

Ordinance No. O-2021-44

ADDITIONAL PROTESTS as of 6/27/2023

**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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| • Bald Eagle (individually protected and migratory) | • Monarch Butterfly (candidate) |
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| | • Willet (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;
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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.

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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

Signature of Owner

Dr. Gregory Reading, MBA, MHA
Printed Name

Printed Name

6/21/23
Date

Date

4612 Osprey Dr.
Norman OK 73072
Property Address

Gregory Reading
4612 Osprey Dr.
Norman, OK 73072

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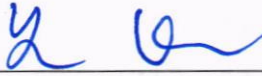
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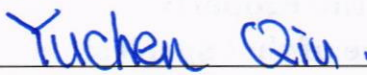
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Signature of Owner



Printed Name

Date

Signature of Owner

Printed Name

Date

Property Address

Yuchen Qiu
508 Laleh Ct
Norman, OK 73072

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Signature of Owner

Printed Name

Date

Signature of Owner

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Property Address

Kenneth & Kimberly Praytor
517 Talon Dr.
Norman, OK 73072

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Yiqing Huang

Signature of Owner

Yi qing Huang

Printed Name

Xi 6/21/2023

Date

Signature of Owner

Printed Name

Date

Property Address

Yiqing Huang
616 Aplomado St.
Norman, OK 73072

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Signature of Owner

Brandon Watson
Printed Name

6-21-23
Date


Signature of Owner

Jen Watson
Printed Name

6-21-23
Date

Property Address

Brandon & Jennifer Watson
1101 Osprey Dr.
Norman, OK 73072

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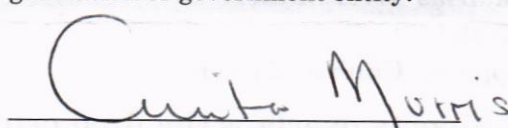
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Signature of Owner

Benjamin W. Morris
Printed Name

6/20/23
Date


Signature of Owner

Anita Morris
Printed Name

6/20/23
Date

Property Address

Benjamin & Anita Morris
504 Laleh Ct
Norman, OK 73072

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- (6) **Residential development of the Property will necessitate storm water detention or management facilities that create a health hazard from mosquitos;**
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- (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

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- (10) **Development of Urban Areas needs to include creation of Conservation Areas within them;**

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Frederick Watson
Signature of Owner

Signature of Owner

FREDERICK WATSON
Printed Name

Printed Name

6-20-2023
Date

Date

525 LALEH CT
NORMAN OK 73072
Property Address

Frederick Watson
525 Laleh Ct
Norman, OK 73072

**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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| • Bald Eagle (individually protected and migratory) | • Monarch Butterfly (candidate) |
| • Whooping Crane (endangered) | • American Golden-plover (migratory) |
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| | • Willet (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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10/26/23

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C. Shapiro
Signature of Owner

Cynthia Shapiro
Printed Name

21 / 6 / 2023
Date

1108 Falco concolor dr

Norman
Property Address

Sol Shapiro
1108 Falco Concolor Drive
Norman, OK 73072

DS Shapiro
Signature of Owner

Sol David Shapiro
Printed Name

21 / 6 / 2023
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/21/23
at 1:00 PM
CITY OF NORMAN, OK

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REQUEST FOR NORMAN 2025 LAND USE AND TRANSPORTATION PLAN
AMENDMENT AND REZONING**

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Peter Ung
Signature of Owner

Peter Ung
Printed Name

6/22/23
Date

Signature of Owner

Printed Name

Date

Property Address

Peter Ung
1013 Caracara Dr.
Norman, OK 73072

pu

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REQUEST FOR NORMAN 2025 LAND USE AND TRANSPORTATION PLAN
AMENDMENT AND REZONING**

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Kalon E. Barnett

Signature of Owner

Signature of Owner

KALON E. BARNETT

Printed Name

Printed Name

06-21-2023

Date

Date

Property Address

Kalon Barnett
4221 Snowy Owl Dr
Norman, OK 73072

out

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

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Sherry Rath
Signature of Owner

Signature of Owner

SHERY RATH
Printed Name

Printed Name

6-21-2023
Date

Date

1128 Osprey Dr
Property Address
NORMAN OK.
73072

John & Sherry Rath
1128 Osprey Dr.
Norman, OK 73072

ant

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REQUEST FOR NORMAN 2025 LAND USE AND TRANSPORTATION PLAN
AMENDMENT AND REZONING**

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Melody Dawn Wagover
Signature of Owner

Melody Dawn Wagover
Printed Name

6/22/23
Date

Signature of Owner

Printed Name

Date

Property Address

Dawn Wagover
601 Talon Dr.
Norman, OK 73072

out

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REQUEST FOR NORMAN 2025 LAND USE AND TRANSPORTATION PLAN
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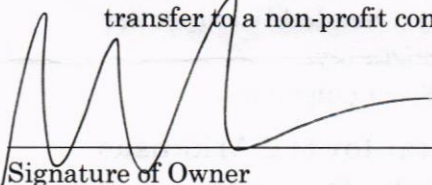
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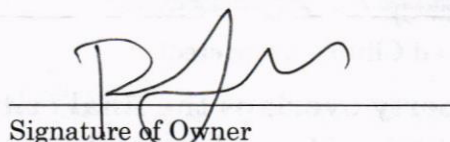
Signature of Owner

Marcus Johnson

Printed Name

06/21/23

Date



Signature of Owner

Rachelle Johnson

Printed Name

06/21/23

Date

Property Address

Rachelle & Marcus Johnson
4216 Elf Owl Ct
Norman, OK 73072

eat

**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:

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

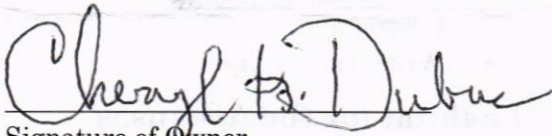
SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT

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.)

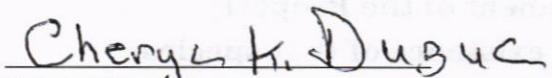
The previous proposal for development of Eagle Cliff West removes any doubt of the immediacy of the proposed urbanization. Procedurally, rezoning of A-2 property should be to A-1 for a reasonable period of time—ostensibly, at least five years.

- (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;**

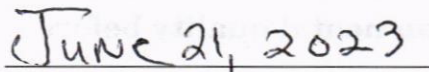
The Property is best suited for use as a conservation area. In alternative to rezoning this land as R-1, we ask the City Council act under the guidelines of the **Endangered Species Act**, the **Migratory Birds Treaty Act**, the **Bald and Golden Eagle Protection Act**, and the **Clean Water Act** to 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

Cheryl Dubuc
1112 Falco Concolor Drive
Norman, OK 73072



Audra Potts Carr
709 Sonia Drive
Norman, OK 73072

June 23, 2023

City of Norman
201 West Gray
Norman, OK

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OF THE CITY CLERK
ON 6-23-23

RE: protest of Zoning change, Shaz Development

Dear City of Norman,

I am heir and legal representative of the Andrew John Potts Jr, late owner of John Potts Farm, adjacent land owner to the proposed Shaz development. I wish to protest the zoning change application from Agricultural to Residential. My protest is based on Oklahoma riparian water rights law and the change in water flow of Shaz Development existing and proposed previous development. The development adjacent to the proposed zoning change has violated state law by changing the natural water flow on to our property from sheet flow to channelized flow with no detention /retention.

Erosion and flooding damage is now happening on a regular basis causing areas to become boggy where it wasn't ever before. This is causing significant physical and monetary damage to our agricultural hay production. Enclosed is a summary of Oklahoma Law from The City Of Norman Storm Drainage Criteria Manual, Section 400- Storm Water Law.

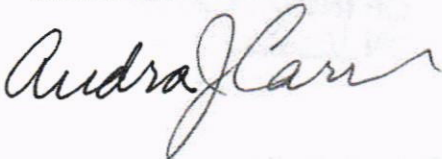
02 SUMMARY AND CONCLUSIONS

1. The overriding rule in Oklahoma stormwater law is that natural watercourse and surface water conditions should be maintained wherever possible. Where they are changed, the changes must be designed so that resulting flow conditions will not cause more harm than under natural conditions.
2. The best approach in planning and designing drainage works is to attempt to retain natural and historic conditions of flow.
3. A riparian landowner along a watercourse may take measures to protect himself from the harmful effects of flood waters, but it is fundamental that no one may change, divert, obstruct, or otherwise interfere with the natural flow of a watercourse without being liable for damages to persons and properties injured by such actions.
4. The floodplain of the ordinary flood is part of the watercourse.
5. While a landowner has the right to improve his property, this right is qualified by the "golden maxim" of the common law that one must so use his own property as not to injure the rights of another. This maxim is used by courts in stormwater cases.
6. Where an upper landowner collects surface water, sends it down in a different manner or concentrated form, or in unnatural quantities or velocities, or discharges it in a different location, he is liable for any damage caused thereby. Conversely, a lower landowner may not cast surface waters back onto upper land to the detriment of the upper landowner. The basic principle is that a landowner cannot prevent injury to his own property by transferring that injury to his neighbor's property. Oklahoma courts call this "the common enemy rule modified by the rule of reason."

There is no evidence Shaz Development can prevent the storm water runoff from increased damage to our property and therefore I must protest, and urge the City of Norman to protect our riparian land rights and legal protections. Please turn down the zoning change request.

Sincerely,

Audra Carr

A handwritten signature in cursive script that reads "Audra Carr". The signature is written in dark ink and is positioned below the printed name.