
STATE FIRE ALLOTMENT		1119.92						
01 O	112443	TLC UNIFORMS	BOOT ATAC 8"SHIELD LADIES 8R	405-91-2236	1162520	06/29/2020		1119.92
	1119.92		BOOT ATAC 8"SHIELD LADIES 9R					
	06/30/2020		BOOT ATAC 8"SHIELD 10.5W					
			BOOT ATAC 8"SHIELD 10R					
			BOOT ATAC 8"SHIELD GOOT ATAC					
			8" SHIELD 11W INVOICE#225415					
			ACCT#TORRANCE COUNTY FIRE					
STATE FIRE ALLOTMENT		1119.92						
01 O	112444	TLC UNIFORMS	UNIFORM NEEDS FOR FIREFIGHTER/	413-91-2236	1362520	06/29/2020	34696	1414.87
	1414.87		EMT'S SHIRTS, PANTS, BOOTS,				34696	
	06/30/2020		BELTS, ETC.				34696	
STATE FIRE ALLOTMENT		1414.87						
01 O	112445	TORRANCE COUNTY 4-H COUNCIL	LIVESTOCK EAR TAGS FOR 2020 FAIR	412-53-2299	2462520	06/29/2020	35278	619.50
	619.50							
	06/30/2020							
COUNTY FAIR		619.50						
01 O	112446	VALLEY TRACTOR LLC	TIRE FOR MOWER ON TRACTOR	402-60-2244	1062520	06/29/2020	35256	359.42
	359.42		TC40DA NEW HOLLAND TRACTOR				35256	
	06/30/2020		INVOICE#CT112785					
COUNTY ROAD DEPARTMENT		359.42						
01 O	112447	WAC UPFITTERS LLC	RANCH HAND FRONT BUMPER/GUARD	604-83-2248	262520	06/29/2020	35188	1490.00
	1915.08		INSTALL/LABOR	604-83-2248		/ /	35188	255.00
	06/30/2020		SHIPPING	604-83-2248		/ /	35188	150.00
			TAX	604-83-2248		/ /	35188	20.08
			2005 FORD EXCURSION				35188	
			VIN 1FMSU41P95EC25085				35188	
COMMUNICATIONS/EMS TAX		1915.08						
01 O	112459	HORIZONS OF NEW MEXICO	SHREDDING SERVICE/MANAGER	401-10-2271	663020	06/30/2020		14.56
	29.12		SHREDDING SERVICE/FINANCE	401-55-2271		/ /		14.56
	06/30/2020		INVOICE#SINV023296 ACCT#					
			S0001010					
COUNTY MANAGER		14.56	FINANCE DEPARTMENT	14.56				
01 O	112460	PRUDENTIAL OVERALL SUPPLY	MATS AND MOPS COUNTY ADMIN	401-15-2203	463020	06/30/2020		35.14

137.49  
06/30/2020

UNIFORMS STETSON AND ARELY/  
MARISSA

401-65-2236

/ /

46.73



CK#	DATE	Name	Description	Line Item	Invoice #	DATE	PO #	Amount
			MATS AND MOPS FOR JUDICIAL COMPLEX INVOICE#45054-9420 45054-9419 ACCT#6528480	401-16-2203		/ /		55.62
=====								
ADMINISTRATIVE OFFICES	35.14	OPERATIONS & MAINTENAN	46.73	JUDICIAL COMPLEX MAINT	55.62			
=====								
01 0	112461	PUBLIC SAFETY PSYCHOLOGY GROUP	PRE-ACADEMY PSYCH EVAL	401-50-2272	262420	06/24/2020	35171	377.59
	377.59		Q. WALLACE				35171	
	06/30/2020		INVOICE#25105					
COUNTY SHERIFF	377.59							
=====								
01 0	112462	SISNEROZ, JASON	PRIMARY ELECTION 06/02/2020	401-21-2205	1661620	06/16/2020		99.30
	99.30		PICKUP AND DELIVERY OF ELECTION MATERIALS					
	06/30/2020							
ELECTIONS	99.30							
=====								
01 0	112463	SUPER 8 MOTEL	EMERGENCY SHELTER FOR	691-38-2283	563020	06/30/2020	34624	95.78
	95.78		DV VICTIM SUPPORT				34624	
	06/30/2020		INVOICE#CONF#85874EC021812 ACCT#3000087064 ROOM WITH TWO QUEEN BEDS FOR ONE NIGHT					
VICTIM RESTITUTION	95.78							
=====								
01 0	112464	TLC PLUMBING & UTILITY	DIAGNOSE AND REPAIR DISTRICT	408-91-2215	363020	06/30/2020	35293	559.95
	559.95		3 NORTH A/C				35293	
	06/30/2020		NMSWPA #90-00000-18-00073 INVOICE#SM52597601				35293	
STATE FIRE ALLOTMENT	559.95							
=====								
	139	4866613.49	/ /	TOTAL	4920.68	VOIDS		

DEBITS CREDITS

** GRAND TOTAL **		4,866,613.49	.00
**TOTAL	GENERAL FUND	42,611.41	.00
**DEPT	COUNTY COMMISSION	856.44	.00
401-05-2201	MAINTENANCE & REPAIRS - VEHICLES	711.84	.00
401-05-2207	TELECOMMUNICATIONS	144.60	.00
**DEPT	PLANNING & ZONING	248.11	.00
401-08-2201	MAINTENANCE & REPAIRS - VEHICLES	161.32	.00
401-08-2207	TELECOMMUNICATIONS	86.79	.00
**DEPT	COUNTY MANAGER	2,824.16	.00
401-10-2203	CONTRACTS - EQUIPMENT MAINT	88.22	.00
401-10-2206	POSTAGE	2,060.43	.00
401-10-2207	TELECOMMUNICATIONS	289.30	.00
401-10-2219	SUPPLIES - GENERAL OFFICE	278.39	.00
401-10-2271	CONTRACT - OTHER SERVICES	107.82	.00
**DEPT	ADMINISTRATIVE OFFICES MAINTENAN	6,037.57	.00
401-15-2203	CONTRACTS - EQUIPMENT MAINT	237.29	.00
401-15-2208	UTILITIES - ELECTRICITY	2,518.30	.00
401-15-2215	MAINTENANCE & REPAIRS-BUILD/STRU	3,078.00	.00
401-15-2220	SUPPLIES - CLEANING	203.98	.00
**DEPT	JUDICIAL COMPLEX MAINTENANCE	3,851.88	.00
401-16-2203	CONTRACTS - EQUIPMENT MAINT	437.87	.00
401-16-2208	UTILITIES - ELECTRICITY	2,848.04	.00
401-16-2215	MAINTENANCE & REPAIRS-BUILD/STRU	362.00	.00
401-16-2220	SUPPLIES - CLEANING	203.97	.00
**DEPT	COUNTY CLERK	354.30	.00
401-20-2207	TELECOMMUNICATIONS	206.60	.00
401-20-2219	SUPPLIES - GENERAL OFFICE	147.70	.00
**DEPT	ELECTIONS	688.18	.00
401-21-2205	TRAVEL - EMPLOYEES	322.66	.00
401-21-2219	SUPPLIES - GENERAL OFFICE	295.14	.00
401-21-2308	VOTING MACHINE STORAGE	70.38	.00
**DEPT	MOUNTAINAIR HEALTH CLINIC MAINT	4.51	.00
401-23-2215	MAINTENANCE & REPAIRS-BUILD/STRU	4.51	.00
**DEPT	HEALTH DEPT BLDG MAINTENANCE	309.77	.00
401-24-2208	UTILITIES - ELECTRICITY	309.77	.00
**DEPT	MOUNTAINAIR SENIOR CENTER MAINT	366.65	.00
401-27-2208	UTILITIES - ELECTRICITY	362.13	.00
401-27-2215	MAINTENANCE & REPAIRS-BUILD/STRU	4.52	.00
**DEPT	COUNTY TREASURER	518.87	.00
401-30-2202	SUPPLIES - VEHICLE FUEL	50.50	.00
401-30-2203	CONTRACTS - EQUIPMENT MAINT	191.82	.00
401-30-2207	TELECOMMUNICATIONS	235.39	.00
401-30-2271	CONTRACT - OTHER SERVICES	41.16	.00
**DEPT	ESTANCIA SENIOR CENTER MAINT	424.19	.00
401-36-2208	UTILITIES - ELECTRICITY	419.67	.00

401-36-2215

MAINTENANCE & REPAIRS-BUILD/STRU

4.52

.00

=====  
\*\*DEPT

MORIARTY SENIOR CENTER MAINT

510.22

.00

DEBITS CREDITS

401-37-2208	UTILITIES - ELECTRICITY	505.70	.00
401-37-2215	MAINTENANCE & REPAIRS-BUILD/STRU	4.52	.00
=====			
**DEPT	COUNTY ASSESSOR	4.01	.00
401-40-2207	TELECOMMUNICATIONS	4.01	.00
=====			
**DEPT	COUNTY SHERIFF	17,058.82	.00
401-50-2201	MAINTENANCE & REPAIRS - VEHICLES	4,984.98	.00
401-50-2202	SUPPLIES - VEHICLE FUEL	5,836.68	.00
401-50-2207	TELECOMMUNICATIONS	322.13	.00
401-50-2219	SUPPLIES - GENERAL OFFICE	1,339.80	.00
401-50-2222	SUPPLIES - FIELD	1,250.68	.00
401-50-2231	SUPPLIES - WEAPONS/AMMUNITION	1,459.20	.00
401-50-2236	SUPPLIES - UNIFORMS	1,487.76	.00
401-50-2272	CONTRACT - PROFESSIONAL SERVICES	377.59	.00
=====			
**DEPT	FINANCE DEPARTMENT	452.22	.00
401-55-2207	TELECOMMUNICATIONS	115.72	.00
401-55-2219	SUPPLIES - GENERAL OFFICE	116.40	.00
401-55-2271	CONTRACT - OTHER SERVICES	220.10	.00
=====			
**DEPT	ATTORNEY	2,091.92	.00
401-56-2219	SUPPLIES - GENERAL OFFICE	2,091.92	.00
=====			
**DEPT	OPERATIONS & MAINTENANCE	4,914.85	.00
401-65-2202	SUPPLIES - VEHICLE FUEL	330.55	.00
401-65-2207	TELECOMMUNICATIONS	86.79	.00
401-65-2213	CONTRACT - IT SERVICES	4,269.25	.00
401-65-2219	SUPPLIES - GENERAL OFFICE	36.20	.00
401-65-2236	SUPPLIES - UNIFORMS	183.76	.00
401-65-2266	EMPLOYEE TRAINING	8.30	.00
=====			
**DEPT	ANIMAL SERVICES	1,065.81	.00
401-82-2202	SUPPLIES - VEHICLE FUEL	184.96	.00
401-82-2208	UTILITIES - ELECTRICITY	199.15	.00
401-82-2218	FURN/FIX/EQUIP	298.80	.00
401-82-2266	EMPLOYEE TRAINING	145.00	.00
401-82-2272	CONTRACT - PROFESSIONAL SERVICES	237.90	.00
=====			
**DEPT	PROBATE JUDGE	28.93	.00
401-90-2207	TELECOMMUNICATIONS	28.93	.00
=====			
**TOTAL	ROAD FUND	179,416.38	.00
=====			
**DEPT	COUNTY ROAD DEPARTMENT	8,402.95	.00
402-60-2207	TELECOMMUNICATIONS	57.86	.00
402-60-2236	SUPPLIES - UNIFORMS	1,339.72	.00
402-60-2244	MAINTENANCE & REPAIRS-MACHINERY	1,126.10	.00
402-60-2248	SUPPLIES - SAFETY	2,467.42	.00
402-60-2254	ROADWAYS/BRIDGES	2,709.42	.00
402-60-2272	CONTRACT - PROFESSIONAL SERVICES	702.43	.00
=====			
**DEPT	CAP PROJECT	80,897.93	.00
402-62-2406	CAP-5-18 (542)	80,897.93	.00
=====			
**DEPT	SP PROJECT	90,115.50	.00
402-64-2408	SP-5-18 (186)	90,115.50	.00
=====			
**TOTAL	DISTRICT 5 VFD	4,046.20	.00

\*\*\*\*\*  
\*\*DEPT

STATE FIRE ALLOTMENT

4,046.20

.00

		DEBITS	CREDITS
405-91-2202	SUPPLIES - VEHICLE FUEL	386.83	.00
405-91-2208	UTILITIES - ELECTRICITY	354.95	.00
405-91-2219	SUPPLIES - GENERAL OFFICE	89.59	.00
405-91-2230	SUPPLIES - MEDICAL	153.36	.00
405-91-2236	SUPPLIES - UNIFORMS	1,539.85	.00
405-91-2248	SUPPLIES - SAFETY	1,521.62	.00
=====			
**TOTAL	DISTRICT 2 VFD	1,992.02	.00
=====			
**DEPT	STATE FIRE ALLOTMENT	1,992.02	.00
406-91-2202	SUPPLIES - VEHICLE FUEL	160.54	.00
406-91-2208	UTILITIES - ELECTRICITY	123.92	.00
406-91-2219	SUPPLIES - GENERAL OFFICE	89.59	.00
406-91-2230	SUPPLIES - MEDICAL	380.64	.00
406-91-2248	SUPPLIES - SAFETY	1,237.33	.00
=====			
**TOTAL	DISTRICT 1 VFD	1,021.54	.00
=====			
**DEPT	STATE FIRE ALLOTMENT	1,021.54	.00
407-91-2208	UTILITIES - ELECTRICITY	124.29	.00
407-91-2219	SUPPLIES - GENERAL OFFICE	89.59	.00
407-91-2248	SUPPLIES - SAFETY	807.66	.00
=====			
**TOTAL	DISTRICT 3 VFD	9,822.79	.00
=====			
**DEPT	STATE FIRE ALLOTMENT	9,822.79	.00
408-91-2202	SUPPLIES - VEHICLE FUEL	101.96	.00
408-91-2208	UTILITIES - ELECTRICITY	435.55	.00
408-91-2215	MAINTENANCE & REPAIRS-BUILD/STRU	7,108.80	.00
408-91-2219	SUPPLIES - GENERAL OFFICE	89.59	.00
408-91-2230	SUPPLIES - MEDICAL	322.97	.00
408-91-2248	SUPPLIES - SAFETY	1,763.92	.00
=====			
**TOTAL	DISTRICT 4 VFD	1,040.13	.00
=====			
**DEPT	STATE FIRE ALLOTMENT	1,040.13	.00
409-91-2202	SUPPLIES - VEHICLE FUEL	68.80	.00
409-91-2208	UTILITIES - ELECTRICITY	119.31	.00
409-91-2219	SUPPLIES - GENERAL OFFICE	89.59	.00
409-91-2248	SUPPLIES - SAFETY	762.43	.00
=====			
**TOTAL	L.E. PROTECTION FUND	1,082.56	.00
=====			
**DEPT	COUNTY SHERIFF	1,082.56	.00
410-50-2222	SUPPLIES - FIELD	1,082.56	.00
=====			
**TOTAL	COUNTY FIRE PROTECTION FUND	676.74	.00
=====			
**DEPT	1/4% FIRE EXCISE TAX	676.74	.00
411-92-2201	MAINTENANCE & REPAIRS - VEHICLES	426.74	.00
411-92-2271	CONTRACT - OTHER SERVICES	250.00	.00
=====			
**TOTAL	COUNTY FAIR	864.93	.00
=====			
**DEPT	COUNTY FAIR	864.93	.00
412-53-2208	UTILITIES - ELECTRICITY	150.52	.00
412-53-2247	SUPPLIES - FOOD/CONCESSION	94.91	.00
412-53-2299	SERVICES - EVENT	619.50	.00
=====			

**TOTAL	FIRE DEPARTMENT ADMIN	2,887.63	.00
=====			
**DEPT	STATE FIRE ALLOTMENT	2,887.63	.00

DEBITS CREDITS

413-91-2202	SUPPLIES - VEHICLE FUEL	771.34	.00
413-91-2207	TELECOMMUNICATIONS	115.72	.00
413-91-2208	UTILITIES - ELECTRICITY	192.44	.00
413-91-2219	SUPPLIES - GENERAL OFFICE	186.34	.00
413-91-2236	SUPPLIES - UNIFORMS	1,414.87	.00
413-91-2248	SUPPLIES - SAFETY	19.99	.00
413-91-2271	CONTRACT - OTHER SERVICES	186.93	.00
=====			
**TOTAL	EMS FUND	5,379.05	.00
=====			
**DEPT	EMS ALLOTMENT	5,379.05	.00
415-33-2344	SUPERIOR AMBULANCE	5,379.05	.00
=====			
**TOTAL	DISTRICT 6 VFD	3,124.36	.00
=====			
**DEPT	STATE FIRE ALLOTMENT	3,124.36	.00
418-91-2202	SUPPLIES - VEHICLE FUEL	54.27	.00
418-91-2208	UTILITIES - ELECTRICITY	67.07	.00
418-91-2215	MAINTENANCE & REPAIRS-BUILD/STRU	2,235.00	.00
418-91-2219	SUPPLIES - GENERAL OFFICE	89.59	.00
418-91-2248	SUPPLIES - SAFETY	678.43	.00
=====			
**TOTAL	EVSVA CONTRACT	17,000.23	.00
=====			
**DEPT	COUNTY COMMISSION	17,000.23	.00
419-05-2292	EVSVA TIPPING FEES	17,000.23	.00
=====			
**TOTAL	JAIL FUND	102,200.07	.00
=====			
**DEPT	ADULT INMATE CARE	49,311.72	.00
420-70-2172	CARE OF INMATES	49,311.72	.00
=====			
**DEPT	JUVENILE INMATE CARE	495.00	.00
420-72-2172	CARE OF INMATES	495.00	.00
=====			
**DEPT	COMMUNITY MONITORING	1,329.63	.00
420-73-2202	SUPPLIES - VEHICLE FUEL	59.31	.00
420-73-2207	TELECOMMUNICATIONS	28.93	.00
420-73-2218	FURN/FIX/EQUIP	583.94	.00
420-73-2219	SUPPLIES - GENERAL OFFICE	657.45	.00
=====			
**DEPT	TRANSPORTATION OF PRISONERS	51,063.72	.00
420-74-2202	SUPPLIES - VEHICLE FUEL	1,701.59	.00
420-74-2205	TRAVEL - EMPLOYEES	290.00	.00
420-74-2231	SUPPLIES - WEAPONS/AMMUNITION	1,064.00	.00
420-74-2618	CO - VEHCILES	48,008.13	.00
=====			
**TOTAL	WIPP FUNDING	7,000.00	.00
=====			
**DEPT	EMERGENCY MANAGEMENT	7,000.00	.00
427-28-2655	WIPP FUNDING	7,000.00	.00
=====			
**TOTAL	CIVIL DEFENSE FUND	3,592.99	.00
=====			
**DEPT	COMMUNICATIONS/EMS TAX	3,592.99	.00
604-83-2202	SUPPLIES - VEHICLE FUEL	318.98	.00
604-83-2207	TELECOMMUNICATIONS	28.93	.00
604-83-2248	SUPPLIES - SAFETY	3,245.08	.00
=====			



**TOTAL	DWI PROGRAM FUND	16,063.52	.00
=====			
**DEPT	DWI DISTRIBUTION GRANT FY20	14,992.34	.00

		DEBITS	CREDITS
605-03-2201	MAINTENANCE & REPAIRS - VEHICLES	530.00	.00
605-03-2219	SUPPLIES - GENERAL OFFICE	2,082.68	.00
605-03-2221	PRINTING/PUBLISHING/ADVERTISING	2,838.31	.00
605-03-2257	SUPPLIES - OUTREACH MATERIALS	2,289.80	.00
605-03-2266	EMPLOYEE TRAINING	770.00	.00
605-03-2272	CONTRACT - PROFESSIONAL SERVICES	6,481.55	.00
=====			
**DEPT	DWI COMMUNITY GRANT FY20	1,000.00	.00
605-04-2219	SUPPLIES - GENERAL OFFICE	1,000.00	.00
=====			
**DEPT	WIND PILT	71.18	.00
605-09-2257	SUPPLIES - OUTREACH MATERIALS	71.18	.00
=====			
**TOTAL	TREASURER'S FEE	179.28	.00
=====			
**DEPT	COUNTY TREASURER	179.28	.00
609-30-2219	SUPPLIES - GENERAL OFFICE	179.28	.00
=====			
**TOTAL	PROPERTY VALUATION FUND	6,999.07	.00
=====			
**DEPT	COUNTY ASSESSOR	6,999.07	.00
610-40-2202	SUPPLIES - VEHICLE FUEL	64.69	.00
610-40-2203	CONTRACTS - EQUIPMENT MAINT	29.38	.00
610-40-2207	TELECOMMUNICATIONS	347.28	.00
610-40-2219	SUPPLIES - GENERAL OFFICE	71.18	.00
610-40-2221	PRINTING/PUBLISHING/ADVERTISING	5,481.54	.00
610-40-2266	EMPLOYEE TRAINING	1,005.00	.00
=====			
**TOTAL	CLERK'S EQUIPMENT FUND	4,892.04	.00
=====			
**DEPT	COUNTY CLERK	4,892.04	.00
612-20-2203	CONTRACTS - EQUIPMENT MAINT	487.44	.00
612-20-2617	CO - EQUIPMENT & MACHINERY	4,404.60	.00
=====			
**TOTAL	RPHCA GRANT	7,502.00	.00
=====			
**DEPT	RPHCA GRANT FY20	7,502.00	.00
616-18-2272	CONTRACT - PROFESSIONAL SERVICES	7,502.00	.00
=====			
**TOTAL	COMPLETE COUNT GRANT	13,639.50	.00
=====			
**DEPT	COMPLETE COUNT	13,639.50	.00
617-52-2257	SUPPLIES - OUTREACH MATERIALS	13,639.50	.00
=====			
**TOTAL	COUNTY INFRASTRUCTURE GRT	339.96	.00
=====			
**DEPT	INFRASTRUCTURE GROSS RECEIPTS TX	339.96	.00
620-94-2225	SUPPLIES - COMPUTER/PRINTER	339.96	.00
=====			
**TOTAL	CAPITAL OUTLAY GROSS RECEIPTS TX	26,981.01	.00
=====			
**DEPT	CAPITAL OUTLAY GROSS RECEIPTS TX	26,981.01	.00
621-96-2612	CO - LAND & LAND IMPROVEMENTS	26,981.01	.00
=====			
**TOTAL	JUVENILE JUSTICE GRANT	3,716.82	.00
=====			
**DEPT	WIND PILT	278.82	.00
635-09-2271	CONTRACT - OTHER SERVICES	278.82	.00
=====			

\*\*DEPT  
635-68-2272

CYFD JUVENILE JUSTICE GRANT FY20  
CONTRACT - PROFESSIONAL SERVICES

3,438.00  
3,438.00

.00  
.00

DEBITS CREDITS

**TOTAL	LOCAL GOVERNMENT PILT	239,200.00	.00
**DEPT	WIND PILT	239,200.00	.00
641-09-2410	HIGH LONESOME WIND FARM PILOT	239,200.00	.00
**TOTAL	RURAL ADDRESSING	415.93	.00
**DEPT	RURAL ADDRESSING	415.93	.00
675-07-2207	TELECOMMUNICATIONS	28.93	.00
675-07-2219	SUPPLIES - GENERAL OFFICE	387.00	.00
**TOTAL	DOMESTIC VIOLENCE GRANT	3,948.85	.00
**DEPT	WIND PILT	52.00	.00
690-09-2202	SUPPLIES - VEHICLE FUEL	22.00	.00
690-09-2266	EMPLOYEE TRAINING	30.00	.00
**DEPT	DV CONTRACT F20	3,896.85	.00
690-86-2201	MAINTENANCE & REPAIRS - VEHICLES	540.00	.00
690-86-2219	SUPPLIES - GENERAL OFFICE	3,082.86	.00
690-86-2224	SUPPLIES - EDUCATIONAL	273.99	.00
**TOTAL	DV VICTIM'S RESTITUTION	595.67	.00
**DEPT	VICTIM RESTITUTION	595.67	.00
691-38-2201	MAINTENANCE & REPAIRS - VEHICLES	450.00	.00
691-38-2283	VICTIM SUPPORT	145.67	.00
**TOTAL	LEGISLATIVE APPROPRIATIONS	17,198.00	.00
**DEPT	LEGISLATIVE PROJECTS	17,198.00	.00
803-59-2643	D3239 TC SHERIFF VEHICLE PUR/EPU	17,198.00	.00
**TOTAL	IMMIGRATION & CUSTOMS ENFORCEMEN	4,137,568.17	.00
**DEPT	ADULT INMATE CARE	4,137,568.17	.00
825-70-2172	CARE OF INMATES	4,137,568.17	.00
**TOTAL	COVID-19	157.68	.00
**DEPT	FEMA DECLARED	157.68	.00
835-01-2248	SUPPLIES - SAFETY	157.68	.00
**TOTAL	EMERGENCY-911 FUND	3,456.96	.00
**DEPT	911-DISPATCH CENTER	3,416.96	.00
911-80-2201	MAINTENANCE & REPAIRS - VEHICLES	1,353.24	.00
911-80-2202	SUPPLIES - VEHICLE FUEL	39.62	.00
911-80-2208	UTILITIES - ELECTRICITY	1,396.69	.00
911-80-2215	MAINTENANCE & REPAIRS-BUILD/STRU	150.84	.00
911-80-2219	SUPPLIES - GENERAL OFFICE	204.97	.00
911-80-2248	SUPPLIES - SAFETY	271.60	.00
**DEPT	DFA TRAINING GRANT	40.00	.00
911-85-2266	EMPLOYEE TRAINING	40.00	.00
BANK01	US BANK	4,866,613.49	.00
	** BANK TOTALS **	4,866,613.49	.00



*Agenda Item  
No. 10-A*



**Torrance County Board of Commissioners**  
**Meeting 7/8/2020**  
**Item 10A**

Department: Manager  
Prepared By: Wayne Johnson

**Title: Torrance County Financial Reserve Ordinance**

**Action:**

Motion to adopt the Torrance County Financial Reserve Ordinance.

**Summary:**

On May 27<sup>th</sup>, 2020, the BCC approved publication of the proposed ordinance designed to create an additional 2/12ths financial reserve. This agenda item is the final step to adopting a County financial reserve ordinance to prepare the County for adverse financial conditions, solidify cash flow, funds for economic development, or capital expenditures.

**Background:**

Torrance County operates under the statutorily mandated 3/12ths reserve requirement. This mandated reserve is restricted by statute and can only be accessed with the permission of the state Department of Finance Administration Local Government Division. Historically, the County has experienced negative economic consequences through unexpected developments (i.e. the closure of the Torrance County Detention Center in 2017). The County currently receives over \$995,000 generated by Industrial Revenue Bond lease payments. These Payment[s] in Lieu of Taxes or PILT payments are expected to increase to over \$2,500,000 annually in the next 12 to 18 months.

Management is recommending the creation of an additional two-twelfths reserve as a Commission controlled rainy day fund to guard against unexpected or unpredicted economic and revenue downturns. The ordinance requires that 40% of all PILT revenue received over \$800,000 will be placed in the County's reserve fund, not to exceed 33% of the reserve's maximum value. The maximum value of the fund is equal to 2/12ths of the County's General Fund budget.

The reserve may be used to reimburse Commission approved grants where reimbursement is expected not later than the close of the fiscal year immediately following the fiscal year in which the expenditure is made. The reserve may also be used by the County Manager to support expenses related to emergencies declared by the Board of County Commissioners. In both of these cases, PILT funds will begin to be replenish unreimbursed expenditures following the fiscal year immediately following the fiscal year in which the expenditure is made.

The Commission may also use reserve funds as one-time project expenditures. In this case, the fund will begin to be replenished in the fiscal year immediately following the fiscal year in which the expenditure is made. The Commission may issue a "Replenishment Waiver" to delay

repayment in exigent circumstances. The Ordinance may only be repealed by a unanimous vote.

**Significant Issues:**

- A healthy financial reserve will allow the County more flexibility when incurring debt.
- Additional financial reserves provide a “rainy day fund” for any economic downturns.
- With the new wind energy projects coming online in the next 12 to 18 months, the County should be able to fully fund the reserve in the next 24 months.

**Financial:**

No anticipated negative financial impact.

**Staff Recommendation:**

Approval

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**TORRANCE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ORDINANCE NO. 2020-**

**TORRANCE COUNTY FINANCIAL RESERVE ORDINANCE**

**WHEREAS**, since 2019, Torrance County has approved eight repower or new

Renewable Energy Industrial Revenue Bond agreements; and,

**WHEREAS**, these agreements include an annual Payment in lieu of Taxes (PILT) payment to school districts and Torrance County; and,

**WHEREAS**, current and future PILT payments will exceed \$2.5 million dollars in combined revenue; and,

**WHEREAS**, historically the County has experienced economic downturns and unforeseen increases in expenses; and,

**WHEREAS**, the County's enhanced revenue picture provides an opportunity to create a reserve fund to address future economic crises in order to protect the health, safety, and welfare of the people of Torrance County in uncertain economic times; and

**WHEREAS**, a healthy reserve will improve the financial health of the County; and

**WHEREAS**, it is the desire of the Commission to protect the County's ability to continue to deliver basic services despite the onset of economic downturns.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY, NEW MEXICO** that the attached document entitled The Torrance County Financial Reserve Ordinance is hereby enacted.

**DONE THIS 8<sup>th</sup> DAY OF JULY, 2020.**



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**APPROVED AS TO FORM ONLY:**

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
County Attorney                      Date

\_\_\_\_\_  
Ryan Schwebach, Chair

\_\_\_\_\_  
Javier Sanchez, Vice Chair

\_\_\_\_\_  
Kevin McCall, Member

**ATTEST:**

\_\_\_\_\_  
Linda Jaramillo, County Clerk

Date: \_\_\_\_\_

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# *The Torrance County Financial Reserve Ordinance*

1 ***Section 1- Definitions***

2  
3 “County” means Torrance County, NM.

4  
5 “PILT” means Payment in lieu of Taxes from renewable energy sources derived from the  
6 issuance of Torrance County Industrial Revenue Bonds.

7  
8 “General Fund” is defined as Torrance County’s general operation fund.

9  
10 “Mandated Reserve” is defined as the state required three-twelfths General Fund budgetary  
11 reserve.

12  
13 “County Reserve” is an unassigned two-twelfths reserve created within the County’s PILT fund.

14  
15 “Fully Funded” is defined as the amount equal to two-twelfths of the General Fund.

16  
17 ***Section 2 – Funding Procedures***

18  
19 The County Reserve shall be an unassigned reserve within the County’s PILT fund equal to two-  
20 twelfths of the General Fund. Forty percent (40%) of annual PILT funds received in excess of  
21 eight-hundred thousand dollars (\$800,000) shall be placed in the County Reserve, not to exceed  
22 one-third (1/3) of the total amount of the County Reserve annually. Once the PILT funds placed  
23 in the County Reserve have reached one-third (1/3) of the County Reserve or the County Reserve  
24 is Fully Funded, one hundred percent of PILT revenue shall be placed in the County’s General  
25 Fund.

26  
27 ***Section 3 – Authorized Uses / Fund Replenishment***

28  
29 **A. Reimbursable Expenses**

30 The County Reserve may be used for short-term reimbursable expenses where  
31 reimbursement is expected not later than the close of the fiscal year immediately  
32 subsequent to the fiscal year in which the expense is incurred. Examples of reimbursable  
33 expenses contemplated by this section include, but are not limited to, approved grants,  
34 and Legislative Capital Outlay. Replenishment of County Reserve funds shall begin no  
35 later than the close of the fiscal year immediately subsequent to the expenditure.

36  
37 **B. Emergencies / Disaster Relief**

38 Upon the issuance of an Emergency Declaration by the Board of County Commissioners,  
39 the County Manager is authorized to utilize County Reserve funds to support expenses  
40 related to the declared emergency as defined by the Emergency Declaration.  
41 Replenishment of County Reserve funds shall begin no later than the close of the fiscal  
42 year immediately subsequent to the expenditure.

43  
44 **C. Delayed Reimbursement**

45 Should reimbursement of funds, as described in Sections 3(A) and 3(B), occur after the

1 fiscal year immediately subsequent to the fiscal year in which the expenditure is made,  
2 said reimbursement shall be placed in to the Torrance County Financial Reserve until it  
3 reaches its Fully Funded level. Excess reimbursement funds shall be placed into the  
4 County's PILT fund.  
5

6 **D. Non-reimbursable Expenses**

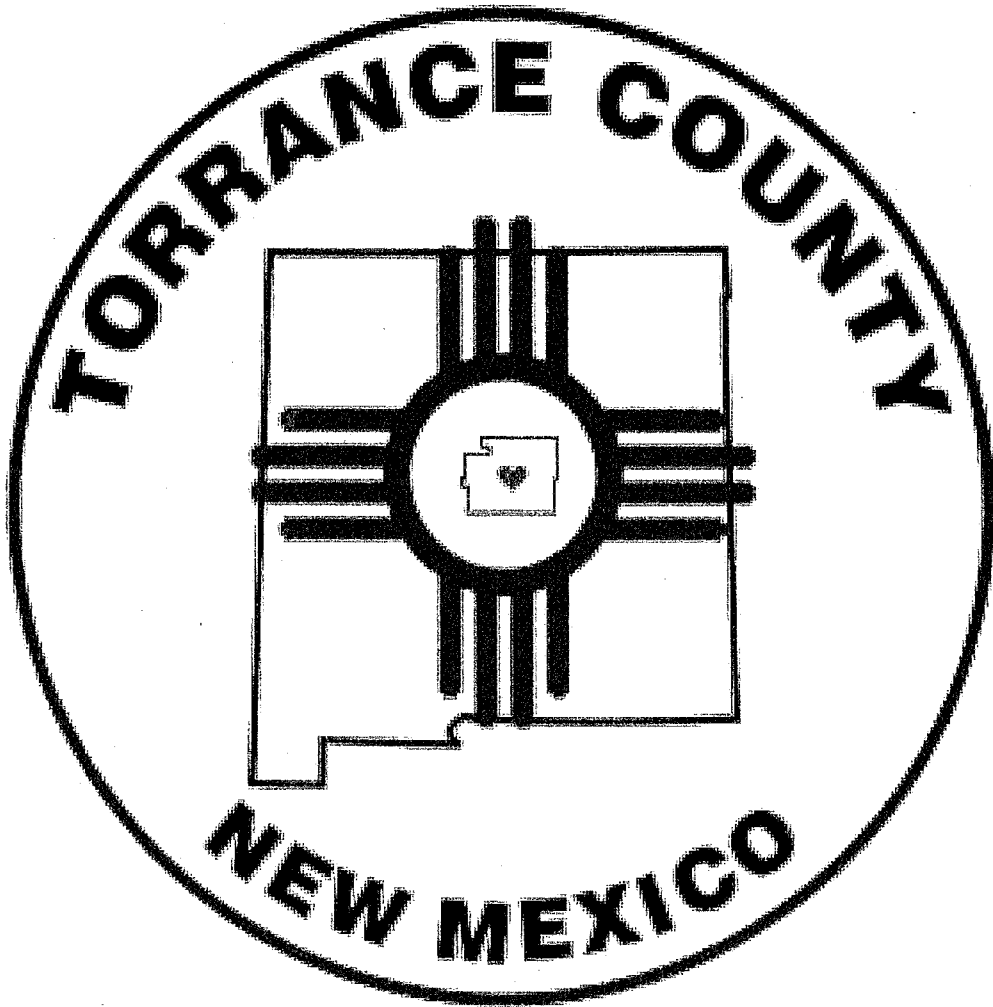
7 County Reserve funds may be used for non-reimbursable expenses at the discretion of the  
8 Board of County Commissioners. Replenishment of the County Reserve shall begin in  
9 the fiscal year immediately following the approved expenditure as described in Section 2.  
10

11 **E. Replenishment Waiver**

12 The Board of County Commissioners may issue a Replenishment Waiver to address  
13 unforeseen economic circumstances in order to maintain the health, safety, and welfare of  
14 the citizens of Torrance County. Replenishment Waivers shall be required to be issued  
15 and approved by the Board of County Commissioners on an annual basis, and shall be  
16 limited to one fiscal year.  
17

18 ***Section 4 – Repeal***

19  
20 This ordinance shall only be repealed by a unanimous vote of the Board of County  
21 Commissioners.



*Agenda Item*  
*No. 10-B*



# Torrance County Board of Commissioners

Meeting 7/8/2020

Item 10B

Department: Manager  
Prepared By: Wayne Johnson

## **Title: Torrance County Zoning Ordinance Amendments**

### **Sponsor:**

Manager

### **Action:**

Motion to approve amendments to the Torrance County Zoning Ordinance.

### **Summary:**

The Planning and Zoning process has frustrated applicants due to unnecessary procedural challenges and a lack of clarity created by the inclusion of a Table of Land Uses. The amendments reinsert permissive and conditional uses into each defined zone district clarifying the code, removes the requirement for a second hearing by the BCC in the absence of an appeal, and shortens the time to file an appeal from 30 days to 15 days. In addition, the Ordinance adds as Conditional Use to the D1 & D2 zones, “cannabis product retail or wholesale outlets and lounges” and clarifies the prohibition on horticulture in a Rural Residential Zone. The changes to the ordinance do not affect current land use zone districts, but rather clarify permissive and conditional uses.

### **Amendment Material**

During the publication period, a deficiency in the ordinance was discovered regarding temporary uses or special events. The County currently does not have a policy in place to handle these situations. The practice has been to bring the applicant before the BCC for approval of the special use. The problem is that while the BCC has land use authority, there is no current provision in the ordinance that provides authority to waive the ordinance. A new Section 23 was added to the ordinance to provide an administrative permit that would allow for temporary uses in commercial zones or where there is a special use or conditional use in place. The permit would be good for no more than 60 days and restricts permit issuance to two per year for a specific location. The Planning and Zoning Director is charged with issuance and may be denied if the applicant does not meet listed requirements or if the use is deemed to be incompatible with surrounding land uses. Decisions made by the P&Z Director may be appealed to the BCC.

An additional change was made to the ordinance that reduced the appeal period to 14 days instead of 15 days. A review of the calendar and the timing between the P&Z monthly meetings and the BCC’s biweekly meetings revealed that a 15 day appeal period would effectively result in a 45 day wait between the P&Z’s decision and the BCC’s approval. The intent was to reduce

the wait for projects approved by the P&Z from 6 or more weeks to 3. Decisions that are not appealed, should consistently be approved within 3 weeks after being heard by the P&Z.

### **Significant Issues:**

- Lack of clarity in the Land Use Table has led to costly litigation.
- Current timeframes can result in costly delays for applicants.
- Care has been taken to support current zoning and avoid unintended down zoning.
- A more predictable and efficient approval process benefits business owners and the public.
- A previous lack of a Temporary Land Use or Special Event permit made it difficult for those who would hold seasonal events to obtain a temporary permit and encouraged an “ask forgiveness” approach to special events.
- The new appeal period of 14 days allows for P&Z decisions to be approved by the BCC within 3 weeks. This is a significant improvement businesses who wish to begin operating in Torrance County.
- All landowners benefit from the expedited timeline, while those who wish to appeal a P&Z decision are given ample time to file the appeal prior to approval by the BCC.

### **Financial:**

None.

### **Staff Recommendation:**

Staff recommends approval with the following additional amendments.

## **Additional Amendments**

### **Section 4B**

Add a new definition “Appeal Period” as Section 4B4 and renumber thereafter.

New text:

4. “Appeal Period” – the **fourteen (14) day** period beginning on the day of the Planning and Zoning Boards determination and recommendation to the Board of County of County Commissioners.

### **Section 25B**

Replace “30 days” with “**fourteen (14) days**” – See note from 4B

### **NEW SECTION 23**

Insert new Section 23 and renumber sections thereafter.

New text:

### **SECTION 23. TEMPORARY LAND USE OR SPECIAL EVENT PERMIT**

Incidental or infrequent uses/events such as but not limited to circuses, fairs, carnivals, and outdoor sales that are commonly associated with a business or club which include but is not limited to civic, fraternal, charitable, religious, and patriotic organizations or temporary outdoor sales, or other commercial uses, may be allowed in “D” zone districts or on properties with an active Conditional Use or Special Use permit. Temporary Land Use or Special Event Permits shall be issued by the Planning and Zoning Director or designee, and shall be subject to the following conditions:

- A. Permission. Prior to commencement of the temporary use or special event, the applicant shall provide a notarized statement from the property owner granting permission for the applicant to conduct the temporary use or event at the proposed site.
- B. Emergency Services. The applicant shall reimburse the County for any EMS, fire, or law enforcement services deemed necessary by the Torrance County Fire Department and/or



the Torrance County Sheriff.

- C. Business Registration. The applicant shall have a current Torrance County business registration.
- D. Expiration. Temporary Land Use or Special Event Permits shall expire not more than sixty (60) days from the commencement of the temporary use or special event, and shall not be reissued consecutively.
- E. Limitations. Applicants/landowners shall be limited to two Temporary Land Use or Special Event Permits per calendar year for a specific property. The Planning and Zoning Director shall not issue a Temporary Land Use or Special Event Permit where the use is deemed to be incompatible with surrounding land uses.
- F. Appeal. Issuance or denial of Temporary Land Use or Special Event Permits may be appealed to the Board of County Commissioners.

**TORRANCE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**ORDINANCE NO. 2020-\_\_\_\_\_**

**TORRANCE COUNTY ZONING ORDINANCE AMENDMENTS**

WHEREAS, the current version of the Torrance County Zoning Ordinance was last revised in 2016; and,

WHEREAS, substantially identical to the original version passed in 1990, it introduced a Land Use Table that resulted in a lack of clarity for the public and staff; and,

WHEREAS, the 2016 version of the Torrance County Zoning Code requires a mandatory second hearing of all decisions regardless of whether an appeal has been filed; and,

WHEREAS, existing timelines for the filing of appeals often result months of unnecessary delay; and,

WHEREAS, unnecessary approval delays increase the cost of development for individuals and businesses which is an impediment to economic development; and,

WHEREAS, the Torrance County Board of Commissioners wishes to encourage and support proper development and minimize costs to landowners.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY, NEW MEXICO** that the Torrance County Zoning Ordinance of 1990, last revised May 11, 2016 is hereby amended to read:

SPR-223



## TORRANCE COUNTY ZONING ORDINANCE

Adopted by the Board of County Commissioners of Torrance County  
on  
March 21, 1990  
[Including revisions to: ~~May 11~~ August 8, 2020~~16~~]

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**ZONING ORDINANCE  
FOR  
TORRANCE COUNTY, STATE OF NEW MEXICO**

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS AND A ZONING MAP FOR THE UNINCORPORATED AREAS OF TORRANCE COUNTY, NEW MEXICO; AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF.

SECTION 1. TITLE.

These regulations shall be known as the "TORRANCE COUNTY ZONING ORDINANCE", and shall be referred to herein as "this Ordinance".

SECTION 2. PURPOSE.

The provisions of this Ordinance are designed to promote health and the general welfare of the County; to secure safety from fire, flood, and other dangers; to protect local water resources; to facilitate adequate provisions for transportation, solid waste management, water and wastewater systems, schools, parks and other community requirements; to conserve the value of property; and to provide for the compatible development of land and other natural resources in the County. This Ordinance shall be interpreted to be in accordance with the current Torrance County Comprehensive Land Use Plan.

[REV: Ord. No. 95-4, 6/10/95; Ord. No. 2008-003, 4/23/08]

SECTION 3. JURISDICTION.

This Ordinance shall apply to all or any portion of the territory within the County that is not within the zoning jurisdiction of an incorporated municipality or any joint municipal-county extraterritorial zoning authority, and is not held in trust or ownership by the Federal Government or the State of New Mexico. Boundaries delineating the zoning jurisdiction of the County shall be as indicated on the adopted "Torrance County Zoning Map" and amendments hereto, which are made a part of this Ordinance as if described herein.

#### SECTION 4. DEFINITIONS.

- A. Word Forms. Words used in the present tense include the future tense, and words used in the future tense include the present tense. The singular number includes the plural number, and the plural number includes the singular number. The Words "shall" and "must" are mandatory, and the word "may" is permissive.
- B. Definitions. The following definitions apply to this Ordinance:
1. "Accessory Uses and Structures" are customarily accessory but clearly incidental and subordinate to principal uses and structures on a premises. [REV: Ord. No. 95-11, 11/10/95]
  2. "Agricultural use - low intensity" means certain agricultural uses such as irrigated croplands and limited livestock management other than dairies, feedlots, or other activities which require special consideration by the Planning & Zoning Board and/or County Commission. [REV: Ord. No. 2008-003, 4/23/08]
  3. "Agricultural use - high intensity" means those agricultural uses such as, but not limited to, dairies and feedlots which require special consideration by the Planning and Zoning Board and/or the County Commission. [REV: Ord. No. 2008-003, 4/23/08]
  4. "Appeal Period" – the ~~fourteen ifteen~~-day (1~~4~~5) period beginning on the day of the Planning and Zoning Board's determination and recommendation to the Board of County of County Commissioners.
  5. "Boarding, Rooming, or Lodging House" means a building other than a hotel or restaurant where lodging, with or without meals, is provided for compensation. This definition includes a "Bed and Breakfast" enterprise.
  6. "Building" means any relatively permanent enclosed structure having a roof. Buildings meeting New Mexico Regulation & Licensing Construction Industries Division size standard for a required building permit are subject to the provisions specified in Section 19.F.1 of this ordinance. [REV: Ord. No. 2008-003, 4/23/08]
  7. "Conditional Use" means a use which may be or become a nuisance or hazard to neighboring properties if proper safeguards are not taken. Such uses require individual review and approval by the Zoning Board. [REV: Ord. No. 2008-003, 4/23/08]
  8. "County" means Torrance County, New Mexico.

9. "County Commission" means the Board of County Commissioners of Torrance County, New Mexico.  
[REV: Ord. No. 2008-003, 4/23/08]
10. "Dwelling Unit" means a structure or part of a structure containing one or more connected rooms designed for and occupied by no more than one family for living and sleeping purposes.
11. "Dwelling Unit, Singular" means a dwelling unit which is not physically connected to any other dwelling unit.
12. "Dwelling Unit, Multiple" means a structure containing two or more dwelling units.
13. "Dwelling Unit, Cluster" means a development pattern consisting of a grouping of dwelling units on a portion of available land, reserving not less than 40 percent of the development site as protected and permanent open space.  
[REV: Ord. 2008-003, 4/23/08]
14. "Family" means one or more persons living together in a dwelling unit, provided that unless all members are related by blood, marriage, adoption, or legal assignment, no such family shall include or contain more than 5 unrelated persons.
15. "Feedlot" means a place for cattle, sheep, swine, or other such animals, which are restricted and confined to pens or corrals where feeding is other than grazing and which is operated as a year-round enterprise. For purposes of this Ordinance, a Small Feedlot shall contain from 20 to 200 head of animals, and a Large Feedlot shall contain more than 200 head of animals. A Small Feed lot shall be centered on at least 100 acres. A Large Feedlot shall not be allowed, except in a special use zone.  
[REV: Ord. No. 2008-003, 4/23/08]
16. "Flea Market" means an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public. A flea market shall not include temporary residential garage sales lasting no more than three days per six-month period, and seasonal agricultural produce stands.  
[REV: Ord. No. 94-2, 2/9/94]
17. "Floor Area" means the total area of all floors of a building.
18. "Floor Area Ratio" means the relationship of the floor area to the lot area, computed by dividing the floor area by the lot area.

19. "Height" means the vertical distance measured from the lowest ground elevation of a structure to the highest point of a structure.  
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]
20. "Home Occupation" means a business, commercial, or manufacturing activity that is clearly a secondary use of the premises for a dwelling unit, and which results in a product or service for financial gain. Whenever a dwelling unit and/or its premises are used for a home occupation and there is no outside appearance or other off-site evidence of the conduct of a home occupation, the Zoning Director may find such a home occupation as a permissive use in any zone district, subject to the requirements of this Ordinance and business registration requirements. However, any home occupation that exhibits an outside appearance when viewed from a street or an adjoining property, with the exception of a sign as regulated by this Ordinance, or produces an off-site impact on surrounding lands shall require a Conditional Use Permit subject to special requirements provided by this Ordinance.  
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 95-5, 6/10/95; Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]
21. "Horticultural Operations" means the cultivation and harvesting of plants.  
[REV: Ord. No. 2008-003, 4/23/08]
22. "Immediate Family Member" means family relations up to and including the Grandparent, Parent, Brother, Sister, and Child, whether by blood, marriage, adoption, or legal assignment. Relationships of half-blood shall be recognized as natural relationships so long as the step relationship is legally extant at the time of a family transfer of land. Land divisions for the purpose of achieving a family transfer shall be subject to the exemption procedures of the Torrance County Subdivision Regulations.  
[REV: Ord. No. 95-11, 11/10/95; Ord. No. 2008-003, 4/23/08; Ord. No. 2008-003, 4/23/08]
23. "Kennel" means any building or buildings or land designed or arranged for housing dogs, cats, and other household pets, and where grooming, breeding, boarding, training, or selling animals is conducted. For purposes of this Ordinance, the housing or boarding of more than five (5) dogs or cats in any combination thereof over the age of three (3) months shall constitute a kennel. In addition to complying with the requirements of this Ordinance, Kennels must comply with the requirements of the Torrance County Animal Control Ordinance.  
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 95-5, 6/10/95; Ord. No. 2008-003, 4/23/08]



24. "Liquid Waste Disposal Regulations" means the Liquid Waste Disposal Regulations adopted by the Environmental Improvement Board of New Mexico and administered by the New Mexico Environment Department.
25. "Livestock" means all domestic or domesticated animals that are used or raised on a farm or ranch, including the carcasses thereof, and exotic animals in captivity and includes horses, asses, mules, cattle, sheep, goats, swine, bison, ostriches, emus, rheas, camelids and farmed cervidae (deer). For purposes of determining the number of livestock on a lot, one (1) horse or cow equals three (3) goats or three (3) sheep or combination thereof.  
[REV: Ord. No. 2008-003, 4/23/08]
26. "Lot" means a parcel of real property described by deed, or a tract of land described by metes and bounds on a plat and recorded in the County Clerk's records in accordance with appropriate laws, and with access to public right-of-way.  
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
27. "Mobile Home" (also known as Manufactured Housing) means a transportable structure, at least 8 feet by 32 feet, built to be towed on its own chassis, and designed to be used as a movable dwelling unit for connection to permanent utilities.
28. "Mobile Home Park" means an un-platted tract of land under one ownership on which spaces are leased or rented for occupancy for 30 days or more by mobile homes, and which contains a centralized system of connections for utility services.  
[REV: Ord. No. 95-5, 6/10/95]
29. "Nonconformities" are any structures or portions thereof, or uses of any land or structures, or lots which do not conform to the regulations of this Ordinance but which lawfully exist on the effective date of the regulations to which it does not conform.
30. "Permissive Use" means a use which is allowed in a particular zone district.
31. "Poultry" means domestic fowl, such as chickens, turkeys, ducks, and geese, but does not include any animal defined as livestock.  
[REV: Ord. No. 2008-003, 4/23/08]
32. "Premises" means any lot or combination of contiguous lots held in single ownership, together with the development thereon.
33. "Recreational Vehicle" means a vehicle which is designed or used as temporary living quarters for recreation, camping, or travel, and which may

be a self-propelled motor vehicle or designed to be towed or mounted on a motor vehicle.

34. "Right-of-way" means dedicated public land deeded, reserved by plat, or otherwise acquired by the County, municipalities, or the State for use by the public for the movement of people, goods, and vehicles.
35. "Roadway" means that portion of a right-of-way or a private easement which is primarily devoted to vehicular use.
36. "Salvage Yard" means an enclosed building or outside area where used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Such materials include but are not limited to metals, paper, textiles, glass, 3 or more unregistered motor vehicles (excluding agricultural equipment), and components of motor vehicles. This definition does not include solid waste transfer stations or sanitary landfills.  
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
37. "Setback" means the required distance between every building or structure and a boundary line of the lot upon which it is located. Setbacks shall consist of an open space, unoccupied and unobstructed by any part of a building or structure, except as otherwise provided in this Ordinance. Setbacks shall not apply to walls, fences, and free-standing signs, unless a building or structure creates a visual obstruction to vehicles passing or accessing the property upon which such building or structure is located.  
[REV: Ord. No. 94-2, 2/9/94]
38. "Setback, Front" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, bordering on a roadway. No more than one front setback shall be designated on corner lots or double frontage lots. For any roadway easement less than 60 feet in width, setback shall be measured from a point located 30 feet from the centerline of the roadway easement.  
[REV: Ord. No. 94-2, 2/9/94]
39. "Setback, Rear" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which is opposite and most distance from a roadway and does not intersect with a roadway. On double frontage lots, the rear setback shall be designated on the opposite side of the lot from the designated front setback.  
[REV: Ord. No. 94-2, 2/9/94]
40. "Setback, Side" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which intersects a roadway. On corner lots, a side setback shall

be designated along the lot line bordering a roadway that is not designated as the front setback.

[REV: Ord. No. 94-2, 2/9/94]

41. "Shopping Center" means an integrated retail commercial development occupying a site of 3 or more acres under a single ownership, control or interest, and containing 5 or more connected stores or a total gross floor area in a single structure which is greater than 25,000 square feet.
42. "Structure" means anything constructed, placed, or erected on the ground or which is attached to something located on the ground. For purposes of this Ordinance, the term "structure" does not include vehicles, vegetation, or public utility poles.
43. "Supplemental Residential Dwelling Unit" means a secondary or auxiliary structure used for residential purposes on land not within a previously approved subdivision for use by family members or guests and which may not be leased or rented.  
[REV: Ord. No. 2001-2, 3/14/01]
44. "Travel Trailer or Recreational Vehicle Park" means an area of land used for transient commercial parking of occupied travel trailers, pick-up campers, converted buses, recreational vehicles, tents, or any other similar devices used for temporary portable housing.
45. "Variance" means a relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results or actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary hardship. As used in this Ordinance, a variance may be authorized only for area, height, dimension, distance, setback, walls, off-street parking, and off-street loading requirements. Financial gain or loss shall not be the only determining factor in deciding a variance.
46. "Wall" means a solid wall or fence which is visually solid, or a suitable screen of landscaping intended to provide a visual barrier. Materials used in the construction of a wall or fence shall not pose health or safety hazards to the community and shall not be disruptive to the character of surrounding properties.  
[REV: Ord. No. 94-2, 2/9/94]
47. "Zone District" means a section of the County, designated in the text of this Ordinance and delineated on the Torrance County Zoning Map, in which requirements for the use of land and building and development standards are prescribed. Boundaries of zone districts shall follow existing property

lines unless clearly otherwise shown on the Zoning Map, in which case, such boundary shall be defined by dimension and distance from existing property lines.

48. "Zoning Board" means the Torrance County Planning and Zoning Board.  
[REV: Ord. No. 2008-003, 4/23/08]
49. "Zoning Enforcement Officer" means the official person designated by the Zoning Director as the enforcement officer of this Ordinance.  
[REV: Ord. No. 2008-003, 4/23/08]
50. "Zoning Director" means the official person designated as the principal administrator and enforcement officer of this Ordinance.  
[REV: Ord. No. 2008-003, 4/23/08]

#### SECTION 5. INTERPRETATION.

- A. Interpretation of Ordinance. No structure shall be constructed, placed or maintained, and no land use commenced or continued within the jurisdiction of this Ordinance except as authorized by this Ordinance and amendments thereto. The provisions of this Ordinance are held to be minimum requirements to carry out the purpose of this Ordinance and are not intended to interfere with any other laws, covenants, or ordinances. Whenever any provisions of this Ordinance are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern. However, the County shall not enforce private covenants, unless such private covenants are incorporated into an approval of a subdivision by the County Commission.  
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]
- B. Interpretation of Zoning Map. Where, due to illegibility of the Zoning Map or other irregularity, there is any uncertainty as to the intended location of any zone district boundaries, interpretation concerning the exact location of such boundaries shall be determined by the Zoning Board.  
[REV: Ord. No. 2008-003, 4/23/08]
- C. Interpretation of Land Uses. The County Commission shall render interpretations of land uses in any zone district not expressly enumerated in this ordinance, subject to the following standards and procedures:
  1. Request for Interpretation. Any request for an interpretation of a use of land not specifically listed herein shall be submitted to the Zoning Board through the Zoning Director. The Zoning Director may create forms for such an application.
  2. Following the receipt of a request for interpretation of land use, the Zoning Board shall recommend an interpretation of land use for the applicant at their next scheduled meeting. The Zoning Board recommendation shall be

transmitted to the County Commission for consideration at the next scheduled Commission meeting. The County Commission shall approve, deny, or modify the Zoning Board's recommended interpretation.

3. The interpretation of land use shall be documented and a letter summarizing the interpretation shall be mailed to the applicant, and shall explain the reasons upon which the interpretation is based.
4. Guidelines. Interpretations shall be governed by the following conditions:
  - a. No use interpretation shall allow the establishment of any use which was previously considered and rejected by the County Commission.
  - b. No use interpretation shall permit any use in a zone district that is not in accordance with the stated intent for that zone district.
  - c. No use interpretation shall permit any use in a particular zone district unless that use is substantially similar to other uses permitted in that zone district.
  - d. If the proposed use is more similar to an identified conditional use in a zone district, then any use interpretation shall specify conditional use requirements in accordance with this Ordinance.
  - e. Any use that is allowed by right or as a conditional use following a use interpretation shall comply with all standards and requirements imposed by this Ordinance.

[REV: Ord. No. 2008-003, 4/23/08]

## SECTION 6. GENERAL PROVISIONS.

A. Access to Structures. All structures shall be located such that safe and convenient access is provided for use of the structure, fire protection, and any required off-street parking or loading.

B. Height Regulations. Any structure may not exceed 80 feet in height unless granted a variance in accordance with this Ordinance. This restriction does not apply to public utility poles.

[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]

C. Mobile Home Installation. No mobile home shall be occupied unless it is connected to adequate utilities, provided with skirting of a durable material if not installed at ground level, and stabilized and anchored, all in accordance with the regulations promulgated by the Manufactured Housing Act of New Mexico [60-14-1 et seq., NMSA 1978]. No mobile home manufactured before the current federal HUD standard (1976 as of this printing) shall be installed anywhere in the jurisdiction of Torrance County. As noted in Section 19.F.1, a Torrance County Mobile Home Development Permit is required before any mobile home is placed on a property.

[REV: Ord. No. 2008-003, 4/23/08]

D. Water and Wastewater Requirements. All lots and all structures located thereon shall be in compliance with applicable statutes as well as any regulations established by the New Mexico Environment Department and the New Mexico State Engineer's Office concerning water, wastewater and liquid waste disposal. [REV: Ord. No. 2008-003, 4/23/08]

E. Home Occupations. All property owners of lands containing home occupations must file a complete copy of the Torrance County Business Registration Application with the Zoning Director for each home occupation. In order to designate a home occupation as a Permissive Use, the property owner may file a written statement with the Zoning Director declaring that the home occupation will not create any off-site impacts or a non-residential appearance. Upon confirmation of no outside appearance or other off-site evidence of the conduct of a home occupation, the Zoning Director may find such a home occupation as a permissive use in any zone district. The Zoning Director shall inform the property owner in writing of such a finding and the date of such a finding. However, any home occupation that exhibits an outside appearance when viewed from a street or an adjoining property, with the exception of a sign as regulated by this Ordinance, or produces an off-site impact on surrounding lands, shall require a Conditional Use Permit subject to special requirements provided by this Ordinance. Additionally, any home occupation found to be permissive that later exhibits an outside appearance when viewed from a street or an adjoining property, with the exception of a sign as regulated by this Ordinance, or produces an off-site impact on surrounding lands, shall require a Conditional Use Permit subject to special requirements provided by this Ordinance. [REV: Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]

The following restrictions apply to Home Occupations, whether authorized as a permissive use by the Zoning Director or as a conditional use by the Zoning Board:

1. Not more than 40 percent of the floor area of the dwelling unit, nor more than 800 square feet of an accessory building, shall be used in the conduct of the home occupation,
2. No more than three (3) non-resident employees shall be stationed on the premises,
3. There shall be no exterior storage of materials unless completely enclosed by a wall,
4. No equipment or process shall be used in a home occupation which creates a nuisance such as noise, vibration, lighting, fumes, odors, or electrical interference detectable to the normal senses off the premises,

5. If there is an occasional requirement to park additional vehicles or to provide temporary outside storage of equipment or materials on the premises, then such arrangements or conditions shall be stated fully on the permit application,
6. There shall be no sales or traffic in connection with a home occupation that would disrupt the residential nature of the neighborhood, and
7. There shall be no change in the outside appearance of the building, or other visible evidence of the conduct of a home occupation other than one (1) unobtrusive sign not to exceed six (6) square feet in size.

[REV: Ord. No. 2008-003, 4/23/08]

F. Non-Commercial Cemetery. A parcel used as a Non-Commercial Cemetery, such as a family burial ground, shall be at least 5 acres in area.

[REV: Ord. No. 2008-003, 4/23/08]

G. Public Utility Structure. Excluding towers for cell phone communications, electrical power lines, and telephone communications, a parcel used for essential public utility distribution structures or for communication structures or facilities shall be at least 5 acres in area.

[REV: Ord. No. 2008-003, 4/23/08]

H. Kennels. Kennels are subject to the Torrance County Animal Control Ordinance and the following minimum standards:

1. Minimum lot size for a kennel shall be five (5) acres,
2. All animals shall be contained on the premises in a manner that prevents escape of kennel animals or entry by other animals,
3. All animal containment structures, including outdoor runs, shall maintain a setback of no less than 50 feet from any property line,
4. Animal quarters shall be designed and maintained to ensure safe, healthy, and sanitary conditions for all animals on the premises, and
5. Facilities shall be operated and maintained to discourage the concentration and breeding of insects and rodents.

[REV: Ord. No. 2008-003, 4/23/08]

I. Small Feedlots. Small Feedlots are subject to the following minimum requirements:

1. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents that are detrimental to human habitation; and
2. It shall be unlawful for an owner or keeper of livestock to allow livestock to run at large on public rights-of-way.  
[REV: Ord. No. 2008-003, 4/23/08]

J. Setbacks. Unless otherwise specifically provided herein, all structures shall be located with a front and rear setback of at least 25 feet and side setback of at least 15 feet from the lot or property line, roadway right-of-way, or roadway easement. All corner lots shall maintain a minimum 20 foot sight angle for roadway intersections.  
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

K. Zoning Map. The Torrance County Zoning Map is attached as Appendix 1 and made a part of this Ordinance. The Torrance County Zoning Map shows the adopted boundaries of the zone districts within Torrance County.  
[REV: Ord. No. 2008-003, 4/23/08]

L. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.  
[REV: Ord. No. 2008-003, 4/23/08]

## SECTION 7. ESTABLISHMENT OF ZONE DISTRICTS.

A. Zone Districts. For the purpose of this Ordinance, the following zone districts are established: Conservation District (C), Agricultural District (A), Agricultural Preservation District (AP-5, AP-10, & AP-40), Pre-platted Lands District (PL), Rural Residential District (RR), Minor Development District (D-1), Major Development District (D-2), Major Development District, Adult Land Uses (D-3), Village Community Preservation District (VCP), Rural Community Preservation District (RCP) and Special Use District (SU).  
[REV: Ord. No. 95-9, 10/13/95; Ord. No. 95-11, 11/10/95; Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

B. Zoning Map. The boundaries of the zone districts shall be shown on the adopted "Torrance County Zoning Map". The original copies of the zoning map and this Ordinance, and subsequent amendments thereto, shall be maintained by the County Clerk of Torrance County. Zoning maps shall be made available for public reference by the Zoning Director. There is a fee for a copy of an enlarged zoning



map and a copy of the Zoning Ordinance set by the County Commission. A schedule of fees is available from the Zoning Director.

[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

#### SECTION 8.0 CONSERVATION DISTRICT (C).

- A. Intent. This zone protects and preserves areas within the County which are characterized by their limited access, minimal development, limitations on water resources, natural beauty, fragile environment and native wildlife populations. Dispersed, very low-density residential development and low intensity agricultural activities are allowed. Other agriculturally related activities may be allowed. Commercial uses will not be allowed except on a case by case basis in which the primary concern of the Zoning Board will be to minimize the environmental impact on the area. Development may be considered within a 1 mile buffer zone where the "C" Zone joins an incorporated municipality and density or minimum lot size or use within the buffer area may be dictated by the standards set for the adjoining area.

[REV: Ord. No. 95-11, 11/10/95; Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]

- B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Low intensity agricultural operations such as livestock grazing and related ranching activities; [REV: Ord. No. 95-5, 6/10/95; Ord. No. 95-11, 11/10/95]
2. Horse breeding, boarding and training;
3. Other low intensity production agriculture;
4. Cultivation and harvesting of plants and croplands;
5. Wood cutting and other activities related to harvesting trees;
6. Singular residential dwelling unit provided it is in compliance with the requirements of the New Mexico Liquid Waste Disposal Regulations; and
7. Accessory uses and structures necessary to carry out the above listed permissive uses.
8. Kennel, subject to the regulations of the Torrance County Animal Control Ordinance and provisions listed under Section 6 of this ordinance. [REV: Ord. No. 95-11, 11/10/95; Ord. No. 2001-2, 3/14/01]

- C. Conditional Uses. The following uses may be allowed in this district only upon permit granted by the Zoning Board:
1. Home occupations provided they are confined to the residence or accessory structure, are clearly a secondary use of the structure and present no visual impact to neighbors as viewed from adjoining property or public thoroughfare;
  2. Small Bed and Breakfast operations limited to two guest bathrooms;
  3. Horseback riding stables, provided sufficient land exists to support the number of animals maintained;
  4. Dude ranch or other agricultural work experience operation;
  5. Outfitters;
  6. Essential public utility distribution structures;  
[REV: Ord. No. 95-11, 11/10/95]
  7. Communication structures and facilities; and  
[REV: Ord. No. 90-4, 6/12/99]
  8. One supplemental residential dwelling unit allowed on a parcel meeting district minimum standards; 2 supplemental residential dwelling units allowed on a parcel of at least eighty acres or 1/8 section.  
[REV: Ord. No. 2001-2, 3/14/01]
- D. District Standards. The following standards apply to all land use within this zone district:
1. Minimum parcel size will be forty acres or 1/16 section, whichever is the smaller of the two, with the following exceptions:  
[REV: Ord. No. 2008-003, 4/23/08]
    - a. Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 8.0.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.  
[REV: Ord. No. 2008-003, 4/23/08]

- b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of that property provided it is not less than 5 acres in size with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the mortgagee defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.  
[REV: Ord. No. 2001-2, 3/14/01]
        - c. A parcel used for a cemetery shall be at least 5 acres in area.  
[REV: Ord. No. 98-5, 9/13/98; Ord. No. 2008-003, 4/23/08]
        - d. Excluding towers for cell phone communications, electrical power lines, and telephone communications, a parcel used for essential public utility distribution structures or for communication structures or facilities shall be at least 5 acres in area. [REV: Ord. No. 90-4, 6/12/99; Ord. No. 2008-003, 4/23/08]
        - e. One supplemental residential dwelling unit is allowed on a parcel meeting district minimum standards. If a parcel is at least eighty acres or a 1/8 section in area, then up to two supplemental residential dwelling units are allowed on such a parcel. [REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
2. In the event contiguous parcels within the zone are assembled, any of which may be less than the smaller of forty acres or 1/16 section, no future land division of that assembled parcel will be allowed, except as noted in paragraph 8.0.C.1.b. & c. supra, if any portion of the land division will result in a parcel of less than forty acres or 1/16 section. It is the intent of these standards to restrict parcel size within this zone to a minimum of forty acres or 1/16 section and where possible to reassemble smaller existing parcels into larger parcels more closely approaching the forty acre, 1/16 section minimum.  
[REV: Ord. No. 2008-003, 4/23/08]
3. This change will not affect any subdivision plans which have been submitted to the Zoning Board prior to the effective date of this section.  
[REV: Ord. No. 95-11, 11/10/95; Ord. No. 2008-003, 4/23/08]
4. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]

5. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.  
[REV: Ord. No. 2008-003, 4/23/08]
6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.

#### SECTION 8.1 AGRICULTURAL DISTRICT (A).

A. Intent. This zone district is intended to preserve large areas of land traditionally used for farming and ranching operations and other agricultural uses. This district is characterized by arid rangeland, extreme limitations on water resources and minimal development. The standards prescribed for this district are intended to preserve the traditional uses of the land and thereby protect the business of agriculture and related work. Development may be considered within a 1 mile buffer zone where the "A" Zone joins another zone district and density or minimum lot size or use within the buffer area may be dictated by the standards set for the adjoining area.

[REV: Ord. No. 95-11, 11/10/95]

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Livestock grazing and related ranching activities;
2. Horse breeding, boarding or training activities;
3. Other livestock raising and breeding operations to include exotic birds and exotic wildlife; as long as such use is not a Feedlot. [REV: Ord. No. 2001-2, 3/14/01]
4. Cultivation and harvesting of plants and croplands;
5. Wood cutting and other activities related to harvesting of trees;
6. Livestock related training facilities, e.g. Rodeo training facilities, roping arenas, vet training facilities, etc.;

7. Single residential dwelling units subject to the provisions of Section 19 (F) of this Ordinance; and
8. Accessory uses and structures necessary for the conduct of normal agricultural production including dwelling units for hired help and family members. [REV: Ord. No. 95-11, 11/10/95]
9. Kennel subject to the regulations of the Torrance County Animal Control Ordinance and provisions listed under Section 6 of this ordinance.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board:

1. Veterinary hospitals;
2. Home occupations provided they are clearly secondary to the agricultural use of the property;
3. Dude ranches or working ranch vacations/experiences;
4. Small Bed and Breakfast operations limited to two guest bathrooms;
5. Roadside stands which sell locally produced agricultural products or locally made home crafted items;
6. Convenience services along a highway such as a service/gas station, or restaurant; and
7. Essential public utilities distribution structures. [REV: Ord. No. 95-11, 11/10/95]
8. Communication structures and facilities; [REV: Ord. No. 90-4, 6/12/99]
9. One supplemental residential dwelling unit allowed on a parcel meeting district minimum standards, 2 supplemental residential dwelling units allowed on a parcel of at least eighty acres or 1/8 section. [REV: Ord. No. 2001-2, 3/14/01]
10. A Small Feedlot centered on at least 100 acres. A Feedlot is subject to the following requirements:

- a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents that are detrimental to human habitation; and
- b. It shall be unlawful for an owner or keeper of livestock to allow livestock to run at large on public rights-of-way. [REV: Ord. No. 2001-2, 3/14/01]

D. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum parcel size will be 40 acres or 1/16 section, whichever is the smaller of the two, with the following exceptions:  
[REV: Ord. No. 2008-03, 4/23/08]
  - a. Parcels smaller than the minimum parcel size which existed on the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as may be allowed by Section 8.1.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.
  - b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of that property provided it is not less than five acres in size, with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the mortgagee defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.  
[REV: Ord. No. 2001-2, 3/14/01]
  - c. A parcel used for a cemetery shall be at least 5 acres in area.  
[REV: Ord. No. 98-5, 9/13/98; Ord. No. 2008-003, 4/23/08]
  - d. Excluding towers for cell phone communications, electrical power lines, and telephone communications, a parcel, or a portion thereof, which shall be used for essential public utility distribution structures or for communication structures or facilities shall be at least 2.5 acres in area.  
[REV: Ord. No. 90-4, 6/12/99; Ord. No. 2008-003, 4/23/08]

2. A one mile buffer zone will be established around the periphery of the "A" zone where it comes in contact with another zone district. Within the buffer zone, the Zoning Board may allow development to take place which is consistent with the zone district to which it joins.  
[REV: Ord. No. 95-11, 11/10/95; Ord. No. 2008-003, 4/23/08]
3. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]
4. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.  
[REV: Ord. No. 2008-003, 4/23/08]
5. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.

#### SECTION 9. AGRICULTURAL PRESERVATION DISTRICT (AP-5, AP-10 & AP-40).

- A. Intent. This zone district is intended to protect and preserve areas of suitable agricultural soil for agricultural and agriculture-related uses. The standards prescribed for this district are intended to preserve the open character of the area and thereby to protect the business of agriculture. The minimum lot size in this zone district shall be either five acres (AP-5), ten acres (AP-10), or forty acres (AP-40), as indicated on the Zoning Map.
- B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:
  1. One singular dwelling unit per lot;  
[REV: Ord. No. 95-5, 6/10/95; Ord. No. 97-8, 6/27/97]
  2. Cultivation and harvesting of plants and croplands;
  3. Raising, breeding, management and sales of livestock, excluding pigs, as long as such use is not a Feedlot. [REV: Ord. No. 2001-2, 3/14/01]

AP-5 districts have the following restrictions on the number of livestock used as pleasure animals or animals for personal use according to lot size;

½ to 1 acre: No more than two (2) horses or two (2) cows or an equivalent number of sheep or goats.

Equivalency is determined as one (1) horse or cow equals three (3) goats or three (3) sheep or combination thereof.

Additional livestock units allowed is based upon one (1) horse or cow unit per each additional acre of land.

Exception: Livestock including pigs temporarily raised for educational purposes by children belonging to a recognized organization such as 4H or Future Farmers of America.

4. Kennel, subject to the regulations of Torrance County Animal Control Ordinance and provisions listed under Section 6 of this ordinance.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board:

1. One supplemental residential dwelling unit allowed on a parcel meeting district minimum standards; in the AP-5 and AP-10 zone districts, a temporary supplemental residential dwelling unit may only be used so that reasonably necessary medical or other care-taking services may be provided by a resident of the other on-site residential dwelling unit; in the AP-40 zone district, 2 supplemental residential dwelling units allowed on a parcel of at least eighty acres or 1/8 section.  
[REV: Ord. No. 2001-2, 3/14/01]
2. Home occupation, subject to the following provisions:  
[REV: Ord. No. 95-5, 6/10/95]
  - a. Not more than 40 percent of the floor area of the dwelling unit, nor more than 800 square feet of an accessory building, shall be used in the conduct of the home occupation,
  - b. No more than three (3) non-resident employees shall be stationed on the premises,
  - c. There shall be no exterior storage of materials unless completely enclosed by a wall,



- d. No equipment or process shall be used in a home occupation which creates a nuisance such as noise, vibration, lighting, fumes, odors, or electrical interference detectable to the normal senses off the premises,
  - e. If there is an occasional requirement to park additional vehicles or to provide temporary outside storage of equipment or materials on the premises, then such arrangements or conditions shall be stated fully on the permit application,
  - f. There shall be no sales or traffic in connection with a home occupation that would disrupt the residential nature of the neighborhood, and
  - g. There shall be no change in the outside appearance of the building, or other visible evidence of the conduct of a home occupation other than one (1) unobtrusive sign not to exceed six (6) square feet in size;
3. Farm equipment stores, animal feed stores, tack shops, and other agricultural support services;
  4. Large-scale commercial processing of agricultural products;
  5. Business, service, and commercial establishments, primarily serving agricultural and agricultural-related uses;  
[REV: Ord. No. 2001-2, 3/14/01]
  6. Veterinary hospitals;  
[REV: Ord. No. 94-2, 2/4/94]
  7. Essential public utility distribution structures;
  8. Communication structures and facilities; and  
[REV: Ord. No. 90-4, 6/12/99]
  9. A Small Feedlot centered on at least 100 acres. A Feedlot is subject to the following requirements:  
[REV: Ord. No. 2001-2, 3/14/01]
    - a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents that are detrimental to human habitation; and
    - b. It shall be unlawful for an owner or keeper of livestock to allow livestock to run at large on public rights-of-way.

D. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum lot size shall be five acres where identified as AP-5 on the Zoning Map, ten acres where identified as AP-10 on the Zoning Map, and forty acres where identified as AP-40 on the Zoning Map; a parcel used for essential public utility distribution structures or for communication structures or facilities may be 5 acres or larger, with the following exceptions:  
[REV: Ord. No. 99-1, 4/10/99; Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
  - a. Parcels smaller than the minimum parcel size that existed on the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as may be allowed by Section 9.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.  
[REV: Ord. No. 2008-003, 4/23/08]
  - b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of the property provided it is not less than five (5) acres in size, with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the borrower defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.
  - c. A parcel used for a cemetery shall be at least 5 acres in area.
2. AP-5 districts have the following restrictions on the number of livestock used as animals for personal use according to lot size:
  - a. On lots that do not conform to the district minimum standard but are at least 1/2 acre in area, there shall be no more than two (2) horses or two (2) cows or an equivalent number of sheep or goats.
  - b. On lots that exceed the district minimum standard for acreage, additional livestock units are allowed based upon one (1) horse or cow unit per each additional acre of land.

- c. Exception: Livestock, including pigs, temporarily raised for educational purposes by children belonging to a recognized organization such as 4H or Future Farmers of America are not restricted.  
[REV: Ord. No. 2008-003, 4/23/08]
- 3. Home occupation.  
[REV: Ord. No. 95-5, 6/10/95; Ord. No. 2008-003, 4/23/08]
- 4. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]
- 5. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.  
[REV: Ord. No. 2008-003, 4/23/08]
- 6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.  
[REV: Ord. No. 2008-003, 4/23/08]

SECTION 10. PREPLATTED LANDS DISTRICT (PL).

- A. Intent. This zone district provides for the appropriate development of pre-platted subdivisions which are not considered adequate by current planning or environmental standards. This zone district is comprised of certain Type 1 and Type 2 subdivisions platted and placed on record with the County Clerk prior to 1973, often held in multiple ownership, and substantially or totally undeveloped. This zone district is established to encourage and promote private land readjustment through techniques such as subdivision re-platting, land pooling, and lot consolidation, followed by a change to a more appropriate zone district, if necessary.
- B. Permissive Uses. All Permissive Uses allowed in the RR District.
- C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board:  
[REV: Ord. No. 2001-2, 3/14/01]

1. All Conditional Uses allowed in the RR District.  
[REV: Ord. No. 2001-2, 3/14/01]
2. The Zoning Board may determine that a zone change or variance, instead of a Conditional Use Permit, is more appropriate for a proposed development in this zone district.

D. District Standards. The following standards apply to all land uses within this zone district:

1. Lots shall not be further subdivided or re-platted into lots smaller than the nearest prevailing zone district.  
[REV: Ord. No. 2008-003, 4/23/08]
2. In the event that contiguous lots within a specified area are assembled for readjustment and a master plan or site plan for future development is proposed, then such area shall be subject to the setback requirements established for the RR zone district.  
[REV: Ord. No. 95-5, 6/10/95]
3. The Zoning Board may determine that a zone change or variance, instead of a Conditional Use Permit, is more appropriate for a proposed development in this zone district.  
[REV: Ord. No. 2008-003, 4/23/08]
4. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]

#### SECTION 11. RURAL RESIDENTIAL DISTRICT (RR).

A. Intent. This zone district accommodates rural residential development and certain agricultural uses such as irrigated croplands and limited livestock management. Large-lot residential land subdivision is characteristic of this district.

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. One singular dwelling unit per lot subject to the provisions of Section 19 (F) of this Ordinance;
2. Accessory uses and structures;
3. Cultivation and harvesting of croplands;

4. Raising, breeding, and sales of livestock, subject to the following requirements:

a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents which are detrimental to human habitation, and

b. It shall be unlawful for any owner or keeper of livestock to allow such livestock to run at large on public right-of-way;

c. Such land use shall not constitute a Feedlot and the number of livestock on the parcel shall not exceed an average density of one head per two acres.

[REV: Ord. No. 2001-2, 3/14/01]

This does not apply to pleasure animals or animals for personal use which are subject to the following restrictions on numbers according to lot size;

d. ½ to 1 acre: No more than two (2) horses or cows or an equivalent number of sheep or goats. Equivalency is determined as one (1) horse or cow equals three (3) goats or three (3) sheep or combination thereof.

Additional livestock units allowable is based upon one (1) horse or cow unit per each additional acre of land.

Exception: Livestock including pigs temporarily raised for educational purposes by children belonging to a recognized organization such as 4H or Future Farmers of America.

5. Residential Kennel, subject to the regulations of the Torrance County Animal Control Ordinance. The total number of pets shall not exceed five (5) of any species alone or in combination thereof.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board:

1. Home occupation, subject to the following provisions:  
[REV: Ord. No. 95-5, 6/10/95]

a. Not more than 40 percent of the floor area of the dwelling unit, nor more than 800 square feet of an accessory building, shall be used in the conduct of the home occupation,

b. No more than three (3) non-resident employees shall be stationed on the premises,

c. There shall be no exterior storage of materials unless completely enclosed by a wall,

d. No equipment or process shall be used in a home occupation which creates a nuisance such as noise, vibration, lighting, fumes, odors, or electrical interference detectable to the normal senses off the premises,

e. If there is an occasional requirement to park additional vehicles or to provide temporary outside storage of equipment or materials on the premises, then such arrangements or conditions shall be stated fully on the permit application,

f. There shall be no sales or traffic in connection with a home occupation that would disrupt the residential nature of the neighborhood, and

g. There shall be no change in the outside appearance of the building, or other visible evidence of the conduct of a home occupation other than one (1) unobtrusive sign not to exceed six (6) square feet in size;

2. Religious and educational institutions;
3. One temporary supplemental residential dwelling unit allowed on a parcel meeting district minimum standards so that reasonably necessary medical or other care-taking services may be provided by a resident of the other on-site residential dwelling unit;  
[REV: Ord. No. 2001-2, 3/14/01]
4. Essential public utility distribution structures;
5. Boarding, rooming, or lodging house for no more than 12 residents;  
[REV: Ord. No. 2001-2, 3/14/01]
6. Residential group training home for developmentally or physically handicapped, and residential nursing home, providing for no more than 12 persons at any one time; and  
[REV: Ord. No. 2001-2, 3/14/01]
7. Day care or child care services as regulated by the New Mexico Children Youth and Families Department.  
[REV: Ord. No. 2001-2, 3/14/01]
8. Kennel, Commercial or Foster/Rescue, subject to the regulations of

the Torrance County Animal Control Ordinance and provisions listed under Section 6 of this ordinance.[REV: Ord. No. 2008-003, 4/23/08]

D. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum lot size shall be two and one-half acres for dwelling units served by individual private wells, and one acre for dwelling units with connections to a centralized water system. For purposes of determining minimum lot size, the calculation of acreage shall include common easements and private roadways for ingress and egress for adjoining lots. A shared domestic well permitted under Section 72-12-1 NMSA 1978 does not qualify as a "centralized water system."  
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
2. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]
3. Inoperable vehicles or vehicles which have no current registration or licensing stored on a parcel of land are limited to two (2) on a 1/2 acre lot. Additional inoperable or un-registered vehicles may be allowed at one (1) per additional acre of land but in no case shall exceed five (5) regardless of parcel acreage. Inoperable vehicles stored on a property shall be kept from view behind a wall and have body parts and glazing intact.  
[REV: Ord. No. 2008-003, 4/23/08]
4. Raising, breeding, management, and sales of livestock, subject to the following requirements:
  - a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents which are detrimental to human habitation;
  - b. It shall be unlawful for any owner or keeper of livestock to allow such livestock to run at large on public right-of-way;
  - c. The number of livestock on the parcel shall not exceed an average density of one head per two acres;  
[REV: Ord. No. 2001-2, 3/14/01]
  - d. The above described restriction does not apply to animals for non-commercial use as follows:
    - 1) A lot ranging between 1/2 acre and 1 acre in area, may support no more than two (2) horses or two (2) cows or

an equivalent number of sheep or goats. Additional non-commercial livestock units are allowed based upon one (1) horse or cow unit or equivalent per each additional acre of land.

- 2) Exception: Livestock, including pigs, temporarily raised for educational purposes by children belonging to a recognized organization such as 4H or Future Farmers of America are not restricted.

[REV: Ord. No. 2008-003, 4/23/08]

5. Commercial agricultural & horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited.

[REV: Ord. No. 2008-003, 4/23/08]

## SECTION 12. MINOR DEVELOPMENT DISTRICT (D-1).

- A. Intent. This zone district provides for commercial and business uses intended to serve the surrounding neighborhoods on a day-to-day basis including retailing and personal services. Development in this zone district shall be characterized as low intensity or small-scale, and shall not be detrimental to nearby residential uses.  
[REV: Ord. No. 95-9, 10/13/95]

- B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Accounting, bookkeeping, CPA;
2. Ambulance service, rescue service;
3. Antique dealers;
4. Appliance sales, service, and repair;
5. Art gallery or museum;
6. Bakery, confectionery;
7. Ballrooms, dancing instruction;
8. Bank, ATM, Savings and Loan, Credit Union;
9. Barber or beauty shop;
10. Books, video, compact disk sales, service, and rental;
11. Bowling alley, video game arcade;
12. Carpet, floor coverings, cleaning and sales;
13. Ceramics sales;
14. Clinic (dental or medical), hospital, sanatorium, nursing home;
15. Clothing or dry goods sales;
16. Club, lodge (without liquor license);



17. Data processing, computers, electronics, sales, service, repair;
18. Dermagraphics Studio;
19. Department store, variety store, sales;
20. Drug store, pharmacy, cosmetics, sales;
21. Dwelling unit (singular) one unit per lot subject to the provisions of Section 19 (F) of this ordinance
22. Dwelling unit (multiple) subject to the following provisions;
  - a. Gross density for any lot shall not exceed three dwelling units per acre,
  - b. The above stated gross density may be exceeded only upon permit granted by the New Mexico Environment Department if site conditions are suitable for compliance with the Liquid Waste Disposal Regulations, and
  - c. If centralized water and sewer systems are available to the site, then a floor area ratio of 0.3 is permitted for each lot;
23. Dwelling unit (cluster) subject to the following provisions: [REV: Ord. No. 2008-003, 4/23/09]
  - a. A site development plan shall be provided to adequately describe a unified scheme for residential and other supportive land uses which cover any size acreage,
  - b. The site development plan shall include written statements and information describing types and locations of structures, utilities, internal circulation and traffic impact, landscaping and site drainage, and a development phasing schedule if appropriate,
  - c. The gross density of a cluster development shall not exceed two dwelling units per acre, however, structural densities shall be in accordance with the water supply well and wastewater treatment standards set by the New Mexico Environment Department,
  - d. A portion of the land within a cluster development, comprising no less than 40 percent of the development site, shall be designated as open space for the common use of the residents or for preservation of an environmentally sensitive area,
  - e. Ownership of the common area shall be clearly defined with appropriate covenants forbidding future partition, and the responsibility for improvements and maintenance of the common area shall be established with a procedure for funding such improvement and maintenance of the common area,
24. Dwelling, boarding, rooming, or lodging houses for no more than 12 residents;
25. Equipment and tools, rental, sales, or service;
26. Floral shop, plant store;
27. Food products, sales or storage;
28. Food store, grocery store, convenience store,
29. Funeral home, mortuary
30. Gift shop, crafts store, curios shop;
31. Glass products, sales, service, installation;
32. Greenhouse, nursery, landscaper;
33. Gunsmith, gun sales and service;

34. Hardware sales;
35. Hospital equipment and supplies, sales and services;
36. Home furnishings, sales and services;
37. Ice cream store;
38. Interior decorator;
39. Janitorial service and supplies;
40. Jewelry, sales and manufacture;
41. Kennel, subject to regulations of the Torrance County Animal Control Ordinance and the provisions listed under Section 6 of this Ordinance;
42. Laboratory, dental or medical;
43. Laundromat, dry cleaner;
44. Library (Public);
45. Linen supply, sales, and service;
46. Locksmith;
47. Music store;
48. Offices, professional, semi-professional, administrative, clerical.
49. Office equipment and supplies, sales, and services.
50. Parcel, package, delivery services;
51. Pest control, exterminator;
52. Photographic (equipment, supplies, studio) sales, service, repair;
53. Piercing Studio or Tattoo Parlor;
54. Printing;
55. Reducing salon, health spa, aerobic exercise, racquetball court;
56. Restaurant, cafe, cafeteria, delicatessen, catering;
57. Shoes, boots, sales, repair;
58. Sporting goods, sales, services, rental;
59. Tailor shop;
60. Theater;
61. Vehicle parts, sales, supplies; and
62. Watch repair, sales, and service.
63. [REV: Ord. No. 95-9, 10/13/95]

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board:

1. Accessory buildings;
2. Automobile, truck, trailer, camper, RV, boat, sales, service, repair, rental;
3. Bars, lounges, package liquor sales;
4. Bus (common carriers) depot;
5. Cabinets, furniture, upholstery, manufacture, sales, and services;
6. Cable TV, receiving center, distribution center, service center;
7. Cannabis product retail or wholesale outlets and lounges.
8. Churches, places of worship;
9. Club, lodge (with liquor license);
- 10.

Construction contractor, building trade contractor, storage, sales, and service;

11. Dwelling, temporary watchman or caretaker;
12. Farm supplies or equipment, sales and service;
13. Fireworks stand (temporary), sales;
14. Gasoline service station, commercial garage subject to the following regulations;

- a. All major repair work on vehicles shall be conducted within an enclosed building,

- b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone districts, and

- c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high;

15. Home occupation;
16. Hotel, motel, motor lodge;
17. Motorcycles, sales, service, repair, rental;
18. Offices, temporary;
19. Ornamental iron products, sales, assembly, repair;
20. Pawn shop, surplus, salvage goods, second-hand store, sales, trades (indoor only);
21. Recreation hall, billiard parlor;
22. Restaurant (with liquor license);
23. Signs, sales and manufacture;
24. Storage sheds, rental;
25. Storage (outside), rental, warehousing, rental;
26. Taxidermist; and
27. Telephone switching facility (toll or local).

[REV: Ord. No. 95-9, 10/13/95]

D. District Standards. The following standards apply to all land uses within this zoning district:

1. Minimum lot size shall be as determined by the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations;
2. All structures shall be located with a front setback of no less than 25 feet, unless otherwise specified in this Ordinance;
3. Non-residential buildings shall be situated no less than 25 feet from any lot in residential use, unless otherwise specified in this Ordinance;
4. Any non-residential activity in this zoning district that requires outdoor storage of supplies or material, other than living plants, must provide an outdoor storage area enclosed by a wall or fence of sufficient structure to conceal the outdoor storage area;

[REV: Ord. No. 95-9, 10/13/95]

5. Dwelling units (multiple) are subject to the following provisions:
  - a. Gross density for any lot shall not exceed three dwelling units per acre;
  - b. The above stated gross density may be exceeded only upon permit granted by the New Mexico Environment Department if site conditions are suitable for compliance with the Liquid Waste Disposal Regulations; and
  - c. If centralized water and sewer systems are available to the site, then a floor area ratio of 0.3 is permitted for each lot.

[REV: Ord. No. 2008-003, 4/23/08]

6. Dwelling units (cluster) are subject to the following provisions:

[REV: Ord. No. 2008-003, 4/23/08]

  - a. A site development plan shall be provided to adequately describe a unified scheme for residential and other supportive land uses which cover any size acreage;
  - b. The site development plan shall include written statements and information describing types and locations of structures, utilities, internal circulation and traffic impact, landscaping and site drainage, and a development phasing schedule if appropriate;
  - c. The gross density of a cluster development shall not exceed two dwelling units per acre, however, structural densities shall be in accordance with the water supply well and wastewater treatment standards set by the New Mexico Environment Department;
  - d. A portion of the land within a cluster development, comprising no less than 40 percent of the development site, shall be designated as open space for the common use of the residents or for preservation of an environmentally sensitive area; and
  - e. Ownership of the common area shall be clearly defined with appropriate covenants forbidding future partition, and the responsibility for improvements and maintenance of the common area shall be established with a procedure for funding such improvement and maintenance of the common area.

[REV: Ord. No. 2008-003, 4/23/08]

7. Gasoline service station or a commercial garage is subject to the following regulations:
  - a. All major repair work on vehicles shall be conducted within an enclosed building;
  - b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone districts; and
  - c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high.

[REV: Ord. No. 2008-003, 4/23/08]

8. A proposed land use must comply with Section 23, pertaining to water usage.

[REV: Ord. No. 97-7, 6/27/97]

SECTION 13.0 MAJOR DEVELOPMENT DISTRICT (D-2)

A. Intent. This zone district accommodates the major business activities in the area, including highway-related commercial activities, office and entertainment facilities, wholesale and retail sales, and service providers. The land uses within this district shall be developed with adequate transportation access and appropriate design to minimize any negative impacts to abutting lands.

[REV: Ord. No. 95-9, 10/13/95]

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Accessory buildings subject to the provisions of Section 19 (F) of this Ordinance;
2. All permissive uses allowed in the D-1 zone district;
3. Animal shelter, animal pound, animal kennel subject to the provisions of Section 6 of this Ordinance and the Torrance County Animal Control Ordinance;
4. Auction house (excluding livestock);
5. Automobile, truck, trailer, camper, RV, boat, sales, service, repair, rental;
6. Bars, lounges, package liquor sales;
7. Bottling plant;
8. Bus (common carriers) depot;
9. Cabinets, furniture, upholstery, manufacture, sales, services;
10. Cable TV, receiving center, distribution center, service center;
11. Candle, manufacture;
12. Car wash;
13. Club, lodge (with liquor license);
14. Cold storage plant;
15. Construction contractor, building trade contractor, storage, sales, service;
16. Dairy products, wholesale;
17. Farm supplies or equipment, sales, service;
18. Hotel, motel, motor lodge;
19. Liquor wholesaler;
20. Lumber yard, sales and storage, firewood sales and storage;
21. Masonry, plastics, fiberglass, sales and service;
22. Mobile home sales, service, repair;
23. Motorcycle, sales, service, repair, rental;
24. Moving and transfer company (including warehouse);

- 25. Ornamental iron products, sales, assembly, repair;
  - 26. Pawn shop, surplus, salvage goods, second-hand store, sales, trades (indoor only);
  - 27. Radio or microwave transmission, repeater, multiplexing, dispatching;
  - 28. Recreation hall, billiard parlor;
  - 29. Restaurant (with liquor license);
  - 30. Shopping center;
  - 31. Signs, sales, manufacture;
  - 32. Skating rink;
  - 33. Storage sheds, rental;
  - 34. Taxidermist; and
  - 35. Veterinary hospital (small animals).
- [REV: Ord. No. 95-9, 10/13/95]

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board;

- 1. Amusement parks, carnival, circus;
- 2. Cannabis product retail or wholesale outlets and lounges;
- 3. Ceramics, manufacture;
- 4. Churches, places of worship;
- 5. Dwelling, temporary watchman or caretaker;
- 6. Fireworks stand (temporary), sales;
- 7. Flea market subject to the following requirements;
  - a. Adequate off-street parking shall be provided to contain the largest anticipated crowd,
  - b. The site shall be kept free of litter and adequate refuse containers shall be provided,
  - c. Overnight storage of merchandise shall be prohibited, and
  - d. Adequate sanitary facilities (rest rooms) either portable or permanent shall be provided on site for use by patrons;
- 8. Gasoline service station, commercial garage subject to the following regulations:
  - a. All major repair work on vehicles shall be conducted within an enclosed building
  - b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone district, and
  - c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high;
- 9. Home occupation;
- 10. Laboratory, research;
- 11. Offices, temporary;
- 12. Radio or television station;
- 13. Storage (outside), rental, warehousing, rental;
- 14. Telephone switching facility (toll or local);

15. Truck terminal and maintenance;
16. Utility company, service center, storage;
17. Veterinary hospital (large animals); and
18. Welding shop.

[REV: Ord. No. 95-9, 10/13/95]

D. District Standards. The following standards apply to all land uses within this zoning district:

1. Minimum lot size shall be as determined by the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations;
2. All structures shall be located within a front setback of no less than 25 feet, unless otherwise specified in this Ordinance;
3. Non-residential buildings shall be situated no less than 25 feet from any lot in residential use, unless otherwise specified in this Ordinance;
4. Any non-residential activity in this zoning district that requires outdoor storage of supplies or materials, other than living plants, must provide an outdoor storage area enclosed by a wall or fence of sufficient structure to conceal the outdoor storage area;  
[REV: Ord. No. 95-9, 10/13/95]
5. Flea markets are subject to the following requirements:
  - a. Adequate off-street parking shall be provided to contain the largest anticipated crowd,
  - b. The site shall be kept free of litter and adequate refuse containers shall be provided,
  - c. Overnight storage of merchandise shall be prohibited, and
  - d. Adequate sanitary facilities (rest rooms) either portable or permanent shall be provided on site for use by patrons;[REV: Ord. No. 2008-003, 4/23/08]
6. Gasoline service station or a commercial garage is subject to the following regulations:
  - a. All major repair work on vehicles shall be conducted within an enclosed building,
  - b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone district, and
  - c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high; and[REV: Ord. No. 2008-003, 4/23/08]

7. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]

SECTION 13.1 MAJOR DEVELOPMENT DISTRICT, UNDETERMINED IMPACT AND ADULT LAND USES (D-3).

[REV: Ord. No. 2001-2, 3/14/01]

A. Intent. This zone is intended to allow the uses and apply the standards described in the D-2 District with the addition of a conditional use and additional standards and procedures for Adult Land Uses.

B. Permissive Uses. The following permissive uses are allowed in this zone district:

1. All permissive uses allowed in D-2 District;
2. Cannabis product retail or wholesale outlets and lounges.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board: All conditional uses allowed in the D-2 District and Adult Land Uses, as described and authorized in Subsection E below.  
[REV: Ord. No. 2008-003, 4/23/08]

D. District Standards. The following standards apply to all land uses within this zone district: All the District Standards required in the D-2 District.

E. Additional Standards and Procedures for Adult Land Uses. In addition, the following standards and procedures apply to the below-defined Adult Land Uses that are lawful as conditional uses in the D-2 District:

1. DEFINITIONS:

Adult Amusement Establishment.

- a. An establishment which provides amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas;

- 1) Specified Anatomical Areas, means:

- a) Less than completely and opaquely covered by clothing:

- (1) Human genitals or pubic region;

- (2) Buttock; and



- (3) Female breast below a point immediately above the top of the areola; and
    - b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
  - 2) Specified Sexual Activities, including the following:
    - a) Human genitals in a state of sexual stimulation or arousal;
    - b) Acts of human masturbation, sexual intercourse, or sodomy; and
    - c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- b. An establishment which features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment; or
- c. An establishment which, upon payment of a fee, provides an escort or a partner to its patrons; or
- d. An establishment which, upon payment of a fee, provides its patrons with a male or female model fully or partially clothed or nude for the purposes of demonstrating body oils, body lotions or devices.

Adult Bookstore. An establishment having a substantial or significant portion of its stock in film, video tapes, trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Photo Studio. An establishment which, upon payment of a fee, provides photographic equipment or models for the purpose of photographing specified anatomical areas.

Adult Theater. A theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Land Use(s). Any one, any combination, or all of the following uses: Adult Amusement, Adult Bookstore, Adult Photo Studio, Adult Theater.

## 2. PROCEDURES FOR OBTAINING CONDITIONAL USE PERMIT

- a. Application. In addition to the requirements described in Section 21.B & C of the Zoning Ordinance, an applicant seeking approval for an Adult Land Use defined above must show that the proposed land use satisfies the Approval Requirements stated below, and must provide the following information:
- 1) The name, address, telephone number, principal occupation, and age of the applicant;
  - 2) The name, address and principal occupation of the managing agent or agents of the business;
  - 3) The business name, business address and business telephone number of the establishment or proposed establishment, together with a description of the nature of the business;
  - 4) Whether the business or proposed business is the undertaking of a sole proprietorship, partnership or corporation. If a sole proprietorship, the application shall set forth the name, address, telephone number and principal occupation of the sole proprietor. If a partnership, the application shall set forth the names, addresses, telephone numbers, principal occupations and respective ownership shares of each partner, whether general, limited or silent. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the names, addresses, telephone numbers and principal occupations of every officer, director and shareholder (having more than ten percent of the outstanding shares), and the number of shares held by each;
  - 5) The names, addresses, telephone numbers and principal occupations of every person, partnership or corporation having any interest in the real property utilized or to be utilized by the business or proposed business;
  - 6) A description of all other business enterprises (sales or services), which shall occur on the premises;
  - 7) Whether the applicant, anyone having a ten percent or more ownership interest in the business or proposed business has:
    - a) ever had a business license denied, revoked or charges filed therefore, and if so, the application shall

- state the name of the business, date, jurisdiction, and outcome of any hearing,
- b) ever owned or operated an Adult Land Use business, and if so, the name of the business and address, dates involved and position or interest therein,
  - c) been convicted within five years of application or renewal, of any felonious crime (and if so, shall state the person involved, the charge, date, court and disposition of the charges).
- b. Time Limits. Review by the Zoning Board shall be advisory to the County Commission which shall decide whether to grant or deny the Application. The County shall render its decision according to the following time limits:
- 1) An Application submitted 15 or more days prior to the next regularly scheduled Zoning Board monthly meeting shall be heard at that meeting;
  - 2) Unless Applicant requests or consents to a deferral, the Zoning Board shall render its oral recommendation at the time of its meeting and, within 7 days following the meeting, the Zoning Board shall submit a written Recommendation to the County Commission;
  - 3) Directly following the Zoning Board meeting, the County Commission shall call for a public meeting by notification of the time and place of the public hearing published in the next available newspaper of general circulation in the County at least 15 days prior to the hearing; and
  - 4) The hearing of the Application shall take place at the next regularly scheduled bi-weekly meeting of the County Commission following the expiration of the 15-day notice period. Upon conducting its public hearing, the County Commission shall render either an oral or written decision, either to approve or deny the Conditional Use Permit, at the conclusion of the hearing. If the Commission makes only an oral decision, it may adopt a written decision at its next regularly scheduled meeting.

From the date of submission of a completed application, a decision of the County Commission must be made within 60 days. If a decision is not rendered, either approving or denying the Conditional Use Application, within the 60-day period, the Application will be approved and issued as a matter of law. Any time that lapses during a deferral requested by or

consented to by the Applicant shall be excluded from the calculation of the 60-day period.

[REV: Ord. No. 2008-003, 4/23/08]

### 3. APPROVAL REQUIREMENTS

The approval standards of Section 21.D of the Zoning Ordinance shall be satisfied if the Application meets all of the following Approval Requirements:

- a. The proposed land use will not violate any civil or criminal law otherwise applicable, including, but not limited to, this Ordinance and the applicable building, fire and health regulations; criminal code sections 30-9-14, -14.1, -14.2 & -14.3 NMSA 1978 prohibiting indecent exposure, indecent dancing, indecent waitering and aggravated indecent exposure; and the Liquor Control Act, sections 60-3A-1, et seq., NMSA 1978, and all regulations promulgated thereunder;
- b. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any building approved for another Adult Land Use, as measured in a straight and the most direct line;
- c. The closest edge or corner of the building proposed for an Adult Land Use is at least 1000 feet from the closest edge or corner of any conforming residential dwelling, as measured in a straight and the most direct line, except that this provision may be waived if the owner(s) of any residential dwelling(s) located closer than the minimum separation distance consents in writing to the proposed use;
- d. The closest edge or corner of the building proposed for an Adult Land Use is at least 300 feet from the closest edge or corner of any conforming commercial structure and has a side setback of at least 150 feet, as measured in a straight and the most direct line, except that this provision may be waived if the owner(s) of any commercial structure(s) or property located closer than the minimum separation distance consent in writing to the proposed use;
- e. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any church or from its grounds, whichever is closer, as measured in a straight and the most direct line. Church "grounds" are any developed, fenced or enclosed outside area used by church members proximate to a church;

- f. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any primary or secondary school or from its grounds, whichever is closer, as measured in a straight and the most direct line. School "grounds" are any developed, fenced or enclosed outside area used by school children proximate to a school;
- g. The Applicant, whether an individual or any of the stockholders, officers or directors, if a corporation, or any of the partners, if a partnership, including limited partners, or the manager or other person principally in charge of the operation of the business, or any person receiving, or having a right to receive any sum from, or percentage of the profits due to an interest in or sale of the business, has not been convicted within a five-year period immediately prior to the application, of any crimes involving fraud, consumer fraud or intent to defraud, prostitution;
- h. Neither the applicant nor any ten percent corporation shareholder nor a corporate officer has had a revocation of a business license for violations of code regulations relating to Adult Land Uses within the preceding two years;
- i. The land use will meet the parking requirements of Section 17; and
- j. The applicant has provided all required information.

#### 4. APPEALS

An appeal to the District Court for the County of Torrance may be made within 30 days after a denial.

#### 5. OPERATION REQUIREMENTS AND RESTRICTIONS.

Once the Applicant has received a permit for an Adult Land Use, the permittee shall abide by the following requirements and restrictions:

- a. Signs. In addition to the sign regulations stated in Section 18 of this Ordinance, any sign advertising an Adult Land Use shall not contain any emphasis, either by wording, picture or otherwise, on matters related to specified sexual activities or specified anatomical areas.
- b. Exterior Display. No Adult Land Uses shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public way or from any property not

permitted for the Adult Land Use. This provision shall apply to any display decoration, sign, show window or other opening.

- c. Employee Records. The permittee shall at all times maintain and retain for the preceding three years the legal names/aliases and addresses of all persons employed as dancers by the permittee.
- d. Employee Age Minimum. The permittee shall not employ or allow as a dancer a person under the age specified by state law or regulation where alcohol is consumed.
- e. Admittee Age Minimum. No person under the age of 18 years shall be admitted where a nonalcoholic Adult Land Use is permitted. No person under the age of 21 years shall be admitted where an Adult Land Use with a liquor license is permitted. No employee of an Adult Land Use establishment shall allow any minor to loiter around or to frequent the establishment or to allow any minor to view a permitted Adult Land Use.
- f. Consumption of Alcohol. No permittee shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor, or any beverage represented as containing any alcohol, upon the permitted premises without a valid liquor license.
- g. Display of Licenses. The permittee shall conspicuously display all licenses required by this Ordinance.
- h. No Dancing in Concealed Areas. All dancing permitted as part of an Adult Amusement Enterprise shall take place within an area which is visible immediately upon entrance to the establishment premises, or is visible immediately from the entry room area of the establishment's premises; however, no permitted dancing shall be visible to or from any outside or un-permitted areas.
- i. Contact Limitation. No dancer shall touch, fondle or caress any patron and no patron shall touch, fondle or caress any dancer on either the dancer's or patron's genitals, pubic region, buttock or female breast.
- j. Advertisement Disclaimer. Any Adult Land Use establishment that does not have a liquor license and which uses the words that imply the availability of alcoholic liquor on the premises, such as "bar," or "lounge" or "saloon," in any advertisement or name must state in all such advertisements that alcoholic beverages are not sold or allowed on the premises.

- k. Posted Warning. All Adult Land Use establishments shall post at each entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind any bar a sign with letters not less than three inches high stating:

“PROSTITUTION IS UNLAWFUL”

All Adult Land Use establishments that are not licensed to sell alcoholic beverages shall post at each entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind the bar a sign with letters not less than three inches high stating:

“ALCOHOL IS NOT SOLD HERE”

The letters for all such signs must be black on a yellow background and the sign at each entrance door and behind the bar must be between four and six feet above floor level. Each sign must be located and illuminated sufficient to be visible by a person with normal eyesight or eyesight corrected to 20/20, thirty feet from the sign.

- l. The permittee shall maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.
- m. The permittee must meet the parking requirements of Section 17.

## 6. RESPONSIBILITIES OF THE OPERATOR

- a. It is the responsibility of the permittee to assure that the requirements of this Ordinance are satisfied in the exercise of the permit for an Adult Land Use. Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the permittee, if such act or omission occurs either with the authorization, knowledge, or approval of the permittee, or as a result of the permittee’s negligent failure to supervise the employee’s conduct, and the permittee shall be punishable for such act or omission in the same manner as if the permittee committed the act or caused the omission.
- b. Any act or omission of any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of

the permittee for purposes of determining whether the permittee's permit shall be revoked, suspended or renewed.

- c. The permittee shall insure compliance of the establishment and its patrons with the provisions of this Ordinance.

## 7. RENEWAL

After the first issuance of a Conditional Use Permit for an Adult Land Use, the permit shall terminate upon the first-year anniversary of its issuance, unless it is renewed. Once the permit is renewed, it shall terminate upon the five-year anniversary of its most recent renewal, unless renewed again. There is no limit to the number of times a permit may be renewed. Any application for renewal must comply with the rules and regulations in effect at the time the application for renewal is submitted.

### SECTION 14.0 VILLAGE COMMUNITY PRESERVATION DISTRICT (VCP).

[REV: Ord. No. 2001-2, 3/14/01]

- A. Intent. This zone district preserves residential clusters in established unincorporated communities, and is intended to protect development of historic significance. This district allows residential development with necessary commercial, business, and other non-residential activities which serve local residents. The district regulations permit future development consistent with the existing character of the community, subject to health and safety standards.
- B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:  
[REV: Ord. No. 95-5, 6/10/95; Ord. No. 97-8, 6/27/97; Ord. No. 2001-2, 3/14/01]
  1. One singular dwelling unit per lot, provided it is in compliance with the requirements of the New Mexico Liquid Waste Disposal Regulations and the provisions of Section 19 (F) of this Ordinance;
  2. Accessory uses and structures provided the structures are compliant with Section 19 (F) of this Ordinance.
  3. Kennel, subject to the regulations of the Torrance County Animal Control Ordinance and the provisions of Section 6 of this Ordinance.
- C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board: All Conditional Uses allowed in the RR



District and business, service and commercial establishments, primarily intended to service local residents.

[REV: Ord. No. 2001-2, 3/14/01]

D. District Standards: The following standards apply to all land uses within this zone district:

1. Minimum lot size for dwelling units served by individual private wells shall be two and one-half net acres. Minimum lot size for dwelling units served by a centralized water system shall be as determined by the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations. For purposes of determining minimum lot size, the calculation of acreage shall include common easements and private roadways for ingress and egress for adjoining lots. A shared domestic well permitted under Section 72-12-1 NMSA 1978 does not qualify as a "centralized water system";

[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

2. All structures shall be located with a front setback of no less than 15 feet;

3. A proposed land use must comply with Section 23, pertaining to water usage; and

[REV: Ord. No. 97-7, 6/27/97]

4. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis shall obtain written consent from the land grant governing body and are prohibited within 300 feet of a church, school, or daycare center.

[REV: Ord. No. 2008-003, 4/23/08]

#### SECTION 14.1 RURAL COMMUNITY PRESERVATION DISTRICT (RCP).

[REV: Ord. No. 2001-2, 3/14/01]

A. Intent. This zone protects and preserves areas within the County which are characterized by their limited access, minimal development, limitations on water resources, natural beauty, fragile environment and native wildlife populations. Dispersed, very low density residential development and low intensity agricultural activities are allowed. Other agriculturally related activities may be allowed. Commercial uses will not be allowed except on a case-by-case basis in which the primary concern of the Zoning Board will be to minimize the environmental impact on the area. Development may be considered within a 1 mile buffer zone where the "RCP" Zone joins an incorporated municipality and density or minimum lot size or use within the buffer area may be dictated by the standards set for the adjoining area.

[REV: Ord. No. 2008-003, 4/23/08]

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Low intensity agricultural operations such as livestock grazing and related ranching activities;
2. Horse breeding, boarding and training;
3. Other low intensity production agriculture;
4. Cultivation and harvesting of plants and croplands;
5. Woodcutting and other activities related to harvesting trees;
6. Singular residential dwelling unit provided it is in compliance with the requirements of the New Mexico Liquid Waste Disposal Regulations and the provisions of Section 19 (F) of this Ordinance; and
7. Accessory uses and structures necessary to carry out the above-listed permissive uses.
8. Kennel, subject to the regulations of the Torrance County Animal Control Ordinance and the provisions of Section 6 of this Ordinance.

C. Conditional Uses. The following uses may be allowed in this district only upon permit granted by the Zoning Board:

1. Home occupations provided they are confined to the residence or accessory structure, are clearly a secondary use of the structure and present no visual impact to neighbors as viewed from adjoining property or public thoroughfare;
2. Small Bed and Breakfast operations limited to two guest bathrooms;
3. Horseback riding stables, provided sufficient land exists to support the number of animals maintained;
4. Dude ranch or other agricultural work experience operation;
5. Outfitters;
6. Essential public utility distribution structures;
7. Communication structures and facilities; and

8. One supplemental residential dwelling unit allowed on a parcel meeting district minimum standards; 2 supplemental residential dwelling units allowed on a parcel of at least eighty acres or 1/8 section.

D. District Standards. The following standards apply to all land use within this zone district:

1. Minimum parcel size will be forty acres or 1/16 section, whichever is the smaller of the two, with the following exceptions:
  - a. Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 14.1.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.  
[REV: Ord. No. 2008-003, 4/23/08]
  - b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of that property provided it is not less than 5 acres in size with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the mortgagee defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.
2. In the event contiguous parcels within the zone are assembled, any of which may be less than the smaller of forty acres or 1/16 section, no future land division of that assembled parcel will be allowed, except as noted in paragraph D.1.b. & c. supra, if any portion of the land division will result in a parcel of less than forty acres or 1/16 section. It is the intent of these standards to restrict parcel size within this zone to a minimum of forty acres or 1/16 section where possible to reassemble smaller existing parcels into larger parcels more closely approaching the forty acre, 1/16 section minimum.
3. This change will not affect any subdivision plans which have been submitted to the Zoning Board prior to the effective date of this section.  
[REV: Ord. No. 2008-003, 4/23/08]

4. A proposed land use must comply with Section 23, pertaining to water usage.
5. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.  
[REV: Ord. No. 2008-003, 4/23/08]
6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis shall obtain written consent from the land grant governing body and are prohibited within 300 feet of a church, school, or daycare center.  
[REV: Ord. No. 2008-003, 4/23/08]

#### SECTION 15. SOLID WASTE MANAGEMENT DISTRICT (SW)

- A. Intent. This zone district provides for the siting, development, and operation of solid waste facilities in Torrance County. The boundaries of this zone district shall be defined as needed on a case-by-case basis following the amendment procedures and siting criteria provided in this Ordinance. Disposal of solid waste within Torrance County shall be regulated in accordance with all relevant laws including this Ordinance, the Torrance County Solid Waste Management Ordinance (Ord. No. 94-12), and all other applicable municipal, county, state, and federal laws pertaining to solid waste. Furthermore, no solid waste facility shall be established or operated without first obtaining a Solid Waste Facility Permit from the County Commission in accordance with the procedures set forth in this Ordinance.  
[REV: Ord. No. 95-4, 6/10/95; Ord. No. 2008-003, 4/23/08]
- B. Solid Waste Definition. The specific terms, "solid waste" and "solid waste facility" as defined by the Torrance County Solid Waste Management Ordinance (Ord. No. 94-12) are hereby adopted and incorporated herein by reference and made a part of this Ordinance.  
[REV: Ord. No. 95-4, 6/10/95]
- C. Application for Zoning Amendment. Each application for a zone change to establish a Solid Waste Management District must be accompanied by a facility development report and site plan of sufficient size and scale in order to show:  
[REV: Ord. No. 95-4, 6/10/95]
  1. Boundaries of the proposed district and existing land uses and structures within the proposed district and within 500 feet of the proposed district boundaries;

2. Routes and design specifications of all proposed access roadways and/or railways within the proposed district and within one mile of the proposed district boundaries;
3. Existing topography, and re-grading plans if applicable, within the proposed district at a contour interval of two feet, based on mean sea level datum. All natural watersheds, watercourses, and floodplains shall be identified in accordance with the siting criteria established for this zone district;
4. Hydro-geologic data sufficient to define the groundwater level or water table underlying the proposed district. Such data shall be confirmed by the N.M. State Engineer Office in writing;
5. Location and estimated pumping rates of all water wells, including abandoned wells, within the proposed district and within 500 feet of the proposed district boundaries;
6. The proposed design and operation of the solid waste facility in detail, with supporting narrative to adequately describe the facility in terms of any impact to water resources, air quality, surrounding properties and land use, and local transportation systems;
7. Documentation of ownership and financial interests of the proposed solid waste facility; and
8. Location and dimensions of all proposed land use activities including structures, landscaping, on-site traffic circulation, and any other improvements to the land.

D. Special Permit Required. No person shall operate a solid waste facility without a Solid Waste Facility Permit issued by the County Commission in accordance with the procedures and criteria set forth in this Ordinance. Torrance County and the Torrance County Solid Waste Authority shall be exempt from filing and renewal fees as specified in this Ordinance. The purpose of the permit procedure is to ensure that the solid waste facility is in compliance with the regulations established by this Ordinance. The procedure for obtaining a Solid Waste Facility Permit shall be as follows:

[REV: Ord. No. 95-4, 6/10/95; Ord. No. 2008-003, 4/23/08]

1. Any operator of a solid waste facility must submit an initial application with filing fee to the Zoning Board on a prescribed form obtainable from the Zoning Director. The initial application filing fee shall be \$2,500 to cover the site inspection, technical review, and related administrative costs of the County.

[REV: Ord. No. 2008-003, 4/23/08]

2. The Solid Waste Facility Permit shall be subject to expiration and renewal after a period of one year. At least 30 days prior to the expiration date of a Solid Waste Facility Permit, an application for renewal may be submitted and processed in the same manner as the initial application. A filing fee of \$1,000 must be submitted with an application to renew a Solid Waste Facility Permit. The purpose of the filing fee is to cover ongoing site inspection and related administrative costs of the County. Operators of existing facilities may continue to operate provided they apply for a permit 30 days before the anniversary date of the existing permit and upon proof of continued compliance with the requirements of this Ordinance.
3. Upon receipt of a Solid Waste Facility Permit application, the Zoning Board shall review the application to determine compliance with this Ordinance at a regularly scheduled meeting. The Zoning Board may request information regarding the operation of the solid waste facility as deemed appropriate. The Zoning Board may also request comments in writing from relevant state or federal agencies regarding the operation of the solid waste facility.  
[REV: Ord. No. 2008-003, 4/23/08]
4. The Zoning Board shall prepare and transmit a recommendation in writing to the County Commission within 7 days after their review of the application is completed. The County Commission shall review the application, the recommendations of the Zoning Board, and any relevant public comment at a regularly scheduled meeting. Upon determining that the application for the solid waste facility is in compliance with this Ordinance, the County Commission shall grant a Solid Waste Facility Permit.  
[REV: Ord. No. 2008-003, 4/23/08]
5. Renewal of a Solid Waste Facility Permit may be denied for failure to comply with this Ordinance, making any misrepresentation or omission of any relevant fact in the application, or for failure to comply with any other applicable municipal, county, state, or federal laws pertaining to solid waste.

E. Siting Criteria. This zone district shall be subject to the following siting criteria:  
[REV: Ord. No. 95-4, 6/10/95]

1. District boundaries shall be no closer than 10,000 feet from any airport or aviation facility subject to regulation by the Federal Aviation Administration;
2. District boundaries shall be no closer than two miles from perennial streams or wetlands as designated by the U.S. Fish and Wildlife Service;
3. This zone district, or any portion thereof, shall not be located within any 100-year floodplain as designated by the Federal Emergency Management Agency;

4. No solid waste facility shall be established within a natural watercourse with visible evidence of the occasional flow of water; and
5. No solid waste facility shall be established where the ground water or the water table is less than 100 feet below the surface of the land or the bottom surface of any proposed pit, whichever is more restrictive.

F. Operational Criteria. This zone district shall be subject to the following operational criteria:

[REV: Ord. No. 95-4, 6/10/95]

1. Solid waste facilities shall be designed and operated to minimize blowing litter both on-site and off-site. Durable fencing shall be installed as least 6 feet in height around active areas for purposes of debris retention and site security;
2. Solid waste facilities shall be provided with all-weather access roads built to a standard adequate to bear anticipated traffic generated by the facility;
3. Solid waste facilities shall be designed and operated to minimize soil erosion and to mitigate storm-water runoff pollution; and
4. Solid waste facilities shall be monitored in accordance with state and federal standards to detect the release of gaseous, liquid, or solid pollutants from the solid waste facility.

G. Water Usage. A proposed land use must comply with Section 23, pertaining to water usage.

[REV: Ord. No. 97-7, 6/27/97]

## SECTION 16. SPECIAL USE DISTRICT (SU)

A. Intent. This zone district provides for singular developments which require special consideration because of their magnitude, unusual nature, infrequent operations, questionable impact on surrounding property, or other such reason. The boundaries of this zone district shall be defined as needed on a case-by-case basis following the amendment procedures provided in this Ordinance. Special conditions may be imposed by the County Commission following recommendation by the Zoning Board. The County Commission may not grant a zone change for establishment of a Special Use District unless satisfactory provisions have been made:

[REV: Ord. No. 2008-003, 4/23/08]

1. To assure that compatibility of property uses shall be maintained in the general area;
2. To preserve the integrity and character of the area in which the Special Use District will be located, and the utility and value of property in the Special Use District and in adjacent zone districts; and
3. To assure that the Special Use District will not become detrimental to the public health, safety, or general welfare of the County.

B. Application. Each application for a zone change to establish a Special Use District must declare the proposed use and, unless otherwise specified, must be accompanied by a site development plan of sufficient size and scale in order to:

1. Show boundaries and topography of the property to be developed;
2. Show the proposed size, location, use, and arrangement of all structures, signs, parking and loading areas, drainage facilities, landscaping, and traffic and pedestrian circulation routes; and
3. Indicate the location, type, use and size of structures on adjacent properties within 100 feet of the proposed Special Use District boundary.

C. Removal of Zones. In the event that a use authorized as a Special Use District is permanently discontinued, the Special Use District may be canceled and removed under the provisions for an amendment to this Ordinance. That area delineated by a discontinued Special Use District shall be rezoned to the prevailing zone district as determined by the County Commission following recommendation by the Zoning Board.

[REV: Ord. No. 2008-003, 4/23/08]

D. Uses Allowed in Special Use District. A Special Use District may be authorized only for uses designated by the County Commission that are not permissive or conditional uses as defined by the Zone Districts enumerated above. Designated uses for this zone district which are subject to specific requirements or regulations are prescribed as follows:

[REV: Ord. No. 2008-003, 4/23/08]

1. Airports, airstrips and heliports subject to the following requirements:  
[REV: Ord. No. 2008-003, 4/23/08]
  - a. Application for airport development shall be accompanied by a site plan showing: boundary lines including approach zones; runway layout with aprons, taxi strips, and parking and



tie-down area; locations and heights of all buildings, structures, trees, and overhead wires within the airport boundary and the approach zones and also within 100 feet outside of such boundary; and other pertinent data such as topography and grading plan, drainage, water and sewer services, and access roadway,

- b. The planned airport area shall be sufficient to meet Federal Aviation Administration requirements for the class of airport proposed, and
  - c. Any buildings or other structures in the proposed airport development shall be at least 100 feet from any right-of-way or lot line;
- 2. Commercial or cooperative cemetery, mausoleum, or crematory;
  - 3. Correction, detention, or penal institution;
  - 4. Dairies, slaughter houses, and Large Feedlots containing more than 200 head of animals;
  - 5. Fuel wholesalers and storage (gasoline, liquefied petroleum) provided that all facilities shall not be within 500 feet of any dwelling unit unless sufficient blast, explosion, or fire confinement structures are installed according to appropriate State regulatory agencies;
  - 6. Hospital, sanatorium, nursing home, or mental institution;
  - 7. Limited industrial activities subject to the following regulations:  
[REV: Ord. No. 95-5, 6/10/95]
    - a. The manufacturing, processing, assembling, renovating, treatment, storage, or warehousing of raw materials, goods, merchandise, or equipment shall be conducted within an enclosed building and/or within an area completely enclosed by a wall,
    - b. No building for manufacturing purposes shall be located less than 150 feet from any existing dwelling unit, except for a resident caretaker dwelling,
    - c. Any process using explosive material shall not be located within 500 feet of any dwelling unit unless sufficient blast, explosion, or fire confinement structures are installed according to appropriate State regulatory agencies,

- d. All buildings on a manufacturing site shall not cover an aggregate area of more than 40 percent of such site, and
  - e. All manufacturing activities shall be conducted in accordance with State and Federal environmental standards;
- 8. Mining, processing, or stockpiling of rock, sand, gravel, clay, or similar materials; provided it complies with the following requirements for land rehabilitation:
  - a. Backfilling shall be made with non-noxious and non-combustible materials, and
  - b. Peaks and depressions of the land resulting from the operation shall be reduced to a surface which is in substantial conformity to the surrounding topography and measures are taken to minimize erosion;
- 9. Mobile Home Park, subject to the following requirements:
  - a. The maximum density of the Mobile Home Park shall be subject to the approval of the New Mexico Environment Department; however, if public water and sewer systems are available, then maximum density of the Mobile Home Park shall be 6 mobile homes per acre,
  - b. No mobile home shall be located within 40 feet of any other mobile home,
  - c. Any mobile home shall be located at least 25 feet from the right-of-way line of any roadway and at least 25 feet from any property line of the Mobile Home Park, and
  - d. All interior roadways shall be at least 25 feet wide, and shall be either paved or graveled;
- 10. Wind Energy Facilities, subject to the following requirements:
  - a. Purpose: The County encourages the development of businesses that harness wind energy. The purpose of this special use district is to foster the development of the County's wind power resources while preserving traditional land uses.
  - b. Findings: The County finds that wind energy is an abundant, renewable and nonpolluting energy resource and that its

conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Wind energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio. Wind energy power plants stimulate economic development directly and indirectly.

c. Wind Energy Facility Permit: If the County Commission approves a special use district for a Wind Energy Facility, the County Commission shall also issue to the applicant a Wind Energy Facility Permit. The Wind Energy Facility Permit shall specify additional conditions that apply to the Wind Energy Facility.

1) Wind Energy Facility Permit. Prior to any change in ownership or controlling interest of any entity owning a wind energy facility permitted in Torrance County, application shall be made to the Zoning Board, requesting transfer of the wind energy facility siting permit. Approval of such transfer shall be conditioned upon explicit agreement by the new permittee to comply with all provisions of this Ordinance and the original permit. The application may be in letter form and shall be signed by the authorized representatives or agents of both the current permittee and the prospective permittee.

d. Definitions:

1) Wind Energy Facility: An electricity-generating facility consisting of two or more wind turbines under common ownership or operating control that includes substations, MET towers, cables/wires and other building accessories to such facility, whose main purpose is to supply electricity to off-site customer(s).

2) Permittee: The developer, owner or operator of a Wind Energy Facility who applies for a special use district and receives a Wind Energy Facility Permit.

e. Additional Information to be submitted with the application:

1) The applicant and landowner's name and contact information.

2) The Assessor's parcel map numbers, existing use and acreage of the site parcel.

3) A survey map at an appropriate scale showing the proposed location of the wind energy facility (including

access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences/schools, churches, hospitals, or libraries to a distance of 2,000 feet (or other measure).

- 4) A survey map at an appropriate scale showing any federal, state, county or local parks, recognized historic or heritage sites, state-identified wetlands or important bird areas as identified in federal, state, county, or local GIS databases or other generally-available documentation.
- 5) Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, and including an engineering analysis and certification of the tower, showing compliance with the applicable building code.
- 6) Data pertaining to the tower's safety and stability, including safety results from test facilities.
- 7) Proposal for landscaping and screening.
- 8) A completed Environmental Assessment Report.
- 9) A project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than 2.7 inches, and the base map used shall be a published topographic map showing man-made features, such as roads and buildings.
- 10) No fewer than four color photos, no smaller than 4" by 6", taken from the each of the four cardinal directions from locations within a three-mile radius from the site.
- 11) Images of the photos from paragraph 10 above shall be computer-enhanced to simulate the appearance of the as-built site facilities as they would appear from the locations where the photos were taken.

f. Additional Approval Standards:

- 1) Safety:
  - a) The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
  - b) Wind turbine towers shall not be climbable up to 15 feet above ground level by external ladders.
  - c) All access doors to wind turbine towers and electrical equipment shall be lockable.
  - d) Appropriate warning signage shall be placed on wind turbine towers, electrical equipment and wind energy facility entrances.

- e) Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
  - f) All wind turbines shall conform to industry standards for automatic braking, governing or feathering to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and turbine components.
  - g) As a condition of approval, prior to the construction of the facility the applicant shall submit to the County proof of insurance [in an amount to be determined by the County in consultation with the County's insurer], to cover damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility.
  - h) Any wind energy system found to be unsafe by a local, state or federal agency shall be repaired by the owner to meet federal, state and local safety standards or removed within six months.
  - i) If any turbine is not operated for a continuous period of 12 months, the owner shall notify the County within 30 days of such occurrence and shall set forth reasons for the operational difficulty and propose a corrective action plan. The corrective action shall be completed within 6 months. If the corrective action is not completed, the County may require removal of the inoperative turbine and tower.
- 2) Siting and Installation:
- a) To the extent practicable, the facility shall combine transmission lines and points of connection to local distribution lines.
  - b) To the extent practicable, the facility shall connect to existing substations, or if new substations are needed, minimize the number of new substations.
  - c) Electrical controls and control wiring and power lines shall be wireless or underground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- 3) Setbacks:
- a) Each wind turbine shall be set back from the nearest property line a distance no less than 1.1 times its total height, unless appropriate easements are secured from adjacent property owners.
  - b) Each wind turbine shall be set back from the nearest public road a distance no less than 1.1 times its total height,

determined at the nearest boundary of the underlying right-of-way for such public road.

c) Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.

4) Nuisance:

a) Audible noise due to wind energy facility operations shall not exceed fifty (50) dBA for any period of time, when measured at any occupied residence, school, hospital, church or public library existing on the date of approval of the wind energy facility.

b) The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

c) No individual tower facility shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

5) Environmental and Visual:

a) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

b) The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

c) No individual tower facility shall be installed at any location that would substantially detract from or block the view of the major portion of a recognized scenic vista, as viewed from any public road right-of-way or publicly-accessible parkland or open space within the County.

d) Wind turbines shall be set back at least 2,500 feet from important bird areas as identified by [state, feds].

6) Restoration of Property:

a) As a condition of approval of a special use district for a Wind Energy Facility, within one year of the termination or abandonment of leases, easements or operations of a Wind Energy Facility, the permittee shall cause, at its own expense, the restoration of the land to its pre-facility condition.

[REV: Ord. No. 2008-003, 4/23/08]

11. Solar Energy Facilities, subject to the following requirements:
- a. Purpose: The County encourages the development of businesses that harness solar energy. The purpose of this special use district is to foster the development of the County's solar power resources while preserving traditional land uses.
  - b. Findings: The County finds that solar energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Solar energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio. Solar energy power plants stimulate economic development directly and indirectly.
  - c. Solar Energy Facility Permit: If the County Commission approves a special use district for a Solar Energy Facility, the County Commission shall also issue to the applicant a Solar Energy Facility Permit. The Solar Energy Facility Permit shall specify additional conditions that apply to the Wind Energy Facility.
    - 1) Solar Energy Facility Permit. Prior to any change in ownership or controlling interest of any entity owning a solar energy facility permitted in Torrance County, application shall be made to the Zoning Board, requesting transfer of the solar energy facility siting permit. Approval of such transfer shall be conditioned upon explicit agreement by the new permittee to comply with all provisions of this Ordinance and the original permit. The application may be in letter form and shall be signed by the authorized representatives or agents of both the current permittee and the prospective permittee.
  - d. Definitions:
    - 1) Solar Energy Facility: An electricity-generating facility consisting of any solar collector, as defined in the New Mexico Solar Rights Act, NMSA 1978, § 47-3-1 through 47-3-5, as amended, or combination of solar collectors under common ownership or operating control that includes substations, cables/wires and other building

accessories to such facility, whose main purpose is to supply electricity to off-site customer(s).

- 2) Permittee: The developer, owner or operator of a Solar Energy Facility who applies for a special use district and receives a Solar Energy Facility Permit.
- e. Additional Information to be submitted with the application:
- 1) The applicant and landowner's name and contact information.
  - 2) The Assessor's parcel map numbers, existing use and acreage of the site parcel.
  - 3) Demonstration:
    - a) of solar rights, recorded pursuant to the Solar Recordation Act, NMSA 1978, § 47-3-6 through § 47-3-12, to support the Solar Energy Facility; or
    - b) that activities on neighboring properties will not impair the line-of-sight path from the solar collector or collection of solar collectors to the sun.
  - 4) A survey map at an appropriate scale showing the proposed location of the solar energy facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences/schools, churches, hospitals, or libraries to a distance of 2,000 feet (or other measure).
  - 5) A survey map at an appropriate scale showing any federal, state, county or local parks, and recognized historic or heritage sites, as identified in federal, state, county, or local GIS databases or other generally-available documentation.
  - 6) Standard drawings of a solar collecting device structure(s), including the bases and footings, drawings of access roads, and including an engineering analysis and certification showing compliance with the applicable building code.
  - 7) Data pertaining to the solar collecting device's safety and stability, including safety results from test facilities.
  - 8) Proposal for landscaping, screening, and storm water management.
  - 9) A completed Environmental Assessment Report.
  - 10) A project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than 2.7 inches, and the base map used shall be a published



topographic map showing man-made features, such as roads and buildings.

- 11) No fewer than four color photos, no smaller than 4" by 6", taken from the each of the four cardinal directions from locations within a three-mile radius from the site.
- 12) Images of the photos from paragraph 10 above shall be computer-enhanced to simulate the appearance of the as-built site facilities as they would appear from the locations where the photos were taken.

f. Additional Approval Standards:

1) Safety:

- a) The solar energy facility has been designed and would be operated to prevent the misdirection of concentrated solar radiation onto nearby property, public roads or other areas accessible by the public.
- b) The solar energy facility has been designed and would be operated to protect public safety, including development and implementation of a plan of operating procedures to prevent public access to hazardous areas, including appropriate warning signage on electrical equipment and at the solar energy facility entrances.
- c) The solar energy facility is not located adjacent to, or within the control zone, of any airport.
- d) During the operation, all chemicals or solvents used to clean photovoltaic panels or heliostats would be low in volatile organic compounds and the operator would use recyclable or biodegradable products to the extent possible.
- e) Any component of the solar energy facility found to be unsafe by a local, state or federal agency shall be repaired by the owner to meet federal, state and local safety standards or removed within six months.
- f) If the solar energy facility is not operated for a continuous period of 12 months, the owner shall notify the County within 30 days of such occurrence and shall set forth reasons for the operational difficulty and propose a corrective action plan. The corrective action shall be completed within 6 months. If the corrective action is not completed, the County may require removal of the solar energy facility.

2) Siting and Installation:

- a) To the extent practicable, the facility shall combine transmission lines and points of connection to local distribution lines.

- b) To the extent practicable, the facility shall connect to existing substations, or if new substations are needed, minimize the number of new substations.
  - c) Electrical controls and control wiring and power lines shall be wireless or underground except where solar collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- 3) Environmental and Visual:
- a) The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
  - b) No solar energy facility shall be installed at any location that would substantially detract from or block the view of the major portion of a recognized scenic vista, as viewed from any public road right-of-way or publicly-accessible parkland or open space within the County.
  - c) No solar energy facility shall cause unnatural flooding of adjacent properties.
- 4) Restoration of Property
- a) As a condition of approval of a special use district for a Solar Energy Facility, within one year of the termination or abandonment of leases, easements or operations of a Solar Energy Facility, the permittee shall cause, at its own expense, the restoration of the land to its pre-facility condition.
- [REV: Ord. No. 2008-003, 4/23/08]

12. Major power generation facilities including fuel-fired power plants as well as region-serving developments of solar or wind-driven energy generators.  
[REV: Ord. No. 94-2, 2/9/94]

13. Planned Area Development (PAD), subject to the following requirements:

- a. A PAD shall incorporate a unified planning scheme for residential comprised of singular, multiple, and/or cluster dwelling units and other supportive land uses which cover an area of 40 acres or more,  
[REV: Ord. No. 2008-003, 4/23/08]
- b. A PAD may be constructed in increments provided a development phasing schedule showing anticipated initiation and completion of each phase is documented, and provided

each phase includes a site development plan as required for this zoning district and is reviewed and approved prior to development as a separate but component plan of the PAD,

- c. A Supportive Data Document shall be required and shall contain statements and information concerning the following:  
[REV: Ord. No. 2008-003, 4/23/08]
    - 1) purpose and intent of the PAD,
    - 2) internal and external land use relationships,
    - 3) distribution, type, and intensity of land uses,
    - 4) development phasing schedule, if applicable,
    - 5) proposed public features,
    - 6) projected traffic impact when PAD is fully built out, and
    - 7) consideration of the view shed among all other factors;
  - d. The gross density of the PAD shall not exceed 3 dwelling units per acre, unless the dwelling units are served by public water and/or sewer systems, in which case the maximum gross density may be increased to a density which is appropriate for the area as determined by the Zoning Board;  
[REV: Ord. No. 2008-003, 4/23/08]
  - e. A portion of the land within a PAD may be designated as open-space common area for resident use, provided ownership of the common area is clear, with appropriate covenants forbidding partition for future sale and development, and provided the maintenance responsibility for the common area is definite, and a method is provided for funding such maintenance of the common area;
  - f. Minimum lot size shall be one-and-one-half acres, or shall be subject to approval by the Zoning Board in areas where public water and sewer systems are available; and  
[REV: Ord. No. 97-2, 3/26/97]  
[REV: Ord. No. 2008-003, 4/23/08]
  - g. All building setbacks within the PAD shall be subject to approval by the Zoning Board.  
[REV: Ord. No. 2008-003, 4/23/08]
14. Salvage yards for scrap material, including automobile bodies, provided that:  
[REV: Ord. No. 95-5, 6/10/95]
- a. All activities are conducted within an enclosed building or within an area completely enclosed by a wall,

- b. Outside storage of salvage materials or automobile bodies may not be stacked higher than the surrounding wall,
  - c. Any walls surrounding outside storage of materials shall be located with a front setback of no less than 50 feet, and
  - d. The entire site for a salvage yard shall not exceed five acres;
15. Shopping Centers, subject to the following requirements:
- a. The shopping center site shall be located with direct access to a State or Federal arterial highway, or a designated County arterial road,
  - b. All buildings must be placed at least 30 feet from any property line of the shopping center land,
  - c. At least 10 percent of the required off-street parking area shall be landscaped and maintained in a clean and healthy condition,
  - d. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened to the extent possible such that it does not shine directly or reflect into any adjoining residential properties or public roadways,
  - e. Loading docks and outside storage areas shall be screened from public roadways and abutting residential properties,
  - f. Any shopping center proposal for an ultimate development containing more than 100,000 square feet of floor area shall include a traffic impact analysis of traffic generated by the shopping center and its effect on the surrounding roadway system, and
  - g. No shopping center shall cause unnatural flooding of adjacent properties from storm water runoff.
16. Travel Trailer or Recreational Vehicle Park provided it complies with the following requirements:
- a. The minimum park size shall be 2 acres,
  - b. The park site shall be graded, drained, and free of rubbish,

- c. The park site shall have a wall, fence or planted area, 6 feet in height, that buffers the site from adjoining areas, and
- d. The park shall contain individual campgrounds and each campground shall be at least 1,000 square feet in area with adequate parking such that no portion of any vehicle extends into a road within the park.

E. Water Usage. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]

#### SECTION 16.1. TEMPORARY LAND USE OR SPECIAL EVENT PERMIT

Incidental or infrequent uses/events including but not limited to circuses, fairs, carnivals, and outdoor sales that are commonly associated with a business or club which include but are not limited to civic, fraternal, charitable, religious, and patriotic organizations or temporary outdoor sales, filming, or other commercial use, may be allowed in "D" Zone Districts or on properties where there is an active Conditional or Special Use permit.

- A. Limitations. A Temporary Land Use or Special Event Permit shall not be issued for events/uses where the duration exceeds forty-five (45) days. The use/event shall not require the construction of permanent facilities or structures that will survive the conclusion of the event or use for which the temporary permit is issued.
- B. Applicant not the Owner of Record. Applicants for a Temporary Land Use or Special Event Permit who are not the owner of record for the property where the event or temporary use is to take place, shall be required to provide a notarized statement, including the property owner's contact information, granting permission to conduct the event or special use.
- C. Licensing. Applicants shall be required to obtain a temporary Torrance County business registration covering the proposed duration of the event / use. A copy of the temporary business registration shall be submitted with the application.
- D. Safety. Any applicant whose temporary use/special event is deemed to present an increased risk to the public's health, safety, welfare and/or property, shall be required to obtain the approval of the County Sheriff and/or the County Fire Chief. Applicants shall be required to provide detailed plans to address any identified safety concerns that arise from the use/event. Applicants shall be required to bear the cost of any required Fire/EMS or law enforcement services deemed necessary to protect the public.

SECTION 17. OFF-STREET PARKING AND LOADING.

A. Parking and Loading Space Required. There shall be provided on site, when any new building is erected, or change of land use is approved, off-street parking and loading spaces as set forth herein. Existing buildings continuing existing land uses need supply such parking and loading space only to the extent ground space is available on site.

[REV: Ord. No. 2001-2, 3/14/01]

B. Number of Parking Spaces. The minimum number of parking spaces to be provided shall be as follows:

1. Dwelling units: 2 spaces per dwelling unit;
2. Eating and drinking establishments: one space per 100 square feet of floor area;
3. Industrial, manufacturing, and wholesaling establishments: one space per 2 employees on largest shift;
4. Medical and dental offices, clinics, including veterinary clinics: 5 spaces per doctor;
5. Offices, public buildings, and service establishments: one space per 300 square feet of floor area;
6. Places of public assembly: one space per 5 seats when fully occupied;
7. Retail and commercial business establishments: one space per 200 square feet of floor area;
8. Rooming or boarding house: one space for each 2 rooms; and
9. Additional space for parking may be required to prevent the occurrence of off-site parking along roadways and rights-of-way and on adjoining property.

[REV: Ord. No. 2001-2, 3/14/01]

C. Parking Design Standards. The following standards shall be applied to off-street parking area:

1. All parking spaces shall be provided with adequate circulation and access to a road or street;
2. Each parking space shall consist of an area not less than 9 feet by

20 feet; and

3. Where parking is used for larger vehicles such as semi-tractor trailers, spaces of sufficient size and adequate circulation and access for such vehicles must be provided.  
[REV: Ord. No. 2001-2, 3/14/01]

D. Off-Street Loading Requirements. Sufficient off-street loading space shall be provided on all premises which receive or distribute bulk materials by motor vehicle. Off-street loading space shall not be located on designated off-street parking space or public right-of-way.

## SECTION 18. SIGN REGULATIONS.

A. Purpose. The purpose of this Section is to allow such signs that will not endanger the public safety, will not obstruct or detract from visibility necessary for traffic safety, and will not be detrimental to the land use objectives set by this Ordinance. No sign shall be placed or erected in Torrance County unless such sign conforms to the regulations herein. In addition, these sign regulations shall be supplemental to the regulations promulgated by the New Mexico Highway Beautification Act [67-12-1 to 67-12-14 NMSA 1978] concerning the regulation of outdoor advertising along public highways.  
[REV: Ord. No. 96-4, 4/27/96]

B. Definition. For purposes of this Ordinance, a sign shall mean a device which is constructed to convey information visually and which is exposed to public view. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. The following shall not be included in the application of regulations herein:  
[REV: Ord. No. 96-4, 4/27/96]

1. Signs bearing only property numbers, postal box numbers, farm and ranch names, or individual names of occupants of premises;
2. Flags, insignia, or signs of any government, including legal notices, identification information, or directional signs;
3. Signs placed by a public utility for the health, safety, welfare, or convenience of the public; and
4. Temporary holiday decorations.

C. Sign Size. The size of signs within the County shall be regulated according to the sign face which shall mean that area of the sign or signs which is enclosed by a continuous line, connecting the extreme points or edges of the sign, but not

including structural supports of the sign. On any two-sided sign, only one sign face shall be counted in calculating the design size.

[REV: Ord. No. 96-4, 4/27/96]

D. Business Signs. The following regulations shall apply to all signs relating to business, commercial, industrial, and service activities throughout the County, including both on-premise and off-premise signs:

[REV: Ord. No. 96-4, 4/27/96]

1. For purposes of this Ordinance, an off-premise sign means a sign that is not physically located on the premises to which the sign refers;
2. For any free-standing sign, attached to an independent supporting structure which is not an integral part of a building, the sign face shall not exceed 800 square feet if located within 350 feet of the right-of-way line of an Interstate Highway. Free-standing signs which are not located within 350 feet of the right-of-way line of an Interstate Highway shall not exceed 300 square feet of sign face;
3. Building-mounted signs shall not exceed 100 square feet of sign face per tenant, unless the building is located within 350 feet of the right-of-way line of an Interstate Highway wherein a building-mounted sign shall not exceed 300 square feet of sign face per tenant;
4. No more than one on-premise, free-standing sign adjacent to each abutting roadway may be allowed. In any case of multiple enterprises on the premises, one free-standing sign may be allowed for each enterprise provided that no single sign shall exceed 800 square feet of sign face and the aggregate of all free-standing signs shall not exceed a sum of 1200 square feet of sign face on the premises;
5. Signs may be illuminated by any manner, provided there is no direct or reflected light onto highways or into residential areas;
6. Free-standing signs shall not exceed 30 feet in height, however, free-standing signs located within 350 feet of the right-of-way line of an Interstate Highway may be constructed to a maximum of 80 feet in height. Building-mounted signs shall not exceed the height of the building unless granted a variance in accordance with this Ordinance; and
7. One non-illuminated sign is allowed for each home occupation permitted by the County, provided that no such sign shall exceed six square feet of sign face;



8. All free-standing business signs are required to display a County Business License number and must pay a one-time fee of \$25 (twenty-five dollars) to cover administrative and inspection costs.

E. Auxiliary Signs. The following regulations for auxiliary signs shall apply County-wide:

[REV: Ord. No. 96-4, 4/27/96]

1. Signs visible from public right-of-way directing and guiding traffic and parking on private property shall not exceed ten square feet of sign face, may be illuminated by any manner provided there is no direct or reflected light onto highways or into residential areas, and shall display no advertising matter. For an enterprise which provides services to commercial trucking, such signs may be allowed that will not exceed 150 square feet of sign face, will not exceed 20 feet in height, and will not exceed 20 feet in length;
2. Informational signs intended to identify name, location, activities, or occupant of non-residential premises shall be limited to two signs, each of which shall not exceed 32 square feet of sign face and may be illuminated only by indirect light; and
3. No auxiliary sign shall be higher than its distance to the nearest point on the property line, but in no case higher than the height of the highest building on the premises.

F. Temporary Signs. Requirements for temporary signs which are placed for a limited period of time are as follows:

[REV: Ord. No. 96-4, 4/27/96]

1. No temporary sign may be placed unless identification of the responsible agent is clearly posted on the sign;
2. Signs relating to the sale, lease, or development of real estate shall comply with the following regulations:
  - a. One on-premise sign per lot is permitted, provided that no such sign face shall exceed ten square feet,
  - b. Off-premise signs directing or leading prospective buyers to real estate for sale or lease shall be limited to no more than five signs for each property, provided that no such sign face shall exceed ten square feet,
  - c. Signs promoting or advertising subdivisions for sale shall not have a sign face greater than 32 square feet, and

- d. All real estate signs shall be removed within five days after the property is sold;
- 3. Signs relating to a political campaign prior to an election may be permitted on any lot provided such signs shall not be placed more than 90 days prior to the election and shall be removed within 10 days following the election;
- 4. Temporary signs which are not related to a political campaign shall be placed for a maximum of 90 days, which may be extended no more than twice for periods of 60 days each, following separate written requests for renewal to the Zoning Director;  
[REV: Ord. No. 2008-003, 4/23/08]
- 5. No temporary sign shall be higher than its distance to the nearest point on the property line, but in no case higher than the height of the highest building on the premises; and
- 6. Temporary signs shall be non-illuminated and shall not exceed 32 square feet of sign face.

G. Prohibited Signs. The following signs are prohibited within the County:  
[REV: Ord. No. 96-4, 4/27/96]

- 1. Signs located within dedicated public right-of-way or an easement for a roadway;
- 2. Signs applied to trees, rocks, or other natural objects;
- 3. Signs which are or may become a public safety hazard.

H. Nonconforming Signs. Any sign that does not comply with a regulation concerning sign dimensions, number, and location as stated herein, but which existed prior to the effective date of such sign regulation, shall be considered a nonconforming sign and shall be subject to the following requirements:  
[REV: Ord. No. 96-4, 4/27/96]

- 1. The nonconforming sign shall not be expanded or extended; and
- 2. Routine maintenance of a nonconforming sign is allowed.

SECTION 19. ADMINISTRATION.

A. Administrative Official. A Zoning Director shall be appointed by the County Commission to administer the provisions of this Ordinance. The Zoning Director may also serve in some other capacity as an employee or appointed official of the County.

[REV: Ord. No. 2008-003, 4/23/08]

B. Authority of Zoning Director. The Zoning Director is authorized to take reasonably necessary actions to administer and enforce this Ordinance, including:

1. Conducting inspections of buildings, structures, and the uses of land to determine compliance with this Ordinance;
2. Investigating resident complaints alleging violations of this Ordinance;
3. Issuing notices of violations of this Ordinance;
4. Issuing citations charging violations of this Ordinance;
5. Prosecuting charges for violations, including negotiating and entering into plea agreements, before the Torrance County Magistrate Court.

[REV: Ord. No. 2008-003, 4/23/08]

C. Authority of Zoning Enforcement Officer. The Zoning Director may designate a Zoning Enforcement Officer and delegate the Zoning Director's full authority to enforce this Ordinance to the Zoning Enforcement Officer. If a Zoning Enforcement Officer is so designated, then any restrictions, limitations or requirements placed upon the Zoning Director for the enforcement of this Ordinance shall apply to the Zoning Enforcement Officer.

[REV: Ord. No. 2008-003, 4/23/08]

D. Inspections and Investigations. The Zoning Director shall carry an identification card provided by the County during all inspections and investigations. This provision does not grant right of entry without due process of law if necessary. The Zoning Director shall conduct on-site inspections and collect other relevant information which may be requested by the County Commission or the Zoning Board as necessary to carry out the purpose of this Ordinance.

[REV: Ord. No. 2008-003, 4/23/08]

E. Information and Records. The Zoning Director shall maintain an office to supply the public with information concerning this Ordinance, and shall maintain copies of this Ordinance and the County Zoning Map in an updated form. A "Zoning Action File" shall be maintained and shall contain records of the following:

[REV: Ord. No. 2008-003, 4/23/08]

1. Conditional Use Permits;

2. Variances Allowed Under this Ordinance;
3. Zone District Changes;
4. Special Use Permits;
5. Requests for Use Interpretation;
6. Applications for Amendments to this Ordinance;
7. Certificates of Nonconformance;
8. Zoning Appeals;
9. Zoning Violations and Complaints;
10. Development Review Permits; and
11. Building Permit Applications.  
[REV: Ord. No. 97-5, 6/27/97; Ord. No. 2008-003, 4/23/08]

F. Development Review Permit. For purposes of this Ordinance, with respect to any premises within the jurisdiction of Torrance County:  
[REV: Ord. No. 2001-2, 3/14/01]

1. No accessory structure or building meeting current New Mexico Regulation & Licensing Construction Industries Division size requirement for a building permit nor mobile home shall be placed, constructed, or installed, nor;  
[REV: Ord. No. 2008-003, 4/23/08]
  - a. Shall electric service be connected to any accessory structure, building or mobile home if such building or mobile home has not already had electric service previously connected or has not already been issued a Development Review Permit in connection with such electric service, nor;
  - b. Shall any building or mobile home be used as a residence if the building has not previously been used as a residence or has not previously been issued a Development Review Permit in connection with such use as a residence, without first being reviewed by the Planning and Zoning Director, and issued a Development Review Permit. In addition to these requirements, an applicant for a Development Review Permit shall:  
[REV: Ord. No. 2008-003, 4/23/08]
    - 1) Submit a recorded deed or real estate contract that the applicant is the owner in fee simple or equitable title owner of the property or,

proof that owner has authorized the application, through lease or other written authority.

- 2) Submit a suitable Building Permit or appropriate documentation establishing the applicant's right to construct a building or residence.
- 3) Submit the appropriate septic permit by the State Environment Department.
- 4) Submit the appropriate well permit issued by the State Engineer's Office or letter of intent from a centralized water system which states the proper legal description for the subject property and confirms there is a sufficient amount of water to provide for potable, sanitary, and fire suppression service to the dwelling or accessory structure. Applications which rely upon water harvesting or hauling water from a source off-premise must have on-premise storage capacity sufficient to provide the services listed above designed by a New Mexico licensed engineer or architect.
- 5) Submit a copy of the (1) New Mexico Registration and Title, or (2) Manufacture Certificate of Origin for a mobile or modular home.
- 6) Submit a statement from the Solid Waste Authority that you will be receiving their services for developments of human occupation.
- 7) Submit a statement from the Torrance County Treasurer showing taxes are paid to date.
- 8) Submit the applicable permit fee to the Planning and Zoning Director.
- 9) Where the property to be developed lies within a special flood hazard area, submit additional information and documentation as provided in the Flood Damage Prevention Ordinance, 92-4, or the Federal Emergency Management Agency (FEMA) National Flood Insurance Program.  
[REV: Ord. No. 2008-003, 4/23/08]

Upon the review and approval of the Planning and Zoning Director, a Development Review Permit will be issued, a property address can be assigned, and a site inspection will be performed.

[REV: Ord. No. 2008-003, 4/23/08]

G. Violations and Enforcement. Whenever a violation of this Ordinance is discovered or is alleged to have occurred, the Zoning Director shall investigate and inspect the site of the violation or alleged violation and take action as follows:

[REV: Ord. No. 2008-003, 4/23/08]

1. Any person aggrieved by an apparent violation of this Ordinance may file a written complaint with the Zoning Director. Such complaint shall describe the location and circumstances of the apparent violation with specific references to the provisions of this Ordinance which are alleged to have been violated.  
[REV: Ord. No. 2008-003, 4/23/08]
2. Whenever the Zoning Director finds probable cause to believe a violation of this Ordinance exists, whether acting on independent initiative or in response to a written complaint, the Zoning Director shall notify the person responsible for the alleged violation. Such notification shall be made in writing to the owner or tenant of the property, indicating the nature of the violation and ordering the action necessary to correct the violation. Corrective action may require discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall require the taking of any other action authorized by this Ordinance to ensure compliance with or to prevent violations of the provisions of this Ordinance. Absence of personal service of the notice of violation shall not constitute a defense when the Zoning Director has made a diligent effort to locate the owner or tenants.  
[REV: Ord. No. 2008-003, 4/23/08]
3. Action to correct a violation of this Ordinance shall be completed within 60 days following the date of notification by the Zoning Director. If a violator fails to take corrective action within 60 days, the County shall seek imposition of the penalties set forth in this Ordinance.  
[REV: Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]

## SECTION 20. NONCONFORMITIES.

- A. Definition. Within the zone districts established by this Ordinance, there exist: lots, structures, or uses of land or structures which were lawful before this Ordinance was passed or amended, but would be prohibited or restricted under the terms of this Ordinance. It is the intent of this Ordinance to allow these nonconformities to continue until they are removed, but not to encourage their survival.
- B. Certificate of Nonconformance. Nonconformities shall be identified and issued Certificates of Nonconformance as determined by the Zoning Director. Upon receipt of a written notification from the Zoning Director, it shall be the responsibility of owners of nonconforming property to obtain a Certificate of Nonconformance from the Zoning Director within 60 days after the date of notification.  
[REV: Ord. No. 2008-003, 4/23/08]

- C. Nonconformities Allowed. A nonconformity existing at the time this Ordinance takes effect may be continued under the Certificate of Nonconformance. The authority to continue a nonconforming use is transferable to the successors and assigns of the owner. The transfer of authority shall be evidenced by transfer of the Certificate of Nonconformance to the successor or assignee. A continuing nonconforming use may also be referred to as a "grandfathered use".
- D. Expansion. A nonconformity shall not be enlarged, expanded, or extended. However, the addition of a lawful use to any portion of a nonconforming building shall not be deemed an extension of such nonconforming building.
- E. Restoration. If a nonconforming use or structure is damaged or destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, then restoration must be for a permitted use. Singular dwelling units, however, may be exempt from this restoration requirement if approved by the Zoning Board and the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations.  
[REV: Ord. No. 2008-003, 4/23/08]
- F. Abandonment. Whenever a nonconforming use has been discontinued or abandoned for a period of one year or more, such use shall not thereafter be reestablished, and any future use must be in conformance with the provisions of this Ordinance. Any nonconforming dry land or irrigated farmland shall be exempt from this abandonment requirement.
- G. Nonconforming Lot Size. Any lot of record existing prior to the effective date of this Ordinance, which fails to meet the minimum area requirements, may be developed, redeveloped, or improved provided that any other requirements of the lot are in conformance with the provisions of this Ordinance. Unless specifically cited by the Zoning Board, a Certificate of Nonconformance will not be required for nonconforming lots.  
[REV: Ord. No. 2008-003, 4/23/08]

## SECTION 21. CONDITIONAL USE PERMITS.

- A. Approval and Permit Required. Conditional uses established by this Ordinance shall not be allowed without the review and approval of the Zoning Board, which shall be guided in making a decision by the criteria set forth in this section. Anyone seeking a Conditional Use Permit shall provide to the Zoning Director such information as may be reasonably required to determine whether the requested conditional use is consistent with the intent and purpose of this Ordinance.  
[REV: Ord. No. 2008-003, 4/23/08]
- B. Application. Any request for a Conditional Use Permit shall be submitted with filing fee to the Zoning Director on a prescribed application form obtainable from the

Zoning Director. The Zoning Director shall transmit the application and any supplementary information to the Zoning Board for review and consideration at their next regularly scheduled meeting. To the extent possible, all abutting property owners shall be notified of the Zoning Board meeting at which the Conditional Use Permit application will be considered.  
[REV: Ord. No. 2008-003, 4/23/08]

C. Posting Signs. The Zoning Director shall post one or more signs on the premises involved, no less than 15 days prior to the date of the Zoning Board meeting at which the Conditional Use Permit application will be considered. The applicant shall maintain the posted sign on the premises until the zoning action is completed. Such posted sign shall provide details of the application and the meeting at which the zoning action will be considered. At least one on-premise sign shall be visible from each road which abuts the premises involved. The applicant is responsible for removing such signs within five days after a decision is made on the Conditional Use Permit. Failure to properly maintain signs is grounds for deferral or denial of the application. It is unlawful for any person, except the applicant or an agent for the applicant or the Zoning Director, to remove any such sign during the period it is required to be maintained under this paragraph.  
[REV: Ord. No. 97-6, 6/27/97; Ord. No. 2008-003, 4/23/08]

D. Guidelines. The Zoning Board shall not approve any Conditional Use Permit unless satisfactory provision has been made concerning the following, where applicable:  
[REV: Ord. No. 2008-003, 4/23/08]

1. Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood, or catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the refuse and service areas;
3. Water and liquid waste facilities, with reference to soil limitations, locations, and public health;
4. The economic, noise, glare, or odor effects of the conditional use on adjoining properties;
5. General compatibility with adjacent properties; and
6. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]



E. Limitations. Conditional Use Permits issued in accordance with this Ordinance shall be considered permanent, with the following exceptions:  
[REV: Ord. No. 95-5, 6/10/95]

1. For any conditional uses that have an exceptional tendency, because of their nature or character, to create an adverse impact on neighboring properties, the Zoning Board may limit the term of the permit to a specified length of time after which the permit shall expire and may be renewed. An application for renewal of the Conditional Use Permit may be submitted and processed in the same manner as the original application, with reduced filing fee.  
[REV: Ord. No. 2008-003, 4/23/08]
2. Where there has been a significant change in the physical extent, operations, or character of a permitted conditional use, the Zoning Board may require a renewal of the original Conditional Use Permit. Significant change shall be determined by the Zoning Board, based on a scheduled review of the Conditional Use Permit.  
[REV: Ord. No. 2008-003, 4/23/08]
3. An approved Conditional Use Permit shall become void one (1) year after the date of approval if the rights and privileges granted thereby have not been utilized.
4. An approved Conditional Use Permit shall become void if, after the use has begun, it ceases on the approved site for a continuous period of one (1) year or more.
5. The County Commission may revoke a permit if the requirements and restrictions required by this Ordinance are not met. Before a permit may be revoked, the permittee must be given at least 10 days written notice of the specific charges and be given the opportunity for a hearing before the County Commission.  
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

## SECTION 22. VARIANCES.

A. Definition. The Zoning Board may approve a variance from the strict application of area, dimension, distance, setback, off-street parking, and off-street loading requirements of this Ordinance in the case of exceptional physical conditions where the strict application of the requirements of this Ordinance would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of land or building.  
[REV: Ord. No. 2008-003, 4/23/08]

B. Application. Any request for a variance should be submitted with filing fee to the Zoning Director on a prescribed application form obtainable from the Zoning Director. The Zoning Director shall transmit the application and any supplementary information to the Zoning Board for review and consideration at their next regularly scheduled meeting. To the extent possible, all abutting property owners shall be notified of the Zoning Board meeting at which the variance application will be considered.

[REV: Ord. No. 2008-003, 4/23/08]

C. Posting Signs. The Zoning Director shall post one or more signs on the premises involved no less than 15 days prior to the date of the Zoning Board meeting at which the variance application will be considered. The applicant shall maintain the posted sign on the premises until the zoning action is completed. Such posted sign shall provide details of the application and the meeting at which the zoning action will be considered. At least one on-premise sign shall be visible from each road which abuts the premises involved. The applicant is responsible for removing such signs within five days after a decision is made on the variance. Failure to properly maintain signs is grounds for deferral or denial of the application. It is unlawful for any person, except the applicant or an agent for the applicant or the Zoning Director, to remove any such sign during the period it is required to be maintained under this paragraph.

[REV: Ord. No. 97-6, 6/27/97; Ord. No. 2008-003, 4/23/08]

D. Water Usage. A proposed land use must comply with Section 23, pertaining to water usage.

[REV: Ord. No. 97-7, 6/27/97]

E. Requirements. The Zoning Board may impose any necessary requirements in approving a variance to assure that the requested variance:

[REV: Ord. No. 2008-003, 4/23/08]

1. Will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property; and
2. Will not significantly change the character of the neighborhood or reduce the value of nearby property.

## SECTION 23. TEMPORARY LAND USE OR SPECIAL EVENT PERMIT

Incidental or infrequent uses/events such as but not limited to circuses, fairs, carnivals, and outdoor sales that are commonly associated with a business or club which include but is not limited to civic, fraternal, charitable, religious, and patriotic organizations or temporary outdoor sales, or other commercial uses, may be allowed in "D" zone districts or on properties with an active Conditional Use or Special Use permit. Temporary Land Use or Special Event Permits shall be issued by the Planning and Zoning Director or

designee, and shall be subject to the following conditions:

- A. Permission. Prior to commencement of the temporary use or special event, the applicant shall provide a notarized statement from the property owner granting permission for the applicant to conduct the temporary use or event at the proposed site.
- B. Emergency Services. The applicant shall reimburse the County for any EMS, fire, or law enforcement services deemed necessary by the Torrance County Fire Department and/or the Torrance County Sheriff.
- C. Business Registration. The applicant shall have a current Torrance County business registration.
- D. Expiration. Temporary Land Use or Special Event Permits shall expire not more than sixty (60) days from the commencement of the temporary use or special event, and shall not be reissued consecutively.
- E. Limitations. Applicants/landowners shall be limited to two Temporary Land Use or Special Event Permits per calendar year for a specific property. The Planning and Zoning Director shall not issue a Temporary Land Use or Special Event Permit where the use is deemed to be incompatible with surrounding land uses.
- F. Appeal. Issuance or denial of Temporary Land Use or Special Event Permits may be appealed to the Board of County Commissioners.

#### SECTION 243. WATER USAGE.

- A. Purpose. Given the effects that water usage associated with a proposed land use may have on water resources within the County, both as to quality and quantity, the purpose of this section is to promote the health, safety and welfare of County inhabitants; to promote the conservation and beneficial use of water resources within the County; and to protect prior existing water rights and interests.  
[REV: Ord. No. 97-7, 6/27/97]
- B. Application. Every application under the Zoning Ordinance will be evaluated as to its potential effect on water resources within the County. Every application shall contain with it a statement of the water usage associated with or required to carry out the proposed land usage. Either the Zoning Director or Zoning Board shall make an initial review of the associated water usage and shall determine whether the proposed usage is of such an extent or nature that referral for comment to an appropriate public agency is in order.  
[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]

C. Referral to Public Agency. After an application is deemed complete, the County Zoning Director or Zoning Board may forward a copy of the application to any of the following state or local agencies by certified mail "Return Receipt Requested" with a request for review and opinion:  
[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]

1. New Mexico State Engineer's Office;
2. New Mexico Environment Department;
3. Soil and Water Conservation District in which the proposed land usage would occur;
4. The Estancia Basin Water Planning Committee; and
5. Such other public agencies as the County deems necessary or appropriate.

D. Agency Response. The state and/or local agencies shall be given forty-five (45) days from their receipt of the application to review and return an opinion regarding its effect on water resources within the County. The Zoning Director shall obtain receipts or other proof showing the date the opinion request was received by each state or local agency. In reviewing an application, the Zoning Board shall consider any timely agency response or comment in making a decision or recommendation on the application.

[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]

E. Guidelines. In evaluating a water usage associated with a proposed land use, the County shall consider the following factors, where applicable:

[REV: Ord. No. 97-7, 6/27/97]

1. The effect or impacts on the public safety, health and welfare of County inhabitants, particularly those in the vicinity of the proposed water usage;
2. The potential adverse effects on water quality;
3. Effects on water quantity, including potential impairment of prior existing water uses; and
4. Whether the water use is consistent with conservation and beneficial use of water.

## SECTION 254. AMENDMENTS.

A. Amendment. The County Commission may amend any part of this Ordinance, including the zone district boundaries. The County Commission may elect to

submit a proposal for amendment to the Zoning Board for review and recommendation made by the Zoning Board.  
[REV: Ord. No. 2008-003, 4/23/08]

B. Application. Any request for an amendment to this Ordinance, not originating from the County Commission or from a committee established by the County Commission to propose an amendment, shall be submitted with filing fee to the Zoning Director on a prescribed application form obtainable from the Zoning Director. The Zoning Director shall transmit the application and any supplementary information to the Zoning Board for review and consideration at their next regularly scheduled meeting. The Zoning Board shall prepare and transmit a recommendation in writing to the County Commission within 7 days after their review of the proposed amendment is completed. To the extent possible, all abutting property owners of any land proposed for a zone change shall be notified of the Zoning Board meeting at which a zone change will be reviewed for recommendation to the County Commission. An application to amend the zone map for specific parcel of land must be accompanied by a site development plan, showing to scale and in detail the proposed structures on the site, distance from structures on adjoining properties, ingress and egress, parking and signage. If the application is approved by the County Commission, the land uses on the parcel shall conform to the site development plan and may only be modified by approval of the Zoning Board of a revised plan.  
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

C. Public Hearing. A public hearing on all applications for a text change to the ordinances or change of the Zone Map, shall be held by the Torrance County Planning and Zoning Board. Notification of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least 15 days prior to the hearing.

D. Posting Signs. The Zoning Director shall post one or more signs on the premises involved no less than 15 days prior to the date of the Zoning Board meeting at which the amendment application will be considered. The applicant shall maintain the posted sign on the premises until the zoning action is completed. Such posted sign shall provide details of the application and the public hearing at which the zoning action will be considered. At least one on-premise sign shall be visible from each road which abuts the premises involved. The applicant is responsible for removing such signs within five days after a decision is made by the County Commission on the application for amendment. Failure to properly post signs is grounds for deferral or denial of the application. It is unlawful for any person, except the applicant or an agent for the applicant or the Zoning Director, to remove any such sign during the period it is required to be maintained under this paragraph.  
[REV: Ord. No. 97-6, 6/27/97]

E. Notification by Mail. Whenever a property owner initiates a zone change for an area of one block or less (or 5 acres or less), notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulations. Whenever a property owner initiates a zone change for an area of more than one block (or more than 5 acres), notice of the public hearing shall be mailed by first class mail to the owners of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulations. If any notice by first class mail is returned undeliverable, the County shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address. Notification by mail is not required for County-wide changes, initiated by the County, for purposes of revising or adopting a new zoning category; however such changes are subject to the public notice requirements provided herein for the public hearing to consider an amendment to this Ordinance.  
[REV: Ord. No. 97-2, 3/26/97]

F. Procedure. The Zoning Board shall make its decision on each application and shall make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall act to uphold, overturn, or remand the decision to the Zoning Board no later than the next regularly scheduled meeting of the Board of County Commissioners immediately following the Appeal Period.

## SECTION 265. APPEALS.

A. Right of Appeal. Anyone aggrieved by a decision of the Zoning Director or the Zoning Board in carrying out the provisions of this Ordinance may appeal such decision to the County Commission. Such appeal must set forth specifically wherein it is claimed there was an error or an abuse of discretion, or where the decision was not supported by evidence in the matter.  
[REV: Ord. No. 2008-003, 4/23/08]

B. Application. Any appeal following a decision of the Zoning Director or the Zoning Board shall be made in writing to the County Commission on prescribed forms obtainable from the Zoning Director upon payment of the applicable filing fee. Any appeal not submitted within ~~fifteen (15)~~fourteen (14) days after the decision which is the subject of the appeal shall not be considered by the County Commission.  
[REV: Ord. No. 2008-003, 4/23/08]

C. Public Hearing. The decision on an appeal shall be made by the County Commission following a public hearing. Notification of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least 15 days prior to the hearing.

[REV: Ord. No. 2008-003, 4/23/08]

D. Stay of Proceedings. An appeal shall stay all proceedings in the action unless the Zoning Director or Zoning Board certifies that a stay will cause imminent peril to life or property. Upon such certification, the proceedings shall not be stayed except by order of district court.

[REV: Ord. No. 2008-003, 4/23/08]

E. Decision. An appeal shall be decided within ~~4530~~ days of the date of application of the appeal. A majority vote of the members of the County Commission is required to reverse, change, or affirm a decision made by the Zoning Director or the Zoning Board.

[REV: Ord. No. 2008-003, 4/23/08]

## SECTION 266. FEES.

A. Applications. Any applications required by this Ordinance shall be filed on prescribed forms obtainable from the Zoning Director upon payment of filing fee. Such fees shall not be required where the County or any official thereof is the moving party. The purpose of the filing fee is to cover administrative and processing costs and shall not be refundable.

[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]

B. Fees. Fees under this Ordinance are required for the following actions. The Commission shall set the amount of fees by resolution. The Zoning Director shall maintain a copy of the fees resolution and make it available to the public and applicants:

[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

1. Conditional Use Permit
2. Conditional Use Permit renewal
3. Variance
4. Zone District Change Permit
5. Special Use Permit, including Wind Energy Permit or Solar Energy Permit
6. Request for Use Interpretation
7. Amendment to this Ordinance
8. Appeal

9. Development Review Permit
10. Initial Solid Waste Facility Permit
11. Solid Waste Facility Permit Renewal
12. Enlarged Zoning Maps

[REV: Ord. No. 2008-003, 4/23/08]

SECTION 287. PENALTIES.

Anyone violating any of the provisions of this Ordinance shall upon conviction be subject to a fine not exceeding \$300 or imprisonment for a period not exceeding 90 days, or both such fine and imprisonment. Any violation continued for a period of 30 days after conviction shall be prosecuted and treated as a separate offense.

SECTION 298. SEVERABILITY.

The provisions of this Ordinance shall be deemed to be severe, and should any sentence, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 3029. EFFECTIVE DATE.

This Ordinance shall become effective on the 20th day of April, 1990, following publication by title and general summary. Amendments to this Ordinance are effective when adopted by the County Commission according to the laws governing County ordinances.

[REV: Ord. No. 2008-003, 4/23/08]

ORIGINALLY PASSED APPROVED AND SIGNED the 21st day of March, 1990, by the Board of County Commissioners of Torrance County, New Mexico.

AMENDED on the 11th day of May, 2016, by the Board of County Commissioners of Torrance County, New Mexico.

AMENDED on the 8th day of July, 2020, by the Board of County Commissioners of Torrance County, New Mexico. Amendments shall become effective on the 1st day of August, 2020.



**APPROVED AS TO FORM ONLY:**

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
County Attorney                      Date

\_\_\_\_\_  
Ryan Schwebach, Chair

\_\_\_\_\_  
Javier Sanchez, Vice Chair

\_\_\_\_\_  
Kevin McCall, Member

**ATTEST:**

\_\_\_\_\_  
Linda Jaramillo, County Clerk

Date: \_\_\_\_\_

**TORRANCE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**ORDINANCE NO. 2020-**

**TORRANCE COUNTY ZONING ORDINANCE AMENDMENTS**

**WHEREAS**, the current version of the Torrance County Zoning Ordinance was last revised in 2016; and,

**WHEREAS**, substantially identical to the original version passed in 1990, it introduced a Land Use Table that resulted in a lack of clarity for the public and staff; and,

**WHEREAS**, the 2016 version of the Torrance County Zoning Code requires a mandatory second hearing of all decisions regardless of whether an appeal has been filed; and,

**WHEREAS**, existing timelines for the filing of appeals often result months of unnecessary delay; and,

**WHEREAS**, unnecessary approval delays increase the cost of development for individuals and businesses which is an impediment to economic development; and,

**WHEREAS**, the Torrance County Board of Commissioners wishes to encourage and support proper development and minimize costs to landowners.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY, NEW MEXICO** that the Torrance County Zoning Ordinance of 1990, last revised May 11, 2016 is hereby amended to read:



## **TORRANCE COUNTY ZONING ORDINANCE**

Adopted by the Board of County Commissioners of Torrance County  
on  
March 21, 1990  
[Including revisions to: August 8, 2020]

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**ZONING ORDINANCE  
FOR  
TORRANCE COUNTY, STATE OF NEW MEXICO**

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS AND A ZONING MAP FOR THE UNINCORPORATED AREAS OF TORRANCE COUNTY, NEW MEXICO; AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF.

**SECTION 1. TITLE.**

These regulations shall be known as the "TORRANCE COUNTY ZONING ORDINANCE", and shall be referred to herein as "this Ordinance".

**SECTION 2. PURPOSE.**

The provisions of this Ordinance are designed to promote health and the general welfare of the County; to secure safety from fire, flood, and other dangers; to protect local water resources; to facilitate adequate provisions for transportation, solid waste management, water and wastewater systems, schools, parks and other community requirements; to conserve the value of property; and to provide for the compatible development of land and other natural resources in the County. This Ordinance shall be interpreted to be in accordance with the current Torrance County Comprehensive Land Use Plan.

[REV: Ord. No. 95-4, 6/10/95; Ord. No. 2008-003, 4/23/08]

**SECTION 3. JURISDICTION.**

This Ordinance shall apply to all or any portion of the territory within the County that is not within the zoning jurisdiction of an incorporated municipality or any joint municipal-county extraterritorial zoning authority, and is not held in trust or ownership by the Federal Government or the State of New Mexico. Boundaries delineating the zoning jurisdiction of the County shall be as indicated on the adopted "Torrance County Zoning Map" and amendments hereto, which are made a part of this Ordinance as if described herein.

#### SECTION 4. DEFINITIONS.

- A. Word Forms. Words used in the present tense include the future tense, and words used in the future tense include the present tense. The singular number includes the plural number, and the plural number includes the singular number. The Words "shall" and "must" are mandatory, and the word "may" is permissive.
- B. Definitions. The following definitions apply to this Ordinance:
1. "Accessory Uses and Structures" are customarily accessory but clearly incidental and subordinate to principal uses and structures on a premises.  
[REV: Ord. No. 95-11, 11/10/95]
  2. "Agricultural use - low intensity" means certain agricultural uses such as irrigated croplands and limited livestock management other than dairies, feedlots, or other activities which require special consideration by the Planning & Zoning Board and/or County Commission.  
[REV: Ord. No. 2008-003, 4/23/08]
  3. "Agricultural use - high intensity" means those agricultural uses such as, but not limited to, dairies and feedlots which require special consideration by the Planning and Zoning Board and/or the County Commission.  
[REV: Ord. No. 2008-003, 4/23/08]
  4. "Appeal Period" – the fourteen day (14) period beginning on the day of the Planning and Zoning Board's determination and recommendation to the Board of County of County Commissioners.
  5. "Boarding, Rooming, or Lodging House" means a building other than a hotel or restaurant where lodging, with or without meals, is provided for compensation. This definition includes a "Bed and Breakfast" enterprise.
  6. "Building" means any relatively permanent enclosed structure having a roof. Buildings meeting New Mexico Regulation & Licensing Construction Industries Division size standard for a required building permit are subject to the provisions specified in Section 19.F.1 of this ordinance.  
[REV: Ord. No. 2008-003, 4/23/08]
  7. "Conditional Use" means a use which may be or become a nuisance or hazard to neighboring properties if proper safeguards are not taken. Such uses require individual review and approval by the Zoning Board.  
[REV: Ord. No. 2008-003, 4/23/08]
  8. "County" means Torrance County, New Mexico.

9. "County Commission" means the Board of County Commissioners of Torrance County, New Mexico.  
[REV: Ord. No. 2008-003, 4/23/08]
10. "Dwelling Unit" means a structure or part of a structure containing one or more connected rooms designed for and occupied by no more than one family for living and sleeping purposes.
11. "Dwelling Unit, Singular" means a dwelling unit which is not physically connected to any other dwelling unit.
12. "Dwelling Unit, Multiple" means a structure containing two or more dwelling units.
13. "Dwelling Unit, Cluster" means a development pattern consisting of a grouping of dwelling units on a portion of available land, reserving not less than 40 percent of the development site as protected and permanent open space.  
[REV: Ord. 2008-003, 4/23/08]
14. "Family" means one or more persons living together in a dwelling unit, provided that unless all members are related by blood, marriage, adoption, or legal assignment, no such family shall include or contain more than 5 unrelated persons.
15. "Feedlot" means a place for cattle, sheep, swine, or other such animals, which are restricted and confined to pens or corrals where feeding is other than grazing and which is operated as a year-round enterprise. For purposes of this Ordinance, a Small Feedlot shall contain from 20 to 200 head of animals, and a Large Feedlot shall contain more than 200 head of animals. A Small Feed lot shall be centered on at least 100 acres. A Large Feedlot shall not be allowed, except in a special use zone.  
[REV: Ord. No. 2008-003, 4/23/08]
16. "Flea Market" means an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public. A flea market shall not include temporary residential garage sales lasting no more than three days per six-month period, and seasonal agricultural produce stands.  
[REV: Ord. No. 94-2, 2/9/94]
17. "Floor Area" means the total area of all floors of a building.
18. "Floor Area Ratio" means the relationship of the floor area to the lot area, computed by dividing the floor area by the lot area.

19. "Height" means the vertical distance measured from the lowest ground elevation of a structure to the highest point of a structure.  
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]
20. "Home Occupation" means a business, commercial, or manufacturing activity that is clearly a secondary use of the premises for a dwelling unit, and which results in a product or service for financial gain. Whenever a dwelling unit and/or its premises are used for a home occupation and there is no outside appearance or other off-site evidence of the conduct of a home occupation, the Zoning Director may find such a home occupation as a permissive use in any zone district, subject to the requirements of this Ordinance and business registration requirements. However, any home occupation that exhibits an outside appearance when viewed from a street or an adjoining property, with the exception of a sign as regulated by this Ordinance, or produces an off-site impact on surrounding lands shall require a Conditional Use Permit subject to special requirements provided by this Ordinance.  
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 95-5, 6/10/95; Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]
21. "Horticultural Operations" means the cultivation and harvesting of plants.  
[REV: Ord. No. 2008-003, 4/23/08]
22. "Immediate Family Member" means family relations up to and including the Grandparent, Parent, Brother, Sister, and Child, whether by blood, marriage, adoption, or legal assignment. Relationships of half-blood shall be recognized as natural relationships so long as the step relationship is legally extant at the time of a family transfer of land. Land divisions for the purpose of achieving a family transfer shall be subject to the exemption procedures of the Torrance County Subdivision Regulations.  
[REV: Ord. No. 95-11, 11/10/95; Ord. No. 2008-003, 4/23/08; Ord. No. 2008-003, 4/23/08]
23. "Kennel" means any building or buildings or land designed or arranged for housing dogs, cats, and other household pets, and where grooming, breeding, boarding, training, or selling animals is conducted. For purposes of this Ordinance, the housing or boarding of more than five (5) dogs or cats in any combination thereof over the age of three (3) months shall constitute a kennel. In addition to complying with the requirements of this Ordinance, Kennels must comply with the requirements of the Torrance County Animal Control Ordinance.  
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 95-5, 6/10/95; Ord. No. 2008-003, 4/23/08]



24. "Liquid Waste Disposal Regulations" means the Liquid Waste Disposal Regulations adopted by the Environmental Improvement Board of New Mexico and administered by the New Mexico Environment Department.
25. "Livestock" means all domestic or domesticated animals that are used or raised on a farm or ranch, including the carcasses thereof, and exotic animals in captivity and includes horses, asses, mules, cattle, sheep, goats, swine, bison, ostriches, emus, rheas, camelids and farmed cervidae (deer). For purposes of determining the number of livestock on a lot, one (1) horse or cow equals three (3) goats or three (3) sheep or combination thereof.  
[REV: Ord. No. 2008-003, 4/23/08]
26. "Lot" means a parcel of real property described by deed, or a tract of land described by metes and bounds on a plat and recorded in the County Clerk's records in accordance with appropriate laws, and with access to public right-of-way.  
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
27. "Mobile Home" (also known as Manufactured Housing) means a transportable structure, at least 8 feet by 32 feet, built to be towed on its own chassis, and designed to be used as a movable dwelling unit for connection to permanent utilities.
28. "Mobile Home Park" means an un-platted tract of land under one ownership on which spaces are leased or rented for occupancy for 30 days or more by mobile homes, and which contains a centralized system of connections for utility services.  
[REV: Ord. No. 95-5, 6/10/95]
29. "Nonconformities" are any structures or portions thereof, or uses of any land or structures, or lots which do not conform to the regulations of this Ordinance but which lawfully exist on the effective date of the regulations to which it does not conform.
30. "Permissive Use" means a use which is allowed in a particular zone district.
31. "Poultry" means domestic fowl, such as chickens, turkeys, ducks, and geese, but does not include any animal defined as livestock.  
[REV: Ord. No. 2008-003, 4/23/08]
32. "Premises" means any lot or combination of contiguous lots held in single ownership, together with the development thereon.
33. "Recreational Vehicle" means a vehicle which is designed or used as temporary living quarters for recreation, camping, or travel, and which may

be a self-propelled motor vehicle or designed to be towed or mounted on a motor vehicle.

34. "Right-of-way" means dedicated public land deeded, reserved by plat, or otherwise acquired by the County, municipalities, or the State for use by the public for the movement of people, goods, and vehicles.
35. "Roadway" means that portion of a right-of-way or a private easement which is primarily devoted to vehicular use.
36. "Salvage Yard" means an enclosed building or outside area where used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Such materials include but are not limited to metals, paper, textiles, glass, 3 or more unregistered motor vehicles (excluding agricultural equipment), and components of motor vehicles. This definition does not include solid waste transfer stations or sanitary landfills.  
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
37. "Setback" means the required distance between every building or structure and a boundary line of the lot upon which it is located. Setbacks shall consist of an open space, unoccupied and unobstructed by any part of a building or structure, except as otherwise provided in this Ordinance. Setbacks shall not apply to walls, fences, and free-standing signs, unless a building or structure creates a visual obstruction to vehicles passing or accessing the property upon which such building or structure is located.  
[REV: Ord. No. 94-2, 2/9/94]
38. "Setback, Front" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, bordering on a roadway. No more than one front setback shall be designated on corner lots or double frontage lots. For any roadway easement less than 60 feet in width, setback shall be measured from a point located 30 feet from the centerline of the roadway easement.  
[REV: Ord. No. 94-2, 2/9/94]
39. "Setback, Rear" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which is opposite and most distance from a roadway and does not intersect with a roadway. On double frontage lots, the rear setback shall be designated on the opposite side of the lot from the designated front setback.  
[REV: Ord. No. 94-2, 2/9/94]
40. "Setback, Side" means the minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which intersects a roadway. On corner lots, a side setback shall

be designated along the lot line bordering a roadway that is not designated as the front setback.

[REV: Ord. No. 94-2, 2/9/94]

41. "Shopping Center" means an integrated retail commercial development occupying a site of 3 or more acres under a single ownership, control or interest, and containing 5 or more connected stores or a total gross floor area in a single structure which is greater than 25,000 square feet.
42. "Structure" means anything constructed, placed, or erected on the ground or which is attached to something located on the ground. For purposes of this Ordinance, the term "structure" does not include vehicles, vegetation, or public utility poles.
43. "Supplemental Residential Dwelling Unit" means a secondary or auxiliary structure used for residential purposes on land not within a previously approved subdivision for use by family members or guests and which may not be leased or rented.  
[REV: Ord. No. 2001-2, 3/14/01]
44. "Travel Trailer or Recreational Vehicle Park" means an area of land used for transient commercial parking of occupied travel trailers, pick-up campers, converted buses, recreational vehicles, tents, or any other similar devices used for temporary portable housing.
45. "Variance" means a relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results or actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary hardship. As used in this Ordinance, a variance may be authorized only for area, height, dimension, distance, setback, walls, off-street parking, and off-street loading requirements. Financial gain or loss shall not be the only determining factor in deciding a variance.
46. "Wall" means a solid wall or fence which is visually solid, or a suitable screen of landscaping intended to provide a visual barrier. Materials used in the construction of a wall or fence shall not pose health or safety hazards to the community and shall not be disruptive to the character of surrounding properties.  
[REV: Ord. No. 94-2, 2/9/94]
47. "Zone District" means a section of the County, designated in the text of this Ordinance and delineated on the Torrance County Zoning Map, in which requirements for the use of land and building and development standards are prescribed. Boundaries of zone districts shall follow existing property

lines unless clearly otherwise shown on the Zoning Map, in which case, such boundary shall be defined by dimension and distance from existing property lines.

48. "Zoning Board" means the Torrance County Planning and Zoning Board.  
[REV: Ord. No. 2008-003, 4/23/08]
49. "Zoning Enforcement Officer" means the official person designated by the Zoning Director as the enforcement officer of this Ordinance.  
[REV: Ord. No. 2008-003, 4/23/08]
50. "Zoning Director" means the official person designated as the principal administrator and enforcement officer of this Ordinance.  
[REV: Ord. No. 2008-003, 4/23/08]

#### SECTION 5. INTERPRETATION.

- A. Interpretation of Ordinance. No structure shall be constructed, placed or maintained, and no land use commenced or continued within the jurisdiction of this Ordinance except as authorized by this Ordinance and amendments thereto. The provisions of this Ordinance are held to be minimum requirements to carry out the purpose of this Ordinance and are not intended to interfere with any other laws, covenants, or ordinances. Whenever any provisions of this Ordinance are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern. However, the County shall not enforce private covenants, unless such private covenants are incorporated into an approval of a subdivision by the County Commission.  
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]
- B. Interpretation of Zoning Map. Where, due to illegibility of the Zoning Map or other irregularity, there is any uncertainty as to the intended location of any zone district boundaries, interpretation concerning the exact location of such boundaries shall be determined by the Zoning Board.  
[REV: Ord. No. 2008-003, 4/23/08]
- C. Interpretation of Land Uses. The County Commission shall render interpretations of land uses in any zone district not expressly enumerated in this ordinance, subject to the following standards and procedures:
  1. Request for Interpretation. Any request for an interpretation of a use of land not specifically listed herein shall be submitted to the Zoning Board through the Zoning Director. The Zoning Director may create forms for such an application.
  2. Following the receipt of a request for interpretation of land use, the Zoning Board shall recommend an interpretation of land use for the applicant at their next scheduled meeting. The Zoning Board recommendation shall be

transmitted to the County Commission for consideration at the next scheduled Commission meeting. The County Commission shall approve, deny, or modify the Zoning Board's recommended interpretation.

3. The interpretation of land use shall be documented and a letter summarizing the interpretation shall be mailed to the applicant, and shall explain the reasons upon which the interpretation is based.
4. Guidelines. Interpretations shall be governed by the following conditions:
  - a. No use interpretation shall allow the establishment of any use which was previously considered and rejected by the County Commission.
  - b. No use interpretation shall permit any use in a zone district that is not in accordance with the stated intent for that zone district.
  - c. No use interpretation shall permit any use in a particular zone district unless that use is substantially similar to other uses permitted in that zone district.
  - d. If the proposed use is more similar to an identified conditional use in a zone district, then any use interpretation shall specify conditional use requirements in accordance with this Ordinance.
  - e. Any use that is allowed by right or as a conditional use following a use interpretation shall comply with all standards and requirements imposed by this Ordinance.

[REV: Ord. No. 2008-003, 4/23/08]

## SECTION 6. GENERAL PROVISIONS.

- A. Access to Structures. All structures shall be located such that safe and convenient access is provided for use of the structure, fire protection, and any required off-street parking or loading.
- B. Height Regulations. Any structure may not exceed 80 feet in height unless granted a variance in accordance with this Ordinance. This restriction does not apply to public utility poles.  
[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]
- C. Mobile Home Installation. No mobile home shall be occupied unless it is connected to adequate utilities, provided with skirting of a durable material if not installed at ground level, and stabilized and anchored, all in accordance with the regulations promulgated by the Manufactured Housing Act of New Mexico [60-14-1 et seq., NMSA 1978]. No mobile home manufactured before the current federal HUD standard (1976 as of this printing) shall be installed anywhere in the jurisdiction of Torrance County. As noted in Section 19.F.1, a Torrance County Mobile Home Development Permit is required before any mobile home is placed on a property.  
[REV: Ord. No. 2008-003, 4/23/08]

D. Water and Wastewater Requirements. All lots and all structures located thereon shall be in compliance with applicable statutes as well as any regulations established by the New Mexico Environment Department and the New Mexico State Engineer's Office concerning water, wastewater and liquid waste disposal. [REV: Ord. No. 2008-003, 4/23/08]

E. Home Occupations. All property owners of lands containing home occupations must file a complete copy of the Torrance County Business Registration Application with the Zoning Director for each home occupation. In order to designate a home occupation as a Permissive Use, the property owner may file a written statement with the Zoning Director declaring that the home occupation will not create any off-site impacts or a non-residential appearance. Upon confirmation of no outside appearance or other off-site evidence of the conduct of a home occupation, the Zoning Director may find such a home occupation as a permissive use in any zone district. The Zoning Director shall inform the property owner in writing of such a finding and the date of such a finding. However, any home occupation that exhibits an outside appearance when viewed from a street or an adjoining property, with the exception of a sign as regulated by this Ordinance, or produces an off-site impact on surrounding lands, shall require a Conditional Use Permit subject to special requirements provided by this Ordinance. Additionally, any home occupation found to be permissive that later exhibits an outside appearance when viewed from a street or an adjoining property, with the exception of a sign as regulated by this Ordinance, or produces an off-site impact on surrounding lands, shall require a Conditional Use Permit subject to special requirements provided by this Ordinance. [REV: Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]

The following restrictions apply to Home Occupations, whether authorized as a permissive use by the Zoning Director or as a conditional use by the Zoning Board:

1. Not more than 40 percent of the floor area of the dwelling unit, nor more than 800 square feet of an accessory building, shall be used in the conduct of the home occupation,
2. No more than three (3) non-resident employees shall be stationed on the premises,
3. There shall be no exterior storage of materials unless completely enclosed by a wall,
4. No equipment or process shall be used in a home occupation which creates a nuisance such as noise, vibration, lighting, fumes, odors, or electrical interference detectable to the normal senses off the premises,

5. If there is an occasional requirement to park additional vehicles or to provide temporary outside storage of equipment or materials on the premises, then such arrangements or conditions shall be stated fully on the permit application,
6. There shall be no sales or traffic in connection with a home occupation that would disrupt the residential nature of the neighborhood, and
7. There shall be no change in the outside appearance of the building, or other visible evidence of the conduct of a home occupation other than one (1) unobtrusive sign not to exceed six (6) square feet in size.

[REV: Ord. No. 2008-003, 4/23/08]

F. Non-Commercial Cemetery. A parcel used as a Non-Commercial Cemetery, such as a family burial ground, shall be at least 5 acres in area.

[REV: Ord. No. 2008-003, 4/23/08]

G. Public Utility Structure. Excluding towers for cell phone communications, electrical power lines, and telephone communications, a parcel used for essential public utility distribution structures or for communication structures or facilities shall be at least 5 acres in area.

[REV: Ord. No. 2008-003, 4/23/08]

H. Kennels. Kennels are subject to the Torrance County Animal Control Ordinance and the following minimum standards:

1. Minimum lot size for a kennel shall be five (5) acres,
2. All animals shall be contained on the premises in a manner that prevents escape of kennel animals or entry by other animals,
3. All animal containment structures, including outdoor runs, shall maintain a setback of no less than 50 feet from any property line,
4. Animal quarters shall be designed and maintained to ensure safe, healthy, and sanitary conditions for all animals on the premises, and
5. Facilities shall be operated and maintained to discourage the concentration and breeding of insects and rodents.

[REV: Ord. No. 2008-003, 4/23/08]

I. Small Feedlots. Small Feedlots are subject to the following minimum requirements:

1. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents that are detrimental to human habitation; and
2. It shall be unlawful for an owner or keeper of livestock to allow livestock to run at large on public rights-of-way.  
[REV: Ord. No. 2008-003, 4/23/08]

J. Setbacks. Unless otherwise specifically provided herein, all structures shall be located with a front and rear setback of at least 25 feet and side setback of at least 15 feet from the lot or property line, roadway right-of-way, or roadway easement. All corner lots shall maintain a minimum 20 foot sight angle for roadway intersections.  
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

K. Zoning Map. The Torrance County Zoning Map is attached as Appendix 1 and made a part of this Ordinance. The Torrance County Zoning Map shows the adopted boundaries of the zone districts within Torrance County.  
[REV: Ord. No. 2008-003, 4/23/08]

L. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.  
[REV: Ord. No. 2008-003, 4/23/08]

## SECTION 7. ESTABLISHMENT OF ZONE DISTRICTS.

A. Zone Districts. For the purpose of this Ordinance, the following zone districts are established: Conservation District (C), Agricultural District (A), Agricultural Preservation District (AP-5, AP-10, & AP-40), Pre-platted Lands District (PL), Rural Residential District (RR), Minor Development District (D-1), Major Development District (D-2), Major Development District, Adult Land Uses (D-3), Village Community Preservation District (VCP), Rural Community Preservation District (RCP) and Special Use District (SU).  
[REV: Ord. No. 95-9, 10/13/95; Ord. No. 95-11, 11/10/95; Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

B. Zoning Map. The boundaries of the zone districts shall be shown on the adopted "Torrance County Zoning Map". The original copies of the zoning map and this Ordinance, and subsequent amendments thereto, shall be maintained by the County Clerk of Torrance County. Zoning maps shall be made available for public reference by the Zoning Director. There is a fee for a copy of an enlarged zoning



map and a copy of the Zoning Ordinance set by the County Commission. A schedule of fees is available from the Zoning Director.

[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

#### SECTION 8.0 CONSERVATION DISTRICT (C).

- A. Intent. This zone protects and preserves areas within the County which are characterized by their limited access, minimal development, limitations on water resources, natural beauty, fragile environment and native wildlife populations. Dispersed, very low density residential development and low intensity agricultural activities are allowed. Other agriculturally related activities may be allowed. Commercial uses will not be allowed except on a case by case basis in which the primary concern of the Zoning Board will be to minimize the environmental impact on the area. Development may be considered within a 1 mile buffer zone where the "C" Zone joins an incorporated municipality and density or minimum lot size or use within the buffer area may be dictated by the standards set for the adjoining area.

[REV: Ord. No. 95-11, 11/10/95; Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]

- B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Low intensity agricultural operations such as livestock grazing and related ranching activities; [REV: Ord. No. 95-5, 6/10/95; Ord. No. 95-11, 11/10/95]
2. Horse breeding, boarding and training;
3. Other low intensity production agriculture;
4. Cultivation and harvesting of plants and croplands;
5. Wood cutting and other activities related to harvesting trees;
6. Singular residential dwelling unit provided it is in compliance with the requirements of the New Mexico Liquid Waste Disposal Regulations; and
7. Accessory uses and structures necessary to carry out the above listed permissive uses.
8. Kennel, subject to the regulations of the Torrance County Animal Control Ordinance and provisions listed under Section 6 of this ordinance. [REV: Ord. No. 95-11, 11/10/95; Ord. No. 2001-2, 3/14/01]

C. **Conditional Uses.** The following uses may be allowed in this district only upon permit granted by the Zoning Board:

1. Home occupations provided they are confined to the residence or accessory structure, are clearly a secondary use of the structure and present no visual impact to neighbors as viewed from adjoining property or public thoroughfare;
2. Small Bed and Breakfast operations limited to two guest bathrooms;
3. Horseback riding stables, provided sufficient land exists to support the number of animals maintained;
4. Dude ranch or other agricultural work experience operation;
5. Outfitters;
6. Essential public utility distribution structures;  
[REV: Ord. No. 95-11, 11/10/95]
7. Communication structures and facilities; and  
[REV: Ord. No. 90-4, 6/12/99]
8. One supplemental residential dwelling unit allowed on a parcel meeting district minimum standards; 2 supplemental residential dwelling units allowed on a parcel of at least eighty acres or 1/8 section.  
[REV: Ord. No. 2001-2, 3/14/01]

D. **District Standards.** The following standards apply to all land use within this zone district:

1. Minimum parcel size will be forty acres or 1/16 section, whichever is the smaller of the two, with the following exceptions:  
[REV: Ord. No. 2008-003, 4/23/08]
  - a. Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 8.0.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.  
[REV: Ord. No. 2008-003, 4/23/08]

- b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of that property provided it is not less than 5 acres in size with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the mortgagee defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.  
[REV: Ord. No. 2001-2, 3/14/01]
  - c. A parcel used for a cemetery shall be at least 5 acres in area.  
[REV: Ord. No. 98-5, 9/13/98; Ord. No. 2008-003, 4/23/08]
  - d. Excluding towers for cell phone communications, electrical power lines, and telephone communications, a parcel used for essential public utility distribution structures or for communication structures or facilities shall be at least 5 acres in area. [REV: Ord. No. 90-4, 6/12/99; Ord. No. 2008-003, 4/23/08]
  - e. One supplemental residential dwelling unit is allowed on a parcel meeting district minimum standards. If a parcel is at least eighty acres or a 1/8 section in area, then up to two supplemental residential dwelling units are allowed on such a parcel. [REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
2. In the event contiguous parcels within the zone are assembled, any of which may be less than the smaller of forty acres or 1/16 section, no future land division of that assembled parcel will be allowed, except as noted in paragraph 8.0.C.1.b. & c. supra, if any portion of the land division will result in a parcel of less than forty acres or 1/16 section. It is the intent of these standards to restrict parcel size within this zone to a minimum of forty acres or 1/16 section and where possible to reassemble smaller existing parcels into larger parcels more closely approaching the forty acre, 1/16 section minimum.  
[REV: Ord. No. 2008-003, 4/23/08]
3. This change will not affect any subdivision plans which have been submitted to the Zoning Board prior to the effective date of this section.  
[REV: Ord. No. 95-11, 11/10/95; Ord. No. 2008-003, 4/23/08]
4. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]

5. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.  
[REV: Ord. No. 2008-003, 4/23/08]
6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.

#### SECTION 8.1 AGRICULTURAL DISTRICT (A).

A. Intent. This zone district is intended to preserve large areas of land traditionally used for farming and ranching operations and other agricultural uses. This district is characterized by arid rangeland, extreme limitations on water resources and minimal development. The standards prescribed for this district are intended to preserve the traditional uses of the land and thereby protect the business of agriculture and related work. Development may be considered within a 1 mile buffer zone where the "A" Zone joins another zone district and density or minimum lot size or use within the buffer area may be dictated by the standards set for the adjoining area.

[REV: Ord. No. 95-11, 11/10/95]

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Livestock grazing and related ranching activities;
2. Horse breeding, boarding or training activities;
3. Other livestock raising and breeding operations to include exotic birds and exotic wildlife; as long as such use is not a Feedlot. [REV: Ord. No. 2001-2, 3/14/01]
4. Cultivation and harvesting of plants and croplands;
5. Wood cutting and other activities related to harvesting of trees;
6. Livestock related training facilities, e.g. Rodeo training facilities, roping arenas, vet training facilities, etc.;

7. Single residential dwelling units subject to the provisions of Section 19 (F) of this Ordinance; and
8. Accessory uses and structures necessary for the conduct of normal agricultural production including dwelling units for hired help and family members. [REV: Ord. No. 95-11, 11/10/95]
9. Kennel subject to the regulations of the Torrance County Animal Control Ordinance and provisions listed under Section 6 of this ordinance.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board:

1. Veterinary hospitals;
2. Home occupations provided they are clearly secondary to the agricultural use of the property;
3. Dude ranches or working ranch vacations/experiences;
4. Small Bed and Breakfast operations limited to two guest bathrooms;
5. Roadside stands which sell locally produced agricultural products or locally made home crafted items;
6. Convenience services along a highway such as a service/gas station, or restaurant; and
7. Essential public utilities distribution structures. [REV: Ord. No. 95-11, 11/10/95]
8. Communication structures and facilities; [REV: Ord. No. 90-4, 6/12/99]
9. One supplemental residential dwelling unit allowed on a parcel meeting district minimum standards, 2 supplemental residential dwelling units allowed on a parcel of at least eighty acres or 1/8 section. [REV: Ord. No. 2001-2, 3/14/01]
10. A Small Feedlot centered on at least 100 acres. A Feedlot is subject to the following requirements:

- a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents that are detrimental to human habitation; and
- b. It shall be unlawful for an owner or keeper of livestock to allow livestock to run at large on public rights-of-way. [REV: Ord. No. 2001-2, 3/14/01]

D. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum parcel size will be 40 acres or 1/16 section, whichever is the smaller of the two, with the following exceptions:  
[REV: Ord. No. 2008-03, 4/23/08]
  - a. Parcels smaller than the minimum parcel size which existed on the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as may be allowed by Section 8.1.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.
  - b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of that property provided it is not less than five acres in size, with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the mortgagee defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.  
[REV: Ord. No. 2001-2, 3/14/01]
  - c. A parcel used for a cemetery shall be at least 5 acres in area.  
[REV: Ord. No. 98-5, 9/13/98; Ord. No. 2008-003, 4/23/08]
  - d. Excluding towers for cell phone communications, electrical power lines, and telephone communications, a parcel, or a portion thereof, which shall be used for essential public utility distribution structures or for communication structures or facilities shall be at least 2.5 acres in area.  
[REV: Ord. No. 90-4, 6/12/99; Ord. No. 2008-003, 4/23/08]

2. A one mile buffer zone will be established around the periphery of the “A” zone where it comes in contact with another zone district. Within the buffer zone, the Zoning Board may allow development to take place which is consistent with the zone district to which it joins.  
[REV: Ord. No. 95-11, 11/10/95; Ord. No. 2008-003, 4/23/08]
3. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]
4. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.  
[REV: Ord. No. 2008-003, 4/23/08]
5. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.

**SECTION 9. AGRICULTURAL PRESERVATION DISTRICT (AP-5, AP-10 & AP-40).**

- A. Intent. This zone district is intended to protect and preserve areas of suitable agricultural soil for agricultural and agriculture-related uses. The standards prescribed for this district are intended to preserve the open character of the area and thereby to protect the business of agriculture. The minimum lot size in this zone district shall be either five acres (AP-5), ten acres (AP-10), or forty acres (AP-40), as indicated on the Zoning Map.
- B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:
  1. One singular dwelling unit per lot;  
[REV: Ord. No. 95-5, 6/10/95; Ord. No. 97-8, 6/27/97]
  2. Cultivation and harvesting of plants and croplands;
  3. Raising, breeding, management and sales of livestock, excluding pigs, as long as such use is not a Feedlot. [REV: Ord. No. 2001-2, 3/14/01]

AP-5 districts have the following restrictions on the number of livestock used as pleasure animals or animals for personal use according to lot size;

½ to 1 acre: No more than two (2) horses or two (2) cows or an equivalent number of sheep or goats.

Equivalency is determined as one (1) horse or cow equals three (3) goats or three (3) sheep or combination thereof.

Additional livestock units allowed is based upon one (1) horse or cow unit per each additional acre of land.

Exception: Livestock including pigs temporarily raised for educational purposes by children belonging to a recognized organization such as 4H or Future Farmers of America.

4. Kennel, subject to the regulations of Torrance County Animal Control Ordinance and provisions listed under Section 6 of this ordinance.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board:

1. One supplemental residential dwelling unit allowed on a parcel meeting district minimum standards; in the AP-5 and AP-10 zone districts, a temporary supplemental residential dwelling unit may only be used so that reasonably necessary medical or other care-taking services may be provided by a resident of the other on-site residential dwelling unit; in the AP-40 zone district, 2 supplemental residential dwelling units allowed on a parcel of at least eighty acres or 1/8 section.  
[REV: Ord. No. 2001-2, 3/14/01]
2. Home occupation, subject to the following provisions:  
[REV: Ord. No. 95-5, 6/10/95]
  - a. Not more than 40 percent of the floor area of the dwelling unit, nor more than 800 square feet of an accessory building, shall be used in the conduct of the home occupation,
  - b. No more than three (3) non-resident employees shall be stationed on the premises,
  - c. There shall be no exterior storage of materials unless completely enclosed by a wall,



- d. No equipment or process shall be used in a home occupation which creates a nuisance such as noise, vibration, lighting, fumes, odors, or electrical interference detectable to the normal senses off the premises,
  - e. If there is an occasional requirement to park additional vehicles or to provide temporary outside storage of equipment or materials on the premises, then such arrangements or conditions shall be stated fully on the permit application,
  - f. There shall be no sales or traffic in connection with a home occupation that would disrupt the residential nature of the neighborhood, and
  - g. There shall be no change in the outside appearance of the building, or other visible evidence of the conduct of a home occupation other than one (1) unobtrusive sign not to exceed six (6) square feet in size;
- 3. Farm equipment stores, animal feed stores, tack shops, and other agricultural support services;
  - 4. Large-scale commercial processing of agricultural products;
  - 5. Business, service, and commercial establishments, primarily serving agricultural and agricultural-related uses;  
[REV: Ord. No. 2001-2, 3/14/01]
  - 6. Veterinary hospitals;  
[REV: Ord. No. 94-2, 2/4/94]
  - 7. Essential public utility distribution structures;
  - 8. Communication structures and facilities; and  
[REV: Ord. No. 90-4, 6/12/99]
  - 9. A Small Feedlot centered on at least 100 acres. A Feedlot is subject to the following requirements:  
[REV: Ord. No. 2001-2, 3/14/01]
    - a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents that are detrimental to human habitation; and
    - b. It shall be unlawful for an owner or keeper of livestock to allow livestock to run at large on public rights-of-way.

D. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum lot size shall be five acres where identified as AP-5 on the Zoning Map, ten acres where identified as AP-10 on the Zoning Map, and forty acres where identified as AP-40 on the Zoning Map; a parcel used for essential public utility distribution structures or for communication structures or facilities may be 5 acres or larger, with the following exceptions:  
[REV: Ord. No. 99-1, 4/10/99; Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
  - a. Parcels smaller than the minimum parcel size that existed on the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as may be allowed by Section 9.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.  
[REV: Ord. No. 2008-003, 4/23/08]
  - b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of the property provided it is not less than five (5) acres in size, with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the borrower defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.
  - c. A parcel used for a cemetery shall be at least 5 acres in area.
2. AP-5 districts have the following restrictions on the number of livestock used as animals for personal use according to lot size:
  - a. On lots that do not conform to the district minimum standard but are at least 1/2 acre in area, there shall be no more than two (2) horses or two (2) cows or an equivalent number of sheep or goats.
  - b. On lots that exceed the district minimum standard for acreage, additional livestock units are allowed based upon one (1) horse or cow unit per each additional acre of land.

- c. Exception: Livestock, including pigs, temporarily raised for educational purposes by children belonging to a recognized organization such as 4H or Future Farmers of America are not restricted.  
[REV: Ord. No. 2008-003, 4/23/08]
- 3. Home occupation.  
[REV: Ord. No. 95-5, 6/10/95; Ord. No. 2008-003, 4/23/08]
- 4. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]
- 5. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.  
[REV: Ord. No. 2008-003, 4/23/08]
- 6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.  
[REV: Ord. No. 2008-003, 4/23/08]

#### SECTION 10. PREPLATTED LANDS DISTRICT (PL).

- A. Intent. This zone district provides for the appropriate development of pre-platted subdivisions which are not considered adequate by current planning or environmental standards. This zone district is comprised of certain Type 1 and Type 2 subdivisions platted and placed on record with the County Clerk prior to 1973, often held in multiple ownership, and substantially or totally undeveloped. This zone district is established to encourage and promote private land readjustment through techniques such as subdivision re-platting, land pooling, and lot consolidation, followed by a change to a more appropriate zone district, if necessary.
- B. Permissive Uses. All Permissive Uses allowed in the RR District.
- C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board:  
[REV: Ord. No. 2001-2, 3/14/01]

1. All Conditional Uses allowed in the RR District.  
[REV: Ord. No. 2001-2, 3/14/01]
  2. The Zoning Board may determine that a zone change or variance, instead of a Conditional Use Permit, is more appropriate for a proposed development in this zone district.
- D. District Standards. The following standards apply to all land uses within this zone district:
1. Lots shall not be further subdivided or re-platted into lots smaller than the nearest prevailing zone district.  
[REV: Ord. No. 2008-003, 4/23/08]
  2. In the event that contiguous lots within a specified area are assembled for readjustment and a master plan or site plan for future development is proposed, then such area shall be subject to the setback requirements established for the RR zone district.  
[REV: Ord. No. 95-5, 6/10/95]
  3. The Zoning Board may determine that a zone change or variance, instead of a Conditional Use Permit, is more appropriate for a proposed development in this zone district.  
[REV: Ord. No. 2008-003, 4/23/08]
  4. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]

#### SECTION 11. RURAL RESIDENTIAL DISTRICT (RR).

- A. Intent. This zone district accommodates rural residential development and certain agricultural uses such as irrigated croplands and limited livestock management. Large-lot residential land subdivision is characteristic of this district.
- B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:
1. One singular dwelling unit per lot subject to the provisions of Section 19 (F) of this Ordinance;
  2. Accessory uses and structures;
  3. Cultivation and harvesting of croplands;

4. Raising, breeding, and sales of livestock, subject to the following requirements:

- a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents which are detrimental to human habitation, and
- b. It shall be unlawful for any owner or keeper of livestock to allow such livestock to run at large on public right-of-way;
- c. Such land use shall not constitute a Feedlot and the number of livestock on the parcel shall not exceed an average density of one head per two acres.

[REV: Ord. No. 2001-2, 3/14/01]

This does not apply to pleasure animals or animals for personal use which are subject to the following restrictions on numbers according to lot size;

- d. ½ to 1 acre: No more than two (2) horses or cows or an equivalent number of sheep or goats. Equivalency is determined as one (1) horse or cow equals three (3) goats or three (3) sheep or combination thereof.  
Additional livestock units allowable is based upon one (1) horse or cow unit per each additional acre of land.  
Exception: Livestock including pigs temporarily raised for educational purposes by children belonging to a recognized organization such as 4H or Future Farmers of America.

5. Residential Kennel, subject to the regulations of the Torrance County Animal Control Ordinance. The total number of pets shall not exceed five (5) of any species alone or in combination thereof.

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board:

1. Home occupation, subject to the following provisions:  
[REV: Ord. No. 95-5, 6/10/95]

- a. Not more than 40 percent of the floor area of the dwelling unit, nor more than 800 square feet of an accessory building, shall be used in the conduct of the home occupation,
- b. No more than three (3) non-resident employees shall be stationed on the premises,

c. There shall be no exterior storage of materials unless completely enclosed by a wall,

d. No equipment or process shall be used in a home occupation which creates a nuisance such as noise, vibration, lighting, fumes, odors, or electrical interference detectable to the normal senses off the premises,

e. If there is an occasional requirement to park additional vehicles or to provide temporary outside storage of equipment or materials on the premises, then such arrangements or conditions shall be stated fully on the permit application,

f. There shall be no sales or traffic in connection with a home occupation that would disrupt the residential nature of the neighborhood, and

g. There shall be no change in the outside appearance of the building, or other visible evidence of the conduct of a home occupation other than one (1) unobtrusive sign not to exceed six (6) square feet in size;

2. Religious and educational institutions;
3. One temporary supplemental residential dwelling unit allowed on a parcel meeting district minimum standards so that reasonably necessary medical or other care-taking services may be provided by a resident of the other on-site residential dwelling unit;  
[REV: Ord. No. 2001-2, 3/14/01]
4. Essential public utility distribution structures;
5. Boarding, rooming, or lodging house for no more than 12 residents;  
[REV: Ord. No. 2001-2, 3/14/01]
6. Residential group training home for developmentally or physically handicapped, and residential nursing home, providing for no more than 12 persons at any one time; and  
[REV: Ord. No. 2001-2, 3/14/01]
7. Day care or child care services as regulated by the New Mexico Children Youth and Families Department.  
[REV: Ord. No. 2001-2, 3/14/01]
8. Kennel, Commercial or Foster/Rescue, subject to the regulations of

the Torrance County Animal Control Ordinance and provisions listed under Section 6 of this ordinance.[REV: Ord. No. 2008-003, 4/23/08]

D. District Standards. The following standards apply to all land uses within this zone district:

1. Minimum lot size shall be two and one-half acres for dwelling units served by individual private wells, and one acre for dwelling units with connections to a centralized water system. For purposes of determining minimum lot size, the calculation of acreage shall include common easements and private roadways for ingress and egress for adjoining lots. A shared domestic well permitted under Section 72-12-1 NMSA 1978 does not qualify as a “centralized water system.”  
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]
2. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]
3. Inoperable vehicles or vehicles which have no current registration or licensing stored on a parcel of land are limited to two (2) on a 1/2 acre lot. Additional inoperable or un-registered vehicles may be allowed at one (1) per additional acre of land but in no case shall exceed five (5) regardless of parcel acreage. Inoperable vehicles stored on a property shall be kept from view behind a wall and have body parts and glazing intact.  
[REV: Ord. No. 2008-003, 4/23/08]
4. Raising, breeding, management, and sales of livestock, subject to the following requirements:
  - a. Areas devoted to livestock shall be maintained to discourage the concentration and breeding of insects and rodents which are detrimental to human habitation;
  - b. It shall be unlawful for any owner or keeper of livestock to allow such livestock to run at large on public right-of-way;
  - c. The number of livestock on the parcel shall not exceed an average density of one head per two acres;  
[REV: Ord. No. 2001-2, 3/14/01]
  - d. The above described restriction does not apply to animals for non-commercial use as follows:
    - 1) A lot ranging between 1/2 acre and 1 acre in area, may support no more than two (2) horses or two (2) cows or

an equivalent number of sheep or goats. Additional non-commercial livestock units are allowed based upon one (1) horse or cow unit or equivalent per each additional acre of land.

- 2) Exception: Livestock, including pigs, temporarily raised for educational purposes by children belonging to a recognized organization such as 4H or Future Farmers of America are not restricted.

[REV: Ord. No. 2008-003, 4/23/08]

5. Commercial agricultural & horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited.

[REV: Ord. No. 2008-003, 4/23/08]

## SECTION 12. MINOR DEVELOPMENT DISTRICT (D-1).

- A. Intent. This zone district provides for commercial and business uses intended to serve the surrounding neighborhoods on a day-to-day basis including retailing and personal services. Development in this zone district shall be characterized as low intensity or small-scale, and shall not be detrimental to nearby residential uses.

[REV: Ord. No. 95-9, 10/13/95]

- B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Accounting, bookkeeping, CPA;
2. Ambulance service, rescue service;
3. Antique dealers;
4. Appliance sales, service, and repair;
5. Art gallery or museum;
6. Bakery, confectionery;
7. Ballrooms, dancing instruction;
8. Bank, ATM, Savings and Loan, Credit Union;
9. Barber or beauty shop;
10. Books, video, compact disk sales, service, and rental;
11. Bowling alley, video game arcade;
12. Carpet, floor coverings, cleaning and sales;
13. Ceramics sales;
14. Clinic (dental or medical), hospital, sanatorium, nursing home;
15. Clothing or dry goods sales;
16. Club, lodge (without liquor license);



17. Data processing, computers, electronics, sales, service, repair;
18. Dermagraphics Studio;
19. Department store, variety store, sales;
20. Drug store, pharmacy, cosmetics, sales;
21. Dwelling unit (singular) one unit per lot subject to the provisions of Section 19 (F) of this ordinance
22. Dwelling unit (multiple) subject to the following provisions;
  - a. Gross density for any lot shall not exceed three dwelling units per acre,
  - b. The above stated gross density may be exceeded only upon permit granted by the New Mexico Environment Department if site conditions are suitable for compliance with the Liquid Waste Disposal Regulations, and
  - c. If centralized water and sewer systems are available to the site, then a floor area ratio of 0.3 is permitted for each lot;
23. Dwelling unit (cluster) subject to the following provisions: [REV: Ord. No. 2008-003, 4/23/09]
  - a. A site development plan shall be provided to adequately describe a unified scheme for residential and other supportive land uses which cover any size acreage,
  - b. The site development plan shall include written statements and information describing types and locations of structures, utilities, internal circulation and traffic impact, landscaping and site drainage, and a development phasing schedule if appropriate,
  - c. The gross density of a cluster development shall not exceed two dwelling units per acre, however, structural densities shall be in accordance with the water supply well and wastewater treatment standards set by the New Mexico Environment Department,
  - d. A portion of the land within a cluster development, comprising no less than 40 percent of the development site, shall be designated as open space for the common use of the residents or for preservation of an environmentally sensitive area,
  - e. Ownership of the common area shall be clearly defined with appropriate covenants forbidding future partition, and the responsibility for improvements and maintenance of the common area shall be established with a procedure for funding such improvement and maintenance of the common area,
24. Dwelling, boarding, rooming, or lodging houses for no more than 12 residents;
25. Equipment and tools, rental, sales, or service;
26. Floral shop, plant store;
27. Food products, sales or storage;
28. Food store, grocery store, convenience store,
29. Funeral home, mortuary
30. Gift shop, crafts store, curios shop;
31. Glass products, sales, service, installation;
32. Greenhouse, nursery, landscaper;
33. Gunsmith, gun sales and service;

34. Hardware sales;
35. Hospital equipment and supplies, sales and services;
36. Home furnishings, sales and services;
37. Ice cream store;
38. Interior decorator;
39. Janitorial service and supplies;
40. Jewelry, sales and manufacture;
41. Kennel, subject to regulations of the Torrance County Animal Control Ordinance and the provisions listed under Section 6 of this Ordinance;
42. Laboratory, dental or medical;
43. Laundromat, dry cleaner;
44. Library (Public);
45. Linen supply, sales, and service;
46. Locksmith;
47. Music store;
48. Offices, professional, semi-professional, administrative, clerical.
49. Office equipment and supplies, sales, and services.
50. Parcel, package, delivery services;
51. Pest control, exterminator;
52. Photographic (equipment, supplies, studio) sales, service, repair;
53. Piercing Studio or Tattoo Parlor;
54. Printing;
55. Reducing salon, health spa, aerobic exercise, racquetball court;
56. Restaurant, cafe, cafeteria, delicatessen, catering;
57. Shoes, boots, sales, repair;
58. Sporting goods, sales, services, rental;
59. Tailor shop;
60. Theater;
61. Vehicle parts, sales, supplies; and
62. Watch repair, sales, and service.
63. [REV: Ord. No. 95-9, 10/13/95]

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board:

1. Accessory buildings;
2. Automobile, truck, trailer, camper, RV, boat, sales, service, repair, rental;
3. Bars, lounges, package liquor sales;
4. Bus (common carriers) depot;
5. Cabinets, furniture, upholstery, manufacture, sales, and services;
6. Cable TV, receiving center, distribution center, service center;
7. Cannabis product retail or wholesale outlets and lounges.
8. Churches, places of worship;
9. Club, lodge (with liquor license);

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Construction contractor, building trade contractor, storage, sales, and service;

11. Dwelling, temporary watchman or caretaker;
12. Farm supplies or equipment, sales and service;
13. Fireworks stand (temporary), sales;
14. Gasoline service station, commercial garage subject to the following regulations;
  - a. All major repair work on vehicles shall be conducted within an enclosed building,
  - b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone districts, and
  - c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high;
15. Home occupation;
16. Hotel, motel, motor lodge;
17. Motorcycles, sales, service, repair, rental;
18. Offices, temporary;
19. Ornamental iron products, sales, assembly, repair;
20. Pawn shop, surplus, salvage goods, second-hand store, sales, trades (indoor only);
21. Recreation hall, billiard parlor;
22. Restaurant (with liquor license);
23. Signs, sales and manufacture;
24. Storage sheds, rental;
25. Storage (outside), rental, warehousing, rental;
26. Taxidermist; and
27. Telephone switching facility (toll or local).

[REV: Ord. No. 95-9, 10/13/95]

D. District Standards. The following standards apply to all land uses within this zoning district:

1. Minimum lot size shall be as determined by the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations;
2. All structures shall be located with a front setback of no less than 25 feet, unless otherwise specified in this Ordinance;
3. Non-residential buildings shall be situated no less than 25 feet from any lot in residential use, unless otherwise specified in this Ordinance;
4. Any non-residential activity in this zoning district that requires outdoor storage of supplies or material, other than living plants, must provide an outdoor storage area enclosed by a wall or fence of sufficient structure to conceal the outdoor storage area;

[REV: Ord. No. 95-9, 10/13/95]

5. Dwelling units (multiple) are subject to the following provisions:
- a. Gross density for any lot shall not exceed three dwelling units per acre;
  - b. The above stated gross density may be exceeded only upon permit granted by the New Mexico Environment Department if site conditions are suitable for compliance with the Liquid Waste Disposal Regulations; and
  - c. If centralized water and sewer systems are available to the site, then a floor area ratio of 0.3 is permitted for each lot.
- [REV: Ord. No. 2008-003, 4/23/08]

6. Dwelling units (cluster) are subject to the following provisions:
- [REV: Ord. No. 2008-003, 4/23/08]
- a. A site development plan shall be provided to adequately describe a unified scheme for residential and other supportive land uses which cover any size acreage;
  - b. The site development plan shall include written statements and information describing types and locations of structures, utilities, internal circulation and traffic impact, landscaping and site drainage, and a development phasing schedule if appropriate;
  - c. The gross density of a cluster development shall not exceed two dwelling units per acre, however, structural densities shall be in accordance with the water supply well and wastewater treatment standards set by the New Mexico Environment Department;
  - d. A portion of the land within a cluster development, comprising no less than 40 percent of the development site, shall be designated as open space for the common use of the residents or for preservation of an environmentally sensitive area; and
  - e. Ownership of the common area shall be clearly defined with appropriate covenants forbidding future partition, and the responsibility for improvements and maintenance of the common area shall be established with a procedure for funding such improvement and maintenance of the common area.
- [REV: Ord. No. 2008-003, 4/23/08]

7. Gasoline service station or a commercial garage is subject to the following regulations:
- a. All major repair work on vehicles shall be conducted within an enclosed building;
  - b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone districts; and
  - c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high.

[REV: Ord. No. 2008-003, 4/23/08]

8. A proposed land use must comply with Section 23, pertaining to water usage.

[REV: Ord. No. 97-7, 6/27/97]

### SECTION 13.0 MAJOR DEVELOPMENT DISTRICT (D-2)

A. Intent. This zone district accommodates the major business activities in the area, including highway-related commercial activities, office and entertainment facilities, wholesale and retail sales, and service providers. The land uses within this district shall be developed with adequate transportation access and appropriate design to minimize any negative impacts to abutting lands.

[REV: Ord. No. 95-9, 10/13/95]

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Accessory buildings subject to the provisions of Section 19 (F) of this Ordinance;
2. All permissive uses allowed in the D-1 zone district;
3. Animal shelter, animal pound, animal kennel subject to the provisions of Section 6 of this Ordinance and the Torrance County Animal Control Ordinance;
4. Auction house (excluding livestock);
5. Automobile, truck, trailer, camper, RV, boat, sales, service, repair, rental;
6. Bars, lounges, package liquor sales;
7. Bottling plant;
8. Bus (common carriers) depot;
9. Cabinets, furniture, upholstery, manufacture, sales, services;
10. Cable TV, receiving center, distribution center, service center;
11. Candle, manufacture;
12. Car wash;
13. Club, lodge (with liquor license);
14. Cold storage plant;
15. Construction contractor, building trade contractor, storage, sales, service;
16. Dairy products, wholesale;
17. Farm supplies or equipment, sales, service;
18. Hotel, motel, motor lodge;
19. Liquor wholesaler;
20. Lumber yard, sales and storage, firewood sales and storage;
21. Masonry, plastics, fiberglass, sales and service;
22. Mobile home sales, service, repair;
23. Motorcycle, sales, service, repair, rental;
24. Moving and transfer company (including warehouse);

25. Ornamental iron products, sales, assembly, repair;
  26. Pawn shop, surplus, salvage goods, second-hand store, sales, trades (indoor only);
  27. Radio or microwave transmission, repeater, multiplexing, dispatching;
  28. Recreation hall, billiard parlor;
  29. Restaurant (with liquor license);
  30. Shopping center;
  31. Signs, sales, manufacture;
  32. Skating rink;
  33. Storage sheds, rental;
  34. Taxidermist; and
  35. Veterinary hospital (small animals).
- [REV: Ord. No. 95-9, 10/13/95]

C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board;

1. Amusement parks, carnival, circus;
2. Cannabis product retail or wholesale outlets and lounges;
3. Ceramics, manufacture;
4. Churches, places of worship;
5. Dwelling, temporary watchman or caretaker;
6. Fireworks stand (temporary), sales;
7. Flea market subject to the following requirements;
  - a. Adequate off-street parking shall be provided to contain the largest anticipated crowd,
  - b. The site shall be kept free of litter and adequate refuse containers shall be provided,
  - c. Overnight storage of merchandise shall be prohibited, and
  - d. Adequate sanitary facilities (rest rooms) either portable or permanent shall be provided on site for use by patrons;
8. Gasoline service station, commercial garage subject to the following regulations:
  - a. All major repair work on vehicles shall be conducted within an enclosed building
  - b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone district, and
  - c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high;
9. Home occupation;
10. Laboratory, research;
11. Offices, temporary;
12. Radio or television station;
13. Storage (outside), rental, warehousing, rental;
14. Telephone switching facility (toll or local);

15. Truck terminal and maintenance;
16. Utility company, service center, storage;
17. Veterinary hospital (large animals); and
18. Welding shop.

[REV: Ord. No. 95-9, 10/13/95]

D. District Standards. The following standards apply to all land uses within this zoning district:

1. Minimum lot size shall be as determined by the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations;
2. All structures shall be located within a front setback of no less than 25 feet, unless otherwise specified in this Ordinance;
3. Non-residential buildings shall be situated no less than 25 feet from any lot in residential use, unless otherwise specified in this Ordinance;
4. Any non-residential activity in this zoning district that requires outdoor storage of supplies or materials, other than living plants, must provide an outdoor storage area enclosed by a wall or fence of sufficient structure to conceal the outdoor storage area;  
[REV: Ord. No. 95-9, 10/13/95]
5. Flea markets are subject to the following requirements:
  - a. Adequate off-street parking shall be provided to contain the largest anticipated crowd,
  - b. The site shall be kept free of litter and adequate refuse containers shall be provided,
  - c. Overnight storage of merchandise shall be prohibited, and
  - d. Adequate sanitary facilities (rest rooms) either portable or permanent shall be provided on site for use by patrons;[REV: Ord. No. 2008-003, 4/23/08]
6. Gasoline service station or a commercial garage is subject to the following regulations:
  - a. All major repair work on vehicles shall be conducted within an enclosed building,
  - b. A solid wall or fence at least six feet high is erected between the activity and any abutting residential zone district, and
  - c. Outdoor storage of not more than three vehicles awaiting repair per enclosed service bay, provided such storage area is enclosed by a solid wall or fence at least six feet high; and[REV: Ord. No. 2008-003, 4/23/08]

7. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]

SECTION 13.1 MAJOR DEVELOPMENT DISTRICT, UNDETERMINED IMPACT AND ADULT LAND USES (D-3).

[REV: Ord. No. 2001-2, 3/14/01]

- A. Intent. This zone is intended to allow the uses and apply the standards described in the D-2 District with the addition of a conditional use and additional standards and procedures for Adult Land Uses.
- B. Permissive Uses. The following permissive uses are allowed in this zone district:
  1. All permissive uses allowed in D-2 District;
  2. Cannabis product retail or wholesale outlets and lounges.
- C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board: All conditional uses allowed in the D-2 District and Adult Land Uses, as described and authorized in Subsection E below.  
[REV: Ord. No. 2008-003, 4/23/08]
- D. District Standards. The following standards apply to all land uses within this zone district: All the District Standards required in the D-2 District.
- E. Additional Standards and Procedures for Adult Land Uses. In addition, the following standards and procedures apply to the below-defined Adult Land Uses that are lawful as conditional uses in the D-2 District:

1. DEFINITIONS:

Adult Amusement Establishment.

- a. An establishment which provides amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas;
  - 1) Specified Anatomical Areas, means:
    - a) Less than completely and opaquely covered by clothing:
      - (1) Human genitals or pubic region;
      - (2) Buttock; and



- (3) Female breast below a point immediately above the top of the areola; and
    - b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
  - 2) Specified Sexual Activities, including the following:
    - a) Human genitals in a state of sexual stimulation or arousal;
    - b) Acts of human masturbation, sexual intercourse, or sodomy; and
    - c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- b. An establishment which features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment; or
- c. An establishment which, upon payment of a fee, provides an escort or a partner to its patrons; or
- d. An establishment which, upon payment of a fee, provides its patrons with a male or female model fully or partially clothed or nude for the purposes of demonstrating body oils, body lotions or devices.

Adult Bookstore. An establishment having a substantial or significant portion of its stock in film, video tapes, trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Photo Studio. An establishment which, upon payment of a fee, provides photographic equipment or models for the purpose of photographing specified anatomical areas.

Adult Theater. A theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Land Use(s). Any one, any combination, or all of the following uses: Adult Amusement, Adult Bookstore, Adult Photo Studio, Adult Theater.

## 2. PROCEDURES FOR OBTAINING CONDITIONAL USE PERMIT

- a. Application. In addition to the requirements described in Section 21.B & C of the Zoning Ordinance, an applicant seeking approval for an Adult Land Use defined above must show that the proposed land use satisfies the Approval Requirements stated below, and must provide the following information:
- 1) The name, address, telephone number, principal occupation, and age of the applicant;
  - 2) The name, address and principal occupation of the managing agent or agents of the business;
  - 3) The business name, business address and business telephone number of the establishment or proposed establishment, together with a description of the nature of the business;
  - 4) Whether the business or proposed business is the undertaking of a sole proprietorship, partnership or corporation. If a sole proprietorship, the application shall set forth the name, address, telephone number and principal occupation of the sole proprietor. If a partnership, the application shall set forth the names, addresses, telephone numbers, principal occupations and respective ownership shares of each partner, whether general, limited or silent. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the names, addresses, telephone numbers and principal occupations of every officer, director and shareholder (having more than ten percent of the outstanding shares), and the number of shares held by each;
  - 5) The names, addresses, telephone numbers and principal occupations of every person, partnership or corporation having any interest in the real property utilized or to be utilized by the business or proposed business;
  - 6) A description of all other business enterprises (sales or services), which shall occur on the premises;
  - 7) Whether the applicant, anyone having a ten percent or more ownership interest in the business or proposed business has:
    - a) ever had a business license denied, revoked or charges filed therefore, and if so, the application shall

- state the name of the business, date, jurisdiction, and outcome of any hearing,
- b) ever owned or operated an Adult Land Use business, and if so, the name of the business and address, dates involved and position or interest therein,
  - c) been convicted within five years of application or renewal, of any felonious crime (and if so, shall state the person involved, the charge, date, court and disposition of the charges).
- b. Time Limits. Review by the Zoning Board shall be advisory to the County Commission which shall decide whether to grant or deny the Application. The County shall render its decision according to the following time limits:
- 1) An Application submitted 15 or more days prior to the next regularly scheduled Zoning Board monthly meeting shall be heard at that meeting;
  - 2) Unless Applicant requests or consents to a deferral, the Zoning Board shall render its oral recommendation at the time of its meeting and, within 7 days following the meeting, the Zoning Board shall submit a written Recommendation to the County Commission;
  - 3) Directly following the Zoning Board meeting, the County Commission shall call for a public meeting by notification of the time and place of the public hearing published in the next available newspaper of general circulation in the County at least 15 days prior to the hearing; and
  - 4) The hearing of the Application shall take place at the next regularly scheduled bi-weekly meeting of the County Commission following the expiration of the 15-day notice period. Upon conducting its public hearing, the County Commission shall render either an oral or written decision, either to approve or deny the Conditional Use Permit, at the conclusion of the hearing. If the Commission makes only an oral decision, it may adopt a written decision at its next regularly scheduled meeting.

From the date of submission of a completed application, a decision of the County Commission must be made within 60 days. If a decision is not rendered, either approving or denying the Conditional Use Application, within the 60-day period, the Application will be approved and issued as a matter of law. Any time that lapses during a deferral requested by or

consented to by the Applicant shall be excluded from the calculation of the 60-day period.

[REV: Ord. No. 2008-003, 4/23/08]

### 3. APPROVAL REQUIREMENTS

The approval standards of Section 21.D of the Zoning Ordinance shall be satisfied if the Application meets all of the following Approval Requirements:

- a. The proposed land use will not violate any civil or criminal law otherwise applicable, including, but not limited to, this Ordinance and the applicable building, fire and health regulations; criminal code sections 30-9-14, -14.1, -14.2 & -14.3 NMSA 1978 prohibiting indecent exposure, indecent dancing, indecent waiting and aggravated indecent exposure; and the Liquor Control Act, sections 60-3A-1, et seq., NMSA 1978, and all regulations promulgated thereunder;
- b. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any building approved for another Adult Land Use, as measured in a straight and the most direct line;
- c. The closest edge or corner of the building proposed for an Adult Land Use is at least 1000 feet from the closest edge or corner of any conforming residential dwelling, as measured in a straight and the most direct line, except that this provision may be waived if the owner(s) of any residential dwelling(s) located closer than the minimum separation distance consents in writing to the proposed use;
- d. The closest edge or corner of the building proposed for an Adult Land Use is at least 300 feet from the closest edge or corner of any conforming commercial structure and has a side setback of at least 150 feet, as measured in a straight and the most direct line, except that this provision may be waived if the owner(s) of any commercial structure(s) or property located closer than the minimum separation distance consent in writing to the proposed use;
- e. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any church or from its grounds, whichever is closer, as measured in a straight and the most direct line. Church "grounds" are any developed, fenced or enclosed outside area used by church members proximate to a church;

- f. The closest edge or corner of the building proposed for an Adult Land Use is at least 2000 feet from the closest edge or corner of any primary or secondary school or from its grounds, whichever is closer, as measured in a straight and the most direct line. School "grounds" are any developed, fenced or enclosed outside area used by school children proximate to a school;
- g. The Applicant, whether an individual or any of the stockholders, officers or directors, if a corporation, or any of the partners, if a partnership, including limited partners, or the manager or other person principally in charge of the operation of the business, or any person receiving, or having a right to receive any sum from, or percentage of the profits due to an interest in or sale of the business, has not been convicted within a five-year period immediately prior to the application, of any crimes involving fraud, consumer fraud or intent to defraud, prostitution;
- h. Neither the applicant nor any ten percent corporation shareholder nor a corporate officer has had a revocation of a business license for violations of code regulations relating to Adult Land Uses within the preceding two years;
- i. The land use will meet the parking requirements of Section 17; and
- j. The applicant has provided all required information.

#### 4. APPEALS

An appeal to the District Court for the County of Torrance may be made within 30 days after a denial.

#### 5. OPERATION REQUIREMENTS AND RESTRICTIONS.

Once the Applicant has received a permit for an Adult Land Use, the permittee shall abide by the following requirements and restrictions:

- a. Signs. In addition to the sign regulations stated in Section 18 of this Ordinance, any sign advertising an Adult Land Use shall not contain any emphasis, either by wording, picture or otherwise, on matters related to specified sexual activities or specified anatomical areas.
- b. Exterior Display. No Adult Land Uses shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public way or from any property not

permitted for the Adult Land Use. This provision shall apply to any display decoration, sign, show window or other opening.

- c. Employee Records. The permittee shall at all times maintain and retain for the preceding three years the legal names/aliases and addresses of all persons employed as dancers by the permittee.
- d. Employee Age Minimum. The permittee shall not employ or allow as a dancer a person under the age specified by state law or regulation where alcohol is consumed.
- e. Admittee Age Minimum. No person under the age of 18 years shall be admitted where a nonalcoholic Adult Land Use is permitted. No person under the age of 21 years shall be admitted where an Adult Land Use with a liquor license is permitted. No employee of an Adult Land Use establishment shall allow any minor to loiter around or to frequent the establishment or to allow any minor to view a permitted Adult Land Use.
- f. Consumption of Alcohol. No permittee shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor, or any beverage represented as containing any alcohol, upon the permitted premises without a valid liquor license.
- g. Display of Licenses. The permittee shall conspicuously display all licenses required by this Ordinance.
- h. No Dancing in Concealed Areas. All dancing permitted as part of an Adult Amusement Enterprise shall take place within an area which is visible immediately upon entrance to the establishment premises, or is visible immediately from the entry room area of the establishment's premises; however, no permitted dancing shall be visible to or from any outside or un-permitted areas.
- i. Contact Limitation. No dancer shall touch, fondle or caress any patron and no patron shall touch, fondle or caress any dancer on either the dancer's or patron's genitals, pubic region, buttock or female breast.
- j. Advertisement Disclaimer. Any Adult Land Use establishment that does not have a liquor license and which uses the words that imply the availability of alcoholic liquor on the premises, such as "bar," or "lounge" or "saloon," in any advertisement or name must state in all such advertisements that alcoholic beverages are not sold or allowed on the premises.

- k. Posted Warning. All Adult Land Use establishments shall post at each entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind any bar a sign with letters not less than three inches high stating:

“PROSTITUTION IS UNLAWFUL”

All Adult Land Use establishments that are not licensed to sell alcoholic beverages shall post at each entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind the bar a sign with letters not less than three inches high stating:

“ALCOHOL IS NOT SOLD HERE”

The letters for all such signs must be black on a yellow background and the sign at each entrance door and behind the bar must be between four and six feet above floor level. Each sign must be located and illuminated sufficient to be visible by a person with normal eyesight or eyesight corrected to 20/20, thirty feet from the sign.

- l. The permittee shall maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.

- m. The permittee must meet the parking requirements of Section 17.

## 6. RESPONSIBILITIES OF THE OPERATOR

- a. It is the responsibility of the permittee to assure that the requirements of this Ordinance are satisfied in the exercise of the permit for an Adult Land Use. Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the permittee, if such act or omission occurs either with the authorization, knowledge, or approval of the permittee, or as a result of the permittee's negligent failure to supervise the employee's conduct, and the permittee shall be punishable for such act or omission in the same manner as if the permittee committed the act or caused the omission.
- b. Any act or omission of any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of

the permittee for purposes of determining whether the permittee's permit shall be revoked, suspended or renewed.

- c. The permittee shall insure compliance of the establishment and its patrons with the provisions of this Ordinance.

## 7. RENEWAL

After the first issuance of a Conditional Use Permit for an Adult Land Use, the permit shall terminate upon the first-year anniversary of its issuance, unless it is renewed. Once the permit is renewed, it shall terminate upon the five-year anniversary of its most recent renewal, unless renewed again. There is no limit to the number of times a permit may be renewed. Any application for renewal must comply with the rules and regulations in effect at the time the application for renewal is submitted.

### SECTION 14.0 VILLAGE COMMUNITY PRESERVATION DISTRICT (VCP).

[REV: Ord. No. 2001-2, 3/14/01]

- A. Intent. This zone district preserves residential clusters in established unincorporated communities, and is intended to protect development of historic significance. This district allows residential development with necessary commercial, business, and other non-residential activities which serve local residents. The district regulations permit future development consistent with the existing character of the community, subject to health and safety standards.
- B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:  
[REV: Ord. No. 95-5, 6/10/95; Ord. No. 97-8, 6/27/97; Ord. No. 2001-2, 3/14/01]
  - 1. One singular dwelling unit per lot, provided it is in compliance with the requirements of the New Mexico Liquid Waste Disposal Regulations and the provisions of Section 19 (F) of this Ordinance;
  - 2. Accessory uses and structures provided the structures are compliant with Section 19 (F) of this Ordinance.
  - 3. Kennel, subject to the regulations of the Torrance County Animal Control Ordinance and the provisions of Section 6 of this Ordinance.
- C. Conditional Uses. The following uses may be allowed in this zone district only upon permit granted by the Zoning Board: All Conditional Uses allowed in the RR



District and business, service and commercial establishments, primarily intended to service local residents.

[REV: Ord. No. 2001-2, 3/14/01]

D. District Standards: The following standards apply to all land uses within this zone district:

1. Minimum lot size for dwelling units served by individual private wells shall be two and one-half net acres. Minimum lot size for dwelling units served by a centralized water system shall be as determined by the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations. For purposes of determining minimum lot size, the calculation of acreage shall include common easements and private roadways for ingress and egress for adjoining lots. A shared domestic well permitted under Section 72-12-1 NMSA 1978 does not qualify as a "centralized water system";  
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

2. All structures shall be located with a front setback of no less than 15 feet;

3. A proposed land use must comply with Section 23, pertaining to water usage; and  
[REV: Ord. No. 97-7, 6/27/97]

4. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis shall obtain written consent from the land grant governing body and are prohibited within 300 feet of a church, school, or daycare center.  
[REV: Ord. No. 2008-003, 4/23/08]

SECTION 14.1 RURAL COMMUNITY PRESERVATION DISTRICT (RCP).

[REV: Ord. No. 2001-2, 3/14/01]

A. Intent. This zone protects and preserves areas within the County which are characterized by their limited access, minimal development, limitations on water resources, natural beauty, fragile environment and native wildlife populations. Dispersed, very low density residential development and low intensity agricultural activities are allowed. Other agriculturally related activities may be allowed. Commercial uses will not be allowed except on a case-by-case basis in which the primary concern of the Zoning Board will be to minimize the environmental impact on the area. Development may be considered within a 1 mile buffer zone where the "RCP" Zone joins an incorporated municipality and density or minimum lot size or use within the buffer area may be dictated by the standards set for the adjoining area.

[REV: Ord. No. 2008-003, 4/23/08]

B. Permissive Uses. Any of the following permissive uses are allowed in this zone district:

1. Low intensity agricultural operations such as livestock grazing and related ranching activities;
2. Horse breeding, boarding and training;
3. Other low intensity production agriculture;
4. Cultivation and harvesting of plants and croplands;
5. Woodcutting and other activities related to harvesting trees;
6. Singular residential dwelling unit provided it is in compliance with the requirements of the New Mexico Liquid Waste Disposal Regulations and the provisions of Section 19 (F) of this Ordinance; and
7. Accessory uses and structures necessary to carry out the above-listed permissive uses.
8. Kennel, subject to the regulations of the Torrance County Animal Control Ordinance and the provisions of Section 6 of this Ordinance.

C. Conditional Uses. The following uses may be allowed in this district only upon permit granted by the Zoning Board:

1. Home occupations provided they are confined to the residence or accessory structure, are clearly a secondary use of the structure and present no visual impact to neighbors as viewed from adjoining property or public thoroughfare;
2. Small Bed and Breakfast operations limited to two guest bathrooms;
3. Horseback riding stables, provided sufficient land exists to support the number of animals maintained;
4. Dude ranch or other agricultural work experience operation;
5. Outfitters;
6. Essential public utility distribution structures;
7. Communication structures and facilities; and

8. One supplemental residential dwelling unit allowed on a parcel meeting district minimum standards; 2 supplemental residential dwelling units allowed on a parcel of at least eighty acres or 1/8 section.

D. District Standards. The following standards apply to all land use within this zone district:

1. Minimum parcel size will be forty acres or 1/16 section, whichever is the smaller of the two, with the following exceptions:
  - a. Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 14.1.C.1.b. regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.  
[REV: Ord. No. 2008-003, 4/23/08]
  - b. Lending institutions may accept as collateral for a mortgage of a home on the property in question, any portion of that property provided it is not less than 5 acres in size with the understanding and knowledge that they can take legal title to and resell such smaller portion of land on which the mortgaged home exists in the event the mortgagee defaults on the mortgage. The lending institution is otherwise bound by the minimum parcel size standards provided herein. Once the mortgage is released, the land division shall automatically be vacated. A statement reflecting the requirement of such automatic vacation shall appear on the plat showing the land division.
2. In the event contiguous parcels within the zone are assembled, any of which may be less than the smaller of forty acres or 1/16 section, no future land division of that assembled parcel will be allowed, except as noted in paragraph D.1.b. & c. supra, if any portion of the land division will result in a parcel of less than forty acres or 1/16 section. It is the intent of these standards to restrict parcel size within this zone to a minimum of forty acres or 1/16 section where possible to reassemble smaller existing parcels into larger parcels more closely approaching the forty acre, 1/16 section minimum.
3. This change will not affect any subdivision plans which have been submitted to the Zoning Board prior to the effective date of this section.  
[REV: Ord. No. 2008-003, 4/23/08]

4. A proposed land use must comply with Section 23, pertaining to water usage.
5. Commercial agricultural and horticultural operations are prohibited within the bounds of Types 1 & 2 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In Types 3, 4, & 5 subdivisions a Conditional Use Permit may be required.  
[REV: Ord. No. 2008-003, 4/23/08]
6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis shall obtain written consent from the land grant governing body and are prohibited within 300 feet of a church, school, or daycare center.  
[REV: Ord. No. 2008-003, 4/23/08]

#### SECTION 15. SOLID WASTE MANAGEMENT DISTRICT (SW)

- A. Intent. This zone district provides for the siting, development, and operation of solid waste facilities in Torrance County. The boundaries of this zone district shall be defined as needed on a case-by-case basis following the amendment procedures and siting criteria provided in this Ordinance. Disposal of solid waste within Torrance County shall be regulated in accordance with all relevant laws including this Ordinance, the Torrance County Solid Waste Management Ordinance (Ord. No. 94-12), and all other applicable municipal, county, state, and federal laws pertaining to solid waste. Furthermore, no solid waste facility shall be established or operated without first obtaining a Solid Waste Facility Permit from the County Commission in accordance with the procedures set forth in this Ordinance.  
[REV: Ord. No. 95-4, 6/10/95; Ord. No. 2008-003, 4/23/08]
- B. Solid Waste Definition. The specific terms, "solid waste" and "solid waste facility" as defined by the Torrance County Solid Waste Management Ordinance (Ord. No. 94-12) are hereby adopted and incorporated herein by reference and made a part of this Ordinance.  
[REV: Ord. No. 95-4, 6/10/95]
- C. Application for Zoning Amendment. Each application for a zone change to establish a Solid Waste Management District must be accompanied by a facility development report and site plan of sufficient size and scale in order to show:  
[REV: Ord. No. 95-4, 6/10/95]
  1. Boundaries of the proposed district and existing land uses and structures within the proposed district and within 500 feet of the proposed district boundaries;

2. Routes and design specifications of all proposed access roadways and/or railways within the proposed district and within one mile of the proposed district boundaries;
3. Existing topography, and re-grading plans if applicable, within the proposed district at a contour interval of two feet, based on mean sea level datum. All natural watersheds, watercourses, and floodplains shall be identified in accordance with the siting criteria established for this zone district;
4. Hydro-geologic data sufficient to define the groundwater level or water table underlying the proposed district. Such data shall be confirmed by the N.M. State Engineer Office in writing;
5. Location and estimated pumping rates of all water wells, including abandoned wells, within the proposed district and within 500 feet of the proposed district boundaries;
6. The proposed design and operation of the solid waste facility in detail, with supporting narrative to adequately describe the facility in terms of any impact to water resources, air quality, surrounding properties and land use, and local transportation systems;
7. Documentation of ownership and financial interests of the proposed solid waste facility; and
8. Location and dimensions of all proposed land use activities including structures, landscaping, on-site traffic circulation, and any other improvements to the land.

D. Special Permit Required. No person shall operate a solid waste facility without a Solid Waste Facility Permit issued by the County Commission in accordance with the procedures and criteria set forth in this Ordinance. Torrance County and the Torrance County Solid Waste Authority shall be exempt from filing and renewal fees as specified in this Ordinance. The purpose of the permit procedure is to ensure that the solid waste facility is in compliance with the regulations established by this Ordinance. The procedure for obtaining a Solid Waste Facility Permit shall be as follows:

[REV: Ord. No. 95-4, 6/10/95; Ord. No. 2008-003, 4/23/08]

1. Any operator of a solid waste facility must submit an initial application with filing fee to the Zoning Board on a prescribed form obtainable from the Zoning Director. The initial application filing fee shall be \$2,500 to cover the site inspection, technical review, and related administrative costs of the County.

[REV: Ord. No. 2008-003, 4/23/08]

2. The Solid Waste Facility Permit shall be subject to expiration and renewal after a period of one year. At least 30 days prior to the expiration date of a Solid Waste Facility Permit, an application for renewal may be submitted and processed in the same manner as the initial application. A filing fee of \$1,000 must be submitted with an application to renew a Solid Waste Facility Permit. The purpose of the filing fee is to cover ongoing site inspection and related administrative costs of the County. Operators of existing facilities may continue to operate provided they apply for a permit 30 days before the anniversary date of the existing permit and upon proof of continued compliance with the requirements of this Ordinance.
3. Upon receipt of a Solid Waste Facility Permit application, the Zoning Board shall review the application to determine compliance with this Ordinance at a regularly scheduled meeting. The Zoning Board may request information regarding the operation of the solid waste facility as deemed appropriate. The Zoning Board may also request comments in writing from relevant state or federal agencies regarding the operation of the solid waste facility.  
[REV: Ord. No. 2008-003, 4/23/08]
4. The Zoning Board shall prepare and transmit a recommendation in writing to the County Commission within 7 days after their review of the application is completed. The County Commission shall review the application, the recommendations of the Zoning Board, and any relevant public comment at a regularly scheduled meeting. Upon determining that the application for the solid waste facility is in compliance with this Ordinance, the County Commission shall grant a Solid Waste Facility Permit.  
[REV: Ord. No. 2008-003, 4/23/08]
5. Renewal of a Solid Waste Facility Permit may be denied for failure to comply with this Ordinance, making any misrepresentation or omission of any relevant fact in the application, or for failure to comply with any other applicable municipal, county, state, or federal laws pertaining to solid waste.

E. Siting Criteria. This zone district shall be subject to the following siting criteria:  
[REV: Ord. No. 95-4, 6/10/95]

1. District boundaries shall be no closer than 10,000 feet from any airport or aviation facility subject to regulation by the Federal Aviation Administration;
2. District boundaries shall be no closer than two miles from perennial streams or wetlands as designated by the U.S. Fish and Wildlife Service;
3. This zone district, or any portion thereof, shall not be located within any 100-year floodplain as designated by the Federal Emergency Management Agency;

4. No solid waste facility shall be established within a natural watercourse with visible evidence of the occasional flow of water; and
5. No solid waste facility shall be established where the ground water or the water table is less than 100 feet below the surface of the land or the bottom surface of any proposed pit, whichever is more restrictive.

F. Operational Criteria. This zone district shall be subject to the following operational criteria:

[REV: Ord. No. 95-4, 6/10/95]

1. Solid waste facilities shall be designed and operated to minimize blowing litter both on-site and off-site. Durable fencing shall be installed as least 6 feet in height around active areas for purposes of debris retention and site security;
2. Solid waste facilities shall be provided with all-weather access roads built to a standard adequate to bear anticipated traffic generated by the facility;
3. Solid waste facilities shall be designed and operated to minimize soil erosion and to mitigate storm-water runoff pollution; and
4. Solid waste facilities shall be monitored in accordance with state and federal standards to detect the release of gaseous, liquid, or solid pollutants from the solid waste facility.

G. Water Usage. A proposed land use must comply with Section 23, pertaining to water usage.

[REV: Ord. No. 97-7, 6/27/97]

## SECTION 16. SPECIAL USE DISTRICT (SU)

A. Intent. This zone district provides for singular developments which require special consideration because of their magnitude, unusual nature, infrequent operations, questionable impact on surrounding property, or other such reason. The boundaries of this zone district shall be defined as needed on a case-by-case basis following the amendment procedures provided in this Ordinance. Special conditions may be imposed by the County Commission following recommendation by the Zoning Board. The County Commission may not grant a zone change for establishment of a Special Use District unless satisfactory provisions have been made:

[REV: Ord. No. 2008-003, 4/23/08]

1. To assure that compatibility of property uses shall be maintained in the general area;
2. To preserve the integrity and character of the area in which the Special Use District will be located, and the utility and value of property in the Special Use District and in adjacent zone districts; and
3. To assure that the Special Use District will not become detrimental to the public health, safety, or general welfare of the County.

B. Application. Each application for a zone change to establish a Special Use District must declare the proposed use and, unless otherwise specified, must be accompanied by a site development plan of sufficient size and scale in order to:

1. Show boundaries and topography of the property to be developed;
2. Show the proposed size, location, use, and arrangement of all structures, signs, parking and loading areas, drainage facilities, landscaping, and traffic and pedestrian circulation routes; and
3. Indicate the location, type, use and size of structures on adjacent properties within 100 feet of the proposed Special Use District boundary.

C. Removal of Zones. In the event that a use authorized as a Special Use District is permanently discontinued, the Special Use District may be canceled and removed under the provisions for an amendment to this Ordinance. That area delineated by a discontinued Special Use District shall be rezoned to the prevailing zone district as determined by the County Commission following recommendation by the Zoning Board.

[REV: Ord. No. 2008-003, 4/23/08]

D. Uses Allowed in Special Use District. A Special Use District may be authorized only for uses designated by the County Commission that are not permissive or conditional uses as defined by the Zone Districts enumerated above. Designated uses for this zone district which are subject to specific requirements or regulations are prescribed as follows:

[REV: Ord. No. 2008-003, 4/23/08]

1. Airports, airstrips and heliports subject to the following requirements:  
[REV: Ord. No. 2008-003, 4/23/08]
  - a. Application for airport development shall be accompanied by a site plan showing: boundary lines including approach zones; runway layout with aprons, taxi strips, and parking and



tie-down area; locations and heights of all buildings, structures, trees, and overhead wires within the airport boundary and the approach zones and also within 100 feet outside of such boundary; and other pertinent data such as topography and grading plan, drainage, water and sewer services, and access roadway,

- b. The planned airport area shall be sufficient to meet Federal Aviation Administration requirements for the class of airport proposed, and
  - c. Any buildings or other structures in the proposed airport development shall be at least 100 feet from any right-of-way or lot line;
2. Commercial or cooperative cemetery, mausoleum, or crematory;
  3. Correction, detention, or penal institution;
  4. Dairies, slaughter houses, and Large Feedlots containing more than 200 head of animals;
  5. Fuel wholesalers and storage (gasoline, liquefied petroleum) provided that all facilities shall not be within 500 feet of any dwelling unit unless sufficient blast, explosion, or fire confinement structures are installed according to appropriate State regulatory agencies;
  6. Hospital, sanatorium, nursing home, or mental institution;
  7. Limited industrial activities subject to the following regulations:  
[REV: Ord. No. 95-5, 6/10/95]
    - a. The manufacturing, processing, assembling, renovating, treatment, storage, or warehousing of raw materials, goods, merchandise, or equipment shall be conducted within an enclosed building and/or within an area completely enclosed by a wall,
    - b. No building for manufacturing purposes shall be located less than 150 feet from any existing dwelling unit, except for a resident caretaker dwelling,
    - c. Any process using explosive material shall not be located within 500 feet of any dwelling unit unless sufficient blast, explosion, or fire confinement structures are installed according to appropriate State regulatory agencies,

- d. All buildings on a manufacturing site shall not cover an aggregate area of more than 40 percent of such site, and
  - e. All manufacturing activities shall be conducted in accordance with State and Federal environmental standards;
8. Mining, processing, or stockpiling of rock, sand, gravel, clay, or similar materials; provided it complies with the following requirements for land rehabilitation:
- a. Backfilling shall be made with non-noxious and non-combustible materials, and
  - b. Peaks and depressions of the land resulting from the operation shall be reduced to a surface which is in substantial conformity to the surrounding topography and measures are taken to minimize erosion;
9. Mobile Home Park, subject to the following requirements:
- a. The maximum density of the Mobile Home Park shall be subject to the approval of the New Mexico Environment Department; however, if public water and sewer systems are available, then maximum density of the Mobile Home Park shall be 6 mobile homes per acre,
  - b. No mobile home shall be located within 40 feet of any other mobile home,
  - c. Any mobile home shall be located at least 25 feet from the right-of-way line of any roadway and at least 25 feet from any property line of the Mobile Home Park, and
  - d. All interior roadways shall be at least 25 feet wide, and shall be either paved or graveled;
10. Wind Energy Facilities, subject to the following requirements:
- a. Purpose: The County encourages the development of businesses that harness wind energy. The purpose of this special use district is to foster the development of the County's wind power resources while preserving traditional land uses.
  - b. Findings: The County finds that wind energy is an abundant, renewable and nonpolluting energy resource and that its

conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Wind energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio. Wind energy power plants stimulate economic development directly and indirectly.

c. Wind Energy Facility Permit: If the County Commission approves a special use district for a Wind Energy Facility, the County Commission shall also issue to the applicant a Wind Energy Facility Permit. The Wind Energy Facility Permit shall specify additional conditions that apply to the Wind Energy Facility.

1) Wind Energy Facility Permit. Prior to any change in ownership or controlling interest of any entity owning a wind energy facility permitted in Torrance County, application shall be made to the Zoning Board, requesting transfer of the wind energy facility siting permit. Approval of such transfer shall be conditioned upon explicit agreement by the new permittee to comply with all provisions of this Ordinance and the original permit. The application may be in letter form and shall be signed by the authorized representatives or agents of both the current permittee and the prospective permittee.

d. Definitions:

1) Wind Energy Facility: An electricity-generating facility consisting of two or more wind turbines under common ownership or operating control that includes substations, MET towers, cables/wires and other building accessories to such facility, whose main purpose is to supply electricity to off-site customer(s).

2) Permittee: The developer, owner or operator of a Wind Energy Facility who applies for a special use district and receives a Wind Energy Facility Permit.

e. Additional Information to be submitted with the application:

1) The applicant and landowner's name and contact information.

2) The Assessor's parcel map numbers, existing use and acreage of the site parcel.

3) A survey map at an appropriate scale showing the proposed location of the wind energy facility (including

access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences/schools, churches, hospitals, or libraries to a distance of 2,000 feet (or other measure).

- 4) A survey map at an appropriate scale showing any federal, state, county or local parks, recognized historic or heritage sites, state-identified wetlands or important bird areas as identified in federal, state, county, or local GIS databases or other generally-available documentation.
- 5) Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, and including an engineering analysis and certification of the tower, showing compliance with the applicable building code.
- 6) Data pertaining to the tower's safety and stability, including safety results from test facilities.
- 7) Proposal for landscaping and screening.
- 8) A completed Environmental Assessment Report.
- 9) A project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than 2.7 inches, and the base map used shall be a published topographic map showing man-made features, such as roads and buildings.
- 10) No fewer than four color photos, no smaller than 4" by 6", taken from the each of the four cardinal directions from locations within a three-mile radius from the site.
- 11) Images of the photos from paragraph 10 above shall be computer-enhanced to simulate the appearance of the as-built site facilities as they would appear from the locations where the photos were taken.

f. Additional Approval Standards:

- 1) Safety:
  - a) The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
  - b) Wind turbine towers shall not be climbable up to 15 feet above ground level by external ladders.
  - c) All access doors to wind turbine towers and electrical equipment shall be lockable.
  - d) Appropriate warning signage shall be placed on wind turbine towers, electrical equipment and wind energy facility entrances.

- e) Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
  - f) All wind turbines shall conform to industry standards for automatic braking, governing or feathering to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and turbine components.
  - g) As a condition of approval, prior to the construction of the facility the applicant shall submit to the County proof of insurance [in an amount to be determined by the County in consultation with the County's insurer], to cover damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility.
  - h) Any wind energy system found to be unsafe by a local, state or federal agency shall be repaired by the owner to meet federal, state and local safety standards or removed within six months.
  - i) If any turbine is not operated for a continuous period of 12 months, the owner shall notify the County within 30 days of such occurrence and shall set forth reasons for the operational difficulty and propose a corrective action plan. The corrective action shall be completed within 6 months. If the corrective action is not completed, the County may require removal of the inoperative turbine and tower.
- 2) Siting and Installation:
- a) To the extent practicable, the facility shall combine transmission lines and points of connection to local distribution lines.
  - b) To the extent practicable, the facility shall connect to existing substations, or if new substations are needed, minimize the number of new substations.
  - c) Electrical controls and control wiring and power lines shall be wireless or underground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- 3) Setbacks:
- a) Each wind turbine shall be set back from the nearest property line a distance no less than 1.1 times its total height, unless appropriate easements are secured from adjacent property owners.
  - b) Each wind turbine shall be set back from the nearest public road a distance no less than 1.1 times its total height,

determined at the nearest boundary of the underlying right-of-way for such public road.

- c) Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.

4) Nuisance:

- a) Audible noise due to wind energy facility operations shall not exceed fifty (50) dBA for any period of time, when measured at any occupied residence, school, hospital, church or public library existing on the date of approval of the wind energy facility.
- b) The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.
- c) No individual tower facility shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

5) Environmental and Visual:

- a) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
- b) The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- c) No individual tower facility shall be installed at any location that would substantially detract from or block the view of the major portion of a recognized scenic vista, as viewed from any public road right-of-way or publicly-accessible parkland or open space within the County.
- d) Wind turbines shall be set back at least 2,500 feet from important bird areas as identified by [state, feds].

6) Restoration of Property:

- a) As a condition of approval of a special use district for a Wind Energy Facility, within one year of the termination or abandonment of leases, easements or operations of a Wind Energy Facility, the permittee shall cause, at its own expense, the restoration of the land to its pre-facility condition.

[REV: Ord. No. 2008-003, 4/23/08]

11. Solar Energy Facilities, subject to the following requirements:
- a. Purpose: The County encourages the development of businesses that harness solar energy. The purpose of this special use district is to foster the development of the County's solar power resources while preserving traditional land uses.
  - b. Findings: The County finds that solar energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Solar energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio. Solar energy power plants stimulate economic development directly and indirectly.
  - c. Solar Energy Facility Permit: If the County Commission approves a special use district for a Solar Energy Facility, the County Commission shall also issue to the applicant a Solar Energy Facility Permit. The Solar Energy Facility Permit shall specify additional conditions that apply to the Wind Energy Facility.
    - 1) Solar Energy Facility Permit. Prior to any change in ownership or controlling interest of any entity owning a solar energy facility permitted in Torrance County, application shall be made to the Zoning Board, requesting transfer of the solar energy facility siting permit. Approval of such transfer shall be conditioned upon explicit agreement by the new permittee to comply with all provisions of this Ordinance and the original permit. The application may be in letter form and shall be signed by the authorized representatives or agents of both the current permittee and the prospective permittee.
  - d. Definitions:
    - 1) Solar Energy Facility: An electricity-generating facility consisting of any solar collector, as defined in the New Mexico Solar Rights Act, NMSA 1978, § 47-3-1 through 47-3-5, as amended, or combination of solar collectors under common ownership or operating control that includes substations, cables/wires and other building

accessories to such facility, whose main purpose is to supply electricity to off-site customer(s).

- 2) Permittee: The developer, owner or operator of a Solar Energy Facility who applies for a special use district and receives a Solar Energy Facility Permit.
- e. Additional Information to be submitted with the application:
- 1) The applicant and landowner's name and contact information.
  - 2) The Assessor's parcel map numbers, existing use and acreage of the site parcel.
  - 3) Demonstration:
    - a) of solar rights, recorded pursuant to the Solar Recordation Act, NMSA 1978, § 47-3-6 through § 47-3-12, to support the Solar Energy Facility; or
    - b) that activities on neighboring properties will not impair the line-of-sight path from the solar collector or collection of solar collectors to the sun.
  - 4) A survey map at an appropriate scale showing the proposed location of the solar energy facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences/schools, churches, hospitals, or libraries to a distance of 2,000 feet (or other measure).
  - 5) A survey map at an appropriate scale showing any federal, state, county or local parks, and recognized historic or heritage sites, as identified in federal, state, county, or local GIS databases or other generally-available documentation.
  - 6) Standard drawings of a solar collecting device structure(s), including the bases and footings, drawings of access roads, and including an engineering analysis and certification showing compliance with the applicable building code.
  - 7) Data pertaining to the solar collecting device's safety and stability, including safety results from test facilities.
  - 8) Proposal for landscaping, screening, and storm water management.
  - 9) A completed Environmental Assessment Report.
  - 10) A project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than 2.7 inches, and the base map used shall be a published



topographic map showing man-made features, such as roads and buildings.

- 11) No fewer than four color photos, no smaller than 4" by 6", taken from the each of the four cardinal directions from locations within a three-mile radius from the site.
- 12) Images of the photos from paragraph 10 above shall be computer-enhanced to simulate the appearance of the as-built site facilities as they would appear from the locations where the photos were taken.

f. Additional Approval Standards:

- 1) Safety:
  - a) The solar energy facility has been designed and would be operated to prevent the misdirection of concentrated solar radiation onto nearby property, public roads or other areas accessible by the public.
  - b) The solar energy facility has been designed and would be operated to protect public safety, including development and implementation of a plan of operating procedures to prevent public access to hazardous areas, including appropriate warning signage on electrical equipment and at the solar energy facility entrances.
  - c) The solar energy facility is not located adjacent to, or within the control zone, of any airport.
  - d) During the operation, all chemicals or solvents used to clean photovoltaic panels or heliostats would be low in volatile organic compounds and the operator would use recyclable or biodegradable products to the extent possible.
  - e) Any component of the solar energy facility found to be unsafe by a local, state or federal agency shall be repaired by the owner to meet federal, state and local safety standards or removed within six months.
  - f) If the solar energy facility is not operated for a continuous period of 12 months, the owner shall notify the County within 30 days of such occurrence and shall set forth reasons for the operational difficulty and propose a corrective action plan. The corrective action shall be completed within 6 months. If the corrective action is not completed, the County may require removal of the solar energy facility.
- 2) Siting and Installation:
  - a) To the extent practicable, the facility shall combine transmission lines and points of connection to local distribution lines.

- b) To the extent practicable, the facility shall connect to existing substations, or if new substations are needed, minimize the number of new substations.
- c) Electrical controls and control wiring and power lines shall be wireless or underground except where solar collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- 3) Environmental and Visual:
  - a) The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
  - b) No solar energy facility shall be installed at any location that would substantially detract from or block the view of the major portion of a recognized scenic vista, as viewed from any public road right-of-way or publicly-accessible parkland or open space within the County.
  - c) No solar energy facility shall cause unnatural flooding of adjacent properties.
- 4) Restoration of Property
  - a) As a condition of approval of a special use district for a Solar Energy Facility, within one year of the termination or abandonment of leases, easements or operations of a Solar Energy Facility, the permittee shall cause, at its own expense, the restoration of the land to its pre-facility condition.

[REV: Ord. No. 2008-003, 4/23/08]

- 12. Major power generation facilities including fuel-fired power plants as well as region-serving developments of solar or wind-driven energy generators.  
[REV: Ord. No. 94-2, 2/9/94]

- 13. Planned Area Development (PAD), subject to the following requirements:

- a. A PAD shall incorporate a unified planning scheme for residential comprised of singular, multiple, and/or cluster dwelling units and other supportive land uses which cover an area of 40 acres or more,  
[REV: Ord. No. 2008-003, 4/23/08]
- b. A PAD may be constructed in increments provided a development phasing schedule showing anticipated initiation and completion of each phase is documented, and provided

each phase includes a site development plan as required for this zoning district and is reviewed and approved prior to development as a separate but component plan of the PAD,

- c. A Supportive Data Document shall be required and shall contain statements and information concerning the following:  
[REV: Ord. No. 2008-003, 4/23/08]
    - 1) purpose and intent of the PAD,
    - 2) internal and external land use relationships,
    - 3) distribution, type, and intensity of land uses,
    - 4) development phasing schedule, if applicable,
    - 5) proposed public features,
    - 6) projected traffic impact when PAD is fully built out, and
    - 7) consideration of the view shed among all other factors;
  - d. The gross density of the PAD shall not exceed 3 dwelling units per acre, unless the dwelling units are served by public water and/or sewer systems, in which case the maximum gross density may be increased to a density which is appropriate for the area as determined by the Zoning Board;  
[REV: Ord. No. 2008-003, 4/23/08]
  - e. A portion of the land within a PAD may be designated as open-space common area for resident use, provided ownership of the common area is clear, with appropriate covenants forbidding partition for future sale and development, and provided the maintenance responsibility for the common area is definite, and a method is provided for funding such maintenance of the common area;
  - f. Minimum lot size shall be one-and-one-half acres, or shall be subject to approval by the Zoning Board in areas where public water and sewer systems are available; and  
[REV: Ord. No. 97-2, 3/26/97]  
[REV: Ord. No. 2008-003, 4/23/08]
  - g. All building setbacks within the PAD shall be subject to approval by the Zoning Board.  
[REV: Ord. No. 2008-003, 4/23/08]
14. Salvage yards for scrap material, including automobile bodies, provided that:  
[REV: Ord. No. 95-5, 6/10/95]
- a. All activities are conducted within an enclosed building or within an area completely enclosed by a wall,

- b. Outside storage of salvage materials or automobile bodies may not be stacked higher than the surrounding wall,
  - c. Any walls surrounding outside storage of materials shall be located with a front setback of no less than 50 feet, and
  - d. The entire site for a salvage yard shall not exceed five acres;
15. Shopping Centers, subject to the following requirements:
- a. The shopping center site shall be located with direct access to a State or Federal arterial highway, or a designated County arterial road,
  - b. All buildings must be placed at least 30 feet from any property line of the shopping center land,
  - c. At least 10 percent of the required off-street parking area shall be landscaped and maintained in a clean and healthy condition,
  - d. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened to the extent possible such that it does not shine directly or reflect into any adjoining residential properties or public roadways,
  - e. Loading docks and outside storage areas shall be screened from public roadways and abutting residential properties,
  - f. Any shopping center proposal for an ultimate development containing more than 100,000 square feet of floor area shall include a traffic impact analysis of traffic generated by the shopping center and its effect on the surrounding roadway system, and
  - g. No shopping center shall cause unnatural flooding of adjacent properties from storm water runoff.
16. Travel Trailer or Recreational Vehicle Park provided it complies with the following requirements:
- a. The minimum park size shall be 2 acres,
  - b. The park site shall be graded, drained, and free of rubbish,

- c. The park site shall have a wall, fence or planted area, 6 feet in height, that buffers the site from adjoining areas, and
- d. The park shall contain individual campgrounds and each campground shall be at least 1,000 square feet in area with adequate parking such that no portion of any vehicle extends into a road within the park.

E. Water Usage. A proposed land use must comply with Section 23, pertaining to water usage.  
[REV: Ord. No. 97-7, 6/27/97]

#### SECTION 16.1. TEMPORARY LAND USE OR SPECIAL EVENT PERMIT

Incidental or infrequent uses/events including but not limited to circuses, fairs, carnivals, and outdoor sales that are commonly associated with a business or club which include but are not limited to civic, fraternal, charitable, religious, and patriotic organizations or temporary outdoor sales, filming, or other commercial use, may be allowed in "D" Zone Districts or on properties where there is an active Conditional or Special Use permit.

- A. Limitations. A Temporary Land Use or Special Event Permit shall not be issued for events/uses where the duration exceeds forty-five (45) days. The use/event shall not require the construction of permanent facilities or structures that will survive the conclusion of the event or use for which the temporary permit is issued.
- B. Applicant not the Owner of Record. Applicants for a Temporary Land Use or Special Event Permit who are not the owner of record for the property where the event or temporary use is to take place, shall be required to provide a notarized statement, including the property owner's contact information, granting permission to conduct the event or special use.
- C. Licensing. Applicants shall be required to obtain a temporary Torrance County business registration covering the proposed duration of the event / use. A copy of the temporary business registration shall be submitted with the application.
- D. Safety. Any applicant whose temporary use/special event is deemed to present an increased risk to the public's health, safety, welfare and/or property, shall be required to obtain the approval of the County Sheriff and/or the County Fire Chief. Applicants shall be required to provide detailed plans to address any identified safety concerns that arise from the use/event. Applicants shall be required to bear the cost of any required Fire/EMS or law enforcement services deemed necessary to protect the public.

## SECTION 17. OFF-STREET PARKING AND LOADING.

A. Parking and Loading Space Required. There shall be provided on site, when any new building is erected, or change of land use is approved, off-street parking and loading spaces as set forth herein. Existing buildings continuing existing land uses need supply such parking and loading space only to the extent ground space is available on site.

[REV: Ord. No. 2001-2, 3/14/01]

B. Number of Parking Spaces. The minimum number of parking spaces to be provided shall be as follows:

1. Dwelling units: 2 spaces per dwelling unit;
2. Eating and drinking establishments: one space per 100 square feet of floor area;
3. Industrial, manufacturing, and wholesaling establishments: one space per 2 employees on largest shift;
4. Medical and dental offices, clinics, including veterinary clinics: 5 spaces per doctor;
5. Offices, public buildings, and service establishments: one space per 300 square feet of floor area;
6. Places of public assembly: one space per 5 seats when fully occupied;
7. Retail and commercial business establishments: one space per 200 square feet of floor area;
8. Rooming or boarding house: one space for each 2 rooms; and
9. Additional space for parking may be required to prevent the occurrence of off-site parking along roadways and rights-of-way and on adjoining property.

[REV: Ord. No. 2001-2, 3/14/01]

C. Parking Design Standards. The following standards shall be applied to off-street parking area:

1. All parking spaces shall be provided with adequate circulation and access to a road or street;
2. Each parking space shall consist of an area not less than 9 feet by

20 feet; and

3. Where parking is used for larger vehicles such as semi-tractor trailers, spaces of sufficient size and adequate circulation and access for such vehicles must be provided.  
[REV: Ord. No. 2001-2, 3/14/01]

D. Off-Street Loading Requirements. Sufficient off-street loading space shall be provided on all premises which receive or distribute bulk materials by motor vehicle. Off-street loading space shall not be located on designated off-street parking space or public right-of-way.

## SECTION 18. SIGN REGULATIONS.

A. Purpose. The purpose of this Section is to allow such signs that will not endanger the public safety, will not obstruct or detract from visibility necessary for traffic safety, and will not be detrimental to the land use objectives set by this Ordinance. No sign shall be placed or erected in Torrance County unless such sign conforms to the regulations herein. In addition, these sign regulations shall be supplemental to the regulations promulgated by the New Mexico Highway Beautification Act [67-12-1 to 67-12-14 NMSA 1978] concerning the regulation of outdoor advertising along public highways.  
[REV: Ord. No. 96-4, 4/27/96]

B. Definition. For purposes of this Ordinance, a sign shall mean a device which is constructed to convey information visually and which is exposed to public view. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. The following shall not be included in the application of regulations herein:  
[REV: Ord. No. 96-4, 4/27/96]

1. Signs bearing only property numbers, postal box numbers, farm and ranch names, or individual names of occupants of premises;
2. Flags, insignia, or signs of any government, including legal notices, identification information, or directional signs;
3. Signs placed by a public utility for the health, safety, welfare, or convenience of the public; and
4. Temporary holiday decorations.

C. Sign Size. The size of signs within the County shall be regulated according to the sign face which shall mean that area of the sign or signs which is enclosed by a continuous line, connecting the extreme points or edges of the sign, but not

including structural supports of the sign. On any two-sided sign, only one sign face shall be counted in calculating the design size.

[REV: Ord. No. 96-4, 4/27/96]

D. Business Signs. The following regulations shall apply to all signs relating to business, commercial, industrial, and service activities throughout the County, including both on-premise and off-premise signs:

[REV: Ord. No. 96-4, 4/27/96]

1. For purposes of this Ordinance, an off-premise sign means a sign that is not physically located on the premises to which the sign refers;
2. For any free-standing sign, attached to an independent supporting structure which is not an integral part of a building, the sign face shall not exceed 800 square feet if located within 350 feet of the right-of-way line of an Interstate Highway. Free-standing signs which are not located within 350 feet of the right-of-way line of an Interstate Highway shall not exceed 300 square feet of sign face;
3. Building-mounted signs shall not exceed 100 square feet of sign face per tenant, unless the building is located within 350 feet of the right-of-way line of an Interstate Highway wherein a building-mounted sign shall not exceed 300 square feet of sign face per tenant;
4. No more than one on-premise, free-standing sign adjacent to each abutting roadway may be allowed. In any case of multiple enterprises on the premises, one free-standing sign may be allowed for each enterprise provided that no single sign shall exceed 800 square feet of sign face and the aggregate of all free-standing signs shall not exceed a sum of 1200 square feet of sign face on the premises;
5. Signs may be illuminated by any manner, provided there is no direct or reflected light onto highways or into residential areas;
6. Free-standing signs shall not exceed 30 feet in height, however, free-standing signs located within 350 feet of the right-of-way line of an Interstate Highway may be constructed to a maximum of 80 feet in height. Building-mounted signs shall not exceed the height of the building unless granted a variance in accordance with this Ordinance; and
7. One non-illuminated sign is allowed for each home occupation permitted by the County, provided that no such sign shall exceed six square feet of sign face;



8. All free-standing business signs are required to display a County Business License number and must pay a one-time fee of \$25 (twenty-five dollars) to cover administrative and inspection costs.

E. Auxiliary Signs. The following regulations for auxiliary signs shall apply County-wide:

[REV: Ord. No. 96-4, 4/27/96]

1. Signs visible from public right-of-way directing and guiding traffic and parking on private property shall not exceed ten square feet of sign face, may be illuminated by any manner provided there is no direct or reflected light onto highways or into residential areas, and shall display no advertising matter. For an enterprise which provides services to commercial trucking, such signs may be allowed that will not exceed 150 square feet of sign face, will not exceed 20 feet in height, and will not exceed 20 feet in length;
2. Informational signs intended to identify name, location, activities, or occupant of non-residential premises shall be limited to two signs, each of which shall not exceed 32 square feet of sign face and may be illuminated only by indirect light; and
3. No auxiliary sign shall be higher than its distance to the nearest point on the property line, but in no case higher than the height of the highest building on the premises.

F. Temporary Signs. Requirements for temporary signs which are placed for a limited period of time are as follows:

[REV: Ord. No. 96-4, 4/27/96]

1. No temporary sign may be placed unless identification of the responsible agent is clearly posted on the sign;
2. Signs relating to the sale, lease, or development of real estate shall comply with the following regulations:
  - a. One on-premise sign per lot is permitted, provided that no such sign face shall exceed ten square feet,
  - b. Off-premise signs directing or leading prospective buyers to real estate for sale or lease shall be limited to no more than five signs for each property, provided that no such sign face shall exceed ten square feet,
  - c. Signs promoting or advertising subdivisions for sale shall not have a sign face greater than 32 square feet, and

- d. All real estate signs shall be removed within five days after the property is sold;
- 3. Signs relating to a political campaign prior to an election may be permitted on any lot provided such signs shall not be placed more than 90 days prior to the election and shall be removed within 10 days following the election;
- 4. Temporary signs which are not related to a political campaign shall be placed for a maximum of 90 days, which may be extended no more than twice for periods of 60 days each, following separate written requests for renewal to the Zoning Director;  
[REV: Ord. No. 2008-003, 4/23/08]
- 5. No temporary sign shall be higher than its distance to the nearest point on the property line, but in no case higher than the height of the highest building on the premises; and
- 6. Temporary signs shall be non-illuminated and shall not exceed 32 square feet of sign face.

G. Prohibited Signs. The following signs are prohibited within the County:  
[REV: Ord. No. 96-4, 4/27/96]

- 1. Signs located within dedicated public right-of-way or an easement for a roadway;
- 2. Signs applied to trees, rocks, or other natural objects;
- 3. Signs which are or may become a public safety hazard.

H. Nonconforming Signs. Any sign that does not comply with a regulation concerning sign dimensions, number, and location as stated herein, but which existed prior to the effective date of such sign regulation, shall be considered a nonconforming sign and shall be subject to the following requirements:  
[REV: Ord. No. 96-4, 4/27/96]

- 1. The nonconforming sign shall not be expanded or extended; and
- 2. Routine maintenance of a nonconforming sign is allowed.

SECTION 19. ADMINISTRATION.

A. Administrative Official. A Zoning Director shall be appointed by the County Commission to administer the provisions of this Ordinance. The Zoning Director may also serve in some other capacity as an employee or appointed official of the County.  
[REV: Ord. No. 2008-003, 4/23/08]

B. Authority of Zoning Director. The Zoning Director is authorized to take reasonably necessary actions to administer and enforce this Ordinance, including:

1. Conducting inspections of buildings, structures, and the uses of land to determine compliance with this Ordinance;
2. Investigating resident complaints alleging violations of this Ordinance;
3. Issuing notices of violations of this Ordinance;
4. Issuing citations charging violations of this Ordinance;
5. Prosecuting charges for violations, including negotiating and entering into plea agreements, before the Torrance County Magistrate Court.  
[REV: Ord. No. 2008-003, 4/23/08]

C. Authority of Zoning Enforcement Officer. The Zoning Director may designate a Zoning Enforcement Officer and delegate the Zoning Director's full authority to enforce this Ordinance to the Zoning Enforcement Officer. If a Zoning Enforcement Officer is so designated, then any restrictions, limitations or requirements placed upon the Zoning Director for the enforcement of this Ordinance shall apply to the Zoning Enforcement Officer.  
[REV: Ord. No. 2008-003, 4/23/08]

D. Inspections and Investigations. The Zoning Director shall carry an identification card provided by the County during all inspections and investigations. This provision does not grant right of entry without due process of law if necessary. The Zoning Director shall conduct on-site inspections and collect other relevant information which may be requested by the County Commission or the Zoning Board as necessary to carry out the purpose of this Ordinance.  
[REV: Ord. No. 2008-003, 4/23/08]

E. Information and Records. The Zoning Director shall maintain an office to supply the public with information concerning this Ordinance, and shall maintain copies of this Ordinance and the County Zoning Map in an updated form. A "Zoning Action File" shall be maintained and shall contain records of the following:  
[REV: Ord. No. 2008-003, 4/23/08]

1. Conditional Use Permits;

2. Variances Allowed Under this Ordinance;
3. Zone District Changes;
4. Special Use Permits;
5. Requests for Use Interpretation;
6. Applications for Amendments to this Ordinance;
7. Certificates of Nonconformance;
8. Zoning Appeals;
9. Zoning Violations and Complaints;
10. Development Review Permits; and
11. Building Permit Applications.  
[REV: Ord. No. 97-5, 6/27/97; Ord. No. 2008-003, 4/23/08]

F. Development Review Permit. For purposes of this Ordinance, with respect to any premises within the jurisdiction of Torrance County:  
[REV: Ord. No. 2001-2, 3/14/01]

1. No accessory structure or building meeting current New Mexico Regulation & Licensing Construction Industries Division size requirement for a building permit nor mobile home shall be placed, constructed, or installed, nor;  
[REV: Ord. No. 2008-003, 4/23/08]
  - a. Shall electric service be connected to any accessory structure, building or mobile home if such building or mobile home has not already had electric service previously connected or has not already been issued a Development Review Permit in connection with such electric service, nor;
  - b. Shall any building or mobile home be used as a residence if the building has not previously been used as a residence or has not previously been issued a Development Review Permit in connection with such use as a residence, without first being reviewed by the Planning and Zoning Director, and issued a Development Review Permit. In addition to these requirements, an applicant for a Development Review Permit shall:  
[REV: Ord. No. 2008-003, 4/23/08]
    - 1) Submit a recorded deed or real estate contract that the applicant is the owner in fee simple or equitable title owner of the property or,

proof that owner has authorized the application, through lease or other written authority.

- 2) Submit a suitable Building Permit or appropriate documentation establishing the applicant's right to construct a building or residence.
- 3) Submit the appropriate septic permit by the State Environment Department.
- 4) Submit the appropriate well permit issued by the State Engineer's Office or letter of intent from a centralized water system which states the proper legal description for the subject property and confirms there is a sufficient amount of water to provide for potable, sanitary, and fire suppression service to the dwelling or accessory structure. Applications which rely upon water harvesting or hauling water from a source off-premise must have on-premise storage capacity sufficient to provide the services listed above designed by a New Mexico licensed engineer or architect.
- 5) Submit a copy of the (1) New Mexico Registration and Title, or (2) Manufacture Certificate of Origin for a mobile or modular home.
- 6) Submit a statement from the Solid Waste Authority that you will be receiving their services for developments of human occupation.
- 7) Submit a statement from the Torrance County Treasurer showing taxes are paid to date.
- 8) Submit the applicable permit fee to the Planning and Zoning Director.
- 9) Where the property to be developed lies within a special flood hazard area, submit additional information and documentation as provided in the Flood Damage Prevention Ordinance, 92-4, or the Federal Emergency Management Agency (FEMA) National Flood Insurance Program.  
[REV: Ord. No. 2008-003, 4/23/08]

Upon the review and approval of the Planning and Zoning Director, a Development Review Permit will be issued, a property address can be assigned, and a site inspection will be performed.

[REV: Ord. No. 2008-003, 4/23/08]

G. Violations and Enforcement. Whenever a violation of this Ordinance is discovered or is alleged to have occurred, the Zoning Director shall investigate and inspect the site of the violation or alleged violation and take action as follows:

[REV: Ord. No. 2008-003, 4/23/08]

1. Any person aggrieved by an apparent violation of this Ordinance may file a written complaint with the Zoning Director. Such complaint shall describe the location and circumstances of the apparent violation with specific references to the provisions of this Ordinance which are alleged to have been violated.  
[REV: Ord. No. 2008-003, 4/23/08]
2. Whenever the Zoning Director finds probable cause to believe a violation of this Ordinance exists, whether acting on independent initiative or in response to a written complaint, the Zoning Director shall notify the person responsible for the alleged violation. Such notification shall be made in writing to the owner or tenant of the property, indicating the nature of the violation and ordering the action necessary to correct the violation. Corrective action may require discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall require the taking of any other action authorized by this Ordinance to ensure compliance with or to prevent violations of the provisions of this Ordinance. Absence of personal service of the notice of violation shall not constitute a defense when the Zoning Director has made a diligent effort to locate the owner or tenants.  
[REV: Ord. No. 2008-003, 4/23/08]
3. Action to correct a violation of this Ordinance shall be completed within 60 days following the date of notification by the Zoning Director. If a violator fails to take corrective action within 60 days, the County shall seek imposition of the penalties set forth in this Ordinance.  
[REV: Ord. No. 97-2, 3/26/97; Ord. No. 2008-003, 4/23/08]

## SECTION 20. NONCONFORMITIES.

- A. Definition. Within the zone districts established by this Ordinance, there exist: lots, structures, or uses of land or structures which were lawful before this Ordinance was passed or amended, but would be prohibited or restricted under the terms of this Ordinance. It is the intent of this Ordinance to allow these nonconformities to continue until they are removed, but not to encourage their survival.
- B. Certificate of Nonconformance. Nonconformities shall be identified and issued Certificates of Nonconformance as determined by the Zoning Director. Upon receipt of a written notification from the Zoning Director, it shall be the responsibility of owners of nonconforming property to obtain a Certificate of Nonconformance from the Zoning Director within 60 days after the date of notification.  
[REV: Ord. No. 2008-003, 4/23/08]

- C. Nonconformities Allowed. A nonconformity existing at the time this Ordinance takes effect may be continued under the Certificate of Nonconformance. The authority to continue a nonconforming use is transferable to the successors and assigns of the owner. The transfer of authority shall be evidenced by transfer of the Certificate of Nonconformance to the successor or assignee. A continuing nonconforming use may also be referred to as a "grandfathered use".
- D. Expansion. A nonconformity shall not be enlarged, expanded, or extended. However, the addition of a lawful use to any portion of a nonconforming building shall not be deemed an extension of such nonconforming building.
- E. Restoration. If a nonconforming use or structure is damaged or destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, then restoration must be for a permitted use. Singular dwelling units, however, may be exempt from this restoration requirement if approved by the Zoning Board and the New Mexico Environment Department in order to comply with Liquid Waste Disposal Regulations.  
[REV: Ord. No. 2008-003, 4/23/08]
- F. Abandonment. Whenever a nonconforming use has been discontinued or abandoned for a period of one year or more, such use shall not thereafter be reestablished, and any future use must be in conformance with the provisions of this Ordinance. Any nonconforming dry land or irrigated farmland shall be exempt from this abandonment requirement.
- G. Nonconforming Lot Size. Any lot of record existing prior to the effective date of this Ordinance, which fails to meet the minimum area requirements, may be developed, redeveloped, or improved provided that any other requirements of the lot are in conformance with the provisions of this Ordinance. Unless specifically cited by the Zoning Board, a Certificate of Nonconformance will not be required for nonconforming lots.  
[REV: Ord. No. 2008-003, 4/23/08]

## SECTION 21. CONDITIONAL USE PERMITS.

- A. Approval and Permit Required. Conditional uses established by this Ordinance shall not be allowed without the review and approval of the Zoning Board, which shall be guided in making a decision by the criteria set forth in this section. Anyone seeking a Conditional Use Permit shall provide to the Zoning Director such information as may be reasonably required to determine whether the requested conditional use is consistent with the intent and purpose of this Ordinance.  
[REV: Ord. No. 2008-003, 4/23/08]
- B. Application. Any request for a Conditional Use Permit shall be submitted with filing fee to the Zoning Director on a prescribed application form obtainable from the

Zoning Director. The Zoning Director shall transmit the application and any supplementary information to the Zoning Board for review and consideration at their next regularly scheduled meeting. To the extent possible, all abutting property owners shall be notified of the Zoning Board meeting at which the Conditional Use Permit application will be considered.

[REV: Ord. No. 2008-003, 4/23/08]

- C. Posting Signs. The Zoning Director shall post one or more signs on the premises involved, no less than 15 days prior to the date of the Zoning Board meeting at which the Conditional Use Permit application will be considered. The applicant shall maintain the posted sign on the premises until the zoning action is completed. Such posted sign shall provide details of the application and the meeting at which the zoning action will be considered. At least one on-premise sign shall be visible from each road which abuts the premises involved. The applicant is responsible for removing such signs within five days after a decision is made on the Conditional Use Permit. Failure to properly maintain signs is grounds for deferral or denial of the application. It is unlawful for any person, except the applicant or an agent for the applicant or the Zoning Director, to remove any such sign during the period it is required to be maintained under this paragraph.

[REV: Ord. No. 97-6, 6/27/97; Ord. No. 2008-003, 4/23/08]

- D. Guidelines. The Zoning Board shall not approve any Conditional Use Permit unless satisfactory provision has been made concerning the following, where applicable:

[REV: Ord. No. 2008-003, 4/23/08]

1. Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood, or catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the refuse and service areas;
3. Water and liquid waste facilities, with reference to soil limitations, locations, and public health;
4. The economic, noise, glare, or odor effects of the conditional use on adjoining properties;
5. General compatibility with adjacent properties; and
6. A proposed land use must comply with Section 23, pertaining to water usage.

[REV: Ord. No. 97-7, 6/27/97]



E. Limitations. Conditional Use Permits issued in accordance with this Ordinance shall be considered permanent, with the following exceptions:

[REV: Ord. No. 95-5, 6/10/95]

1. For any conditional uses that have an exceptional tendency, because of their nature or character, to create an adverse impact on neighboring properties, the Zoning Board may limit the term of the permit to a specified length of time after which the permit shall expire and may be renewed. An application for renewal of the Conditional Use Permit may be submitted and processed in the same manner as the original application, with reduced filing fee.

[REV: Ord. No. 2008-003, 4/23/08]

2. Where there has been a significant change in the physical extent, operations, or character of a permitted conditional use, the Zoning Board may require a renewal of the original Conditional Use Permit. Significant change shall be determined by the Zoning Board, based on a scheduled review of the Conditional Use Permit.

[REV: Ord. No. 2008-003, 4/23/08]

3. An approved Conditional Use Permit shall become void one (1) year after the date of approval if the rights and privileges granted thereby have not been utilized.

4. An approved Conditional Use Permit shall become void if, after the use has begun, it ceases on the approved site for a continuous period of one (1) year or more.

5. The County Commission may revoke a permit if the requirements and restrictions required by this Ordinance are not met. Before a permit may be revoked, the permittee must be given at least 10 days written notice of the specific charges and be given the opportunity for a hearing before the County Commission.

[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

## SECTION 22. VARIANCES.

A. Definition. The Zoning Board may approve a variance from the strict application of area, dimension, distance, setback, off-street parking, and off-street loading requirements of this Ordinance in the case of exceptional physical conditions where the strict application of the requirements of this Ordinance would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of land or building.

[REV: Ord. No. 2008-003, 4/23/08]

B. Application. Any request for a variance should be submitted with filing fee to the Zoning Director on a prescribed application form obtainable from the Zoning Director. The Zoning Director shall transmit the application and any supplementary information to the Zoning Board for review and consideration at their next regularly scheduled meeting. To the extent possible, all abutting property owners shall be notified of the Zoning Board meeting at which the variance application will be considered.

[REV: Ord. No. 2008-003, 4/23/08]

C. Posting Signs. The Zoning Director shall post one or more signs on the premises involved no less than 15 days prior to the date of the Zoning Board meeting at which the variance application will be considered. The applicant shall maintain the posted sign on the premises until the zoning action is completed. Such posted sign shall provide details of the application and the meeting at which the zoning action will be considered. At least one on-premise sign shall be visible from each road which abuts the premises involved. The applicant is responsible for removing such signs within five days after a decision is made on the variance. Failure to properly maintain signs is grounds for deferral or denial of the application. It is unlawful for any person, except the applicant or an agent for the applicant or the Zoning Director, to remove any such sign during the period it is required to be maintained under this paragraph.

[REV: Ord. No. 97-6, 6/27/97; Ord. No. 2008-003, 4/23/08]

D. Water Usage. A proposed land use must comply with Section 23, pertaining to water usage.

[REV: Ord. No. 97-7, 6/27/97]

E. Requirements. The Zoning Board may impose any necessary requirements in approving a variance to assure that the requested variance:

[REV: Ord. No. 2008-003, 4/23/08]

1. Will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property; and
2. Will not significantly change the character of the neighborhood or reduce the value of nearby property.

## SECTION 23. TEMPORARY LAND USE OR SPECIAL EVENT PERMIT

Incidental or infrequent uses/events such as but not limited to circuses, fairs, carnivals, and outdoor sales that are commonly associated with a business or club which include but is not limited to civic, fraternal, charitable, religious, and patriotic organizations or temporary outdoor sales, or other commercial uses, may be allowed in "D" zone districts or on properties with an active Conditional Use or Special Use permit. Temporary Land Use or Special Event Permits shall be issued by the Planning and Zoning Director or

designee, and shall be subject to the following conditions:

- A. Permission. Prior to commencement of the temporary use or special event, the applicant shall provide a notarized statement from the property owner granting permission for the applicant to conduct the temporary use or event at the proposed site.
- B. Emergency Services. The applicant shall reimburse the County for any EMS, fire, or law enforcement services deemed necessary by the Torrance County Fire Department and/or the Torrance County Sheriff.
- C. Business Registration. The applicant shall have a current Torrance County business registration.
- D. Expiration. Temporary Land Use or Special Event Permits shall expire not more than sixty (60) days from the commencement of the temporary use or special event, and shall not be reissued consecutively.
- E. Limitations. Applicants/landowners shall be limited to two Temporary Land Use or Special Event Permits per calendar year for a specific property. The Planning and Zoning Director shall not issue a Temporary Land Use or Special Event Permit where the use is deemed to be incompatible with surrounding land uses.
- F. Appeal. Issuance or denial of Temporary Land Use or Special Event Permits may be appealed to the Board of County Commissioners.

#### SECTION 24. WATER USAGE.

- A. Purpose. Given the effects that water usage associated with a proposed land use may have on water resources within the County, both as to quality and quantity, the purpose of this section is to promote the health, safety and welfare of County inhabitants; to promote the conservation and beneficial use of water resources within the County; and to protect prior existing water rights and interests.  
[REV: Ord. No. 97-7, 6/27/97]
- B. Application. Every application under the Zoning Ordinance will be evaluated as to its potential effect on water resources within the County. Every application shall contain with it a statement of the water usage associated with or required to carry out the proposed land usage. Either the Zoning Director or Zoning Board shall make an initial review of the associated water usage and shall determine whether the proposed usage is of such an extent or nature that referral for comment to an appropriate public agency is in order.  
[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]

C. Referral to Public Agency. After an application is deemed complete, the County Zoning Director or Zoning Board may forward a copy of the application to any of the following state or local agencies by certified mail "Return Receipt Requested" with a request for review and opinion:  
[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]

1. New Mexico State Engineer's Office;
2. New Mexico Environment Department;
3. Soil and Water Conservation District in which the proposed land usage would occur;
4. The Estancia Basin Water Planning Committee; and
5. Such other public agencies as the County deems necessary or appropriate.

D. Agency Response. The state and/or local agencies shall be given forty-five (45) days from their receipt of the application to review and return an opinion regarding its effect on water resources within the County. The Zoning Director shall obtain receipts or other proof showing the date the opinion request was received by each state or local agency. In reviewing an application, the Zoning Board shall consider any timely agency response or comment in making a decision or recommendation on the application.  
[REV: Ord. No. 97-7, 6/27/97; Ord. No. 2008-003, 4/23/08]

E. Guidelines. In evaluating a water usage associated with a proposed land use, the County shall consider the following factors, where applicable:  
[REV: Ord. No. 97-7, 6/27/97]

1. The effect or impacts on the public safety, health and welfare of County inhabitants, particularly those in the vicinity of the proposed water usage;
2. The potential adverse effects on water quality;
3. Effects on water quantity, including potential impairment of prior existing water uses; and
4. Whether the water use is consistent with conservation and beneficial use of water.

## SECTION 25. AMENDMENTS.

A. Amendment. The County Commission may amend any part of this Ordinance, including the zone district boundaries. The County Commission may elect to

submit a proposal for amendment to the Zoning Board for review and recommendation made by the Zoning Board.  
[REV: Ord. No. 2008-003, 4/23/08]

B. Application. Any request for an amendment to this Ordinance, not originating from the County Commission or from a committee established by the County Commission to propose an amendment, shall be submitted with filing fee to the Zoning Director on a prescribed application form obtainable from the Zoning Director. The Zoning Director shall transmit the application and any supplementary information to the Zoning Board for review and consideration at their next regularly scheduled meeting. The Zoning Board shall prepare and transmit a recommendation in writing to the County Commission within 7 days after their review of the proposed amendment is completed. To the extent possible, all abutting property owners of any land proposed for a zone change shall be notified of the Zoning Board meeting at which a zone change will be reviewed for recommendation to the County Commission. An application to amend the zone map for specific parcel of land must be accompanied by a site development plan, showing to scale and in detail the proposed structures on the site, distance from structures on adjoining properties, ingress and egress, parking and signage. If the application is approved by the County Commission, the land uses on the parcel shall conform to the site development plan and may only be modified by approval of the Zoning Board of a revised plan.

[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

C. Public Hearing. A public hearing on all applications for a text change to the ordinances or change of the Zone Map, shall be held by the Torrance County Planning and Zoning Board. Notification of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least 15 days prior to the hearing.

D. Posting Signs. The Zoning Director shall post one or more signs on the premises involved no less than 15 days prior to the date of the Zoning Board meeting at which the amendment application will be considered. The applicant shall maintain the posted sign on the premises until the zoning action is completed. Such posted sign shall provide details of the application and the public hearing at which the zoning action will be considered. At least one on-premise sign shall be visible from each road which abuts the premises involved. The applicant is responsible for removing such signs within five days after a decision is made by the County Commission on the application for amendment. Failure to properly post signs is grounds for deferral or denial of the application. It is unlawful for any person, except the applicant or an agent for the applicant or the Zoning Director, to remove any such sign during the period it is required to be maintained under this paragraph.

[REV: Ord. No. 97-6, 6/27/97]

E. Notification by Mail. Whenever a property owner initiates a zone change for an area of one block or less (or 5 acres or less), notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulations. Whenever a property owner initiates a zone change for an area of more than one block (or more than 5 acres), notice of the public hearing shall be mailed by first class mail to the owners of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulations. If any notice by first class mail is returned undeliverable, the County shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address. Notification by mail is not required for County-wide changes, initiated by the County, for purposes of revising or adopting a new zoning category; however such changes are subject to the public notice requirements provided herein for the public hearing to consider an amendment to this Ordinance.  
[REV: Ord. No. 97-2, 3/26/97]

F. Procedure. The Zoning Board shall make its decision on each application and shall make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall act to uphold, overturn, or remand the decision to the Zoning Board no later than the next regularly scheduled meeting of the Board of County Commissioners immediately following the Appeal Period.

## SECTION 26. APPEALS.

A. Right of Appeal. Anyone aggrieved by a decision of the Zoning Director or the Zoning Board in carrying out the provisions of this Ordinance may appeal such decision to the County Commission. Such appeal must set forth specifically wherein it is claimed there was an error or an abuse of discretion, or where the decision was not supported by evidence in the matter.  
[REV: Ord. No. 2008-003, 4/23/08]

B. Application. Any appeal following a decision of the Zoning Director or the Zoning Board shall be made in writing to the County Commission on prescribed forms obtainable from the Zoning Director upon payment of the applicable filing fee. Any appeal not submitted within fourteen (14) days after the decision which is the subject of the appeal shall not be considered by the County Commission.  
[REV: Ord. No. 2008-003, 4/23/08]

C. Public Hearing. The decision on an appeal shall be made by the County Commission following a public hearing. Notification of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least 15 days prior to the hearing.

[REV: Ord. No. 2008-003, 4/23/08]

- D. Stay of Proceedings. An appeal shall stay all proceedings in the action unless the Zoning Director or Zoning Board certifies that a stay will cause imminent peril to life or property. Upon such certification, the proceedings shall not be stayed except by order of district court.

[REV: Ord. No. 2008-003, 4/23/08]

- E. Decision. An appeal shall be decided within 45 days of the date of application of the appeal. A majority vote of the members of the County Commission is required to reverse, change, or affirm a decision made by the Zoning Director or the Zoning Board.

[REV: Ord. No. 2008-003, 4/23/08]

## SECTION 26. FEES.

- A. Applications. Any applications required by this Ordinance shall be filed on prescribed forms obtainable from the Zoning Director upon payment of filing fee. Such fees shall not be required where the County or any official thereof is the moving party. The purpose of the filing fee is to cover administrative and processing costs and shall not be refundable.

[REV: Ord. No. 94-2, 2/9/94; Ord. No. 2008-003, 4/23/08]

- B. Fees. Fees under this Ordinance are required for the following actions. The Commission shall set the amount of fees by resolution. The Zoning Director shall maintain a copy of the fees resolution and make it available to the public and applicants:

[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 2008-003, 4/23/08]

1. Conditional Use Permit
2. Conditional Use Permit renewal
3. Variance
4. Zone District Change Permit
5. Special Use Permit, including Wind Energy Permit or Solar Energy Permit
6. Request for Use Interpretation
7. Amendment to this Ordinance
8. Appeal

9. Development Review Permit
10. Initial Solid Waste Facility Permit
11. Solid Waste Facility Permit Renewal
12. Enlarged Zoning Maps

[REV: Ord. No. 2008-003, 4/23/08]

#### SECTION 28. PENALTIES.

Anyone violating any of the provisions of this Ordinance shall upon conviction be subject to a fine not exceeding \$300 or imprisonment for a period not exceeding 90 days, or both such fine and imprisonment. Any violation continued for a period of 30 days after conviction shall be prosecuted and treated as a separate offense.

#### SECTION 29. SEVERABILITY.

The provisions of this Ordinance shall be deemed to be severe, and should any sentence, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

#### SECTION 30. EFFECTIVE DATE.

This Ordinance shall become effective on the 20th day of April, 1990, following publication by title and general summary. Amendments to this Ordinance are effective when adopted by the County Commission according to the laws governing County ordinances.

[REV: Ord. No. 2008-003, 4/23/08]

ORIGINALLY PASSED APPROVED AND SIGNED the 21st day of March, 1990, by the Board of County Commissioners of Torrance County, New Mexico.

AMENDED on the 11th day of May, 2016, by the Board of County Commissioners of Torrance County, New Mexico.

AMENDED on the 8th day of July, 2020, by the Board of County Commissioners of Torrance County, New Mexico. Amendments shall become effective on the 1st day of August, 2020.



**APPROVED AS TO FORM ONLY:**

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
County Attorney                      Date

\_\_\_\_\_  
Ryan Schwebach, Chair

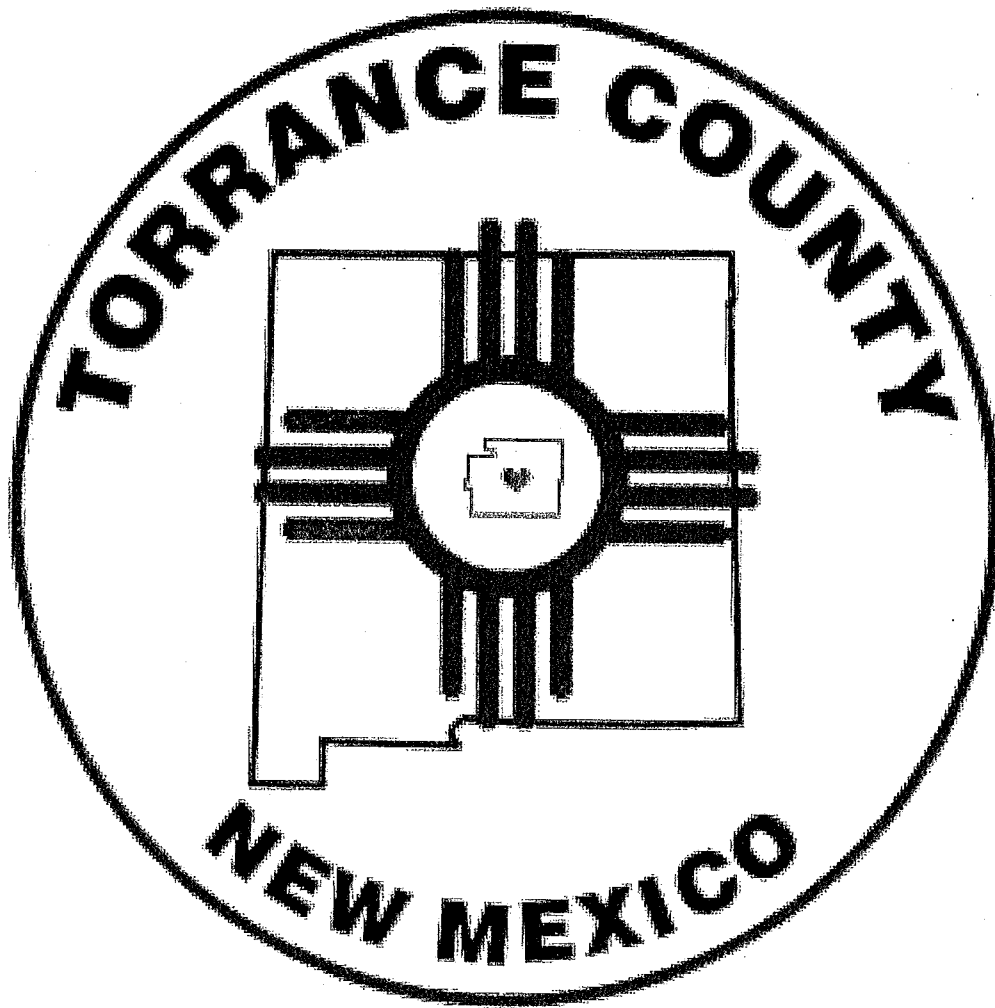
\_\_\_\_\_  
Javier Sanchez, Vice Chair

\_\_\_\_\_  
Kevin McCall, Member

**ATTEST:**

\_\_\_\_\_  
Linda Jaramillo, County Clerk

Date: \_\_\_\_\_



*Agenda Item*  
*No. 11-A*



**Torrance County Board of Commissioners**  
**Meeting 7/8/2020**  
**Item 11A**

Department: Finance  
Prepared By: Jeremy Oliver  
Reviewed By: Janice Y. Barela

**Title: Budget Increase, Resolution No. 2020-\_\_\_\_\_**

**Action:**

Motion approve Budget increase \$392,648.

**Summary:**

Schedule A is a budget increase of \$308,230 for the General Obligation (GO) Bond. This payment was made in July 2019 to close out the GO Bond proceeds. It was not budgeted in the FY2020 budget since the GO Bond was planned to be closed out before the end of FY2019. Due to some paperwork mistakes, it did not get finalized until July. No additional expenditures or revenues will come from this. This budget increase is capturing what was done in FY2020.

Schedule B is a budget increase of \$38.00. This is to close out a grant from FY2019. At the end of FY2019, unexpended grant funds remained. A journal entry was completed in order to expend these funds in FY2020. The budget increase is to capture the expenditure which was completed in FY2019. No more expenditures or revenue will be captured within this fund, and the grant will be closed.

Schedule C is a budget increase of \$53,380. This increase is to capture the expenses the County incurred in FY2020 due to the COVID-19 Emergency. A budget transfer request is on this Commission Meeting Agenda to go along with this increase. More expenditures and reimbursements are expected to occur within this fund. A budget has been made for this fund going forward in FY2021.

Schedule D is a budget increase of \$31,000. This increase is due to additional funds awarded to the Domestic Violence Program. The increase is capturing where the \$31,000 has been spent from March 1, 2020 through June 30, 2020.

**Significant Issues:**

- Schedules A, B, and C will create audit findings if not corrected within the FY2020 budget. These audit findings could hinder Torrance County's ability to receive future grants.
- Schedule D has no other issues except practicing good bookkeeping.

**Financial:**

Detailed in Summary and Significant Issues.

**Staff Recommendation:**

Approval.

TORRANCE COUNTY RESOLUTION# 2020-

Budget Increase

WHEREAS, the Torrance County Commission in regular session on Wednesday, July 8th 2020, did propose to authorize a budget increase in the FY 2019-2020 Budget and

WHEREAS, Budget Increases require authorization from the Department of Finance and Administration, and

WHEREAS, we request authorization for the following Budget Increase: (See Schedule A-D)

NOW THEREFORE BE IT RESOLVED, we respectfully request approval for the attached Budget Increase in the FY 2019-2020 budget from the Department of Finance and Administration.

DONE at Estancia, New Mexico  
Torrance County this 8th day of July  
2020.

Torrance County Board of Commissioners

Kevin McCall, District 1

Ryan Schwebach, District 2

Javier E. Sanchez, District 3

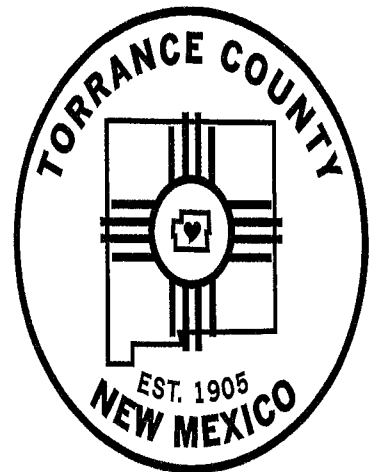
Attest:

Linda Jaramillo  
Torrance County Clerk

Vote Record

Kevin McCall	yes	no	abstain	absent
Ryan Schwebach	yes	no	abstain	absent
Javier E. Sanchez	yes	no	abstain	absent

DFA Approval





# Torrance County

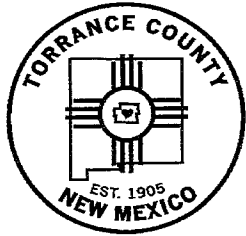
Resolution 2020-

## Budget Increase

Schedule A

July 8, 2020

Funding Source:		Revenue				Expenditure						
Department	Source	Line Item			Description	Amount	Line Item				Description	Amount
Finance	GO Bond	424	00	999	Fund Balance	\$ 308,230.00	424	11	2	633	Road Const/Repair	\$ 308,230.00
<b>TOTAL</b>						\$ 308,230.00					\$ 308,230.00	



# Torrance County

Resolution 2020-

## Budget Increase

Schedule B

July 8, 2020

Funding Source:		Revenue					Expenditure						
Department	Source	Line Item			Description	Amount	Line Item				Description	Amount	
Finance	Attorney General Grant	681	00	999	Fund Balance	\$ 38.00	681	10	2	228	Software	\$ 38.00	
<b>TOTAL</b>						\$ 38.00							\$ 38.00



# Torrance County

Resolution 2020-

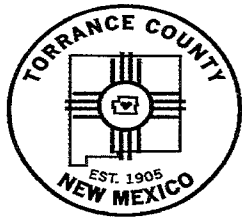
## Budget Increase

Schedule C

July 8, 2020

Funding Source:		Revenue					Expenditure						
Department	Source	Line Item			Description	Amount	Line Item				Description	Amount	
Finance	CIVID-19 Emergency	835	00	1202	COVID-19 Reimbursement	\$ 53,380.00	835	01	2	102	Salaries Full Time	\$ 35,204.00	
							835	01	2	207	Telecommunications	\$ 451.00	
							835	01	2	213	IT Contracts	\$ 6,137.00	
							835	01	2	225	Supplies-Computer	\$ 4,160.00	
							835	01	2	248	Supplies-Safety	\$ 7,428.00	
<b>TOTAL</b>						<b>\$ 53,380.00</b>							<b>\$ 53,380.00</b>





# Torrance County

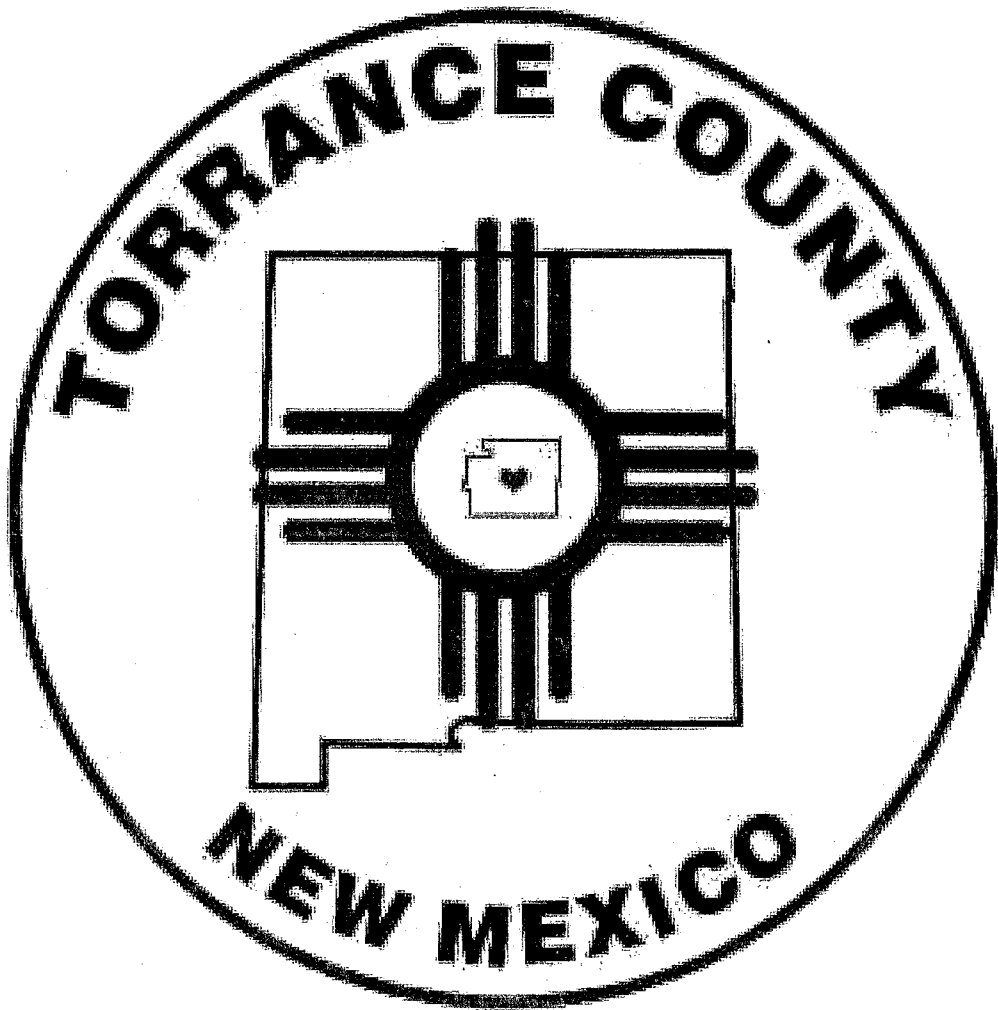
Resolution 2020-

## Budget Increase

Schedule D

July 8, 2020

Funding Source:		Revenue				Expenditure							
Department	Source	Line Item			Description	Amount	Line Item				Description	Amount	
Domestic Violence	DV Ggrant	690	00	1013	DV Contract FY20	\$ 31,000.00	690	86	2	219	Supplies- General	\$ 7,600.00	
							690	86	2	221	Printing Publishin Advertising	\$ 5,300.00	
							690	86	2	224	Supplies-Educational	\$ 100.00	
							690	86	2	201	Maint/ & Repair-Vehcile	\$ 600.00	
							690	9	2	103	Salaries-Part Time	\$ 13,000.00	
							690	9	2	65	Health and Medical	\$ 2,400.00	
							690	9	2	64	Fica/Medicare	\$ 1,000.00	
							690	9	2	207	Telecommunications	\$ 1,000.00	
<b>TOTAL</b>						<b>\$ 31,000.00</b>							<b>\$ 31,000.00</b>



*Agenda Item*  
*No. 11-B*



**Torrance County Board of Commissioners**  
**Meeting 7/8/2020**  
**Item 11B**

Department: Finance  
Prepared By: Jeremy Oliver  
Reviewed By: Janice Y. Barela

**Title: Budget Transfer, Resolution No. 2020-\_\_\_\_\_**

**Action:**

Motion approve Budget Transfers of \$377,967.24.

**Summary:**

Schedule A is Budget Transfer of \$80,967.24. This transfer will return PILT funds that were placed into the Dog Head Fire Emergency Fund. This will close this disaster fund.

Schedule B is a Budget Transfer of \$2,000. This is to place a buffer into the HIDTA Task Force Grant that was awarded in the middle of FY2020 budget cycle. This buffer will remain in the grant fund until the grant is no longer being used.

Schedule C is a Budget Transfer of \$55,000. This transfer is to place funds into the COVID-19 Emergency Fund. Just as with the Dog Head Fire Emergency Fund, once the COVID-19 emergency is over and all reimbursements have been received, the funds will be transferred back to the PILT Fund. The need for additional transfers into this fund is likely as amounts cannot be easily predicted due to the unknown nature of this emergency.

Schedule D is a Budget Transfer of \$240,000. This transfer is to place funds into legislative appropriation projects. These projects are reimbursable. We currently have \$237,462 waiting to be reimbursed to the County. These funds can be returned to PILT once reimbursements from the State are made.

**Significant Issues:**

- Schedule A is the final step necessary to close out the Dog Head Fire Emergency Fund, which is the return of funds to the PILT Fund.
- Schedule B, C, and D need to be made to prevent audit findings. These audit findings could hinder the County's ability to receive future grants.

**Financial:**

Detailed in Summary and Significant Issues.

**Staff Recommendation:**

Approval.

TORRANCE COUNTY RESOLUTION# 2020-

Budget Transfer

WHEREAS, the Torrance County Commission in regular session on Wednesday, July 8th 2020, did propose to authorize budget Transfers in the FY 2019-2020 Budget and

WHEREAS, Budget Transfers require authorization from the Department of Finance and Administration, and

WHEREAS, we request authorization for the following Budget Transfers: (See Schedule A-D)
NOW THEREFORE BE IT RESOLVED, we respectfully request approval for the attached Budget Transfers in the FY 2019-2020 budget from the Department of Finance and Administration.

DONE at Estancia, New Mexico
Torrance County this 8th day of July
2020.

Torrance County Board of Commissioners

Attest:

Kevin McCall, District 1

Ryan Schwebach, District 2

Javier E. Sanchez, District 3

Linda Jaramillo
Torrance County Clerk

Vote Record

Table with 4 columns: Name, yes, no, abstain, absent. Rows for Kevin McCall, Ryan Schwebach, and Javier E. Sanchez.

DFA Approval





# Torrance County

Resolution 2020-

**Transfer**

Schedule A

July 8, 2020

		From				TO				
Department	Source	Line Item		Description	Amount	Line Item		Description	Amount	
Finance	Dog Head	834	00	1951	Transfer out of Fund	\$	80,967.24	641 00 1 950	Transfer into Fund	\$ 80,967.24
<b>TOTAL</b>					\$	<b>80,967.24</b>				\$ <b>80,967.24</b>



# Torrance County

Resolution 2020-

Transfer

Schedule B

July 8, 2020

		From				TO					
Department	Source	Line Item		Description	Amount	Line Item		Description	Amount		
Finance	PILT	641	00	1951	Transfer out of Fund	\$	2,000.00	801 00 1 950	Transfer into Fund	\$	2,000.00
<b>TOTAL</b>						\$	<b>2,000.00</b>			\$	<b>2,000.00</b>



# Torrance County

Resolution 2020-

Transfer

Schedule C

July 8, 2020

		From					TO							
Department	Source	Line Item		Description	Amount	Line Item			Description	Amount				
Finance	PILT	641	00	1951	Transfer out of Fund	\$	55,000.00	835	00	1	950	Transfer into Fund	\$	55,000.00
<b>TOTAL</b>						\$	<b>55,000.00</b>					\$	<b>55,000.00</b>	



# Torrance County

Resolution 2020-

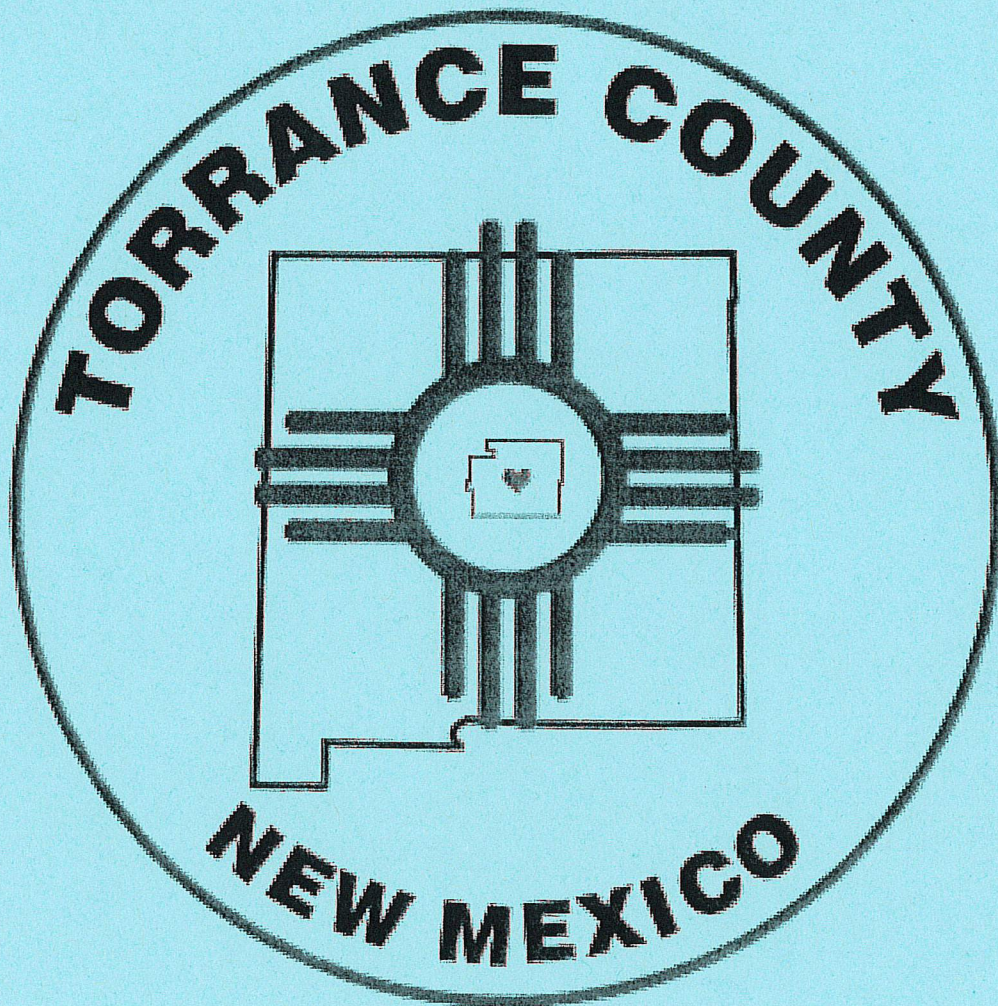
Transfer

Schedule D

July 8, 2020

		From					TO							
Department	Source	Line Item		Description	Amount	Line Item		Description	Amount					
Finance	PILT	641	00	1951	Transfer out of Fund	\$	240,000.00	803	00	1	950	Transfer into Fund	\$	240,000.00
<b>TOTAL</b>						\$	<b>240,000.00</b>					\$	<b>240,000.00</b>	





*Agenda Item  
No. 11-C*



## Torrance County Board of Commissioners

Meeting 7/8/2020

Item 11C

Department: Manager

Prepared By: Janice Y. Barela

**Title: Motion to authorize the County Manager to designate the Torrance County Records Custodian, pursuant to NM Inspection of Public Records Act, Resolution 2020-\_\_\_\_\_.**

### **Sponsor:**

Manager

### **Action:**

Request for approval of Resolution 2020-\_\_\_\_\_, authorizing the County Manager to designate the Torrance County Records Custodian.

### **Summary:**

The New Mexico State Legislature passed The Inspection of Public Records Act (IPRA). This Act requires each public body designate at least one custodian of public records. The County must ensure the right of the public to inspect records in a timely manner. This Resolution authorizes the County Manager to designate the Torrance County Records Custodian, ensuring the County always maintains a qualified, well-trained Records Custodian.

### **Significant Issues:**

- Currently the County Clerk is the Torrance County Records Custodian. The County Attorney spends a significant amount of time reviewing IPRA requests and releasing records. If this Resolution is approved, the County Manager may designate a new Records Custodian dedicated to IPRA requests with the goal of alleviating some of the County Attorney's IPRA burden. The County Attorney will then have more time to dedicate to other issues.

### **Financial:**

None.

### **Staff Recommendation:**

Approval.

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**TORRANCE COUNTY  
BOARD OF COUNTY COMMISSONERS  
RESOLUTION NO. R 2020-**

**RESOLUTION AUTHORIZING COUNTY MANAGER TO DESIGNATE THE  
TORRANCE COUNTY RECORDS CUSTODIAN.**

**WHEREAS**, a well-informed citizenry is the cornerstone of government accountability;

and

**WHEREAS**, the New Mexico State Legislature passed The Inspection of Public Records Act (IPRA) to guarantee the public has access to information about government affairs; and

**WHEREAS**, The Inspection of Public Records Act requires each public body designate at least one custodian of public records; and

**NOW, THEREFORE BE IT RESOLVED** by the governing body of TORRANCE COUNTY that the Torrance County Board of Commissioners does hereby authorize the County Manager to designate the Torrance County Records Custodian.

**BE IT FURTHER RESOLVED**, this Resolution supersedes any other resolution, approval, or direction prior to this date, and the current Torrance County Records Custodian remains unchanged until the County Manager designates a new Records Custodian.

**DONE THIS 8th DAY OF July, 2020.**

**APPROVED AS TO FORM ONLY:**

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ryan Schwebach, Chair

\_\_\_\_\_  
Javier Sánchez, Vice Chair

\_\_\_\_\_  
Kevin McCall, Member

1 **ATTEST:**

2 \_\_\_\_\_  
3 Linda Jaramillo, County Clerk

4  
5 Date: \_\_\_\_\_  
6



*Agenda Item*  
*No. 12-A*



**Torrance County Board of Commissioners**  
**Meeting 7/8/2020**  
**Item 12A**

Department: Finance  
Prepared By: Noah J. Sedillo  
Reviewed by: Janice Y. Barela

**Title: Approval of Unauthorized Service/Diagnosis of Road Equipment**

**Sponsor:**

ROAD: Leonard Lujan, Road Superintendent

**Action:**

Request approval for payment to be made to 4 Rivers Equipment for Work Order # 213090, dated June 17, 2020.

**Summary:**

The Road Department submitted a *Requisition for Purchase* in the amount of \$10,253.49 for 4 Rivers Equipment invoice to diagnose and repair a failed drive system on a road roller. As per Resolution No. 2019-38, proper procurement procedures were not followed (no purchase order and no approval from Purchasing, Finance or Manager). Policy states that if proper procurement is not followed, then the Department Head must go before the Commission to request payment of invoice, Commission approval is required.

**Significant Issues:**

The unauthorized work completed is approved under the NM Statewide Price Agreement 90-000-19-00063 (Highway and Off-Road Heavy Equipment and Truck Repairs – Parts & Labor).

The Road Department Roller Equipment is a 2006 model that is going to require an additional \$7,790 to finish the repairs, in addition to the unauthorized outstanding balance of \$10,253.49. Further, heavy equipment such as a roller are essential to maintaining, repairing and constructing roads throughout Torrance County.

**Financial:**

Line item 402-60-2244 (County Road Department - Maintenance & Repairs of Machinery) has enough funds to cover this invoice and additional repairs of \$7,790.

**Staff Recommendation:**

Approval.



*Agenda Item*  
*No. 12-B*



**Torrance County Board of Commissioners**  
**Meeting 7/8/2020**  
**Item 12B**

Department: Manager  
Prepared By: Janice Y. Barela

**Title: Motion to approve Emergency Management Performance Grant (EMPG) Agreement between New Mexico Department of Homeland Security and Emergency Management (DHSEM) and Torrance County.**

**Sponsor:**

Manager and Emergency Manager

**Action:**

Request for approval EMPG Grant Agreement.

**Summary:**

The EMPG Grant Agreement was already signed and submitted. Per the Grant Policy, it must go before the Commission for approval, mainly to notify the Commission of the status of the grant, but the policy does require Commission approval.

In a letter dated June 26, 2020, the Cabinet Secretary Designee of the Department of Homeland Security and Emergency Management (DHSEM) announced the FY2020 EMPG approved activities for Torrance County and awarded the Salary and Benefits in the amount of \$11,633.00.

**Significant Issues:**

- As discussed in the FY2021 budget hearings, this is a deduction in the amount the County usually receives from the EMPG Grant. The only impact this creates is the County will pay a larger percentage of the Emergency Manager's salary. Funding was approved by the Commission to make up the difference.

**Financial:**

Same as Significant Issues.

**Staff Recommendation:**

Approval.





Michelle Lujan Grisham  
Governor

Bianca Ortiz Wertheim  
Cabinet Secretary Designate

Kelly Hamilton  
Deputy Cabinet Secretary

**DEPARTMENT OF HOMELAND SECURITY  
AND EMERGENCY MANAGEMENT**

June 26, 2020

Matt Propp, Emergency Manager  
Torrance County  
P.O. Box 48  
Estancia, NM 87016

Dear Mr. Propp,

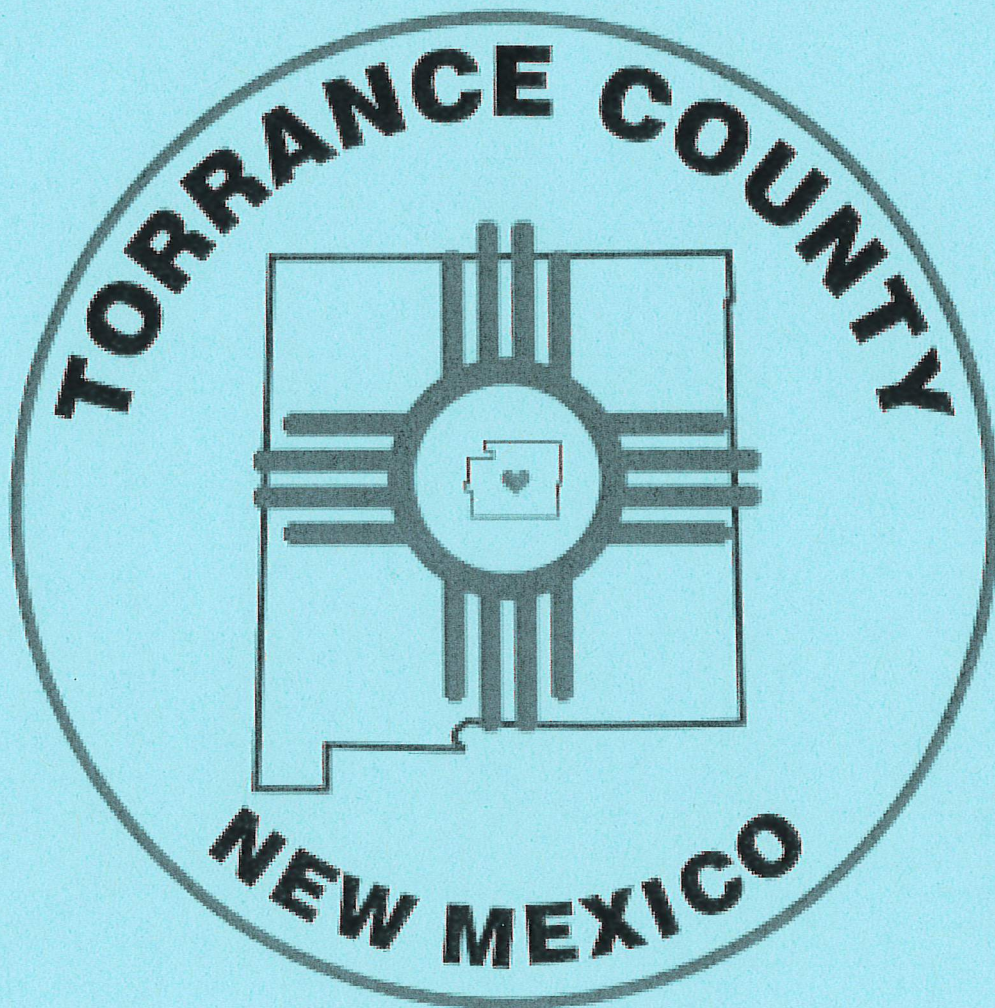
The New Mexico Department of Homeland Security and Emergency Management (DHSEM) is pleased to announce the FY 2020 Emergency Management Performance Grant (EMPG) approved activities for Torrance County.

Torrance County has been awarded Salary and Benefits of \$11,633.00.

The EMPG Sub-grant Agreement and EMPG work plan will be provided in July, after DHSEM receives the award from FEMA. Please contact Kenneth Shafer, Local Preparedness Coordinator, if you have any questions (505-250-7397 or [Kenneth.Shafer@state.nm.us](mailto:Kenneth.Shafer@state.nm.us)). We look forward to continuing a successful partnership.

Respectfully,

Bianca Ortiz Wertheim  
Cabinet Secretary Designate



*Agenda Item  
No. 12-C*



*Agenda Item*  
*No. 13-A*



*Agenda Item*  
*No. 14-A*



*Agenda Item*  
*No. 14-B*



*Agenda Item*  
*No. 15*



*Agenda Item*

*No. 16*