

ORDINANCE NO.: 95-11-A

AMENDING THE TORRANCE COUNTY ZONING
ORDINANCE TO REDEFINE THE CONSERVATION DISTRICT (C),
ESTABLISH AN AGRICULTURAL DISTRICT (A)
AND TO ESTABLISH MINIMUM LOT SIZES
IN EACH DISTRICT

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
TORRANCE COUNTY:

SECTION 5.

In Section 5.B.1, delete the second sentence "This definition includes ..."

Following Section 5.B.15 add the following definition:

16. "Immediate Family Member means a husband, wife, father, step-father, mother, step--mother, brother, step-brother, sister, step-sister, son, step-son, daughter, step-daughter, grandson, step-grandson, granddaughter, step-granddaughter, nephew and niece whether related by natural birth or adoption.

Re-number all succeeding definitions in Section 5.B

SECTION 8.

Delete all of Section 8.

Change SECTION 8. CONSERVATION DISTRICT (C). to read:
SECTION 8.0 CONSERVATION DISTRICT (C).

Insert the following paragraphs:

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 commission will be to minimize the environmental impact on the area.

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;
7. Accessory uses and structures

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

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.

D. DISTRICT STANDARDS: The following standards apply to all land uses within this zoning 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 8.0.D.1.b. & c. below;

b. An individual may transfer to immediate family members any size parcel which is 5 acres or larger and otherwise allowed by law;

c. 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;

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.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 and 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 commission prior to the effective date of this section.

Insert the following paragraphs:

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.

B. Permissive Uses. Any of the following permissive uses are allowed in this 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;
- 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;
- 8. Accessory uses and structures necessary for the conduct of normal agricultural production including dwelling units for hired help and family members;

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

- 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.
- 7. Essential Public Utilities distribution

structures.

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

1. No land subdivision for residential development;
2. Minimum parcel size will be 40 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 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.D.2.b.& c. below;
 - b. An individual may transfer to immediate family members any size parcel, 5 acres or larger;
 - c. 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.
3. 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 planning and zoning board may allow development to take place which is consistent with the zone district to which it joins.

PASSED, APPROVED AND ADOPTED this 10th day of October, 1995, by the Board of County Commissioners of Torrance County, New Mexico.

This Ordinance shall become effective on the 10th day of October, 1995, following publication by title and general summary.

Bill R. Wall

Chairman

Ray Lynn

Member

Rodger Lamer

Member

Carla Clayton
Clerk of the Board

