

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Parks and Recreation
AGENDA DATE: April 13, 2010
CONTACT PERSON/PHONE: Nanette Smejkal, Director (541-4283)
DISTRICT(S) AFFECTED: All

SUBJECT:

Discussion and action on Halff Associates Inc. recommendations for the roles and responsibilities of the Open Space Advisory Board.

BACKGROUND / DISCUSSION:

Jim Carrillo of Halff Associates Inc. has submitted a report (attached) on his review of the Open Space Advisory Board (OSAB) and recommendations for their duties and responsibilities. Areas of his review included:

- adding tasks previously assigned to the El Paso Mountain Committee
 - reviewing development activities within the Mountain Development Area and Hillside Development Area
 - providing advice to the City Plan Commission
 - proposing code changes to development regulations
- coordinating with the Storm Water Utility on priorities for open space acquisition and use of fund balances pertaining to the 10% stormwater fee revenues earmarked for open space.
- enhancing involvement with 404 permit process

In addition, the report discusses departmental interactions with the Open Space Advisory Board and funds for open space acquisition.

Recommendations pertaining to the Open Space Advisory Board enabling ordinances (El Paso Municipal Code 2.22) can be found on page seven of the Halff report. Pending council direction, staff will prepare an ordinance to amend EPMC 2.22.

Mr. Carrillo will be at the Council meeting to discuss his report and provide a presentation.

PRIOR COUNCIL ACTION:

On December 1, 2009, City Council directed staff to contract with Halff Associates Inc. to review the structure and functions of the Open Space Advisory Board.

AMOUNT AND SOURCE OF FUNDING:

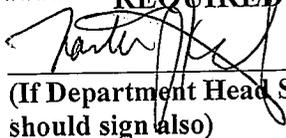
N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:


(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager



A Review of the Role and Duties of the City of El Paso Open Space Advisory Board

Presented to the El Paso City Council
April 13, 2010

Presented by
Halff Associates Inc.



April 13, 2010

Mayor and City Council
City of El Paso
Two Civic Center Plaza
El Paso, Texas 79901

Reference: Recommendations Regarding the Structure and Functions of the Open Space Advisory Board

Mayor and Council:

Per the request of the El Paso City Council, Halff Associates Inc. was asked to review the tasks assigned to the newly formed El Paso Open Space Advisory Board and to recommend strategies that might clarify the structure of the Board and facilitate the ability of the Board to more fully accomplish its mission of advising the City Council in matters relating to the acquisition and preservation of open space in and near El Paso. Strategies to accomplish that goal are outlined in this document.

A. Background

"Towards A Bright Future – A Green Infrastructure Plan for El Paso" was adopted by City Council in March 2007. The Open Space Master Plan, as it is commonly referred to, is similar to most master plans in that it is intended to serve as a guiding document, not a set of absolutes. The master plan establishes a vision, goals, and implementation strategies, but leaves some flexibility as to how to meet the City's adopted goals for open space preservation. The City is now in the process of implementing the plan's goals.

In response to one of the recommendations of the Open Space Master Plan, the Open Space Advisory Board (OSAB) was created by the El Paso City Council (Ordinance # 017123) on June 9, 2009. That ordinance established the makeup and responsibilities of the Board. The primary mission of the Board is to advise the City Council on matters relating to the acquisition and preservation of open space throughout the city limits and extra-territorial jurisdiction of the City of El Paso. As stated by the enabling ordinance, the Board's responsibilities are as follows:

"The Open Space Advisory Board shall act as an advisory board and provide recommendations to the Mayor and City Council on efforts to preserve and acquire open spaces. The Open Space Advisory Board shall provide recommendations on the implementation of "Towards A Bright Future – A Green Infrastructure Plan for El Paso, Texas," commonly referred to as the Open Space Master Plan. The Open Space Advisory Board shall review and provide input to the Mayor and City Council on legislative matters pertaining to open space submitted to the Board by the director of the Parks and Recreation Department, the director of the Developmental Services Department, the Chief Executive Officer of the Public Service Board, the director of the Economic Development Department and the City Flood Plain Administrator or their designees."

A second City Council ordinance adopted on September 22, 2009 (Ordinance #17205) further directed that the OSAB serve as an advisory body to the City Council on matters pertaining to the development, acquisition and regulations of lands within the Mountain Development Area. The ordinance directs the OSAB to take on duties formally assigned to the El Paso Mountain Committee, which was sunset in 2009. The El Paso Mountain Committee, most recently established and governed by Ordinance 14790, was charged with reviewing development concepts and plats that fall within the Mountain Development Area. Ordinance 17205 summarizes the additional responsibilities for the OSAB as follows:

"It shall be the duty of the Open Space Advisory Board to serve as an advisory body to the mayor and city council on the following matters relating to the Mountain Development Area, as defined in Title 19 of the El Paso City Code, and as requested by the city council:

- 1. When performing any duty or function that requires the giving of a recommendation to the City Council regarding property located within the Mountain Development Area, to give special attention to drainage and flood control, open space requirements, grading impacts, and developmental controls when making such recommendation;*
- 2. To review and make recommendations for change, when appropriate, to regulations of the El Paso City Code affecting development of the Mountain Development Area;*
- 3. Make recommendations for future acquisition of properties in the Mountain Development Area that are of interest and concern to the City; and*
- 4. Assist local and state agencies, as needed, in the long term planning for the Franklin Mountains State Park."*

Since its formation, OSAB board members have been appointed and have been meeting monthly since July 2009. In recent months, Board members have expressed concerns about their ability to adequately fulfill their advisory role as mandated by the City Council, given their lack of input on development proposals that are submitted to the Planning Division of the Development Services Department and the City Plan Commission (CPC) for review and approval.

Members of the Open Space Advisory Board requested a clarification of the responsibilities of the Board, and in particular they recommended that the responsibilities of the Board be amended to add review of development proposals within the Hillside Development Area. This would include advising the City Plan Commission (CPC) on the appropriateness of open space proposals contained within the Mountain Development Area or the Hillside Development Area applications coming before the CPC. Acting on a request by the Planning and Development Legislative Review Committee of the City Council, the City Council as a whole requested that staff review these additional responsibilities, recommend ways in which they could be implemented, and further advise on ways to clarify the structure and expand the functions of the Open Space Advisory Board. Because of the firm's involvement with the creation of the Open Space Master Plan, Halff Associates Inc. was retained by the City of El Paso to assist City staff in advising the City Council.

B. Properties with vested development rights versus properties yet to be vested

As an additional background note regarding the preservation and acquisition of open space in and near El Paso, it is important to note that there are two distinct property type conditions to be addressed in any discussion of open space preservation in the City.

1. **Properties with vested development rights** - The first condition involves property that has vested development rights resulting from past submittals of plats, land studies or other property owner actions that established the intent for development of those properties. In effect, those properties are governed by ordinances and City codes that were in effect at the time of those submittals. If those properties meet the City's requirements in effect at the time of vesting, then they are entitled to move forward with their planned developments. Land studies, the preliminary (and primary) vesting vehicle, are in effect for five years. If the developer can demonstrate some activity or actions

related to the submittal, two extensions of up to two years each can be requested to allow for additional time to complete development.

Given the absence of regulations that required the preservation of open space in the old code, beyond the requirements of the park land dedication ordinance, open space preservation in these areas must primarily focus on compensated acquisition. In the majority of cases, decisions regarding the type and quantity of development as well as the financing of that development have already been made, and any significant changes could impact the rights of that development to move forward.

2. **Properties with no previous development submittals** – The second condition involves lands where no previous development submittals have been made. To a large extent, this condition encompasses lands managed by El Paso Water Utilities and the Public Service Board (EPWU/PSB) in the northwest and northeast sectors of the City. In these areas, new requirements could be established that could govern the preservation of key open space opportunities. In many cases, negotiated arrangements with property owners will also be a likely method to promote open space preservation.

In both conditions, consideration has to be given to what is fair and equitable to the property owner. Once key safety and quality of life issues such as transportation movement, adequate provisions for the handling of floodwaters, and sufficient amounts of parkland have been met in a way that meets City codes, the property owner has the right to proceed with development. If the development complies with City codes, then the City must approve the application. Compensated acquisition, whether through altered or additional development rights or by cash compensation, will always remain a key acquisition mechanism.

C. Issues and Recommendations Addressed in this Report

The following items are discussed in this report.

1. Clarification of the role of the Open Space Advisory Board and recommendations to further define that role.
2. Recommendations regarding the role of the lead departments that interact with the Board.
3. Recommendations regarding OSAB review of current development applications within the Mountain Development Area and the Hillside Development Area.
4. Recommendations to facilitate OSAB review of current development applications.

5. Recommendations to improve long range planning for open space.
6. Recommendations regarding 404 permitting.
7. Recommendations regarding funding for open space preservation and the role of the OSAB relative to proposed and designated funding.

D. Issues and Recommendations

1. Clarification of the Role of the Open Space Advisory Board and recommendations to further define that role.

A typical open space advisory board functions in one of two ways:

1. Oversight Role - Functions as an oversight mechanism to ensure that staff and other implementing entities are moving forward in accomplishing the goals of the City's vision. As an advisory board, the primary role of an open space board is to serve as an oversight entity that monitors and promotes the preservation of open space by a city. This role requires that there be adequate management and staff to perform the actual work of preserving open space, leaving the open space board to review staff work and accomplishments.
2. Activist and Management Role – Where adequate staff is not available, an open space board may become both the oversight and the actual implementer. In this case, the Board takes on an operational role that may include actual acquisition, promotion, education, and even management of facilities. This role is typical in smaller communities that lack appropriate staff resources.

In a city the size of El Paso, a volunteer citizen board should not be expected to undertake multiple management, purchasing, and operations tasks. Therefore, the City of El Paso Open Space Advisory Board should function solely in an oversight capacity. In this capacity, the Board should review staff efforts to implement the adopted open space goals and policies of the City Council. The Board also serves to monitor implementation and to assist in reporting that progress to the City Council.

Recommendation - Specific recommended roles of the Open Space Advisory Board under this structure are shown below. *Note: References to staff in this section may apply to any person employed by the City of El Paso or by EPWU/PSB, which also has a primary role in acquiring open space. All actions taken should be undertaken in conjunction with staff.*

1. Review, advise, and recommend actions to the City Council on the status of the following items and any changes that are deemed necessary:
 - a. Periodic review of the City's Open Space Master Plan to ensure that it is meeting the intent of the City Council and the citizens of El Paso.
 - b. Periodic updating of the City's Open Space Master Plan to reflect current conditions and current needs.
 - c. Review and periodically update the established open space goals of the City.
 - d. Guide the establishment of new open space goals if deemed appropriate and necessary.
 - e. Review recent short-term actions taken to acquire open space in El Paso.
 - f. Review a program of upcoming short term and long term actions to be undertaken to accomplish the goals of the Open Space Master Plan.
 - g. Review ongoing long term actions and suggest changes as appropriate.
 - h. Review and recommend modifications to current City codes and regulations, or recommend new regulations that help accomplish the City's open space goals.
 - i. Review funding sources for open space and suggest alternative sources or acquisition methods for staff investigation and council consideration.
 - j. Assist staff, the Public Service Board (PSB), and the City Council in prioritizing the use of future funds.
 - k. Periodically record and announce open space successes and accomplishments.
 - l. Assist staff in promoting open space initiatives and successes, as well as the benefits of open space preservation to all citizens of El Paso.
2. Serving as a sounding board for City staff regarding actions initiated by staff to identify, preserve, acquire, and manage open space.
 - a. Serve as a sounding board for City staff regarding long range development plans that impact open space in critical areas of the City.
 - b. Serve as a sounding board or as an active partner to help plan the open space components of significant undeveloped areas of the City or its ETJ.
 - c. Serve as a sounding board to review staff recommendations regarding changes to City codes and regulations that may help preserve open space.

2. Recommendations regarding the primary City Departments involved with the Open Space Advisory Board

The Parks and Recreation Department (PARD) and the Planning Division of the Development Services Department are the two city entities most actively engaged in interacting with the Open Space Advisory Board. EPWU/PSB, through its management of the open space component of the stormwater utility and stormwater fees, is also actively engaged in open space acquisition and the funding of open space acquisition and should periodically interact with the OSAB.

1. Parks and Recreation provides knowledge and experience in acquiring, programming, and managing non-developed lands throughout the City. It also promotes the linking of parks with open space areas.
2. Development Services - Planning provides expertise on long range planning issues and strategies, refinements to City codes and regulations, and ongoing development applications.

Traditionally, and in most other governmental entities that have open space boards, the local park and recreation department oversees open space acquisition and management. This is due to the need for operational management of the acquired land asset and the desire to link open space acquisitions to parks in the system.

Given that the El Paso Open Space program and board is still at a very early stage, interaction from both PARD and the Planning Division of Development Services is needed. In fact, at this early stage, there may be more attention needed to establish the regulatory foundation. However, the need for the open space system to be fully linked to the City's park system is critical and requires that the Park and Recreation Department remain as the lead entity.

Current staff support for the OSAB - Currently, staff coordination and management of OSAB meetings is provided by PARD. A PARD staff member is assigned to provide Board support, organize meetings and agendas, coordinate presentations by staff from other departments, and distribute information to Board members. Organizational design and available budget require that the assigned staff liaison also has other responsibilities beyond the OSAB board and open space issues and is therefore not able to devote all of that staff member's available time to Board needs. Significant involvement by multiple departments' staff, directors, and deputy city managers is also occurring to address OSAB questions and information requests.

A significant issue is that the City of El Paso currently has no long range planning staff member focusing on open space and other long range issues. Because of current budgetary restrictions, planning staff in the Planning Division of the Development Services department have been

assigned current plan reviews (plats, zoning cases, sign applications) and can devote little time to true long range planning issues.

Recommendation – Maintain the Parks and Recreation Department as the lead department for open space preservation.

Provide additional funding so an experienced long range planner from the Planning Division is assigned to work with PARD and the OSAB to address open space implementation regulatory issues. This action should reduce the need for extensive involvement by department directors and deputy City managers. Actively maintain Planning Division, Development Services involvement to address long range planning and regulatory issues. Note that new or currently planned Planning Division staff additions can help to meet some or all of this need.

3. Recommendations regarding OSAB review of current development applications within the Mountain and Hillside Development Areas

Ordinance #17205 directs the OSAB to take on the review duties of the El Paso Mountain Committee, which was charged with reviewing development concepts and plats that fall within the Mountain Development Area, and which was sunset in 2009. Their duties are contained in Ordinance 14790, paragraphs 2.a through e (see attached). Members of the OSAB have recommended that the responsibilities of the Board also be amended to include review of development proposals within the Hillside Development Area.

Need to Reinstate Hillside Development Area Designation – The need for the Hillside Development Area was first noted in the City's 1999 Comprehensive Plan. This area was not yet extensively developed in 1999, and closer to the Franklin Mountains it contains many arroyos and desert-like vistas that extend outward towards the river.

In the late 1980's, the El Paso Mountain Committee recommended a change to the Zoning Code to add a special permit that would allow transfer of development density on certain properties in order to lessen grading and retain open space on the site. The Zoning Code was modified and the Hillside Development Area created and defined as the area where such applications could be made. Beyond this type of special permit application, no other development requirements were imposed to properties within the Hillside Development Area, nor did the El Paso Mountain Committee have any review authority for applications in this area.

This is unlike the Mountain Development Area where requirements for platting and grading exist in the City Code, and where these are reviewed by the El Paso Mountain Committee through its recommendations to the City Plan Commission and the City Council. The Hillside Development Area includes land extending from the outer boundaries of the Mountain Development Area to Interstate Highway 10 on the west and to Martin Luther King Boulevard on the east.

Since the inclusion in the Zoning Code, no special permit application has been sought or approved. Consequently, this provision was deleted in 2008 when the City's zoning code underwent a major revision. In its stead, provision for transfer of development rights was added which applies citywide subject to certain requirements. Should the City Council direction be to extend OSAB review into the Hillside Development Area, then the boundaries of the Area and specific regulatory requirements will need to be developed and incorporated into the Code to permit proper oversight by the OSAB.

Effectiveness of OSAB review of development applications in both the Mountain Development Area and the Hillside Development Area – Given the short time frame for review of development applications, OSAB reviews of development proposals in both the Mountain Development Area and the Hillside Development Area will be effective only in that they will point out areas where open space was not able to be preserved. In addition, most areas of the City already have previously vested development rights and are governed by development regulations in place at that time.

For areas where vesting has not yet occurred, the more effective role of the OSAB is to help identify areas for potential preservation and identify strategies to preserve those areas. (See Discussion Item 4 below for additional discussion of this item).

Recommendation – Before initiating reviews of development proposals in the Mountain and Hillside Development Areas, staff and the OSAB should develop standards and regulations that will govern open space preservation and acquisition in both the Mountain Development and Hillside Development Areas. Consider patterning these after development standards used in the Mountain Development Area if appropriate or feasible.

To include review of development within the Hillside Development Area, regulations that apply to the area would have to be added to the Subdivision Code. The Hillside Development Area's boundary will have to be re-confirmed if it is to be included as part of the City Code.

4. Recommendations to facilitate OSAB review of current development applications.

As part of new OSAB responsibilities being considered by the City Council, the Board is charged with reviewing development applications within the Mountain Development Area. City Council has also requested that the OSAB review development applications in the Hillside Development Area for their treatment of open space.

Concern over the Length of the Mandated Review Period - The subdivision review and approval process is governed by Chapter 212 of the Local Government Code. Subdivision application submittals made to the Planning Division of the Development Services Department, once checked for completeness, are subject to a 30 day timeframe for review and approval. If that review is not completed or officially postponed by the applicant during that timeframe, the application is automatically deemed to be approved.

A significant concern to adding the OSAB to the application review process is that the review conducted by City staff is for technical correctness based on adopted City regulations and requirements. The review process does not provide for the reconfiguration of submittals or for major revamping of those submittals if they already meet City codes. The lack of any specific standards for open space in either the Mountain Development Area or the Hillside Development Area creates a significant concern that will need to be addressed. In effect, the El Paso Mountain Committee was never charged with preservation of open space, so those regulations, if used by the OSAB, do not address open space preservation.

The process of reviewing applications is as follows:

1. An application packet is submitted to the Planning Division of the Development Services Department. A City staff member is assigned to the submittal, and the application packet is checked for completeness and compliance with the City's submittal requirements (i.e. number of sets submitted, appropriate plans and documents included, fees paid, etc.). This initial process of checking for completeness may take a few days, but generally no longer than five days. If any omissions or deficiencies are noted, the applicant is notified. Once a packet is deemed to be complete, the 30 day calendar for formal review and approval begins.
2. Submitted packets are distributed to key departments within the City for staff review. Reviews are conducted by Traffic, Engineering, Parks, and other departments as applicable. Department reviews are conducted over a period of a few days.

3. The week after review comments are returned to Development Services, the Development Coordinating Committee (DCC) meets on a Wednesday morning to complete the technical review of the submittal. The DCC consists of senior department personnel who are authorized to certify recommendations for their department regarding each application. Recommendations are then forwarded to the City Plan Commission (CPC) for final review and approval or denial. Submittal information is distributed to CPC members the Thursday or Friday before the CPC meeting.
4. CPC meets twice a month on Thursdays to review submittals.

Based on the official 30 day window for review and approval, the OSAB review of submittals would have to occur within a very limited time period. The review should not occur until City departments have had a chance to comment, and very often those comments are often completed when the DCC meeting occurs. After discussions with staff and the Chair of the Open Space Advisory Board, it appears that the best option to incorporate OSAB review is to have a review meeting on the Thursday immediately following the Wednesday DCC meeting so that OSAB recommendations could be forwarded to the CPC in a timely fashion.

Recommendation - To accomplish the mandated review as part of the 30 day timeframe, the OSAB would have to change their meeting schedule to meet twice monthly on the Thursday preceding the regularly scheduled CPC meeting. For issues related to development reviews, planning staff will submit agenda items to Parks and Recreation Department staff for placement on the OSAB agenda.

5. Recommendations to improve long range planning for open space.

A key issue raised by the development application process is the nature of the open space review by OSAB. Applications are reviewed only for their appropriateness and adherence to City codes. Essentially, unless the application has significant flaws, it must continue along the review process. If flaws do exist, then they should have been already pointed out by staff during the internal staff review process.

The brief review of submittal applications points to the need for reviews by the City (both staff and OSAB) earlier in the development process, or even before the development process is formally initiated. However, that might result in earlier vesting of the project.

a. Increase Long Range Planning Efforts - Due to budgetary shortfalls, long range planning staff in the Planning Division have been re-assigned to meet staff needs for development reviews, and as a result the City currently has no staff devoted to long range planning issues. The City needs to consider hiring a long range planner. In the case of areas that do not have any vested development applications, long range planning could focus on specific areas where open space opportunities exist and begin the process of considering how best to preserve that open space. In areas where vested rights occur but where active development submittals have not yet been submitted, long range planning could review the intent of those previous applications for those lands and explore ways in which to adjust the development plan in ways where open space is preserved and where the property owner retains his or her current development rights. OSAB should have a significant review role in the long range review.

Recommendation – Increase long range planning efforts. Additional experienced long range planning staff support is needed to evaluate open space opportunities in yet to be developed areas of the City. As previously mentioned, planning division staff are being added to help develop the City's comprehensive plan, and they may be able to help address the need for staff consideration of open space opportunities.

b. Encourage the use of Pre-Application Conferences – Prior to development submittals, property owners or developers are encouraged to meet with City staff to review issues related to their property. These meetings are not mandatory. In many cities, pre-development meetings are now made a common part of the development process, and they allow staff to raise issues that may impact the detailed plan that is developed for that property. This can result in better solutions to a multitude of issues such as thoroughfare and street alignments, drainage solutions, and in particular to park and open space arrangements on the property. The pre-application conference is typically conducted prior with staff prior to a formal submittal, and as a result, the OSAB would not be involved in these meetings. However, such a meeting may vest the property.

Recommendation – Research the use of pre-application conferences for development applications in other Texas cities, and if applicable, consider applying in El Paso.

c. Adjust the effective life of a land study - Land studies that have been previously submitted for large tracts of land become the basis for formal phased submittals comprised of smaller

pieces of the large tract. Many of the subdivision applications that routinely come forward are the result of land studies submitted and approved years earlier. There can be significant changes between the land study and the more formal applications, resulting in a deviation from the understanding worked out at the land study level between the property owner/developer and City staff.

Recommendation – Any significant deviations from an approved land study should trigger a new land study round so that key City goals, such as appropriate placement of parks and satisfactory drainage and open space solutions are maintained. Land studies should have a finite lifespan so that they must be updated to reflect evolving City conditions if a significant amount of time has past.

6. Review of 404 Permit Applications and Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) applications

Permits for drainage submittals that require a Corps of Engineers permit are typically processed outside of the City's review. The City's role regarding the local Flood Management system is simply as an administrator of applications, and as such the City only records approved permits and builds them into the City's data base. Typically, there is no public review process unless required by the Corps of Engineers or by the type of permit being applied for.

Recommendation – Where City staff are notified that public review of submitted individual 404 permit applications have been published in the Federal Register, consider forwarding that notification to the OSAB so that members can provide input as individuals where public input is called for. Note that not all permits involve the opportunity for public input.

7. Recommendations regarding funding for open space preservation and the role of the OSAB in identifying and prioritizing funding

Preservation of much of the remaining valuable open space in El Paso will occur through outright purchase or through the purchase of development rights. The only funding source in place at this time is the 10% portion of the storm water fee, which is administered by EPWU/PSB to ensure that the storm water nexus is maintained.

No city funding resources currently exist to immediately target key acquisition opportunities that may arise. Even a small amount of targeted funding could be used to enhance the preservation of key corridors or assets throughout the City. More than any other action undertaken by the City, this would enable staff and the OSAB to react immediately to open space opportunities or to constraints created by vested development rights.

As the primary citizen board entrusted with open space oversight, the OSAB should serve as a sounding board and make recommendations to staff and the City Council regarding expenditures targeted towards open space acquisition and recommendations for future bond propositions. The Board's recommendations should consider City management feedback on potential funding sources and amounts and should then update their priority projects on a periodic basis. However, the ultimate responsibility for balancing citywide needs and funding priorities rests with the City Manager's office and the City Council. Therefore, OSAB's recommendations should be considered as advice to the Council that may be adjusted as other citywide needs or priorities are identified.

Recommendation – Create a set-aside as soon as possible to serve as a short term open space acquisition fund. Pursue longer term funding to acquire open space that does not have to have a connection to storm water management. Consider bond propositions to fund preservation.

The OSAB does have a role in helping to identify and prioritize key areas for preservation. As further detail is developed, those areas may follow or diversify from areas noted in the Open Space Master Plan. The OSAB should help identify how such funds should be used and what amounts are reasonable to the citizens of El Paso.

Schedule proposed funding reviews with the OSAB on an annual basis and request input from the OSAB regarding funding for open space in future bond propositions.

Request that EPWU/PSB present reports summarizing the status of Storm Water (10% related open space) funds on a quarterly basis.

E. Conclusion

The following recommendations have been made in this report:

1. The OSAB should be an oversight board that also serves to maintain open space preservation as an important component of the City's quality of life actions.
2. The Board's specific roles are more clearly defined on page 7 – these roles should be built into the enabling ordinance that creates the OSAB.
3. Before engaging in active review of development applications within the Hillside Development Area, city staff and the Board should develop specific standards and regulations for open space, so that reviews have a legal foundation in the City Code.
4. The Board should assist staff in developing standards that apply to the Mountain Development Area and the Hillside Development Area as directed by the City Council.
5. The time frame for review of development applications is limited, but staff and the OSAB chair believe that appropriate review can be incorporated into the development review process if deemed necessary. However, a strong argument can be made that this review will only serve to highlight areas in which open space was not preserved because of previous vesting. The need for bigger picture review at a long range planning level is a critically important activity for the OSAB, and should be a significant part of staff and OSAB efforts.
6. Having adequate "opportunity" funding in place will allow the City to better work with ongoing development to preserve key open space assets.

End of Report

ORDINANCE NO. 014790

AN ORDINANCE REPEALING ORDINANCE NOS. 008392, 008720, 011526 AND ANY OTHER AMENDMENTS THERETO, AND REESTABLISHING THE EL PASO MOUNTAIN COMMITTEE.

WHEREAS, the El Paso City Council hereby recognizes the impact that development on the Franklin Mountains and its foothill areas has on the City; and

WHEREAS, the first citizen group organized to oversee development of the mountain area was created on March 8, 1973 as the Citizen's Advisory Impact Study Committee; and

WHEREAS, on July 10, 1975 the committee name was changed to the El Paso Mountain Committee; and

WHEREAS, the El Paso Mountain Committee was re-established on June 25, 1985 through the adoption of Ordinance No. 008392; and

WHEREAS, Ordinance Nos. 008720 and 011526, adopted on July 8, 1986 and August 24, 1993 respectively, amended the membership and quorum requirements of the Committee; and

WHEREAS, the El Paso City Council finds it necessary to change the duties and responsibilities of the El Paso Mountain Committee,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Ordinance Nos. 008392, 008720, and 011526, approved on June 25, 1985, July 8, 1986, and August 24, 1993 respectively, and any other amendments made thereto, shall be and are hereby repealed in their entirety, except that the members of the El Paso Mountain Committee serving on the effective date of this ordinance shall complete their current terms and any changes affecting the term of office for members shall not take effect until each member completes his or her current term or resigns, whichever comes first.

2. That the El Paso Mountain Committee, immediately upon passage of this ordinance, shall follow the articles as described below:

Article One. That there is hereby created the El Paso Mountain Committee (hereinafter referred to as "Committee") to consist of nine (9) regular members, by appointment of the Mayor and City Council. In addition, a representative of the Texas Parks & Wildlife Department shall serve as an ex-officio non-voting member of the Committee. The members of the Committee shall serve as an advisory committee to the Department of Planning, Research &

Development, the City Plan Commission and City Council concerning the development of the Mountain Development Area as defined in Title 19 (Subdivisions) of the El Paso Municipal Code. The Committee shall:

- a. Review and make recommendations on proposed changes of zoning, detailed site development plans, special permits, subdivision plats/replats, land studies, right-of-way dedications or vacations, and other land development applications received on property within the Mountain Development Area. In its recommendation of these items, special attention shall be given to drainage and flood control, open space requirements, grading impacts, and developmental controls;
- b. Review and make recommendations for change, when appropriate, to regulations of the El Paso Municipal Code affecting development of the Mountain Development Area;
- c. Make recommendations for future acquisition of properties in the Mountain Development Area that are of interest and concern to the City;
- d. Assist local and state agencies, as needed, in the long-term planning for the Franklin Mountains State Park; and
- e. Review and make recommendations on any other items as directed by the Mayor and City Council.

Article Two. The term of office for regular members of the Committee shall be two (2) years. Upon an expiration of a full term, a member may be re-appointed to serve a second full term, provided that membership on the Committee does not exceed two consecutive terms. For purposes of this Article, an appointment made to fill an unexpired term resulting from the resignation of a regular member shall not be construed as a full term of office. All other appointments made to fill a vacancy on the Committee shall be considered a full term.

Article Three. The officers of the Committee shall be the Chair, First Vice-Chair and Second Vice-Chair. The officers shall be elected annually at the first scheduled meeting of the Committee. When an officer vacancy exists, the position shall be filled by the next succeeding officer. The Chair shall call for an election from the regular members of the Committee to fill the vacancy then created at the first available meeting of the Committee.

Article Four. The Committee shall hold meetings as necessary to conduct its business, and shall determine its regular meeting schedule at the first annual meeting held each year. Special or emergency meetings may be called and held at any time. All meetings of the Committee shall be open to the public and shall be posted by staff at least seventy-two (72) hours prior to the meeting.

Article Five. A quorum of the Committee shall consist of five (5) regular members and shall be required to vote on any question. Motions may not be made by the Chair, but the Chair may

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vote on and discuss all motions. The vote of the majority of the quorum shall be necessary to decide any question. Members of the Committee who cannot attend a scheduled meeting of the Committee shall provide advance notice to the Department of Planning, Research & Development.

Article Six. When a member of the Committee is absent from three (3) consecutive meetings, the Department of Planning, Research & Development shall report this fact to the Mayor and City Council so that consideration may be given to the removal of such member as provided in the El Paso Municipal Code.

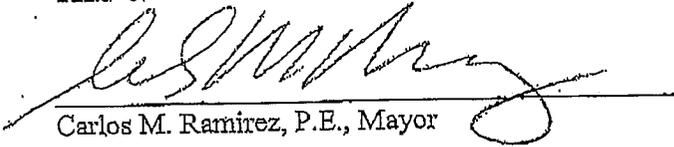
Article Seven. Sub-committees of the Committee membership, or advisory sub-committees of citizens with or without Committee membership, may be appointed by the Chair to assist the Committee in reviewing and making recommendations as herein provided.

Article Eight. The Director of the Department of Planning, Research & Development, or his designated representative, shall serve as the Executive Secretary to the Committee and shall provide for the administrative staffing of the Committee, including maintaining all records of meetings, findings and determinations of the Committee. In addition, the Department of Planning, Research & Development shall be responsible for assisting in all research activities undertaken by the Committee and shall represent the Committee, as requested or when no other Committee member is present, at hearings of the City Plan Commission and the City Council as necessary.

Article Nine. The Committee may adopt separate by-laws for the government of their own proceedings and to carry out the purposes for which the Committee was created, not inconsistent with the charter and ordinances of the City.

PASSED AND ADOPTED this 13th day of March, 2001.

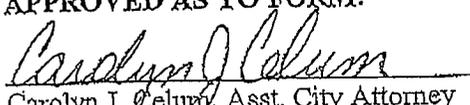
THE CITY OF EL PASO


Carlos M. Ramirez, P.E., Mayor

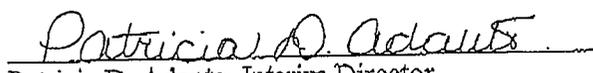
ATTEST:


City Clerk

APPROVED AS TO FORM:


Carolyn J. Celum, Asst. City Attorney

APPROVED AS TO CONTENT:


Patricia D. Adauto, Interim Director
Planning, Research & Development

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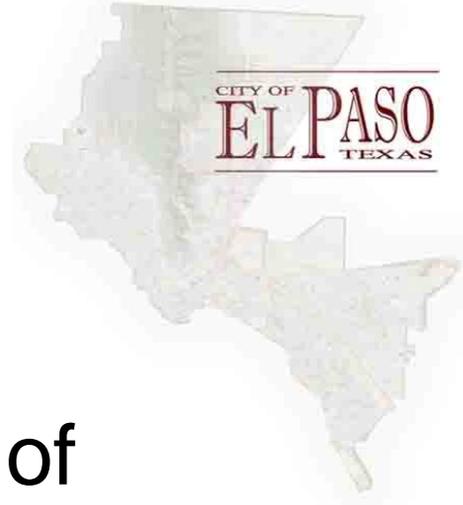
City of El Paso

Presentation to City Council

Review of the Role and Duties of the City of El Paso Open Space Advisory Board

Halff Associates Inc.
April 13, 2010





Purpose of this Review

- Clarify role and responsibilities of Open Space Advisory Board (OSAB)
- Recommend how those roles can be implemented
- Explore how staff can best support OSAB













Background

- “Towards A Bright Future – A Green Infrastructure Plan for El Paso” adopted by City Council March 2007.
- Known as the Open Space Master Plan
- Serves as a guiding document
- Open Space Advisory Board (OSAB) created as a recommendation of the Master Plan

Background - Initial Board Responsibilities

The Open Space Advisory Board shall:

- *act as an advisory board and provide recommendations to the Mayor and City Council on efforts to preserve and acquire open spaces.*
- *provide recommendations on the implementation of the Open Space Master Plan.*
- *review and provide input to the Mayor and City Council on legislative matters pertaining to open space submitted to the Board by staff.*



Added Board Responsibilities (per City Council September 2009)

- *serve as an advisory body to the mayor and city council on the following matters relating to the Mountain Development Area:*
 - *When performing any duty or function that requires the giving of a recommendation to the City Council regarding property located within the Mountain Development Area, to give special attention to drainage and flood control, open space requirements, grading impacts, and developmental controls when making such recommendation;*
 - *To review and make recommendations for change, when appropriate, to regulations of the El Paso City Code affecting development of the Mountain Development Area;*
 - *Make recommendations for future acquisition of properties in the Mountain Development Area that are of interest and concern to the City; and*
 - *Assist local and state agencies, as needed, in the long term planning for the Franklin Mountains State Park.”*



Background – Role Clarification and Expansion requested by OSAB

- Request that development within the Hillside Development Area also be reviewed by OSAB
- Would include advising the City Plan Commission (CPC) on development proposals in Mountain & Hillside Dev. Areas

Background – Vested vs. Non Vested Development Rights



- Properties with Vested Development Rights
- Properties or Areas of the City with no previous development submittals



7 Key Issues

1. Clarification of the role of the OSAB
2. Role of departments that interact with OSAB.
3. OSAB review of development applications within the Mountain and Hillside Development Areas
4. Recommendations to facilitate OSAB review of current development applications.
5. Improved long range planning for open space
6. Recommendations regarding 404 permitting.
7. Recommendations regarding funding for open space preservation.



Issue 1. Clarification of the role of the OSAB

Two Models for Open Space Boards

- Oversight Role - advisory board, serves as an oversight entity that monitors and promotes the preservation of open space by a city.
- Activist and Management Role - takes on an operational role that may include actual acquisition, promotion, education, and even management of facilities.



Issue 1. Recommendation - Role of the OSAB

1. Review, advise, and recommend actions to the City Council on the status of the following items and any changes that are deemed necessary:

- The Open Space Master Plan
- Open space goals of the City
- New open space goals if deemed appropriate and necessary.
- Recent short-term actions taken to acquire open space in El Paso.
- Ongoing long term actions and suggest changes as appropriate.
- Modifications to current City codes and regulations, or recommend new regulations that help accomplish the City's open space goals.
- Funding sources for open space and suggest alternative sources or acquisition methods for staff investigation and council consideration.
- Assist staff, the Public Service Board (PSB), and the City Council in prioritizing the use of future funds.
- Assist staff in promoting open space initiatives and successes, as well as the benefits of open space preservation to all citizens of El Paso.



Issue 1. Recommendation – Role of the OSAB

2. **Serving as a sounding board for City staff regarding actions initiated by staff to identify, preserve, acquire, and manage open space.**
 - long range development plans that impact open space in critical areas of the City.
 - to help plan the open space components of significant undeveloped areas of the City or its ETJ.
 - to review staff recommendations regarding changes to City codes and regulations that may help preserve open space.



Issue 2. Departments involved with the OSAB



- Parks and Recreation - knowledge and experience in acquiring, programming, and managing non-developed lands throughout the City. Also promotes linking of parks with open space areas.
- Development Services - Planning - expertise on long range planning issues and strategies, refinements to City codes and regulations, and ongoing development applications.



Issue 2 - Recommendation

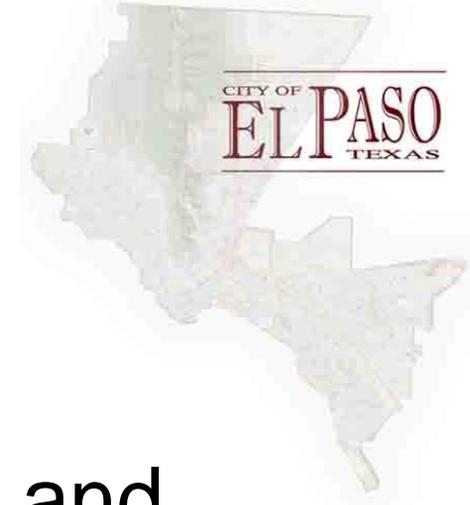
- **Maintain Parks and Recreation Department as lead department for open space preservation.**
- Assign experienced long range planner from the Planning Division to work with PARD and the OSAB to address open space implementation regulatory issues.
- (Note that new or currently planned Planning Division staff additions can help to meet some or all of this need)



Issue 3 - OSAB review of current development applications within the Mountain and Hillside Development Areas

- Involves review of development applications
- Recommendations forwarded to City Plan Commission for consideration
- Very short overall review time period (30 days)

Background – Mountain Development Area



Mountain Committee

- Charged with reviewing concepts and plats
- Special attention to be paid to drainage, open space requirements, grading impacts and appropriate development controls
- Mountain Committee was sunsetted in 2009



Background – Hillside Development Area

- Created in late 1980's, recommended by Mountain Committee
- Special permit that allows transfer of density to lessen grading & retain open space
- No review by Mountain Committee in this area
- Permit never utilized by Development Community
- Hillside Special permit provision removed in 2008



Issue 3 - OSAB review of current development applications - Recommendation

- Given issue of vested rights, effectiveness of review is a concern
- Develop standards that govern open space preservation in the Hillside Development Area
- Confirm Hillside Development Area boundaries



Issue 4 - Facilitate OSAB review of current development applications.

- 30 day timeframe for review and approval of development applications
- If not reviewed in 30 days, is deemed approved
- Is largely a technical review - does not allow for reconfiguration of submittals

Issue 4 - Facilitate OSAB review of current development applications

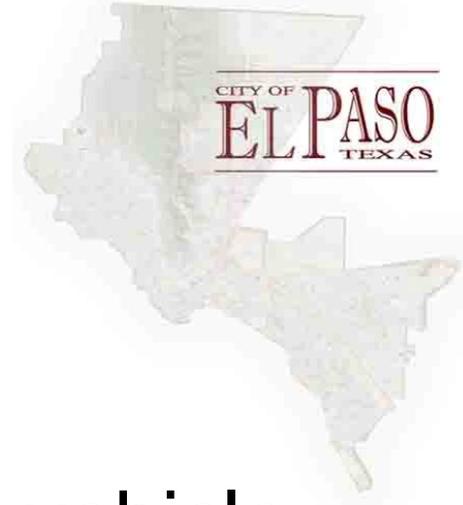
- **Recommendation - OSAB Meeting prior to CPC Meeting**
 - Staff Review – 2 weeks
 - DCC Review – 3rd Week Wednesday
 - OSAB Review – 3rd Week Thursday
 - CPC – Review – 4th Week

Issue 5 – Improve Long Range Planning for Open Space

- Input needed earlier in the development process
- **Recommendation**
 - Increase long range planning efforts
 - Encourage use of Pre-Application Conference
 - Adjust effective life of land studies
- (Staff being added to Planning Division can assist long range open space planning)



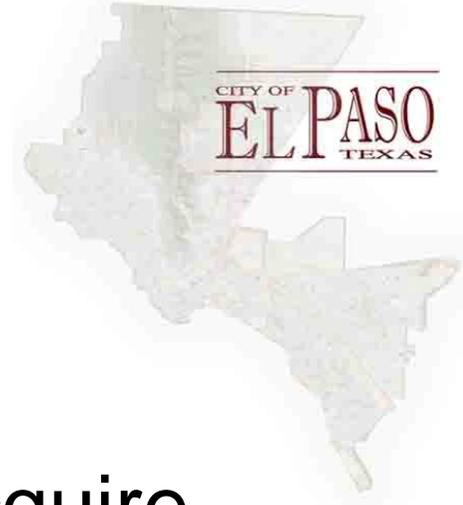
Issue 6 - Review of 404 Permit Applications and Conditional Letter of Map Revision



- For typical permits, not typically a vehicle for public input
- **Recommendation** – inform OSAB where opportunity for comment occurs.



Issue 7 - Role of the OSAB in identifying and prioritizing funding



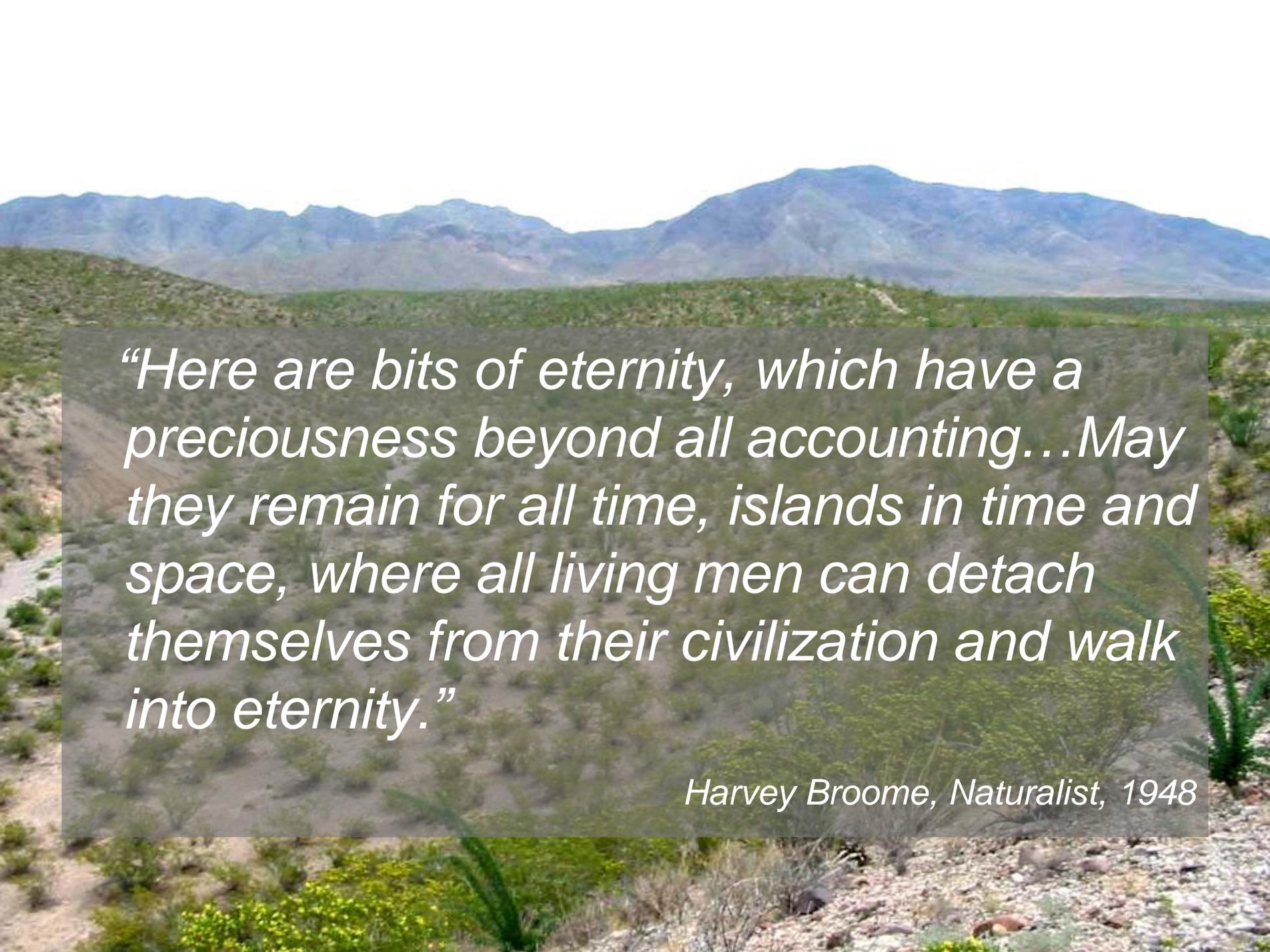
- Opportunity funding needed to acquire critical open space
- City needs parallel funding source to EPWU Stormwater fee open space component
- Schedule regular status reports on 10% portion of stormwater fee by EPWU



Conclusion

- OSAB should remain as an oversight board
- Roles for OSAB defined
- The Board should assist staff in developing standards that apply to the Mountain Development Area and the Hillside Development Area as directed by the City Council.
- Can incorporate review of development applications - will serve to highlight areas in which open space was not preserved because of previous vesting.
- Significant need for bigger picture review at a long range planning level - should be a significant part of staff and OSAB efforts.
- Need for “opportunity” funding





“Here are bits of eternity, which have a preciousness beyond all accounting...May they remain for all time, islands in time and space, where all living men can detach themselves from their civilization and walk into eternity.”

Harvey Broome, Naturalist, 1948



Discussion and Comment

