

(2) **ZON10-00066:** Portion of Tract 1B4, Nellie D. Mundy Survey 242,
City of El Paso, El Paso County, Texas
LOCATION: South of Northern Pass Drive and North of Paseo Del Norte
Drive
REQUEST: Release two conditions placed by Ordinance 15672 dated January
23, 2004
ZONING: Parcel 5: C-1(Commercial);
Parcel 6: C-3/c (Commercial/condition); and
Parcel 7: R-3A/c (Residential/condition)
PROPOSED USE: Apartments
PROPERTY OWNER: Hunt Communities Holdings, LLC
REPRESENTATIVE: Kimley-Horn and Associates, Inc.
DISTRICT: 1
STAFF CONTACT: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

4. **Discussion and Information:** Presentation on how to read and interpret plats, and overview of the Mountain Development Area and Planned Mountain Development District standards by Subdivision section staff, Planning and Economic Development.
Contact: Eddie Garcia, (915) 541-4638, GarciaEZ2@elpasotexas.gov
Postponed from 09.30.10
5. **Discussion and Action:** Regarding the Grading Ordinance Subcommittee progress and outcome.
Contact: Sam Rodriguez, Rodríguez3@elpasotexas.gov
6. **Discussion and Action** on how to proceed with recommending changes to the city code.
Contact: David A. Coronado, (915) 541-4632, CoronadoDA@elpasotexas.gov
7. **Discussion and Action:** Recommend to City Council the resolution submitted by the Castner Range Conservation Committee.
Contact: Dr. Richard Teschner, teschner@utep.edu
8. **Discussion and Action:** Items for Future Agendas
9. **Adjournment**



EXECUTIVE SESSION

The Open Space Advisory Board of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the items on this agenda, consistent with the terms of the Open Meetings Act. The Open Space Advisory Board will return to open session to take any final action.

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Posted this 7th day of October, 2010 at 3:00 P.M.,
Basement Bulletin Board, City Hall, 2 Civic Center Plaza, by Armida R. Martinez, Planning and Economic Development





ADVISORY BOARD MINUTES

September 30, 2010
 City Hall – 4th Floor, 1:30 P.M.
 Engineering Large Conference Room
 2 Civic Center Plaza, El Paso, Texas

Members Present: 5

Charles S. Wakeem, James H. Tolbert, Bill Addington, Kevin T. von Finger, Robert Ardovino

Members Absent: 3

Luis Ruiz, Richard Thomas, Lois Anne Balin

Member Vacancies: 1

Ex-Officio Members Present: Gonzalo Cedillos

Planning and Economic Development Staff Present:

Mathew McElroy, Deputy Director; Philip Etiwe, Development Review Manager; David Coronado, Lead Planner; Todd Taylor, Planner; Lupe Cuellar, Assistant City Attorney; Legal Department; Eddie Garcia, Lead Planner; Art Rubio, Senior Planner; Ernie Arriola, Planner; Michelle Padilla, Planner; Donna Martinez, Senior Secretary

Others Present:

Shamori R. Whitt, Open Space, Trails & Parks Coordinator; Rudy Valdez, EPWU-PSB; Richard Garcia, Park Development Manager, Parks and Recreation; Richard Teschner, Rim Area Neighborhood Association; Dr. Richard Bonart, Borderland Mountain Bicycle Association; Jeff Mann, Parametrix; Conrad Conde, Conde, Inc.; Trish Tanner, Jobe, Heather McMurray

1. **Meeting Called to Order**

Chair Wakeem called the meeting to order at 1:33P.M.

2. **Call to the public** (for items not on the agenda)

None

3. **Discussion and Action:**

a. Approval of Minutes: September 16, 2010

Chair Wakeem asked Board Members if there were any additions/corrections/revisions. There being none.

MOTION:

Motion made by Mr. Kevin von Finger, seconded by Mr. Ardovino and UNANIMOUSLY CARRIED TO APPROVE THE MINUTES FOR SEPTEMBER 16, 2010.

ABSTAIN: *Mr. Addington*

CHANGES TO THE AGENDA

Chair Wakeem requested the following:

1. Postpone Item 4. to the next Open Space Advisory Board meeting:

MOTION:

*Motion made by Mr. Ardovino, seconded by Mr. von Finger and **UNANIMOUSLY CARRIED TO POSTPONE ITEM 4 TO THE NEXT OSAB MEETING.***

2. Move Item 8. to the forefront and discuss simultaneously with Item 3.b.(1) ZON10-00076

MOTION:

*Motion made by Mr. Ardovino, seconded by Mr. von Finger and **UNANIMOUSLY CARRIED TO MOVE ITEM 8. TO THE FOREFRONT TO BE DISCUSSED SIMULTANEOUSLY WITH ITEM 3.B.(1). ZON10-00076.***

Review and comment on current rezoning applications, as indicated below:

Zoning Condition Release and Amendment

- (1) **ZON10-00076:** Parcels 1-9 All of Westport Unit Five, City of El Paso, El Paso County, Texas; A portion of Tracts 10B and all of Tract 10B3, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; A portion of Tract 10B, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; A portion of Tract 10B, Nellie D. Mundy Survey 239, Tract 2, Nellie D. Mundy Survey 240, Hoover Avenue and Northwestern Drive and all of Westport Unit Five and Westport Unit Seven Amending Subdivision, City of El Paso, El Paso County, Texas; A portion of Tracts 10A and 10E, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; All of Tract 10B3, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; All of Lot 1A, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; All of Lot 1, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; A 7.590 acre portion of Tract 2D, Nellie D. Mundy Survey 243 and Resler Drive right-of-way, City of El Paso, El Paso County, Texas; A 22.230-acre portion of Tract 2D, Nellie D. Mundy Survey 243 and Tract 10B4, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; A 24.951-acre portion of Tract 2E, Nellie D. Mundy Survey 243 and Resler Drive right-of-way, City of El Paso, El Paso County, Texas; An 8.340-acre portion of Tract 2C, Nellie D. Mundy Survey 243, City of El Paso, El Paso County, Texas; An 8.904-acre portion of Tract 1D, Nellie D. Mundy Survey 243, City of El Paso, El Paso County, Texas; A 39.089-acre portion of Tract 1A1, Nellie D. Mundy Survey 243, City of El Paso, El Paso County, Texas; A portion of Tracts 10C, 10D, 10E1 and 12A and all of Tracts 9 and 11, Nellie D. Mundy Survey No. 239, and all of Lot 1, Block 2, Transwest Subdivision Unit One, City of El Paso, El Paso

County, Texas; A portion of Tracts 10C, 10D and 10E1, Nellie D. Mundy Survey No. 239, City of El Paso, El Paso County, Texas.

Location: East of I-10 and approximately 2 miles east and adjacent to Transmountain Road

Request: Zoning Condition Release and Amendment for Ordinance No. 9364, 15708, 16241 and 10052

Zoning: C-3/c (Commercial/conditions), C-4/c (Commercial/conditions), C-4/sc (Commercial/special contract), and C-4/sc/sp (Commercial/special contract/special permit)

Existing Use: Convenience Store/Restaurant, Vacant

Property Owner: Transmountain Development Company LP, Hunt El Paso Investment LTD, Westport Improvement Association, Plexxar Capital LTD, Hill 262 Partners LTD, Plexxar North LTD, RVE Unit 18 LTD, George Duncan (TR), and Transmountain Investors LTD.

Representative: City of El Paso

District: 1

Application Type: Zoning Condition Release or Amendment

Staff Contact: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

MOTION

Motion made by Mr. von Finger, seconded by Mr. Ardovino and UNANIMOUSLY CARRIED TO ADD 10' BUFFER.

ABSTAIN: Mr. Addington

c. Review and comment on current subdivision applications, as indicated below:

(1) **SUB10-00220** Montecillo Unit 1 Replat A – Being a replat of a portion of Lot 1, Block 1, Montecillo Unit 1, City of El Paso, El Paso County, Texas

Location: West of Mesa Street and North of Castellano Drive

Existing Zoning: GMU/c

Proposed Zoning: GMU/c

Property Owner: EPT The Venue at Montecillo Apartments

Representative: Conde Inc.

District: 1

Application Type: Minor

Staff Contact: Raul Garcia, (915) 541-4935, garcia1@elpasotexas.gov

MOTION:

Motion made by Mr. von Finger, seconded by Mr. Tolbert and UNANIMOUSLY CARRIED TO APPROVE.

(2) **SUB10-00189** Enchanted Hills #2 – Being a portion of Tract 8, Laura E. Mundy Survey No. 238, City of El Paso, El Paso County, Texas

Location: East of Interstate Highway 10 and North of Transmountain Road

Property Owner: E.P. Transmountain Residential

Representative: Roe Engineering

District: 1

Staff Contact: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov

RECESS

*During the presentation, Chair Wakeem requested a short recess at 2:50 pm.
Chair Wakeem reconvened the meeting at 2:55 pm.*

Regarding plat presentations should issues arise that the current Code does not address, Ms. Cuellar recommended, the Board make a notation of those issues so that Staff can start considering drafting potential changes to the Code to be presented to City Council. She suggested the Board direct Staff to keep tabs on the different issues that have been popping up that the Board may want to address via Code changes.

1st MOTION:

Motion made by Mr. Addington, seconded by Mr. Ardovino **TO TABLE THIS AGENDA ITEM UNTIL WE HAVE THE COMPLETE INFORMATION TO MAKE AN INFORMED DECISION.**

AYES: Mr. Addington and Mr. Ardovino

NAYS: Mr. von Finger, Mr. Tolbert and Chair Wakeem

To break the tie, Chair Wakeem voted NAY.

Motion failed.

2ND AND FINAL MOTION:

Motion made by Mr. von Finger, seconded by Mr. Tolbert and **CARRIED TO RECOMMEND DENIAL BASED ON THE ISSUE OF THE MOUNTAIN TO RIVER TRAIL AND THE ISSUE OF DRAINAGE.**

NAY: Chair Wakeem

4. **Discussion and Information:** Presentation on how to read and interpret plats, and overview of the Mountain Development Area and Planned Mountain Development District standards by Subdivision section staff, Planning and Economic Development.
Staff Contact: Eddie Garcia, (915) 541-4638, GarciaEZ2@elpasotexas.gov

MOTION:

*Motion made by Mr. Ardovino, seconded by Mr. von Finger and **UNANIMOUSLY CARRIED TO POSTPONE ITEM 4 TO THE NEXT OSAB MEETING.***

5. **Discussion and Action** on a request for an amendment to the 2025 Proposed Thoroughfare System (Major Thoroughfare Plan, MTP) through the deletion of the uncompleted portion of Billy the Kid Street and extension to Americas Avenue. The proposed Collector Arterial extension is located south of Zaragoza Road and north of Americas Avenue; east of Roseway Drive, and south of Billy the Kid Street.
Staff Contact: Ernesto Arriola, (915) 541-4723, arriolaea@elpasotexas.gov

Mr. Arriola explained the applicant has withdrawn the application.

MOTION:

Motion made by Mr. von Finger, seconded by Mr. Ardovino and **UNANIMOUSLY CARRIED TO DELETE.**

6. **Discussion and Information:** Regarding the Open Space opportunities through Green Infrastructure and Low Impact Development.
Contact: Jeffrey Mann, Parametrix, JMann@parametrix.com

Mr. Mann gave a PowerPoint presentation and distributed copies of same to Board Members and Staff. (copy on file)

7. **Discussion and Information:** Regarding the Natural Open Space (NOS) Zoning Ordinance Subcommittee structure and status.
Contact: Chair Charles S. Wakeem, charliewak@sbcglobal.net

Chair Wakeem scheduled a meeting of the Natural Open Space (NOS) Zoning Ordinance Subcommittee Members, Chair Wakeem, Mr. von Finger and Mr. Tolbert, for Wednesday, October 6th, in the afternoon.

8. **Discussion and Action** on extending the scenic corridor in the Transmountain Freeway project by:

- a. Directing City Manager to initiate a zoning change on three tracts of land owned by City of El Paso and managed by the El Paso Water Utilities (Parcel #1: 637.5 Acres legally described as Nellie D Mundy Survey 246, Parcel #2: 125.3360 acres legally described as SJ Larkin, Survey 269 Abstract 10070 Tract 1 and Parcel #3: 155.4651 Acres legally described as SJ Larkin Survey 269 Abstract 10070 Tract 1-A) from R-3, Residential District and PMD, Planned Mountain Development to Natural Open Space (See map for more information),
- b. Directing City Manager to put this land into a conservation easement so that it be preserved in perpetuity as open space,
- c. Directing City Manager to amend the Master Thoroughfare Plan to remove the Paseo del Norte arterial, and
- d. Directing City Manager to work with TXDOT to remove the Paseo del Norte overpass from the Transmountain Freeway design.

Contact: Chair Charles S. Wakeem, charliewak@sbcglobal.net

1st MOTION:

Motion made by Mr. Ardovino, seconded by Mr. von Finger and UNANIMOUSLY CARRIED TO MOVE ITEM 8. TO THE FOREFRONT AND DISCUSS SIMULTANEOUSLY WITH ITEM 3.B.(1). ZON10-00076.

PowerPoint presentation – Borderland Mountain Bicycle Association

Mr. Tolbert presented the Borderland Mountain Bicycle Association's ideas/recommendations/suggestions regarding extending the scenic corridor in the Transmountain Freeway project. (presentation on file)

FOR THE RECORD

Dr. Bonart stated he was a member of the Public Service Board; however, he was speaking only on behalf of the Borderland Mountain Bicycle Association. Dr. Bonart commented on the existing plan and the ideas proposed by Borderland Mountain Bicycle Association.

FOR THE RECORD

Mr. Rudy Valdez, EPWU-PSB, stated the Public Service Board met on this issue several weeks ago in Executive Session to discuss the entire Transmountain project, as well as, this particular Master Plan. Their decision was, with respect to the Master Plan, that it be left intact the way it is. This was a Master Plan that came in 2005, it was vetted, it went through the various processes; Planning Commission and was even approved by City Council as a Master Plan, we still feel it is a valid Master Plan. There is substantial open space that is being provided by way of the Master Plan; almost 1/3 of the property that was part of the original Master Plan was going to be left as open space. They also felt that the extension of Paseo del Norte or Artcraft should also remain. That particular extension actually is proposed to be extended all the way to the State Line, so it's not just serving these properties here that are part of this Master Plan. As properties develop further north that Artcraft extension will also be providing access to those properties. On Representative Byrd's proposal, within that corridor area, the open space that is within that property that Susie Byrd is proposing, there is approximately 365 acres that are within the Master Plan that would be open space and about 409 acres of development property. The other point is that the PSB just last year, as I think I've told the Board before, sold to the State 210 acres that were part of the original Master Plan and an additional 1400 plus acres in Northeast El Paso that were sold to the State to be included in the Franklin Mountain State Park. Also back in 1989 the PSB sold, at a very minimal price to the State, 6800 acres. When you take all those acres and add them up you're looking at almost 1/3 of the acres that are now within the Franklin Mountain State Park that were sold by the PSB to the State.

2nd MOTION:

Motion made by Mr. Addington, seconded by Mr. Ardovino THAT THIS BOARD SUPPORTS AND RECOMMENDS REPRESENTATIVE BYRD'S PLAN TO REMOVE THE ONE BRIDGE AND MAKE ALL OF THE 774 ACRES NORTHWEST MASTER PLAN OPEN SPACE.

Prior to the vote, Mr. Tolbert requested amending the motion language to include "*that the Northwest Master Plan be reviewed*".

Mr. Addington accepted the amendment.

Chair Wakeem reiterated the Motion language "*That the Northwest Master Plan be reviewed and that Representative Byrd's recommendation be recommended by this Board.*"

Prior to the vote, Mr. Ardovino requested an additional amendment to the motion language "*recommending creating a secondary entrance into the State Park, parallel to Transmountain.*"

Mr. von Finger recommended the amended motion language state "*recommend consideration of an optimum way to go.*"

Mr. Addington further recommended the amended motion language state "*look into it and study it*".

Mr. Ardovino recommended the amended motion language state "to consider a proper entrance to the Franklin State Park, on the north side, an ecologically sensitive entrance."

3rd AND FINAL MOTION AMENDED:

Motion made by Mr. Addington, seconded by Mr. Tolbert and **UNANIMOUSLY CARRIED THAT THE BOARD RECOMMEND SUPPORTING ALL OF ITEM 8 AND REPRESENTATIVE BYRD'S MOTION GOING TO COUNCIL OCTOBER 5TH, ITEM 7A; ADDITIONALLY RECOMMENDS A ROADWAY RUNNING PARALLEL NORTH OF TRANSMOUNTAIN ROAD TO THE STATE PARK SUBJECT TO THE STATE APPROVING THAT AND REVIEW OF THE NORTHWEST MASTER PLAN.**

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

October 13th Agenda

1. Chair Wakeem requested the following items:
 - a. **Discussion and Information:** Presentation on how to read and interpret plats, and overview of the Mountain Development Area and Planned Mountain Development District standards by Subdivision section staff, Planning and Economic Development. Staff Contact: Eddie Garcia, (915) 541-4638, GarciaEZ2@elpasotexas.gov
 - b. Grading Ordinance review
 - c. Castner Range Conservation Committee presentation.

Future OSAB Agendas

2. Ms. Cuellar suggested discussing:
 - a. Open Space Advisory Board By-Laws
 - b. Code changes that generate the best results
3. Mr. Addington noted Board Members never got to hear Richie Hernandez of the Texas Water Development Board. Chair Wakeem responded Mr. Martin Noriega, City of El Paso, Flood Plain Administrator, has been scheduled to speak at the October 27th OSAB meeting.

SUGGESTIONS FOR STAFF:

1. Mr. Addington would like one map with all proposed subdivisions, development projects, plats, commercial, the proposed Transmountain and Freeway projects, everything all together. Chair Wakeem suggested one map with the land study.
2. Mr. von Finger would like to know the status of the Dover-Kohl report on ASARCO and would Board Members be receiving a copy of the Dover-Kohl Comp Plan. Additionally, he wondered if Dover-Kohl has been hired for Transmountain. Chair Wakeem responded Staff will present that information at a future OSAB meeting. Chair Wakeem wondered why Board Members have not received a draft copy of the Dover-Kohl Comp Plan.

10. **Adjournment**

MOTION:

Motion made by Mr. Tolbert, seconded by Mr. von Finger and unanimously carried **TO ADJOURN THE MEETING AT 3:56 P.M.**

Minutes prepared by Donna Martinez

BYLAWS OF THE
OPEN SPACE ADVISORY BOARD
City of El Paso
RULES AND REGULATIONS

The Open Space Advisory Board (hereinafter referred to as “Board”) hereby adopts these bylaws. The purpose of these bylaws is to provide general guidance to the Board in the performance of its duties for which the Board was created, not inconsistent with the charter and ordinances of the City. These bylaws shall be supplementary to the regulations governing the Board within Chapter 2.22 (Open Space Advisory Board) of the El Paso City Code, as may be amended by the El Paso City Council. No action of the Board which is otherwise valid shall be invalidated solely by reason of Board’s failure to follow these bylaws.

ARTICLE I – Duties

~~The Open Space Advisory Board shall act as an advisory board and provide recommendations to the Mayor and City Council in 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 matter pertaining to open space submitted to the board by the Director of the Department of Parks and Recreation, the Director of the Development 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.~~

~~The Parks and Recreation Advisory Board shall have the duties as designated in the Charter and City Code of the City of El Paso, Texas; any conflict between By Laws and Code, City Code shall prevail.~~

ARTICLE I – Membership

~~The Parks and Recreation Advisory Board shall be comprised of members as designated in the Charter and City Code of the City of El Paso, Texas.~~

1. The members of the Board shall be those members appointed by the Mayor and City Council in accordance with Section 2.22.010 of the City Code.
2. The Board shall consist of nine members who shall be resident citizens of El Paso and known to be interested in open space, trails and greenways.
3. The Stormwater Engineer of the El Paso Water Utilities Public Service Board shall serve as an ex-officio member with the right to attend meetings and speak on questions before the Board but without the right to vote and will not be counted for purposes of establishing a quorum. Ex-officio members cannot serve as Chair or Vice Chair.
4. The initial terms of the members nominated by the Mayor and the District Representatives from Districts 2, 3, 4 and 7 shall be four years. The initial terms of the members nominated by the district representatives from Districts 1, 5, 6 and 8 shall be two years. Thereafter, all terms shall be for terms of four years and all terms shall expire in June.
5. When the term of any member expires, the member shall continue to serve until his successor is appointed and qualified, or until thirty days have passed following the expiration of the term, whichever event occurs first. Any holding over past the thirty-day period is prohibited, and after that time a vacancy in the Board shall exist and the former member shall have no power to vote or participate in Board proceedings; but such vacancy shall not serve to reduce the number of members required for a quorum.

ARTICLE II - Officers

1. The officers of the Board shall be the Chair and Vice-Chair. Their duties shall be those usually pertaining to presiding over meetings. The officers shall be regularly appointed members of the Board.
2. The officers shall be elected annually by a simple majority vote of the members present at the first regular meeting in June of every year. The term of office shall begin in the following month of July. The terms of office shall expire on June 30th of the following year but in any case shall hold office until their successors have been elected and have been qualified. However, no member shall be elected to the same office for more than two consecutive terms.
3. The Chair shall preside at all meetings of the Board, but if for any reason he is absent or unable to act, then the Vice-Chair shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Chair. Upon the arrival of the Chair, the acting Chair shall immediately relinquish the chair upon the conclusion of the item of business then pending before the Board.
4. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Board, shall state questions coming before the Board, as necessary for clarity, and shall announce the decision of the Board, on all subjects.
5. All questions of order shall be decided by the presiding officer with the right of appeal from his decision to the Board that is then present. A majority of the Board may override his decision.
6. When an officer vacancy exists, the position shall be filled by the next succeeding officer. The Chair shall call for an election from the membership of the Board to fill any vacancy then created at the first available meeting of the Board.

ARTICLE III - Meetings

1. Regular meetings of the Board shall be held every other Wednesday at 1:30 p.m. on the alternate week that the City Plan Commission meets. Meeting times may be changed by a majority vote of the members present at a meeting of the Board.
2. Special meetings may be called by the Chair in accordance with Open Meetings regulations and in coordination with staff liaisons.
3. All meetings shall be open to the public. Any meeting may be adjourned, recessed or continued from time to time without additional notice.
4. When a member is absent from three consecutive meetings, the Chairman, Vice-Chairman or Executive Secretary shall report this fact to the Mayor and City Council so that consideration may be given to removal of such member.
5. The Board hereby adopts the current edition of Roberts' Rules of Order as its rules of procedure that will govern the business proceedings of the Board whenever they are not in conflict with the provisions of any ordinances establishing this Board or the provisions of these Bylaws. All questions on matters of procedure shall be referred to the City Attorney or his/her designee.

ARTICLE IV - Quorum

~~A quorum shall consist of a majority of the appointed members. Meetings shall not continue without a quorum.~~

A quorum of the Board shall be a majority of the total number of the Board members who have been appointed by city council at the time of the Board meeting; provided however that a quorum shall not be less than three.

ARTICLE V - Voting

1. Each member of the Board, including the Chair, shall be entitled to vote on matters before the Board unless he/she has a conflict of interest, such as personal or financial, in the matter. Recusal from the Board for this purpose shall be shown in the minutes.
2. The concurring vote of a simple majority of the members present and voting shall be necessary to decide in favor or against any matter on which the Board wishes to pass.
3. Proxies shall not be allowed.
4. A member may change his/her vote after the roll has been completed and before announcement of the result, but not thereafter unless the item has been reconsidered.

ARTICLE VI - Decorum and Debate

1. When a member desires to speak or make a motion, he/she shall address himself/herself through the Chair. Upon being recognized by the Chair, he/she may address the membership.
2. When more than one member addresses the Chair, the Chair shall name the person who is to speak, recognizing the person who first addressed the Chair.
3. No member shall interrupt another, except to call to order.

ARTICLE VII - Participation by Employee and Public

1. No person shall interrupt the proceedings of the Board.
2. Orderly procedure requires that each person shall proceed without interruption from the audience, that all arguments shall be addressed to the Board, and that there be no questioning or arguing between individuals.
3. When an officer, an employee of the City, or an ex-officio member desires to speak, he/she shall address the Chair, and upon being recognized, shall state his/her name and position with the City and then speak.
4. Any member of the public shall have a reasonable opportunity to be heard on agenda items being heard by the Board, provided that such comments are germane and relative to the agenda item being discussed. A person desiring to speak shall address the Chair. Upon being recognized, such person shall state his/her full name. The time allowed for comments before the Board may be limited to a fixed number of minutes at the discretion of the presiding officer. Members of the public will usually be granted five (5) minutes to present their position on the agenda item. Time will be kept by the Executive Secretary. Members of the Board may move to grant additional time to speakers. Such extended time will be determined by a simple majority vote of Board, present and voting. Once a member of the public has been given an opportunity to be heard on the agenda item, then the same person may not comment again on that agenda item, except that the Board, by simple majority, may allow additional comments.

Personal attacks are not permitted. Members of the public should address their questions to the Board, not to the staff. Board may in turn ask staff to provide input.

ARTICLE VIII – Records

A written record of all meetings shall be kept. The proceedings of the Board shall show the passing or failure of actions and the members absent or failing to vote, indicating such fact.

The written records shall be public records and shall be available for inspection at the main office of the Planning Division, Planning and Economic Development Department.

ARTICLE IX- Staff

The director of the Planning Division, Planning and Economic Development Department, shall designate a Planning Division employee to serve as the executive secretary and provide administrative and technical staff support to the Board.

ARTICLE X - Subcommittees

The Board may establish ad hoc subcommittees, appointed by the Chair, for the purpose of providing in depth study to issues of concern. Subcommittees will provide recommendations to the Board as a whole for final action. A clear purpose and ending outcome for the ad hoc subcommittee must be identified.

Subcommittee meetings shall be guided by ~~Articles IV, V, VI, VII and VIII of these Rules and Regulations~~ these bylaws where applicable.

ARTICLE XI - Amendment

The Open Space Advisory Board may adopt, amend and rescind these rules and regulations by a simple majority.

**ADOPTED ON _____ BY THE OPEN SPACE
ADVISORY BOARD AT A MEETING OF ITS MEMBERS.**

ATTEST:

Charles S. Wakeem, Chair

Mathew McElroy, Executive Secretary



City of El Paso – Open Space Advisory Board Staff Report

Case No: ZON10-00079
Application Type: Detailed Site Development Plan Review
CPC Hearing Date: October 21, 2010
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 1 Silent Crest Drive
Legal Description: Lot 1, Block 1, Sierra Crest, City of El Paso, El Paso County, Texas
Acreage: 6.04 acres
Rep District: 1
Existing Zoning: PR-I/sc (Planned Residential/special contract)
Existing Use: Vacant
Request: Increase building height from 35' to 45'
Proposed Use: Single-family residential

Property Owner: Frederick & Ginger Francis
Applicant: Frederick & Ginger Francis
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: PR-I/sc (Planned Residential/special contract) / Single-family residential

South: PR-I/sc (Planned Residential/special contract) / Vacant

East: PR-I/sc (Planned Residential/special contract) / Vacant

West: PMD (Planned Mountain Development) / Vacant and PR-I (Planned Residential) / Single-family residential

THE PLAN FOR EL PASO DESIGNATION: Residential (Northwest Planning Area)

Nearest Park: Arroyo Park (3,998 feet)

Nearest School: Mesita Elementary (8,596 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association

NEIGHBORHOOD INPUT

Detailed Site Development Plan does not require public notification as per Section 20.04.520, Notice, of the El Paso City Code.

CASE HISTORY

On August 8, 1975, City Council approved the rezoning of subject property to PUD-1 (Planned Unit Development) and added a special contract which imposed conditions by Ordinance No. 5603, dated August 8, 1975:

Ordinance No. 5603:

- 1. No buildings shall be permitted on the property except detached, single-family dwellings and; (Condition has been satisfied)*
- 2. Not more than two detached, single-family dwellings per acre shall be permitted on the property. (Complies with condition).*

On September 25, 1979, the subject property was rezoned from PUD-1 (Planned Unit Development) to PR-I (Planned Residential I) by City initiated Ordinance No. 6725.

APPLICATION DESCRIPTION

The applicant has submitted a detailed site development plan in accordance with the PR-I (Planned Residential I) district supplement requirements 20.10.360, to increase building height from 35 feet to 45 feet. The site plan shows a 15,815 sq. ft. single-family dwelling with access from Silent Crest Drive.

DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the detailed site development plan request as it meets all the requirements of Section 20.04.150, Detailed Site Development Plan.

The Plan for El Paso-City-Wide Land Use Goals

All applications for detailed site development plan shall demonstrate compliance with the following criteria:

- a. Goal: Provide and enforce standards for providing decent, safe and sanitary housing for all El Pasoans in accordance with federal, state and local regulations.
- b. Goal: Provide a wide range of housing types that respond to the needs of all economic segments of the community.

The purpose of PR-I (Planned Residential) district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at lower residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; and to offer an opportunity for design flexibility and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for detailed site development plan review and offered no objections to the Planning Staff's recommendation for **APPROVAL**.

Engineering & Construction Management Service Department

Construction Management Division:

Zoning Review: Plan review has no objections.

Land Development:

General Comments:

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
2. Grading plan and permit shall be required.*
3. Storm Water Pollution Prevention Plan and/or permit required.*
4. Drainage plans must be approved by the Development Services Department, Engineering Section.*
5. The Subdivision is within Flood Zone C, "Areas of minimal flooding"- Panel # 480214 0033B, date October 15, 1982.

* This requirement will be applied at the time of development.

Department of Transportation:

Recommends sidewalk/pedestrian access to house.

Fire Department:

El Paso Fire Department has no objections.

El Paso Water Utilities:

- 1. EPWU does not object to this request
- EPWU-PSB Comments

Water:

- 2. There is an existing 6-inch diameter water main extending along Silent Crest Drive that is available for service, the water main is located approximately 10 feet east from the center right of way line.
- 3. Previous water pressure from fire hydrant #4931 located approximately 175-feet east from the north west property line have yielded a static pressure of 116 (psi), a residual pressure of 116 (psi), and a discharge of 750 (gpm).
- 4. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

- 5. There is an existing 8-inch diameter sanitary sewer main that extends along Silent Crest Drive that is available for service, the sanitary sewer main is located approximately 5-feet west from the center right of way line.

General:

- 6. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Open Space Advisory Board

Pending review for October 13, 2010.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the detailed site plan application:

- 1. Recommend approval of the application finding that the detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
- 2. Recommend approval of the application with modifications to bring the detailed site development plan into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
- 3. Deny the application finding that the detailed site development plan does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

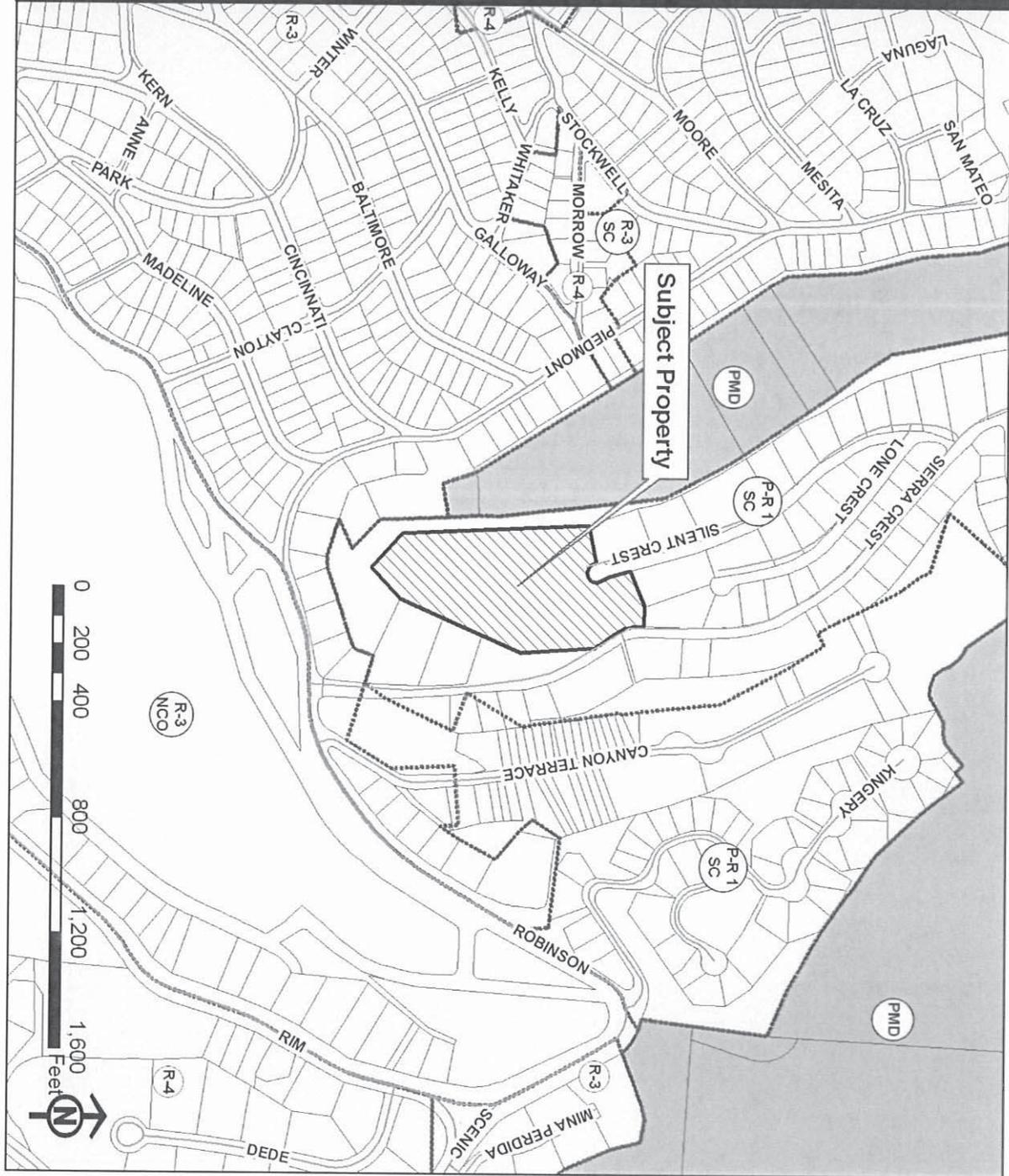
Attachments

- 1. Zoning Map
- 2. Aerial Map

3. Detailed Site Plan
4. Site Plan, Enlarged
5. Elevations
6. Ordinance No. 5603
7. Ordinance No. 6725

ATTACHMENT 1: ZONING MAP

ZON10-00079



ATTACHMENT 2: AERIAL MAP

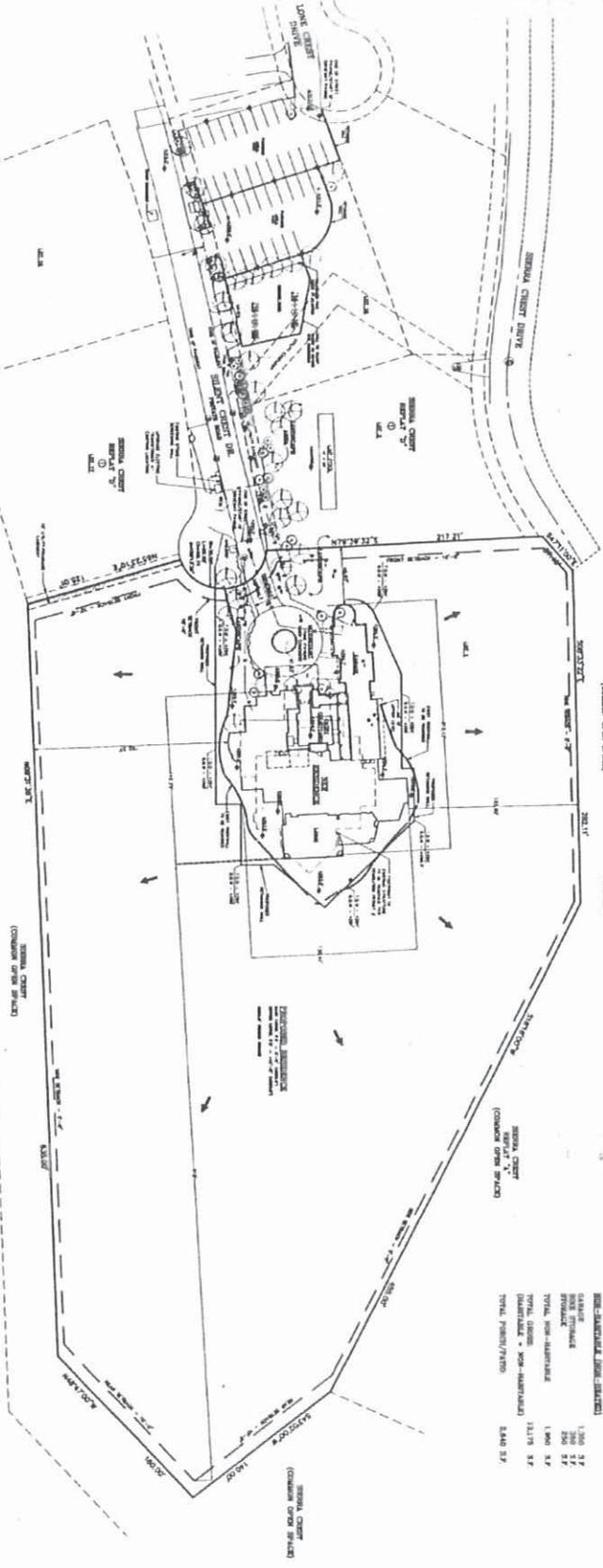
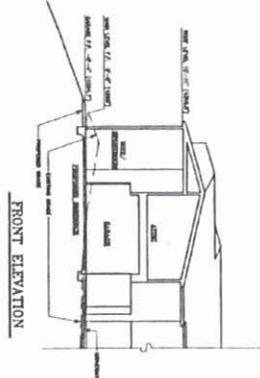
ZON10-00079



ATTACHMENT 3: DETAILED SITE PLAN

FRANCIS RESIDENCE
EL PASO, TEXAS

DETAIL SITE PLAN
BEING LOT 1, BLOCK 1, SIERRA CREST,
CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING: 6.0417± ACRES



- LEGEND**
- LANDSCAPE TO BE OF NATIVE/PLANTIALIZED SPECIES.
 - CONSIDERED PLANTS OF EL PASO
 - PLANTING TREE LOCATIONS
 - 9' GULLY WIDTH - 9' FROM LOT OF STREET FRONTAGE
 - LANDSCAPE AREA - GARDEN COURTS/ COURTESY ROCK
 - SIERRA CREST (CONSIDER OPEN SPACE)
 - SIERRA CREST (CONSIDER OPEN SPACE)

AREA CALCULATION

BUILDING AREA CALCULATIONS	
BASEMENT AREA	9,450 S.F.
FIRST FLOOR	2,272 S.F.
TOTAL BUILDING	11,722 S.F.
NON-BUILDING AREA (BASED)	
POOL	1,700 S.F.
POOL DECK	200 S.F.
TOTAL NON-BUILDING	1,900 S.F.
TOTAL GROSS	13,622 S.F.
(BASED ON 20% OVERHEAD)	
TOTAL FINISH/FINIS	12,442 S.F.

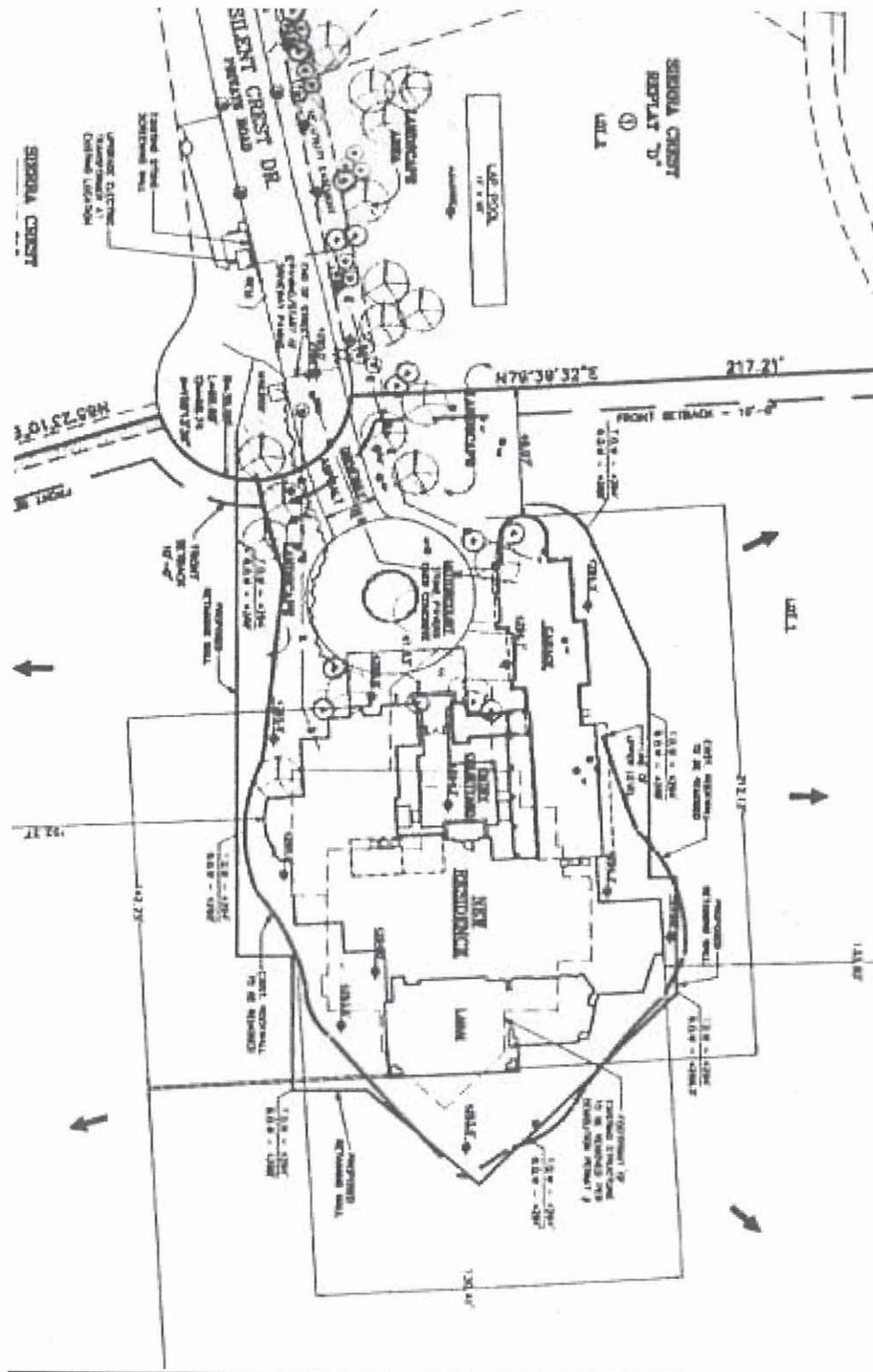
NOTE:
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
SEE PERMITS FOR ALL DIMENSIONS FROM AGREEMENT AND CLIENT.



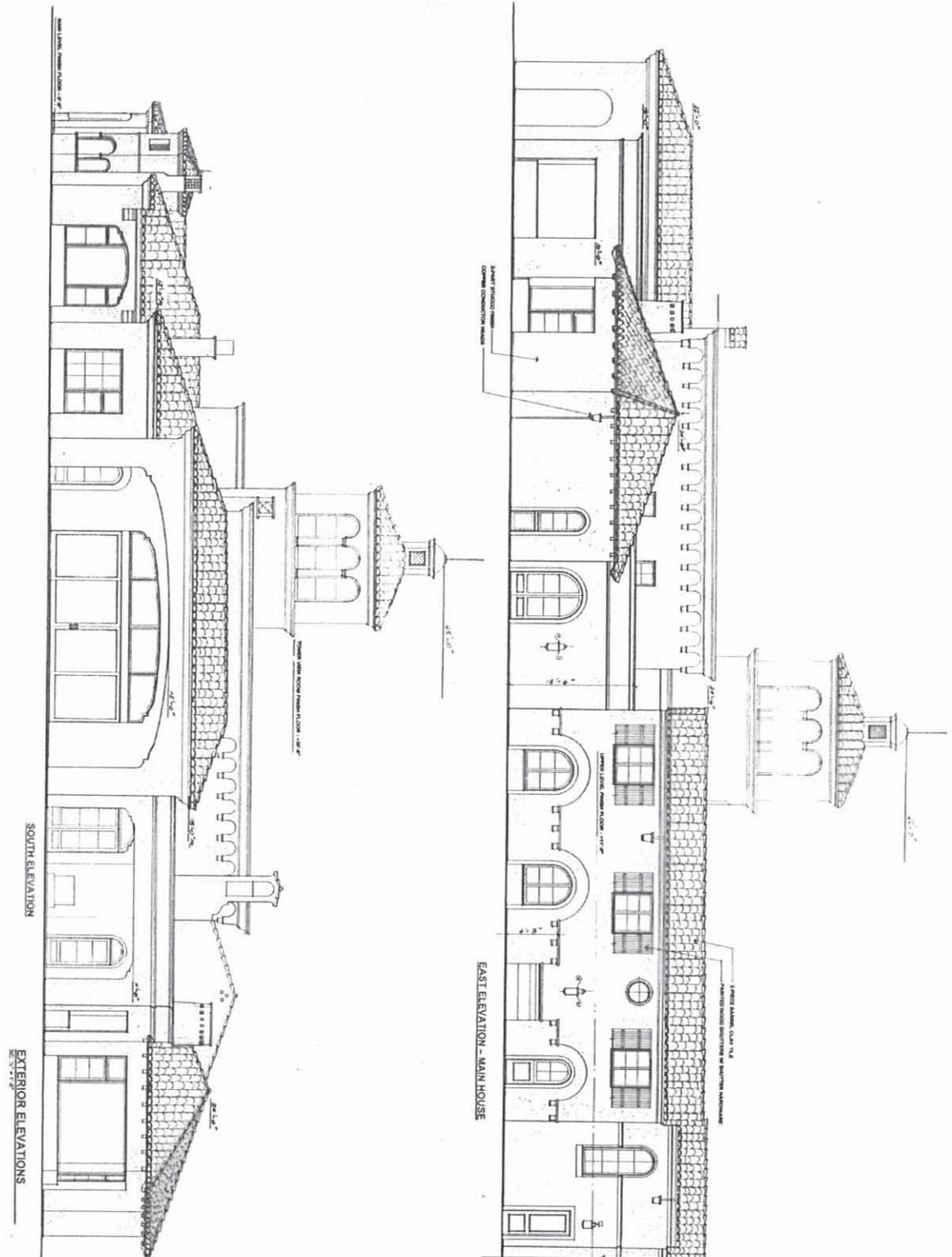
DON EDSON
ARCHITECT AIA (780) 438-3877
700 PALMDALE AVENUE RD-220
CARLSBAD CA 92011



ATTACHMENT 4: SITE PLAN, ENLARGED



ATTACHMENT 5: ELEVATIONS



A-9
DON EDSON
 ARCHITECT AIA (760) 439-5627
 703 PALOMAR AIRPORT RD-220

FRANCIS RESIDENCE
 FI DAGO TEXAS

ATTACHMENT 6: SPECIAL CONTRACT ORDINANCE NO. 5603

AN ORDINANCE CHANGING THE
ZONING OF M. J. MC KELLIGON
SURVEY #270 AND THAT PORTION
OF THE UNDEVELOPED KERN
PLACE SUBDIVISION IN CRAZY
CAT MOUNTAIN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of M. J. McKelligon Survey #270 and that portion of
the undeveloped Kern Place Subdivision in Crazy Cat Mountain, more par-
ticularly described by metes and bounds below, be changed to PUD-1 (Planned
Unit Development) within the meaning of the Zoning Ordinance, and the zoning
map of the City be revised accordingly:

A portion of McKelligon Survey No. 270, H. T. & B. Railway Company, Grantee,
Cert. No. 586, being the unplatted area on Crazy Cat Mountain as shown upon the
Original Map of Kern Place Addition to the City of El Paso, Texas made by W. L.
Rider, C. E., dated May, 1914, and as shown upon the Second Supplemental Map
of Kern Place Addition to the City of El Paso, Texas, on file in the County Clerk's
Office of said County, said Kern Place Addition being a subdivision of said Survey
270, and described as follows, to-wit:

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: *A.O.*
8-28-75 COUNTER
8-27-75 ORIGINAL
8-28-75 *BLDG INSPECTION*
8-28-75 CONTROL
R. Gonzalez

I certify that the zoning map has been revised to
reflect the amendment of ordinance *#5603*
By *R. Gonzalez* Date *8-29-75*

(75-3921)

ATTACHMENT 6: SPECIAL CONTRACT ORDINANCE NO. 5603

The tract described above contains that adjoining portion (24 feet side) of Piedmont Avenue which was closed by Ordinance dated March 21, 1930, and filed for record in Book 1330, Page 67 of the Deed Records of El Paso County, Texas.

PASSED AND APPROVED this 14 day of August,
1975.



Mayor

ATTEST:



City Clerk

75-3921

ATTACHMENT 6: SPECIAL CONTRACT ORDINANCE NO. 5603

CONTRACT

This contract, made this 9th day of AUGUST, 1975, by and between RICHARD G. MILLER and wife, DEANE G. MILLER, First Parties, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of M. J. McKelligon Survey #270 and a portion of Kern Place Addition in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 5603 now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Parties covenant that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

1. No buildings shall be permitted on the property except detached, single-family dwellings.
2. Not more than two detached, single-family dwellings per acre shall be permitted on the property.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS the following signatures and seal:

Richard G. Miller
Richard G. Miller
Deane G. Miller
Deane G. Miller

75-3921

ATTACHMENT 6: SPECIAL CONTRACT ORDINANCE NO. 5603

THE CITY OF EL PASO

By E. J. Boyd
Mayor PRO TEM

ATTEST:

W. R. Rojas
City Clerk

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared RICHARD G. MILLER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 8TH day of AUGUST, 1975.

Jeraldine Hubbard
Notary Public, El Paso County,
Texas.
JERALDINE HUBBARD, Notary Public
In and for El Paso County, Texas
My commission expires June 1, 1977

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared DEANE G. MILLER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 8TH day of AUGUST, 1975.

Jeraldine Hubbard
Notary Public, El Paso County,
Texas.
JERALDINE HUBBARD, Notary Public
In and for El Paso County, Texas
My commission expires June 1, 1977

75-3921

ATTACHMENT 6: SPECIAL CONTRACT ORDINANCE NO. 5603

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared ~~DON HENDERSON~~, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 14 day of August, 1975.

Arbela C. Gilman
Notary Public, El Paso County,
Texas.

ARBELA C. GILMAN, Notary Public
In and for the County of El Paso, Texas
My Commission Expires June 1, 1977

75-3921

ATTACHMENT 6: SPECIAL CONTRACT ORDINANCE NO. 6725

6725

Date: 9/18/79
City: El Paso
Date: 9/18/79
City: El Paso

AN ORDINANCE ADOPTING A REVISED ZONING MAP OF THE CITY OF EL PASO, THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That pursuant to Section 25-8 of the El Paso City Code (Zoning District Maps - incorporated by reference) the following attached maps:

- a) The map, consisting of sheets 1 to 62, inclusive, captioned "Official Zoning Map Series, City of El Paso, Scale 1" = 300'," and bound together with a title-index sheet;
- b) The map, consisting of sheets 1 to 15, inclusive, captioned "Zoning Map Series Supplement, 1" = 600' series," and bound together with a title-index sheet;

which maps are made a part of this Ordinance by reference, be and are hereby adopted as the Revised Zoning Map of the City, and shall supersede all prior maps and revisions thereof.

2. That the use districts and area districts shall be as shown on said map; and all notations, references and other information shown on said maps are hereby made a part of the Zoning Ordinance and shall be considered as much a part of the same as if the matters and information set forth by said map were all fully described therein. Except as otherwise provided in the Zoning Ordinance, no building shall be used, erected, or structurally altered, except in conformity with the regulations provided in the Zoning Ordinance for the use and area districts in which such building is located as shown by such revised map.

PASSED AND APPROVED this 18 day of September, 1979.

ATTEST:

W. Rogers
City Clerk

Robert R. Penner
Mayor MAYOR PRO-TEM

APPROVED AS TO FORM:

W. Rogers
City Attorney

6725



City of El Paso – Open Space Advisory Board Staff Report

Case No: ZON10-00066
Application Type: Zoning Condition Release
CPC Hearing Date: September 23, 2010
Staff Planner: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

Location: South of Northern Pass Drive and North of Paseo Del Norte Drive
Legal Description: Parcel A – A 1.451 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (zone C-1/c, Parcel 5 in Ordinance 15672)
Parcel B – A 2.158 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (zone C-3/c, Parcel 6 in Ordinance 15672)
Parcel C – An 11.283-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (zone R-3A/c, Parcel 7 in Ordinance 15672)

Acreage: 14.891 acres
Rep District: 1
Zoning: C-1/c (Commercial/conditions), C-3/c (Commercial/conditions) and R-3A/c (Residential/conditions)
Existing Use: Vacant
Request: Release all conditions imposed by Ordinance 15672
Proposed Use: Apartments
Property Owners: Hunt Communities Holdings, LLC
Representative: Kimley-Horn and Associates, Inc.

SURROUNDING ZONING AND LAND USE

North: R-3A/c (Residential/conditions) / Single-family residential / Vacant
South: C-1/c (Commercial/conditions) and C-3/c (Commercial/conditions) / Vacant
East: R-3A/c (Residential/conditions) and C-3/c (Commercial/conditions) / Vacant
West: R-3A/c (Residential/conditions) and C-1/c (Commercial/conditions) / Single-family residential / Vacant

Plan for El Paso Designation: Mixed Use and Commercial (Northwest Planning Area)

Nearest Park: Cimarron #1 Park (2,536 Feet)

Nearest School: Kohlberg Elementary (7,390 Feet)

NEIGHBORHOOD ASSOCIATIONS

Coronado Neighborhood Association
Mountain Arroyos Neighborhood Association
Save the Valley Neighborhood Association
Upper Mesa Hills Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on,

September 7, 2010. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to release all conditions imposed by Ordinance 15672 dated January 23, 2004 (See attachment 4). The property is 14.891 acres in size and zoned as follows C-1/c (Commercial/conditions), C-3/c (Commercial/conditions) and R-3A/c (Residential/conditions). This case is related to Rezoning case ZON10-00048 for a request to rezone the entire 14.891 acres property to A-O (Apartment-Office). The conditions imposed on the property are as follows:

- The condition imposed on the C-3 zoned portion (Parcel 6 in the Ordinance) requires a ten-foot (10') landscaped buffer:

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line were abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal code and shall be required prior to the issuance of any building permits.

- The conditions imposed on the R-3A zoned portion (Parcel 7 in the Ordinance):
 1. *Sixty percent (60%) of the land area within Parcel 7 shall not exceed the gross density of the R-3 (Residential zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. Should the gross density exceed 7.26 units per acre, the entire acreage represented within the subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.*
 2. *For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.*

PLANNING DIVISION RECOMMENDATION

Planning Division recommends **approval** of the release of zoning conditions:

The Plan for El Paso-City-Wide Land Use Goals

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: preserve, protect, and enhance the integrity, economic vitality, and livability of the city's neighborhoods.
- b. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- c. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

The purpose of the A-O district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for zoning condition release and offered no objections to the Planning Staff's recommendation for **approval** of the zoning condition release.

Development Services Department - Building Permits and Inspections Division

Plan Review: Plan Review has no objections to the rezoning.

Landscape: No comments received.

Development Services Department – Subdivision Plan Review

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- Grading plan and permit shall be required.*
- Storm Water Pollution Prevention Plan and/or permit required.*
- Drainage plans must be approved by the Development Services Department, Engineering Section.*
- Coordination with TXDOT
- No water runoff allowed outside the proposed development boundaries, (On-site ponding required)
- The Subdivision is within Flood Zone C – “Areas of minimal flooding, (No shading).” – Panel # 480214 0017C, dated February 5, 1986.

*This requirement will be applied at the time of development.

Engineering Department - Traffic Division

- No objection to zoning change.

- Ordinance conditions are in reference to landscape buffers and density.

Street Department

We offer no objections.

All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Fire Department

El Paso Fire Department, Strategic Planning Division has no objects to zoning change.

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. Along Northern Pass Boulevard fronting the subject property, there is an existing 30-inch diameter water transmission main. No service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations.

3. Along Northern Pass Boulevard fronting the subject property, there is an existing 12-inch diameter water main.

4. The subject property will be located within an intermediate pressure zone. Pressure reducing and pressure relief valves are required within the water distribution system. In addition, private water pressure regulating devices will be required at the discharge side of each water meter. The Owner/Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the lot/home buyer shall be responsible for the operation and maintenance of the above-described privately-owned water pressure regulating devices.

Sanitary Sewer:

5. The Developer of Northern Pass Boulevard has entered into a development agreement with the El Paso Water Utilities – Public Service Board (EPWU-PSB) to install sanitary sewer main facilities along Northern Pass Boulevard and along the future street located south of Northern Pass Drive and

immediately west of the subject property. The Developer's utility contractor is currently installing these sanitary sewer mains. Permanent service for the property will be available after EPWU-PSB issues a Letter of Final Acceptance of the facilities.

General:

6. If the development of the subject Property requires public main extensions within the Property, easements will be required. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy. EPWU-PSB requires access to water, sanitary sewer facilities, appurtenances, and meters within the easement area 24 hours a day, seven (7) days a week.

7. EPWU requires a new service application to provide service to the subject subdivision. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Sun Metro

Sun Metro does not oppose this request for rezoning. Sun Metro recommends that sidewalks be constructed to City standards in order to provide pedestrian accessibility to mass transit services.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments:

Attachment 1: Zoning Map

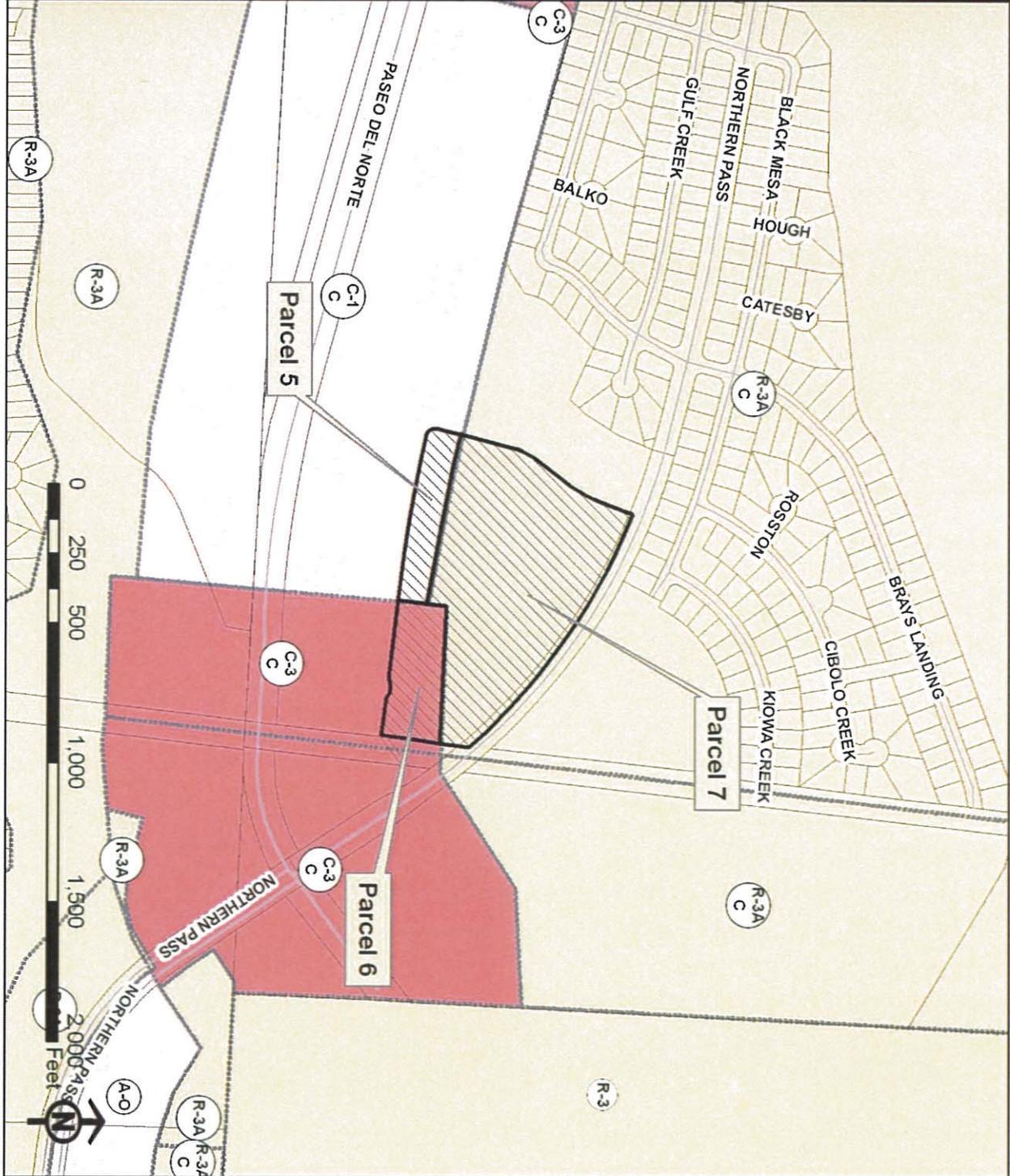
Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

Attachment 4: Ordinance 15672

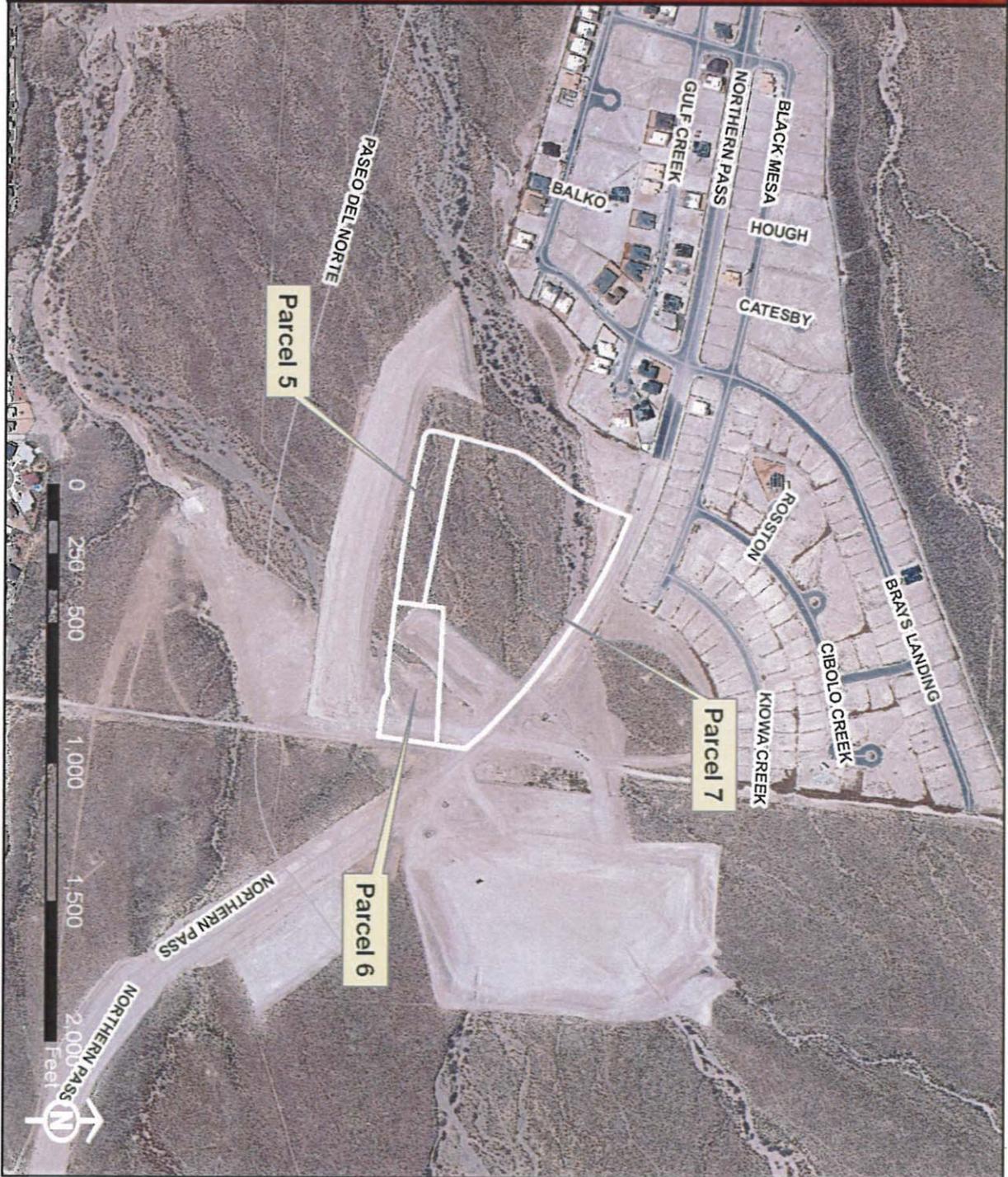
ATTACHMENT 1: ZONING MAP

ZON10-00066

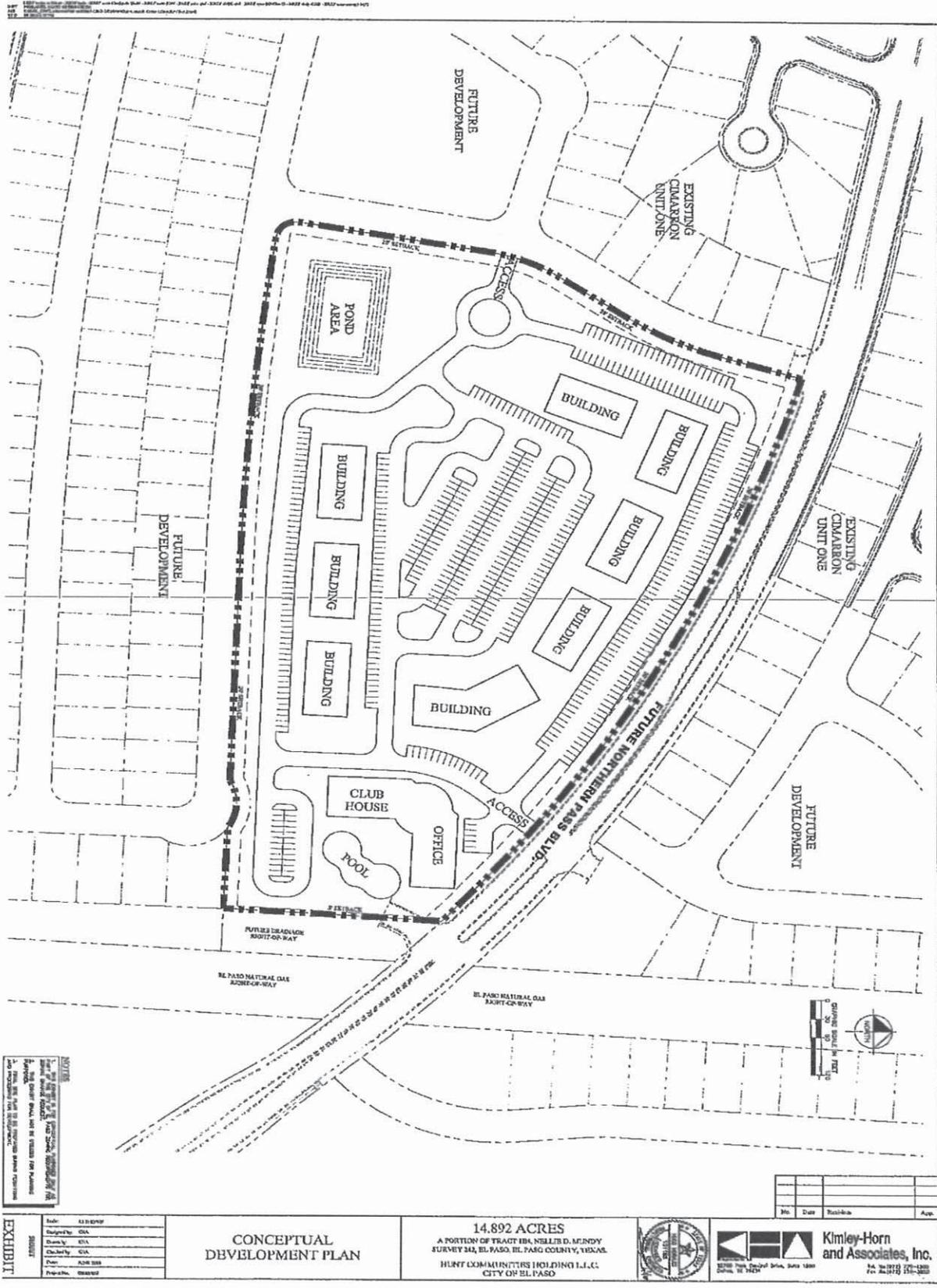


ATTACHMENT 2: AERIAL MAP

ZON10-00066



ATTACHMENT 3: CONCEPTUAL SITE PLAN



NOTES
 1. THIS PLAN IS A CONCEPTUAL DEVELOPMENT PLAN AND IS NOT A FINAL ENGINEERING PLAN.
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF EL PASO AND THE STATE OF TEXAS.
 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF EL PASO AND THE STATE OF TEXAS.

Scale:	AS SHOWN
Designed by:	CHA
Drawn by:	CHA
Checked by:	CHA
Project:	14.892 ACRES
Project No.:	00000000

CONCEPTUAL DEVELOPMENT PLAN

14.892 ACRES
 A PORTION OF TRACT 18A, NELLE D. MUNDY
 SURVEY 24, EL PASO, EL PASO COUNTY, TEXAS
 HUNT COMMUNITIES HOLDING L.L.C.
 CITY OF EL PASO

		No. _____ Date _____ Revision _____ App. _____
		Kimley-Horn and Associates, Inc. 200 West 11th Street, Suite 1200 El Paso, TX 79901 Tel: 915.762.1200 Fax: 915.762.1201



**CITY OF EL PASO - GRADING ORDINANCE – OSAB SUBCOMMITTEE RECOMMENDATIONS
COORDINATION MEETING MINUTES
MEETING DATE/LOCATION: SEPTEMBER 8 & 22, 2010, 4:00PM/ENGINEERING 4TH LARGE CONF ROOM**

MEETING MINUTES

DISCUSSION ITEMS

SECTION - ITEM	OSAB Recommendation	Engineering Discussion/Recommendation
18.44.030.H	Requested that offsite impact be incorporated in the definition of "Excessive Erosion", in addition to "as determined by the director?"	Will incorporate comments
18.44.030	Watershed needs to be defined. It implies a big watershed, smaller projects use the term "Drainage Area".	Will incorporate comments
18.44.030.W	Separate stabilized Site and Slope- current definition implies on the erosion control stabilization, but the structural stability needs to be addressed.	Will incorporate comments
18.44.050	Permits required – Single grading permit shall be issued at Final Plat approval by the CPC	Staff is recommending to stay with issuing the permit at preliminary approval per chapter 20 Subdivision Code.
18.44.060	The draft ordinance needs to be reviewed to establish correct language related to Chapter 15 and the Storm Water Discharge Permit	Will incorporate comments
18.44.060.G	The access roadway exemption shall be reduced from 20' to 15'	Staff is recommending issuing the permit at preliminary approval per chapter 20 Subdivision Code.
18.44.070.G.1	Swap Watersheds with Drainage Areas	Will incorporate comments
18.44.070.H.1	GSP implementation for all disturbed areas that will be exposed to erosion for more than 120 days (in lieu of 180 days)	Staff recommends that 180 is reasonable time for them to establish a building permit. In addition, during this time, the applicant is required to continue the maintenance of the construction BMPs as required under title 15.
18.44.070.H.1	Clarify that the GSP addresses post construction stabilization an d is above and beyond Title 15 Requirements.	Will incorporate comments
18.44.070.I	Modify statement as follows: SWPPP will be required by the City Engineer in accordance with state regulations.	Will incorporate comments.
18.44.070.J	Modify statement as follows: A geotechnical report by an Engineer indicating the types and characteristics...	Will incorporate comments.
18.44.160.B	Modify statement as follows: If materials are washed or deposited upon city right-of-way, drainage structures, drainage easements, drainage right-of-way, streets, alleys or other public property as a result of improperly controlled grading...	Will incorporate comments.
18.44.180.B	Tie "Excessive Erosion" to the language, do it for consistency throughout the ordinance, add destabilized site reference	Will review and modify for consistency.

18.44.200.A	Add additional language to ensure the sites are not balanced by grading into natural drainage paths.	Will incorporate comments
18.44.200.A.5	Modify statement to include "Sedimentation occurs to protect the receiving structure"	Will incorporate comment
18.44.200.A.8.e	Expand the requirements to protect swales and berms from erosion.	Will incorporate comments
18.44.200.A.8.f	Clarify "structurally" stable slopes. Add additional language for stabilization of slopes to include "vegetation alone will not be considered sufficient erosion control"	Will incorporate comments
18.44.200.A.8.g	Expand the requirements of the benches, swales to include counter slope to ensure no water overflows unto the slope. Modify the amount of area that can drain onto a graded slope to be a max width.	Will incorporate comments. Added 30' max width area that can drain onto a graded slope.
18.44.200.A.8.h	Modify statement o include stormwater storage "structure".	Will incorporate comments
18.44.200.A.8.k	Add to the end of the statement "and falling hazard"	Will incorporate comments
18.44.200.A.9	Change Rainwater to "precipitation" and preservation to "use"	Will incorporate comments
18.44.200.A.11	Section does not make sense- need to modify	Will review and revise to focus on stabilization of side slopes for ponds.
18.44.200.A.12.b	Add ADA requirements for access into park/ponds	Will incorporate comments
18.44.200.A.12.d	Add "and Parks Director"	Will verify comment with City Engineer
18.44.200.B	Add the word "ecological" to the second sentence	Will incorporate comments
18.44.200.B.1.a	Paragraph is confusing.	Will review and revise/clarify
18.44.200.B.1.a.iii	Modify sentence to include "if no other shape is hydraulically feasible and approved by the City Engineer"	Will incorporate comments
18.44.200.B.2	Add "soil type" to the second sentence.	Will incorporate comments
18.44.200.B.3	Revise to match the MDA language	Will incorporate comments
18.44.200.D	Make consistent with chapter 15	Areas that overlap with Chapter 15 have been deleted. Comments received and were incorporated. Section D was deleted.
18.44.200.E.3.c	Section E became Section D in the latest draft: Modify statement to include critical areas such as slopes steeper than 3 to 1 and natural drainage paths.	Will incorporate comments
18.44.200.E.5	Section E became Section D in the latest draft: Delete: c. Hydromulch, d. Hydroseeding, h. Wood Mulching, j. Tree line and vegetation wind barriers and add additional language	Will incorporate comments
18.44.220.B	Add "or the dated Construction Site Notice to the statement.	Will incorporate comments

October 7, 2010 DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.44 (GRADING) PROVIDING FOR GRADING REQUIREMENTS; PROVIDING FOR THIS ISSUANCE, SUSPENSION AND REVOCATION OF PERMITS FOR GRADING, CLEARING AND ACCESS, BORROW AND WASTE SITES AND PERMIT FEES; REQUIRING GRADING STABILIZATION PLANS, DRAINAGE PLANS, STORM WATER POLLUTION PREVENTION PLANS, INSURANCE, BONDS, INDEMNIFICATION AND REMOVAL OF HAZARDOUS CONDITIONS; ESTABLISHING GRADING DESIGN GUIDELINES; PROVIDING THE AUTHORITY TO ISSUE CITATIONS; THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 18 (Building and Construction), Chapter 18.44 (Grading), Section of the El Paso City Code shall be and hereby is amended by replacing all sections of Chapter 18.44 to read as follows:

Section 18.44.010: Short title

This Chapter shall be known and may be cited as the "grading ordinance".

Section 18.44.020 Purpose.

The provisions of this Chapter are to complement the subdivision ordinance and the zoning ordinance, and to make the uses permitted by these ordinances more feasible and acceptable in the interest of the individual property owner, the adjacent property owner and the general public. It shall be the purpose of this Chapter:

- A. To protect life, limb, property, the public welfare and the physical environment by regulating grading on public and private property.
- B. To ensure that proposed grading shall result in the minimum possible disturbance of terrain and natural land features necessary to construct

residences or other permitted buildings or structures, or to conduct other legal land uses;

C. In conjunction with Chapter 18.46 – Landscaping, to prevent grading which unnecessarily changes the physical character of terrain, mountains, and natural features.

D. To ensure that the grading will not adversely affect the natural topographic drainage features, result in excessive erosion, degrade natural drainage paths or other drainage features or alter natural surface runoff creating flood problems or irreparable scars;

E. To stabilize steep hillsides and ensure that lateral support to either public or private property is not endangered.

F. To regulate grading in a manner that stabilizes sites to prevent soil erosion both during construction and after construction;

G. To encourage harvesting and preservation of rainwater within the project site, reduce dependence on groundwater, and reduce potential off-site flooding and erosion;

H. To ensure proper method and construction for clearing, grubbing, excavating, filling and land grading operations.

I. To prevent grading that unnecessarily changes open spaces and to mitigate any adverse effects by retaining and/or resorting trees and vegetation.

J. In conjunction with Chapter 15 - Stormwater Management, to prevent erosion.

K. In conjunction with the Drainage Design Manual and Design Standards for Construction - to use sustainability goals to stabilize graded sites.

Section 18.44.030 Definitions.

For the purpose of this Chapter, the following words have the meaning set forth in this section:

A. "Best management practices" ("BMP") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices such as effective integration of storm water management systems (storage/controlled discharge), with appropriate combinations of landscape conservation, enhancement, structural controls, and impervious cover, which provide an optimum way to eliminate soil erosion and prevent soil from leaving the site through water runoff and/or wind during construction.

B. "Caliper" means the average cross-sectional measurement of the trunk of a newly planted tree at six (6) inches above grade if the resulting measurement does not exceed four (4) inches, and twelve (12) inches above grade if the resulting measurement exceeds four (4) inches.

C. "*City Engineer*" shall mean the person designated by the City Manager as the City Engineer or his designee.

D. "Clearing" means the removal of surface vegetation without modifying, impacting or improving the drainage pattern.

E. "Dripline" means a vertical line run through the outermost portion of the crown of a tree and extending to the ground.

F. "Engineer" means a professional engineer currently licensed and registered with the state of Texas.

G. "Grading Stabilization Plan" ("GSP") means a plan for the purposes of stabilizing sites after completion of the grading operation to prevent excessive erosion.

H. "Excessive Erosion" – soil particle movement from a destabilized

I. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of waters or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

J. "Grading" means any disturbance of the surface of the land with heavy equipment that may modify or impact existing drainage patterns.

K. "Heavy Equipment" means self powered, self propelled or towed mechanical devices, equipment and vehicles of the nature customarily for use in agriculture, mining, industry, business, transportation, building or construction such as tandem axle trucks, backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes forklifts, or similar like equipment but excluding automobiles, recreational vehicles and boats and their trailers.

L. "Natural state" means the topography that existed prior to any disturbance of land as certified by a licensed surveyor.

M. "Natural Drainage Path – a flowpath/ channel/ watercourse/ wash/ stream as delineated in the City's Natural Drainage Path Map, plus an additional twenty (20') foot buffer on each side in the delineation in said map.

N. "Owner" shall mean the person or entity who has any ownership interest in the property on which grading is proposed or has taken place or such owner's authorized agent.

O. "Processed material" means naturally occurring, materials such as sand, gravel and rock that have been subjected to any process other than initial excavation such as, but not limited to, screening, crushing, washing and segregating.

P. "Permitee" means the governmental entity, utility company, contractor, person or business entity that has received a permit pursuant to this Chapter.

Q. "Permit Official" means the city employee or employees designated by the City Engineer to administer the issuance and compliance with permits required by this Chapter.

R. "Area of special Flood Hazard" is defined in Chapter 18.60.

S. "Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land and slopes used in connection with the facility or activity.

T. "Slope" means the ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance by the horizontal distance, and multiplying the ratio by one hundred (100).

U. "Soil" means dirt, sand and other similar earth matter, rocks and other solid or semisolid mass material, whether produced by man or nature, but shall not include the matter consisting the infrastructure or appurtenances thereto.

V. "Stabilized Site" means a site or slope that does not undergo excessive erosion.

W. "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

Y. "Stabilization Measure" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices such as effective integration of storm water management systems (storage/controlled discharge), with appropriate combinations of landscape conservation, enhancement, structural controls, and impervious cover, which provide an optimum way to eliminate soil erosion and prevent soil from leaving the site through water runoff and/or wind after the grading is complete or the site becomes idle for more than 180 calendar days.

Section 18.44.040 Compliance with provisions.

A. No grading shall be done within the city without complying with the requirements of this Chapter. All approvals of the Permit Official shall be in writing and issued in advance of the activity being approved.

B. Posting Permit. A copy of the grading permit issued pursuant to this Chapter shall be posted on the grading site during all hours of operation.

C. No blasting shall be permitted under this chapter.

D. At any time that a permit is required by this Chapter, the applicant requesting the permit shall be responsible for contacting the "one call" notification system servicing the area and shall be required to furnish a verification number confirming that such a "one call" has been made as part of the application for grading permit. This requirement however shall create no duty, express or implied, on the part of the city to verify that such a "one call" has been made by the applicant.

E. Work for which a grading permit has been issued under this Chapter shall be executed in conformance with the grading plan approved by the Permit Official and shall not be abandoned or left incomplete.

1. Failure to continue significant work on a grading site once grading has begun or failure to complete the work within the time allowed in the Grading Permit, as limited in this Chapter, may be determined by the Permit Official to be an abandonment of the work required by the permit, and such abandonment will constitute a violation of this Chapter.

2. Having persons or equipment at a site but not prosecuting the work shall not be construed to be significant work.

F. The Grading Stabilization Plan (GSP) shall conform to the guidelines provided by this Chapter.

G. In conjunction with this Chapter, the applicant must comply with the requirements of the Storm Water Pollution Prevention Plan (SWPPP) as defined in Chapter 15 of the El Paso City Code.

H. No grading shall be done in an area of special flood hazard unless permitted and the grading meets the requirements Chapter 18.60 of the El Paso City Code.

Section 18.44.050 Permits required.

A. A grading permit is required and may be issued by the ~~City Engineer~~ Permit Official for the following activities:

1. The reshaping of the land to conform to approved plans for construction on the property;

2. If a borrow or waste permit is required as part of the grading, a grading permit is required for the borrow and/or the waste site as well as a grading permit for the site at which the grading takes place. All requirements of the grading permit as part of a borrow or waste site shall be observed except that earthwork need not balance within the borrow or waste site.

B. When materials are to be borrowed from or wasted to a development site, a borrow or waste grading permit is required and may be issued by the Permit Official.

C. Proposed Subdivisions

If property is required to be subdivided pursuant to Title 19, grading permits are required and shall be issued when the following requirements are met:

OSAB RECOMMENDATION:
ISSUE GRADING AFTER
FINAL APPROVAL.

1. A grading permit shall not be issued by the Permit Official until preliminary approval on a subdivision/plat application or final approval on a combo application has been granted by the city plan commission or administrative approval on a minor subdivision has been granted by the subdivision coordinator as applicable;
2. Should the grading plan and/or drainage plan change after the preliminary plat approval was granted by the city plan commission or administratively by the subdivision coordinator as applicable, such changes shall not be allowed until approved by the Permit Official;
3. A borrow or waste permit meeting the requirements of this Chapter may be issued by the Permit Official pursuant to the requirements of this Chapter.

Section 18.44.060 Exceptions from permits.

Permits will not be required under the following circumstances, which are exceptions concerning only the obligation to apply for a permit, and do not relieve

the Owner from complying with the remaining provisions of this Chapter. A Storm Water Pollution Prevention Plan and authorization to discharge storm water under the TPDES Construction General Permit shall be required in when required by state regulations. The City Engineer reserves the right to require a Grading Stabilization Permit if it is determined that the excepted grading activity has the potential to cause off-site impacts. The person engaged in grading shall have the burden of establishing that he qualifies under any of the following exceptions:

A. If the work is to be performed in connection with construction on a legally platted residential lot or an unplatted residential lot not exceeding one acre in size, and the grading is included as part of a valid building permit, a grading permit shall not be required. This exception shall not apply to any lot of any size within the Mountain Development Area.

B. Where the work to be performed is routine agricultural or land management operations necessary for cultivation of the soil of a farm or ranch;

C. Where the work is performed as part of a city solid waste disposal operation;

D. Where the work is small in depth, area or effect such as tree planting, landscaping that does not impact existing drainage patterns on a residentially used property or interment in properly zoned cemeteries.

E. Demolition of existing buildings and structures including removal of the foundation system, provided that the original grades and drainage shall not be modified.

F. Quarry operations.

G. Road access to the area being surveyed and/or is the subject of geotechnical work, provided that grading for such access is less than twenty feet in width.

H. Maintenance activities to restore a site to the previously approved grading plan.

Section 18.44.070 Permit application.

OSAB
RECCOMENDATION:
15' MAXIMUM WIDTH

Any person desiring a permit under this Chapter shall apply to the Permit Official upon forms furnished by the city. The application will be signed by the owner of the property where the work is to be performed or by his duly authorized agent. The applicant shall assure that all application data are correct. Any falsification of application data shall invalidate the permit. Areas within the designated Mountain Development Area must meet the requirements of this Chapter and Chapter 19.24 of the El Paso City Code. Every application shall contain the following information:

- A. A location, nature and extent of the proposed work and a statement as to the intended use of the site. Changes in the intended use of the land involved will require reapplication for a permit;
- B. The name and address of the owner of record (and owners, if more than one) of the property on which the work is to be performed;
- C. The names, addresses and phone numbers of the persons or organizations that will perform the work and of the person who will be in effective control of the work;
- D. The amount of material to be excavated, moved or filled and the proposed schedule of the work;
- E. A verification number confirming that the applicant has contacted a "one call" notification system as required by this Chapter;
- F. Grading Plan. The following are requirements to be included in the grading plan:
 - 1. Existing and proposed contours that will shape the site, showing in detail the contours, grades, elevations and all facilities for control and disposition of stormwater runoff; the extent of all cuts and fills,
 - 2. Boundaries of the property involved,
 - 3. The location of all buildings and structures on-site and those on adjacent properties within a horizontal distance equal to three times the height of the proposed slope;
 - 4. The existing and proposed grades and contours of the property;

5. The plans and profiles for any facilities, walls, storm drains or other protective measures to be constructed as part of or in connection with the proposed work;
 6. Plans and drawings shall be prepared, sealed, signed and dated by an Engineer;
 7. Shall indicate where the borrow is to be used and a grading plan for the waste of the borrow shall be submitted if the site is unbalanced by more than 10%;
 8. The grading plan shall indicate where the source of the waste is located and a grading plan for the area that is the source of the waste shall be submitted. A waste grading plan is required only if the waste area is offsite the area that is the source of the waste;
 9. The grading plan shall clearly identify the areas to remain undisturbed and manner in which they will be protected.
 10. Where a natural drainage path will be crossed by construction vehicles regularly during construction, a temporary crossing shall be designed by an Engineer and included in the grading plan.
 11. Prior to any disturbance in waters of the United States, the waters of the state of Texas or federally regulated wetlands, the permittee must verify whether a permit will be required from the U.S. Army Corps of Engineers (USACOE) and the Texas Commission for Environmental Quality (for the Environmental Protection Agency). Formal determination from the USACOE on jurisdiction or a permit from the USACOA must be provided.
 12. Any additional information required by the Permit Official, that may be required to carry out the purpose and intent of this Chapter.
 13. Vertical and horizontal benchmark information.
- G. Drainage Plan. The following information is required to be included in the drainage plan:

1. Existing watersheds/drainage areas and how stormwater falling on or through the site will be contained or handled after grading has been completed;

2. Sufficient drainage information to demonstrate proper interim and final handling of stormwater runoff, including existing contours to a point where offsite flow pattern impacts can be determined;

3. A drainage study by an Engineer where the proposed work covered by the application results in changes in existing patterns of drainage or results in the requirement for storm drainage facilities in accordance with the Drainage Design Manual;

4. Grading details for grading conducted in natural drainage ways shall be specifically identified in plans and drawings.

H. Grading Stabilization Plan (GSP). GSP is for the stabilization of the site/slopes after the grading operation is complete (post construction) or if the site becomes idle for more than 180 days. These requirements are in addition to meeting the requirements of Chapter 15 which govern construction activities and erosion control BMPs. The following information is required to be included in the GSP:

1. Show all disturbed areas that will be exposed to erosion for more than one hundred eighty (180) days, including finalized graded areas.

2. The location and description of BMPs to be implemented to stabilize the site and prevent excessive erosion and degradation of the areas adjacent to the site specifying the methods to be used for water erosion, wind erosion and sediment control;

3. Detail the maintenance measures, sequencing/scheduling plan, inspections, verification procedures and documentation that will be followed to ensure that grading and erosion controls are in place and functioning effectively. Ongoing maintenance measures after the site has been stabilized must be included.

4. Certification that the GSP was prepared by an Engineer.

OSAB
RECOMMENDATION:
120 DAYS

5. The GSP may be combined with the grading plan if all facilities and measures are shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan;

I. Storm Water Pollution Prevention Plan (SWPPP) shall be required by the Permit Official when required by state regulations. Requirements for the SWPPP are defined in Chapter 15 of the City Code.

J. Geotechnical Investigation. A geotechnical report prepared by an Engineer indicating the types and characteristics of the soil formations with substantiating data and opinion as to slopes, fills, excavations that may be safely constructed in line with the proposed development of the site and the Stabilization Measure to be used. The minimum requirements for the geotechnical report include but are not limited to slope stability, soil type and stabilization requirements. Should a geotechnical investigation not be necessary, adequate documentation/justification must be provided to the Permit Official for evaluation.

K. A. borrow or waste grading application shall include a projected land use plan for the borrow or waste area.

L. Permit application documents required by this Chapter shall be submitted to the City in one hard copy and one electronic copy in pdf format.

M. All bonds and insurance as required in this Chapter before issuance of the permit.

Section 18.44.080 Insurance and Bonds

A. Insurance requirements. No permit applicant shall be issued a permit until the applicant presents evidence satisfactory to the Permit Official that the applicant meets the following minimum insurance requirements:

1. Insurance shall not be required for projects less than one acre in size of disturbed land.

2. The applicant shall procure and shall maintain during the term of the permit such Commercial General Liability, Property Damage Liability and Vehicle Liability Insurance, naming the Permittee and any subcontractor performing work associated with the Permit as insured, co-insured or additional insured for claims for damages for personal injury, including accidental death, as well as from claims for property damage that may arise from work associated with the permit.

3. Minimum limits of liability and coverage shall be Two Hundred Fifty Thousand and no/100 Dollars (\$250,000.00) for bodily injury liability, including death, for each person and Five Hundred Thousand and No/100 Dollars (\$500,000.00) in the aggregate and One Hundred Thousand and No/100 Dollars (\$100,000.00) for property damage for each occurrence and One Hundred Thousand and No/100 Dollars (\$100,000.00) in the aggregate.

4. Such insurance shall be written by an accredited insurance company under the supervision of the Board of Insurance Commissioners of the state of Texas. Evidence of compliance with these insurance requirements shall be considered as having been met when copy of the insurance policy or a certificate of insurance has been filed with and approved by the Permit Official. Such policy shall include an endorsement that the city is named as an additional insured to the full amount of the policy limits and that the Permit Official shall be notified at least thirty days in advance in the event the policy or policies are canceled and ten days in advance for non-payment of policy premiums. The certificate of insurance shall recite or attach such endorsement for additional insured and the notice requirements. The permittee shall maintain said insurance with a solvent insurance company authorized to do business in Texas. The policy shall provide that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents, servants or employees and

permittee, his officers, agents, servants or employees. Failure by Permittee to keep the policy in full force and effect throughout the term of the permit shall be grounds for cancellation of the permit.

5. Permit applicants who have provided certificates of insurance to the city pursuant to the requirements of a Chapter of the City Code other than this Chapter that meet all of the requirements established in this Chapter shall not be required to obtain an additional insurance but are required to provide such certificates of insurance showing present coverage as required in this Chapter.

6. Government Agencies: Permits shall be required in connection with all city (including but not limited to El Paso Public Service Board/El Paso Water Utilities) public works projects provided that no permit fee shall be required for such projects. Permits shall be required for County, state or federal public works projects only when such projects include grading on the city's right-of way. When grading work is performed by the employees of a governmental agency, the insurance requirements of this section may be met by providing certification that government agency obtaining the permit is self-insured. Grading work performed by those contracting with a governmental agency shall provide the insurance required herein

B. Permit Bond Requirements.

No permit shall be issued under this Chapter to any person, firm or corporation applying for a permit until such applicant has filed with the City Engineer a bond for the amount of Fifty Thousand and No/100 Dollars (\$50,000.00), signed by a surety company authorized to do business in Texas. The City shall be named as the obligee under such bond. The bond shall provide that the principal and its agents, employees, and subcontractors shall comply with all provisions of this Chapter, that the principal shall pay all damages which are sustained by the city and which are caused by failure of the principal, its agents, employees or subcontractors to comply with the provisions of this Chapter, and that the

principal shall indemnify the obligee against claims arising out of such failure to comply, including but not limited to the warranty period required in this Chapter. Bonds shall be issued for a duration sufficient to cover the warranty period required in this Chapter. The surety shall be acceptable to the city as to solvency and such surety shall be listed on the current Department of the Treasury's Listing of Approved Sureties, Department Circular 570, United States Department of the Treasury or its successor publication, ("Circular 570"). If the city becomes dissatisfied that the surety is solvent or the surety is no longer included in Circular 570, the Permit Official may require a bond from a surety listed in Circular 570. Permit applicants who have provided a bond to the city in the amount required by the Permit Official for a permit pursuant to the requirements of a Chapter of the City Code other than this Chapter that meets all of the requirements established in this Chapter shall not be required to obtain an additional bond but are required to provide a copy of such bond provided that such bond specifically includes coverage for the permit or permits issued pursuant to this Chapter. Permittees who have multiple permits issued pursuant to this Chapter are required to provide only one current valid bond for all such permits but may be required to provide a copy of the current bond with each application for a permit.

When a government agency is required to obtain a permit, Contractors under contract with a government agency shall provide the bond required in this Section. No bond is required when all of the grading work performed pursuant to a permit issued under this Chapter to a government agency is performed entirely by the employees of that government agency.

Section 18.44.090 Warranty

Any person issued a permit shall agree warrant and maintain the area described in the permit for a period of two years after the permit is closed by the City

pursuant to Section 18.44.220, or until a building permit is issued for the purpose of maintaining a stabilized site in accordance with the approved GSP, whichever first occurs (the “warranty” or “warranty period”). The city may conduct inspections of the permitted area throughout the warranty period and require maintenance and correction of the work by the permit holder. Failure of the permit holder to correct the work shall constitute a failure to comply with the provisions of this Chapter.

Section 18.44.100 Permit application, staff review.

When grading is to be performed on an unplatted site or when the area of the site exceeds one acre, the Permit Official may evaluate the application regarding any aspect of the proposed work that relates to or affects the zoning or land use, and on the apparent ecological effect of the development. The Permit Official may also refer applications to other appropriate city agencies for review and comment. In such cases, the staff shall provide such comments within a period of ten city working days. The failure of staff to provide timely comments shall not delay the continued processing of the permit application.

Section 18.44.110 Issuance, denial, suspension or revocation of permit.

- A. The grading permit will be issued by the Permit Official upon verification and approval of the information contained within the permit application; and upon payment of the appropriate permit fees.
- B. The Permit Official may refuse to issue any grading permit whenever the proposed grading is contrary to the provisions of this Chapter.
- C. A grading permit may be denied for the failure of the applicant to contact a “one call” notification system servicing the area and to provide a verification number confirming that such a “one call” has been made by the applicant.

D. If any person does any grading or otherwise disturbs the ground cover of any property within the city without a grading permit, he must apply for a grading permit and shall be subject to a double permit fee.

D. Suspension and Revocation. The Permit Official may suspend or revoke a permit for non-compliance with the requirements of this Chapter. Suspension may be issued by the Permit Official for minor violations of the permit that can be corrected within ten calendar days. Failure to correct to the satisfaction of the Permit Official shall result in a revocation of the permit, provided that suspension shall not apply to correction of public nuisance and/or hazardous conditions, as regulated in this Chapter.

Section 18.44.120 APPEALS

Any person aggrieved by the decision of the Permit Official concerning the issuance, denial, revocation or suspension of a permit may appeal such decision to the Construction Board of Appeals.

Section 18.44.130 Period of validity of permits.

All permits, except for borrow and/or waste permits, shall expire within one year of the date of issuance of the permit. Two one-year extensions for completion of work may be granted subject to an additional thirty percent of the initial total fee for each one-year extension. An application for an extension of the permit shall be submitted to the Permit Official prior to the expiration of the permit. The permit will become void and a new permit application required after expiration of the then existing term of the permit when no application for an extension is timely submitted and upon the expiration of the second extension. Borrow or waste permits shall expire within six months from the date of issuance of the permit. Upon expiration of the permit, a reapplication for a borrow or waste permit shall be required.

Section 18.44.140 Permit fees.

A. The application for any permit required by this Chapter shall be accompanied by a fee in the amount set by the budget or other appropriate resolution of the city council. The fee for a permit may be based on the administrative costs of reviewing the application and permit closure procedures and inspection costs. Inspection cost may vary depending on the type and number of reports the permittee is required to submit and the number of inspections that will be needed based on the size and complexity of the area of land that is the subject of the permit. The standard fee for a borrow or waste permit shall in the amount set by the budget or other appropriate resolution of the city council for each site.

B. The fees are to help pay the expense of enforcing this Chapter and will not be refunded.

Section 18.44.150 Work Hours Specified-

Grading shall be permitted weekdays from seven a.m. to seven p.m. No grading of any kind will be conducted on legal holidays and weekends unless the landowner or his authorized agent has notified the Permit Official, by noon of the day before the holiday or by noon on the Friday before the weekend. "Weekend" means that the period between seven p.m. on Friday and seven a.m. on the following Monday. When grading is authorized on weekends or holidays, such grading will not be permitted within three hundred feet of a residentially zoned area before seven a.m. or after seven p.m. on such weekends and holidays.

Section 18.44.160 Removing hazardous conditions.

A. If the Permit Official finds that any grading (either completed or in progress) is causing a hazard to persons or property, he may notify the owner and require that the hazard be removed or eliminated as soon as practicable depending upon the degree of urgency associated with the hazard involved. If such action is not completed within the time limit stated within the notice, the Permit Official may require that reasonable temporary protective measures be provided by the property owner in the interim until a final correction plan is approved by the Permit Official.

B. If materials are washed or deposited upon city right-of-way, drainage structures/easements/right-of-way, streets, alleys or other public property as a result of improperly controlled grading of higher or adjacent lands, the Permit Official shall notify the owner to remove such materials and restore the streets, alleys or other public property to their original condition within 24 hours or the time specified on the notice.

C. Regardless of whether or not any person is convicted of a misdemeanor for failure to comply with a notice given under subsection A or B of this section, the Permit Official may, if the owner or any principal named in the permit bond fails to comply with such notice, authorize the work to be done by city forces or by contract. The Owner and any other principal named in the surety bond shall pay the City's actual cost for such work. If the such work by the City is completed while the grading permit is active or during the warranty period, the surety that issued the permit bond required in this Chapter shall be liable for the City's cost of doing the work in the event the principal or principals named in the bond do not make payment to the City.

D. Whenever earthen ramps are required to cross city rights-of-way, written approval must be obtained from the Permit Official prior to the installation of such ramps.

Section 18.44.170 Responsibilities of the Owner.

Under this Chapter the owner shall bear responsibility for:

- A. Obtaining a permit if required for any grading. Application for the permit shall be made as provided in this Chapter.
- B. Obtaining, when required by this Chapter, the services of an Engineer;
- C. All of the legal duties, obligations or liabilities incident to ownership of the property while the work of grading is in progress or after the completion of the work. Neither the issuance of a permit under this Chapter nor the compliance with the provisions of this Chapter shall relieve any person or owner from any responsibility for damages to

persons or property otherwise imposed by law, nor impose any liability upon the city or any official of the city for such damages;

D. Installing the appropriate devices, structures, landscaping and facilities and executing soil stabilization, erosion control, handling of materials and other proper measures in conjunction with any proposed grading so as to fulfill the intent and purpose of this Chapter;

E. The continued inspection, maintenance and repair of all retaining walls, drainage facilities, slopes, landscaping, soil stabilization and erosion control measures and any other protective devices located upon his property and constructed pursuant to the permit and maintenance activities specified in the approved Grading Stabilization Plan and the documentation thereof;

F. Owner shall be responsible for all testing and costs to assure that the conditions of the permit and intent and purpose of this Chapter have been fulfilled in accordance with the recommendations of the geotechnical report.

G. Should a graded site become destabilized or destabilization become imminent, the Owner shall immediately take all necessary steps to control such discharge.

H. Apply for all applicable permits as required in the El Paso City Code.

Section 18.44.180 Responsibility and authority of the Permit Official.

The Permit Official, under the authority of this Chapter and pursuant to applicable city ordinances and procedures, shall be responsible for:

A. Reviewing all grading permit applications as submitted under the requirements of Section 18.44.070 and the issuing or denying of grading permits as expeditiously as possible and confirm it meets the requirements of the Chapter;

B. Temporary Suspension of Grading Permit due to excessive erosion; Engineer to Provide Corrective Action; Collection of Costs. The Permit Official may, during a situation in which, in his opinion, blowing sand or

dust or runoff from a site under permit is causing or may cause excessive erosion affecting the health, safety, welfare, or property of resident adjacent to the site, after giving permittee due notice and time to take corrective action and upon permittee's failure to act within a period of time determined by the Permit Official to be reasonable, suspend the grading permit and cause the implementation of BMPs and/or Stabilization Measures as determined by the Permit Official to reduce said nuisance or hazard. The permit holder shall pay such costs to city within ten working days of receipt of an invoice for the costs. If the costs are not paid, then a claim will be made against the permit bond.

Section 18.44.190 Authority to issue citations.

A. The Permit Official is authorized to enforce the provisions of this Chapter and shall have the power to issue misdemeanor citations to any persons violating the provisions of this Chapter.

B. The Permit Official is authorized to make inspections of any property necessary to enforce the provisions of this Chapter. If the owner or person in possession of any property refuses to allow the Permit Official permission to enter the property, the Permit Official shall have recourse to every remedy provided by law to secure entry including obtaining the proper judicial warrants.

18.44.200 Engineering controls for grading.

The requirement for grading permits may differ due to local conditions of land use, proposed site development, drainage patterns, topography, soil conditions and other items. The requirements in this section have been developed as an aid for operations covered by the grading ordinance. Engineering judgment, experience and competence shall be used to verify applicability of the requirements for the site.

Any deviation from the requirements in this section shall be reviewed by and must receive the approval of the Permit Official. The Permit Official shall impose the following requirements as part of the issuance of the grading permit.

A. Grading Design Requirements

1. Shall maintain on-site balance of earthwork (within 10% cut or fill) except where doing so would disturb existing natural drainage paths to be preserved. No materials shall be brought to or taken from the site, unless a borrow or waste permit is obtained.

2. Transporting of processed material from one site shall be allowed to a noncontiguous site when:

a. Both sites are under the same ownership or the permittee has obtained written permission from the owner of such other site not belonging to the permit applicant and is provided with the permit application.

b. The processed material is transported from a site with grading permit to a site with a grading permit unless the other site is outside the City limits.

c. The site where the material is processed shall have a grading permit and a borrow permit,

d. The Permit Official shall approve the route for transporting processed material from one site to another, and the acceptable wheel-axle loads.

3. Sites shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located on the site.

4. Construction, grading, or paving on any site shall not increase the damage potential to upstream, downstream, or adjacent properties or public right-of-way, property and/or facilities.

5. Shall include sediment basins that discharge into city streets or natural drainage paths. Desilting basins shall provide sufficient settlement time for settling of solids in the basin before discharging onto city streets and natural drainage paths. Hydraulic and soil type documentation shall be provided to demonstrate or establish that adequate sedimentation occurs before leaving the sediment basin.

6. No grading operation shall excavate or fill so as to cause falling rocks, soil, or debris in any form to fall, slide, or flow onto adjoining properties.

7. Compaction requirements.

a. The compaction requirements for load bearing fills upon which buildings, structures, streets, alleys or public facilities are to be located should be determined by an Engineer as part of the design for the fill and shall fully meet the requirements of the geotechnical investigation as approved by the Permit Official.

b. Fills shall be placed and compacted to produce a structurally stabilized slope in accordance with the Construction Design Standards and Geotechnical Investigation.

8. Slope Design Requirements. Excavations shall be constructed and/or protected so that they are stable and do not endanger life or property. The provisions of this Chapter are not intended to prevent the use of any alternate method of slope design provided that the alternate is designed by an Engineer as determined by the soils

investigation report and the Permit Official finds that the alternate design is equivalent to that prescribed in this Chapter.

a. Embankments and slopes supporting occupied buildings, streets and roadways shall have a factor of safety of not less than 1.5.

b. Slopes located above occupied buildings and whose toe is located within 20 feet or half of the embankment height from the exterior walls of any occupied building, whichever controls, shall have a factor of safety of not less than 1.5.

c. All other slopes and embankments shall have a minimum factor of safety of 1.3.

d. Drainage facilities should be provided to protect slope faces from erosion.

e. Construction of berms and swales on the brow or top of the slope shall provide protection from runoff. Erosion protection shall be provided for the berms that will encounter concentrated flows. Swale inverts may be required to be lined in accordance with flow velocities per the Drainage Design Manual. Swales shall be sloped (min1%) to lined down drains in order to safely discharge flows. Adequate erosion protection shall be provided at all discharge locations.

f. The slope of cut and fill surfaces shall not be steeper than 3 horizontal to 1 vertical. Steeper slopes may be permitted with the approval of the Permit Official, provided it can be adequately demonstrated in a soils/geologic report that such slopes are structurally stable. It must also be demonstrated that the slope will not become destabilized and not undergo excessive erosion (vegetation alone will not meet the stabilization requirements and additional measures will be necessary). Soil analysis describing engineering properties and suitability of the existing soils to support the proposed slope must be included in the geotechnical

investigation. The Permit Official may require a flatter slope than 3 horizontal to 1 vertical (3H: 1V) if soils/geologic information submitted shows that flatter slopes are necessary for stability, Stabilization Measures effectiveness or maintenance.

i. The slope of cut surfaces which are 5 feet in height or less and are in competent bedrock may be steeper than 2H: 1V, but shall be no steeper than 1 1/2H: 1V. Steeper slopes may be permitted with the approval of the Permit Official, provided it can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion.

g. Areas adjacent to slopes shall not drain over onto the slope face if the offsite drainage width (measured in the direction of the slope) is greater than thirty (30) feet.

i. Slopes having a ratio of 3 horizontal to 1 vertical or steeper shall not exceed twenty (20') feet in vertical height, without a five (5') feet horizontal bench being placed mid height of slope and at every twenty (20') feet in vertical height thereafter (the bench shall have a cross slope away from the brow of the slope). The bench should be constructed with a swale to collect storm water. Swale inverts may be required to be lined in accordance with flow velocities per the Drainage Design Manual and to prevent percolation into the slope. Swales shall be sloped (min1%) to lined down drains in order to safely discharge flows. Adequate erosion protection shall be provided at all discharge locations

ii. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground.

h. No stormwater storage structure shall be at or adjacent to the top (brow) of a slope.

i. Cut and fills should be set back a minimum of five feet from walls, buildings or structures should be set back from cut or fill slopes

sufficiently to allow access to the top of the slope for maintenance purposes and to assure the stability of the slope and the security of the foundations of the buildings and structures.

j. Subsurface drainage facilities should be provided where needed to intercept seepage that would affect slope stability, building and structure foundations or create undesirable wetness.

k. Excavations should not be made close to property lines as to endanger adjoining property without providing support and protection to prevent damage due to erosion, sliding, settlement or falling hazard.

I. Fills

i. Fill materials should be free of materials detrimental to the construction of stable fills as required by the geotechnical investigation.

ii. Fills should not be placed where they will slide or wash onto the property of others nor should they be placed where they will cause encroachment upon natural drainage paths or other natural drainage ways without providing facilities to assure the capacity of the drainage way as approved by the Permit Official and in compliance with other state and federal guidelines.

iii. Fills that toe out on natural slopes or grades steeper than three feet horizontal to one foot vertical should not be made unless the fill has been designed by an Engineer on the basis of a soils investigation report.

iv. Fills placed above the top of an existing or proposed surface with a slope steeper than three feet horizontal to one foot vertical shall be set back from the top of the slope face at least five feet or as determined by the soils investigation report, unless slopes are stabilized to the top of slope face.

v. Prior to placing fills on existing surfaces (condition before grading), all organic materials, vegetation, non-complying fill, topsoil and other unsuitable materials should be removed and the existing surface should be scarified to a depth of six inches or as directed by the Geotechnical Investigation, whichever is greater.

vi. Fill slopes shall not be constructed by pushing soil over the top of slope so as to create a structurally unstable slope.

vii. Fills used to support the foundations of any building or structure shall comply with the requirements of a geotechnical investigation.

9. Rainwater (precipitation) Harvesting. Grading plans may be designed to encourage harvesting and use of rainwater within the project site, to reduce surface runoff discharged from project site.

10. Retaining Walls. Retaining walls shall be engineered and shall be faced with stone or constructed with other earth colored material as approved by the Permit Official. If a series of retaining walls is required, the horizontal distance between walls shall be a minimum of four (4) feet. Retaining walls in excess of four (4) feet in height shall be constructed in accordance with the design prepared by an Engineer. The design may require consultation with a geotechnical engineer, shall consider such factors as expansive soils, steep slopes and vehicles or structures near the walls and shall include the following:

a. Construction plans indicating how the proposed wall height will vary along its length.

b. Details with elevations showing top and bottom of wall for critical points along the wall length shall include a profile.

c. Supporting calculations that demonstrate a factor of safety in accordance with the Chapter 18.08.240 for bearing capacity,

overturning, sliding, and internal stability, including surcharge loads due to sloping backfill, adjacent vehicles and structures

11. POND GRADING REQUIREMENTS

Pond slopes shall be stabilized per the Grading Stabilization Plan. Slope design requirements will be applicable to the side slopes of the ponds. For additional information on park pond design, refer to the Drainage Design Manual.

12. PARK, RECREATION, AND MULTI USE PONDING FACILITIES

a. Ponding Capacity design requirements shall be in accordance to Drainage Design Manual as adopted by City Council; b.

b. A minimum of one side of the ponding area shall be at a slope no steeper than 5:1 if use is open to pedestrian access to include accessibility requirements;

c. If required within basin area, public ponding area shall incorporate a pedestrian path that is accessible under Texas Accessibility Standards.

d. Ponding areas shall include an area with 10% of the required capacity for the purposes of containing initial rainfall. The area shall be located at the lowest area of pond and shall be fenced and a minimum 12 feet wide double gate installed unless otherwise approved by the Permit Official.

13. Any drainage improvements that are installed, as a result of land disturbance activities shall be designed to compliment and blend with the natural topography of the land.

B. Preservation of Existing Natural Drainage Paths, Terrain and Vegetation.

Undeveloped areas in the City of El Paso contain significant natural terrain, drainage paths and vegetation. As a result, special design requirements are necessary to mitigate potential erosion hazards,

Need to verify if Parks Director will be added

minimize adverse ecological, physical and visual impacts and conserve natural scenic beauty so as to leave existing conditions undisturbed as much as practicable.

1. Natural Drainage Paths. The natural drainage paths shall be delineated in the grading plan. It is encouraged that the identified natural drainage paths remain in their natural state, including riparian vegetation, boulders and rock outcroppings. Should the permittee request grading within the natural drainage paths, the following design requirements shall apply.

a. Shall meet the requirements of the Drainage Design Manual.

i. All modified existing natural drainage paths, new channels, detention/ retention/desilting ponds tied hydrological/ hydraulically to the natural drainage paths and energy dissipaters shall be designed to achieve a restored natural appearance. The natural appearance shall be achieved using grading and landscape techniques that replicate a natural drainage path by using materials native to El Paso, vegetation, boulders and contouring. The design plans shall be in conjunction with the overall landscape theme for a natural drainage path by a landscape architect and be sealed by an Engineer. These improvements shall be detailed in the grading plan and GSP.

ii. An erosion/scour analysis must be completed and submitted to the Permit Official for approval. Water velocity shall be reduced to provide room for floodwater to spread safely and allow for native materials to be used for channel armoring.

iii. A continuous trapezoidal and/or rectangular section shall be utilized only if no other hydraulic alternative is feasible.

b. Disturbance for public access trails, roadway crossing and underground utilities required for the development shall be kept to a minimum and must be designed to meet the landscape requirements listed in the preceding section (should it be B.1.a).

c. Fences, walls and similar structures shall not be constructed in the undisturbed or modified natural drainage paths.

d. Where drainage structures enter natural drainage paths the structure must be blended into the natural terrain and lined with natural materials or other alternative material as approved by the Permit Official.

e. Channel fencing is required for all channels with slopes higher than 4 feet high and slopes steeper than 3 feet horizontal and 1 foot vertical shall have fencing of 2 feet high along the abutting street and 4 feet high along residential land uses. Fencing shall be masonry, wrought iron, concrete, or combination thereof.

f. Provide a maintenance access route to be determined based on site conditions and to be approved by the Permit Official. The access route may be a public street when immediately adjacent to the natural drainage path.

g. Vegetation and re-vegetation shall be required on all disturbed areas. If in the course of construction, areas are disturbed, the subdivider shall restore the formerly undisturbed areas through the replanting of appropriate native, adaptive

Incorporated previous B.3 Section as staff's recommendation is to apply MDA standards only to areas within the Natural Drainage Path Map

and drought tolerant re-vegetation to mitigate soil erosion. For purposes of this requirement, appearance shall conform to the overall landscape architect design. Existing natural vegetation on the property shall be retained in its natural state, except where necessary for the construction or to replace or improve undesirable vegetation. Areas to remain undisturbed shall be fenced off prior to the use of any heavy machinery on site and shall remain fenced during the entire construction process. Fencing material may include plastic fence or other similar materials. To protect the root zone of said vegetation, fencing shall be placed five feet (5') to the outside of the dripline of such vegetation and shall be a minimum of three (3') in height.

2. Natural Terrain. Where grading is proposed on any parcel having an average natural slope of ten percent or greater, grading shall be limited to the minimal amount possible under standard engineering practices. Special requirements shall be considered by the Engineer including the intensity of land disturbance and natural characteristics of the terrain, such as steepness of slope, vegetation, landforms, soil type and rock stability.

a. The overall shape, height or grade of any cut or fill slopes shall be developed utilizing contour grading in concert with existing natural contours and the scale of the natural terrain of the site with seamless blending to the natural terrain at the edges of the disturbance.

b. Where two cut or fill slopes intersect and/or intersect the natural grade, the intersection shall be horizontally and vertically contoured and blended to match existing terrain

c. The area of a site proposed to be graded shall be that which fits into the natural terrain and which allows for a

minimal amount of grading. The ungraded area must be left in its natural form for the remainder of the site and no native vegetation shall be removed

C. Construction Activity Requirements

The following operational guidelines must be followed during the grading of the site. They are required to be included as "General Notes" on the approved grading plan.

1. No on-site processing of material for commercial or retail sales shall be allowed. On-site processing of materials to be used for preparation or construction of improvements within the site covered by the grading permit shall be allowed.
2. Work shall be conducted in manner that preserves and does not obstruct, impede or interfere with the flow of storm water in natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or canals in such a manner as to cause flooding where it would not otherwise occur
3. Construction equipment and fencing shall be kept out of watercourses except when necessary to perform work on the approved plans. Adequate by-bass measures shall be installed where temporary drainage blockages will occur. Where in-channel work is designated on approved plans, precautions shall be taken to stabilize the work area during construction to minimize erosion as shown on the plans. The channel, including bed and banks, shall always be restored/restabilized immediately after in channel work is completed;
4. Where a drainage way will be crossed by construction vehicles regularly during construction, a temporary crossing shall be constructed as required in the approved grading plans.
5. Material stockpiling shall not be allowed when grading operations are idle for more than seven consecutive calendar days. Stockpiling shall be limited to ten feet high when grading operations are being conducted.

6. A traffic control permit shall be required if the grading operation will impact traffic.

7. Any use of vibratory equipment shall not be allowed, unless approved in writing by the Permit Official in advance of such use.

8. The Permit Official must be notified no later than 4:00 pm the day in advance of any grading work. Additional activity requirements/restrictions specified by the design Engineer of record.

D. Grading Stabilization Plan Design requirements:

The applicant shall meet the following requirements in developing the GSP for the stabilization of the site/slopes after the grading operation is complete (post construction) or if the site becomes idle for more than 180 days. These requirements are in addition to meeting the requirements of Chapter 15 which govern construction activities and erosion control BMPs. The requirements for soil erosion control measures depend largely upon the extent of the destructive and nuisance potentials due to erosion that may develop from the work to be performed. Thus, the need for erosion control measures is largely determined by prevailing winds, drainage patterns, soils characteristics, residences, businesses, thoroughfares and other facilities. Analysis must be completed to verify and account for drainage patterns, soil characteristics and proximity to downstream development where erosion may occur and/or may cause hazards or damage to public or private property. The following are design guidelines for completing and complying with the GSP.

1. The GSP shall be prepared and designed to meet the following goals:

a. Development plans for any project site shall be as effectively fitted to existing topography and soils as practical so as to create the least erosion potential possible.

b. Sediment caused by excessive erosion shall be removed from runoff water before leaving the site.

- c. All disturbed areas, sites and slopes shall be stabilized through the implementation of a Stabilization Measure to prevent excessive erosion by wind or water.
 - d. Ensure that the Stabilization Measures are implemented properly and maintenance activities, both short and long term, are specified to ensure effectiveness of the Stabilization Measures.
 - e. Cut and fill slopes shall be stabilized through the implementation of a Stabilization Measure and surface water damage to cut and fill slopes shall be prevented.
2. Implementation of the GSP shall be applied to disturbed areas and soil stockpiles within one hundred eighty (180) days after final grade is reached on any portion of the site.
3. Scheduling Requirements – The maintenance activities shall continue for the warranty period.
- a. The smallest practical project area should be physically disturbed at any one time in the development of the site. Where possible, final structures, paving, facilities and effective drainage control measures should be completed in each project area as soon as possible.
 - b. Project areas physically disturbed during development should be exposed to erosion producing influences for the shortest period of time practicable.
 - c. Critical areas such as slopes of 3 feet (horizontal) to 1 foot (vertical) or steeper and drainage ways shall be stabilized immediately after the completion of the grading
 - d. Permanent storm drainage facilities, paving and other related facilities should be constructed as soon as practicable to reduce water erosion problems.
 - e. The GSP must include a description of site work schedule and sequencing, specifically stating whether any portion of the land will

remain graded and idle for more than one hundred eighty (180) days.

4. Erosion Control – Water ways

Disturbed areas and slopes must be stabilized using one or more of the following Stabilization Measures. Stabilization Measures are detailed in the Design Standards for Construction:

- a. Velocity Dissipation Devices
- b. Slope Drains
- c. Streambank Stabilization
- d. Earth Dikes and Drainage Swales
- e. Sediment Basin
- f. Check Dams
- g. Others as proposed by the applicant and approved by the Permit Official.

5. Erosion Control – Disturbed Areas

Disturbed areas and slopes must be stabilized using the wind erosion Stabilization Measures plus one or more of the following Stabilization Measures. Stabilization Measures are detailed in the Design Standards for Construction.

- a. Wind Erosion - After completion of site grading the project area shall be watered as required to control wind erosion.
- b. Palliative Soil Stabilizers (e.g. polyacrylamide, guar-based compounds, polyvinyl acetate, liquid polymers). Detail information for polymers shall include the type of palliative, mix ratio and application rate specific to the soil type, climatic conditions, and stabilization design life. Oil-based palliatives are not allowed
- c. Seeding methods such as hydro seeding, drilling, seeding and raking in, or other seeding method to provide long-term erosion control. Soil roughening shall be implemented before seeding. Seed mixtures shall be provided with the GSP. Mixtures should utilize native and adapted grasses that require no irrigation after the

establishment period. Seeding alone is not erosion control until vegetation is established. Seeding shall be combined with applicable erosion control structural Stabilization Measure until vegetation is established

d. Bonded fiber matrix. Detail information provided for bonded fiber matrix shall include the type of binder, mix ratio and application rate specific to the soil type, climatic conditions, and stabilization design life.

e. Crimped Straw Mulch - Use of mulch shall be limited to providing erosion control for six months or less, except when applied with a binding agent or netting to secure the mulch.

f. Geotextiles and Mats

g. Wood Mulching

h. Revegetation/landscaping- Revegetation required shall be similar to existing vegetation and feature the prominent use of plants which are indigenous to the area or as approved by the City. Revegetation shall include a weed-free seed mixture or live transplanted plants.

i. Rock cover.

j. Others as proposed by the applicant and approved by the Permit Official.

6. Each Stabilization Measure shall be detailed on the plan. The GSP shall include the period of time for which the Stabilization Measure is intended to be effective and design details to document its ability to perform for that time period. The plan shall list all required maintenance activities and frequency of maintenance. The maintenance requirements must continue for the warranty period to ensure that graded sites are stabilized. Where specified as part of the Stabilization Measure, temporary irrigation shall be maintained for the time required to ensure vegetation survival

- a. Site monitoring shall be performed by the permittee responsible for the GSP. The City may also monitor the site compliance at any time and require access to the updated site GSP and records of all inspections made.
- b. All Stabilization Measures identified in the GSP shall continue to be maintained. The permittee shall remain in charge of the site during the warranty period.
- c. The GSP shall be revised to provide for permanent erosion protection.
- d. The City shall be notified in writing by the permittee/owner that a portion of the construction site is or will become idle. The permittee responsible for the GSP shall inspect the construction site to verify that the site is adequately protected. The City may conduct an inspection of the site.
- e. Additional protection measures may be required by the Permit Official. Any construction site found idle for more than one hundred eighty (180) days without the installation of appropriate protection measures and notification that the construction project is idle shall be considered in violation of this Chapter.
- f. A monitoring and inspection program shall be implemented until a stabilized site is achieved or building resumes. Inactive/idle sites shall be inspected and maintained on one of the following schedules:
 - i. At least once every 14 calendar days and within 24 hours following a wind event and/or rainstorm event of 0.5 inches or greater; or
 - ii. At least once every seven (7) calendar days, on a specifically defined day each week, regardless of whether there has been a rainstorm event since the last inspection

7. The GSP shall be updated in accordance with the actual construction sequence, and the Stabilization Measures are implemented according to actual construction progress.

18.44.210 Penalty--Severability.

Any person violating this Chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed two thousand dollars. In the case of a continuing violation, each day's violation shall be deemed a separate offense. The severability provisions of Section 1.04.060 of this code apply to this Chapter.

18.44.220 Permit Closeout Procedure.

After the permittee completes the grading under the permit, the permit shall be closed. As part of the closeout procedure, the applicant must submit the following to the City:

A. A statement from the Engineer of record that states, "the grading operation has been substantially completed and generally conforms to the approved set of plans". The permittee shall call the Permit Official to establish the beginning of the warranty period and date when the GSP must be implemented.

B. A copy of the Notice of Termination filed with the state or dated construction site notice, if applicable, in accordance with Chapter 15.

The City will issue a letter stating general conformance to the permit has been met and that warranty period requirements will continue to be in effect.

Section 2. Except as expressly herein amended, Title 18 (Building and Construction) of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED THIS ____ DAY OF _____, 2010.

THE CITY OF EL PASO:

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mark Shoesmith
Assistant City Attorney

R. Alan Shubert, P.E.
City Engineer

RESOLUTION

WHEREAS, it is the desire of the El Paso City Council to protect the environment and the natural resources unique to the El Paso region; and,

WHEREAS, there is an opportunity to guide and plan for future development and the protection of valuable open space that could potentially be lost if action is not taken; and

WHEREAS, Castner Range is located outside of the City's corporate limits, in the northeast mountainous area of the City, and is owned by the United States Government (the "U.S."); and,

WHEREAS, the U.S. has declared that Castner Range be categorized as excess land under federal policy; and,

WHEREAS, the U.S. Congress has created (in the National Defense Authorization Act of FY2003) a new procedure—a "conservation conveyance"—for enhancing natural resource stewardship on military lands whereby surplus military real property is conveyed to non-profit organizations that exist for the primary purpose of conservation of natural resources (Section 2694a, Title 10, US Code) and whose deed of conveyance requires that the property be used and maintained for the conservation of natural resources in perpetuity; and,

WHEREAS, in renewal of the Resolution that was passed on March 14th, 2006 by the then El Paso City Council, the present City Council once again wishes that the land be preserved and not developed, and wishes to request that the U.S. Department of the Army declare Castner Range as surplus land and consider either a Public Benefit Conveyance or a Conservation Conveyance so that the whole of Castner Range be preserved and no portion be developed so that it is fully accessible and can be used by the public for passive or active recreational use.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

THAT the City Manager be authorized to send a letter on behalf of the El Paso City Council to be addressed and delivered to the Garrison Commander, Fort Bliss, Texas (on behalf of the United States Department of Defense), to express the City of El Paso's desire to protect Castner Range in its entirety in its current state, and that it be preserved for future generations and that it not be developed in whole or in part. Further, that City staff coordinate with the City's federal lobbyist to add to the City's federal agenda a request for federal funds for the remediation of unexploded ordnance within Castner Range.

ADOPTED this _____ day of _____, 2010.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Momsen
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

APPROVED AS TO CONTENT:

David Almonte, Deputy City Manager
Development & Infrastructure Services