



**CITY OF NORMAN, OK**  
**FLOODPLAIN PERMIT COMMITTEE MEETING**  
Development Center, 225 N. Webster, Conference Room B  
Monday, June 5, 2023 at 3:30 PM

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**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 June, 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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Norman, OK 73069  
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## **MINUTES**

### **ROLL CALL**

The meeting was called to order by Mr. Shawn O'Leary at 3:30 p.m. Roll was called and all members were present. Others in attendance included, Jason Murphy, Stormwater Program Manager; Amy Shepard, Staff; Gary Keen, Keen Engineering; Derek Harris, Applicant; Jason Emmett, PE Cedar Creek; Lollie Lenker, resident; Jason Vincent, resident; Michael Dern, resident; Casey Murray, Spartan Pool & Patio, Zach Abell, staff.

### **MINUTES**

1. Approval of minutes from the May 15, 2023 meeting

Mr. O'Leary called for a motion to approve the minutes from the meeting of May 15, 2023. The motion was made by Ms. Sherri Stansel, and seconded by Mr. Bill Scanlon. The minutes were approved 7-0.

### **ACTION ITEMS**

2. Floodplain Permit No. 671

Mr. O'Leary said this application was postponed at the May 15, 2023 meeting pending elevation information for the road. Mr. O'Leary asked Mr. Murphy to present the updated staff report. Mr. Murphy said the Applicant is Derek Harris and the Engineer is Jason Emmett, P.E., Cedar Creek for the project. Mr. Murphy said the Applicant is currently going through the Norman Rural Certificate of Survey process to subdivide approximately 115 acres on the north side of West Rock Creek Road between 48<sup>th</sup> Ave NW and 60<sup>th</sup> Ave NW in the 10 Mile Flat Creek floodplain. The 115 acres will be subdivided into four 20 acre tracts and one 35 acre tract. The name of the proposed subdivision is Golden Valley.

Mr. Murphy said Norman's subdivision regulations require that a 20 ft. wide private road be constructed to provide access to the tracts. The road will be approximately 3200 ft. long with 18 inch culverts installed at the intersection with West Rock Creek Road and approximately 2650 ft. north of West Rock Creek Road.

Mr. Murphy said the Applicant will use most of the material excavated from the bar ditches to construct the road and crown. Approximately 1250 cubic yards of rock will be placed on the road for the required 6 inch rock driving surface. This will require that 1250 cubic yards of material be hauled off and placed outside the floodplain to provide the necessary compensatory storage. Mr. Murphy said this material will be stockpiled on Tract 5 out of the floodplain.

Mr. Murphy said since portions of the road surface will be located at or below the Base Flood Elevation (BFE), the City of Norman cannot guarantee that citizens located on tracts served by the new road will be evacuated during a flooding emergency.

Mr. Murphy said the Floodplain Permit Committee voted 5-0 to postpone this application pending additional information related to the elevation of the road. Mr. Murphy said the Applicant submitted Addendum 01 to City Staff with a profile of the road in order to portray the existing BFE and the proposed road elevations. Mr. Murphy said according to the applicant, approximately 1396 ft. of the road will be submerged during a 100-year flood event and the remaining footage of the private road will have 46 inch reflectors spaced at 200 foot intervals and at all curves in the event that there is standing water on the road. The maximum depth of the flood elevation over the road during a 100-year flood event is approximately 8 inches. Mr. Murphy said the applicant also indicated that additional culverts may be added under the alignment of the private road if determined to be necessary during construction.

Mr. Murphy reviewed the updated plans and aerial maps of the project location provided to members in their packets. Mr. Murphy confirmed all ordinance requirements have been met and said staff recommends Floodplain Permit Application No. 671 be approved.

Mr. O'Leary asked for comments or additions from the Applicant or Engineer. Hearing none, Mr. O'Leary asked for additional questions by the committee or any public comments. Mr. Scanlon expressed concern about emergency access to residents during flooding. Mr. Scanlon said the updates to the application do not relieve his concerns. Mr. O'Leary said this application is in advance of the remaining steps in the development process and that the floodplain regulation requirements have been met. Mr. Harris said the covenants, conditions, and restrictions for the property would be filed with County Clerk to include the information about the road during flooding events. Mr. Harris said this information would be disclosed to any buyers and would have to be signed for all tracts accessed by the road. Mr. Harris read the language that would be included. Mr. Harris acknowledged the concerns and said that many roads experience water over the road during rain events. Mr. Ken Danner said another application was brought before the committee in 2007 that had similar circumstances, the committee was satisfied with the language being added to the covenants, conditions, and restrictions. Mr. Danner said a note could be added to the Certificate of Survey in regards to City liability for evacuation of property owners on this road.

Mr. Scott Sturtz said an as-built survey would be needed to verify compensatory storage for the road. Mr. Danner said a condition should be added that each tract must obtain a floodplain permit before building permits are issued. Mr. O'Leary clarified that the application meets the floodplain regulations to build a road in the floodplain. Mr. Scanlon referred to the floodplain ordinance where general guidance regarding health and safety can be considered as the basis to approve or deny the Application accordingly. Ms. Lora Hoggatt expressed concerns about the safety of the homeowners during flooding. Mr. Danner and Mr. Sturtz expressed other examples of when a similar road has come before the committee. Ms. Jane Hudson expressed even if the road is impassible there are other ways to exit the property, but that the floodplain ordinance requirements have been met.

Mr. O'Leary clarified that if this development secures a floodplain permit for the road this property would still be heard at a Planning Commission Meeting and presented before City

Council. Mr. O'Leary anticipated the concerns would be discussed throughout the development process.

Mr. Scanlon reminded the committee of the portion of the floodplain ordinance regarding flood damage to owners and safety. Mr. Scanlon expressed concerned that buyers may be willing to sign the disclosure not fully aware of the ramifications of the statement in the covenants, conditions, and restrictions. Mr. Gary Keen spoke to his experience with a previous property and their experience with flooding.

Mr. O'Leary called for a motion. Mr. Scott Sturtz motioned to approve Floodplain Application No. 671 with the conditions an as-built survey for the road and compensatory storage be submitted, a note be added to the Certificate of Survey, each development lot must obtain a Floodplain Permit, and that the minutes of this meeting be attached to the Certificate of Survey. Mr. Danner seconded the motion. The committee voted to approve Floodplain Permit No. 671 with conditions the application 5-2.

### 3. Floodplain Permit No. 673

Mr. O'Leary said this Floodplain Permit application is for the construction of a private driveway at 2451 60th Ave. NW in the 10-Mile Flat Creek Floodplain. Mr. O'Leary asked Mr. Murphy to present the staff report. Mr. Murphy said the Applicant is Jason Vincent and the Engineer is Gary Keen, P.E. for the project. Mr. Murphy said the applicant is requesting a floodplain permit for constructing a gravel driveway to serve lots addressed as 2401, 2421, and 2501 60th Ave. NW. Mr. Murphy said these lots are partially located in the Ten-Mile Flat Creek floodplain. The applicant owns the properties through a trust and has obtained a 50- foot wide roadway easement crossing the property addressed as 2401 60th Ave. NW.

Mr. Murphy said the owner plans to access these properties not from 60th Ave. NW but rather from Rock Creek Road to the south due to the high cost of constructing suitable culverts and entryways from 60th Ave. NW. Mr. Murphy said the Applicant currently plans to build a barn and residence on the middle lot of the three separate 5-acre lots indicated in the site plans for this permit application. Mr. Murphy said the house and barn will be located outside the 100-year floodplain, but according the engineer, the applicant plans on elevating the structures to two feet above the BFE. The engineer has indicated that while no plans currently exist to develop the additional two lots that could change in the future.

Mr. Murphy said the proposed driveway will a 12 foot wide gravel driveway with a six-inch thick layer of crushed rock. Mr. Murphy said to avoid any additional compensatory storage requirements, the owner proposed to excavate six inches of soil prior to placing six inches of crushed rock. The owner will transport the soil removed to portions of his lots that are located outside of the floodplain. This includes all soil removed from the road, the bar ditches and any other soil removed from the floodplain. Bar ditches will be constructed to aid in draining water from the property and to protect the roadway by reducing moisture in the subgrade. Mr. Murphy said based on concerns raised by the Floodplain Permit Committee in previous meetings, the owner has proposed to place T-posts with reflectors along the drive so that the road is visible during flooding conditions. Mr. Murphy said at the deepest point during a 100-year flood event, water could be expected to cover the road by up to 14 inches. The roadway is located at the edge of the floodplain, so floodwater velocities would be expected to be very low.

Mr. Murphy reviewed plans and aerial maps of the project location provided to members in their packets. Mr. Murphy reviewed the footprint of the floodplain and the location of the gravel driveway.

Mr. Murphy confirmed all ordinance requirements have been met and staff recommends approval for Floodplain Permit Application No. 673.

Mr. O'Leary asked for comments or additions from the Applicant or Engineer. Mr. Keen said the fill removed for the bar ditches will be stockpiled out of the floodplain for future use. Mr. O'Leary asked if this property would be returning for additional steps in the development process. Mr. Danner said these tracts are individual and will not require additional steps. Mr. O'Leary pointed out that this application differs from the previous application because this will not be heard at any other public boards. Ms. Stansel asked about the history of these parcels.

Mr. O'Leary asked for additional questions from the committee. Mr. Scanlon noted that this private drive may have water up to 14 inches over the road and speaks to his concerns from the previous application. Mr. Scanlon asked about the lack of notification on this application and if it was due to this being a private drive. Mr. O'Leary said the difference is in the process for a Certificate of Survey in the development process the current applicant is not currently planning to subdivide.

Mr. Danner asked if the private drive could be relocated out of the floodplain to the west side of the properties. Mr. Vincent said his 50 foot easement for the private drive is on the eastern side of the properties and is more feasible for future sale of the other lots. Ms. Hudson asked clarifying questions about the private drive and the possibility of requirements to change if the other lots are developed. Mr. Danner said he has concerns about the private drive but thought that it would continue to qualify as a private driveway. Mr. Sturtz expressed concern about the address of the property being assigned on 60<sup>th</sup> Ave with the only access from this private drive off Rock Creek Road and the feasibility of emergency vehicles having access.

Mr. Sturtz noted that 14 inches of water can lift and float a car off the roadway. Mr. Sturtz said this application is different than the previous application due to the depth of water on the drive. Mr. Vincent said speed, traffic and cost have are his main concerns with a drive off 60<sup>th</sup> Ave N.W. Mr. Vincent said over half of the road will be outside the floodplain and the risks of an entrance on 60<sup>th</sup> Ave N.W are a larger concern for him. Mr. Danner asked about the details of the permanent easement allowing the drive to cross one of the properties. Mr. Vincent provided the details of the easement filing and number. Mr. Danner said the address could be adjusted if the drive was a private named road that spanned all lots for location purposes.

Mr. O'Leary noted this application is similar but different in many ways from the previous application. Mr. O'Leary expressed concerns about a lack of further review of development issues, addresses, public safety and flooding concerns. Mr. O'Leary said access from 60<sup>th</sup> Ave N.W., which could be used for all four properties would eliminate many of the concerns and may be a good option to look into. Mr. Sturtz noted for the Applicant there is a possibility when this came to Engineering for a right-of-way permit for the driveway access it wouldn't be approved due to the lack of access from the addressed location. Mr. Keen asked about requirements of a private road. General discussion ensued regarding the depth of water and the location of the 14 inches of water over the road. Mr. Danner asked again about potentially moving the road slightly to the west. Mr. Keen said the Applicant's desire to put as much space

between 60<sup>th</sup> Ave N.W. and his home and barn. Mr. Vincent expressed his concern about cutting into his backyard area if he shifts the drive to the west.

Mr. O'Leary called for a motion. Ms. Stansel asked if more information could be requested to make a more informed decision. Mr. Sturtz said he would be happy to work with the Applicant on a solution that would be in the 6 to 8 inch range for water over the road. Mr. Sturtz motioned to postpone Floodplain Application No. 673 to investigate ways to create a private roadway and reduce the depth of water on the roadway. Mr. O'Leary expressed his support for further discussion and investigation. Ms. Hudson supported the motion as well to ensure the Applicant doesn't run into issues during building permitting. Mr. Danner seconded the motion. The committee voted to postpone the application 7-0.

#### 1. Floodplain Permit No. 674

Mr. O'Leary said this Floodplain Permit application is for installation of a residential swimming pool and fine grading of residential yard at 5400 West Franklin Road in the Ten-Mile Flat Creek Floodplain. Mr. O'Leary asked Mr. Murphy to present the staff report. Mr. Murphy said the Applicant is Robby and Holly Frantz, the builder is Spartan Pool and Patio, and the Engineer is Gary Keen, P.E. for the project. Mr. Murphy said the property is located on the south side of Franklin Road, approximately ½ mile east of 60th Ave. NW. Mr. Murphy said this property was granted Floodplain Permit No. 609 in August of 2019 for construction of a residence and barn. These structures were constructed in accordance with the permit.

Mr. Murphy said according the engineering report, the land ownership has changed, and the new owner is requesting a permit to install a below ground pool south of the existing residence. Mr. Murphy said when the residence and barn were constructed, fill material was placed to elevate pads for both. Mr. Murphy said according the engineering report, it appears that a pond was constructed near the west corner of the property and that the material excavated was used to construct the pads for the barn and house.

Mr. Murphy said the engineer did not locate any available contours that were generated after this barn and house were constructed. Therefore, arrangements were made for a surveyor to make a topo survey of this property and generate contours for use in performing a careful analysis of the proposed project. Mr. Murphy said these contours were utilized to determine the boundary of the 100-year floodplain on the portion of the property being utilized for this project. The existing ground in the area to be covered by the pool and accessories is located almost entirely above the BFE (elevation 1137.0').

Mr. Murphy said soil removed for the construction of the pool will be transported off the site for disposal. The engineer estimates that constructing the pool will require placing approximately 16 cubic yards of material with the existing floodplain. Soil excavated for the remainder of the pool may be used for this purpose. However, it will be necessary to remove 16 cubic yards of soil from the floodplain. Mr. Murphy The engineer recommends removing this volume from the north edge of the existing pond that was created for the previous permit.

Mr. Murphy reviewed plans and aerial maps of the project location provided to members in their packets. Mr. Murphy reviewed the contour maps of the location provided by the Engineer and the location of the pool. Mr. Murphy said the Applicant is also asking to complete fine grading to fill in low spots in the yard. Mr. Murphy said the project engineer has provided a

hydraulic analysis and determined that the proposed swimming pool will not cause a rise in the BFE, which meets the ordinance requirement.

Mr. Murphy confirmed all ordinance requirements have been met and staff recommends approval for Floodplain Permit Application No. 674. Mr. Murphy asked Mr. Keen about the location of the compensatory storage and expressed concerns that the pond on the North

West corner of the property is approaching the right-of-way and asked if they had considered another location. Mr. Keen said they had discussed it and in an attempt to prevent disturbance of a grove of trees felt confident expanding the pond was the best location. Mr. Keen said after further investigation at the property he was confident there was space available without encroaching the right of way.

Mr. O'Leary asked for comments or additions from the Applicant or Engineer. Mr. Keen elaborated on the request for fine grading of the yard and explained how it would have a positive impact on the property and drainage. Mr. O'Leary asked for questions or comments from the Committee. Mr. Danner asked how much previous fill was removed from the property. Mr. Keen clarified any additional fill that needs to be removed in construction of the pool will be hauled offsite. Ms. Stansel asked about topsoil being removed. Mr. Keen clarified it was discussed as a solution to smooth the yard. Mr. O'Leary asked that the committee focus on the contents of the Application and that fine grading would not be applicable.

Mr. Scanlon motioned to approve Floodplain Application No. 674 with the condition that no additional fill will be brought into the floodplain. Ms. Stansel seconded the motion. The committee voted to approve the application 7-0.

### MISCELLANEOUS COMMENTS

2. The next Floodplain Committee meeting will be on Tuesday, June 20, 2023 and will have 3 applications.
3. Ms. Stansel asked about the status and process to update the Floodplain Ordinance to include Cumulative Substantial Improvements. Mr. O'Leary said that process has begun and hope to have something before the committee soon.

### ADJOURNMENT

Mr. O'Leary called for a motion to adjourn. Mr. Sturtz motioned to adjourn and was seconded by Ms. Hudson. The motion was approved 7-0. The meeting adjourned at 4:45 p.m.

Passed and approved this 20<sup>th</sup> day of June, 2023

  
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City of Norman Floodplain Administrator, Shawn O'Leary