

ARTICLE 27 WORKFORCE CAMPS

Section 27.1 GENERAL PROVISIONS

- A.** The purpose of this article is to provide for the safety, health, prosperity, order, comfort, and moral of the residents of Chaves County; and to provide certain standards and regulations relating to Workforce Camps and promote conformance with standards established to ensure such facilities are suitably developed for the placement and occupancy of laborers for residential, household living purposes with the necessary accessory uses and amenities on properties located within the Roswell- Chaves County Extraterritorial Zone area.
- B.** This article is intended to enable the development of unique, well-planned projects incorporating a variety of portable, modular and prefabricated structures for permanent, transient or seasonal occupancy. It is also the intent of this article to prohibit inappropriate and incompatible land uses; and regulate the future installation of Workforce Camps.
- C.** The provisions of this article are held to be minimum requirements. Whenever any provisions of this article conflict with other laws, rules, regulations, covenants, or ordinances, the more restrictive shall govern. This article shall be construed broadly to promote the purposes for which it is adopted.
- D.** Workforce camps shall comply with the American with Disabilities Act.
- E.** Developments that includes both RV park spaces and Workforce rooming units on the same site shall comply with both requirements as stated in Article 27 and Article 28.
- F.** Location of a camp should not be so close to a school as to interfere with the schoolchildren's travel to and from the school.

Section 27.2 ALLOWABLE USES

Allowable uses within the boundaries of workforce camps shall include and may be limited to the following:

A. Workforce Camps

- 1.** All workforce rooming units shall be in a density and configuration that meets the requirements of the approved Development Plan.
- 2.** Accessory structures or uses shall be primarily for the occupants of the camp, including but not limited to recreational facilities, cafeteria, food courts, lobbies, meeting rooms,

management offices, laundry rooms, tenant storage lockers, parking areas, storage buildings, swimming pools, garbage and trash disposal facilities.

3. Utility service structures or uses such as, but not limited to, well house, septic tank, electrical transformer, liquid propane tanks, and small cell nodes.
4. Guest parking lots; one parking space per every five (5) occupants. See Section 27.5.B.6 (To be calculated based on the maximum number of occupants within the camp site, including camp employees)

Section 27.3 SPECIFIC USE STANDARDS

A. Workforce camp rooming units and accessory structures shall be built to New Mexico Construction Industries Division (NMCID) and/or the HUD Code Manufactured Housing standards. Any other residential metal structures shall require stamped and signed plans from a licensed New Mexico Structural Engineer. The plans shall be prepared in accords with the New Mexico Residential Building Code. A County building permit and/or MH placement permit shall be required.

Section 27.4 DENSITY AND DIMENSIONAL REQUIREMENTS

STANDARD	Workforce Camps
Area, minimum site (acres)	5.0
Flight Zone Overlay District (acres)	10.0
Open Space	20% of the site area
Parking Space, minimum Per Occupant	1 per occupant
Size(feet)	9 ft. by 18 ft.
Building separation, minimum (feet)	10 ft.

Note: ¹ Subject to NMED approval.

A. Number of rooming units

The specific number of rooming units in any camp shall be subject to the approval of the Development Plan by the County Planning Staff and/or the ETZ Commission/Authority, the City of Roswell and NMED.

B. Site area

Workforce Camps located in the Flight Zone Overlay District shall be located on a parcel of land being ten (10) acres or greater. All other workforce camp shall be located on one, five (5) acre or greater, parcel of land under the ownership of one person, partnership, LLC, or company. The parcel shall have direct access to a public road or street. A land division of a camp, resulting a

parcel of land less than five (5) acres, shall not be permitted without approval from the ETZ Commission.

C. Floor area

Floor area is the gross floor area (GFA) of a building. GFA shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the area of each floor of the structure.

Section 27.5 SITE DEVELOPMENT STANDARDS

A. Site Suitability Policy

The County Planning Department and/or ETZ Commission/ Authority assigned to the camp or unit may not approve development under this article if, from adequate investigations conducted by public agencies, it has been determined that in the best interests of the public, the site or the plans for the site are not suitable for such development. Those public agencies may include any of the agencies listed below:

1. City of Roswell,
2. Chaves County Road Department (CCRD),
3. Soil and Water Conservation District (SWCD),
4. New Mexico Office of the State Engineer (NMOSE),
5. New Mexico Environment Department (NMED), and
6. New Mexico Department of Transportation (NMDOT).

Lands subject to flooding and lands deemed to be topographically unsuitable shall not be developed for any of the residential occupancies permitted by this article or for other related uses as it may increase danger to health, life, or property, or aggravate erosion or flood hazard, except as specifically allowed by Chaves County's Floodplain Management Ordinance. Such lands within a proposed development site shall be set aside for such uses to not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

B. General

The standards of this section shall apply equally to all workforce camps to the extent specified. Building permits for accessory structures and manufactured housing placement permits may be required from the County Planning Department.

1. A Development Plan shall include a Site Plan showing the location of the workforce camp rooming units, roads, underground utilities, light poles, septic or storage tanks and drain fields, all accessory recreational or common structures and other improvements.
2. The Development Plan shall include a topography survey of the site and shall include design Finish Floor elevations for all structures. Storm water detention and/or retention ponds may be required to prevent any possible run-off on adjacent properties. Ponds shall be no more than three feet below natural ground and shall have a maximum slope of one to three on either side.

3. The site shall be harmoniously and effectively organized in relation to topography, the shape of the tract and the shape, size and position of structures, with consideration for usability of space, appearance and livability. Each workforce camp rooming unit be similar in general shape, space and orientation to other rooming units found on the same camp.
4. Adequate accessibility to main public roadways and services shall be established to accommodate emergency vehicles with limited turning movements, reduced visibility, and slower accelerations speeds to main roadways. Driveways that access onto public roads shall be paved or concreted to match the existing road and shall be maintained in good conditions by the camp owners. No “potholes”.
5. All workforce rooming units, including all accessory structures, shall be a minimum of fifteen (15) feet from any side or rear property line and a minimum of thirty (30) feet from the front property line, abutting a street or road.
6. Guest parking lots shall be construction, at a minimum, of a hard pack surface with gravel, chip-seal, concrete or pavement to provide sufficient storm water run-off. Each parking space shall be minimum of nine (9) feet wide by eighteen (18) feet long in size. ADA parking may be required.
7. Workforce camps shall be assigned one address with each rooming unit having a number or letter assigned to it by the owner. Each space shall be clearly marked, in consecutive order, with reflective three or four inches (3” or 4”) numbers/letters.
8. Workforce Camps existing at the time of adoption of this article, that do not meet the requirements shall be required to apply for a non-conforming use permit with the Chaves County Planning Department. See Section 27.9

C. Access, Utilities and Service

1. Water service

Water supply, not provided by a municipality or co-op, shall conform to the minimum standard required by the NMOSE. Water service, hookups and water quality testing shall conform to the minimum standards required by the municipality or co-op providing the service or by NMED and the latest New Mexico Plumbing Code. Failure to comply with NMED or NMOSE requirements shall result in the denial of the Workforce camp application or renewal.

2. Liquid Waste Disposal

- a. Liquid waste disposal services shall conform to the minimum standards of the municipality providing service or the NMED and the latest New Mexico Plumbing Code.
- b. Development or construction on parcels within three hundred (300) feet of a community liquid waste disposal system, when available for use, may be connected to that community system. The design of such connection shall be approved by the community system authority.

3. Solid Waste

All solid waste shall be enclosed on site within private or contracted solid waste containers such that no solid waste will be blown or scattered onto the property or roadway. No burning of solid waste shall be permitted on the property.

4. Streets and Access

a. General

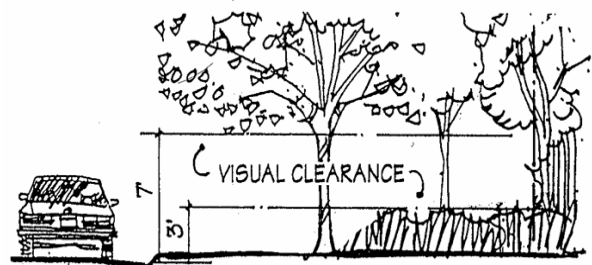
1. All streets and driveway access points to workforce camps may be reviewed by the City of Roswell, CCRD and the NMDOT to ensure that emergency vehicles can ingress and egress through the workforce camp efficiently and appropriately.
2. Internal roads that provide direct access to residential units or other structures, shall be constructed of a hard-pack surface with gravel, chip-seal, concrete or pavement, at a minimum width of twenty-four (24) feet and shall extend throughout the camp as necessary to provide convenient access to each workforce camp rooming unit and to common facilities and uses.
3. The maximum width of the entrance(s) to workforce camps from the public street may be sixty (60) feet. No exterior entrance may be within three hundred (300) feet of another entrance to the workforce camp, or an entrance to any adjacent property, unless waiver is granted by the Chaves County Planning Department and/or the ETZ Commission. Driveways that access onto public roads shall be paved or concreted to match the existing road and shall be maintained in good conditions by the workforce camp owner, so as not to allow “potholes”.
4. All internal roads and driveways shall be privately maintained in a manner that shall allow safe and efficient use by all vehicles in all weather conditions.

5. Traffic Impact Studies

Traffic Impact Studies may be required by the NMDOT, CCRD and/or the City of Roswell.

6. Intersection Visibility (Safe sight Triangle)

No structure or planting (at mature height) that exceeds three (3) feet in height shall be permitted within a safe sight triangle of the entrance/driveways. Exceptions are permitted for utility poles, lighting standards, County or State traffic or other County-approved signs, and existing trees if the lower canopy of the trees allow a clear line of sight between three and seven feet above the street grade.



7. Other Utilities and Services

Failure to comply with the following requirements shall result in the denial of the Workforce Camp application or renewal.

- a. Electrical services and utility boxes shall comply with the latest New Mexico Electrical Code. Including the New Mexico Night Sky Act.
- b. All utilities, including electrical power and telephone lines shall be installed underground.
- c. All roads, walkways, guest parking, and service areas shall be provided with lighting adequate to ensure the safety of vehicular and pedestrian traffic.
- d. Liquid Propane use shall comply with Section 7-5-1 to 7-5-23 NMSA.

D. Occupant Parking, off-street

1. Number of parking spaces

one (1) parking space per every two (2) occupants. (To be calculated based on the maximum number of occupants within the camp site, including camp employees)

2. Location

All required parking shall be located off-street and on the site.

E. Fire protection

The State Fire Marshal may review all plans for workforce camps, which shall include reasonable plans and steps to minimize the potential for spread of fire to adjacent structures. Failure to comply with SFM requirements may result in the denial of the Workforce camp application or renewal.

1. If a workforce camp draws water from a municipal or commercial water system, fire hydrant spacing shall not exceed a distance of one thousand (1,000) feet measured along the roadway, and individual hydrants shall not be located more than five hundred (500) feet from each workforce camp rooming unit.

F. Erosion and Drainage Plan

The Soil and Water Conservation District may determine whether the workforce camp can furnish terrain management sufficient to protect against flooding, inadequate drainage and erosion, which is a requirement for issuance of a Workforce Camp.

G. Maintenance; owner or manager responsibilities

The owner of the camp or manager shall have the following maintenance responsibilities set forth below:

1. Compliance with regulations required

Both the owner of the camp and operator of any workforce camp shall arrange for the management and supervision of the camp so as to enforce or cause compliance with all of the provisions of this article and any other applicable ordinances.

2. Repair and maintenance

- a. Both the owner of the camp and operator of every Workforce Camp shall be responsible for maintaining in good repair and condition all facilities, private roads and for maintaining clean, orderly and sanitary conditions at all times. Liquid and/or hazardous waste shall be cleaned up immediately, and any repairs shall be addressed per NMED code.
- b. All easements, buffers, and public or occupant use areas shall be cared for and kept free from weeds and trash.

H. Perimeter Fencing or Landscaping

The perimeter of the Workforce Camp shall be fenced or landscaped to provide adequate screening from adjacent properties or developments. Screen fencing shall be at a minimum height of six (6) feet. Landscaping shall be at a minimum height of six (6) feet at maturity and may include trees, shrubs, or a combination of the two. Screen fencing, and landscaping design and layout shall consider safe site triangles for all driveways and roads (Section 27.5.C.6).

Section 27.6 WORKFORCE CAMP PERMITTING

A. Applicability

1. No workforce camp shall be constructed on any lot or site prior to obtaining a workforce camp permit in accordance with the requirements of this article.
2. No workforce camp rooming unit shall be placed in a workforce camp prior to obtaining a Workforce Camp Permit in accordance with this section.

B. Application for a Special Use Permit

Any property owner or such owner's duly authorized agent or representative, whose land is zoned residential, commercial, or industrial and is within the unincorporated areas of Chaves County and the ETZ jurisdiction area may apply for a Special Use Permit for a Workforce Camp Permit with the County Planning and Zoning Department.

C. Application requirements

1. An application for a Workforce Camp Permit shall include sufficient information to demonstrate compliance with the applicable standards set forth in Section 27.5. At a minimum, each application shall include the following:
 - a. The name of the applicant and land owner of the workforce camp, the residential address of the applicant and land owner, the physical address of the workforce camp, legal description for the site that is the subject of the Workforce Camp Permit, the registered agent of the operator, if applicable; and
 - b. A scaled and detailed Development Plan per Section 27.5.B; and
 - c. Written approval of the liquid waste disposal plan by the NMED, solid waste removal contracts, and any proposed public or semi-public water provider, along with any other necessary supplemental information; and

- d. A written and signed evaluation from local, state or federal agencies that may be affected by the proposed camp as listed in Section 27.5.A; and
 - e. The application fees.
2. No review shall commence until the County Planning Director has determined that the application is satisfactory and ready to be presented to the Commission.
 3. The County Planning Director shall determine if the application is satisfactory with the requirements set forth in Section 27.6.C.1 a-e, within fifteen (15) days of submission. The County Planning Director shall notify the applicant of the decision by certified mail.
 4. Upon determining that the Workforce Camp application is satisfactory, the County Planning Director may place the proposed application on the agenda for next regular scheduled Commission hearing date.

D. Fees

Application review and permit fees and late fees shall be established by resolution by the ETZ Authority. The amount of the fee shall be commensurate with the cost of review and administration pursuant to this article.

E. Annual renewal

The Workforce Camp Permit shall be renewed on an annual basis on or before January 1 of each calendar year. Renewal applications received after March 30th shall be declared “late” and shall be assessed a late fee. The annual permit fee shall be established by resolution by the ETZ Authority.

Section 27.7 WORKFORCE CAMP RULES

- A. Each business approved under this article shall operate and be governed by a set of rules established by the business owner as necessary to ensure quality of life for residents and continued compliance with County regulations and State statutes.
- B. Rules shall be posted in the business office at all times.

Section 27.8 ADMINISTRATIVE AND ZONING AUTHORITY APPEALS

- A. Any person aggrieved by a decision of the Code Enforcement Officer, County Planning Director or any other employee may appeal said decision to the ETZ Authority within thirty (30) days after the date of the final decision in accordance with this section.
- B. Any person aggrieved by a decision of the ETZ Authority may appeal the decision to District Court pursuant to the provisions of Section 39-3-1.1 NMSA 1978.
- C. The filing of an appeal shall stay all legal proceedings in the matter appealed from, unless the Code Enforcement Officer, County Planning Director or any other employee certifies to the ETZ Authority that by reason of facts stated a stay would cause imminent peril to life and property.

Section 27.9 NONCONFORMITIES

A. General

1. Applicability

The regulations of this section govern nonconformities, which are spaces, uses and structures that were lawfully established but because of the adoption of new or amended regulations no longer comply with one or more requirements of this article and shall supersede Article 24 of this ordinance.

2. Intent

Occasionally, spaces, uses, and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) have been made nonconforming because of changes in the regulations that apply to the subject property. The regulations of this section are intended to clarify the effect of such nonconforming status and avoid confusion with “illegal” buildings and uses (those established in violation of applicable regulations). The regulations of this section are also intended to:

- a. Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established at the time such use and activities commenced;
- b. Promote maintenance, reuse and rehabilitation of existing buildings;
- c. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties; and
- d. Encourage nonconforming workforce camps to conform to the requirements of this article.

3. Determination of nonconforming status

- a. The County Planning Director is authorized to determine whether adequate proof of nonconforming status has been provided by the subject landowner.
- b. The burden of proving that a nonconformity (as opposed to a violation) exists rests entirely with the subject landowner. Reliable evidence must also be provided by the applicant indicating that the nonconformity has been continuous and that it has not lost its nonconforming status. Examples of reliable evidence include: building permits; City or County billing records; utility billing records; and assessment, tax or rental records.
- c. The County Planning Director’s decision on nonconforming status determinations may be appealed in accordance with Section 27.8.
- d. Any workforce camp that does not meet the standards of this article at the time of adoption of this ordinance will be deemed nonconforming and shall have ninety (90) days to apply for a non-conforming use permit.
- e. All nonconforming use permits will require annual renewal and are subject to review and approval. This renewal will be considered “late” and applicable late fees will apply if more than 365 days have elapsed since last renewal.

- f. All nonconforming use permits will be revoked if renewal has lapsed for a period of twelve (12) months or more.

B. Nonconforming Structures

1. Continuation

The lawful, conforming use of a structure existing at the effective date of this ordinance, and its subsequent amendments, may be continued, although the structure's size or location does not conform to the density and dimensional standards, parking standards, or other applicable provisions of this ordinance.

2. Damaged or destroyed

If a nonconforming structure is damaged by calamity, natural disaster or other cause, it may not be restored except in conformity with the provisions of this article. A nonconforming structure otherwise damaged or destroyed may only be restored if it still retains more than fifty (50) percent of its pre-damage/destruction value, subject to approval by the Chaves County Building Official.

3. Movement

A nonconforming structure, including a manufactured or mobile home, may not be moved for any reason or for any distance, unless when so moved, it complies with the requirements of this article; Chaves County's Manufactured Home Placement Ordinance; and other applicable regulations. The provisions of this subsection shall not apply to involuntary movements of uses as a result of condemnation actions or other litigation.

C. Nonconforming Uses

1. Continuation

The lawful nonconforming use of a structure or land at the effective date of this ordinance or its subsequent amendment may be continued so long as the then existing use continues, provided that any enlargement or expansion shall be in accordance with requirements of this article.

2. Damaged or destroyed

If a nonconforming use is damaged by calamity, natural disaster or other cause, it may not be restored except in conformity with the provisions of this article. A nonconforming use otherwise damaged or destroyed may only be restored if it still retains more than fifty (50) percent of its pre-damage/destruction value and is subject to approval of a Workforce Camp Permit by the Chaves County Building Official.

3. Movement

A nonconforming use, including a manufactured or mobile home, may not be moved for any reason or for any distance, unless when so moved, it complies with the requirements of this article; Chaves County's Manufactured Home Placement Ordinance; and other applicable County and State requirements. The provisions of this subsection shall not

apply to involuntary movements of uses as a result of condemnation actions or other litigation.

4. Change in use

Once a nonconforming use has been changed or altered so as to comply with the provisions of this article, it shall not be permitted to revert back to a nonconforming use.

5. Discontinuance of nonconforming use

Discontinuance or abandonment of a nonconforming structure or use for a period of twelve (12) months or more, shall require the use to conform to this article with exception to the following reasons; litigation, physical disability, or unforeseen circumstances beyond the control of the owner. The extension of a discontinued or abandon nonconforming use beyond twelve (12) months, shall be at the discretion of the ETZ Commission.

6. Enlargements and expansions

- a. A nonconforming workforce camp may not be enlarged or expanded, except with the approval of the County Planning Director and/or ETZ Commission and where the County Planning Director and/or ETZ Commission finds that:
 1. The existing workforce camp is in substantial compliance with the requirements of this article; and
 2. Water and liquid waste disposal services will conform with the minimum standards of N.M.E.D.; and
 3. Any enlargement or expansion of the workforce camp shall conform to all requirements of this article.
- b. In approving the expansion of a nonconforming workforce camp, the County Planning Director and/or ETZ Commission may impose conditions as necessary to reasonably address deficiencies and to achieve the purpose and intent of this article.

D. Change of Ownership

The lawful nonconforming use of a structure or land at the effective date of this article or its subsequent amendment may be continued regardless of a change of ownership.

E. Density and Dimensional Standards

1. Development on nonconforming workforce camp shall comply with the applicable density and dimensional standards to the extent practical, as determined by the Commission
2. Nonconforming camps shall not be modified to create nonconformity or increase the degree of nonconformity. Modification that decrease the extent of nonconformity shall be permitted.

Section 27.10 VIOLATIONS, ENFORCEMENT AND PENALTIES

A. Violations

1. Violations of conditions

Violations of conditions imposed as part of a Workforce Camp Permit pursuant to Section 27.5 shall constitute violations of this article.

2. Additions or Enlargements

Additions or enlargements of a Workforce Camp not approved by the Commission shall constitute a violation of this article.

3. Non-compliance

Non-compliance with any section of this article will be considered a violation of this article.

4. Occupancy

No building or site may be occupied until the improvements, construction and installations comply with this article and any conditions imposed as part of the Workforce Camp Permit.

5. Inspection

The County Planning Director, Chaves County Building Inspector, Code Enforcement Officer or other assigned administrator may inspect buildings, sites, improvements, construction and installations for the purpose of determining compliance with this article and any conditions imposed as part of a development approval. The administrator shall promptly investigate and take action on complaints regarding ordinance violations.

B. Enforcement

1. Notice of violation

Where provisions of this article are being violated, the Code Enforcement Officer shall send the owner or the owner's designee, via certified mail or carrier service and posting, notice of the violation, setting forth the action necessary to correct the violation. The notice may require discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or the taking of any action authorized by this article to ensure compliance with or to prevent violations of its provisions.

2. Citations

The Code Enforcement Officer shall have the authority to issue citations for the violation of this article and to seek the issuance of any and all necessary court orders on behalf of the County.

a. Timing of citations

The Code Enforcement Officer has the authority to issue citations for violations of this article thirty (30) days after mailing of the notice of violation in compliance with Section 27.9 of this article.

b. Content of citation

The citation shall specify the code violations forming the basis for the citation.

C. Penalties and remedies

1. Violations of this ordinance

In addition to any penalty or other remedy provided by law, any person, corporation, entity or organization, found to have violated any provision of this ordinance, may be punished by a fine of up to three hundred (\$300) dollars and/or up to ninety (90) days imprisonment or both. Each individual day of violation shall constitute a separate violation of this ordinance.

2. Development approvals, permits

- a. No application for a Workforce Camp Permit or other development approval shall be processed for any property with an existing violation, unless the application addresses the violation.
- b. The County may initiate revocation, withdrawal or suspension of any prior development approvals and permits via the same process required for such approvals and permits; and may withhold or prohibit any additional development by owner or in which owner holds an interest until such time as the violations set forth in the citation are cured; and require proof of compliance with this article prior to issuance of a Workforce Camp Permit; and such other penalties as are permitted by law.

3. Utility connections

Any water, sewer, electric, or gas company that provides service to individual parcels before the landowner has received a Workforce Camp Permit pursuant to this article may be subject to civil injunctive relief or penalties.