

MAYOR LARRY P. ABRAHAM

ADMINISTRATOR KELLY S. WARD

SETTLED C. 1661 ••• **INCORPORATED 1958**

April 10, 2014

TRUSTEES

DON LOPEZ MAYOR PRO-TEM

> **PABLO RAEL** MARY HOMAN **ALLEN LEWIS**

Curtis Cherne, Drainage Engineer City of Albuquerque 600 Second Street NW Albuquerque, New Mexico 87102

Dear Curtis,

E/4000

Thank you for the telephone discussion last week related to the Smith's Grocery proposed gas station at 6310 4th Street NW. As we discussed the parcel is not in the Village of Los Ranchos, however the storm drain system installed by the Village along 4th Street directly adjacent to this property is the responsibility of the Village.

The design and construction of the storm drain system did not take into account any flow off of the proposed site (6310 4th Street). I have enclosed the final design report, accompanying map and the Village Storm Water Management ordinance. The design report indicates that flow in the basin that includes 6310 4th Street is to the east of 4th Street. A visual inspection of the site will indicate that the current site is graded to drain to the east consistent with the drainage report.

Noted in the attached ordinance is the section of our ordinance that prohibits gasoline and other automotive fluids from discharging in the storm sewer system. Additionally, the ordinance requires all commercial and residential properties to maintain an on-site ponding of storm water and no discharge off the site.

Please let me know when we can visit further about this matter. I would like to discuss how we might assure that, should any development happen in this area of the City of Albuquerque, it happen in a manner consistent with the storm drain system design and the appropriate provisions of the Village Storm Water Management ordinance.

Thank you for your attention to this matter.

Cordially,

Kelly S. Ward Administrator

LAND DEVELOPMENT SECTION



Final Conceptual Design Report

December 2003



CONSULTING ENGINEERS AND SURVEYORS

IV. DRAINAGE

A. Hydrology

Analysis of rainfall and resulting runoff from the project area is limited to the drainage basins identified in the Drainage Basin Map shown on Figure IV.1. The only exception to this is potential, future off-site runoff that would enter the north end of the project area via a future storm drain line in 4th Street. The future storm drain and related flows are discussed in a drainage report recently prepared by Wilson and Company that serves as a Master Drainage Plan for all of 4th Street from approximately Paseo del Norte on the north to just south of Solar Road on the south. The off-site flow would be routed in a future 4th Street storm drain via Schulte Road (west) to a future detention basin at the east edge of Taft Middle School in designated Basin 120.2A from the Wilson Report. Discharge from the detention basin would be at a rate determined in the Wilson report (peak of 8.99 cfs during the 100-year event), and would be routed back to 4th Street through a proposed drainage easement crossing the Northdale Shopping Center. This future runoff would enter the proposed 4th Street Corridor Project storm drain approximately 300 feet north of Osuna Road. The Fourth Street Corridor Master Drainage Plan (MDP) prepared by Wilson & Company assumed a 24-hour, 100year return event storm to calculate peak runoff for developed conditions. These values were accepted and used to determine the off site flow rates which affect the project site. Table 1 summarizes the existing MDP basins involved in this drainage analysis.

Drainage analysis of the Fourth Street Corridor Project is based on Section 22.2 of the Development Process Manual (DPM), Volume 2, Design Criteria for the City of Albuquerque, New Mexico, January 1993.

The length of the street improvements project is approximately 3000 feet along 4th Street, 850 feet on Osuna Road, and encompasses a total drainage area of about 102 acres. The area is generally characterized by nearly flat grades with elevated roadways and irrigation channels that isolate and separate individual drainage basins.

The 4th Street project area is located within Precipitation Zone 2 as defined in Section 22.2 of the DPM. Land treatments for the project area were derived from existing orthophotography and site visits for verification purposes. AHYMO_97 was used to determine developed conditions flow rates, routings and volumes. Detailed computations will be provided in the Fourth Street Corridor —Phase I Drainage Report currently being prepared by Larkin Group NM.

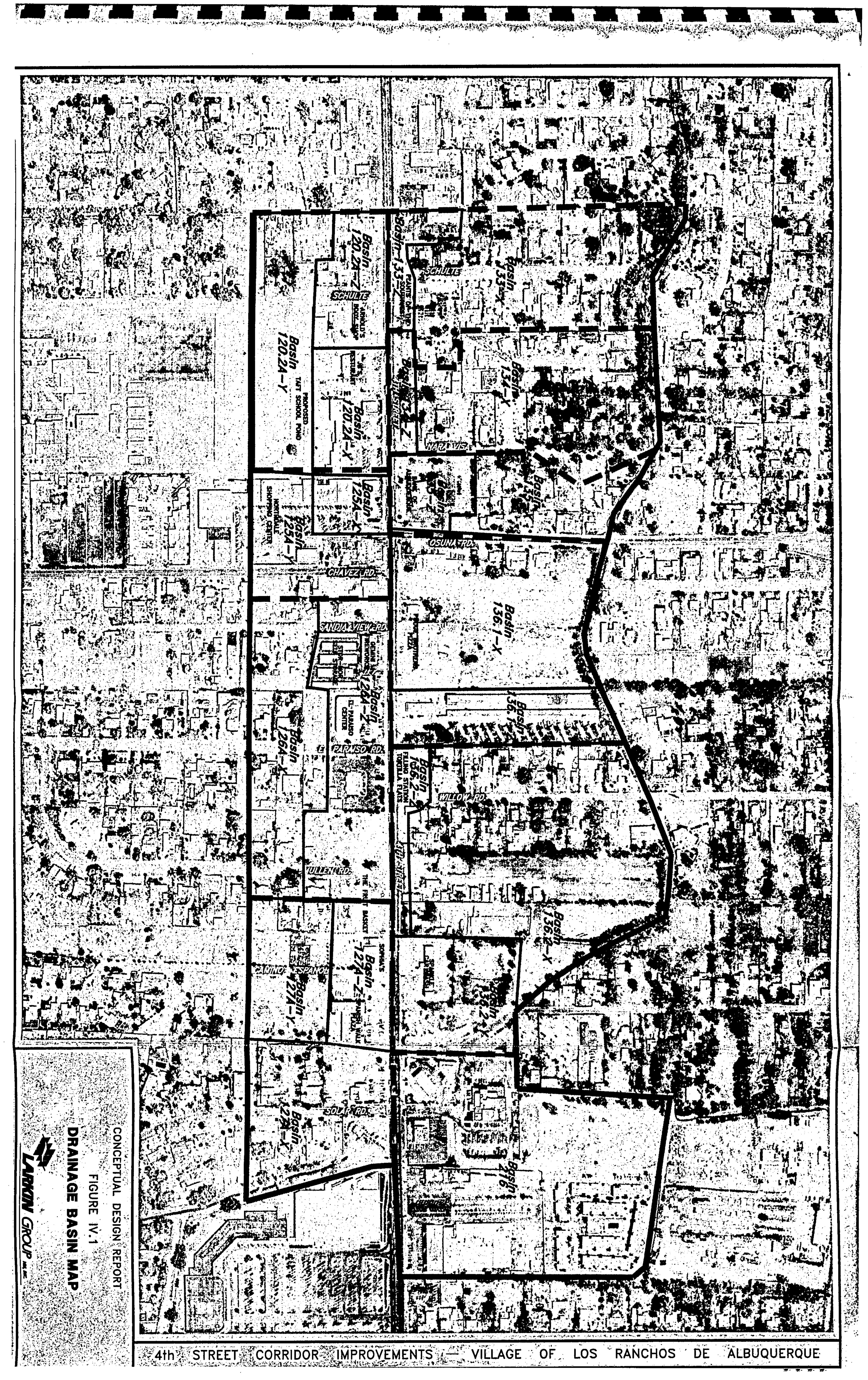


Table 1 Summary of Wilson MDP Basins Relevant to the Phase I Area

Basin ID	Area	Developed	Developed 24 hr	
(Figure IV.1)	(Acres)	Q (cfs)	Vol. (ac-ft) 1.96	
120.2A	14.5	24.9		
125A	5.2	4.5	0.68	
126A	14.7	12.1	1.85	
127A	11.5	9.56	1.67	
133 ;	6.0	11.09	0.75	
134	12.4 15.79	15.79	1.72	
135	3.8	5.88	0.50	
136.1	13.8	32.41	2.36	
136.2	21.1	52.91 3.63		

Note: Basin 216 in the Wilson MDP does not contribute runoff to this project.

B. The Drainage Solution

Existing drainage basins from Wilson's MDP are described in Table 1. These basins were further subdivided into drainage basins that are adjacent to the proposed roadway improvements and will drain directly and/or immediately to the proposed Phase I project storm drain improvements (see Table 2). Remaining drainage basins that are farther away from the 4th Street and Osuna Road street improvements with little or no chance to drain directly to the proposed project improvements are shown in Table 3. Subdivided drainage basins are designated with the original (Wilson report) basin number followed by "X, Y, or Z".

Table 2 Summary of Drainage Basins Contributing to the Phase I Area

Basin ID	Area	Developed '	Developed 24 hr		
(Figure IV.1)	(Acres)	-Q (cfs)	Vol. (ac-ft) 0.616		
120.2A-X	120.2A-X 3.14 8.8	- 8.8			
120.2A-Z	2.9	10.2	0.506		
125A-X	1.5	4.15	0.29		
126A-Z	7.3	25.4	1.434		
127A-Z	3.0	13.3	0.591		
133-Z	1.41	5.0	0.244		
134-Z	1.09	3.2	0.151		
136.1-X	9.92	18.1	1.20		
136.1-Z	4.0	9.4	0.44		
74-136.2-Y	- 4.8				
136.2-Z	1.5	6.5	0.289		

Note: Basin 136.2-Y is assumed to contribute ponded volume only

Table 3 Summary of Remote Drainage Basins outside the Phase I Area

Basin ID (Figure IV.1)	Area (Acres)	Developed Q (cfs)	Developed 24 hr Vol. (ac-ft) 1.72 0.74 1.72 0.48	
126A-X	13.6	11.2 16.7 17.6		
127A-Y	3.8			
134-X	12.4			
135-X	3.6	5.6		
136.2-X	11.9	22.2	1.4	

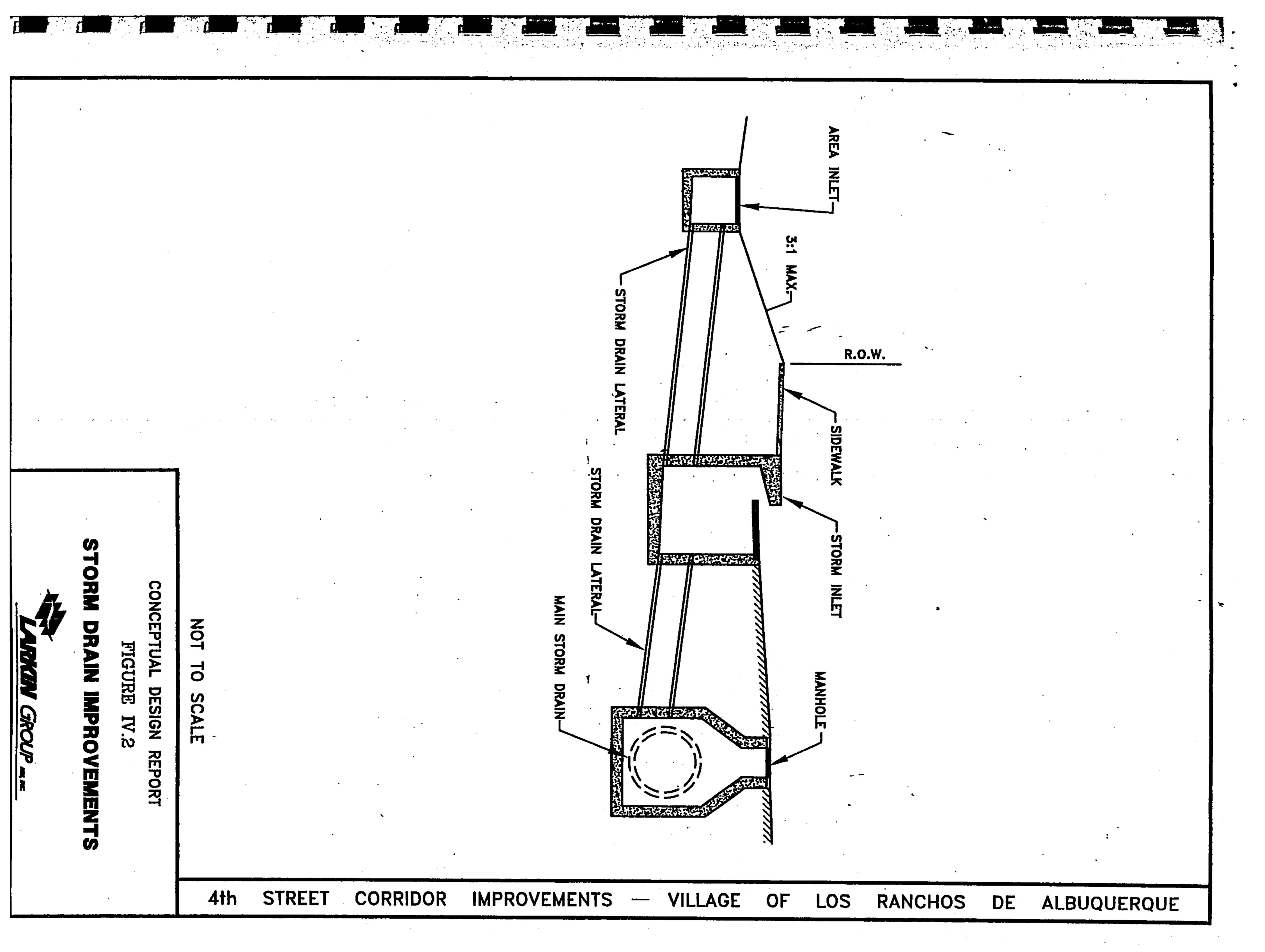
Note: Basins 216 and 127A-X are beyond the southern limits of this project

C. Proposed Drainage Improvements.

The 4th Street storm drain improvements proposed for construction with this project will include: a) the main storm drain lines in 4th Street and Osuna Road, b) manholes, c) curb inlets at low points and other locations to collect the runoff and d) interconnecting lateral storm drains between inlets and manholes on the main lines. Additionally, area inlets will be constructed behind sidewalks as necessary and connected to the main storm drains as illustrated in Figure IV.2. Two design options have been evaluated as described below. Option 2 was later discarded following meetings and discussions with Village representatives.

Option 1. This design option is based on the 100-year storm event. It accepts 100year runoff from the Tast Middle School detention basin as described in the Wilson Master Drainage Plan for 4th Street. Contributory basins within the project area have been further refined from the MDP to reflect finished design conditions. It is assumed that runoff from the street improvements and sub-basins close to 4th Street and Osuna Road will drain almost immediately into the proposed main storm drains. Other sub-basins beyond these two main streets have nearly flat grades with times to peak that are substantially longer than for basins adjacent to the Phase I project area. The design analysis assumes that storm drain extensions have been constructed into these more remote sub-basins to collect runoff. However, these storm drain extensions are not part of the Phase I project, but could be constructed at some later time. All of the collected runoff (approximately 6.45 ac-ft) will be routed to a detention basin planned for construction somewhere near the south end of the project. The detention basin would be sized initially (i.e. with this project) to contain only 100-year runoff from the street improvements and sub-basins near 4th Street and Osuna Road. It could be expanded later as necessary if and when storm drain extensions are constructed into the more remote sub-basins. Figures IV.3.1 through IV.3.3 show the conceptual plan and profile for the storm drain system associated with Option 1.

Option 2. This design option is based on the 10-year storm event. It assumes that no contributing storm drain improvements exist in 4th Street north of Schulte Road and that no off-site runoff from the north will enter the project area. Contributory basins within the project area have been refined to reflect finished design conditions. It is assumed that 10-year runoff from the street improvements and sub-basins close to 4th Street and Osuna Road will drain directly into the



proposed Phase I storm drains. It is further assumed that no storm drain extensions will ever be constructed from the main storm drains into the remote sub-basins beyond 4th Street and Osuna Road. All of the collected runoff (approximately 4.3 ac-ft) will be routed to a detention basin to be situated near the south end of the project. The detention basin would be sized with this project to contain only 10-year runoff from the street improvements and sub-basins near 4th Street and Osuna Road. Table 4 provides a summary of the flow rates, pipe sizes and pipe slopes associated with the two design options. A conceptual layout of Option 2 is not provided since it was eliminated from further consideration.

D. Drainage Related Issues.

The drainage system for Option 1 may qualify for partial financial participation of storm drain improvements by the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA).

Option 2 drainage improvements would not generally qualify for partial financial participation by AMAFCA since the design storm associated with this option is less than the 100 year event. A further limitation is that Option 2 drainage features may not be adequate for future storm drain expansion to accept runoff from remote sub-basins beyond 4th Street and Osuna Road.

Both Options 1 and 2 may call for the construction of area inlets behind sidewalks on private property. This type of construction will require acquisition of drainage easements so the Village can have legal access to maintain the inlets and associated storm drains leading out to the streets.

Both Options 1 and 2 have potential to conflict with existing buried utilities. Shallow utilities such as water, gas and phone are more likely to be in conflict with the Option 2 design, whereas, sanitary sewer services could be in conflict with Option 1 if it is not set deep enough. Larger pipes at the downstream end of Option 2 could also be in conflict with sewer services if not set deep enough.

Certain side streets, such as Chavez Road, are downhill from 4th Street. It may not be possible to prevent all of the runoff in the main roadway from draining around curb returns at intersections and into the adjacent side streets. In certain cases this could require construction of inlets at the ends of side street returns.

Table 4 Summary of Proposed Storm Drain Improvements – Options 1 & 2

Storm Drain Reach	Option 1		Option 2	
	Q (cfs)	Pipe size & slope	Q(cfs)	Pipe size & slope
Schulte to Nara Visa	15.2	24" RCP @ 0.30%	1.8	24" RCP @ 0.15%
Nara Visa to Osuna Rd.	27.6	30" RCP @ 0.3%	6.9 ·	24" RCP @ 0.3%
Osuna Rd. to El Paraiso Rd.	41.9	42" RCP @ 0.3%	19.9	30" RCP @ 0.3%
El Paraiso Rd. to Mullen Rd.	51.2	48" RCP @ 0.2%	25.5	36" RCP @ 0.2%
Mullen Rd. to Detention Pond	78.0	54" RCP @ 0.2%	41.9	42" RCP @ 0.3%
In Osuna Rd. to 4 th Street	30.2	36" RCP @ 0.20%	13.9	30" RCP @ 0.20%

SECTION.

ARTICLE 3. STORMWATER MANAGEMENT/

SECTION 1. Definitions

SECTION 2. General Regulations

SECTION 3. Illicit Discharge

SECTION 4. Stormwater Discharge

SECTION 5. Administration

SECTION 6. Inspections

SECTION 7. Violations, Noncompliance, Penalty

SECTION 8. Additional Permits

SECTION 9. Appeals SECTION 10. Severability

§ 4.3.1 DEFINITIONS

BEST MANAGEMENT PRACTICES (BMPs) means activities or structural improvements that help reduce the quantity and improve the quality of stormwater runoff. Best management practices are schedules of activities, prohibitions or practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures and practices to control runoff, spillage, or leaks; sludge, waste disposal, or drainage from raw material storage. With regard to construction, these practices may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water.

CLEAN WATER ACT (WATER QUALITY ACT): (formerly the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972). Public law 92-500; 33 U.S.C. 1251 et. seq.; legislation which provides statutory authority for the NPDES program. Also known as the Federal Water Pollution Control Act.

COMPREHENSIVE PLAN means the Village of Los Ranchos Comprehensive Plan and amendments thereto.

CONCEPTUAL GRADING AND DRAINAGE PLAN means a plan prepared in graphical format showing existing and proposed grading, drainage, control, flood control and erosion control information in sufficient detail to determine project feasibility.

CONVEYANCE means the process of water moving from one place to another.

DIRECTOR means The Director of Planning and Zoning, the official designated to enforce the comprehensive zoning ordinance, as may be amended from time to time.

DISCHARGE means the volume of water (and suspended sediment if surface water) that passes a given location within a given period of time.

<u>DESIGN STORM</u> 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.

<u>DEVELOPED LAND</u> means any lot or parcel of land occupied by any structure intended for human occupation, including structures intended for commercial enterprise.

<u>DEVELOPER</u> means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity



engaging in the platting, subdivision, filling, grading, excavation, or construction of structures or facilities.

DRAINAGE means storm drainage.

DRAINAGE MANAGEMENT OR TREATMENT means the treatment and/or management of surface runoff from all storms up to and including a ten-year design storm.

<u>DRAINAGE PLAN</u> means a short, detailed plan prepared in graphical format with or on a detailed grading plan addressing onsite and off-site drainage control, flood control, and erosion control issues for lots or parcels of less than five acres.

DRAINAGE REPORT means a comprehensive analysis of the drainage, flood control, and erosion control constraints on and impact resulting from a proposed platting, development or construction project.

EPA means United States Environmental Protection Agency.

EROSION CONTROL means treatment measures for the prevention of damages due to soil movement and to deposition.

EROSION CONTROL PLAN means a plan for the mitigation of damages due to soil erosion and to deposition.

EXCAVATION means the process of removing earth, stone, or other materials from land.

FLOOD CONTROL means the treatment measures necessary to protect life and property from the 100-year design storm runoff.

FLOOD HAZARD AREA means an area subject to inundation from the 100-year design storm runoff.

GENERAL PERMIT means a permit issued under the NPDES program to cover a certain class or category of stormwater discharges. These permits reduce the administrative burden of permitting stormwater discharges.

GRADING means the cutting and/or filling of the land surface to a desired slope or elevation.

GRADING PLAN means a plan describing the existing topography and proposed grading, including retaining wall locations and details, interfaces with adjacent properties, streets, alleys and channels, referenced to mean sea level (1929 or 1988 datum) such as city benchmark or NMDOT benchmark, and showing sufficient contours, spot elevations and cross sections to allow a clear understanding by reviewers, contractors, and inspectors.

<u>ILLICIT CONNECTION</u> means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater and is not authorized by an NPDES permit, with some exceptions (e.g., discharges due to fire fighting activities).

MAINTENANCE means the cleaning, shaping, grading, repair and minor replacement of drainage, flood control and erosion control facilities, but not including the cost of power consumed in the normal operation of pump stations.

MAXIMUM EXTENT PRACTICABLE (MEP) means a standard for water quality that applies to all MS4 operators regulated under the NPDES Stormwater Program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs.



MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means a publicly owned conveyance or system of conveyances that discharges to waters of the U.S. and is designed or used for collecting or conveying stormwater, is not a combined sewer, and is not part of a publicly-owned treatment works (POTW).

NON-POINT SOURCE (NPS) POLLUTANTS means pollutants from many diffuse sources. NPS pollution is caused by rainfall or snowfall moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters, and even our underground sources of drinking water.

NOTICE OF INTENT(NOI) means Notice of Intent.

NPDES: "National Pollutant Discharge Elimination System" the name of the surface water quality program authorized by Congress as part of the 1987 Clean Water Act. This is EPA's program to control the discharge of pollutants to waters of the United States (see 40 C.F.R. 122.2) Phase II.

NUISANCE WATERS means those waters leaving a site and entering a public right of way.

ONE HUNDRED (100) YEAR DESIGN STORM means that storm whose precipitation within a six-hour period and resulting runoff has a one percent chance of being equaled or exceeded in any given year. A special condition may require/allow use of storms of longer duration.

OUTFALL means the point where wastewater or drainage discharges from a sewer pipe, ditch, or other conveyance to a receiving body of water.

PHYSICALLY INTERCONNECTED MS4 means that one MS4 is connected to a second MS4 in such a way that it allows for direct discharges into the second system.

POINT SOURCE POLLUTANT means pollutants from a single, identifiable source such as a factory or refinery.

<u>POLLUTANT LOADING</u> means the total quantity of pollutants in stormwater runoff. <u>REGULATED MS4</u> means any MS4 covered by the NPDES Stormwater Program (regulated small, medium, or large MS4s).

RETROFIT means the modification of stormwater management systems through the construction and/or enhancement of wet ponds, wetland plantings, or other BMPs designed to improve water quality.

RUNOFF means drainage or flood discharge that leaves an area as surface flow or as pipeline flow. Has reached a channel or pipeline by either surface or sub-surface routes. **SEDIMENT** means soil, sand, and minerals washed from land into water, usually after rain. Sediment can destroy fish-nesting areas, clog animal habitats, and cloud waters so that sunlight does not reach aquatic plants.

SITE RUNOFF means any drainage or flood discharge that is released from a specified area.

SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM(MS4) means any MS4 that is not regulated under Phase I of the NPDES Stormwater Program and Federally-owned MS4s.

STORM DRAIN means a slotted opening leading to an underground pipe or an open ditch for carrying surface runoff.



STORM DRAINAGE SYSTEM means arroyos, storm drains, roadways, culverts, bar ditches, ponds, pump stations, dams, detention ponds, retention ponds, inlets, and appurtenant structures and other facilities which convey stormwater.

STORMWATER means precipitation that accumulates in natural and/or constructed storage and stormwater systems during and immediately following a storm event. **STORMWATER MANAGEMENT** means functions associated with planning, designing, constructing, maintaining, financing, and regulating the facilities (both constructed and natural) that collect, store, control, and/or convey stormwater.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) means a plan to describe a process whereby a facility thoroughly evaluates potential pollutant sources at a site and selects and implements appropriate measures designed to prevent or control the discharge of pollutants in stormwater runoff.

STORMWATER QUALITY CONTROL means the treatment methods necessary to protect and enhance the quality of stormwater.

SURFACE WATER means water that remains on the surface of the ground, including rivers, lakes, reservoirs, streams, wetlands, impoundments, seas, estuaries, etc.

TEN-YEAR DESIGN STORM means that storm whose precipitation within a six hour period and resulting runoff has a ten percent chance of being equaled or exceeded in any given year. A special condition may require/allow use of storms of longer duration.

TOTAL MAXIMUM DAILY LOAD (TMDL) means the maximum amount of pollutants which can be released into a water body without adversely affecting the water quality.

<u>URBAN RUNOFF</u> means stormwater from urban areas, which tends to contain heavy concentrations of pollutants from urban activities.

WET WEATHER FLOWS means water entering storm drains during rainstorms/wet weather events.

§ 4.3.2 GENERAL REGULATIONS

The Village shall, under direction of the Director of Planning and Zoning, develop, implement, and enforce, according to EPA standards, a Stormwater Management Plan designed to reduce the discharge of pollutants from a small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy applicable surface water quality standards.

(A) STORM DRAINAGE.

- (1) Prevent the creation of public safety hazards and seek to eliminate existing problems.
- (2) Prevent, to the extent feasible, the discharge of storm runoff from public facilities onto private property.
- (3) Prevent the increased risk of damage to private property caused by storm runoff from other private property.
- (4) Coordinate with the M.R.G.C.D., A.M.A.F.C.A., Bernalillo County and the City of Albuquerque the discharge of storm runoff into M.R.G.C.D. and A.M.A.F.C.A facilities and minimize impact on downstream facilities.
- (5) Provide for timely and effective construction and maintenance of storm drainage facilities.



- (6) Design storm drainage facilities, which provided effective storm drainage and flood control.
 - (7) Improve the quality of storm runoff.

(B) EROSION CONTROL.

- (1) Protect the hydraulic capacity of flood control and storm drainage facilities from losses due to sedimentation and degradation.
- (2) Preserve public health, safety, and convenience from jeopardy due to erosion and sedimentation in private and public facilities of all types.
 - (3) Preserve the quality of surface runoff.

§ 4.3.3 ILLICIT DISCHARGE

- (A) NON-STORMWATER DISCHARGE. It is prohibited to discharge into the 3 storm sewer system any form of pollutant, including but not limited to:
 - (1) Automotive oils, gasoline, grease, fluids, or other waste products; }
 - (2) Floatables such as plastic bags, fast food wrappers, Styrofoam cups, soft drink cans, or cups, etc.;
 - (3) Plant refuse weeds, tree trimmings, leaves, etc,;
 - (4) Water line flushing;
 - (5) Landscape irrigation or sprinkler run off;
 - (6) Fertilizers, pesticides, or poisons;
 - (7) Diverted stream or ditch flows;
 - (8) Uncontaminated pumped groundwater;
 - (9) Discharges from potable water sources;
 - (10) Foundation drains;
 - (11) Open space or agricultural irrigation water;
 - (12) Car washing between Mullen and Schulte on 4th Street or where water flows into storm sewer outlets;
 - (13) Flows from riparian habitats and wetlands;
 - (14) De-chlorinated swimming pool discharges;
 - (15) Toxic spills;
 - (16) Street wash water;
 - (17) Animal waste;
 - (18) Grease from cooking, commercial and residential;
 - (19) Household cleaning products.
- (B) ILLEGAL DUMPING. It is prohibited for any person or persons to deposit trash, household items, yard debris, appliances, or any such items on Village of Los Ranchos owned or controlled property.
 - (1) All possible investigative means may be utilized to determine the person or persons responsible for illegal dumping.
- (C) GROUNDWATER CONTAMINATION. Any activity which contributes to groundwater contamination through the burying of animal waste, dead animals, and garbage or toxic chemicals is expressly prohibited.
 - (1) All possible investigative means may be utilized to determine the person or persons responsible for groundwater contamination.



§ 4.3.4 STORMWATER DISCHARGE

(A) NEW CONSTRUCTION.

- (1) All construction, development, and redevelopment projects with land disturbances equal to or greater than one acre, including sites, which disturb less than one acre, but are part of a larger common plan of development, must, at the time of application to the Village, submit:
 - (a) A Notice of Intent permit issued by EPA.
 - **(b)** A Stormwater Pollution Prevention Plan (SWPPP) including Best Management Practices to prevent stormwater discharge in accordance with EPA NPDES Phase II regulations for construction site stormwater runoff control.
- (2) The stormwater pollution prevention plan shall outline the BMPs to be undertaken by the operator/owner of the project to protect stormwater quality during the construction phase of the project.
 - (a) These BMPs shall be maintained by the owner of the property. Inspection of these BMPs shall be made at a minimum once a week by the owner and a log of this inspection shall be kept on-site for review by the Village. The Village shall also inspect these BMPs on a periodic basis. These BMPs shall be subject to the approval of the Planning and Zoning Department.
- (3) Construction and development sites must control and properly dispose of construction wastes, trash, chemicals, etc.

(B) POST CONSTRUCTION.

- (1) All development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development and all construction of additions to buildings or of outbuildings over fifty percent (50%) of existing Floor Area Ratio, must submit a Grading and Drainage Plan with a Certified Engineer's stamp showing on-site water retention ponding volumes.
- (2) For all development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, and all construction of additions to buildings or of outbuildings over fifty percent (50%) of existing Floor Area Ratio within the Village, post construction water quality BMPs are required. This requirement is in addition to any other requirements that may apply. These BMPs shall be subject to the approval of the Planning and Zoning Department.
- (3) Contractors or developers must complete the on-site water retention ponding, berming, banking, ditching, or underground retention system prior to receipt of Certificate of Occupancy or in case of subdivision, sales of lots to the public.
- (4) Maintenance responsibility of stormwater control is the responsibility of the property owner up to the point where stormwater enters public facilities.
- (5) Where a site development, building permit, a major or minor subdivision, or a replat alters the elevation or location of any designated 100-year floodplain, as shown on current FEMA flood insurance rate maps, the developer shall be required to provide to the Village all necessary data needed to effect the flood boundary revision or amendment. Any required fees for processing shall be the responsibility of the developer.



- (6) Site development and major or minor subdivisions or replats shall be designed and constructed such that non-stormwater discharges into storm sewers, ditches, or watercourses will not occur.
- (C) STORMWATER DISCHARGE FROM INDIVIDUAL PARCELS.
- (1) The discharge of nuisance waters from private property to public streets is [prohibited. Arterial and collector streets shall be protected from damages to the surface [and from the safety hazard created by surface flow of nuisance waters across them.
 - (a) Parking lots, yards, open fields, landscaped areas, developed and undeveloped lots shall be bermed, banked, ponded, ditched, or otherwise contoured for on-site water retention to prevent stormwater runoff onto Village streets and roads or ditches.

§ 4.3.5 ADMINISTRATION

- (A) The design, construction, and maintenance of all drainage control, flood control, erosion control, and stormwater quality control facilities within the Village shall be performed in accordance with procedures, criteria and standards formulated by the Director of Planning and Zoning and in accordance with the policies established in this Article.
- (B) All construction activities within the jurisdiction of the Village shall conform to the requirements of the Article with respect to drainage control, flood control, erosion control and stormwater quality control.
 - (1) Construction, grading or paving on any lot within the Village shall not increase the damage potential to adjacent properties or public facilities. Damages shall be defined as those caused by flooding, erosion, and sedimentation from the 100-year design storm and all smaller storms.
 - (2) Any grading shall provide for erosion control and the safe passages of the ten-year design storm runoff during the construction phase and until the permanent improvements are completed.
 - (3) Grading, cut, fill or importation of material in excess of 500 cubic yards or grading of any area of one acre or more, or any grading which will adversely affect other properties, ditches, watercourses or easements shall conform to drainage control, flood control, erosion control and stormwater quality control policies and to standards, criteria and procedures established by the Village with respect to drainage, flood control, erosion control, and stormwater quality control.
- (C) The Village may participate with the private sector, other public bodies, and agencies operating within the jurisdiction of this Article in order to accomplish the goals and implement the policies adopted herein. This includes, but shall not be limited to, the development and adoption of master plans, participation in the construction of projects, and exercising control through the planning, platting, zoning, and permitting processes.
- (D) It shall be the responsibility of the Director of Planning and Zoning to produce, approve, make and retain records of all drainage plans, drainage reports, design analyses, design drawings, as-built drawings, and maintenance schedules related to all drainage control, flood control, erosion control, and stormwater quality control facilities constructed within the Village.
- (E) Application for all land use changes shall address drainage control, flood control, and erosion control in terms of the interaction of these parameters with other requirements and



needs produced by the proposed land use changes, and shall comply with an adopted drainage management plan.

- **(F)** Requests for building permits, site plan approval, or the platting of land for the purpose of major or minor subdivision, and for replats, shall be accompanied by appropriate grading, drainage control, flood control, erosion control, and stormwater quality control information.
 - (1) Grading and Drainage plan. Drainage plans are prepared with or on the detailed grading plan and address both on-site and off-site drainage control, flood control and erosion control issues.
 - (2) Drainage report. A drainage report is a comprehensive analysis of the drainage control, flood control, and erosion control constraints on and impacts resulting from a proposed platting, development, or construction project. Drainage reports are required for major subdivisions containing more than five lots or constituting five acres or more, platting or construction within a designated flood hazard area.
 - (3) Erosion control plan. An erosion control plan is usually incorporated into the drainage plan or drainage report. Erosion control plans address all phases of each project from initial grading, through, and including final occupancy. The ten-year design storm shall be used to determine the treatment measures necessary for the prevention of damage due to soil movement for the on-site area of development.
- (G) All drainage submittals shall be prepared under the direction of and signed by a registered professional engineer competent in surface hydrology and drainage, and shall include a statement that the engineer has personally inspected the land, and a statement as to whether it appears that grading, filling, or excavation has occurred thereon since the existing contour map was prepared.
- (H) Submitted plans will be checked by the Village designated engineer and the applicant shall bear the cost per Resolution No. 2003-6-2.
- (I) Drainage control considerations specifically address safety, convenience, and economics for both private property and public facilities.

§ 4.3.6 INSPECTIONS

- (A) Whenever necessary to make an inspection to enforce any of the provisions of this Article, the Director of Planning and Zoning or his authorized representative may enter such premises at any reasonable time to inspect the premises or to perform any duty imposed upon him; provided, however, that if such premises is occupied, he shall first present proper credentials and demand entry. If such premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and demand entry.
- (B) If entry is refused or if the owner or other responsible person is not found, the Director or his authorized representative shall proceed according to § 9.2.24(E).

§ 4.3.7 VIOLATIONS, NONCOMPLIANCE, PENALTY

(A) If the Director finds that any of the conditions of this Article are being violated, he shall notify in writing, the owner, tenant, agent, occupant, or person in charge of the premises, indicating the nature of the violation and ordering its correction within seventy two



(72) hours from the date of notification, or in case of severe overflow violation, immediate remedy.

- **(B)** Where, after investigation, a notice has been issued by the Director or his authorized representative to the owner, tenant, agent, occupant, or person in charge of the premises on which a violation has occurred and the order is not complied with within the designated time, or if the responsible party or violator cannot be found or determined, the Director may cause such remedies as are necessary to be made. The reasonable cost of such remedies shall constitute a lien against the property on which the violation occurred and was remedied. The lien shall be imposed and foreclosed in the manner provided in §§ 3-36-1 3-36-6 NMSA 1978.
- (C) For prohibited dumping or groundwater contamination, or a second violation of this Article, the Director or designated representative is hereby authorized to issue citations for violation of this Article. Such citations shall order the alleged violator to appear on a date certain in Village Municipal Court at the next regularly scheduled Court session or any special setting the Judge may designate. Violators will be prosecuted to the full extent of the law.
- (D) Where, after investigation, a notice has been issued by the Director to the owner, tenant, agent, occupant, or person in charge of the premises of the property on which a violation has occurred and the order is not complied with, within such reasonable time as may be prescribed by the Director, the Village may revoke or refuse to renew or issue any permit to the violator and/or the property owner until such remedies, as are necessary, are made, or if remedy is made by the Village, until the cost of such remedies is paid to the Village.
- (E) It shall be sufficient notice under the provisions of this Article to make delivery of such notices in person or by registered mail. If the name and address if the owner cannot be reasonably ascertained from the current county tax rolls and the premises are unoccupied, it shall be sufficient notice under this Article to publish the notice in English in a newspaper of general circulation once a week for four consecutive weeks. The owner of the property shall have the right to appeal pursuant to § 9.2.25(H) of the 2013 Codified Ordinances of the Village of Los Ranchos.

§ 4.3.8 ADDITIONAL PERMITS

The issuance of a permit by the Village does not relieve the owner/developer from obtaining any additional grading or fill permits that may be required by Bernalillo County, the State of New Mexico, M.R.G.C.D., A.M.A.F.C.A., City of Albuquerque, ABCWUA, agencies, or governmental bodies having jurisdiction over these areas of the Village by State Law, Joint Powers Agreements, or Memorandums of Understanding.

§ 4.3.9 APPEALS

An appeal of a determination of the Director may be made in the manner prescribed in § 9.2.25(H) of the 2013 Codified Ordinances of the Village of Los Ranchos.

§ 4.3.10 SEVERABILITY

Any section, subsection, sentence, clause or phrase of this Article or the Code that is held to be unconstitutional or invalid shall not affect the validity of the remaining portions of this Article or the Code, since the Board of Trustees expressly intended to pass each section,



subsection, sentence, clause, phrase, and part of this Article or the Code separately and independently or every other part.

Ordinance and State Law References regarding Chapter 4, Article 3:

Ordinance 134, Codification enacted February 14, 1996 codified ORD #108 as Chapter 2, and modified language;

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Ordinance #211, August 8, 2007;

