

ORDINANCE NO. 90-3AMENDING THE TORRANCE COUNTY ZONING ORDINANCE TO REQUIRE  
CONSIDERATION OF WATER USAGE ASSOCIATED WITH ANY PROPOSED  
LAND USE CHANGE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TORRANCE COUNTY that the Torrance County Zoning Ordinance is amended as follows:

1. Add a new section 8.0.D.4.:  
A proposed land use must comply with Section 23, pertaining to water usage.
2. Add a new section 8.1.D.4.:  
A proposed land use must comply with Section 23, pertaining to water usage.
3. Add a new section 9.D.3.:  
A proposed land use must comply with Section 23, pertaining to water usage.
4. Add a new section 10.D.3.:  
A proposed land use must comply with Section 23, pertaining to water usage.
5. Add a new section 11.D.4.:  
A proposed land use must comply with Section 23, pertaining to water usage.
6. Add a new section 12.D.5.:  
A proposed land use must comply with Section 23, pertaining to water usage.
7. Add a new section 13.D.5.:  
A proposed land use must comply with Section 23, pertaining to water usage.
8. Add a new section 14.D.3.:  
A proposed land use must comply with Section 23, pertaining to water usage.
9. Add a new section 15.G.:  
Water usage. A proposed land use must comply with Section 23, pertaining to water usage.
10. Add a new section 16.E.:  
Water usage. A proposed land use must comply with Section 23, pertaining to water usage.

11. Add a new section 21.C.6.:

The proposed land use complies with Section 23, pertaining to water usage.

12. Add a new section 22.D.:

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

13. Add the following new section No. 23:

SECTION 23, WATER USAGE.

A. Purpose. Given the effects that a 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.

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 officer or Zoning Commission 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.

C. Referral To Public Agency. After an application is deemed complete, the county zoning officer or Zoning Commission 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:

- a. New Mexico State Engineer Office;
- b. New Mexico Environment Department;
- c. Soil and Water Conservation District in which the proposed land usage would occur;
- d. The Estancia Basin Water Planning Committee; and
- e. 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 officer 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 Commission

shall consider any timely agency response or comment in making a decision or recommendation on the application.

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

- 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.

14. Renumber succeeding sections accordingly so that current Sections 23-28 become Sections 24-29.

PASSED, APPROVED AND SIGNED this 28<sup>th</sup> day of May, 1997, by the Board of County Commissioners of Torrance County, New Mexico.

This Amendment shall become effective on the 27<sup>th</sup> day of June, 1997, following publication by title and general summary.

STATE OF NEW MEXICO  
COUNTY OF TORRANCE

I hereby certify that this instrument was filed for record on the 26<sup>th</sup> day of June A.D., 19 97 at 1:48 o'clock P M and duly recorded in book 276 at page 4728-4730

Witness my hand and seal of office  
Jinda Lujan  
County Clerk, Torrance Co., N.M.  
Jinda Lujan Deputy

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Chairman

Rodger Kanner  
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Member

Charles Riley  
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Member

ATTEST:

Jinda Lujan  
County Clerk

