

***THE SOUTHERN SANDOVAL
COUNTY ARROYO FLOOD
CONTROL AUTHORITY***

DRAINAGE POLICY

RESOLUTION NO. 1994-8

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
RESOLUTION 1994-8
ADOPTION OF DRAINAGE POLICY

WHEREAS, the Board of Directors of Southern Sandoval County Arroyo Flood Control Authority (the Authority) met in regular session at 4020 Peggy Rd. S.E., Suite E, Rio Rancho, New Mexico on April 19, 1994 at 1:00 p.m.; and

WHEREAS, the Board of Directors of the Authority at its special meeting on April 15, 1994, approved by Motion the Drainage Policy subject to an appeal section; and

WHEREAS, the Board of Directors has approved the Appeal Section and now wishes to also adopt said Drainage Policy by Resolution in order to further formalize said approval.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of SSCAFCA that the Drainage Policy is hereby approved and adopted effective April 19, 1994.

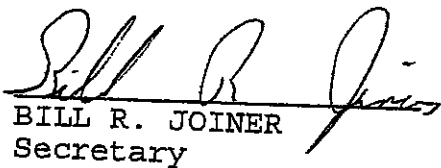
PASSED AND ADOPTED by the Board of Directors of SSCAFCA this 19th day of April, 1994.



JOHN CHANEY
Chairman
Southern Sandoval County Arroyo
Flood Control Authority

(SEAL)

ATTEST:



BILL R. JOINER
Secretary

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INTRODUCTION

Section 1. GENERAL STATEMENT.

The Authority will serve a public use and will promote the health, safety, prosperity, security and general welfare of the inhabitants within its territory.

The protection of life and property from flood damage shall be considered to be the Authority's primary objective in the planning, design, construction and maintenance of storm drainage facilities.

Subsidiary concerns, not limited to the following, include: watershed characteristics, sediment control, maintenance, multiple use, and appearance. The needs of the community in transportation, utility service, recreation, and open space shall be considered in the selection of watercourse and floodplain treatments. The Authority encourages consideration of such alternatives to lined storm drainage facilities as watershed management, natural or naturalistic watercourses, the prudent line and stabilized flood zones.

The Authority recognizes the interactions within the hydrologic system. Human activities such as storm drainage, irrigation, groundwater usage and recharge, and urban development may influence one another. The Authority will pursue its objective from a comprehensive hydrologic perspective.

In general, both public and privately-built storm drainage facilities will be designed to accommodate the 100-year runoff. However, the Board of Directors may require a more conservative design where the consequence of failure could be severe. Minor storm drainage facilities, such as storm sewers, streets and detention basins having adequate downstream capacity, may be designed to accommodate less than the 100-year runoff, in accordance with criteria adopted by public entities within their respective jurisdictions, and by the Executive Engineer of the Authority within other areas.

The Authority commits itself to cooperate with other public entities and with private developers to the end that urbanization proceeds in a responsible manner without unnecessary economic burden.

The Authority shall develop and update annually a schedule of Authority funded projects. The Authority encourages other public agencies to do likewise.

The standards set forth in this policy are intended to protect the capacity of existing water-courses, and to insure storm drainage facility capacity under full development.

Section 2. BOUNDARIES.

The Authority's territory is the following described area (see sketch map, Appendix A):

1 Known as being the area within Sandoval County, New Mexico enclosed by the following
boundary:

3
4 A portion of southern Sandoval County bounded on the east by the Rio Grande on the south
5 by the Bernalillo and Sandoval County lines, on the west by the top of the Rio Puerco drainage
6 and on the north by the top of the drainage that lies on the southern boundary of the Zia Indian
7 reservation and State Highway 44.
8

9 The boundary of the authority is more particularly described as follows: beginning at the
10 intersection of the west bank of the Rio Grande and the Sandoval county line in projected
11 section 35, township 12 north, range 3 east, that point also being the southeast corner of herein
12 described boundary: thence proceeding in a westerly direction along the Sandoval county line
13 for approximately fourteen and one-half miles to the top of the Rio Puerco drainage in section
14 32, township 12 north, range 1 east: thence, in a northerly direction along the top of the Rio
15 Puerco drainage for approximately fourteen miles to a point in the southeast corner of section
16 21, township 14 north, range 1 east: thence, south for approximately one mile along the west
17 boundary of the Zia Indian reservation to a point in the southeast corner of section 28, township
18 14 north, range 1 east: thence, in an easterly direction along the southern boundary of the Zia
19 Indian reservation for approximately seven miles to a point, in the southeast corner of section
20 33, township 14 north, range 2 east, thence, in a southeasterly direction for approximately four
21 miles to a point in the middle of the south boundary of section 11, township 13 north, range 2
22 east: thence, east for approximately four and one-quarter miles to a point on the south side of
23 state highway 44 in section 9, township 13 north, range 3 east: thence, in a southeasterly
24 direction along the south side of state highway 44 for approximately five miles to a point
25 on the west bank of the Rio Grande in the northeast corner of section 31, township 13 north,
26 range 4 east: thence in a southwesterly direction along the west bank of the Rio Grande for a
27 distance of approximately nine miles to a point in section 35, township 12 north, range 3 east,
28 which point is the southeast corner and point of beginning of the authority.
29
30

31 **Section 3. DEFINITIONS.**

32
33 Unless the context otherwise requires, the following definitions apply to this Policy.

34
35 A. "Authority" means the Southern Sandoval County Arroyo Flood Control Authority.

36
37 B. "Board of Directors" means the Board of Directors of the Authority.

38
39 C. "Channel Stability" means a condition in which a watercourse neither degrades nor meanders
40 over a period of 30 years to the degree that storm drainage facilities or adjacent property are
41 endangered, nor aggrades to the degree that storm drainage facility capacity is significantly
42 diminished as a result of one or more runoff events equal to or less than the design runoff.
43

44 D. "Downstream Capacity" means the ability of downstream storm drainage facilities to accept
45 and safely convey the design runoff.
46

- 1 **E. "Design Runoff"** means the rate and volume of storm water discharge and associated sediment
2 from a design storm. The analysis procedure to be used shall be in accord with generally
3 accepted principles of hydrology and approved by the Executive Engineer or the Designee. The
4 design runoff will be based upon full development of the lot, tract, parcel of land or watershed.
5 Computation of design runoff shall be prepared by, or under the supervision of, an engineer.
6
- 7 **F. "Design Storm / 100 Year Storm"** means the precipitation event for which a storm drainage
8 facility is designed or its adequacy assessed. Except where explicitly noted, this event is the
9 100-year precipitation shown in National Oceanic and Atmospheric Administration (NOAA)
10 Atlas 2, "Precipitation – Frequency Atlas of the Western United States, Volume IV – New
11 Mexico. "The event must extend for a period long enough to include all rainfall excess when
12 the volume of design runoff is an important consideration. This includes conditions when
13 detention storage is involved, when sediment processes are a significant factor, and when
14 combining and routing subbasin hydrographs to obtain design runoff. When the peak rate of
15 flow is the primary concern and it is established that use of a longer duration would not increase
16 the peak flow, a 6-hour duration will be used.
17
- 18 **G. "Designee"** means an individual designated under provisions of this regulation hereof to act on
19 behalf of the Executive Engineer.
20
- 21 **H. "Developed Areas"** means any lot or parcel of land occupied by any structure intended for
22 human occupation or commercial enterprise.
23
- 24 **I. "Engineer"** means a professional engineer registered in New Mexico competent in surface
25 hydrology and drainage.
26
- 27 **J. "Executive Engineer"** means the Executive Engineer of the Authority.
28
- 29 **K. "Flood Control"** means watershed management or watercourse treatment to reduce damages to
30 the watercourse, storm drainage facilities or adjacent property.
31
- 32 **L. "Floodplain"** means the watercourse and adjacent land areas required to safely transport or
33 store the design runoff.
34
- 35 **M. "Freeboard"** means that part of a storm drainage facility bank or wall that serves to provide a
36 factor of hydraulic capacity above the flow depth and wave action of the design runoff.
37
- 38 **N. "Full Development"** means hydrologic condition in which all areas upstream and downstream
39 of a point are assumed to be completely developed areas, including any undeveloped areas
40 which are yet to be developed. Calculations for undeveloped areas are done in accordance with
41 mid-range development densities as established by the current comprehensive plan for the area
42 and/or a public body's population and development projections and guidelines.
43
- 44 **O. "Maintenance"** means the cleaning, shaping, grading, repair and minor replacement of storm
45 drainage facilities.
46

- 1 **P. "Major Storm Drainage Facility"** means any storm drainage facility having a design runoff
 2 exceeding 50 cubic feet per second or storage exceeding 2 acre-ft.
- 3 **Q. "Major Subdivision"** means a subdivision of more than 5 acres or 5 lots.
- 4
- 5 **R. "Major Watercourse"** means a watercourse with a drainage area greater than 320 acres.
- 6
- 7 **S. "Minor Storm Drainage Facility"** means any storm drainage facility that is not a major storm
 8 drainage facility.
- 9
- 10 **T. "Minor Subdivision"** means any subdivision that is not a major subdivision.
- 11
- 12 **U. "Minor Watercourse"** means any watercourse that is not a major watercourse.
- 13
- 14 **V. "Multiple Use Facility"** means a storm drainage facility in which other secondary uses are
 15 planned or allowed, including, but not limited to, recreation, open space, transportation, and
 16 utility location
- 17
- 18 **W. "Natural Watercourse"** means a naturally occurring watercourse with unimproved cross-
 19 sections, grade, and unlined bed and banks.
- 20
- 21 **X. "Naturalistic Watercourse"** means an improved watercourse designed to emulate aesthetic
 22 qualities of a natural watercourse.
- 23
- 24 **Y. "Public Body"** means any municipality, county or any instrumentality, agency or
 25 administrative body within the territory of the Authority.
- 26
- 27 **Z. "Prudent Line"** means that line which will not be disturbed by erosion, scour or meandering of
 28 a natural watercourse over a period of 30 years and which will not be disturbed by a design
 29 storm occurring at any time during the 30 year period. The prudent line shall be located as to
 30 include freeboard required to contain the design runoff.
- 31
- 32 **AA. "Sediment Control"** means watershed management or watercourse treatment to reduce
 33 damages to the watercourse, storm drainage facilities or adjacent property due to lack of channel
 34 stability.
- 35
- 36 **AB. "Stabilized Flood Zone"** means the portion of a natural watercourse flooded by the design
 37 runoff when protected by sediment control measures. The watercourse is in natural or
 38 naturalistic condition. Stabilization will provide sediment control over a period of 30 years and
 39 will not be disturbed by design runoff occurring at any time during the 30 year period.
 40 Stabilization includes freeboard required to contain the design runoff.
- 41
- 42 **AC. "Storm Drainage Facility"** means any watercourse, street, storm sewer, dam, diversion, dike
 43 or any other natural or man-made feature used in the collection, transport, impoundment, or
 44 disposition of storm surface waters, its associated sediment, or a combination thereof.
- 45

1 **AD. "Storm Drainage Facility Capacity"** means the ability of a storm drainage facility to
2 intercept and convey the design runoff with appropriate freeboard. Capacity of streets (and
3 associated borrow ditches) and storm sewers may be determined by public entities in their
4 jurisdictions.
5

6 **AE. "Temporary Storm Drainage Facility"** means a nonpermanent storm drainage facility
7 constructed as part of a phased project to serve until such a time that a permanent facility is in
8 place, including, but not limited to desilting ponds, berms, diversions, channels, detention and
9 retention ponds, bank protection and channel stabilization measures.
10

11 **AF. "Watercourse"** means any river, creek, arroyo, canyon, swale, canal, bar ditch, draw, or
12 wash, or any other channel, natural, improved or artificial, which may regularly or occasionally
13 carry water.
14

15 **AG. "Watercourse Treatment"** means the physical alteration of a watercourse for any purpose.
16

17 **AH. "Watershed Management"** means regulation of the hydrologic system within a basin or
18 subbasin for the purpose of flood and sediment control. Watershed management may include,
19 but is not limited to, promotion of infiltration and other hydrologic abstractions, attenuation of
20 peak discharge rate, and soil conservation.
21

22 **DEVELOPMENT/ENFORCEMENT**

23

24 **Section 4. DRAINAGE POLICY STATEMENT.**

25 Except as permitted by this policy, the natural topography, drainage pattern and
26 perviousness of any lot, tract or parcel of land within the territory of the Authority may not
27 be altered by grading, filling, excavating, or subdividing.
28
29

30 **Section 5. GENERAL DEVELOPMENT REQUIREMENTS**

31 **A. ALTERATION.**

32 Alteration described in Section 4 will be permitted if it is shown that, in the event a
33 design storm occurs upon such lot, tract, or parcel, the following standards will be met:
34

- 35 1) The storm surface waters emanating from higher lands and drainage through or along
36 such lot, tract or parcel in a storm drainage facility will pass through said property in
37 the storm drainage facility at a rate of flow, velocity, quantity and location which does
38 not exceed the capacity of the storm drainage facilities on said property and the
39 property downstream, or such waters will be able to pass through said property in the
40 storm drainage facility at a rate of flow, velocity, and location of discharge reasonable
41 similar to that which existed before such alteration.
42
- 43 2) The storm water runoff from such lot, tract, or parcel will discharge from such property
44 into, and in such manner which will not exceed the capacity of storm drainage facilities
45

1 downstream; or, will discharge from such property at a rate of flow; velocity and
2 location reasonably similar to that which existed before such alteration. Reasonable
3 similarity should exist for both the design runoff and runoff from more frequent events.
4

5 The standards set forth in subparagraph A1) are intended to protect existing watercourses
6 and floodplains when the alteration is by encroachment. The standards set forth in
7 subparagraph A2) are intended to prevent the allowable capacity of existing floodplain and
8 storm drainage facilities from being exceeded as a result of the alteration.
9

10 **B. RUNOFF CONCENTRATION OR DIVERSION.**

11
12 If A1) and A2) are otherwise complied with and if no hazard is created and no damage will
13 ensue, storm water runoff may be concentrated and diverted so that it enters a storm runoff
14 facility at a different location. Storm drainage facilities, satisfactory to the public body,
15 shall be designed and built for such concentration or diversion. If diversion or concentration
16 crosses private lands, an easement, satisfactory to the public body shall be furnished.
17

18 **C. DECISIONS.**

19
20 Determinations of reasonable similarity, satisfactory diversions, facilities, easements and
21 other decisions or waivers permitted or required herein shall be made by the Executive
22 Engineer or the Designee in accordance with locally applicable general engineering and
23 public safety practices.

24 **D. COSTS.**

25
26 Where the landowner desires changes to a floodplain or a watercourse, the cost of such
27 modification or alteration, including entrance and exit structures and right-of-way
28 acquisition, shall be paid for by the owner, except where a public project, which would
29 accomplish such modification or alteration, has already been authorized and funded. The
30 design to modify or alter a floodplain or watercourse shall be approved and construction
31 monitored by the Executive Engineer or its Designee.
32
33

34 **E. EMINENT DOMAIN.**

35
36 The Board of Directors of the Authority may authorize eminent domain proceedings to
37 acquire right-of-way for drainage improvement plans which will be implemented at private
38 expense, but owned by a public body.
39
40

41 **Section 6. MANDATORY COMPLIANCE WITH POLICY**

42
43 Failure of any public body to adopt, administer, or enforce this policy shall not excuse any
44 person or business from compliance with this policy. Compliance with this policy will not
45 relieve any person, business, or public body from any legal duty they may have to handle
46 storm water runoff in a manner which will not cause damage to any person or property.

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Section 7. REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT.

No plat, replat, summary plat, development plan or subdivision of any land within the territory of the Authority may be approved by the governing authority of a public body without written approval of the Executive Engineer or the Designee.

The enactment and implementation of the provisions of this policy is the responsibility of the Designee of the public body through its normal application review, approval and appeal process.

Applications for plat, summary plat, replat, development plan, or subdivision approvals filed with any public body shall provide one or more of the following submittals as applicable and acceptable to the Authority.

A. GENERAL

- 1) **Contour Map.** A contour map of the lands under consideration showing the existing structures and pavement, referenced to mean sea level (1929 datum). Vertical intervals for contour maps shall not exceed the following: 1 foot for slopes under 1 percent; 2 feet for slopes between 1 and 5 percent; 5 feet for slopes in excess of 5 percent. This plan shall be prepared by, or under the supervision of, and sealed by a licensed surveyor.
- 2) **Engineer's Statement.** A statement that the engineer has personally inspected the lot, tract or parcel or land and whether it appears that grading, filling, or excavation has occurred thereon since the contour map was prepared.
- 3) **Grading Plan.** A plan on or attached to a contour map showing the existing and proposed contours (grading), the paved areas, building pads, retaining wall locations and details, interfaces with adjacent properties, streets, alleys and channels, and showing sufficient contours, spot elevations and cross sections to allow clear understanding by representatives of public entities. This plan shall be prepared by, or under the supervision of, and sealed by a registered engineer or surveyor.
- 4) **Drainage Management Plan.** A plan adopted by the Authority which details the storm drainage facilities required within a particular watershed, corridor or other designated drainage district. The plan may reflect variations in rainfall, topography, soils, land values, and intensity of development. The plan shall comply with a watercourse corridor plan if one has been adopted. The plan shall include maintenance estimates. This plan shall be prepared by, or under the supervision of, and sealed by an engineer.
- 5) **Drainage Report.** A comprehensive analysis of the storm drainage, flood control and sediment control constraints on and impacts resulting from a proposed platting, development or construction project. The report shall satisfy all requirements of a

1 drainage plan. The report is required for major subdivisions, platting, or construction
2 within a floodplain and platting or development adjacent to a major watercourse. This
3 report shall be prepared by, or under the supervision of, and sealed by an engineer.

- 4
- 5 6) **Sediment Control Plan.** A description of temporary and
6 permanent sediment control through all phases of a project from initial grading through
7 and including final occupancy. A 10-year design storm shall be used to determine soil
8 conservation and sediment control measures for the on-site area of development.
9 Where a major watercourse abuts or traverses a site of development, or development or
10 subdivision proposes to discharge into a watercourse, a more stringent criteria may be
11 required by the Executive Engineer or the Designee. Phased projects may require
12 special attention. The plan may be incorporated into a drainage plan or drainage report.
13 The plan is required for all construction projects. This plan shall be prepared by, or
14 under the supervision of, and sealed by an engineer.

15

16 **B. APPLICATIONS FOR DEVELOPMENTS OF FIVE (5) ACRES OR LESS.**

- 17
- 18 1) The applicable requirements in A 1)- 6) above plus,
- 19
- 20 2) **Drainage Plan.** A short detailed plan prepared with or on a grading plan
21 addressing on-site and off-site flood control and sediment control issues. The plan
22 shall identify and locate each watercourse situated within or adjacent to the lot,
23 tract or parcel, and depict and compute the area draining into such property. The
24 plan shall include designs for proposed storm drainage facilities and indicate right-
25 of-way to be dedicated for drainage. The plan is required for minor subdivisions,
26 site development plans and landscaping plans for development of 5 acres or less.
27 This plan shall be prepared by, or under the supervision of, and sealed by an
28 engineer.

29

30 **C. APPLICATIONS FOR DEVELOPMENTS OF MORE THAN FIVE (5) ACRES.**

- 31
- 32 1) The applicable requirements in A 1)- 6) above plus,
- 33
- 34 2) **Conceptual Grading and Drainage Plan.** An initial plan prepared in graphical
35 format showing existing and proposed grading, sediment control information and
36 storm drainage facilities in sufficient detail to determine the subsequent submittal
37 requirements. The plan should document the compatibility of the proposed
38 development within grading, flood hazard and sediment constraints dictated by on-
39 site physical features as well as adjacent properties, streets, alleys and
40 watercourses. The plan is required for modification to comprehensive plans and
41 the development of area plans, sector plans, site development plans and
42 landscaping plans on tracts exceeding five (5) acres. This plan shall be prepared
43 by, or under the supervision of, and sealed by an engineer.
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DESIGNEE

Section 8. APPOINTMENT OF DESIGNEE.

The Board of Directors shall, when requested, authorize such persons as may be designated by the Chief Executive Officer of any public body within the boundaries of the Authority to act in the name, place and stead of the Executive Engineer in granting or denying approvals or waivers under this policy, provided that:

- A. A memorandum of agreement has been entered into between the Authority and such cooperating public body under the provisions of Section 72-19-22, N.M.S.A., 1978; and
- B. Each person so authorized shall be as designated under the implementing memorandum of agreement; and
- C. Notices of all decisions and of drainage submittals, approved, modified or rejected by such Designee will be furnished to the Executive Engineer at the time of decision thereof and copies of all documentation shall be maintained on file in the offices of the public body; and
- D. The Designee and the Executive Engineer coordinate their respective drainage related activities.

Section 9. APPROVAL OF DEVELOPMENT PLAN BY DESIGNEE.

No plat, replat, summary plat, development plan or subdivision of any land within the territory of the Authority may be approved by the governing authority of a public body without written approval of the Designee.

A. PLAT APPROVAL.

Plats, replats, summary plats or subdivisions require endorsement upon the documents. Such approval shall be granted if:

- 1) Documents prepared in accordance with Section 7 have been submitted and approved; and
- 2) The landowner dedicates or grants to the public body or the Authority, without compensation, the right-of-way sufficient to pass the design runoff. This dedication requirement may be fulfilled in any one of the following ways:
 - a) permanent dedication of the natural floodplain and prudent line limits, if applicable; or

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- b) permanent dedication of the right-of-way necessary for improved storm drainage facilities built in accordance with plans approved by the Executive Engineer or the Designee; or
 - c) interim dedication of the 100-year natural floodplain, effective until right-of-way is permanently dedicated for improved storm drainage facilities.
- 3) Right-of-way may be dedicated in fee simple or as an easement in a form acceptable to the Designee.

11 **B. OTHER REQUIREMENTS.**

12
13 Final approval of a development plan will be accepted by a public body, and the
14 landowner will be in compliance with this Section only when the following conditions
15 are met:

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- 1) plans for the construction of improved storm drainage facilities have been approved by the Designee; and
 - 2) construction of the improved storm drainage facilities is scheduled for completion within one year or other period agreed to by the Designee; and
 - 3) financial guarantees in the form of bonds, certificates of deposit, or other like guarantees, acceptable to the Designee, are provided which indicate that said improvements will be constructed in accordance with the approved plans and schedule.

29 **Section 10. DESIGNEE WAIVERS.**

30
31 The Designee may waive all or some of the above requirements of development plans when
32 the Designee determines that there is no significant existing or anticipated drainage
33 problems on the property or downstream of the property. If downstream capacity is not
34 exceeded and public safety will not be impaired, compliance with some or all of the
35 provisions of Section 5 may be waived in writing by the Executive Engineer or the
36 Designee if one of the following situations exists:

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- (1) Permanent zoning and construction are entirely for single family detached housing and the area is shown in a drainage management plan as being in compliance with this Regulation.
 - (2) The lot, tract, or parcel is five (5) acres or less in area and less than twenty percent (20%) of the area is impervious and the lot, tract or parcel is not adjacent to or does not contain a major storm drainage facility.

- 1 (3) An interim storm drainage solution will provide adequate safeguards pending
2 completion of permanent protection in accordance with this Policy.
3

4 5 **CONCLUSION**

6 7 **Section 11. DISTRIBUTION OF POLICY.**

8
9 The Executive Engineer and/or Designee shall provide copies of this policy to all public
10 entities and public bodies having jurisdiction to construct improvement, to issue building
11 permits, or to review and approve subdivision plats; and shall make available copies of this
12 policy to all persons, firms and corporations requesting the same; and shall seek the
13 cooperation of all public entities and public bodies in the application and enforcement of
14 this policy.
15

16 17 **Section 12. POLICY INTENT/DISCLAIMER.**

18
19 The degree of drainage control intended to be provided by this policy is considered
20 reasonable for regulatory purposes and is based on engineering and scientific methods.
21 Larger or higher intensity storms may occur on occasion within any drainage area and flood
22 hazards may be increased by man-made or natural causes such as blockage or failure of
23 storm drainage facilities. This policy does not imply that the structures regulated herein
24 nor those areas which drain from the structures regulated will always be totally free from
25 excess drainage, flooding, or flood damages. This policy shall not create a liability on the
26 part of or a cause of action against the Authority or any other public entity or public body or
27 any officer or employee thereof or any other person, firm, or corporation for any flood or
28 drainage damages that may result from compliance with this policy.
29

30 31 **Section 13. REVIEW BY EXECUTIVE ENGINEER / APPEAL.**

- 32
33 **A.** The procedure set forth herein applies only if a Designee has not been appointed for a
34 public body and the Executive Engineer of the Authority is reviewing applications for
35 development as set forth herein.
36
37 **B.** The Executive Engineer shall, within thirty (30) calendar days after the submission to
38 the Authority of a request in writing for the approval of a plat, development plan or
39 exemption, approve or deny the request and mail a copy of the decision to the
40 applicant. If the request is denied, the reasons for such denial shall be stated in writing.
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42 Any applicant aggrieved by a decision of the Executive Engineer or in the absence of a
43 decision by the Executive Engineer within the time period, may appeal such decision to
44 the Board of Directors of the Authority as follows:
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1. Such appeal shall be made by notice of appeal in writing addressed to the Chairman of the Board of Directors of the Authority. The Chairperson shall notify the applicant and the Executive Engineer of the date, time and place of the appeal hearing at least five (5) days prior to the hearing date.
 2. Such hearing shall be conducted not earlier than ten (10) days nor later than sixty (60) after the filing of the notice of appeal.
 3. At the hearing, the Board of Directors may consider such facts, exhibits and witnesses as may be presented by the applicant and the Executive Engineer.
 4. The decision of the Board of Directors shall be in writing and shall state the reasons therefor and a copy of said decision shall be promptly mailed or delivered to the applicant and to the Executive Engineer. Such decision shall be final.

17 **Section 14. ENFORCEMENT/RESTORATION/PUBLIC NUISANCE.**

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19 **A. ENFORCEMENT.**

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- 1) The Executive Engineer and the Designee are the enforcement officers and have the authority and duty to enforce this policy.
 - 2) Whenever it is necessary to make an inspection to enforce any of the provisions of this policy, the enforcement officer(s) may enter such lands at all reasonable times to inspect the same or to perform any duty imposed upon the enforcement officer(s) by this policy; provided that the enforcement officer(s) shall first make a reasonable effort to locate the owner or other persons having charge or control of the lands and demand entry. If entry is refused, the enforcement officer(s) has the right to file a complaint in Court to obtain entry. No owner or occupant or any other person having charge, care or control of any lands, shall fail or neglect to promptly permit entry therein by the enforcement officer(s) for the purpose of inspection and examination pursuant to this policy.
 - 3) In the event that the drainage or facilities on the land are found to be in violation of this policy, the enforcement officer(s), in addition to other remedies, may institute an appropriate action or proceeding in a court of proper jurisdiction to prevent the violation or restrain, correct, or abate the violation; or to prevent an illegal act, conduct, or use of the land in violation of this policy.

41 **B. RESTORATION.**

42
43 Any watercourse or floodplain altered or encroached upon in violation of this
44 policy shall be restored to its original condition by the owner upon demand of the
45 enforcement officer(s). In the event such restoration is not promptly performed, the

1 enforcement officer(s) may institute appropriate action or proceeding in a court of
2 proper jurisdiction.

3
4 **C. PUBLIC NUISANCE**

5
6 Land use which fails to comply with the provisions of this policy shall be
7 considered a public nuisance. Appropriate action to restrain, correct, or abate the
8 use in violation of this policy may be instituted in a court of proper jurisdiction by
9 the Authority, or by the Designee where the land is located, or by any citizen
10 thereof.

11
12
13 **Section 15. SEVERABILITY CLAUSE.**

14
15 If any part or application of this policy is held to be invalid or unenforceable, the
16 remainder of the policy shall not be affected thereby and it shall remain in full force and
17 effect.

18
19 **Section 16. EFFECTIVE DATE.**

20
21 This policy shall take effect immediately.

22
23 **PASSED, APPROVED AND ADOPTED THIS 19th day of April 1994.**

24
25
26 /s/ John Chaney
27 Chairperson, Board of Directors
28 Southern Sandoval County Arroyo
29 Flood Control Authority
30

31 (SEAL)

32
33 **ATTEST:**

34
35 /s/ Bill Joiner
36 Secretary
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Revision 3
Copy mailed to Dr. Heggan 8/21/91
Revisions from 8/20/91 Meeting
Copies mailed to: John Chaney, Fred Coppola
Revision 4 – 9/11/91
Revision 5 – from Bate. Mtg. 9/17/91 and incorporated B.Metzgar’s comments
Revision 6 – Aug 93
Reorganization of sections 7&8 by RLG upon review of Corrales Comments and Meetings with Dr. Heggan
Given to H. Rowland for Review
Revision 7 – 1/10/94
Major revisions of policy and JPA based upon 3 days of review by Garman and Rowland. Copies given to Rowland 1/10/94. Chaney 1/14/91.
Revision 7.1 – 2/25/94
Revisions made by subcommittee John Chaney, Dub Yarbrough, Annette Jones, B. Metzgar and R. Garman
Revision 7.2 – 3/11/94
Revisions made by subcommittee J. Chaney, D. Yarbrough, A. Jones, B. Metzgar, R. Garman
Revision 7.3 – Special Board Meeting April 15, 1994
Revision 7.4 – Regular Board Meeting April 19, 1994; Appeal (Section 13) added. (version signed by Rio Rancho)
Revision 7.5 – Special Board Meeting July 6, 1994; changes from B. Metzgar JPA
vs.
MOA & Executive Director vs. Executive Engineer. Change in slope (Kemper) Contour intervals and definition of a “100 year storm”.

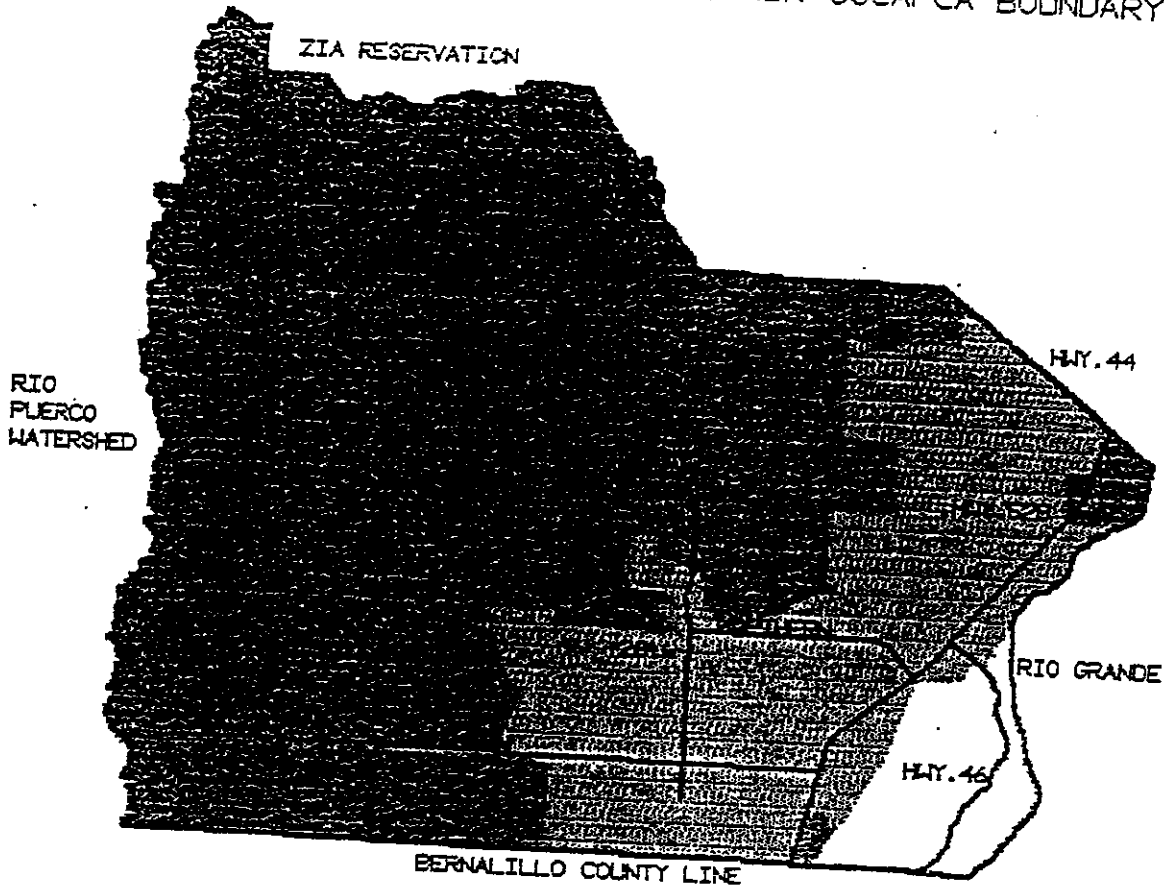
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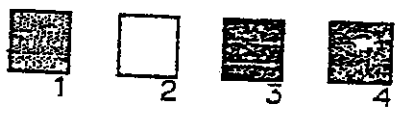
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SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
INCORPORATED ENTITIES WITHIN SSCAFCA BOUNDARY



— SSCAFCA BOUNDARY
— MAJOR ROADS and STREETS

SCALE: 1 in. = 3.7 mi.



1 City of Rio Rancho
2 Village of Corrales
3 Town of Bernalillo