Open Space
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ADVISORY BOARD MINUTES

AMENDED

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

Members Present: 6
Lois Balin, Terry Bilderback, Richard Thomas, James H. Tolbert, Kevin T. von Finger, and Charlie S. Wakeem

Members Absent: 3
Bill Addington, Robert Ardovino, Luis Ruiz

Member Vacancies: 0

Planning and Economic Development Staff Present:
Philip Etiwe, Development Review Manager; Carlos Gallinar, Comprehensive Plan Manager; Shamori Whitt, Smart Growth Planner; David Coronado, Lead Planner; Melissa Granado, Senior Planner; Todd Taylor, Planner; Justin Bass, Planner; Geena Maskey, Planner; Ernesto Arriola, Planner;

Others Present:
Lupe Cuellar, Assistant City Attorney, Legal Department; Alan Shubert, Director, Engineering & Construction Management; Kareem Dallo, Engineering & Construction Management, Engineering Division Manager; Rudy Valdez, EPWU-PSB; Trish Tanner, Jobe Materials; Sal Alonzo, CSA Design Group

1. **Meeting Called to Order**

   Chair Wakeem called the meeting to order.

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

   None

3. **Discussion and Action**

   a. Approval of Minutes: March 2, 2011

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

      1. Chair Wakeem requested the following revisions:
         a. Page 10, d., revise "Ash Toll" to "AASHTO", four places;
         b. Page 14, bottom of page, last sentence, revise "development" to "the State Park"

2. Mr. Thomas requested the following:
   a. Page 5, top paragraph clarify: *"Mr. Alonzo added there are a few items pertaining to the drainage right-of-way from daylights going up. Under the current code, there must be a 6" rock wall, leaving it open would be going against the code."*
   b. Page 5, top paragraph revise "6" "to "6′ ".

Ms. Cuellar will ask Staff to clarify the paragraph language.

MOTION:
Motion made by Mr. von Finger, seconded by Mr. Tolbert and ***UNANIMOUSLY CARRIED TO APPROVE THE MINUTES FOR MARCH 2, 2011, AS AMENDED.***

b. Changes to the Agenda

None

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

(1) **SUSU11-00010:** Cimarron Sage Unit Two – Being a portion of Tracts 1 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:	CSA Design Group
DISTRICT:	1
APPLICATION TYPE:	Major Preliminary
STAFF CONTACT:	Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

Mr. Bass gave a PowerPoint presentation and explained at the March 2, 2011 OSAB meeting Staff presented to the Board the Cimarron Sage Land Study and Cimarron Sage Unit One. The applicant proposes to subdivide a 25.56-acre parcel of property into 124 single family lots. The smallest lot measures approximately 5,200 square feet and the largest measures approximately 11,442 square feet. Additionally, the applicant proposes two park sites; the primary site will be located in the southeastern corner of the subdivision and measures 2.37-acres in size. The second site will be located in the northwestern region, a pocket park; that will connect to an existing open space with Cimarron Sage Unit One. Mr. Bass explained the applicant is proposing to develop a cross-section reducing the pavement width of each lane from 11-feet to 10-feet; additionally, the median would increase from 14-feet to 16-feet. Planning and Transportation Staff are in support of the proposed cross-section development. He noted the arroyo has been taken out of the flood zone. The subdivision is located within the Hillside Development Area (HDA).

Questions/Comments from the Board

1. Chair Wakeem asked Staff if the LOMAR and CLOMAR were approved and is it in a major FEMA flow path.

   Mr. Sal Alonzo, CSA Design Group, responded yes, the LOMAR and CLOMAR were approved. Via the PowerPoint presentation, Mr. Alonzo explained the areas that were removed from the flood zone and pointed out the areas that will be left in their natural state and as open space.

2. At the last OSAB meeting, Chair Wakeem explained, Board Members recommended the pipe be left open as a riparian corridor. Chair Wakeem had spoken to a member of the City Plan Commission who informed him that the CPC had agreed to the recommendation. He asked if that was already backfilled when Board Members heard Cimarron Sage Unit One at the last OSAB meeting.

   Mr. Alonzo responded the original recommendation by Staff was to leave open space between Pond 3 and Pond 4 open. However, CSA Design Group requested open space be located between Pond 4 and the outlet discharge tower. He responded yes, it was already backfilled.

3. Per the PowerPoint presentation, Mr. Tolbert asked Mr. Alonzo to clarify what the straight line going down was and if the purple line was Paseo Del Norte.

   Mr. Alonzo responded the straight line going down is the El Paso Natural Gas Right-of-Way and yes, the purple line was Paseo Del Norte.

4. For clarification, Ms. Balin asked if the natural arroyos within the area were already blocked off by development.

   Mr. Alonzo commented on the proposed open space and explained the proposed park site that will connect to hike/bike trails on Paseo Del Norte. Additionally, the hike/bike trails on Paseo Del Norte will connect to existing hike/bike trails on Resler and Northern Pass.

5. Chair Wakeem responded he understood vested rights; however, this goes completely contrary to Section 19.19.010 F. Preservation of Natural Arroyos and he was very uncomfortable with this. Chair Wakeem read into the record Section 19.19.010 F. Preservation of Natural Arroyos.

   Ms. Cuellar asked Mr. Alonzo to explain the proposed plan pertaining to the arroyos. Additionally, Ms. Cuellar noted the arroyo would be filled as part of the drainage plan.

Mr. Alonzo explained to the Board the area that would be filled and the area that would be open space. He concurred with Ms. Cuellar that the arroyo would be filled as part of the drainage plan.

Mr. Dallo approached the dais with a copy of the map and explained the drainage plan for the Board.

At this time, Board Members and Staff discussed the drainage plan, flood zones and plat.

Chair Wakeem suggested Board Members recommend denial if the developer is not vested.

Ms. Cuellar clarified, per Mr. Bass, this subdivision is not vested; therefore, the provision cited by the Chair does not apply. Ms. Cuellar asked Staff if there was a similar provision for the preservation of arroyos.

Mr. Dallo interjected the developer was vested when he submitted Pond 3, Pond 3 intercepted Flow Paths 38A and 38B. Mr. Dallo referred to a letter signed by Mr. Shubert, Director, Engineering & Construction Management, approving the modification of the arroyo under Section HY Preservation of Arroyos.

Mr. Shubert provided background information.

Because it was not a subdivision action affecting all subdivisions, Ms. Cuellar explained, Staff will research what action the developer took, and the city approved, to approve the specific drainage system and to allow the grading to occur that has already occurred. She suggested the Board make a recommendation that Staff resolve those issues prior to City Plan Commission meeting, Thursday, March 24th.

MOTION:
Motion made by Mr. Thomas, seconded by Mr. von Finger and ***UNANIMOUSLY CARRIED TO MAKE THE RECOMMENDATION TO RESOLVE THE ISSUE OF THE ARROYO PRESERVATION ORDINANCE PRIOR TO THE CPC APPROVING THE PLAT.***

4. **Discussion and Action** on developing a wetlands mitigation bank or banks for the City of El Paso. Contact: Alan Shubert, (915) 541-4423, shubertar@elpasotexas.gov

Mr. Alan Shubert, City Engineer, distributed information from the EPA website and stated the City of El Paso currently does not have a wetlands mitigation bank. At this time there is no funding for nor is there a City mandate for establishing wetlands mitigation banks.

If there were a prospectus then the City could develop a wetlands mitigation bank that would not be funded using city monies. Mr. Shubert noted Mr. von Finger has suggested establishing a wetlands mitigation bank for a portion of the Keystone wetlands. Mr. Shubert gave background information regarding the Mowad and Saipan Subdivisions, which are now city owned, which were severely affected by the 2006 floods. He felt Mowad and Saipan would be excellent for a wetlands mitigation bank.
In addition to Keystone, Mr. von Finger suggested Valley Creek Park and some PSB land located in New Mexico.

Mr. Shubert responded to questions/comments from the Board.

MOTION:
Motion made by Mr. von Finger ***TO RECOMMEND TO CITY COUNCIL THAT CITY STAFF BE DIRECTED TO EXPLORE DEVELOPMENT OF A MITIGATION BANK OR PARTICIPATION IN A MITIGATION BANK.***

THERE WAS NO VOTE ON THE MOTION.

Ms. Cuellar suggested establishing a subcommittee.

Chair Wakeem asked Board Member if they would like to volunteer for the subcommittee. Ms. Balin, Mr. Tolbert and Mr. von Finger volunteered.

Ms. Cuellar suggested the first Subcommittee meeting be scheduled in May. In the interim, Staff will meet to discuss, gather information and put a framework together.

NO ACTION WAS TAKEN.

5. **Discussion and Action:** Presentation on the Public Service Board Stormwater's maintenance plan for facilities being considered to be rezoned to Natural Open Space (NOS) and to determine if any changes to the NOS District under Title 20 (Zoning) are warranted.
Contact: Rudy Valdez, (915) 594-5590, rvaldez@epwu.org

Mr. Rudy Valdez explained Board Members requested Staff provide information regarding what impact the NOS would have on the Feather Lake property. First and foremost, it is a stormwater retention basin and PSB Staff's concern was that if the property were rezoned NOS whether or not it would preclude PSB Staff from maintaining the facility and also the ability to hold stormwater. PSB Staff would need to go in, from time to time, to dredge/to desilt the property. When the NOS Ordinance was revised, it permitted the use as a stormwater pond. He asked if the Board would give him another two weeks so that he could discuss the matter further with Mr. Archuleta and other PSB Staff.

Chair Wakeem indicated that rezoning to NOS is not that urgent. He noted the revised NOS ordinance language allows public/private stormwater retention ponds.

Ms. Cuellar thought by adding a drainage pond as a permissible use under the NOS that that allows for the maintenance of those ponds, dredging and desilting included. She felt as long as it was a pond, maintenance of the pond would be included.

Mr. von Finger commented on possible future mitigation funding for Keystone. Keystone may want to desilt the wetland, plant trees or something to enhance/restore the ~~ego-system~~ ecosystem. He wondered if the ordinance would need to be modified to permit that. Additionally, The Archaeological Conservancy would like to do research by putting down 1 meter squares every 5 to 10 centimeters and doing excavation by hand.

Ms. Cuellar responded the excavation activity/use would require amending the code. Regarding designating a wildlife habitat under the NOS, she thought that there were other uses that should also be considered adding either in a limited or restricted capacity. Staff will add an item to the next OSAB agenda to address potential issues under NOS/potential amendments to the NOS ordinance.

Chair Wakeem added the Board does not want to make the NOS ordinance too restrictive.

No further questions from the Board.

NO ACTION WAS TAKEN.

6. **Discussion and Action:** Presentation on the Loop 375 (Transmountain Road) Environmental Assessment. Contact: Texas Department of Transportation

Chair Wakeem explained items 6 and 7 are on the agenda for the Board to take action. He stated after the public meeting at Canutillo High School on March 22nd, City Council will consider the Environmental Assessment at the March 29th Council meeting.

Mr. von Finger recommended TxDOT evaluate, as he had asked Mr. Berry at the previous meeting, in depth analysis the impacts of removing Paseo Del Norte and connecting to Plexxar, making Plexxar the main north south route. That analysis was not preformed in the Environmental Assessment.

MOTION:
Motion made by Mr. von Finger, seconded by Mr. Thomas and ***CARRIED THAT THE OPEN SPACE ADVISORY BOARD MEMBERS RECOMMEND TO CITY COUNCIL THAT CITY COUNCIL REQUEST TxDOT ADD ANOTHER LEVEL OF IN DEPTH ANALYSIS, ANOTHER ALTERNATIVE TO THE ENVIRONMENTAL ASSESSMENT, WHICH IS THE REMOVAL OF PASEO DEL NORTE AS THE NORTH SOUTH OVERPASS AND CREATE PLEXXAR AS THE MAIN NORTH SOUTH ARTERIAL.***

NAY: *Mr. Bilderback*

Mr. Shubert noted Staff looked at that in the Traffic Impact Analysis but not in the Environmental Assessment.

Mr. Thomas asked what the outcome would be.

Mr. Shubert responded TxDOT is involved in the Environmental Assessment that is going into the public comment period. Depending on the outcome, TxDOT is hoping for a finding of no significant impact (FONSI).

Ms. Cuellar clarified the Traffic Impact Analysis was done by a consultant. With regard to the Environmental Assessment, TxDOT is taking public comment and are hoping for a FONSI. The Federal Highway Administration will take all things into account and determine whether or not there is a finding of no significant impact or whether or not an EIS (Environmental Impact Statement) is required.

Mr. Tolbert referred to Attachment #6 which shows Paseo Del Norte bending north. He wondered, regarding the Land Studies and how land is being plotted now, what the outcome would be to bend Paseo Del Norte toward Plexxar.

Mr. Valdez explained the boundaries for the Northwest Master Plan and, via a map, showed Mr. Tolbert where Paseo Del Norte bends toward PSB property.

Following the vote, Ms. Cuellar asked if Board Members wanted their recommendation be sent to City Council at the time the public hearing for this issue is on the agenda. Planning Staff will ensure the recommendation is included in the backup material.

7. **Discussion and Action:** Presentation on the Westside Traffic Impact Analysis Update.
Contact: Alan Shubert, (915) 541-4423, shubertar@elpasotexas.gov

Mr. von Finger explained at the last OSAB meeting, Mr. Ted Marquez, P.E., Traffic Engineer Division Manager, presented information; however, there were some questions regarding the results of the analysis in terms of the congestion. Mr. Marquez was going to go back and evaluate the process to see if the results were indeed what was presented to the Board.

Mr. Shubert explained the traffic impact analysis prepared by the Walter P. ~~Moody~~ Moore Company for the City basically looked at the TxDOT proposed project two ways; as designed and without the Paseo Del Norte interchange. The Company studied the proposed project using the Mission model; the latest MPO model. In general, the Mission model does not presume the Verde Development and the PSB's Northeast and Northwest Master Plans were in. Later, the Mission model was modified to include the Northwest Master Plan with the densities proposed; depending upon the land use, the numbers could be higher or lower.

Chair Wakeem noted the assumption with moving Paseo Del Norte to Plexxar would damage the arroyos; however, further east, Paseo Del Norte would cross the exact same arroyos. Those arroyos, further east, are in the foothills and are much steeper and deeper. The ground is flatter at the future Plexxar.

Staff was trying to convey, Mr. Shubert explained, as it is projected today, if you look at the alignment of Plexxar, if you make that into a major arterial, there is a big problem crossing the arroyos.

NO ACTION WAS TAKEN.

8. **Discussion and Action** on an Ordinance amending Title 19 (Subdivision), Chapter 19.20 (Parks and Open Space), Section 19.20.030 (Parkland Calculation), Section 19.23 (Lots-Determination and Regulation of Size) and Chapter 19.50 (Definitions) of the El Paso City Code to amend the park size requirements for residential development and parkland characteristics and improvements, to require a front build-to line on plats, and to add definitions for Build-to Line, Green, Plaza, Pocket Park and Square. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.
Contact: Shamori Whitt, (915) 541-4477, whittsr@elpasotexas.gov

Ms. Whitt distributed handouts to the Board and explained Staff is compiling a list of scenic corridors within the city limits. She noted the Transmountain area is number one on the list; additionally, every scenic corridor is different and will fluctuate depending upon what it is that is being highlighted in the area, for example, landscape standards in one location might be different from another location. The guidelines are set forth by the Federal Highway Administration and the National Scenic Highway Program. Every scenic corridor should include at least two of the following standards – scenic, archaeological, cultural, historic, natural or recreational standards. For example, Texas Avenue, while it is not necessarily a natural corridor, it does have cultural assets and a great art community. Other examples might be Alameda by the Missions, Doniphan, and Loop 375 by Castner Range.

Mr. Thomas asked, on a national level, who decides whether or not the area is designated.

Ms. Whitt responded each city must have a 14 point plan which includes a Comprehensive Plan, a catalog of road conditions, surrounding land uses and how that correlates with Comprehensive Plan efforts and future land uses. Staff will be compose the 14 point plan and submit it; it could get national recognition or it could be our local program. Our goal is to be nationally recognition; nationally recognized programs are open to receive grant funding.

Ms. Balin suggested designating the corridor that follows Castner Range through Martin Luther King to Highway 404 through the Anthony Gap. She felt this would be a very good opportunity for a scenic corridor. Additionally, as part of the natural open space and the preservation agricultural areas, Ms. Balin would like to designate the road to Vinton, Texas, as a scenic corridor.

Mr. Valdez stated a series of scenic corridors was established, many years ago, that included Transmountain, a portion of Joe Battle, Border Highway, and others. He thought the scenic corridors were established by ordinance. He would look and see; he might have a copy somewhere.

Chair Wakeem suggested Staff look through the archived files for the documents referred to by Mr. Valdez. He thought it would be beneficial to find out where the scenic corridors are already located and then go from there. He asked Staff to look into whether or not the Don Juan de Oñate trail, up to the city limits, qualifies as a scenic corridor. In conclusion, Chair Wakeem asked Staff to come back with recommendations, recommendations that are geared towards scenic, farm land type corridors.

NO ACTION WAS TAKEN.

9. **Discussion and Action** on an Ordinance amending Title 19 (Subdivisions), Chapter 19.20 (Parks and Open Space), Section 19.20.030 (Parkland Calculations), Section 19.23 (Lots-Determination and Regulation of Size) and Chapter 19.50 (Definitions) of the El Paso City Code to amend the park size requirements for residential development and parkland characteristics and improvements, to require a front build-to line on plats, and to add definitions for Build-to Line, Green, Plaza, Pocket Park and Square. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.
Contact: Shamori Whitt, (914) 541-4477, whittsr@elpasotexas.gov

Ms. Whitt distributed information to the Board, gave a PowerPoint presentation and explained the Title 19 amendments are a result of SmartGrowth implementation passed by Council November 30, 2010. Staff was directed to exam the SmartCode, identify any obstacles and fast track any amendments. Ms. Whitt elaborated on each of the proposed amendments.

Regarding the definition for "Square", Mr. von Finger asked what "formally disposed" meant.

Ms. Whitt explained the definition was taken from Title 21, SmartCode. She explained a Square is usually in a civic space, meant to have some kind of commercial purpose and structured, like San Jacinto Plaza.

Mr. Thomas asked if a build-to line was the same as a setback line.

Ms. Whitt responded it will comply with minimum setbacks for the zoning district.

Per the PowerPoint presentation, Ms. Balin commented on sidewalks with no streets, it's the house, yard and park, which ~~is~~ are great. The streets are behind all houses, garages and parking are located in the rear of the home.

Ms. Whitt responded access to the garages would be through the alley; however, there is a street. Think of Memorial Park.

Regarding the definition of "Square", Mr. Thomas asked if it had to be ½ acre in size.

Ms. Whitt responded City Council wants to see more of this parktypeology. If you're not meeting the very specific standards for "Green", you are doing a "Pocket Park".

Mr. ~~Birkelback~~ Bilderback referred to the language "Street trees shall be provided in the parkway at 30-foot intervals" and asked if there were provisions that provide for water and maintenance of the trees elsewhere in the Code.

Ms. Whitt responded that is part of the minimum park improvement standards

Chair Wakeem noted there are alternatives to irrigation such as stormwater *harvesting* and purple pipes. He was very excited to see these amendments; this is the kind of diversity we need to see in the city.

Regarding the definition of "Green" Ms. Balin referred to the language "A Green may be spatially defined by landscaping rather than by building frontages. Its landscape shall consist of lawns and trees, naturalistically disposed." She noted lawns in El Paso are not green; she wondered if there should be something added to that like natural landscaping, natural bunch grasses, instead of green irrigated lawns, it could be a minimal amount of that and more natural habitat.

Ms. Whitt elaborated on the Alternative Design section language. In other provisions of the Park Standards Manual, they encourage/require native landscaping.

Mr. von Finger wondered what the basis was for the "8 acre maximum", as stated in the definition of "Green".

Ms. Whitt responded she took the definition from the consultants when they calibrated the SmartCode. She would research that and get back to the Board. The Parks Master Plan rewrite should be complete in September and the illustration shown today will be included in that rewrite. Mr. Jim Carrillo was involved in the decision making process for these amendments. She commented on the requirements for a linear park and explained the proposed amendments add more options regarding neighborhood, regional, linear parks.

Ms. Whitt noted the ordinance will be presented to City Council on March 29th.

Additionally Chair Wakeem noted Transmountain and the all important Grading Ordinance will be presented to City Council at the March 29th meeting.

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

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

Mr. Tolbert requested:
Discussion and Information: On all approved Land Studies within the MDA and HDA.

Ms. Balin requested:
Discussion and Action: Presentation by Mr. Rick Lebello, Proposed Wildlife Habitat Program.

Staff requested:
Discussion and Action: Possible amendments to the NOS Ordinance.

April 13th OSAB meeting agenda:
Chair Wakeem requested:
Discussion and Action: Presentation by Mr. Chuck Berry, Update on the Loop 276 and Transmountain East Project.

11. **Adjournment**

MOTION:
Motion made by Mr. von Finger, seconded by Ms. Balin and ***UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 3:09 P.M.***

Minutes prepared by Donna Martinez