



OPEN SPACE ADVISORY BOARD

Wednesday, September 19, 2012, 1:30 P.M.
8th Floor Conference Room
City Hall Building, 2 Civic Center Plaza

AGENDA

1. **Meeting Called to Order**
2. **Call to the Public** (items not listed on the agenda)
3. **Discussion and Action**
 - a. Approval of Minutes: August 1, 2012
 - b. Changes to the Agenda
4. **Discussion and Action:** Update on the EPWU feasibility study that would provide a long term, sustainable supply of water to Rio Bosque.
Contact: Rudy Valdez, rvaldez@EPWU.org
5. **Discussion and Action:** Update on the continued maintenance of the Crossroads Wetland Project located at Doniphan and Mesa in the Upper Valley.
Contact: Rudy Valdez, rvaldez@EPWU.org
6. **Discussion and Action:** Revisit the subject of land managed by the PSB located south of the Northeast Master Plan and clarify past Board action taken on June 6, 2012.
Contact: Rudy Valdez, rvaldez@EPWU.org
7. **Discussion and Update:** Ethics Training
Contact: Elizabeth Gibson, GibsonEK@elpasotexas.gov
8. **Discussion and Action:** An ordinance amending Title 2 (Administration and Personnel) Chapter 2.22 (Open Space Advisory Board, of the El Paso City Code, to establish a procedure for allowing outside agencies to appear before the Open Space Advisory Board.
Contact: Elizabeth Gibson, GibsonEK@elpasotexas.gov
9. **Discussion and Update:** Open Space Master Plan – Project 2(a).
Contact: Marci Tuck, TuckMJ@elpasotexas.gov
10. **Discussion and Action:** Rezoning consideration for EPWU-PSB land to URD (Urban Reserve District) and clarify past Board action taken on March 28, 2012.
Contact: Charlie Wakeem, charliewak@sbcglobal.net
11. **Discussion and Action:** An ordinance amending Title 19 (Subdivisions), Chapter 19.03 (Preliminary Plat) Section 19.03.04 (Criteria for Approval), and Chapter

Mayor

John F. Cook

City Council

District 1

Ann Morgan Lilly

District 2

Susie Byrd

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Steve Ortega

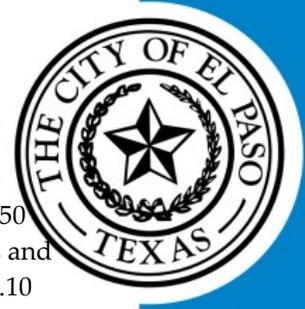
District 8

Cortney Carlisle Niland

City Manager

Joyce A. Wilson





19.05 (Development Plats) Section 19.05.010 (Purpose and Effect), and Chapter 19.50 (Definitions) Section 19.50.030 (Definitions) and Chapter 19.08 (Construction Plans and Management) Section 19.08.010 (Subdivision Improvement Plans), and Chapter 19.10 (Dedication, Construction Requirements and City Participation) Section 19.10.050 (Roadway Participation Policies), and Chapter 19.20, (Parks and Open Space) Section 19.20.060 (Exclusions from Dedication Requirement) of the El Paso City Code to amend the criteria for approval, to add an exception, to add a definition for conservation covenant, stormwater open space and utility green space, to amend phasing plans for subdivision improvements, to amend the roadway participation policies and to add an exclusion for parkland dedication. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.

Contact: Kimberly Forsyth, ForsythKL@elpasotexas.gov

12. **Discussion and Action:** An ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), 20.10 (Supplemental Use Regulations), and Appendix A (Table of Permissible Uses) of the El Paso City Code, to add a definition for “conservation covenant”, “stormwater open space” and “utility green space” and to add standards for the use of utility green space. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Contact: Kimberly Forsyth, ForsythKL@elpasotexas.gov

13. **Discussion and Action:** An ordinance amending Title 21 (Smartcode), Chapter 21.30 (New Community Plans), Section 21.30.100 (Environmental Standards) and Chapter 21.70 (Definitions) of the El Paso City Code, to add a new designation of utility green space specific to Transect Zone 1 and to add new definitions for the terms “conservation covenant” and “utility green space”; the penalty being as provided in Chapter 21.60 (Enforcement and Penalty) of the El Paso City Code.

Contact: Kimberly Forsyth, ForsythKL@elpasotexas.gov

14. **Presentation and Discussion:** Northwest Masterplan update.

Contact: Carlos Gallinar, GallinarRC@elpasotexas.gov

15. **Discussion and Action:** Items for Future Agendas.

16. **Adjournment**

Posted this _____ day of September, 2012 at _____

Basement Bulletin Board, City Hall, 2 Civic Center Plaza, by Elizabeth K. Gibson, City Development Department

Mayor

John F. Cook

City Council

District 1

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Joyce A. Wilson





ADVISORY BOARD MINUTES

CITY DEVELOPMENT DEPARTMENT

Wednesday, August 1, 2012, 1:30 P.M.
8th Floor Conference Room
City Hall Building, 2 Civic Center Plaza

Members Present: 6

Katrina M. Martich (1:38 p.m.), James H. Tolbert, Richard L. Thomas, Andres Quintana, Bill Addington, Kevin von Finger, Charlie S. Wakeem, Chair

Members Absent: 3

Joanne Burt, Lois A. Balin

Vacancies: 0

Planning and Economic Development Staff:

David Coronado, Lead Planner; Elizabeth Gibson, Senior Planner; Harrison Flourde, Planner

Others Present:

Lupe Cuellar, Assistant City Attorney, City Attorney's Office; Marcia Tuck, Parks & Recreation, Open Space, Trails and Parks Coordinator; Kareem Dallo, Engineering Division Manager; Rudy Valdez, EPWU-PSB; Gilbert Trejo, Malcolm Pirnie; Christine Boland, Customer Service Manager, Customer Service & Business Center; Judy Ackerman, Secretary, Franklin Mountain Wilderness Coalition; Ms. Tammy Miller, Parametrix

1. Meeting Called to Order

Chair Wakeem called the meeting to order at 1:34 pm.

2. Call to the Public (items not listed on the agenda)

None.

3. Discussion and Action

- a. Approval of Minutes: July 18, 2012

Chair Wakeem asked if Board Members had any additions, corrections and/or revisions for the July 18, 2012 meeting. There were none.

MOTION:

Motion made by Mr. von Finger, seconded by Mr. Thomas and UNANIMOUSLY CARRIED TO APPROVE THE MINUTES FOR JULY 18, 2012.

ABSTAIN: *Katrina M. Martich*

b. Changes to the Agenda

None.

4. Discussion and Action: Timeline of the EPWU feasibility study that would provide a long term, sustainable supply of water to Rio Bosque.

Contact: Rudy Valdez, rvaldez@EPWU.org

Mr. Valdez explained Mr. Gilbert Trejo, Malcolm Pirnie, would be giving the PowerPoint presentation an overview of the Rio Bosque.

Mr. Trejo responded to questions and/or comments from:

1. Chair Wakeem
2. Mr. von Finger
3. Through the Board, Ms. Judy Ackerman (member of the public)
4. Mr. Kareem Dallo
5. Ms. Katrina Martich
6. Mr. Bill Addington

Following Mr. Trejo's presentation, Mr. Coronado agreed to email copies of the PowerPoint presentation to the Board Members.

Mr. Coronado agreed to draft additional questions from the Board regarding a sustainable water supply to the Rio Bosque in an email and send that email to Mr. Valdez, copying Mr. Wakeem. Mr. Valdez would then forward the email to Mr. Balliew for his response. Mr. Balliew's response would then be provided to the Board and discussed at its next meeting.

NO ACTION WAS TAKEN.

5. Discussion and Action: Mitigation Bank update.

Contact: Kareem Dallo, dallokf@elpasotexas.gov

Mr. Dallo introduced Ms. Tammy Taylor, Parametrix. Ms. Taylor gave a PowerPoint presentation regarding the Keystone Mitigation Bank Feasibility and Market Analysis.

Following her presentation, Ms. Taylor responded to questions and/or comments from:

1. Mr. von Finger
2. Mr. Bill Addington

FOR THE RECORD

Mr. Addington stated, for the record, that he has concerns with the mitigation bank concept; Mr. Addington indicated that he has issues with a tool that may destroy one place to save/protect/improve another.

Mr. Dallo responded to questions and/or comments from:

3. Chair Wakeem
4. Ms. Marci Tuck
5. Ms. Martich
6. Ms. Judy Ackerman, through the Board, commented on the report given by Ms. Taylor

NO ACTION WAS TAKEN.

- 6. Discussion and Action:** East El Paso Greenbelt.
Contact: Charlie Wakeem, charliewak@sbcglobal.net

Chair Wakeem introduced the item, indicating that he had asked Mr. Quintana to research Open Space potential in the East El Paso Greenbelt, consistent with the Open Space Master Plan. Mr. Quintana explained he went out and took pictures of the area and proceeded to present those pictures, providing a narrative of what he saw.

Following Mr. Quintana's presentation, the Board discussed potential areas available for preservation as Open Space within the Greenbelt, however, determined that, at this time, options are limited.

NO ACTION WAS TAKEN.

- 7. Discussion and Action** regarding trailhead alternatives 1 and 2 at Los Pueblos.
Contact: Charlie Wakeem, charliewak@sbcglobal.net

Mr. Wakeem presented information about two trailhead alternatives at Los Pueblos.

Ms. Tuck commented that City Council will be taking action on an Interlocal Agreement with Texas Parks and Wildlife. She explained that the Agreement does not have to go to Council with a recommendation of either one of these alternatives.

The following commented:

1. Chair Wakeem noted there are pros and cons to each of the trailhead alternatives. He preferred both trailheads.
2. Mr. von Finger recommended that the City decide which one makes more sense.

NO ACTION WAS TAKEN.

- 8. Discussion and Action:** Items for Future Agendas.

Mr. von Finger

1. Mr. von Finger noted that at the previous meeting, Board Members requested permission from City Council to get a presentation from TxDOT on a couple of items.

Mr. Coronado explained Staff has the request ready for placement on the City Council agenda. Planning items go to City Council the 1st and 3rd Tuesdays of the month. He indicated that the item would be placed on the August 21st City Council agenda.

2. Information regarding the availability and length of the required Ethics Training was requested.

Mr. Coronado indicated that he would provide answers to these questions at the next meeting.

3. Information regarding the linear bosques was requested. Specifically, information regarding land identified in the Open Space Master Plan, including whether the land had been developed, in addition to property owner information.

Ms. Tuck responded she would provide a presentation regarding this land and its ownership at the next meeting.

Chair Wakeem

1. Mr. Wakeem indicated two items needed to be placed on the next agenda addressing the two TxDOT projects, contingent on Council's permission at the August 21st Council meeting.
2. Additionally, Mr. Wakeem requested that an item be added to the agenda to discuss the rezoning of PSB land owned in the Northwest and Northeast to URD.
3. After discussion regarding the proper process to handle the Northeast PSB-owned land near Chuck Heinrich Park, Mr. Wakeem requested it be placed on the next agenda to clarify the Board's next steps regarding this piece of land.

Ms. Martich

Ms. Martich asked whether she needed to submit her conflict of interest form annually or upon appointment.

Mr. Coronado indicated that he find out for her.

Mr. Tolbert

Mr. Tolbert indicated he would like to have a presentation from the current TCEQ regarding the water at the Bustamante Plant. However, Chair Wakeem explained in order to get any outside the city agency to come to this Board, the Board must request authorization from City Council. Further, Ms. Martich noted that TCEQ permits are public record and should be readily available or that a copy could be made available via the Open Records Act.

Chair Wakeem

Requested a report from Mr. Balliew, EPWU-PSB, regarding the questions the Board Members had pertaining to the timeline of the EPWU feasibility study that would provide a long term, sustainable supply of water to Rio Bosque.

Ms. Martich suggested that the permit be shared with the Board. Mr. Coronado asked Mr. Valdez to forward him the link to the permit and he would then forward the link to the Board.

Mr. von Finger asked Staff to place a GPS dot in relationship to an aerial photo so the Board Members can see exactly where that discharge point is.

NO FURTHER COMMENT.

9. Adjournment

MOTION:

*Motion made by Mr. von Finger, seconded by Ms. Martich and **UNANIMOUSLY CARRIED TO ADJOURN. Meeting adjourned at 3:57 pm.***

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL)
CHAPTER 2.22 (OPEN SPACE ADVISORY BOARD), OF THE EL PASO CITY
CODE, TO ESTABLISH A PROCEDURE FOR ALLOWING OUTSIDE AGENCIES
TO APPEAR BEFORE THE OPEN SPACE ADVISORY BOARD**

WHEREAS, the Open Space Advisory Board was established by Ordinance 017123, and the duties of the Open Space Advisory Board were amended by Ordinance 017205 and Ordinance 017770; and,

WHEREAS, the City Council of the City of El Paso had determined that the ordinance should be amended to allow the Board to request information from outside agencies; and,

WHEREAS, the City Council of the City of El Paso had determined that these amendments are in the best interest of the citizens of the City of El Paso;

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

Section 1. That Title 2, Administration and Personnel, Chapter 2.22, Open Space Advisory Board, Section 2.22.050, Board Duties, of the El Paso City Code is amended to add the following paragraph:

2.22.050 - Board duties.

C. To accomplish the duties and responsibilities contained in this Chapter, the Open Space Advisory Board may request that outside agencies provide and/or present information on matters the Board has purview over. In such instances, the request will be presented to the Director of the City Development Department for processing. If the Director determines that the matter in which the Board seeks information is a matter the Board has purview over, then the Director shall inform the Chairman of the Board and coordinate with the outside agency. If the Director determines that the matter does not fall within the Board’s purview, then the Director shall place an item on the next Board meeting to report his determination and the reason for the determination. The Board may appeal the Director’s decision to City Council. This provision does not authorize the Board to give direction, suggestions, or guidance to the outside agency but will allow the Board to provide recommendations to City Council on the matter presented by the outside agency.

Section 2. Except as herein amended, Title 2, Administration and Personnel, Chapter 2.22, Open Space Advisory Board, of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ of _____ 2012

SIGNATURES ON FOLLOWING PAGE



THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department





City of El Paso – City Plan Commission Staff Report

Amendments to Title 19

The City Development Department and the El Paso Water Utilities and the members of the public have identified the following issues in Title 19 and recommend the additions and revisions to improve and clarify the text.

Under 19.03.040 Criteria for Approval

- Requirement to conform with City’s master plan is not consistent with provisions for proportional share
- Preliminary SmartCode plats may be approved that do not comply with the regulatory plan, provided that a plat is approved that does comply prior to any permits being issued.

Under 19.05.010 Development Plats

- Development plats are not required for City water and wastewater infrastructure and facilities

Under 19.50 Definitions

- Add definitions for “conservation covenant”, “stormwater open space” and utility green space”

Under 19.08.010 Subdivision Improvement Plans

- Revise requirements for phasing plans to ensure that a complete drainage system for a multi-phase is provided

Under 19.10.050 Roadway Participation Policies

- Revise text to reflect current ROW and pavement requirements for a local street.

Under 19.20.060 Exclusion from (Park) Dedication Requirements

- Add an exclusion for plats that are zoned for Adaptive Reuse, Transit Oriented Development and other special incentive districts as designated by City Council

ORDINANCE NO _____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.03 (PRELIMINARY PLAT) SECTION 19.03.04 (CRITERIA FOR APPROVAL), AND CHAPTER 19.05 (DEVELOPMENT PLATS) SECTION 19.05.010 (PURPOSE AND EFFECT), AND CHAPTER 19.50 (DEFINITIONS) SECTION 19.50.030 (DEFINITIONS) AND CHAPTER 19.08 (CONSTRUCTION PLANS AND MANAGEMENT) SECTION 19.08.010 (SUBDIVISION IMPROVEMENT PLANS), AND CHAPTER 19.10 (DEDICATION, CONSTRUCTION REQUIREMENTS AND CITY PARTICIPATION) SECTION 19.10.050, (ROADWAY PARTICIPATION POLICIES), AND CHAPTER 19.20, (PARKS AND OPEN SPACE) SECTION 19.20.060 (EXCLUSIONS FROM DEDICATION REQUIREMENT) OF THE EL PASO CITY CODE TO AMEND THE CRITERIA FOR APPROVAL, TO ADD AN EXCEPTION, TO ADD A DEFINITION FOR CONSERVATION COVENANT, STORMWATER OPEN SPACE AND UTILITY GREEN SPACE, TO AMEND PHASING PLANS FOR SUBDIVISION IMPROVEMENTS, TO AMEND THE ROADWAY PARTICIPATION POLICIES AND TO ADD AN EXCLUSION FOR PARKLAND DEDICATION. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the “Code”) was adopted to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, the Subdivision Ordinance helps guide the physical development of the community by promoting orderly and healthful design, and particularly by providing adequate public facilities; and,

WHEREAS, there is a need to add definitions for conservation covenant, stormwater open space and utility green space; and,

WHEREAS, the City Plan Commission has recommended approval of the amendments, and the El Paso City Council finds that the amendments proposed herein will further protect and provide for the public health, safety, morals and general welfare of the community, and

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

Section 1. That Title 19, Subdivisions, Chapter 19.03, Preliminary Plat, Section 19.03.040, Criteria for Approval, of the El Paso City Code be amended to amend paragraph ‘c’ and to add paragraph ‘k’:

19.03.040 Criteria for Approval

c. The proposed provision and configuration of roads, drainage and other facilities generally conform to the city's adopted master plans for those facilities, including without limitation, transportation, drainage, and any other municipal plans, but are not required to exceed the development's proportional share;

k. A preliminary plat may be approved for property zoned SmartCode without reflecting the regulating plan, provided that the plat contains the following plat note: "This land is zoned SmartCode and a regulating plan has been approved. Prior to the issuance of any city permits, a plat reflecting the regulating must be approved and recorded."

Section 2. That Title 19, Subdivisions, Chapter 19.05, Development Plats, Section 19.05, Purpose and effect, Paragraph D, Exceptions, of the El Paso City Code be amended to add the following exception:

19.05.010 - Purpose and effect

D. Exceptions. A development plat is not required:

5. For water and wastewater utility infrastructure and stormwater facilities constructed by the City.

Section 3. That Title 19, Subdivisions, Chapter 19.50, Definitions, Section 19.50.030, Definitions, of the El Paso City Code be amended to add the following definitions:

"Conservation covenant" means a voluntary declaration by a property owner of a covenant that is filed of record in the El Paso County Real Property Records on property and is intended to preserve permanently the conservation values of an area. A conservation covenant shall be required for land designated as utility green space that is ten (10) acres or greater.

"Stormwater open space" means a natural open area to be used to help manage storm water, reduce flooding risk and improve water quality as its primary purposes, while still permitting passive recreational use of the open space as secondary purposes to the area. Water, waste water, and stormwater utility systems within areas designated for stormwater open space shall be designed with environmentally sensitive infrastructure and constructed with a low impact development (LID) approach to the extent permitted in the City's subdivision regulations. Any area designated as stormwater open space shall require the approval of the Floodplain Administrator, shall conform to the Master Stormwater Management Plan and Open Space Master Plan of the City, and shall be shown within the boundaries of any required land study, subdivision plat, detailed site development plan, master zoning plan, SmartCode regulating plan, or any other platting or zoning document as may be required by the City.

"Utility green space" means an area of protected or conserved land where development is limited or controlled to preserve large areas of undisturbed open space as its primary purpose, while still permitting passive recreational uses and necessary water, waste water and stormwater utility systems as secondary purposes to the area. Utility green space shall be shown within the boundaries of any required land study, subdivision

plat, detailed site development plan, master zoning plan, SmartCode regulating plan, or any other platting or zoning document as may be required by the City.

Section 4. That Title 19, Subdivisions, Chapter 19.08, Construction Plans and Management, Section 19.08.010, Subdivision Improvement Plans, Subsection D, Phasing Plan, of the El Paso City Code be amended as follows:

D. Phasing Plan. Where phasing is proposed for the construction and installation of the required subdivision improvements, approval of a phasing plan shall be required, provided, that all of the subdivision improvements are completed within the time period specified herein. The city manager or designee may approve, disapprove or conditionally approve the phasing proposed if the proposed phasing will provide for the orderly development of the subdivision with adequate access to all improvements. No phasing plan shall be approved unless **each phase has a complete drainage system, or security for all improvements that are not completed in the initial phase is provided in accordance with the methods and amount in Section 19.08.040.A. (1), (2), or (3). No temporary drainage structures will be allowed. If the property contains an arroyo or flow path that requires improvements, security in accordance with the methods and amounts stated in Section 19.08.040 shall be provided regardless of the phasing, unless the improvements to the arroyo or flow path are completed in the initial phase.** Where the city manager or designee disapproves a phasing plan, the subdivider may appeal the decision to the city plan commission upon a written request submitted to the city manager or designee. Whether or not the city manager or designee approves phasing at the time of the construction plan submission, a subdivider may request phasing and submit a phasing plan at any time prior to the expiration of the time period for completion of the subdivision improvements, or any authorized extension. A phasing plan submitted and approved by the city manager or designee after the approval of the construction plan submission, shall be considered an authorized amendment to the subdivision improvement plans and such approved phasing plan shall be attached to and incorporated as part of the approved subdivision improvement plans.

Section 5. That Title 19, Subdivisions, Chapter 19.10 Dedication, Construction Requirements and City Participation, Section 19.10.050, Roadway participation policies, Subsection 19.10.050.B.2 be amended as follows:

2. The minimum developer's share of improvements to a roadway when a subdivision is to be located on both sides of a roadway is the full width of a local roadway, **which is 52 feet ROW and 32 feet pavement**, unless the traffic impact study determines that the proportional share of the development is more, in which case that shall become the minimum share of improvements. The roadway shall be improved by the developer on each side of the road along the entire length of the subdivision.

Section 6. That Title 19, Subdivisions, Chapter 19.20, Parks and Open Space, Section 19.20.060, Exclusions from Dedication Requirement, of the El Paso City Code be amended to add the following exclusion:

19.20.060 - Exclusions from dedication requirement.

- I. Land within a subdivision, whether residential or nonresidential, covered by an Adaptive Reuse Overlay, ~~or zoned SmartCode (SCZ)~~, or designated as a Transit Oriented Development (TOD) overlay, or ~~any~~ other specially designated incentive district established by City Council policy.

Section 7. Except as herein amended, Title 19, Subdivisions, of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS ___ day of _____ 2012.

CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Director
City Development Dept.

ORDINANCE NO _____

Draft 5/23/12

ORDINANCE NO _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02(GENERAL PROVISIONS AND DEFINITIONS), 20.10 (SUPPLEMENTAL USE REGULATIONS), AND APPENDIX A (TABLE OF PERMISSIBLE USES) OF THE EL PASO CITY CODE, TO ADD A DEFINITION FOR “CONSERVATION COVENANT”, “STORMWATER OPEN SPACE” AND “UTILITY GREEN SPACE” AND TO ADD STANDARDS FOR THE USE OF UTILITY GREEN SPACE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and

WHEREAS, the El Paso Water Utilities – Public Service Board (EPWU-PSB) is authorized to find that certain parcels of land which were purchased for the purpose of improving and extending the El Paso waterworks plant and system and sewer system are inexpedient and may be offered for sale; and

WHEREAS, the EPWU-PSB has deemed that master planning of real estate as a condition to it being removed from its care, custody and control to be in the best interest of all the citizens of the City to insure that City goals and objectives for sustainability and smart growth are achieved; and

WHEREAS, as part of the master planning process, certain areas are to be set aside as conserved lands that are publicly owned and maintained in perpetuity; and

WHEREAS, these conserved lands will remain mostly undeveloped areas except for necessary water, waste water and stormwater utility systems to serve developing areas in the City; and

WHEREAS, other passive recreational uses may also be allowed in the conserved lands to add to the City’s existing open space and recreational system; and

WHEREAS, the City Plan Commission has recommended that new open space designations of “Stormwater Open Space” and “Utility Green Space” be included in the El Paso City Code that more closely defines the protections and purposes of these conserved lands than otherwise allowed in current provisions of the Code; and

WHEREAS, the City Council has determined that the regulation of conserved lands are designed to protect ecologically sensitive lands and to prohibit those activities that would adversely affect the environmental characteristics of the lands; and

WHEREAS, the regulations established by this Ordinance are part of a comprehensive regulatory scheme designed to protect the culture, heritage, ecology and aesthetics of the City;



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

SECTION 1. That Title 20 (Zoning), Chapter 20.02 (Definitions), of the El Paso City Code to add the following definitions:

20.02 Definitions

20.02.254 “Conservation covenant” means a voluntary declaration by a property owner of a covenant that is filed of record in the El Paso County Real Property Records on property and is intended to preserve permanently the conservation values of an area. A conservation covenant shall be required for land designated as utility green space that is ten (10) acres or greater.

20.02.1031 “Stormwater open space” means a natural open area to be used to help manage storm water, reduce flooding risk and improve water quality as its primary purposes, while still permitting passive recreational use of the open space as secondary purposes to the area. Water, waste water, and stormwater utility systems within areas designated for stormwater open space shall be designed with environmentally sensitive infrastructure and constructed with a low impact development (LID) approach to the extent permitted in the City’s subdivision regulations. Any area designated as stormwater open space shall require the approval of the Floodplain Administrator, shall conform to the Master Stormwater Management Plan and Open Space Master Plan of the City, and shall be shown within the boundaries of any required land study, subdivision plat, detailed site development plan, master zoning plan, SmartCode regulating plan, or any other platting or zoning document as may be required by the City.

20.02.1128 “Utility green space” means an area of protected or conserved land where development is limited or controlled to preserve large areas of undisturbed open space as its primary purpose, while still permitting passive recreational uses and necessary water, wastewater and stormwater utility systems as secondary purposes to the area. Utility green space shall be shown within the boundaries of any required land study, subdivision plat, detailed site development plan, master zoning plan, SmartCode regulating plan, or any other platting or zoning document as may be required by the City.

SECTION 2. That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), of the El Paso City Code be amended to add the following section:

20.10.557 Utility green space.

A. The purpose of these regulations is to protect and conserve lands designated as utility green space while still allowing certain necessary water, wastewater and stormwater utility systems as secondary purposes to the area. Utility green space serves to:

1. Add to the existing open space system and enhance the ecological, hydrological, and recreational vitality of the existing Franklin Mountains State Park and foothill areas;



2. Promote planning and growth that emphasizes sustainability in our built and natural environments;
3. Promote careful management to reduce environmental impacts to the water, waste water and stormwater systems in the community;
4. Protect healthy ecosystems through environmental management and measurement by:
 - a. Reducing impervious cover that contributes to degradation of water resources;
 - b. Reducing rainfall pollutant loads to streams and other water resources;
 - c. Reducing potential pressure to encroach on utility resource buffer areas;
 - d. Reducing soil erosion potential by reducing the amount of clearing and grading required;
 - e. Promoting erosion and sediment control;
 - f. Reducing capital cost of utility infrastructure;
 - g. Reducing cost of stormwater management by concentrating runoff and reducing volumes;
 - h. Promote a high quality, sustainable utility system that conserves and protects land, watershed, wastewater, reclaimed water and water resources;
 - i. Optimize best practices in planning, engineering and management that will protect the environment; and
 - j. Protect the ecological and geological health and function of green space.

B. Where utility green space is designated, a conservation covenant may be required to provide further protections to the area. Any conveyance of the utility green space to the Texas Parks & Wildlife Department shall incorporate the requirements of this section as a condition of donation and acceptance of the land.

C. In addition to allowing use of the land for water, waste water, and stormwater utility systems, other passive recreational uses and activities customarily found in conserved natural areas are also permitted (such as trail corridors and trailheads, scenic outlooks, and pedestrian walking and jogging paths). Notwithstanding the allowable uses and activities described in this section, the mandating restriction of uses and activities permitted on land within a utility green space designated property shall be as set forth in the conservation covenant. The conservation covenant shall enumerate the use(s) permitted and prohibited, shall detail how use of the land shall be authorized pursuant to this section, and shall include a management plan for maintenance, monitoring and enforcement of these use provisions. In no case shall a use not satisfying the general intent of these regulations be permitted as a provision of the conservation covenant.

D. Any property designated as utility green space shall be subject to the development standards of the El Paso City Code as part of construction, reconstruction, or alteration of any permitted use, and any additional development standards as may be enumerated in the conservation covenant.

E. For purposes of this section, water, waste water, and stormwater utility systems shall mean the systems of the City as they may be constructed or now exist and may be improved, added to, or extended hereafter, there being included in such term all water, sewer and



stormwater facilities now or hereafter owned or operated by the El Paso Water Utilities – Public Service Board, and including all real and personal property comprising any part of or used or useful in the operation of the water, waste water, and stormwater facilities of the City. Specific facilities shall include, but not be limited to, any facility or structure that stores, pumps, conveys, treats, or disposes of potable water, reclaimed water, wastewater, and/or stormwater and the associated residuals with the appropriate resource buffer zone. In addition, other public utility facilities which serve to distribute and transmit electrical power, gas and other essential service necessary to the water, waste water, and stormwater utility systems are also authorized.

F. Utility green space designated within a development shall not be considered a park under any circumstances, nor shall acceptance of a dedication and maintenance by the City be required.

SECTION 3. That Title 20 (Zoning), Table A, Table of Permissible Uses, of the El Paso City Code be amended to allow utility green space, stormwater open space and conservation easements in all zoning districts.

SECTION 4. Except as herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS ____ day of _____ 2012.

CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Deputy Director
City Development Dept.



Draft 5/23/12

ORDINANCE NO _____

AN ORDINANCE AMENDING TITLE 21 (SMARTCODE), CHAPTER 21.30 (NEW COMMUNITY PLANS), SECTION 21.30.100 (ENVIRONMENTAL STANDARDS) AND CHAPTER 21.70 (DEFINITIONS) OF THE EL PASO CITY CODE, TO ADD A NEW DESIGNATION OF UTILITY GREEN SPACE SPECIFIC TO TRANSECT ZONE 1 AND TO ADD NEW DEFINITIONS FOR THE TERMS “CONSERVATION COVENANT” AND “UTILITY GREEN SPACE”; THE PENALTY BEING AS PROVIDED IN CHAPTER 21.60 (ENFORCEMENT AND PENALTY) OF THE EL PASO CITY CODE.

WHEREAS, Title 21 (SmartCode) of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and

WHEREAS, the El Paso Water Utilities – Public Service Board (EPWU-PSB) is authorized to find that certain parcels of land which were purchased for the purpose of improving and extending the El Paso waterworks plant and system and sewer system are inexpedient and may be offered for sale; and

WHEREAS, the EPWU-PSB has deemed that master planning of real estate as a condition to it being removed from its care, custody and control to be in the best interest of all the citizens of the City to insure that City goals and objectives for sustainability and smart growth are achieved; and

WHEREAS, as part of the master planning process, certain areas are to be set aside as conserved lands that are publicly owned and maintained in perpetuity; and

WHEREAS, these conserved lands will remain mostly undeveloped areas except for necessary water, waste water and stormwater utility systems to serve developing areas in the City; and

WHEREAS, other passive recreational uses may also be allowed in the conserved lands to add to the City’s existing open space and recreational system; and

WHEREAS, the City Plan Commission at its hearing on _____, has recommended that a new definition of “Utility Green Space” and a new section on environmental standards be included in the El Paso City Code that more closely defines the protections and purposes of these conserved lands than otherwise allowed in current provisions of the Code; and

WHEREAS, the City Council has determined that the regulation of conserved lands are designed to protect ecologically sensitive lands and to prohibit those activities that would adversely affect the environmental characteristics of the lands; and



WHEREAS, the regulations established by this Ordinance are part of a comprehensive regulatory scheme designed to protect the culture, heritage, ecology and aesthetics of the City;

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

SECTION 1. That Title 21 (SmartCode), Chapter 21.30 (New Community Plans), Section 21.30.100 (Environmental Standards), of the El Paso City Code be amended to add a new Subsection 21.30.100.C and that the remainder of the Section be re-lettered:

21.30.100 Environmental Standards

C. Specific to Zone T1, Utility Green Space designation.

1. Within a T1 Zone, the area shown as open space may be designated as utility green space for the purpose of protecting and conserving lands to:

- a. Add to the existing open space system and enhance the ecological, hydrological, and recreational vitality of the existing Franklin Mountains and foothill areas;
- b. Promote planning and growth that emphasizes sustainability in our built and natural environments;
- c. Promote careful management to reduce environmental impacts to the water, waste water and stormwater systems in the community;
- d. Protect healthy ecosystems through environmental management and measurement by:

- (1) Reducing impervious cover that contributes to degradation of water resources;
- (2) Reducing rainfall pollutant loads to streams and other water resources;
- (3) Reducing potential pressure to encroach on utility resource buffer areas;
- (4) Reducing soil erosion potential by reducing the amount of clearing and grading required;
- (5) Promoting erosion and sediment control;
- (6) Reducing capital cost of utility infrastructure;
- (7) Reducing cost of stormwater management by concentrating runoff and reducing volumes;

e. Promote a high quality, sustainable utility system that conserves and protects land, watershed, wastewater, reclaimed water and water resources;

f. Optimize best practices in planning, engineering and management that will protect the environment; and

g. Protect the ecological and geological health and function of green space.

2. Where a utility green space is designated within a T1 Zone, a conservation covenant may be required to provided further protection to the area.

3. In addition to allowing use of the land for water, waste water, and stormwater



utility systems, other passive recreational uses and activities customarily found in conserved natural areas are also permitted (such as, but not limited to, trail corridors and trailheads, scenic outlooks, and pedestrian walking and jogging paths). Notwithstanding the allowable uses and activities described in this section, the mandating restriction of uses and activities permitted on land within a utility green space designated within a T1 Zone shall be as set forth in the regulating plan. Should the land also be covered by a conservation covenant, the conservation covenant shall enumerate the use(s) permitted and prohibited, shall detail how use of the land shall be authorized pursuant to this section, and shall include a management plan for maintenance, monitoring and enforcement of these use provisions. In no case shall a use not satisfying the general intent of these regulations be permitted as a provision of the conservation covenant.

4. Any property designated as utility green space within a T1 Zone shall be subject to the development standards of the El Paso City Code as part of construction, reconstruction, or alteration of any permitted use, and any additional development standards as may be enumerated in the regulating plan.

5. Water, waste water, and stormwater utility systems, for purposes of this section, shall mean the systems of the City as they may be constructed or now exist and may be improved, added to, or extended hereafter, there being included in such term all water, sewer and stormwater facilities now or hereafter owned or operated by the El Paso Water Utilities – Public Service Board, and including all real and personal property comprising any part of or used or useful in the operation of the water, waste water, and stormwater facilities of the City. Specific facilities shall include, but not be limited to, any facility or structure that stores, pumps, conveys, treats, or disposes of potable water, reclaimed water, wastewater, and/or stormwater and the associated residuals with the appropriate resource buffer zone. In addition, other public utility facilities which serve to distribute and transmit electrical power, gas and other essential service necessary to the water, waste water, and stormwater utility systems are also authorized.

6. Utility green space designated within a T1 Zone shall not be considered a park or civic space, nor shall acceptance of a dedication and maintenance by the City be required.

D. Specific to Zone T1, Stormwater Open Space designation. Within a T1 Zone, the areas shown as open space may be designated as stormwater open space where natural drainage is to be permitted to the extent reasonably possible to preserve the city’s open spaces, greenways, arroyos, and wilderness areas. Stormwater open space may allow for passive recreational use, and may be considered a park or park/pond with dedication and maintenance by the City. Notwithstanding any other provision of this section, stormwater open space shall permit necessary water, waste water, and stormwater utility systems.

SECTION 2. That Title 21 (SmartCode), Chapter 21.70 (Definitions), of the El Paso City Code be amended to add:

“Conservation covenant” means a voluntary declaration by a property owner of a covenant that is filed of record in the El Paso County Real Property Records on property



and is intended to preserve permanently the conservation values of an area. A conservation covenant shall be required for land designated as utility green space that is ten (10) acres or greater.

“Stormwater open space” means a natural open area to be used to help manage storm water, reduce flooding risk and improve water quality as its primary purposes, while still permitting passive recreational use of the open space as secondary purposes to the area. Water, waste water, and stormwater utility systems within areas designated for stormwater open space shall be designed with environmentally sensitive infrastructure and constructed with a low impact development (LID) approach to the extent permitted in the City’s subdivision regulations. Any area designated as stormwater open space shall require the approval of the Floodplain Administrator, shall conform to the Master Stormwater Management Plan and Open Space Master Plan of the City, and shall be shown within the boundaries of any required land study, subdivision plat, detailed site development plan, master zoning plan, SmartCode regulating plan, or any other platting or zoning document as may be required by the City.

“Utility green space” means an area of protected or conserved land where development is limited or controlled to preserve large areas of undisturbed open space as its primary purpose, while still permitting passive recreational uses and necessary water, waste water and stormwater utility systems as secondary purposes to the area. Utility green space shall be shown within the boundaries of any required land study, subdivision plat, detailed site development plan, master zoning plan, SmartCode regulating plan, or any other platting or zoning document as may be required by the City.

SECTION 3. Except as herein enumerated, Title 21 ,SmartCode, of the El Paso City Code shall remain in full force and effect.

PASSED AND ADOPTED this ___ day of _____, 2012.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, Municipal Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Deputy Director
City Development Department

