

~~Chapter 17~~ Section 2-8 DRAINAGE AND TRAFFIC LAYOUT SUBMITTALS PROCEDURES FOR DRAINAGE SUBMITTALS

~~Section 1. PROCEDURES FOR DRAINAGE AND TRAFFIC CIRCULATION LAYOUT SUBMITTALS~~

~~INTRODUCTION~~

—This section presents procedures for making Drainage and Traffic ~~Circulation~~ Layout (~~TCL~~) submittals. General criteria established by the City for review of those submittals are also presented. If it is determined that the addition to the development is considered not to be significant, the Traffic or City Engineer, at their discretion may not require TCL. Written concurrence from the Traffic or City Engineer will substitute as the approved TCL.

~~Submittal Preparation~~

—Guidelines for preparation of Drainage and Traffic Circulation Layout submittals are presented in DPM Chapter 22.137 and Chapter 23.7, respectively. The material and information required for a complete submittal can be determined by referring to the appropriate Chapter.

1. DRAINAGE AND TRAFFIC LAYOUT SUBMITTAL APPROVAL PROCEDURES

2. Approval Procedures

- i. —The following are procedures and guidelines established by the ~~City~~ City Engineer's Office for the review of Drainage and TCL Submittals.
- b.
 - i. ~~1.~~—All Drainage ~~and~~ and TCL Submittals and follow-up correspondence should be submitted to the City Engineer's Office. For record keeping purposes a Drainage & Transportation Information Sheet (DTIS) must be provided with the subject transmittal. The latest version can be obtained from Albuquerque Development and Building Services Center. All Drainage and TCL submittals required for building permit, preliminary plat, site development plan, sector plan, etc. approvals, must be processed through the City Engineer's

Office. Drainage and TCL submittals included with E.P.C., DRB and building permit plans or submittals will not be reviewed by the City Engineer's Office with the subject application. In order to obtain the review of the City Engineer's Office, each submittal made in support of a specific action must be submitted separately to the City Engineer's Office for processing and review.

- ii. ~~2.~~—Correspondence related to Drainage and TCL Submittals - must reference the file number assigned by the City Engineer's Office upon submittal (for example, [E-17/D25E17D025](#)). This file number shall also be referenced on all re-submittals. The use of the file number facilitates the processing and tracking of Drainage and TCL Submittals and related correspondence.
- iii. ~~3.~~—Upon receipt of a Drainage or TCL submittal (including TCL's required for building permit), a file number will be assigned 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. ~~The status information will be available for viewing at the City Engineer's Office, or may be obtained on the City's web page.~~
- iv. ~~4.~~—Drainage and TCL Submittals that do not include a DTIS, vicinity map, legal description, engineer's seal for Drainage and engineer's or architect's seal for TCL, date and other major items identified on the appropriate DPM format guideline will not be accepted. If submittal information is incomplete, the applicant will be notified by the City Engineer's Office ~~stating~~ stating what information is missing. Only after the information is deemed complete will a submittal be accepted for review.
- v. ~~5.~~—If a submittal is required for a DRB approval, the DRB number (if available) must be included on the DTIS as well as copies of the required infrastructure list (proposed, draft or final), plat and/or site plan. If a submittal is for Certificate of Occupancy, the Building Permit number must be included on the DTIS form and attach a copy of the permit.
- vi. ~~6.~~—It is the policy of the City Engineer's Office to make responses to new submittals, resubmittals, and follow-up correspondence as soon as possible but not more than ten working days after a complete submittal has been received by that Office.
- vii. ~~7.~~—All revisions made to a particular submittal must be signed, sealed and dated by the Engineer of Record for all Drainage Submittals and by the Engineer or Architect of Record for all TCL Submittals and with revisions clearly noted.
- viii. ~~8.~~—Approved Drainage and TCL Submittals are in effect for a period of one year 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 requirements since the date of last approval.

- ix. ~~9.~~—Questions concerning the preceding items should be directed in writing to the City Engineer's Office.

~~Flood Hazard Certification~~

~~—Compliance with the requirements of the Flood Hazard 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~~

~~Development Within Flood Hazard Areas For Building Permits~~

1. ~~—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 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 that these flood-proofing requirements have been met.~~

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

~~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 Revision (CLOMR) shall be submitted to the City/County Floodplain Administrator to be forwarded to FEMA. A Letter of Map Revision (LOMR) must be obtained from FEMA after construction is complete. When a CLOMR has been issued by FEMA, a portion or all of the SIA and financial guarantees may be released prior to the LOMR being issued by FEMA. Submittal of a copy of the LOMR 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 LOMR has not been issued by FEMA: "Portions of the subject property lie within a designated area of special Flood Hazard as shown on the National Flood Insurance Program's "Flood Insurance Rate Map dated September 20, 1996. Until such time that a LOMR issued by FEMA, flood insurance may be required."~~

~~Drainage Covenants~~

~~4. **Private Facility Drainage Covenant and Reservation of Private Drainage Easement** – for a privately owned, privately maintained facility which places maintenance and inspection responsibility on the property owner(s). For example, a pond used in common by more than one property owner.~~

- ~~3. **Private Storm Drain Facilities within a City Right-of-Way and/or Easement**~~
- ~~4. **Private Storm Drain Facilities within a City Right-of-Way and/or Easement**~~
- ~~5. — Frequently a drainage plan developed for a particular property involves either discharge directly into a public facility or across a portion of a public right-of-way to a public facility. Examples include connections to the back of an existing storm inlet, construction of sidewalk culverts or a connection to a storm drain manhole or a channel. When such solutions are employed, the construction within the public right-of-way must meet City standards and the owner of the property is responsible for maintenance of the facility.~~
- ~~6. — Detailed procedures for the documentation of such installations are given in DPM Chapter 22. For properties which employ drainage solutions involving the public right-of-way, the required documentation must be accomplished prior to issuance of a building permit. Installation must be completed and inspected prior to final issuance of a Certificate of Occupancy.~~
- ~~7. **Encroachment Agreements**~~
- ~~8. **Encroachment Agreements**~~
- ~~9. — Occasionally the grading scheme for an approved drainage plan will employ the construction of a retaining wall or other drainage/grading structure outside the periphery of a private property, encroaching into public property. Although such encroachments are discouraged, it is recognized that certain circumstances will require installations of this type. In such event the City normally requires an encroachment agreement with the developer. The encroachment agreement, which runs with the land, allows the developer to install some semi-permanent features on public property meeting criteria established in Chapter 23 of the DPM. The developer is required to assure the City that such features will be removed in a timely~~

~~manner if required by the City or, alternatively, that the City will be empowered to remove such encroachments, with the cost of such removal charged to the owner of the property. A standard encroachment agreement together with instructions for the preparation of same, is presented in DPM Chapter 8.~~

~~10. **Drainage Facilities Construction Agreement and Financial Guarantee**~~

11. Drainage Facilities and Roadway Improvements Construction Agreement and Financial Guarantee

—Section 9D of the City Drainage Ordinance (Article 7-9 R.O.A. 1994) 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 Engineer 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. (See DPM [Chapter 5, Recordable Documents](#) for sample documentation used for such guarantees).

12. FORMS AND CERTIFICATES

~~13. FORMS AND CERTIFICATES~~

—Current copies of forms and certificates such as the ~~d~~Drainage ~~and Transportation~~ [Information s](#)Sheet, conference recap sheet, ~~F~~floodplain development Permit ~~hazard-ordinance certificate~~, ~~flood hazard exclusion certificate~~, ~~flood proofing~~ [Elevation](#) ~~C~~ertificate, and other pertinent documents can be obtained from the Albuquerque Development and Building Services Center.

Click to view:

~~[Drainage Requirement Flow Chart - Building Permit Process](#)~~

~~[Drainage Requirement Flow Chart - Major Subdivision](#)~~

~~[Drainage Requirement Flow Chart - Site Development Plan](#)~~

(Adobe Reader required to view these images)

ALBUQUERQUE

PUBLIC WORKS DEPARTMENT

DEVELOPMENT AND BUILDING SERVICES CENTER

HYDROLOGY SECTION

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 AND TRANSPORTATION INFORMATION SHEET

(Rev. 1-28-03)

PROJECT TITLE: _____ ZONE MAP/DRG. FILE #: _____

DRB#: _____ EPC#: _____ WORK ORDER#: _____

LEGAL DESCRIPTION: _____

CITY 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: _____ CHECK TYPE OF APPROVAL SOUGHT:

_____ DRAINAGE REPORT _____ SIA/FINANCIAL GUARANTEE
RELEASE

_____ DRAINAGE PLAN 1st SUBMITTAL, _____ PRELIMINARY PLAT
APPROVAL

—REQUIRES TCL or equal _____ S. DEV. PLAN FOR SUB'D
APPROVAL

_____ DRAINAGE PLAN RESUBMITTAL _____ S. DEV. PLAN FOR BLDG.
PERMIT APPROVAL

_____ CONCEPTUAL GRADING AND DRAINAGE PLAN _____ SECTOR
PLAN APPROVAL

_____ GRADING PLAN _____ FINAL PLAT APPROVAL

_____ EROSION CONTROL PLAN _____ FOUNDATION PERMIT
APPROVAL

_____ ENGINEER'S CERTIFICATION (HYDROLOGY) _____ BUILDING
PERMIT APPROVAL

_____ CLOMR/LOMR _____ CERTIFICATE OF OCCUPANCY (PERM.)

_____ TRAFFIC CIRCULATION LAYOUT (TCL) _____ CERTIFICATE OF
OCCUPANCY (TEMP.)

_____ ENGINEERS CERTIFICATION (TCL) _____ GRADING PERMIT
APPROVAL

_____ ENGINEERS CERTIFICATION (DRB APPR. SITE PLAN) _____ PAVING
PERMIT APPROVAL

_____ OTHER _____ WORK ORDER APPROVAL

_____ OTHER (SPECIFY)

WAS A PRE-DESIGN CONFERENCE ATTENDED:

_____ YES

_____ NO

_____ COPY PROVIDED

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

~~(A) Glossary~~

~~—Amendment—Change to an effective FEMA map resulting in the exclusion of an individual structure or a legally described parcel of undeveloped land that was inadvertently included in the SFHA.~~

~~—Base Flood Elevation (BFE)—Elevation of the 100-year (1 percent annual chance) flood, in feet, referenced to the National Geodetic Vertical Datum.~~

~~—City/County Floodplain Administrator—Public official who is designated by the community to coordinate the community's participation in the National Flood Insurance Program.~~

~~—Encroachment—Construction, placement of fill, or similar alteration of topography in the flood plain that reduces the area available to convey flood waters.~~

~~—Flood Boundary and Floodway Map (FBFM)—Flood plain management map issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100 and 500-year floods and the limits of the 100-year floodway.~~

~~—Federal Emergency Management Agency (FEMA)—Government Agency that regulates FIRM maps.~~

~~—Flood Insurance Rate Map (FIRM)—Insurance and flood plain management map issued by FEMA that, based on detailed analyses, identifies areas of 100-year flood hazard in a community. Also shown are BFEs, actuarial insurance rate zones, delineations of the 100 and 500-year flood boundaries, and, on some FIRMS, the 100-year floodway. The Flood Insurance Rate Map enables the community to enter the Regulatory Phase of the National Flood Insurance Program.~~

~~—Flood Plain—Any land area susceptible to being inundated by water from any source, or areas adjacent to a watercourse or other body of water that are subject to inundation by flood waters.~~

— **Floodway**— Channel of a stream or other watercourse, plus any adjacent flood plain areas that must be kept free of encroachment so that the 100-year flood discharge can be conveyed without cumulatively increasing the elevation of the 100-year flood more than zero feet.

— **Floodway Fringe**— Portion of the 100-year flood plain that is not within the floodway and in which development and other forms of encroachment are allowed.

— **Letter of Map Amendment (LOMA)**— Official determination by FEMA that a specific structure or portion of a property is not within a 100-year flood zone; amends the effective FIRM map.

— **Letter of Map Revision (LOMR)**— Official determination by FEMA that revises Base Flood Elevations, flood insurance rate zones, flood boundaries, or floodways as shown on an effective FIRM map.

— **National Flood Insurance Program (NFIP)**— Federal regulatory program under which flood-prone areas are identified and flood insurance is provided to the owners of property in flood-prone areas.

— **Revision**— Change to any of the information that is depicted on an effective NFIP map, which is accomplished by a LOMR or by a Physical map revision.

— **Special Flood Hazard Area (SFHA)**— Area inundated by the base (100-year) flood, which carries any of several A or V zone designations.

(B) 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/County 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/County 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.

(C) 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/County Floodplain Administrator to be forwarded to FEMA for review.

(D) 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 floodplain 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 floodmaps.

(E) Letter of Map Revision (LOMR)

—If land development involves the reclamation of a floodplain or floodway, it is recommended that you contact the City/County 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, Section 65.

—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 after the City Hydrology Section has approved the consultant's drainage concept. The Administrator will forward the submittal to FEMA for the map revision. The consultant should be aware should be aware that FEMA may request additional data or fees prior to releasing a LOMR.

Click to view:

Flood Hazard Ordinance Certificate

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Section 2. PROCEDURE FOR STORM DRAINAGE INFRASTRUCTURE ALLOCATION

Section 2.—PROCEDURE FOR STORM DRAINAGE INFRASTRUCTURE ALLOCATION

A. Introduction

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

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. Definitions

C.—Definitions

1. "Applicant" means any Developer seeking to construct drainage facilities under this Procedure.
2. "Cost Allocation" means a cost allocated to new development in order to fund and/or recoup the costs of drainage facilities necessitated by and attributable to the new development.
3. "Cost allocation table" means the list or roll of all tracts or parcels of property within the benefited area and the amount to be allocated against each tract or parcel as determined in accordance with this Procedure.
4. "Benefited Area" means the tracts or parcels of land within a drainage basin benefited by the proposed drainage or flood control facilities.
5. "Benefit" means, for the purpose of this Procedure, the provision of a drainage outfall or flood control facility that serves the property.
6. "Certificate of Completion and Acceptance" means a document issued by the City Engineer in a format prescribed in the Development

Process Manual which certifies that the public infrastructure improvements required for a development have been satisfactorily completed by the developer and are accepted by the City, for maintenance and public use.

7. "Consulting Engineer" means a professional engineer competent in surface water hydrology and hydraulics duly licensed under the laws of the State of New Mexico who is under contract with an Applicant or the City of Albuquerque to design drainage facilities.

8. "Developer" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, political subdivision or other public or private entity engaging in the platting, subdivision, filling, grading, excavating, or construction of structures.

9. "Drainage Basin" means the land area from which storm water shall drain to an acceptable outfall.

10. "Drainage Facilities" means public facilities used for conducting storm waters to, through and from a drainage basin to the point of final destination, and any related improvements, as defined in the Allocation Plan including, but not limited to, any or all of the following: bridges, pipes, conduits, culverts, crossing structures, arroyos, waterways, inlets, swales, ditches, gulches, channels, temporary or permanent retention and detention areas, water quality features, prudent line and stability measures removal and/or replacement of existing facilities, as well as easements and rights-of-way necessary to accommodate the same.

11. "New Development" means the proposed subdivision of land, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; or any proposed use or extension of the use of land affecting drainage within the benefited area, including but not limited to proposed buildings or other structures, site plan requests, grading, paving, filling, or excavation.

12. "Open Space" means publicly owned or controlled lands set aside for Open Space purposes.

13. "Infrastructure Allocation Drainage Management Plan" or "Allocation Plan" means a comprehensive analysis of the discharge rate volume, frequency, and course of stormwaters within one or more drainage basins or watershed resulting from a new development and used to identify required drainage facilities so that an equitable cost distribution for drainage facilities may be allocated against benefited properties. The Allocation Plan shall be prepared in accordance with this Procedure.

14. "100-year Design Storm" means a storm as defined by the Drainage Ordinance and DPM.

15. "Temporary Drainage Facility" means a nonpermanent drainage control, flood control or erosion control facility constructed as part of a

~~phased project or to serve until such time as a permanent facility is in place, including, but not limited to, desilting ponds, berms, diversions, channels, detention ponds, bank protection and channel stabilization measures.~~

~~D. Generally~~

~~**D. Generally**~~

~~1. The City 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, Drainage Control Ordinance and the Flood Hazard Control Ordinance of the City and shall be administered in concert therewith. Pursuant to the Drainage Control Ordinance, 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 shall be delegated to the City Engineer.~~

~~E. Infrastructure Allocation Drainage Management Plan (Allocation Plan)~~

~~**E. 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 Engineer.~~

~~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 of Albuquerque DPM, the Drainage Control Ordinance and the Flood Hazard Control Ordinance of the City.~~

~~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, County 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.~~

~~F. Review and Approval Procedure~~

F. 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 Engineer (or his representative) shall schedule a~~

meeting with the applicant to discuss general Allocation Plan procedures and the merits of the proposed Allocation Plan.

2. City Engineer Review and Approval.

a. The Applicant shall submit a draft Allocation Plan to the City Engineer 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.

G. Establishing Cost Allocations

G. 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 Engineer 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 Development Review Board 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 shall not be subject to Cost Allocation.~~

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

~~H. Design of Drainage Facilities~~

~~H. Design of Drainage Facilities~~

~~1.— After the City 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 DRC for review and, if acceptable, approval.~~

~~2.— Construction cost/quantity estimates shall be prepared and approved in accordance with applicable policies of the DRC 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.~~

~~I.— Construction and Inspection of Facilities~~

~~**I.— Construction and Inspection of Facilities**~~

~~1.— Upon approval of the construction plans and specifications by the DRC, 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 a Work Order from the City, 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 policies.~~

~~4.— Changes to Allocation Plan related construction items shall be allowed during construction, provided the City Engineer 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 Engineer for reapproval.~~

~~6.— Financial guarantees shall be withheld until such time as the Allocation Plan is amended to reflect as constructed changes and conditions.~~

~~J.— Temporary or Phased Drainage Facilities~~

~~**J.— 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 Engineer. 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 Engineer, 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.

~~K. Updating Allocation Plan and Cost Allocations~~

~~K. 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 Engineer.~~

~~2. As determined by the City Engineer, the Allocation Plan shall be reviewed and/or updated to reflect changed conditions within the drainage basin.~~

~~L. Appeals; Technical Standards Committee~~

~~L. Appeals; Technical Standards Committee~~

~~1. Any Applicant, or owner of property subject to assessment, aggrieved by action of the City Engineer or as provided for in this Procedure, may appeal such decision to the Technical Standards Committee of the City. Such appeal shall be made by notice of appeal, in writing, addressed to the Chairperson of the Technical Standards Committee and delivered to the City Engineer within 30 days after the date the decision was mailed to the Applicant. The Chairperson of the Technical Standards Committee shall notify the Applicant and the City Engineer 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 Technical Standards Committee may consider such facts, exhibits, and engineering arguments and principles as may be presented by the appellant or the City, 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 the policies of this Ordinance to safeguard persons and property from storm water runoff and equitably assess all benefited properties. Each decision of the Technical Standards Committee shall be in writing and shall state~~

~~reasons therefore within 10 days of the hearing. A copy of the decision shall be promptly mailed to the applicant and to the City Engineer.~~

~~2. The City Engineer or Applicant aggrieved by any decision of the Technical Standards Committee may appeal such decision to the City Council. Such appeal shall be requested by notice of appeal in writing addressed to the President of the City Council and delivered to the office of the City Council 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 City Council. The City Council may affirm, reverse, or modify the decision of the Technical Standards Committee.~~

~~3. The Technical Standards Committee, as established by the Drainage Ordinance, shall serve as the Technical Standards Committee of this Procedure. The Technical Standards Committee shall hear and determine all appeals as provided by this section. The Committee may from time to time recommend modifications of this Procedure to the Mayor. The City shall provide such facilities, supplies, and services, including postage, stationary and secretarial assistance, as may be required by the Committee.~~

~~M. Application~~

~~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, that 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 Engineer. 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 Engineer or an application to EPC or DRB has already been made, the applicant shall have the option of proceeding with a stand alone project independent of the Allocation Plan or conform with this Procedure.~~

- ~~5. 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 filed in the Office of the City Clerk.~~