Open Space
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ADVISORY BOARD MINUTES

Wednesday, February 16, 2011, 1:30 P.M.
8th Floor Conference Room
City Hall Building, 2 Civic Center Plaza

Members Present: 7
Bill G. Addington (1:55 p.m.), Robert Ardovino (1:35 p.m.), Lois Anne Balin, Richard Thomas, James H. Tolbert, Kevin T. von Finger, and Charlie S. Wakeem

***Members Absent:* 2**
Terry Bilderback, Luis Ruiz

Member Vacancies: *0*

Planning and Economic Development Staff Present:
Mathew McElroy, Deputy Director – Planning; Philip Etiwe, Development Review Manager; Fred Lopez, Comprehensive Plans Project Manager; David Coronado, Lead Planner; Kim Forsyth, Lead Planner; Eddie Garcia, Lead Planner; Art Rubio, Senior Planner; Melissa Granado, Senior Planner; Esther Guerrero, Planner; Justin Bass, Planner; Kevin Smith, Planner

Others Present:
Lupe Cuellar, Assistant City Attorney, Legal Department; Kareem Dallo, Engineering & Construction Management, Engineering Division Manager; Gonzalo Cedillos, EPWU-PSB, StormWater; Rudy Valdez, EPWU-PSB; Laura Dominguez, EPWU-PSB; Richard Garcia, Land Operations Manager, Parks and Recreation; Alan Shubert, Director, Engineering & Construction Management; Trish Tanner, Jobe Materials; Frederic Dalbin, Wright & Dalbin Architects, Inc.; Bobby Gonzalez, QUANTUM Engineering Consultants Incorporated; Adrienne S. Pedroza, QUANTUM Engineering Consultants Incorporated; Javier Carrera, Carrera Group; Richard Teschner, citizen; John Moses, Superintendent, Texas Parks & Wildlife; Bill Spikowski, Dover Kohl and Partners

1. **Meeting Called to Order**

   Chair Wakeem called the meeting to order at 1:30 p.m.

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

   None

3. **Discussion and Action**

   a. Approval of Minutes: January 19, 2011

Chair Wakeem asked Board Members if there were any additions, corrections, or revisions.

Chair Wakeem revised page 7, as follows:
Ms. Cuellar explained the provision of the code does not accomplish what Board Members are asking. *Additionally, Ms. Cuellar will research whether or not there might be other gated communities that are preventing public access to trailheads and the State Park. Furthermore, Ms. Cuellar will research whether or not preventing public access to trailheads and the State Park is in violation of Title 19, Subdivision Code. Chair Wakeem requests Staff research whether or not the City Plan Commission, according to that Code, granted an exception at the Ocotillo Estates, at Calle Lago and report back to him Staff's findings.*

MOTION:
Motion made by Mr. von Finger, seconded by Mr. Thomas and ***UNANIMOUSLY CARRIED TO APPROVE THE MINUTES FOR JANUARY 19, 2011, AS REVISED.***

b. Changes to the Agenda

Chair Wakeem requested:
Item 7 – moved to the top of the agenda
Item 8 – moved to the top of the agenda

MOTION:
Motion made by Mr. von Finger, seconded by Mr. Thomas and ***UANIMOUSLY CARRIED TO ACCEPT THE CHANGES TO THE AGENDA.***

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

(1)	**ZON10-00116:**	A portion of Tract 1, E.D. Strong Survey No. 217, City of El Paso, El Paso County, Texas
	LOCATION:	East of Grand Teton Drive and North of Shasta Drive
	ZONING:	PMD (Planned Mountain Development)
	REQUEST:	Detailed Site Development Plan Review required by PMD District
	EXISTING USE:	Vacant
	PROPOSED USE:	Multi-family dwellings/Apartments
	PROPERTY OWNER:	Investment Builders, Inc.
	REPRESENTATIVE:	Wright & Dalbin Architects, Inc.
	DISTRICT:	1
	STAFF CONTACT:	Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov

Mr. Art Rubio gave a PowerPoint presentation and explained the applicant is requesting a detailed site development plan review as required by Section 20.10.370 *Mountain Development G. 2. Site Plan* for multi-family use. The site plan shows one multi-family lot that includes two 13,560 square foot apartment buildings comprised of 12 two story units each, a 2,000 square foot club house and 8.68 acres of Public Open Space. The 2025 Predicted Land Use Map for the area calls for residential zoning. The building height, 35 feet, does comply with the code. All departments, including Land Development, have reviewed the plans; any grading and/or elevation issues will be resolved at the permitting stage of the application. Planning Division recommends approval of the detailed site development plan.

Mr. Frederic Dalbin, Wright & Dalbin Architects, Inc., explained the whole development is on top, there are no arroyos. Per the aerial map, the complex should be lowered, toward the south.

Mr. Ardovino asked if the trail, going around the property, connects to the road.

Mr. Dalbin responded no.

No further questions from the Board.

Chair Wakeem asked if there were any members of the audience who wished to comment on the application. There were none.

MOTION:
Motion made by Mr. Thomas, seconded by Mr. von Finger and ***UNANIMOUSLY CARRIED TO APPROVE.***

(2) **ZON10-00112:** Portion of Lot 27, Block 123, Chaparral Park Unit 33, City of El Paso, El Paso County, Texas

LOCATION:	810 Redd Road
ZONING:	C-1/c (Commercial/condition)
REQUEST:	Detailed Site Development Plan Review required per Ordinance No. 017250
PROPOSED USE:	Shopping Center and Bike Shop
PROPERTY OWNER:	Gary Porras
REPRESENTATIVE:	Carrera Group Inc.
DISTRICT:	1
STAFF CONTACT:	Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Ms. Esther Guerrero gave a PowerPoint presentation and explained the detailed site development plan is required per the conditions imposed on the property. Those conditions being the submittal of a detailed site development plan and a landscape buffer for the residential properties to the west. The property is located within the Hillside Mountain Development, currently vacant, 1.8 acres in size and located at 810 Redd Road. The detailed site development plan shows a 9,000 square foot shopping center and a 3,000 square foot bike shop with landscaped buffer abutting the single-family residential lots to the west. Planning Division recommends approval of the detailed site development plan. City Plan Commission approved the request, last week.

No questions from the Board.

NO ACTION WAS TAKEN.

d. Review and comment on current zoning applications, as indicated below:

(1) **SUB11-00017:** Paseo Del Norte Blvd #2 – Being a portion of Tracts 1, 1B1, and 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas

LOCATION: East of Resler Drive and south of Northern Pass Drive
PROPERTY OWNER: Cimarron Hunt Communities, LLC
REPRESENTATIVE: Kimley-Horn & Associates, Inc.
DISTRICT: 1
APPLICATION TYPE: Major Preliminary
STAFF CONTACT: Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

Mr. Justin Bass gave a PowerPoint presentation and explained the applicant proposes to subdivide a 6.48-acre parcel of property, 2,400 linear feet. The subdivision will dedicate property for right-of-way to be developed as a portion of Paseo Del Norte Boulevard from Northern Pass Drive westward. The subdivision is located within the Hillside Development Area (HDA). The applicant is requesting the following modification:

- Modification to Section 19.16.020 to allow for a modified Major Arterial cross-section.

The applicant has demonstrated an alternative method of development to include additional parkway, which will result in the relocation of the on-street bike lanes – required in the previous subdivision ordinance – to the parkway, in the form of two 10-foot hike and bike trails. The project has been vested under the previous subdivision code; however, the applicant has elected to use Section 19.10.050 *Roadway Participation Policies* and Section 19.19 *Stormwater Management Requirements* of the current code. Planning Division recommends approval with modification. The City Plan Commission has approved the request.

No questions from the Board.

NO ACTION WAS TAKEN.

(2) **SUB10-00304:** Medano Heights Replat A – Being a replat of all of Lot 1, Block 1, and Lot 1, Block 2 and all of Lots 2 through 34, Block 1, and all of Lots 2 through 18, Block 2, and all of Lots 1 through 12, Block 3, and all of Lots 1 through 10, Block 4 and including all of the street rights-of-way for Picacho Hills Court, Doral Crest Lane and Quinalt Drive and the 20 ft. drainage rights-of-way, Medano Heights Subdivision, City of El Paso, El Paso County, Texas

LOCATION: North of Medano Drive and East of Interstate Highway 10
PROPERTY OWNER: A D. Holdings, E.P. Investments, Housing Authority of El Paso
REPRESENTATIVE: SLI Engineering
DISTRICT: 1
APPLICATION TYPE: Resubdivision Combination
STAFF CONTACT: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov

Mr. Eddie Garcia gave a PowerPoint presentation and explained the applicant is proposing a commercial development comprised of four lots. The smallest lot is 2.6 acres, the largest is 12.2 acres. The applicant has reconfigured the subdivision from the previously approved Major Final plat to consolidate the residential lots and rights-of-way into one lot. The southern commercial lot is split into two lots. No other changes to the proposed subdivision were made. Planning Division staff recommendation is pending City Council approving the removal of Southwestern Drive from the Major Thoroughfare Plan.

The applicant could not be present for the meeting.

No questions from the Board.

Chair Wakeem asked if there were members of the public who wished to comment on the request. There were none.

MOTION:
Motion made by Mr. von Finger, seconded by Mr. Thomas and ***UNANIMOUSLY CARRIED TO APPROVE.***

4. **Discussion, Information and Action** on the design of the Doniphan Ditch across from the Keystone Heritage Park. Contact: Gonzalo Cedillos, EPWU, gcedillo@EPWU.org

Mr. Gonzalo Cedillos explained he was present to discuss the Doniphan Ditch project, which was approved during the Stormwater Master Plan. Doniphan Ditch was approved to proceed for the first three years of improvements.

Mr. Cedillos introduced Ms. Laura Dominguez, EPWU-PSB, Project Manager, and Mr. Bobby Gonzalez, Quantum Engineering, Project Engineer.

Mr. Gonzalez gave a PowerPoint presentation and stated Doniphan Ditch is one of many projects that came about via the URS Study, Stormwater Master Plan. The project includes looking at the drainage, in and around the Frontera Road, Kappa Road and Doniphan Drive area. This project has been set aside to address the drainage issue that culminated during the 2006 rain storms; specifically, removing water off the road and into the ditch. The ditch is located within BNSF right-of-way, coordination efforts are required.

Challenges/Issues/Restrictions include:

1. high water table – there is a high water table around the Heritage Park area; water is perched on the pavement, you can see the salt deposits along that area;
2. super-elevated roadway – slopes towards the Heritage Park, the challenge is how do we get the water from the eastside of the right-of-way all the way into the ditch;
3. the soils – the soils are very claylike, high expansive material; we can't really dig too deep into the ditch because of all those restrictions, the fact that everything goes down to Frontera, one high point is Sunland Park Drive, the other is Bird Avenue.
4. trench drain – the trench drain is proposed to be relatively shallow so that we don't have to dig to deep, we don't have the room because of the elevation of the ditch and water table.
5. water retention area – the area that will hold or retain the amount of water is approximately two acre feet, the goal is to get as much water from the street into the ditch;
6. topography – everything slopes from Bird Avenue down to Frontera Road and from Sunland Park Drive down to Frontera Road.

Mr. Cedillos surmised the plan is to take the water from Doniphan Drive and put it in the ditch. We will not be seeding the disturbed ditch area since BNSF owns it.

Mr. Gonzalez explained we will not be concrete lining the proposed ditch; we cannot dig deeper because we are already at the water table. The goal is to try to contain as much runoff as possible within the ditch. The trench drain is strictly to convey runoff from the inlets to the ditch, it will not intercept; runoff will eventually go to into a pump station. He was unsure if there would be a need to de-water.

No questions from the Board.

Chair Wakeem asked if there were members of the public who wished to comment on the request. There were none.

NO ACTION WAS TAKEN.

5. **Discussion, Information and Action** concerning OSAB duty to "provide recommendations to the city council regarding matters before state and federal agencies affecting open space for which comment or input is solicited or requested to include but not be limited to requests for individual permits from the U.S. Army Corps of Engineers."
Contact: Kareem Dallo, (915) 541-4425, dallokf@elpasotexas.gov

Boards Purview Regarding 404 Permits

Ms. Cuellar explained she had requested the item be placed on the agenda and she had specifically worded the item this way due to questions the Chair raised at the last OSAB meeting. When the Board talks about 404 permits and what the Army Corps of Engineers does, the Board is really talking about this provision within the ordinance that gave you authority to look at certain things. Absolutely, this Board has input on 404 permits and can relay that to City Council. But when you're discussing strictly the floodplain, whether or not there is something in the floodplain, the only thing the Corps of Engineers does is provide something to the city so that they can take a look at it and sign off on it. The city is not signing off on any type of approval; it's just a procedure or process that they go through. Not the City Engineer, City Council, nor the city has any real input in the process at that time.

404 Process

Mr. Shubert explained the 404 process, specifically regarding the wetlands or the EPA Monitor Quality Act, and permits that fall under "The Nationwide Permit", where to an existing waterway are issued by the Corps of Engineers in a fashion where they do not solicit public comment. Engineering & Construction Management does not get notification. Individual permits that do have a public comment period (maybe a public hearing if the Corps wants to) Engineering & Construction Management does not get notification either. If we do we're happy to share that with you but there is always a possibly of getting blindsided.

Letters of Map Revision, CLOMAR or FLOMAR

A letter of map revision is a process utterly and completely divorced of the 404 process. 404's are the Corps of Engineers, Flood Plain and FEMA.

FEMA requires:

1. When someone brings in an application for a map change, Engineering and Construction Management is responsible for the application following the other federal guidelines;
2. Letter of map revision process – In order for the City of El Paso to maintain in the national floodplain insurance program, Engineering and Construction Management Staff are required to name a the floodplain administrator, Mr. Shubert and the CEO and then to follow FEMA's regulations. When that process comes to us, it is purely an engineering process; it establishes hydraulics and hydrology and whether or not we've affected the boundaries of the floodplain or the flow path itself. There is no public input and whether or not the application has merit, Mr. Shubert must sign the application and forward to FEMA, they make the decision. He can sign the application and send it on to FEMA with or without comments, but the comments must be rooted in our own flood damage ordinance and laws.

Chair Wakeem explained the Corps of Engineers sent out a public notice regarding FEMA 38A, 404. Mr. von Finger wants this Board to be able to review it.

Mr. Shubert noted Mr. Rick Gatewood, Corps of Engineers, sent the notice to Engineering & Construction Management. He added as we get those notices we will happily forward them to the Board. He stated the City of El Paso needs a mitigation bank.

Chair Wakeem will post that for the next OSAB meeting.

NO ACTION WAS TAKEN.

6. **Discussion and Action** on a recommendation made by the OSAB to design ponding areas with accessibility for wildlife. Contact: Kareem Dallo, (915) 541-4425, dallokf@elpasotexas.gov

Mr. Dallo referred to a previous OSAB meeting agenda item discussion regarding pump number four. Flow paths connected to a pump will be open, no fencing, encouraging wildlife to go to the pond. Pumps connected to streets, not connected to any flow paths, will be completely enclosed. He noted there is nothing in the current code that addresses access to ponding areas for wildlife.

Chair Wakeem explained the discussion is not regarding ponding areas on the east side that are completely surrounded by subdivisions where wildlife cannot get to them, but more in regard to FEMA 38A.

Mr. Ardovino asked if there are any examples of ponding areas, in places like the east side; that are natural open space rather than fenced in areas in the middle of neighborhoods. He wondered if Staff had any examples from other cities.

Mr. Shubert responded Phoenix has beautiful washes and flood control structures that are wide open recreation areas; almost without exception, the Corps of Engineers built them and then turned them into alternate use facilities. How does El Paso get developers interested in developing more park ponds and less of these single use drainage facilities; it is almost impossible to do that and exact that from the developers. He discussed the development of Album Park.

He explained Staff has been working on several things:

1. way(s) to inspire individuals to create more dual use facilities;
2. how can Staff create or use existing standards, and/or enhance the existing standards for more low impact development or storm water harvesting; and
3. Grading Ordinance which will be introduced at the March 1st City Council meeting and the public hearing will be held at the March 8th Council meeting.

In conclusion, it is very difficult to do that without public funds.

Ms. Balin commented on the enormous natural open space areas in Northeast El Paso by Tiger and off of Deer, both of which are city properties. She wondered why the gates couldn't be opened to allow people to walk their dogs there. It wouldn't be too hard to install some kind of gate opening that only a dog walker can get into.

Mr. Shubert did not know and noted Parks & Recreation Staff has security, stewardship and maintenance concerns. Additionally, he explained, the Stormwater Utility Citizen Advisory Committee helped to vet their Master Plan; seven existing ponds that will be turned into park ponds. Engineering and Construction Management Staff is working on some funding options that will fund the city's portion.

As an Advisory Board, Chair Wakeem requested Board Members recommend that where there is a riparian corridor and a ponding area; leave that access available to the wildlife without fencing that in.

Mr. Tolbert added the language *"you always consider that first".*

MOTION:
Motion made by Mr. Ardovino, seconded by Mr. von Finger and ***UNANIMOUSLY CARRIED THAT THE CITY CONSIDER, WHEN DEALING WITH PONDING AREAS ALONG A RIPARIAN CORRIDOR, LEAVING IT OPEN FOR WILDLIFE AS A WILDLIFE CORRIDOR AS A FIRST OPTION.***

Moved to the top of the agenda, first item.

7. **Discussion and Action** regarding the Texas Parks & Wildlife letter responding to the Texas Department of Transportation's Transmountain Road Environmental Assessment.
   Contact: Karen Clary, Texas Parks and Wildlife, Karen.Clary@tpwd.state.tx.us

   Chair Wakeem explained, via tele/video conference call, Ms. Clary will discuss her letter regarding the environmental assessment for the location at IH 10 to approximately 0.479 mile east of the Tom Mays Unit of the Franklin Mountain State Park. He stated that the Final Draft EA was recently released and asked Staff to add that to the next OSAB agenda.
   (copy of Draft EA included in backup information)

   Ms. Clary asked if any Board Members had questions/or needed clarification regarding her letter to TxDOT. There were none. She explained TxDOT is engineering this project; however, Texas Parks and Wildlife has concerns regarding:
   1. primarily pedestrians and bicyclists safety;
   2. the entrance into Tom Mays Park (per the configuration of the schematic provided by TxDOT);
   3. wildlife crossings;
   4. issues regarding the width of the ramp lanes entering the park;
   5. the turning diameter entering the park from the East;
   6. Recreational vehicles/vehicles crossing into the park from the West; and

7. the length of acceleration lane for recreational vehicles/vehicles to enter into the park from the West.

Texas Parks and Wildlife does not have any recommendations regarding designing the entrance to Tom Mays Park or where to put the wildlife crossings. TxDOT would like to coordinate with Texas Parks and Wildlife regarding an agreeable vehicular entrance into the Park.

Chair Wakeem asked if there were any Board Members or members of the audiences wishing to ask questions of Ms. Clary

Mr. Tolbert requested additional information regarding the wildlife crossings.

Ms. Clary explained the Draft EA does not propose any wildlife crossings; however, the Final Draft EA, TxDOT has proposed a wildlife crossing (a culvert or an underground crossing) to be located to the west of Paseo Del Norte intersection. Additionally, Texas Parks and Wildlife would also like to have a wildlife crossing at or near the other side entrance to the Park. Texas Parks and Wildlife will meet with TxDOT on March 3, 2011 to address all safety concerns, including safe entrance into the Park for bicyclists and pedestrians between the Paseo Del Norte intersection and the entrance into the Park (crossing two lanes of traffic rather than one lane). TxDOT has scheduled a March 22, 2011 public meeting to discuss the Final Draft EA. Texas Parks and Wildlife will be able to make comments regarding the Final Draft EA up to April 12, 2011.

Mr. von Finger questioned the location of the proposed wildlife crossing, on the west side of Paseo Del Norte, the developed side. Basically, the wildlife would have to go into the development in order to cross over. He felt that was not an appropriate location for a wildlife crossing as there will not being any wildlife due to development.

Ms. Clary responded she was unsure whether or not the development will be on the west side of Paseo Del Norte, however; as of right now, the wildlife crossing location is proposed to be on the west side of Paseo Del Norte.

Mr. von Finger commented on the proposed landscaping use of exotic, invasive and high water use plants. He wondered if that had been resolved.

Ms. Clary was unsure if it ever gets resolves; however, TxDOT and Texas Parks and Wildlife must comply with all federally mandated requirements. At the very least, she hoped TxDOT would develop a landscape plan for the entrance to the Park using native re-vegetation and rangely native vegetation and landscaping (as required by law).

Chair Wakeem thanked Ms. Clary for coming to El Paso, on her own dime; on the coldest day of the year and being unable to present at the previous OSAB meeting.

NO ACTION WAS TAKEN.

Moved to the top of the agenda, second item.

8. **Discussion and Information:** Presentation on the City of El Paso's Title 21 (Smart Code). Contact: Mathew McElroy, (915) 541-4193, mcelroymx@elpasotexas.gov

Regarding the previous agenda item, Mr. Mathew McElroy and Board Members thanked Ms. Granado and Mr. Coronado for setting up the tele/video conference call.

Mr. McElroy asked Chair Wakeem what his intent was regarding the PowerPoint presentation on SmartCode entitled *"A Form Based Code for El Paso Land Holdings".*
(copy of presentation included in backup agenda information)

Chair Wakeem requested Mr. McElroy discuss the T-1 transect.

Mr. Tolbert responded he had requested the item be placed on the item to learn a little more about SmartCode.

Mr. McElroy explained the PowerPoint presentation is a primer to educate persons regarding sustainable development, SmartGrowth and SmartCode. This presentation tries to draw a real distinction between conventional development and what a more sustainable development can be. Additionally, slides using demographic and other data available for El Paso, foreclosure and VC rates, etc., will explain why a different type of development is important, not just in general.

Questions from the Board Members

1. Mr. von Finger asked Mr. McElroy how MPO Planning will be affected by SmartCode? MPO looks at building more, wider roads which conflict with Smart Code.
   Mr. McElroy responded the MPO and TxDOT are beginning to move in the direction of SmartCode. TxDOT adopted, as a recommended practice, *"The Institute for Transportation Engineers – Walkable Urban Thoroughfares"* manual. That builds streets that you would see in SmartCode, research shows that building streets via SmartCode adds value by building better streets; nobody wants to live near a freeway or arterial.

2. Chair Wakeem asked how SmartCodes are compatible with NOS zoning?
   Mr. McElroy responded the NOS would be the T-1 zoning; you have more flexibility for preservation under the Smart Code than our conventional Development Codes.

3. Chair Wakeem asked if the freeway style is compatible or incompatible with SmartCodes.
   Mr. McElroy commented on Barrano, a SmartCode development in San Antonio done by the Gateway Planning Group; that abuts the freeway on one side and Sea Side in Florida, the very first SmartCode example that also has a freeway running on one side.

4. Mr. Thomas asked if Mr. McElroy would clarify the ¼ mile walkable radius.
   Mr. McElroy responded via surveys and looking at old neighborhoods; researchers determined people are comfortable walking a ¼ radius to get to their neighborhood pub, park, and grocery store. Your first place is home, your second place is work, and your third place might be Madeline Park.

5. Mr. Ardovino asked how does the City of El Paso, which is approximately 80% sprawl, and how can Boards like the Open Space Advisory Board help the process. Are we looking at 20 years down the road?
   Mr. McElroy explained existing neighborhoods like Tierra Del Este Unit 51 and others; that development pattern will be there for 100 years, those you just have to leave alone.
   The real ability for cities to make change would be to:
   1. Allow these to be legal again;
   2. Allow developers to build narrower streets, shorter blocks, allow accessory dwelling units by right;
   3. Pick areas where you want redevelopment and you want them to look like SmartGrowth. You do that through public investment, such as investing in public transit terminals, cities will typically set the mandatory development code to be SmartCode style development. People who own property in those redeveloped areas build that way and receive benefits such BRT riders, etc. public/private partnership.

At this time, Chair Wakeem recognized Mr. Bill Spikowski, Dover Kohl and Partners.

Mr. Spikowski stated he has been working with Staff regarding future land designs which address what can we do now and what can we do long term.

6. Mr. Tolbert referred to Mr. McElroy's previous statement regarding NOS Zoning equaling T-1 Zoning with T-1 having more flexibility.
   Mr. McElroy felt the way the NOS was built into our conventional codes, it's an afterthought. When a developer comes in, he has this land and wants to flattened out it out to get the highest yield he can and if there's something he can't use, maybe he'll use NOS. It's not the primary concern of preserving arroyos, it's what can they build after the fact. SmartCode requires you to do a little more design work in the beginning because of the density bonuses you get; you can get a similar or higher yield having the ability to preserve more putting T-1 zoning in the beginning.

7. Ms. Balin referred to transects and stated they sound like just another way of zoning. She wondered if this will only apply to new development in the city limits or will this be mandatory on all new development.
   Mr. McElroy explained SmartCode applications are really rezoning applications. A developer would have to rezone to SmartCode in order to build the SmartCode way; however, the city can also go back and rezone properties in development areas, such as properties in the Five Points area. Additionally, a developer would want to rezone those properties first in order to build SmartCode and to maintain the existing character that's there.

8. Mr. Addington noted in the 1960's the Sierra Club coined the term "The Concept of Sprawl". He explained we can't build our way out of gridlock, it doesn't happen, it actually exuberates the problem. He asked Mr. McElroy how has he been able to talk with the PSB regarding SmartCode.
   Mr. McElroy felt the PSB has been receptive, he explained, our conventional development codes have been around for 50 years. Asking developers to understand a new concept after working with the old concept for 50 years, and they've had 1½ years to acclimate themselves on SmartCode. He thought the PSB is going through that same learning process, Planning Staff will continue to work with PSB Staff to assist them through this transition.

9. Ms. Balin asked if there are incentives for private developers to use SmartCode.
   Mr. McElroy responded by Code, yes. Every application gets expedited; Staff will review all application fees associated with SmartCode. He explained there are no application fees, no plat fees, no land study fees, no rezoning application fees and no infill application fees. The city can also include tax rebate incentives, such as tax rebates.

   NO ACTION WAS TAKEN.

9. Discussion and Information: Presentation on the ASARCO site remediation by ASARCO Trustee Mr. Roberto Puga.
Contact: Carlos Gallinar, (915) 541-4662, GallinarRC@elpasotexas.gov

Chair Wakeem explained Mr. Puga could not be present today and requested the item be postponed until March when Mr. Puga is available. Additionally, a Special Open Space Advisory Board meeting may be scheduled just for Mr. Puga; in the event, he is not available for any regular March OSAB meetings.

MOTION:
Motion made by Mr. Thomas, seconded by Mr. von Finger and ***UNANIMOUSLY CARRIED TO POSTPONE UNTIL MR. PUGA IS HERE IN MARCH.***

10. **Discussion and Action** to recommend NOS zoning on preserved city-owned open space, including Rio Bosque, Feather Lake, Keystone and/or Palisades.
Contact: Charlie Wakeem, charliewak@sbcglobal.net

Chair Wakeem explained three weeks ago City Council approved OSAB's recommendations to change the NOS ordinance, removing the objections made by Mr. Archuleta and Ms. Adauto last year after the original NOS ordinance was approved.

He asked Board Members to take another look at the following four areas of preserved natural open space:

1. Palisades, between the Franklin Mountains and Crazy Cat, currently zoned PMD. This is preserved already; however, Chair Wakeem is recommending adding NOS as an additional layer of protection.

   Mr. Valdez explained the PSB has hired an engineer to look at some of the stormwater functions of the Palisades Park area; that study should be completed some time this year. The PSB has no objection to the rezoning request; however, he asked that the rezoning be delayed until the study is returned from the Engineering Consultant and a determination is made regarding which areas could be designated for stormwater functions.
2. Keystone, all of Keystone is zoned C-4 (Commercial) and R-4 (Residential), except for the bottom part. It is illogical to have C-4 zoning, which is about the highest intensity of development there is. Staff will research whether or not Keystone is deed restricted.

   Mr. von Finger explained, as part of the mitigation process, Keystone Heritage Park must demonstrate to the Corps of Engineers a way of permanently protecting Keystone, within the constraints of the waterway, stormwater, etc. Furthermore, as part of the NOS, Mr. von Finger would like to see Keystone Heritage Park designated a wildlife sanctuary/refuge.
3. Rio Bosque, zoned R-F (Ranch and Farm), R-F allows for working lands; raising lifestock and growing crops, which is not compatible. Chair Wakeem felt Rio Bosque was prime property for NOS and would give parameters to UTEP, which manages Rio Bosque, as to what they can do with it.

   Ms. Balin concurred and requested Rio Bosque be designated a wildlife sanctuary/refuge.
4. Feather Lake, zoned R-F (Ranch and Farm) and R-3 (Residential), same request as Rio Bosque. Chair Wakeem requested Feather Lake also be designated a wildlife sancturary/refuge.

   Mr. Valdez explained the PSB objects to the rezoning request; as it may hamper our ability to maintain the property. The primary function of this is a stormwater facility. He commented on whether or not the NOS permits grading and/or disturbing natural open space.

   Chair Wakeem responded, with the site plan and corrected NOS ordinance; it would be permitted.

   Ms. Cuellar noted Staff will research whether or not:

   1. grading and/or disturbing natural open space is permitted;
   2. disturbing the land, grading, etc. is prohibited in the ordinance;
   3. NOS and maintaining properties/stormwater facilities are compatible;
   4. it might be necessary to make additional changes to the NOS ordinance; and
   5. regarding maintaining stormwater facilities, would it be possible to just dredge the basin so as not to disturb the native vegetation

Mr. von Finger stated desilting, dressing up the slope, etc. could probably go in as part of the site plan. The concern would be if you can't designate the property NOS, then it cannot be declared a wildlife refuge. Board Members can not require any major developments, perhaps to the ease, to install a buffer wall.
Ms. Balin asked if the PSB could just *dredge in the basin* and not disturb the native vegetation.
Mr. Valdez responded there might be an occasion when something has to be done; desilting, dredging, maximum type grading, *within the basin*.
Mr. von Finger suggested the PSB create some type of maintenance plan for these types of basins that also serve as important wildlife/ecological function to include what the constraints would be. Additionally, as part of the maintenance plan, the PSB might want to incorporate designating areas to be left undisturbed, in their natural state.
Mr. Valdez responded it is a maintenance issue as the primary concern of the property is a stormwater facility.

Chair Wakeem requested the Board move to downzone Palisades and Feather Lake properties to NOS, subject to the PSB Engineer study. Additionally, Keystone and Rio Bosque be downzoned to NOS and all but the Palisades should also be designated wildlife refuges.

MOTION:
Motion made by Mr. von Finger, seconded by Mr. Ardovino and ***UNANIMOUSLY CARRIED THAT THE OPEN SPACE ADVISORY BOARD ADVISE COUNCIL TO MOVE IMMEDIATELY TO REZONE RIO BOSQUE AND KEYSTONE HERITAGE PARK AS NATURAL OPEN SPACE AND DECLARE THOSE TWO AREAS WILDLIFE REFUGES.***

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After the vote, Mr. von Finger noted Keystone has entered into an agreement with the City of El Paso and Keystone Heritage Park, Inc., non-profit. He wondered if that would throw a monkey wrench into that. There is also a portion of PSB right-of-way.

Ms. Cuellar responded the City actually owns Keystone; however, Staff will review the lease agreement. Regarding City Council agenda wording clarification, addressing Keystone and Rio Bosque properties; Ms. Cuellar asked if Board Members wanted to submit something to City Council initiating the rezoning to NOS and declaring those properties wildlife refuges.

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Chair Wakeem requested Board Members move that the PSB come back to the OSAB when the Palisades Engineering Study is complete.

At this time, Board Members voted on the Motion.

Prior to taking action on Palisades and Feather Lake, Ms. Balin suggested Board Members wait until after Ms. Cuellar has updated the Board Members on the loose ends.

Ms. Cuellar explained she will begin gathering information/researching and reviewing documents on issues requested by the Board. She stated that may take some time to accomplish.

Mr. von Finger added the Archaeological Conservancy owns land in Keystone; unless they have donated that land to the City. We would have to negotiate with them as well.

11. Discussion and Action: Items for Future Agendas

Chair Wakeem requested:

1. Discussion on the Mitigation Bank;
2. Ms. Whitt has requested discussion on scenic corridors in the city. Mr. Garcia asked Board Members to comprise lists of scenic corridors they would like to be preserved; and
3. Mr. Eduardo Calvo, TxDOT, to present information regarding the Transmountain Environmental Assessment (EA) and Traffic Impact Analysis (TIA). Mr. Coronado will mail copies of those documents from TxDOT for the next meeting.

12. Adjournment

MOTION:
Motion made by Mr. von Finger, seconded by Mr. Ardovino and ***UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 3:37 P.M.***

Minutes prepared by Donna Martinez