SOUTHERN SANDOVAL COUNTY ARROYO

FLOOD CONTROL AUTHORITY

(SSCAFCA)

DRAINAGE POLICY

REVISION 1

AUGUST 18, 2022

SECTION 1: SHORT TITLE

Sections 1 et seq. may be cited as "The Drainage Policy" and is referred to elsewhere herein as "Sections 1 et seq."

SECTION 2: PURPOSE

The purpose of this document is to provide guidance and detail on implementation of the Southern Sandoval County Arroyo Flood Control Act, (72-19-1 to 72-19-103 NMSA 1987) ("Act"). It is intended that drainage studies, plans, design reports, construction drawings and accompanying drainage/floodplain use permit applications prepared in accordance with the philosophies, policies and minimum standards contained herein will meet the minimum requirements of the governing regulations. This document presents the Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) philosophy on drainage and floodplain management, and planning for drainage facilities.

SECTION 3: GENERAL STATEMENT

SSCAFCA will serve a public use and will promote the health, safety and general welfare of the inhabitants within its jurisdiction. Adequate drainage for urban areas is necessary to preserve and promote the general health, welfare, and economic well-being of the region. Drainage is a regional phenomenon that affects all governmental jurisdictions and all parcels of property. Overall, the governmental entities most directly involved must provide local drainage coordination and master planning, but drainage planning must also be integrated on a regional level.

The protection of life and property from flood damage is the primary objective in SSCAFCA's planning, design, construction, and maintenance of regional flood mitigation facilities. The secondary objective is providing Quality of Life elements, as outlined in SSCAFCA's Quality of Life Master Plan, Maintenance Access and Trails Master Plan and the State Conservation and Outdoor Recreation Plan (SCORP-NM), to encourage safe public interaction with regional flood mitigation facilities and publicly owned right-of-way, where appropriate.

SSCAFCA recognizes that urbanization changes hydrology. These changes may necessitate channel improvements, detention or diversion of stormwater runoff to protect people and property.

Stormwater system planning and design for any site must be compatible with comprehensive regional plans and should be coordinated with planning for land use, open space and transportation. Erosion and sediment control, flood control, site grading criteria, and water quality all closely interrelate with stormwater management in an arid climate. Any individual master plan or specific site plan should

normally address all of these considerations.

SSCAFCA encourages consideration of alternatives to hard-lined storm drainage facilities, including the use of natural and nature-based features in flood mitigation projects. Design of the storm drainage system should consider the features and functions of the existing, natural drainage system. Every site contains natural features that may contribute to the management of stormwater without significant modifications. Existing features such as natural streams, depressions, wetlands, floodplains, permeable soils, and vegetation provide for infiltration, help control the velocity of runoff, extend the time of concentration, filter urban runoff pollutants, and recycle nutrients. Each development plan should carefully map and identify the existing natural system. Techniques that preserve or protect and enhance the natural features are encouraged. Designs should strive to improve the effectiveness of natural systems rather than negate, replace or ignore them.

In general, both public and privately built flood mitigation drainage facilities will be designed to accommodate the 100-year storm as defined by SSCAFCA hydrologic and hydraulic criteria. However, the Board of Directors of SSCAFCA reserves the right to require a more conservative design at the Board's discretion.

Planning and design of storm drainage facilities shall be based on the most current development guidelines, adopted or projected land use zoning and population curves, as applicable, available from the City of Rio Rancho, Village of Corrales, Town of Bernalillo, or County of Sandoval.

SSCAFCA commits itself to cooperating with other governmental agencies and with private developers to the end that urbanization within its jurisdiction proceed in a responsible manner, whereas downstream infrastructure and development (current and future), are considered when decisions are made regarding drainage.

SSCAFCA encourages developers, municipalities, and engineers to coordinate with SSCAFCA early in the planning process to discuss developments adjacent to SSCAFCA property or planning to discharge storm water to SSCAFCA right-of-way.

SSCAFCA will develop and update annually a schedule of SSCAFCA-funded projects and encourages other agencies to do likewise.

The standards set forth in this Policy are intended to protect the capacity of existing watercourses, to ensure adequate space to convey the design storm under urbanized development, and to prevent the capacity of existing and planned storm drainage facilities from being exceeded during the storm for which the facilities were designed.

SECTION 4: DEFINITIONS

Unless the context otherwise requires, in this Policy:

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

B. "Watercourse" means any river, creek, arroyo, canyon, draw, or wash, or any other channel having definite banks and bed with visible evidence of the occasional flow of water.

C. "Storm drainage facility" means an arroyo, watercourse, canal, channel, street, storm sewer, dam, diversion, dike, pond, road crossing or any other natural or man-made feature used in the collection, channeling, impounding, or disposition of storm surface waters, or a combination thereof.

D. "Capacity of a storm drainage facility" means its ability to intercept and convey the storm waters that would flow therein if a 100-year storm occurred over the area drained by such facility when the basin

is fully developed in accordance with the current comprehensive plan for the area. Planned public storm drainage facilities may be assumed as in place in determining capacity, provided that construction funds are available and have been appropriated, design has been progressed to the point where capacity can be ascertained with reasonable certainty, and advertising for bids is scheduled. Storm water carrying capacity of streets and storm sewers shall be determined by the local municipalities and the County of Sandoval, in their respective jurisdictions.

E. A “Design Storm” means a storm which deposits a stated amount of precipitation within a stated period over a defined area and which is used in calculating storm runoff and in designing drainage control, flood control and erosion control measures;

F. A “100-year storm" means the 100-year precipitation as shown in the latest published rainfall guidance from the National Oceanic and Atmospheric Administration. In determining the rate of storm water runoff or volume of storm water to be expected from a 100-year storm, the analysis procedure to be used shall follow SSCAFCA’s current hydrologic methodologies.

G. A "major arroyo" is that portion of an arroyo whose watershed above the point exceeds 320 acres, any portion of an arroyo which has been delineated as a flood hazard area, or that portion of an arroyo which would be a major arroyo had it not been for a detention or diversion structure built or authorized by a public agency.

H. “Monsoon Season” means a seasonal period that is associated with a dramatic increase in summer precipitation, mostly in the form of intense local thunderstorms. The Monsoon Season typically includes the months of June, July, August and September within the SSCFCA jurisdiction, however, climate change may alter the exact timing and the SSCAFCA Board reserves the right to extend or redefine the extent of the Monsoon Season at the Board’s discretion.

I. "Executive Engineer" means the Executive Engineer of SSCAFCA.

J. "Designee" means any person designated under the provisions of *SECTION 14: POWERS OF THE BOARD OF DIRECTORS* hereof to act on behalf of the Executive Engineer.

K. “Lateral Erosion Envelope (LEE) Line” means an identified envelope boundary, inside of which development may be at increased risk from flooding, erosion, or other damage due to the lateral migration of the arroyo or channel.

L. “Watershed Park” means a comprehensive and continuous system of trails, natural areas and recreational opportunities within the boundaries of a watershed, as demonstrated in the SSCAFCA Quality of Life Masterplan.

SECTION 5: GENERAL PROVISIONS

A. Pursuant to Section 72-19-19 NMSA 1978, this Drainage Policy is intended to apply only to regional storm drainage facilities and major arroyos defined as serving a watershed of 320 acres or larger and watercourses with a peak flow of 500 cubic feet per second (cfs) or greater, generated from a 100-year storm event. The Board of Directors of SSCAFCA reserves the right to extend this policy and guidance to include watersheds and watercourses below those thresholds on a case-by-case basis at the Board’s discretion.

B. SSCAFCA endorses the National Flood Insurance Program and its program goal of flood damage reduction through the regulation of development within flood hazard areas and the preservation of floodways. Sections 1 et seq. are intended to complement and supplement local flood hazard prevention ordinances and shall be administered in concert therewith.

C. The SSCAFCA Board of Directors acknowledges that Climate Change is a real phenomenon that is changing weather patterns both globally and locally, potentially resulting in more extreme precipitation events and changing the magnitude of the '100-year storm' over time.

D. The design, construction and maintenance of dams, levees and diversions that fall within the jurisdiction of the Office of the State Engineer shall meet or exceed standards established by the State Engineer.

E. The design of any flood mitigation or drainage control facility shall incorporate necessary water quality elements to comply with the currently active EPA NPDES Permit.

F. SSCAFCA maintains regional Watershed Park Management Plans for major watersheds in the SSCAFCA jurisdiction. The regional plans are prepared based on watershed-scale hydrologic modeling. Watershed management plans assist in assessing long-range drainage needs for regional facilities and provide opportunity to plan the watershed in advance of development. All site-specific development-related drainage planning documents within SSCAFCA jurisdiction must be reviewed and verified by SSCAFCA for its concurrence with hydrologic assumptions in the SSCAFCA Watershed Park Management Plans.

G. The design, construction and maintenance of flood control facilities shall be coordinated with all applicable state, federal and local governments.

H. All SSCAFCA storage/pond facilities shall meet any applicable design requirements by state and local governments.

I. Any grading within or adjacent to a watercourse defined as a major arroyo shall provide for erosion control and the safe passage of the 100-year storm during the construction phase.

J. During the monsoon season, any grading or construction within or adjacent to a watercourse defined as a major arroyo owned or maintained by SSCAFCA shall require specific authorization from the Executive Engineer or their designee in order to proceed.

K. Wherever flood control, drainage or erosion control improvements are necessary within dedicated public open space, such improvements shall be designed and constructed in a manner reasonably consistent with the natural surroundings. All construction and maintenance activities in dedicated open space/ LEE areas shall be performed to minimize the disruption and destruction of vegetation and adjacent landforms. Where such disturbance or destruction is unavoidable, revegetation shall be performed at the earliest time by those responsible for such disturbance and/or destruction.

L. Under the direction of the SSCAFCA Board of Directors, the Executive Engineer shall cause to be developed and issued procedures and standards for regional hydrology that incorporate the anticipated impacts of climate change and establish criteria for the design and construction of flood mitigation, drainage control and erosion control improvements within SSCAFCA's jurisdiction.

M. SSCAFCA may provide for variances from normal criteria and standards if a variance is requested. SSCAFCA shall document the justification for the variance and retain as public record such action and justifications. Appeals of SSCAFCA's variance decisions shall be made as provided in Section 16.

SECTION 6: DRAINAGE PLANNING

Drainage planning is a complex process. Application of drainage planning applies to the complete range of projects from preparation of regional plans for large watersheds, down to planning site drainage for the corner commercial complex or a single-family residence.

A. An application for new development within SSCAFCA's jurisdiction shall provide for adequate drainage control, flood control and erosion control facilities. The protection of life and property shall be considered the primary function in the planning, design, construction and maintenance of drainage control, flood mitigation and erosion control facilities. Other concerns, not limited to the following, shall also be addressed: channel capacity, watershed characteristics, channel stability, maintenance, transitions between treatment types, multiple use goals, and appearance.

B. A drainage plan, in addition to providing a unified drainage plan, should be coordinated with planning for open space and recreation facilities, planning for transportation, and other urban considerations including water conservation and water harvesting opportunities that include green infrastructure/low impact development (GI/LID) techniques. Drainage planning should not be done after all the other decisions are already made as to the layout of a new subdivision, commercial or industrial area. It is this latter approach that creates drainage problems, and often requires costly corrective action. The design should be approached as an integrated system that includes considerations for multiple purpose use of drainage facilities, landscaping, water conservation, and rainwater harvesting/reuse opportunities.

C. Drainage and stormwater runoff facilities are an integral part of public infrastructure systems, are a key to the continued function of adjacent natural ecological systems and should be planned as such.

D. Basic planning considerations that should be taken up early include: planning for the drainage system, developing an appropriate grading concept, and minimizing impacts to the environment and enhancing functional benefits -- including improving water quality and increasing rainwater harvesting opportunities. An integrated, holistic design approach that addresses environmental issues up front will result in less cost over the long term of the project, may eliminate a future requirement to possibly retrofit due to more stringent environmental regulations and is a key concept for developing drainage infrastructure in concert with community and environmental needs and desires.

E. When erosion hazards are involved, the planner should take these hazards into consideration in land planning to avoid unnecessary complications when designing the infrastructure. See information on the Lateral Erosion Envelope.

F. Incorporation of the natural drainage ways with the design of the street drainage patterns should be coordinated to achieve integrated, multiple-purpose, multiple-benefit stormwater management strategies as expressed in the policies and design criteria of SSCAFCA.

G. Supplemental and complementary benefits and uses or multiple uses from drainage facilities should be considered. Both passive and active recreational uses should be considered. Stormwater infiltration and stormwater reuse are potential benefits. Landscape designs (using low-water, drought-tolerant plant species) that provide shade opportunities and reduce heat island impacts are also encouraged to be integrated as part of the system. Any effort made towards increasing local and community-wide benefits is appropriate and is encouraged, however, these uses should be considered subordinate to the primary function of the drainage control, flood mitigation and/or erosion control facility.

SECTION 7: MINIMUM STANDARDS OF DESIGN

A. The design, construction and maintenance of all regional flood mitigation facilities shall be performed in accordance with procedures, criteria and standards formulated by SSCAFCA and in accordance with the policies established in Sections 1 et seq.

B. For SSCAFCA-commissioned infrastructure capital improvement projects or private developments

where regional flood control infrastructure may be required, SSCAFCA's hydrology and hydraulic design criteria shall be followed.

C. For SSCAFCA-commissioned infrastructure capital improvement projects, Board of Directors Resolution 2022-05, Arroyo Bed Conservation Policy, shall be followed. Board authorization for deviation from this policy, as authorized in the Resolution, shall be by voice vote.

D. SSCAFCA shall not approve any plans, construction plans, drainage report, or amendment to planning documents pertaining to proposed construction, platting or other development where the proposed activity or change in the land affected would result in the downstream capacity of existing storm drainage facilities being exceeded.

   i. Downstream capacity is determined based on the assumption of fully developed watersheds in accordance with existing or adopted zoning and platting. This assumption prevents "the first come, first served" approach where downstream development unduly constrains upstream development. Parameters used in the determination of downstream capacity include, but are not limited to:

      - Channel Stability.
      - Crossing Structure Hydraulic Capacity.
      - Reservoir Capacity.
      - Hydraulic Capacity of Street, Storm Sewer, or Channel.
      - Freeboard and Other Hydraulic Design Requirements.
      - Public Safety.
      - Maintenance Constraints.
      - Storm Water Quality Compliance.

E. Soil in SSCAFCA's jurisdiction is non-cohesive and highly erosive; SSCAFCA facilities and all drainage connection to SSCAFCA facilities shall be provided with appropriate erosion protection.

F. All planning, design and construction activities within SSCAFCA's jurisdiction shall conform to the requirements of SSCAFCA and the appropriate local jurisdiction with respect to drainage control, flood mitigation and erosion control. Where conflicts between SSCAFCA requirements and the local jurisdiction exist, the local jurisdiction shall take precedence.

G. All applications for plat, replat, development plan, or subdivision approvals filed with any local government subdivision, agency, board, officer, or commission that includes or otherwise impacts SSCAFCA real property or facilities shall have attached thereto the following:

   i. A contour map of the lands under consideration prepared under the direction of and signed by a licensed surveyor or professional engineer in the state of New Mexico showing the existing structures and pavement, and the existing elevation above mean sea level of the lowest point on such lot, tract or parcel, and relative elevations of all land and improvements which may affect drainage within 100 feet thereof. Vertical intervals for contour maps shall not exceed the following: One foot for slopes under 1%; two feet for slopes between 1% and 5%; five feet for slopes in excess of 5%. The scale shall not exceed 200 feet to one inch; and

   ii. A drainage report and plan prepared under the direction of and signed by a licensed professional engineer in the state of New Mexico, including such reference to and drawings of existing storm drainage facilities and drainage areas as may be appropriate to illustrate adequately such report and plan. Such report and plan must clearly identify and locate each watercourse situate within or along such lot, tract or parcel, and depict and compute the area draining into such property. In areas where a drainage management plan has been adopted, supplemental hydrologic analysis is required to determine actual flowrates for each identified watercourse situated within or along

such lot, tract or parcel. The report and plan must include provisions for mitigating soil erosion during and after construction, a preliminary design of proposed drainage facilities including the energy grade line, hydraulic grade line, and erosion setback, if applicable, for each identified watercourse situated within or along such lot, tract or parcel, and indicate right of way to be dedicated to a public authority for drainage. Personal inspection of the land by the engineer is required, along with a statement as to whether it appears that grading, filling, or excavation has occurred thereon since the contour map was prepared.

SECTION 8: NATURAL AND NATURE BASED DRAINAGE

The concept of integrated design in flood control, environmental considerations, and recreational uses are encouraged to be applied to drainage corridors (watercourses). Natural or semi-natural drainage and/or greenbelt corridors can be developed with desirable landscaping, stormwater quality improvements, water conservation and rainwater reuse concepts, and multiple-use trails incorporated into the drainage design to provide for recreation opportunities and community benefits. This concept can be applied to new drainage facilities during design and to existing facilities that currently do not provide passive/active recreation and wildlife opportunities. The multi-use trails should be located and designed in a manner to avoid significant impacts to the arroyo channel (Clean Water Act, Section 404), minimize the effects of erosion, minimize interaction with nuisance flows, and minimize trail maintenance requirements. For public safety, design of such features must include appropriate warning signs and barriers to discourage travel through low-flow channels during runoff events. Reasons for utilizing natural drainage and/or greenbelt corridor design concepts to accommodate stormwater include:

A. Natural watercourses make excellent open spaces of high scenic value and quality due to their associated unique vegetation, potential wildlife habitat, heat island impact mitigation effects, undulating landforms, etc.

B. Natural features (such as topography) and natural processes (such as erosion), have defined the landscape character along natural watercourses as a drainage and stormwater runoff corridor that merits considerations to minimize impacts

C. Riparian vegetation is dependent on natural watercourses for water supply and seed disbursement and germination.

D. Many desert wildlife species actively seek natural watercourses and associated vegetative communities for habitat and travel corridors.

E. Negative impacts to watercourses have long term environmental consequences such as habitat loss, reduced potential for flood conveyance, loss of a valuable vegetation and wildlife habitat, reduced ground water recharge potential, and impaired stormwater quality.

F. Negative impacts to watercourses have public safety consequences adjacent, upstream, and downstream of the impact area, including the potential for higher rates of runoff downstream.

G. Negative impacts to watercourses often have decreased property value implications as negative environmental impacts may diminish abutting land value.

H. Designating open space along watercourses is often more cost effective for the developer due to the high risk of flooding in these corridors and can provide additional community benefits such as increased recreational spaces, natural desert and riparian visual aesthetics, and preservation of natural, pervious landscapes to reduce heat island impacts. These provide economic benefit through higher home values and reduced upfront infrastructure costs.

I. "Natural" and naturalistic watercourse should be preserved by observing an appropriate buffer from the current watercourse to the edge of development using established scientific methods for calculating the buffer distance, such as the LEE.

SECTION 9: ALTERATION OF WATERCOURSES AND FLOODPLAIN

A. Under existing state and local regulations and ordinances, land alteration within the 100-year floodplain requires written approval by the appropriate public agency, and modification of arroyos, including borrowing, filling, or dumping, requires written approval by SSCAFCA. Where the landowner desires changes to a 100-year floodplain or an arroyo, the cost of such modification or alteration, including entrance and exit structures and right of way acquisition, shall be paid for by the owner, except where a public project which would accomplish such modification or alteration has been authorized and funded. Design shall be approved, and construction monitored by the appropriate public agency.

B. Any land alteration within any delineated flood hazard area within the jurisdiction of SSCAFCA shall comply with all procedures outlined by the applicable local statute or ordinance and those of the National Flood Insurance Program which may include but is not limited to: Conditional Letters of Map Revision, Letters of Map Revision, or Physical Map Revisions.

SECTION 10: COST SHARING

A. Subject to availability of funds and with the approval of the Board of Directors, SSCAFCA may enter into a cost-sharing agreement with other public agencies or private entities for design or construction of storm drainage facilities or other selected features of Watershed Park Management Plans.

B. Prior to commitment of SSCAFCA funds for design or construction, the Board of Directors shall approve a written agreement detailing cost sharing arrangements. Normally these arrangements will include provisions for SSCAFCA to approve project plans, administer the construction contract, inspect the project during construction for compliance with plans and specifications, and manage the project following construction, if applicable (See Section 11. TURNKEY AGREEMENTS). Additionally, landowners will be required to provide financial guarantees satisfactory to SSCAFCA for their share of project costs.

SECTION 11: TURNKEY AGREEMENTS

A. The Board of Directors may enter into a turnkey agreement with landowners, developers, or other governmental agencies whereby SSCAFCA will assume maintenance responsibilities for storm drainage infrastructure funded largely or entirely from landowners, developers, or other governmental agencies. The drainage infrastructure shall be constructed to the standards set by SSCAFCA and completed to the satisfaction of SSCAFCA. The entity funding the construction shall enter into an agreement with SSCAFCA detailing relevant time limits, granting of access to SSCAFCA to approve project plans and specifications prior to construction, and review and inspection of the project during construction for compliance with approved plans and specifications. Failure to obtain SSCAFCA's approval for infrastructure to be maintained by SSCAFCA waives any obligation for SSCAFCA to maintain the infrastructure after construction.

B. This Policy does not relieve landowners of obligations for land dedication, channel improvements and additional requirements that may otherwise exist.

C. The Board of Directors may elect to establish a cost-share partnership with private or government entities to develop storm drainage infrastructure in areas governed by a drainage management plan prior to the commencement of development. Subject to an agreement with all parties involved, SSCAFCA will fund and construct the necessary storm drainage infrastructure. The partner agencies will agree to a payment schedule for their portion of the infrastructure cost. The agreement shall be in writing and delivered to all agreement participants.

SECTION 12: MAINTENANCE RESPONSIBILTIES

A. The maintenance of channel improvements, diversions and other storm drainage facilities on land owned by SSCAFCA or covered by an easement granted to SSCAFCA, shall be the responsibility of SSCAFCA.

B. Where SSCAFCA owns a drainage easement and/or fee simple property on both the upstream and downstream sides of a culvert crossing owned by a local non-Federal public agency, SSCAFCA may enter into an Agreement to maintain the flow capacity of the culvert crossing as part of it's maintenance responsibilities. Maintenance and repair responsibility of the culvert crossing will remain with the current owner.

C. SSCAFCA may, under new or existing agreements, agree to the assignment of maintenance responsibilities to and from local partner agencies which have authority over drainage in SSCAFCA's jurisdiction. Such assignment of maintenance responsibilities shall be agreed to in writing and delivered to all partner agencies involved.

D. Water quality manholes are not permitted for SSCAFCA's ownership or maintenance.

SECTION 13: ENCROACHMENTS

A. The Executive Engineer is authorized to issue revocable licenses to construct and maintain minor improvements within dedicated drainage easements or SSCAFCA-owned areas.

B. Such minor improvements include but may not be limited to driveways, culverts not larger than four (4) feet diameter, fences, walls, private utility lines, and minor grading and landscaping associated with these improvements or to otherwise improve the appearance of SSCAFCA's right of way.

C. Grading, including excavation and fill, in SSCAFCA's right of ways is not allowed without SSCAFCA's authorization.

SECTION 14: POWERS OF THE BOARD OF DIRECTORS

A. The Board of Directors shall periodically review and may revise the priorities and schedules for all Authority projects, including those projects cost-shared with landowners.

B. Under appropriate circumstances, the Board may authorize the prosecution by SSCAFCA of eminent domain proceedings to acquire right of way for drainage improvement plans which will be implemented at private expense but owned by public authority.

C. *Emergency Rules.* When the Executive Engineer determines that urgent and compelling reasons (danger to public health, life, safety or welfare) require emergency modification (revision, addition, or deletion) of a standard or requirement, the Board authorizes the Executive Engineer, notwithstanding any provision of this article, to adopt such modification(s) and make them effective immediately. The

Executive Engineer shall publish a notice in a newspaper of general circulation within the jurisdiction within five days, detailing the modification and the compelling and urgent reasons therefore.

D. The Board of Directors of SSCAFCA shall, whenever requested, authorize such persons as may be designated by the Chief Executive Officer of any state or local governmental body, agency or commission to act the name, place and stead of the Executive Engineer of SSCAFCA, provided that:

   i. Each person so authorized shall be a licensed professional engineer in the state of New Mexico, competent in surface hydrology and drainage, in the full-time employment of the cooperating entity; and

   ii. An agreement has been entered into between SSCAFCA and such cooperating entity under the provisions of Section 72-16-22, N.M.S.A., 1978 and the Joint Powers Agreement Act; and

   iii. Copies of all decisions of such Designee and of drainage plans and reports approved, modified or rejected by him will be furnished to the Executive Engineer at the time of decision thereof; and

   iv. Such Designee and the Executive Engineer shall coordinate their respective drainage related activities and establish criteria for which the Designee shall refer the granting or denying of approvals or waivers to the Executive Engineer.

SECTION 15: WARNING AND DISCLAIMER OF LIABILITY

The degree of drainage control intended to be provided by this Policy is considered reasonable and is based on engineering and scientific methods. Larger high intensity storms may occur on occasion within any drainage area and flood hazards may be increased by man-made or natural causes such as climate change, blockage or failure of storm drainage facilities. This Policy does not imply that the structures regulated herein nor those areas which drain from the structures regulated will always be totally free from excess drainage, flooding, or flood damages. This Policy shall not create a liability on the part of or a cause of action against SSCAFCA or any other political subdivision of New Mexico or any officer or employee thereof or any other person, firm, or corporation for any flood or drainage damages that may result from reliance on this Policy.

SECTION 16: APPROVALS AND APPEALS – SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL ACT

A. The Executive Engineer of SSCAFCA or his Designee shall, within a reasonable and practicable amount of time after the submission of a request in writing for the approval of a plat, development plan or exemption or other action, that are subject to the authority granted to SSCAFCA by the Act, approve or deny the request and deliver a copy of his decision to the applicant. If the request is denied, the reasons for such denial shall be stated in writing.

B. Any applicant aggrieved by a 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 days prior to the hearing date. Such hearing shall be conducted not earlier than ten days nor 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 conditions to their decision such requirements as in their opinion may be necessary or appropriate in compliance with this Policy 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 delivered to the applicant and to the Executive Engineer.

C. Any 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.

SECTION 17: REPEAL OF PREVIOUS RESOLUTIONS AND PROCEDURES

Resolutions 1994-08 and 2001-06, Drainage Policy Amendments 2004-01 and 2004-02, and Drainage Policy adopted June 20, 2008 are hereby repealed, but such repeal shall not affect rights, duties, or liabilities accrued under those portions of the aforementioned resolutions which have been re-enacted herein. Any such reference to the aforementioned resolutions will now refer to this resolution. All other drainage procedures not named herein are hereby repealed, but such repeal shall not affect the rights, duties, or liabilities accrued under those portions of those policies which have been re-enacted herein.

SECTION 18: LIMITATION CLAUSE

Nothing in this Policy shall limit or restrict the SSCAFCA Board of Directors from taking any action using the authority granted under the Southern Sandoval County Arroyo Flood Control Act (72-19-1 to 72-19-103 NMSA 1987)

SECTION 19: REVIEW OF DRAINAGE POLICY.

This Regulation shall be reviewed by SSCAFCA every five (5) years with the intent of keeping the policy up to date and current with all applicable standards and regulations.