

**OBJECTION AND PROTEST TO SHAZ INVESTMENTS, LLC'S  
REQUEST FOR NORMAN 2025 LAND USE AND TRANSPORTATION PLAN  
AMENDMENT AND REZONING**

We, the undersigned, object and protest to the applicant's proposed Eagle Cliff West development, including the amendment of the Norman 2025 Land Use and Transportation Plan, rezoning land identified as A-2 Rural Agricultural District and A-1 General Agricultural District to R-1 Single Family Dwelling District, the preliminary plat, and Contract K-2122-17.

We ask the City Council to deny these requests for good causes including, but not limited to:

**(1) The Property is not required to be rezoned;**

The District Court of Cleveland County has ordered the Property be placed in the Current Urban Service Area. However, there is no requirement that the Property be rezoned as a result of that order. The Norman 2025 Land Use and Transportation Plan defines the Current Urban Service Area. That definition merely encourages the development of such areas; it is only guidance and by no means a requirement. The Order of the Court does not bind the Norman City Council to grant this rezoning request.

**(2) Residential development in this area will jeopardize the survival and recovery of endangered and threatened species, and result in the taking of those species as well as migratory birds and *our neighborhood's namesake*, the Bald Eagle;**

According to Fish and Wildlife's planning resources, the Property is presumptively inhabited and relied upon for essential behavior by the:

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| • <b>Bald Eagle</b> (individually protected and migratory) | • <b>Monarch Butterfly</b> (candidate)      |
| • <b>Whooping Crane</b> (endangered)                       | • <b>American Golden-plover</b> (migratory) |
| • <b>Tri-colored Bat</b> (proposed endangered)             | • <b>Bobolink</b> (migratory)               |
| • <b>Piping Plover</b> (threatened)                        | • <b>Chimney Swift</b> (migratory)          |
| • <b>Red Knot</b> (threatened)                             | • <b>Hudsonian Godwit</b> (migratory)       |
| • <b>Arkansas River Shiner</b> (threatened)                | • <b>Lesser Yellowlegs</b> (migratory)      |
| • <b>Peppered Chub</b> (endangered)                        | • <b>Red-headed Woodpecker</b> (migratory)  |
|  | • <b>Willet</b> (migratory)                 |

**(3) The Property overlaps the final critical habitat for the Arkansas River Shiner and residential development of the Property constitutes a threat to the continued existence of that species;**

**(4) The Property constitutes a wetland subject to the Clean Water Act and should be evaluated for impact to environmental quality before it is rezoned for residential development;**

**(5) Storm water runoff and pollution from residential development of the Property will impact the Navigable Waters of the United States and should be evaluated for impact to environmental quality before**

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- it is rezoned for residential development;
- (6) **Residential development of the Property will necessitate storm water detention or management facilities that create a health hazard from mosquitos;**
- (7) **Residential development in this area will suffer from severe erosion and flooding issues;**

Ample evidence was presented in previous discussions before the Planning Commission and this City Council about the Property, to show there is not adequate storm drainage on this property and Residential development will create downstream drainage problems.

- (8) **The proposed change in zoning from A-2, Rural Agricultural District to R-1, Single Family Dwelling District would be improper under Chapter 22 Section 420.2 of the Code of the City of Norman;**

**SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT**

1. General description. This district is intended to provide a zoning classification for land situated relatively remote from the urban area which is used for agricultural and related purposes and *will not* be undergoing urbanization in the *immediate future*. (Emphasis added.)

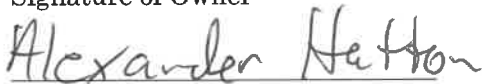
The previous proposal for development of Eagle Cliff West removes any doubt of the immediacy of the proposed urbanization. Procedurally, rezoning of A-2 property should be to A-1 for a reasonable period of time—ostensibly, at least five years.

- (9) **Residential development of the Property will cause an unsafe increase in traffic congestion;**
- (10) **Development of Urban Areas needs to include creation of Conservation Areas within them;**

The Property is best suited for use as a conservation area. In alternative to rezoning this land as R-1, we ask the City Council act under the guidelines of the **Endangered Species Act**, the **Migratory Birds Treaty Act**, the **Bald and Golden Eagle Protection Act**, and the **Clean Water Act** to permanently protect the Property as private or public open space through a mechanism acceptable to and approved by the City of Norman. Such mechanism may include, but is not limited to a conservation easement, permanent deed restriction, or transfer to a non-profit conservation organization or government entity.



Signature of Owner



Printed Name



Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Address

Alexander Hatton  
505 Talon Dr.  
Norman, OK 73072