

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. _____

**AN ORDINANCE AMENDING BERNALILLO COUNTY CODE, CHAPTER 38
ARTICLE II, FLOOD DAMAGE PREVENTION, SECTIONS 71, 101 AND 102, AND
ARTICLE III, STORM DRAINAGE, SECTIONS 171, ADD 201 G(6)**

ARTICLE II

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 38-71. - Floodplain Administrator; creation of position; duties and responsibilities.

(a) Pursuant to NM state statute 3-18-7 NMSA 1978

There is hereby created by the county the position of county floodplain administrator to administer and implement this article by granting or denying development permit applications in accordance with Bernalillo County and State of New Mexico codes, rules, ordinances and statutes.

DIVISION 3. - PROVISIONS FOR FLOOD HAZARD REDUCTION

SEC. 38-101. - GENERAL STANDARDS.

For development in all areas of special flood hazards, the following standards must be complied with:

(5) *Floodways*. Located within areas of special flood hazard established by the Federal Emergency Management Agency (FEMA) in the current report entitled "The Flood Insurance Study (FIS), for Albuquerque and Bernalillo County, New Mexico and Incorporated Areas" dated March 15, 1983, September 30, 1996, April 2, 2002, November 19, 2003 September 26, 2008 August 16, 2012 and accompanying Flood Insurance Rate Maps (FIRMs) dated September 23, 2008 and August 16, 2012, or any other subsequent study, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(6) *Standards of areas of shallow flooding (AO and AH zones)*. Located within the

areas of special flood hazard established by "The Flood Insurance Study (FIS) for ~~Albuquerque and Bernalillo County, New Mexico and Incorporated Area~~" dated ~~March 15, 1983, September 30, 1996, April 2, 2002, November 19, 2003, September 26, 2008~~ August 16, 2012 and accompanying Flood Insurance Rate Maps (FIRMs) dated September 23, 2008 and August 16, 2012 or any other subsequent study, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, the following provisions apply:

- a. All new construction and substantial improvements of residential structures must have the lowest floor, including the basement, elevated ~~to or~~ 1 foot or more above the base flood elevation or the highest adjacent grade at ~~least 1 foot above as high as~~ the depth number specified in feet on the county flood insurance rate map (at least two feet if no depth number is specified).

Sec. 38-102. - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided, the following specific standards apply:

- (1) *Residential construction.* New construction and substantial improvements of any residential structure shall have the lowest floor, including the basement, elevated to 1 foot or more ~~or~~ above the base flood elevation.

- (3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding, shall be designed automatically to equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer, or meet or exceed the following minimum criteria:

- a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

- (4) *Manufactured homes.*

- a. Manufactured homes to be placed or substantially improved within Zones ~~A1-30 and~~ -AH and AE on the community's FIRM (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist

flotation, collapse, and lateral movement.

c. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones ~~A1—30~~, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section shall be elevated so that either:

1. The lowest floor of the manufactured home is at or above the base flood elevation, or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) *Recreational vehicles.* Recreational vehicles placed on sites within Zones ~~A1—30~~, AH, and AE shall either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of these regulations, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

ARTICLE III

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 38-171. - Generally.

(b) All construction activities within the jurisdiction of the county shall conform to the requirements of the county engineer with respect to drainage control, flood control, erosion control and stormwater quality control. Original construction and modifications and/or additions to existing structures are excluded when they constitute less than 500 square feet; in ~~plain-plan~~ view, ~~or and~~ the county engineer determines that this change will not adversely affect other properties; and/or will not alter, block or divert any arroyos, watercourses, swales, designated 1% annual chance floodplain or easements, ~~by finding that the property of the proposed development is not within a designated 100-year floodplain as shown on the National Flood Insurance Program's flood insurance rate maps, and the proposed development will not alter, block or divert any arroyos, watercourses or swales.~~

(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, arroyos, 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 county engineer with respect to drainage, flood control, erosion control and stormwater quality control. A grading permit, issued by the county engineer, shall be required for projects involving more than 500 cubic yards of material or one acre or more in area. Applications for development of areas known to have been sanitary landfills shall be accompanied by a report which discusses potential health and soil mechanics problems and their solutions. Such reports shall be prepared by a state professional engineer competent in soil mechanics. The application processing fee and the grading permit fee shall be as shown in the attached fee schedule. Any fees applicable under this article shall be reviewed from time to time by the county manager and any changes to these fees shall be made by resolution of the board of county commissioners. The issuance of a grading permit by the county engineer does not relieve the owner/developer from obtaining any additional grading or fill permits that may be required by other county departments, agencies or governmental bodies. A grading permit may be issued for rough grading of large projects provided the applicant has made a written request and submitted and received approval of a conceptual grading & drainage plan for the project.

(4) Paving an area larger than 1,000 square feet shall require a paving permit. Applications for paving permits shall be accompanied by a drainage plan if deemed necessary by the county engineer. Repaving of existing paved areas in which no grading is planned is excluded. The application processing fee and the paving permit fee shall be as shown in the attached fee schedule.

Editor's note— The attached fee schedules are not set out herein, but are on file and available for inspection in the offices of the County~~city~~.

DIVISION 3. - DESIGN STANDARDS

Sec. 38-201. - General provisions.

(g) All detention ponds that are also defined as minor facilities shall be constructed on private property, as follows unless otherwise authorized by the county engineer:

(6) All detention and retention ponds with side slopes steeper than 3:1, with a ponding depth greater than 18" deep and will pond water longer than 96 hours shall have safety fencing. Safety fencing shall be a minimum height of 42" and conform to the City of Albuquerque's Standard Specifications for Public Works Construction, current edition.