

#10297

P. 2131 -
2135

ORDINANCE NO. 95-4

AMENDING THE TORRANCE ZONING ORDINANCE AS PERTAINING TO THE CREATION OF A SOLID WASTE MANAGEMENT DISTRICT, PERMITTING OF SOLID WASTE FACILITIES, AND REPEALING CERTAIN SECTIONS OF THE TORRANCE COUNTY SOLID WASTE ORDINANCE.

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

PART 1

The following new zoning category is hereby established and inserted as a new Section 14 with appropriate renumbering of all succeeding sections:

SECTION 14. 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 Board in accordance with the procedures set forth in this Ordinance.
- 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.
- 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:
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 regrading plans if applicable, within the proposed district at a contour interval of two feet, based on mean sea level datum. All

natural watercourses and floodplains shall be identified in accordance with the siting criteria established for this zone district;

4. Hydrogeologic 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 Board 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:
1. Any operator of a solid waste facility must submit an initial application with filing fee to the Zoning Commission on a prescribed form obtainable from the Zoning Officer. The initial application filing fee shall be \$2,500 to cover the site inspection, technical review, and related administrative costs of the County.
 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 Commission shall review the application to determine compliance with this Ordinance at a regularly scheduled meeting. The Zoning Commission may request information regarding the operation of the solid waste facility as deemed appropriate. The Zoning Commission may also request comments in writing from relevant state or federal agencies regarding the operation of the solid waste facility.
 4. The Zoning Commission shall prepare and transmit a recommendation in writing to the County Board within 7 days after their review of the application is completed. The County Board shall review the application, the recommendations of the Zoning Commission, 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 Board shall grant a Solid Waste Facility Permit.
 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:
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:

1. Solid waste facilities shall be designed and operated to minimize blowing litter both on-site and off-site. Durable fencing shall be installed at 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 stormwater 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.

PART 2

As a consequence of the creation of the new zoning category for a Solid Waste Management District, the following additional changes to the Torrance County Zoning Ordinance must be made:

SECTION 2.

Insert the words, "solid waste management," in order for the paragraph to read as follows:

".... to facilitate adequate provisions for transportation, solid waste management, water and waste water systems, schools,....."

SECTION 5.B.33.

Delete 5.B.33. in its entirety and renumber succeeding paragraphs as appropriate.

SECTION 5.B.34.

Delete 5.B.34. in its entirety and renumber succeeding paragraphs as appropriate.

SECTION 6.D.

Delete 6.D. in its entirety and identify succeeding paragraphs as appropriate.

SECTION 14.D.7.

Delete 14.D.7. in its entirety and renumber succeeding paragraphs as appropriate.

SECTION 14.D.13.

Delete 14.D.13. in its entirety and renumber succeeding paragraphs as appropriate.

SECTION 22.B.

Add new filing fees for Initial Solid Waste Facility Permit and Solid Waste Facility Permit renewal as follows:

- 6. Initial Solid Waste Facility Permit: \$2,500
- 7. Solid Waste Facility Permit renewal: \$1,000

PART 3

Sections 8, 9, and 10 of the Torrance County Solid Waste Ordinance No. 89-1 are hereby repealed and replaced by this Ordinance.

PASSED, APPROVED AND SIGNED this 10 day of May, 1995, by the Board of County Commissioners of Torrance County, New Mexico

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

Bruce R. White
Chairman

Rodger Lamer
Member

Roy Spem
Member



Carla Clayton
County Clerk

STATE OF NEW MEXICO
 County of Torrance
 I hereby certify that this instrument was
 filed for record on the 11 day
 of MAY A.D. 1995
 at 9:08 o'clock A M. and duly
 recorded in book 271 at page 2131-2135
 Witness my hand and Seal of office
Carla Clayton
 County Clerk, Torrance Co., N.M.
W. Miller

