

# **Section 7      PROCEDURES FOR DRAINAGE SUBMITTALS**

## **A. Procedures for Drainage Submittals**

### **INTRODUCTION**

This section presents procedures for making drainage submittals. General criteria established by the City/SSCAFCA for review of those submittals are also presented.

### **Submittal Preparation**

Guidelines for preparation of drainage submittals are presented in DPM Chapter 22, Section 7. The material and information required for a complete submittal can be determined by referring to the appropriate section in the DPM.

### **Approval Procedures**

The following are procedures and guidelines established by the City/SSCAFCA for the review of drainage submittals.

1. All Drainage Submittals and follow-up correspondence should be submitted to the City/SSCAFCA. For record keeping purposes a Drainage Information Sheet (DIS) must be provided with the subject transmittal. The latest version can be obtained from the City/SSCAFCA. All Drainage submittals required for building permit, preliminary plat, site development plan, sector plan, grading plan approvals, etc, must be processed through the City's/SSCAFCA's Offices.
2. Upon receipt of a drainage submittal the City/SSCAFCA will assign a file number, and the submittal will be logged in for review. The submittal will be added to a list that identifies its status in the review process.
3. Correspondence related to drainage submittals must reference the file number assigned by the City's/SSCAFCA's Office upon submittal. These file numbers shall also be referenced on all re-submittals. The use of the file number facilitates the processing and tracking of drainage submittals and related correspondence.
4. Drainage submittals that do not include a DIS, vicinity map, legal description, engineer's seal for Drainage, date and other major items identified on the appropriate DPM format guideline will not be accepted. Only after the information is deemed complete will a submittal be accepted for review.
5. It is the policy of the City's/SSCAFCA's Offices to make responses to new submittals, resubmittals, and follow-up correspondence as soon as possible but not more than thirty calendar days after a complete submittal has been received by that office.

6. All revisions made to a particular submittal must be signed, sealed and dated by the Engineer of Record for all drainage submittals with revisions clearly noted. Resubmittals must be accompanied with the agency's original comments.
7. Approved drainage submittals are in effect for a period of one year (provided no significant changes have occurred which may alter the original submittal) from the date of approval. After one year, if no significant development has taken place, a resubmittal will be required and must reflect all changes in conditions and/or City/SSCAFCA requirements since the date of last approval.
8. Questions concerning the preceding items should be directed in writing to the City's/SSCAFCA's Offices.

### **Flood Hazard Certification**

Compliance with the requirements of the Flood Hazard Prevention Ordinance is required of every applicant for subdivision, site development plan and/or building permit approval. Compliance is achieved by either demonstrating that the proposed project does not lie within a designated flood hazard area or by demonstrating adequate flood-proofing as required by the ordinance or by removing the site from a flood hazard area through the FEMA map revisions process.

### **Development Within Flood Hazard Areas For Building Permits**

If the site is determined at the time of building permit application to lie within a Flood Hazard Area as shown on the Federal Emergency Management Agency (FEMA) maps on file with the City, then the City/SSCAFCA will determine if flood-proofing is required. Prior to final approval of building occupancy, certification by a registered professional surveyor or engineer as appropriate must be made so that these flood-proofing requirements have been met.

### **Development Within Flood Hazard Areas For Subdivisions And/Or Site Plan Approvals**

If any improvements are proposed which modify the existing floodplain boundary, an application for a Conditional Letter of Map Change (CLOMC) shall be submitted to the City Floodplain Administrator to be forwarded to FEMA. A Letter of Map Change (LOMC) must be obtained from FEMA after construction is complete. When a CLOMC has been issued by FEMA, a portion or all of the SIA (Subdivision Improvement Agreement) and financial guarantees may be released prior to the LOMC being issued by FEMA. Submittal of a copy of the LOMC from FEMA is required for release of the balance of the financial guarantees and SIA's when issuance is a condition of release.

The following floodplain note must be placed on the plat if a LOMC has not been issued by FEMA: "Portions of the subject property lie within a designated area of special Flood Hazard as shown on the most recent National Flood Insurance Program's "Flood Insurance Rate Map. Until such time that a LOMC is issued by FEMA, flood insurance may be required."

### **Drainage Facilities Construction Agreement and Financial Guarantee**

Section 9C of SSCAFCA's Drainage Policy states that "if the construction of such (drainage) facilities is a condition of plat approval or building permit issuance, then financial guarantees of such construction satisfactory to the City/SSCAFCA shall also be provided as a prerequisite." In those instances where financial guarantees are required, the developer enters into an agreement with the City assuring the construction of such facilities. The form of agreement and the nature of acceptable financial guarantee is dependent on the circumstances involved.

### **Forms and Certificates**

Current copies of forms and certificates such as the drainage information sheet can be obtained from the Development Service Department (DSD), SSCAFCA or through SSCAFCA's website at [www.sscafca.com](http://www.sscafca.com).

**CONFERENCE RECAP**

DRAINAGE FILE/ZONE ATLAS PAGE NO. \_\_\_\_\_ DATE: \_\_\_\_\_

PLANNING DIVISION NOS: EPC \_\_\_\_\_ DRB \_\_\_\_\_

SUBJECT: \_\_\_\_\_

STREET ADDRESS (IF KNOWN)  
\_\_\_\_\_

SUBDIVISION NAME: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_

**TYPE OF PROJECT**

\_\_\_ PRELIMINARY PLAT

\_\_\_ FINAL PLAT

\_\_\_ SITE DEVELOPMENT PLAN

\_\_\_ BUILDING PERMIT

\_\_\_ (OTHER) \_\_\_\_\_

\_\_\_ ROUGH GRADING

**ATTENDEES**

WHO	REPRESENTING
_____	_____
_____	_____
_____	_____

**FINDINGS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned agrees that the above findings are summarized accurately and are only subject to change if further investigation reveals that they are not reasonable or that they are based on inaccurate information.

SIGNED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

**\*NOTE\*\*PLEASE PROVIDE A COPY OF THIS RECAP WITH THE DRAINAGE SUBMITTAL**

## DRAINAGE INFORMATION SHEET

PROJECT TITLE: \_\_\_\_\_ RIO RANCHO CASE #: \_\_\_\_\_  
 SSCAFCA File #: \_\_\_\_\_  
 LEGAL DESCRIPTION: \_\_\_\_\_  
 PROPERTY ADDRESS: \_\_\_\_\_

ENGINEERING FIRM: \_\_\_\_\_ CONTACT: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 CITY, STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

OWNER: \_\_\_\_\_ CONTACT: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 CITY, STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

ARCHITECT: \_\_\_\_\_ CONTACT: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 CITY STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

SURVEYOR: \_\_\_\_\_ CONTACT: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 CITY, STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ CONTACT: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 CITY, STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

- CHECK TYPE OF SUBMITTAL:
- \_\_\_\_\_ DRAINAGE REPORT
  - \_\_\_\_\_ DRAINAGE PLAN 1st SUBMITTAL
  - \_\_\_\_\_ DRAINAGE PLAN RESUBMITTAL
  - \_\_\_\_\_ GRADING PLAN
  - \_\_\_\_\_ EROSION CONTROL PLAN
  - \_\_\_\_\_ ENGINEER'S CERTIFICATION (HYDROLOGY)
  - \_\_\_\_\_ CLOMR/LOMR
  - \_\_\_\_\_ ENGINEERS CERTIFICATION (SITE PLAN)
  - \_\_\_\_\_ OTHER

- CHECK TYPE OF APPROVAL SOUGHT:
- \_\_\_\_\_ PRE-DESIGN CONFERENCE
  - \_\_\_\_\_ SIA/FINANCIAL GUARANTEE RELEASE
  - \_\_\_\_\_ PRELIMINARY PLAT APPROVAL
  - \_\_\_\_\_ S. DEV. PLAN FOR SUB'D APPROVAL
  - \_\_\_\_\_ S. DEV. PLAN FOR BLDG. PERMIT APPROVAL
  - \_\_\_\_\_ FINAL PLAT APPROVAL
  - \_\_\_\_\_ FOUNDATION PERMIT APPROVAL
  - \_\_\_\_\_ BUILDING PERMIT APPROVAL
  - \_\_\_\_\_ CERTIFICATE OF OCCUPANCY (PERM.)
  - \_\_\_\_\_ CERTIFICATE OF OCCUPANCY (TEMP.)
  - \_\_\_\_\_ GRADING PERMIT APPROVAL
  - \_\_\_\_\_ PAVING PERMIT APPROVAL
  - \_\_\_\_\_ WORK ORDER APPROVAL
  - \_\_\_\_\_ REQUEST FINAL APPROVAL
  - \_\_\_\_\_ OTHER (SPECIFY)

DATE PRE-DESIGN CONFERENCE HELD:  
 \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_ BY: \_\_\_\_\_

Requests for approvals of Site Development Plans and/or Subdivision Plats shall be accompanied by a drainage submittal. The particular nature, location and scope to the proposed development defines the degree of drainage detail. One or more of the following levels of submittal may be required based on the following:

1. **Conceptual Grading and Drainage Plan:** Required for approval of Site Development Plans greater than five (5) acres and Sector Plans.
2. **Drainage Plans:** Required for building permits, grading permits, paving permits and site plans less than five (5) acres.
3. **Drainage Report:** Required for subdivision containing more than ten (10) lots or constituting five (5) acres or more.

**(A) Fees**

The consultant should be advised that FEMA has a cost for reviewing private development projects to recover their engineering review and processing associated with the issuance of Conditional Letters of Map Amendments (CLOMA's), Conditional Letters of Map Revision (CLOMR's), Letters of Map Revisions (LOMR's), and Letters of Map Amendments (LOMA's).

FEMA's current fee schedule may be obtained from the City Floodplain Administrator. All fees may be subject to change by FEMA.

Prior to preparing information for a map revision or amendment, it is recommended that a pre-design meeting be initiated with the City Floodplain Administrator to discuss your request. At this meeting, specific information relating to your CLOMA, LOMA, CLOMR or LOMR will be identified. All submittals must be made on current FEMA Forms. All submittals will be sent to FEMA by the City/County Floodplain Administrator.

**(B) Letter of Map Amendment (LOMA)**

The purpose of a LOMA is to provide an administrative procedure whereby FEMA will review the scientific or technical submissions of an owner or lessee of property who believes his property has been inadvertently included in designated A, AO, AE, AH, A99, VE, or V Zones, as a result of the transposition of the curvilinear line to either street or to other readily identifiable features. The necessity for this is due in part to the technical difficulty of accurately delineating the curvilinear line on a FIRM map. These procedures shall not apply when there has been any alteration of topography since the effective date of the FIRM map, which shows the property within an area of special flood hazard.

Any owner or lessee of property (applicant) who believes his property has been inadvertently included in a designated A, AO, AE, AH, A99, VE or V Zones on a FIRM map, may submit scientific or technical information to the City Floodplain Administrator to be forwarded to FEMA for review.

**(C) Conditional Letter of Map Revision (CLOMR)**

A Conditional Letter of Map Revision is FEMA's comment on the effectiveness or impacts of a proposed flood control project or flood plain modification. It is based on FEMA's review of the proposed project and states that if the proposed project is built as designed, it would be cause for a Letter of Map Revision. The CLOMR does not revise the FEMA flood maps.

**(D) Letter of Map Revision (LOMR)**

If land development involves the reclamation of a floodplain or floodway, it is recommended that you contact the City Floodplain Administrator to discuss the specific requirement for a LOMR. The criteria for LOMR's will be per FEMA's latest revision of The National Flood Insurance Program and Related Regulation.

Revisions to effective NFIP maps are most often requested because of physical changes that have taken place in the flood plain. Such changes include, but are not limited to, the construction of new bridges, culverts, levees, or channel improvements and the grading and filling normally associated with development (including the placement of fill to elevate individual structures above the BFE).

Occasionally, revisions will be requested because the analyses used to develop the data shown on the effective NFIP are found to contain errors, or because a requester believes that the use of alternative methodologies or better data will provide results that are more accurate than those obtained from the original FEMA analyses.

The typical required submittal for map revisions because of physical changes is as follows:

- a. General description of the changes (dam, diversion channel, detention basin, etc.)
- b. Construction plans for as-built condition, if applicable.
- c. New hydrologic analysis accounting for the effects of the changes.
- d. New hydraulic analysis using the new flood discharge values resulting from the hydrologic analysis.
- e. Revised delineations of the flood plain boundaries or floodway.

All requests to FEMA must be accompanied by the latest NFIP forms. Two sets of the required data must be submitted to the City Floodplain Administrator. The Administrator will forward the submittal to FEMA for the map revision. The consultant should be aware that FEMA may request additional data or fees prior to releasing a LOMR.

## **B. Procedure for Storm Drainage Infrastructure Allocation**

### **A. Introduction**

This section provides the procedure for the allocation of drainage infrastructure improvements that are generated by and attributable to new development.

### **B. Purpose**

The purpose of this Procedure is to provide an equitable cost distribution method for drainage improvements that allows for the installation of public drainage facilities with new development and a mechanism to provide for the Cost Allocation to and payment of those facilities by the properties that are seeking development approval and benefit from the facilities.

### **C. Generally**

1. The City/SSCAFCA acknowledges that new development may construct drainage facilities that benefit other property within a drainage basin. The provisions of this Procedure provide the manner in which such facilities may be constructed by an applicant and the method to allocate the Cost to benefited property owners.

2. This Procedure is intended to complement and supplement the Subdivision Ordinance, Erosion Control; Storm Drainage Ordinance and the Flood Hazard Prevention Ordinance of the City, SCAFCA Drainage Policy and shall be administered in concert therewith. Pursuant to the City Erosion Control Ordinance and SCAFCA Drainage Policy, all properties proposed for development must provide for the management and conveyance of storm runoff from a fully developed upstream drainage basin.

3. Administration and enforcement of this Procedure may be delegated to the City Engineer.

#### **D. Infrastructure Allocation Drainage Management Plan (Allocation Plan)**

1. Any new development which requires the construction of public drainage facilities that service more than a single platted parcel of land may prepare an Allocation Plan. An Allocation Plan shall be required to support a request for the Cost Allocation of the cost of drainage facilities to benefiting properties. Generally, the Allocation Plan shall (1) define the extent and limits of the drainage basin to be served by the drainage facilities to be constructed; (2) determine the drainage and water quality facilities necessary to collect, control and convey storm water runoff based on the design storm generated within the drainage basin; (3) identify a drainage outfall for the drainage facilities proposed for construction; (4) define the benefited area; and (5) include a Preliminary Cost Allocation Map and a Preliminary Cost Allocation Table. The Preliminary Cost Allocation Table and Preliminary Cost Allocation Map may be prepared based on existing or proposed platting of lands within the benefited area. Previous studies, reports and/or plans may be utilized in preparation of the Allocation Plan, as accepted by the City/SSCAFCA.

2. The Allocation Plan shall include a current estimate of the total calculated cost of constructing the drainage facilities, including the anticipated costs for engineering studies and design, surveying, planning, Federal Emergency Management Agency Map revisions and amendments construction, construction management, observation and administration, easement, right-of-way and property acquisition, and other incidental costs which can be anticipated. The City's estimated Unit Prices Contract Items, latest edition, shall be used whenever possible.

3. The Allocation Plan shall be prepared and/or amended by or under the direct supervision of a professional engineer registered in the State of New Mexico and competent in the areas of surface water hydrology and hydraulics. The design work referenced above shall be performed in accordance with the City/SSCAFCA Ordinances, Policies and DPM.

4. The Allocation Plan shall be based upon fully developed conditions, [excepting properties excluded under paragraph G (9)] taking into consideration the current elements of the applicable City land use master plan(s), or other reasonable land use models, as they relate to the benefited area, and other relevant known factors, such as changes in zoning or development trends not reflected on the master plan(s).

5. The Allocation Plan shall specifically identify and address, but not be limited to, the following:

- a. land use assumptions



- b. the benefited area, drainage basin and benefit
  - c. undeveloped and developed conditions and assumptions which shall be illustrated by a definitive table establishing the specific discharge rate for each property and volume
  - d. hydrology/hydraulic analysis
  - e. phasing
  - f. required drainage facilities and associated infrastructure
  - g. all costs for the drainage facilities and associated infrastructures
  - h. current conditions
  - i. anticipated sources of funding independent of the Cost Allocations
  - j. required right-of-way
  - k. how cost allocations are established (methodology)
  - l. all properties within the benefited area (preliminary Cost Allocation Map)
  - m. preliminary Cost Allocations to properties, and identify "excluded" or benefited properties that shall not be allocated (if any)
  - n. a cost allocation Table
  - o. a cost allocation Map
6. Neither the City/SSCAFCA or any other owner or developer of land in the benefited area shall subsequently construct a drainage facility that does not comply with an approved Allocation Plan.

#### **E. Review and Approval Procedure**

1. **Pre-Application Meeting.** It shall be mandatory that a pre-application meeting occur prior to initiating any of the following steps. Upon request, the City/SSCAFCA shall schedule a meeting with the applicant to discuss general Allocation Plan procedures and the merits of the proposed Allocation Plan.

#### **2. City/SSCAFCA Review and Approval**

a. The Applicant shall submit a draft Allocation Plan to the City/SSCAFCA for preliminary review and comment. The final Allocation Plan shall be approved by the City Engineer at a public hearing after notice in a newspaper of general circulation at least 15 days prior to the hearing prior to initiation of any subsequent steps in these procedures.

b. The approved Allocation Plan shall be on file at the City Engineer's office and open to public inspection.

#### **F. Establishing Cost Allocations**

1. The method for determining the Cost Allocation associated with each property within the benefited area shall be set forth in the Allocation Plan, in accordance with this section. The Cost Allocation shall be determined by multiplying the total costs of the drainage facilities by a Cost Allocation Factor.
2. The Cost Allocation Factor may be calculated by: (1) a proportion of individual parcel area to the total area of the Benefited Area, (2) a proportion of the designed discharge or runoff volume for the property as set forth in the Allocation Plan to the total designed discharge or runoff volume of the public drainage facility to be constructed as set forth in the Allocation Plan, or (3) of a cost sharing matrix which takes into account such factors as property size, designed discharge, floodplain removed, partial basin Cost Allocation, allocation of downstream capacity, ponds reclaimed, frontage, prudent line changes and other factors.
3. The method or combination of methods selected for establishing Cost Allocations shall be approved by the City/SSCAFCA and used in preparing the Cost Allocation Table.
4. The total calculated cost of the drainage facilities to be constructed shall consist of all costs, including, but not limited to, engineering, surveying, planning, Federal Emergency Management Agency Map revisions and amendments, the acquisition of easements, rights-of-way or other property, environmental permitting and mitigation and construction.
5. The cost allocation or the required drainage infrastructure identified by the Allocation Plan for each new development shall be identified on the approved infrastructure list for the new development, and shall be required as a condition to final plat final site plan approval, or building permit approval.
6. All money collected through this procedure shall be due at the time of final plat approval or final site plan approval.
7. All money collected through the implementation of this Procedure shall be maintained by the City Engineer in a segregated account clearly identifying the payer and the drainage facility within the benefited area for which the payment was made. All money collected through this procedure shall be used to construct the infrastructure as shown on the approved Allocation Plan.
8. In the event that the drainage basin extends outside the City's municipal limits, the benefited area may also extend beyond those limits provided that the benefited property owners outside the City's municipal limits consent to participation.
9. The exclusion of properties from Cost Allocation shall be subject to the following conditions and qualifications.

a. Properties within the Drainage Basin that will not benefit from the drainage facilities shall be identified in the Allocation Plan but excluded from Cost Allocation. For example, such excluded properties may not reasonably drain to the drainage facilities to be constructed, or which have already been developed with permanent stand alone drainage systems and would receive no benefit from the proposed drainage facilities.

b. Permanent Open Space within the Drainage Basin shall be identified in the Allocation Plan but excluded from Cost Allocation. The cost that would have been allocated to the open space will be distributed in accordance with paragraph G (2) to the remaining benefited properties.

c. Public right-of-way shall not be subject to Cost Allocation.

d. The Applicant may choose to exclude property within the benefited area, provided that (1) such exclusion does not increase the Cost Allocations of other properties, or (2) the applicant submits written verification that all of the other allocated properties have agreed to accept the excluded property's Cost Allocation in an equitable or agreed upon manner.

e. Property owned by the United States of America, the State of New Mexico or any other property owned by an entity not subject to the jurisdiction of the City's Planning and Development regulations include ROW owned by SSCAFCA shall not be subject to Cost Allocation.

f. Excluded properties, as approved by the City, shall be limited to existing condition discharge.

### **G. Design of Drainage Facilities**

1. After the City/SSCAFCA has approved the Allocation Plan and the applicant is ready to proceed with his development, the applicant shall have the drainage facilities designed by a professional engineer in accordance with the DPM and the approved infrastructure list. The construction plans and specifications shall be submitted to the City/SSCAFCA for review and, if acceptable, approval.

2. Construction cost/quantity estimates shall be prepared and approved in accordance with applicable policies of the City/SSCAFCA and prepared in such a manner that the total cost for Allocation Plan items alone can be determined.

3. The construction plans shall not necessarily be limited to Allocation Plan item construction only.

### **H. Construction and Inspection of Facilities**

1. Upon approval of the construction plans and specifications by the City/SSCAFCA, completion of applicable competitive bidding, and acquisition of the necessary easements, rights-of-way, environmental mitigation and permitting, or other necessary property interests, the applicant shall cause the drainage facilities to be installed, at the applicant's expense, strictly in accordance with the approved plans and specifications.

2. Prior to construction, the applicant or applicant's contractor shall obtain approval from the City/SSCAFCA, complying with all procedures and practices normally required to obtain same,

including but not limited to applicable bonds, subdivision improvement agreements, construction contracts, insurance certificates and fees.

3. Construction inspection, surveying and testing shall be performed in accordance with applicable City/SSCAFCA policies.
4. Changes to Allocation Plan related construction items shall be allowed during construction, provided the City/SSCAFCA approves the field change in writing as being substantially in conformance with the approved Allocation Plan.
5. If the change varies by 10% or more of the original estimated Allocation Plan cost, the Allocation Plan shall be amended and resubmitted by the applicant to the City/SSCAFCA for reapproval.
6. Financial guarantees shall be withheld until such time as the Allocation Plan is amended to reflect as-constructed changes and conditions.

#### **I. Temporary or Phased Drainage Facilities**

1. Temporary facilities and phased construction of drainage facilities are only allowed and/or required on a case-by-case basis as determined by the City/SSCAFCA. The level of protection to be provided by temporary or phased facilities shall be determined by considering:
  - a. the likelihood and consequences of a failure;
  - b. length of time until permanent facilities shall be in place;
  - c. the acceptance of maintenance responsibilities and legal liabilities;
  - d. the provision of substantially complete plans of all required permanent allocation plan infrastructure.

All costs of approved temporary or phased facilities shall be included in the Cost Allocations, as approved by the City/SSCAFCA, and to the extent that the temporary facilities benefit the area.

2. Under phased construction of drainage facilities where the developer is not required by the approved Allocation Plan to install an amount of infrastructure equal to or exceeding his ultimate Cost Allocation to support the development of his phase, the developer installing the drainage facilities shall: (1) install infrastructure equal in cost to the developer's required Cost Allocation, as determined by the completed Allocation Plan improvements without phasing, or (2) pay cash or post a suitable financial guarantee acceptable to the City in an amount equal to the difference between the cost of drainage facilities constructed and the developer's required Cost Allocation, as determined under the completed Allocation Plan improvements without phasing.

## **J. Updating Allocation Plan and Cost Allocations**

1. Allocation Plan and the Cost Allocations shall be updated with each subsequent development or as required by the City/SSCAFCA.
2. As determined by the City Engineer/SSCAFCA, the Allocation Plan shall be reviewed and/or updated to reflect changed conditions within the drainage basin.

## **K. Appeals; SSCAFCA Executive Committee**

1. Any applicant aggrieved by a decision at to actions of the Executive Engineer or absence of such decision, may appeal such decision to the Executive Committee of SSCAFCA. Such appeal shall be made by notice of appeal in writing addressed to the Chairperson of the Executive Committee and delivered to SSCAFCA within 30 days after the date the decision was mailed to the applicant. The Chairperson of the Executive Committee shall notify the applicant and the Executive Committee Members of the date, time, and place of the appeal hearing at least five day prior to the hearing date. Such hearing shall be conducted not earlier than ten days no later than 30 days after the filing of the notice of appeal. At the hearing, the Executive Committee may consider such facts, exhibits , and engineering principles as may be presented by the appellant or the Executive Engineer or his designee, or of which the members may have knowledge or experience, and may affirm, reverse or modify the decision appealed from, and attach as condition to their decision such requirements as in their opinion may be necessary or appropriate in compliance with the policies of §§ 1 et seq. to safeguard persons and property from storm water runoff. Each decision of the Executive Committee shall be in writing and shall state reasons therefore. A copy of the decision shall be promptly mailed to the applicant and to the Executive Engineer and City Engineer.
2. The Executive Engineer or applicant aggrieved by any decision of the Executive Committee may appeal such decision to the SSCAFCA Board of Directors. Such appeal shall be requested by notice of appeal in writing addressed to the Chairman of the SSCAFCA Board of Directors within 30 days after the date a copy of the decision was mailed to the applicant. Such appeal shall be heard after notice at the first available meeting of the SSCAFCA Board of Directors. The SSCAFCA Board of Directors may affirm, reverse, or modify the decision of the Executive Committee. A copy of the decision shall be promptly mailed to the applicant and to the Executive Engineer and City Engineer.

## **L. Appeals; City Of Rio Rancho City Council**

## **M. Application**

1. This Procedure shall apply to and be required of new development projects requesting platting, site plan and building permit approvals that, prior to the effective date of this Procedure, have not received preliminary plat (and such approval has not expired) and for which the construction of public drainage facilities are required. At the request of the Developer, development projects that have proceeded beyond preliminary plat approvals may be considered for review and application of this Procedure upon approval of the City/SSCAFCA. Where phasing of drainage facility construction is planned, the provisions of this Procedure shall be applied only to that phase of

construction, or phases identified in an approved Allocation Plan, which has not been completed nor commenced.

2. For development projects for which a drainage submittal to the City/SSCAFCA has already been made, the applicant shall have the option of proceeding with a standalone project independent of the Allocation Plan or conform to this Procedure.

3. This procedure shall be promulgated as an administrative rule change to the Development Process and shall become applicable to new development 30 days after the approved rule change is promulgated.