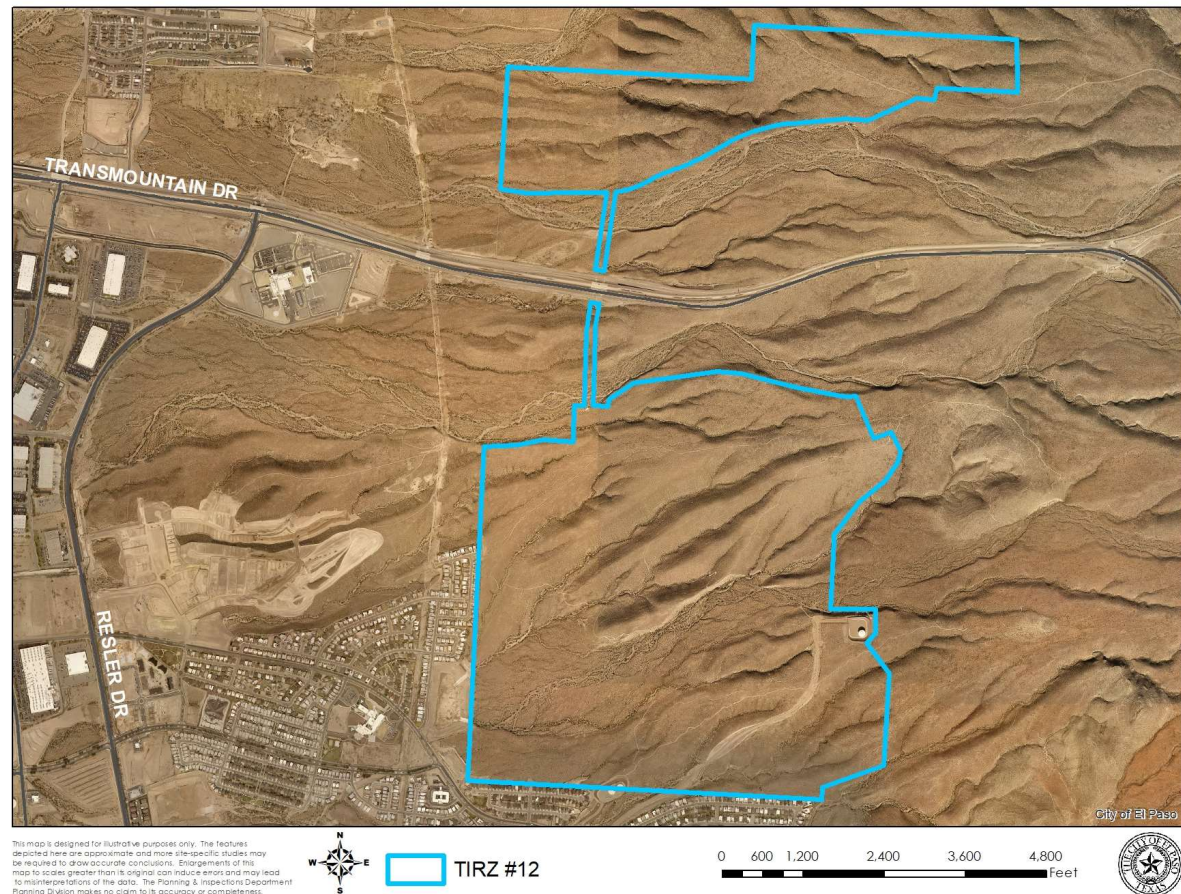


TIRZ 12 AND CONSERVATION

October 15, 2019

LOCATION MAP

- May 4, 2019
Ballot initiative approved
by voters (including Lost
Dog Trail)



JULY 23, 2019 CITY COUNCIL MEETING

- Staff presented numerous options* to comply with the Ballot language:
 - Staff recommended the option in utilizing the 10% Dual-Purpose Stormwater/Open Space Fund and leave the land in the El Paso Water inventory
- City Council made the motion “to explore a Conservation Easement and DIRECT Staff to ascertain partners for establishment of the Conservation Easement based on the proposition language to preserve land for all time with permitted uses defined along a natural open space zoning district and return to Council within 90 days.”
- * Note: a proposed ordinance to terminate TIRZ 12 has a first reading on October 15 with the second reading on October 29

COMPREHENSIVE PLANNING APPROACH

- Planning perspective:
 - Comprehensive approach needs to be taken
 - Evaluate mineral and other preexisting rights
 - Transportation impacts
 - Other conservation techniques/methods
 - Cost
 - Evaluate future needs
 - “...that says to generations yet to be born that we know more about everything they are going to face than they ever will, and we ought to control it.” –Virginia Senator John Watkins

WHAT IS A CONSERVATION EASEMENT?

- Texas Natural Resources Code (NRC) Chapter 183.001. (1) defines a conservation easement as “a nonpossessory interest of a holder in real property that imposes limitations or affirmative obligations designed to:
 - A. Retain or protect natural, scenic, or open-space values of real property or assure its availability for agricultural, forest, recreational, or open-space use;
 - B. Protect natural resources;
 - C. Maintain or enhance air or water quality; or
 - D. Preserve the historical, architectural, archeological, or cultural aspects of real property.”
- Some property rights are conveyed
- Texas NRC Chapter 183.002(a) states that “a conservation easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements.”

FINANCIAL INCENTIVES

- A conservation easement may be used as an incentive for:
 - Tax deductions
 - Charitable giving
 - Estate planning
 - Possible property tax reduction

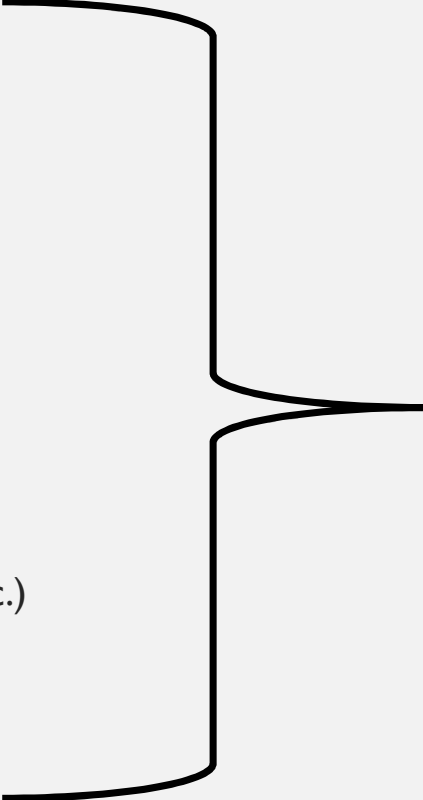
*None apply to the City of El Paso or potential partners

PARTNERSHIP OPPORTUNITIES

- As per Texas NRC 183, a conservation easement may be held by either:
 1. Government body
 2. A charitable corporation, charitable association, or charitable trust which has been created or empowered to “retain or protect the natural, scenic, or open-space values of real property”...
 - May include organizations such as:
 - Conservation Force
 - Frontera Land Alliance
 - Texas Land Conservancy
 - The Conservation Fund
 - The Nature Conservancy – Texas Chapter

PUTTING TOGETHER A CONSERVATION EASEMENT

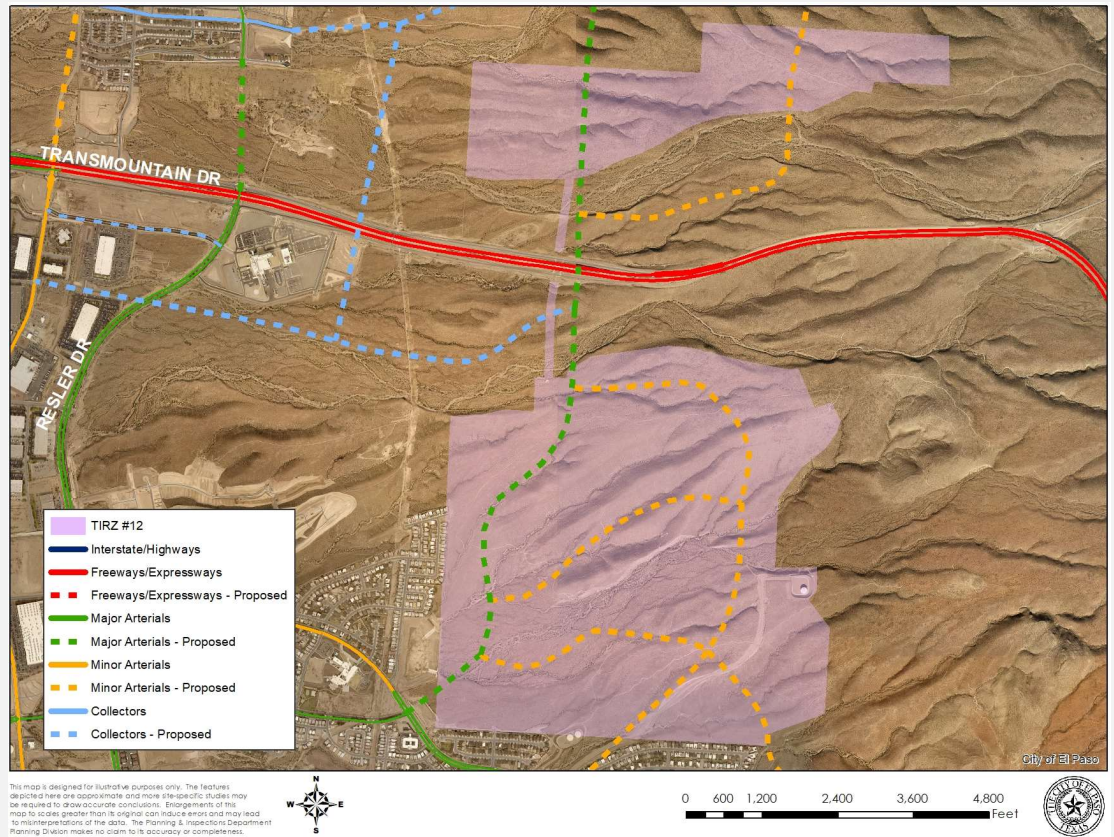
- Identify or engage the services of appropriate organization (government or qualified conservation organization)
- Letter of intent
- Identify funding source (≈\$30,000-\$150,000 only for easement)
- Appraisal
- Title work
- Survey
- Analysis of site
- Environmental study
- Land owner identifies provisions of the easement (duration, uses, etc.)
- Record easement
- Annual stewardship endowment fee (unknown fee)
- Annual costs to cover violations (unknown cost)



Time and cost
need to be
considered

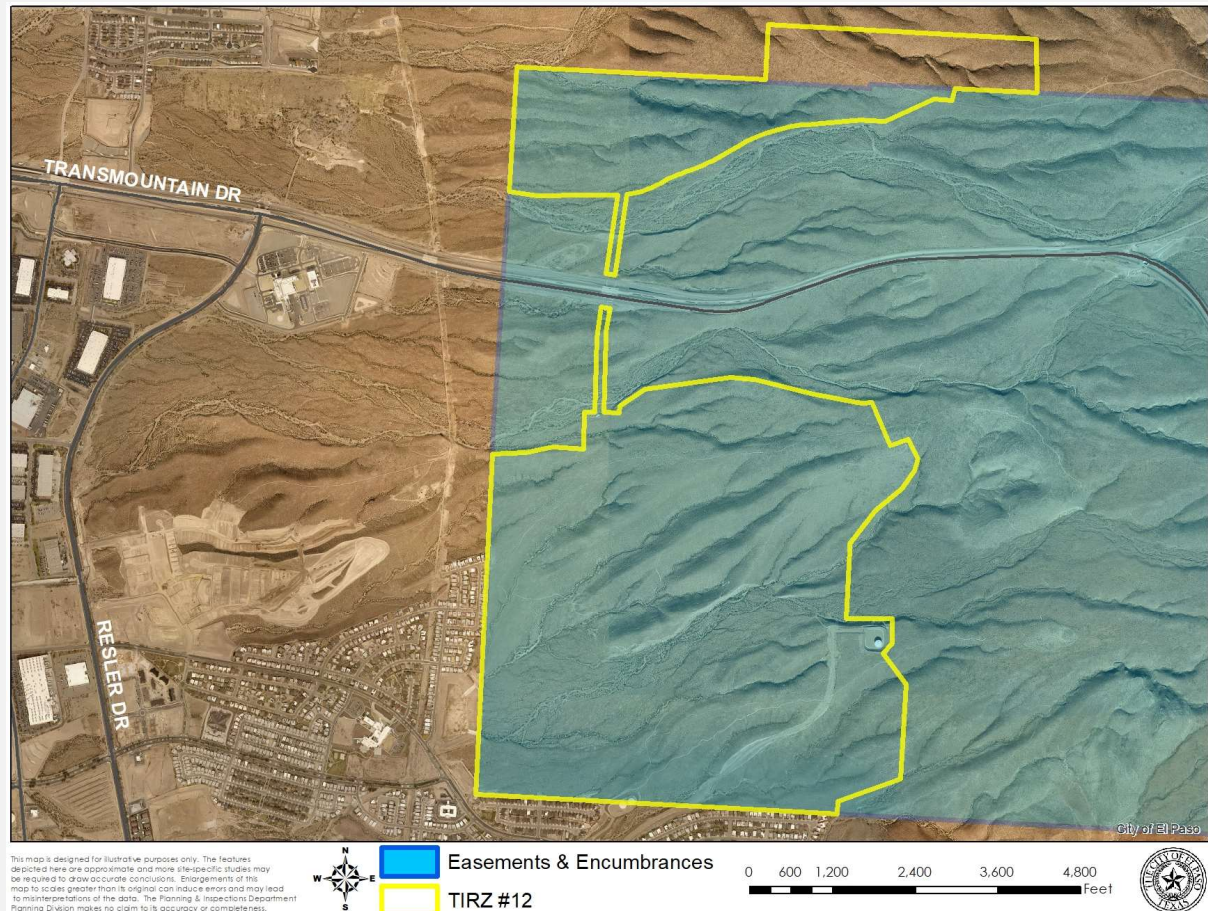
TRANSPORTATION IMPACTS

- Existing infrastructure anticipated for future roadways
 - Paseo Del Norte
 - Helen of Troy
- Elimination of future roadways may create stresses on existing streets
- Amendment to MTP requires Traffic Impact Study



MINERAL & OTHER PRE-EXISTING RIGHTS

- Ballot: *Shall an ordinance be approved to preserve in its natural state, for all time, the 1,107 acres owned by the City of El Paso and referred to as “Tax Increment Reinvestment Zone Number Twelve,” which includes the “Lost Dog Trail,” and to prohibit, for all time, any private development and any major public roadways on said 1,107 acres?*
- Texas NRC 183.002(d) – a preexisting right must not be impaired unless the holder of said right agrees to consent to the conservation easement.



PERMITTED USES IN OPEN SPACE ZONING

El Paso City Code 20.02.648 – Open Space Definition

- "Open space" means an area that is intended to provide light and air and is designed for either scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, desert areas, foothills, walkways, active and passive recreation areas, hike and bike trails, equestrian trail nodes, picnic benches and shelters, scenic lookouts, viewing shelters, shade structures, playgrounds, fountains, river banks, swimming pools, wooded areas and water courses, and restrooms. The calculation of required open space shall not include driveways, parking lots or other surfaces designed or intended for vehicular travel or storage.
- El Paso City Code Chapter 20, Table A – Table of Permissible Uses (for Natural Open Space)

Permitted Use	Permitted Accessory Use	Detailed Site Plan Req.	Special Permit Req.
<ul style="list-style-type: none"> • Conservation easements • Open space • Stormwater open space • Utility green space • Water and wastewater utility facility 	<ul style="list-style-type: none"> • On-premises advertising • On-site parking • Storage of supplies, equipment, goods • Streets and right-of-way 	<ul style="list-style-type: none"> • Railroad right-of-way 	<ul style="list-style-type: none"> • Campground • Major utility facility • Minor utility facility • Specialty shop • Stormwater retention pond

RECOMMENDATION

- Recommendation:
 - Establish restrictive covenants.
 - Maintain the status quo (based on July 23, 2019 City Council action to utilize 10% Dual-Purpose Stormwater/Open Space Fund and leave the land in the El Paso Water inventory and to remove TIRZ 12)
 - Per the approved bond ordinance, achieves goals that are necessary and appropriate to preserve the land