



CITY OF NORMAN, OK
FLOODPLAIN PERMIT COMMITTEE MEETING
Development Center, 225 N. Webster, Conference Room B
Tuesday, September 05, 2023 at 3:30 PM

MINUTES COVER PAGE

The Floodplain Permit Committee of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Conference Room B at the Development Center, on the 5th day of September, 2023, at 3:30 p.m., and notice of the agenda of the meeting was posted at the Norman Municipal Building at 201 West Gray, Development Center at 225 N. Webster and on the City website at least 24 hours prior to the beginning of the meeting.



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Development Center, Conference Room B, 225 N. Webster Avenue,
Norman, OK 73069
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MINUTES

ROLL CALL

The meeting was called to order by Mr. Shawn O'Leary at 3:32 p.m. Roll was called and all members were present. Others in attendance included, Todd McLellan, Development Engineer; Beth Muckala, Assistant City Attorney; Jason Murphy, Stormwater Program Manager; Kim Freeman, Staff; Chris Anderson, SMC; Richard McKown, Green Earth Land Design; Lisa Taylor, Smith Communications; Melissa Long, Resident.

MINUTES

1. Approval of minutes from the August 21, 2023 meeting

Mr. O'Leary called for a motion to approve the minutes from the meeting of August 21, 2023. The motion was made by Scott Sturtz and seconded by Ken Danner. The minutes were approved 7-0.

ACTION ITEMS

2. Floodplain Permit No. 680

Mr. O'Leary said this Application is in the Canadian River Floodplain. Mr. O'Leary asked Mr. McLellan to present the staff report. Mr. McLellan said this Application is for the installation of a cell tower at 596 Bratcher-Miner Road in the Canadian River floodplain. It's located southeast of the intersection of Bratcher-Miner Road and Chautauqua Ave. Mr. McLellan said the Applicant is represented by Lisa Taylor. Mr. McLellan said the Applicant is requesting a floodplain permit to construct a cell tower at this location.

Mr. McLellan said plans for this location include creating an access pad and a road to get to the pad for the monopole tower. A chain link fence will surround the 50' x 50' pad location with the tower and equipment. According to the plans, the top of pad will be 2 feet above the BFE and any additional equipment will be installed at that elevation or higher on top of the concrete pad. The 140' cellular tower will be constructed in the southeast corner of lot, which has a permanent easement, and will be located 140' from both Bratcher-Miner Road and Chautauqua Ave. The applicant's engineer provided calculations showing that approximately 150 cubic yards of fill will be brought into the floodplain for the elevation of the site. Plans indicate that an area immediately southeast of the project location used to provide the necessary 150 cubic yards of compensatory storage. The cut area will be seeded after excavation. This permit application also includes the approach and 24" culvert at the intersection with Bratcher-Miner Road that must meet City standards.

Mr. McLellan reviewed plans and aerial maps of the project locations provided to members in their packets.

Mr. McLellan confirmed all ordinance requirements have been met and said staff recommends Floodplain Permit Application No. 680 be approved.

Mr. O'Leary asked for comments or additions from the Applicant. Ms. Taylor, Smith Communications, said no comments unless there are questions. Mr. O'Leary asked for any comments from the public. Hearing none, Mr. O'Leary asked for any additional comments by the committee. Mr. O'Leary asked for confirmation of the owner of the property. Ms. Taylor, confirmed the City of Norman is the property owner but as part of the agreement for the purchase with Mr. Kruger, who is their landlord, was given an easement for the cell tower. Mr. O'Leary asked if there is a Ground Lease Agreement and Ms. Taylor said yes. Mr. O'Leary said in the past, cell tower applications have come from the owner of the property, not the tenant. Ms. Muckala, said she worked on that acquisition and can attest that this was contemplated during the purchase and sell agreement and they do have permission to proceed. Mr. O'Leary directed the committee to the Letter of Reference in the packet pertaining to the Ground Lease Agreement.

Ms. Stansel asked if the access road would be permanent or temporary. Ms. Taylor said there will be a permanent access road to the location for maintenance. Ms. Stansel asked if the road would be gravel. Mr. Murphy said it's in the plans as a gravel road. Ms. Taylor said the approach would be concrete.

Ms. Hudson asked for confirmation of the cell tower height. Ms. Taylor said they have FAA approval for 190 ft. but the tower itself is 140 ft.

Mr. Sturtz said the notarized certificate is a Texas PE stamp and an Oklahoma PE is needed. Ms. Taylor provided a corrected certificate.

Mr. O'Leary called for further questions or a motion. Mr. Sturtz motioned to approve Floodplain Application No. 680. Mr. Danner seconded the motion. Mr. McLellan asked to add the condition that an elevation certificate for the concrete slab be provided. Mr. O'Leary confirmed adding the condition of the elevation certificate as stated in the staff report. Mr. O'Leary called for further discussion on the motion. The committee voted to approve the application 7-0.

3. Floodplain Permit No. 681

Mr. O'Leary said this Application is for a project in the Little River called Bridgeview at Carrington Addition. Mr. O'Leary asked Mr. McLellan to present the staff report. Mr. McLellan said Richard McKown is representing the owner and Chris Anderson with SMC is representing the Engineering firm. Mr. McLellan said this is for the construction of a road in the Zone A floodplain that is part of a tributary to the Little River near the intersection of 36th Ave. NW and Franklin Road. The work being done is for the proposed Bridgeview at Carrington Addition. The road will be oriented generally north to south and cross the floodplain to the west of 36th Ave. NW. The applicant submitted plans showing a road crossing this section of the floodplain with two 48" reinforced concrete pipes under the road to allow for the drainage of the stream that is draining to the east towards an unnamed tributary of the Little River. The flow line elevation for the pipes will be 1157.8' on the upstream side and 1157.3' on the downstream side. The approximate 100 year water level is 1163.8' and the top of the road, according to the plans is 1165.0'. According to the preliminary plat, this road would not be the only path of ingress or egress for the development during a flooding scenario. The applicant submitted plans showing a cut volume as a result of development of approximately 6300 CY and a fill volume of approximately 3550 CY for a net loss of approximately 2750 CY of fill in the floodplain.

Mr. McLellan reviewed plans and aerial maps of the project locations provided to members in their packets.

Mr. McLellan confirmed all ordinance requirements have been met and said staff recommends Floodplain Permit Application No. 681 be approved.

Mr. O'Leary asked for comments from the Applicant. Chris Anderson, SMC Consulting Engineers, said he covered it all pretty well. Mr. O'Leary called for any public comments. Ms. Long, resident, said she is just a resident and doesn't know very much at all, but she knows none of it is being maintained. Ms. Long said the City's pipes are not maintained anywhere around that area so when it rains there is flooding. Ms. Long said when they call, they say well we're widening your road so we're not going to deal with that, but they lost the federal funding for widening the road. Ms. Long said I have standing water and had to get a sump pump out to the entrance to the neighborhood. Ms. Long said the work done recently has created a lot of erosion and the fire hydrant which is normally knee high is now to your ankles at the entrance of the neighborhood. Ms. Long said in the drainage at 36th the tinhorn is completely eroded and caving in. Ms. Long said as the HOA President and homeowner in the neighborhood, she was asked to come as a concerned citizen in the neighborhood. Ms. Long asked what the City is doing to fix these drainage issues in the neighborhood.

Mr. Sturtz said his group is working on that roadway project to address these concerns. Mr. Sturtz said the current construction that is happening is part of the utility relocation. Mr. Sturtz said he would love to help Ms. Long with this and asked Ms. Long if she could stay after the meeting to discuss and address all of her concerns. Ms. Long said 3 square feet of her house is in the floodplain, she's tried to contact the Army Corps of Engineers and asked if they had suggestion of who to contact. Mr. McLellan asked if she had tried to get a LOMA, Letter of Map Amendment. Ms. Long said she hired an engineer but he just took their money and didn't complete the work. Mr. McLellan said the property is right on the very fringe of the floodplain and it might be possible to get a LOMA. Mr. Sturtz said he could help with the LOMA as well. Ms. Long said the concern as a neighborhood is who will maintain the new structure and how is it going to impact flooding. Ms. Long said her concern is if she will be able to get out of the neighborhood when it rains. Mr. O'Leary said that's why we're here, to make sure no negative implications occur in the floodplain. Ms. Long asked who is going to maintain the bridge because it has a ton of water moving through it. Mr. O'Leary referred to the plans and said this is a very large development proposed by the two gentlemen here, referring to Richard McKown and Chris Anderson, and right now this is all speculative but only the applicants could speak to if this is going to be built and when. Mr. O'Leary said in order for them to build this small section of the subdivision, they need a Floodplain Permit because they are crossing the Little River. Mr. O'Leary said we are not here to approve the development.

Mr. O'Leary clarified the 36th Ave NW bond project and that federal funding was taken away, that's not accurate. Mr. O'Leary said the funding never came in the first place and we have not given up on that, it is still a real project and as soon as we get the funding it will be built just as the voters approved it. Mr. Sturtz said he is happy to help and Ms. Long said she would stay after the meeting. Mr. O'Leary asked for any comments or questions. Mr. Sturtz asked Mr. Anderson if the compensatory storage is outside of the flood zone and in effect changing the floodplain limit and asked if a LOMA is being done. Mr. Anderson said yes, we can do that when we do the final grading and construction plan. Mr. Sturtz asked if a LOMA is being done and Mr. Anderson said yes. Mr. Sturtz said he was curious and concerned about that since we are going outside of the floodplain for a large part of the compensatory storage. Mr. O'Leary asked if a LOMA would affect the Plat. Mr. Anderson confirmed that would be a condition of

the final Plat. Mr. O'Leary asked for further questions or a motion. Mr. Sturtz motioned to approve Floodplain Application No. 681 with a condition of a LOMA. Mr. O'Leary said we have a motion to approve with the condition of LOMA and if there is a second. Ms. Hoggatt seconded the motion. The committee voted to approve the application 7-0.

1. Floodplain Permit No. 682

Mr. O'Leary said this Application is a Floodplain Permit in the Little River Floodplain. Mr. O'Leary asked Mr. McLellan to present the staff report. Mr. McLellan said Richard McKown is representing the owner and Chris Anderson with SMC is representing the Engineering firm. Mr. McLellan said the request is for construction of approximately a 2600 linear foot sidewalk that is 10 feet wide and will be located along the Flint Hills subdivision located on the northwest side of 12th Ave. NW and Tecumseh Road. The trail will cross in and out of the Little River floodplain and follows the northern boundary of the subdivision. The applicant has indicated that no fill will be brought into the floodplain for the construction.

Mr. McLellan reviewed plans and aerial maps of the project locations provided to members in their packets.

Mr. McLellan confirmed all ordinance requirements have been met and said staff recommends Floodplain Permit Application No. 682 be approved.

Mr. O'Leary asked for comments from the Applicant. Mr. Anderson said he would like to add that not only is this an amenity for the neighborhood but a requirement from the City of Norman as a continuation of the Legacy Trails Project. Mr. O'Leary called for any public comments. Mr. Murphy said specifically in the Flood Hazard Ordinance and according to FEMA this is exactly the kind of activity you'd like to see in these areas, walking trails. Mr. Murphy said this is an ideal use for this space. Mr. O'Leary asked for any additional comments by the committee. Ms. Stansel asked how the trail gets across 12th. Mr. Anderson said for right now they are tying in to the sidewalk system in front of the subdivision. Mr. Sturtz said we have a couple similar situations. Mr. Sturtz said something to consider in the future as a community is how best to tie these projects together better but is a conversation for the future. Mr. O'Leary called for further questions or a motion. Ms. Hudson motioned to approve Floodplain Application No. 682. Mr. Sturtz seconded the motion. The committee voted to approve the application 7-0.

DISCUSSION ITEMS

2. Discussion regarding procedural and substantive aspects of the Flood Hazard Ordinance.

Mr. O'Leary said the last item on the agenda is a discussion regarding procedural and substantive aspects of the Flood Hazard Ordinance. Mr. O'Leary said we have our Assistant City Attorney, Beth Muckala, with us and she was kind enough to put this together for us.

Ms. Muckala said she and Shawn had a discussion a several months ago regarding the tools in your tool belt as far as procedural options and it's a long overdue discussion. Ms. Muckala said she is here for a birds eye view but the committee are the experts on the subject. She is here to discuss the procedures and answer any questions the committee may have. Ms. Muckala said the committee is a unique body

and their authority is directed by state statute and the ordinance flows from the state statute which in turn flows from federal law. The National Flood Insurance Act of 1968 set up this program for unified national program for flood plain management in order to protect the ability to maintain flood insurance on homes in this situation.

Ms. Muckala reviewed the purposes and functions of the Flood Hazard District with the committee. Ms. Muckala said the most important procedure is permitting and ultimately construction of the permitted activities. The Floodplain Administrator is the Director of Public Works, Mr. O'Leary. The committee has the power to review and approve permits and supermajority vote is required for all actions. The committee is a body of seven and five is needed for supermajority. Ms. Muckala reviewed the makeup of the committee provided to the committee in their packets. Ms. Muckala reviewed what information can be required from the committee to analyze and review the permit. Ms. Muckala added the committee can request additional information, but they must make sure to postpone to a certain date or procedurally the action ends. The committee can request additional information to aid in their decision. They can also call for expert assistance when necessary. Mr. O'Leary confirmed if expert assistance is necessary outside committee members, a third party would be hired for evaluation.

Ms. Muckala reviewed the factors for consideration regarding approval or denial and let the committee know they are provided in their packets. Ms. Muckala said staff can recommend conditions be added but the committee can also request conditions be added as well. Ms. Muckala reviewed with the committee what happens after a decision is made, including an appeal to the Board of Adjustment (BOA). Further appeals will go to District Court. The BOA may also consider variances. Ms. Muckala asked if the committee had any questions. Mr. Murphy asked how a situation would be handled if a variance was approved by the BOA that could disqualify the City from the National Flood Insurance Program. Ms. Muckala said the BOA has various factors they consider and one of those is the effect and the threat of losing that status. Mr. O'Leary said this is part of why the BOA is trained in the Floodplain Ordinance. Mr. O'Leary asked for any additional questions. The committee had no additional questions at that time. Ms. Muckala said she is available to answer any questions that may come up later.

MISCELLANEOUS COMMENTS

Mr. Murphy said there is likely 1 application for the September 18th meeting.

ADJOURNMENT

Mr. O'Leary called for a motion to adjourn. Mr. Sturtz motioned to adjourn and was seconded by Mr. Danner. The motion was approved 7-0. The meeting adjourned at 4:19 p.m.

Passed and approved this 6th day of November, 2023



City of Norman Floodplain Administrator, Shawn O'Leary