

Ordinance No. O-2021-44

PROTESTS as of 6/23/2023

**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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/22/23

- 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;**

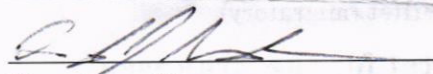
SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT

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

David J. Madden
Printed Name

6-20-23
Date


Signature of Owner

Heather Madden
Printed Name

6-20-23
Date

Property Address

David & Heather Madden
501 Talon Dr.
Norman, OK 73072



EAGLE CLIFF SOUTH

Property Owners Association

Esteemed Eagle Cliff South Property Owners:

In April of 2021, a new housing development was proposed to be built around our neighborhood. This development would have destroyed the woods around us and driven out the Bald Eagles that we all enjoy. That wilderness is also home to many endangered and threatened species and migratory birds, and is part of the Navigable Waters of the United States—all deserving of protection from pollution and disturbance. Also, the development would unreasonably increase traffic congestion. We currently have only one egress at the intersection of 12th Avenue S.E. and Cedar Lane Road to serve our entire Eagle Cliff community and given our proximity to the railway and recent rail accidents around the country, that circumstance poses a serious risk in the event of an emergency. Increasing the number of homes in the area without developing infrastructure is unreasonable.

Further development does not increase our home values. Our home values appreciate by market forces and inflation. Increasing the supply of new homes decreases demand for existing ones and actually lowers home values in the area. When we see new home prices increasing, it seems that such increases are driving our home values, but it is a misconception. Our home values will continue to increase without the new development because this is a very desirable location and a quiet neighborhood with magnificent wildlife to watch and listen to every day.

Our Property Owner's Association fought against the development before and won a unanimous decision against it at the Planning Commission. Unfortunately, City Staff seemed unwilling to listen to the Planning Commission or to challenge the developer's experts and recommended approval of the development. The City Council saw through that and voted 7 to 2 against the project. Undaunted, the developer sued the City and now the Court has ordered that the City place the property in the Current Urban Service Area under the Norman 2025 Land Use and Transportation Plan. **But that order does not mean the property has to be rezoned as residential or that the new development must be approved!**

A vote has been scheduled for **June 27 at 6:30 p.m.** in the Council Chambers of the Norman Municipal Building to rezone the subject property as residential. We encourage you to attend and object to the rezoning and object to the destruction of the beautiful wildlife surrounding our neighborhood. We have also enclosed a general objection letter you may send.

Please sign the enclosed letter and send it to the City Clerk in the enclosed pre-paid envelope. **The letter must be signed by all parties listed on the printed label.** If your property is held in trust, please sign as you would for any other trust related documents. If you wish to write your own objection letter, you may also mail it in the provided envelope or otherwise file your objection as described in the official notice from the City.

Sign and return the letter today! It must be received by 5:00 p.m. on June 23. Thank you for helping!

Eagle Cliff South Property Owners Association

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/21/23

- 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;**

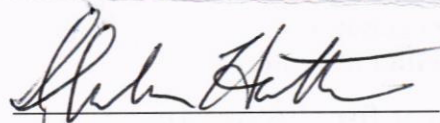
SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT

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

Alexander Hatton

Printed Name

21 JUN 23

Date

Signature of Owner

Printed Name

Date

Property Address

Alexander Hatton
505 Talon Dr.
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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/22/23

- 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;**

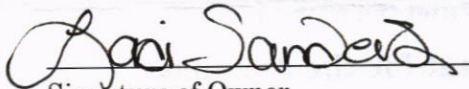
SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT

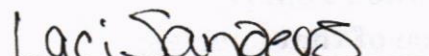
1. General description. This district is intended to provide a zoning classification for land situated relatively remote from the urban area which is used for agricultural and related purposes and *will not* be undergoing urbanization in the *immediate future*. (Emphasis added.)

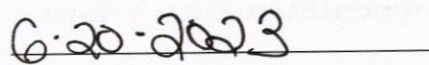
The previous proposal for development of Eagle Cliff West removes any doubt of the immediacy of the proposed urbanization. Procedurally, rezoning of A-2 property should be to A-1 for a reasonable period of time—ostensibly, at least five years.

- (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

Laci Sanders
4204 Condor Dr
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:

- | | |
|--|---|
| • 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**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/22/23

- 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

Signature of Owner

Printed Name

Printed Name

Date

Date

Property Address

Frank Hubbard
509 Aplomado St.
Norman, OK 73072

We are writing to protest the proposed rezoning from General Agricultural District to Single Family Dwelling District on the south side of Norman near Eagle Cliff South (S/2 and SE/4, Section Seventeen, T8N, R2W, I.M.). We have a couple serious concerns we think should be considered by the Councilmembers and City of Norman staff.

1. As meteorologists, smart, resilient community planning is important to us. We should be developing with vulnerability to natural hazards in mind so that we can reduce risk to lives and livelihoods. The area of proposed development continues to build closer to and even within the 500-year flood zone. The documents we received highlighted the flood plain using the 100-year recurrence interval, which does not adequately represent the flood risk in this area. This idea is especially true because extreme rainfall events and flooding are increasing across the country, including in Oklahoma, and will continue to increase in the future. As floods become more likely, the 100-year flood plain expands, and has likely already expanded beyond the extent of the current FEMA flood map, which is now over a decade old. Simply put, the 500-year floods of today are the 100-year floods of tomorrow. We can save future Norman families from losing everything tomorrow by making smart decisions today. We believe building homes in this area would place future homeowners and city infrastructure in a vulnerable location and increase the overall vulnerability of Norman to extreme rainfall events.
2. Our next concern is with how land tends to be developed in Norman. Every single tree is cut down to build new homes. New trees are planted in each lot, but it takes decades to get mature trees that can provide shade to humans and habitat for wildlife. We believe city regulations should be changed to preserve as many existing trees as possible during the development process. This will help reduce energy costs and provide important cooling shade for current and future residents, which will become increasingly important as temperatures continue to increase in our area. We encourage new ordinances to be enacted before this land is approved for rezoning and development.
3. Our next concern deals with safety and traffic. The narrow neighborhood streets in this area would not be efficient in moving people in the event of an evacuation. Increasing the population in this area is risky especially without a secondary exit to Jenkins Ave. Infrastructure needs to be improved before more homes should be built in this area, especially since there is only one way in or out currently.
4. Our next concern deals with ongoing erosion issues within existing neighborhoods the developer has already finished and the continued degradation of the Pots' family farmland due to current and proposed development. To be a good city, we must look out for our neighbors and not make decisions that harm them.
5. Our final concern deals with wildlife. Developing this area would destroy habitat for several species. Preserving green space in the form of a neighborhood park and not cutting down every single tree in the area during the development process not only benefits wildlife but also current and future residents. For one, trees increase property values so preserving as many as possible would be appreciated by all residents involved.

Thank you for your time and consideration!

FILED IN THE OFFICE
OF THE CITY CLERK
ON 06/15/23

Charles and Emma Kuster

4300 Condor Dr. Norman, OK 73072

Signed: Charles Kuster Emma Kuster

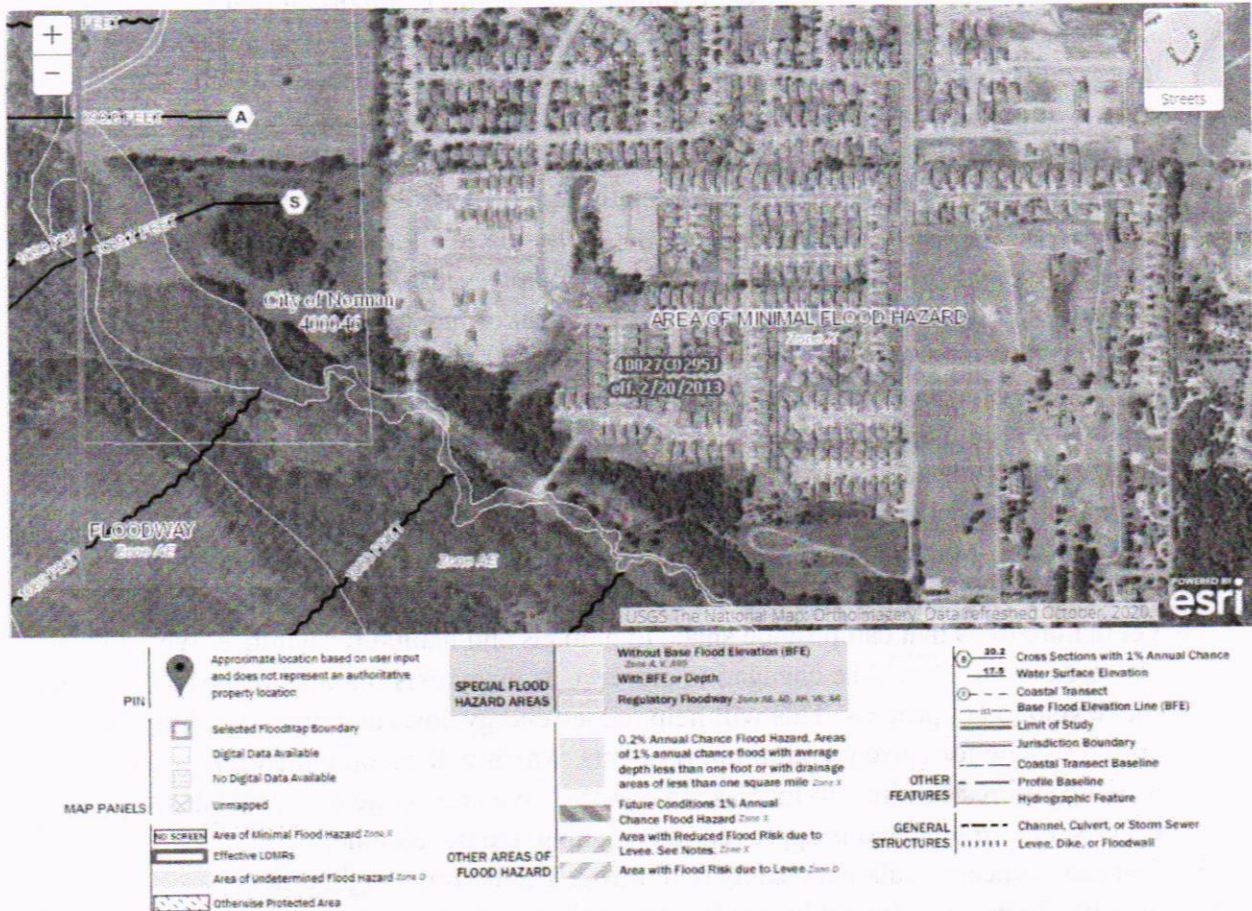


Figure 1. FEMA floodplain map for the area. 500-year flood zone extends well into the proposed area of development should rezoning occur. Available at <https://msc.fema.gov/portal/search?AddressQuery=Norman%2C%20OK#searchresultsanchor>

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/22/23

- 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.

Gary Aycox
Signature of Owner

Gary Aycox
Printed Name

6-20-2023
Date

Signature of Owner

Printed Name

Date

Property Address

Gary S Aycox Living Trust
509 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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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.

David Parker

Signature of Owner

David Parker

Printed Name

6/20/23

Date

Karna Parker

Signature of Owner

Karna Parker

Printed Name

06/20/23

Date

Property Address

David & Karna Parker
612 Aplomado St.
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:

• 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**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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.

Janet McClure

Signature of Owner

Signature of Owner

Janet McClure

Printed Name

Printed Name

06/21/2023

Date

Date

Property Address

Janet McClure
4529 Osprey Dr
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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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.

Mark Klinger
Signature of Owner

Mark Klinger
Printed Name

6/20/23
Date

Signature of Owner

Printed Name

Date

Property Address

Mark Klinger
520 Talon Dr.
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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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

Timothy & Mia Haselman
4605 Osprey Dr
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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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.



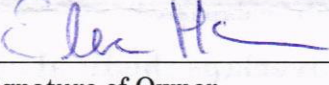
Signature of Owner

Abraham Hartley

Printed Name

6-20-23

Date



Signature of Owner

Eleanor Hartley

Printed Name

6-20-2023

Date

Property Address

Abraham & Eleanor Hartley
4200 Condor Dr
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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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;**

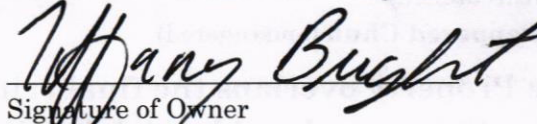
The Property is best suited for use as a conservation area. In alternative to rezoning this land as R-1, we ask the City Council act under the guidelines of the **Endangered Species Act**, the **Migratory Birds Treaty Act**, the **Bald and Golden Eagle Protection Act**, and the **Clean Water Act** to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

Brandon Bright
Printed Name

6-20-23
Date

4608 Osprey Dr Norman
Property Address


Signature of Owner

Tiffany Bright
Printed Name

6-20-23
Date

OK 73072

Brandon & Tiffany Bright
4608 Osprey Dr.
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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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

Roger & Kristie Colby
4304 Condor Dr
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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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.

Rhonda M. Littleton

Signature of Owner

Rhonda M. Littleton

Printed Name

6.20.23

Date

Chad Littleton

Signature of Owner

Chad Littleton

Printed Name

6.20.23

Date

Property Address

Rhonda & Chad Littleton
4316 Condor Dr
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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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

Property Address

Signature of Owner

Printed Name

Date

Clara L Figueroa
4308 Eagle Cliff Dr
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:

- | | |
|--|---|
| • 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**

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23-LN
12:13pm

- 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

Erin Stutzman

Printed Name

June 21, 2023

Date

Signature of Owner

Zac Elkins

Printed Name

June 21, 2023

Date

Property Address

Zachary Elkins & Erin Stutzman
1105 Eagle Cliff Dr
Norman, OK 73072

June 23, 2023

City of Norman City Council
201 West Gray Street
Norman, OK 73069

RE: Protest of Shaz Investments, LLC Request for
Rezoning

Norman City Council members,

I am the owner of land near south Jenkins and Post Oak Road that is a part of the Kevin John Potts Trust (Memorandum of Trust is enclosed) and abuts property owned by Shaz Investments, LLC , and that Shaz has requested to be rezoned from Agricultural to Residential. I am writing this letter of protest to state my opposition to the rezoning request.

Sincerely,



Kevin John Potts

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

ORIGINAL PLACED IN
WILL VAULT AT
HARTZOG CONGER CASON & NEVILLE

MEMORANDUM OF TRUST

1. On the 11th day of December, 2013, KEVIN JOHN POTTS, as the Settlor, and KEVIN JOHN POTTS and SONJA ANNETTE POTTS, as the Co-Trustees, created the KEVIN JOHN POTTS TRUST (the "Trust").

2. Section 6.1(a) of the Trust provides with respect to the initial and successor Trustees as follows:

"(a) The KEVIN JOHN POTTS TRUST. The initial Co-Trustees of the KEVIN JOHN POTTS TRUST shall be KEVIN JOHN POTTS and SONJA ANNETTE POTTS. If either of them fails to serve or continue to serve for any reason, including death, resignation or incapacity, then the other shall serve. If both of them fail to serve or continue to serve for any reason, including death, resignation or incapacity, then ALLYSON WILSON shall serve as successor Trustee. If she fails to serve or continue to serve for any reason, including death, resignation or incapacity, then STEVEN SCOTT DAVIS shall serve as successor Trustee."

3. Section 8.1 of the Trust provides for the delegation of duties between Co-Trustees as follows:

"8.1 Authority to Make Trust Decisions. All Trust decisions shall be made by the Trustee. If more than one Trustee is serving, then all Trust decisions shall be made by a majority vote of the Trustees then serving. However, except as otherwise provided herein, in the event two or more persons or entities are acting as Trustees, they may by written agreement delegate any Trustee's duties and powers between and among themselves as they may agree, except that no Independent Trustee may delegate away its authority to make discretionary distributions or to make other decisions, the discretionary authority for which is conferred solely on the Independent Trustee by the terms hereof. Any person with whom the Trustee conducts any business or affairs shall be entitled to rely upon this written agreement. In addition, KEVIN JOHN POTTS and SONJA ANNETTE POTTS hereby agree and delegate, individually and collectively, all of the duties and powers of the Trustees of the KEVIN JOHN POTTS TRUST (whether arising under the Trust or by law, without limitation) to each of them, individually, so that any or all of the powers and duties of the Trustees may be exercised by either one of them acting alone. The Trustees hereby authorize third persons to rely on any action taken by either or both of KEVIN JOHN POTTS and SONJA ANNETTE POTTS in his, her or their capacity as a Trustee with respect to any and all Trust assets and other trust matters.

If more than one Trustee is serving, then any Trust decisions made by the Trustee may be made at any meeting of the Trustees at which a majority of all the Trustees are present either in person or electronically. Any action that may be taken at any meeting of the Trustees may be taken without a meeting if consent in writing setting forth the action so taken is signed by those Trustees authorized to take such action. Any such consent may be signed in one or more counterparts. If all Trustees did not sign any such consent, then the Trustees who did sign such consent shall promptly give a copy of the consent to those Trustees who did not sign the consent."

4. Section 6.2 of the Trust provides for the appointment of successor and additional Trustees and filling of a Trustee vacancy as follows:

"6.2 Additional or Substitute Trustees; Vacancies. With respect to each Trust created hereunder, the Trustee or a majority of the Trustees at any time serving, or any person herein named to serve as a Trustee, may designate in writing one or more successor or additional Trustee or Trustees, including Independent Trustees. If the person appointing the successor is not currently a Trustee, then that person may nevertheless appoint a successor to serve in the event that named Trustee is unable or unwilling to serve for any reason, in which case said written designation shall override the successor trustee provisions contained in Section 6.1. Notice of any such written designation shall be given to all adult beneficiaries of that Trust in order to become effective, and may be revoked or amended at any time in a like manner. Notwithstanding the foregoing, the Settlor retains the right at any time to remove any Trustee and appoint a successor Trustee.

In the event of a vacancy in the office of Trustee for any reason, then the Settlor's wife, if she is living, and if not then a majority of the Settlor's adult beneficiaries may appoint a successor Trustee, so long as the successor is an Independent Trustee. If the successor Trustee is an individual, then that individual must have substantial experience in business and financial matters and must have an excellent reputation in the community for good judgment and personal character. If the successor is a corporation, it shall have trust powers and assets under management in excess of Fifty Million Dollars (\$50,000,000). If a beneficiary of a Trust created hereunder is a minor or under another legal disability, then the successor Trustee appointment powers described herein may be exercised by the legal or natural guardian or other legal representative of the minor or legally disabled beneficiary."

5. Section 8.2 of the Trust provides for the investment powers of the Trustee as follows:

"8.2 General Investment and Management Powers. The Trustee, for any consideration or purpose that it shall deem proper, may sell, exchange, alter, mortgage, pledge or otherwise dispose of the assets of any Trust; invest and reinvest the Trust assets (including non-income producing assets for the personal use or benefit of the beneficiaries), as determined by the Trustee to be in the best

interests of the beneficiaries; engage in any business or activity, and enter into any partnership (either as a general or limited partner) with any person and any trustee under any other trust; borrow any amount believed by the Trustee to be appropriate at any time for the purpose of making any principal payment or distribution, or for any other purpose that in the opinion of the Trustee shall be proper and in the best interests of the beneficiaries of the Trust; execute obligations, negotiable and nonnegotiable; join in by deposit, pledge, or otherwise any plan of reorganization or readjustment of any corporation or other means of protecting or dealing with any investments of any Trust estate, and vest in a protective committee or committees or other legal entities such power as in the opinion of the Trustee may be desirable; assume the payment of or extend and renew any indebtedness incurred by the Trustee then acting or any prior Trustee; sell for cash and/or credit all or any part of the assets of any particular Trust; sue and be sued; settle, compromise or waive claims or demands in favor of or against any Trust estate; waive or release rights of any kind; appoint, remove, and act through agents, managers and employees, and confer upon them such powers and authority as the Trustee shall deem necessary or desirable; vote shares of stock in person or by proxy, with or without power of substitution, and exercise and perform any and all rights, privileges and powers inuring to the holder of any stock or securities comprising at any time a part of any Trust estate; grant or lease oil, gas and other minerals, or any one or more of them, including, but not limited to, the power to make and release oil, gas and mineral leases and subleases covering one or more of said substances, or any interest or interests, or right or rights therein, and make mineral deeds and royalty transfers covering oil, gas and other mineral interests or any one or more of them, or any interest or interests or right or rights therein, and create, reserve and dispose of overriding royalties, oil payments, gas payments, production payments, and any one or more of the foregoing, and execute division orders, transfer orders, and oil and/or gas sales contracts and enter into gas storage leases, development and drilling contracts, operating contracts and arrangements and unitization agreements, as operator or nonoperator, and make agreements for present or future pooling of any and all interests in oil, gas and other mineral properties with all of the rights and powers that an individual has in conducting his own oil and gas business; pay all reasonable expenses; execute and deliver any deeds, conveyances, leases, assignments, contracts or written instruments of any character appropriate to any of the powers or duties of the Trustee. The Trustee may buy, sell and trade in securities of any kind, including stock options, commodities, futures, short sales and on margin, and for such purposes, the Trustee may maintain and operate margin accounts with brokers and may pledge any securities held or purchased with such brokers as security for loans and advances made to the Trustee for such purposes."

6. Section 8.4 of the Trust provides for real estate powers of the Trustee as follows:

"8.4 Real Estate Powers. The Trustee is authorized to sell, exchange, dispose of, improve, repair, lease, grant options on, or deal in any like manner with any real estate comprising a part of the trust estate; and to foreclose, extend, renew, assign, release or partially release, and discharge mortgages or other liens."

7. Section 8.6 of the Trust authorizes third persons to rely on the Trustee's authority to deal with the Trust assets as follows:

"8.6 Liability of Disinterested Party. No person dealing with a Trustee shall be required to ascertain the authority of the Trustee nor be responsible in any way for the proper application of funds or property paid to the Trustee for the account of the Trust; but, if acting in good faith, may deal with the Trustee as though it were the unconditional owner."

8. Section 8.20 of the Trust provides that successor Trustees shall have all of the powers conferred upon the initial Trustee as follows:

"8.20 Powers of Successor Trustee. Any successor Trustee of any Trust created hereunder shall have, from and after appointment or succession to office hereunder and without assignment or action by any person, all the rights, interests and powers granted to and vested in the Trustee."

9. If and when the initial Co-Trustees of the Trust shall fail to continue to serve as Trustee, the successor Trustee appointed in Section 6.1, or appointed as provided in Section 6.2 of the Trust shall file an affidavit setting forth the facts causing a succession of Trustee and the successor Trustee's acceptance of the duties as Trustee. All persons shall thereafter be entitled to deal with such successor Trustee as Trustee of the Trust.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Trust this 11th day of December, 2013.



KEVIN JOHN POTTS, Settlor and
Co-Trustee



SONJA ANNETTE POTTS, Co-Trustee

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

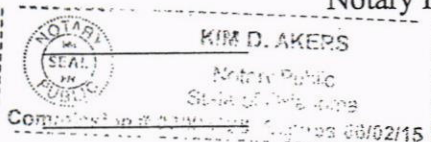
BEFORE ME, the undersigned authority, in and for said County and State, on this day personally appeared KEVIN JOHN POTTS, known to me to be the person whose name is subscribed to the foregoing instrument as the Settlor and as a Co-Trustee, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11th day of December, 2013.

Kim D. Akers
Notary Public

My Commission Expires:

My Commission Number:
(S E A L)



STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

BEFORE ME, the undersigned authority, in and for said County and State, on this day personally appeared SONJA ANNETTE POTTS, known to me to be the person whose name is subscribed to the foregoing instrument as a Co-Trustee, and acknowledged to me that she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11th day of December, 2013.

Kim D. Akers
Notary Public

My Commission Expires:

My Commission Number:
(S E A L)



June 23, 2023

City of Norman City Council
201 West Gray Street
Norman, OK 73069

RE: Protest of Shaz Investments, LLC Request for
Rezoning

Norman City Council members,

My family and I are the owners of land near south Jenkins and Post Oak Road that is a part of the John D. Potts Living Trust (Memorandum of Trust is enclosed) and abuts property owned by Shaz Investments, LLC , and that Shaz has requested to be rezoned from Agricultural to Residential. I am writing this letter of protest to state our opposition to the rezoning request.

Sincerely,



Kevin John Potts

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

**MEMORANDUM OF TRUST
THE JOHN D. POTTS LIVING TRUST
DATED JULY 18, 2016**

KNOW ALL MEN BY THESE PRESENTS:

John D. Potts, a single person, has created the John D. Potts Living Trust Dated July 18, 2016, ("the Trust") which is an express private revocable trust, and named himself as the trustee of the Trust with full power and authority to act during his lifetime.

1. **POWERS OF THE TRUSTEE.** The trustee has the right and authority to sell, lease, or mortgage the property in the trust name.

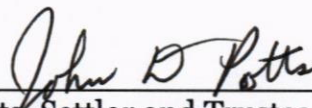
2. **APPOINTMENT OF SUCCESSOR TRUSTEE.** **John D. Potts** and **Kevin John Potts** are designated as the initial Trustees, either of whom can act individually and without joinder by the other. If either is unable or unwilling to serve for any reason, including incapacity or death, then the other shall act as the sole Trustee. If both John D. Potts and Kevin John Potts are unable or unwilling to serve for any reason, including incapacity or death, then **Allyson Lee Wilson** is appointed as Successor Trustee. If Allyson Lee Wilson becomes unable or unwilling to serve for any reason, including incapacity or death, then **Ellen Kay Smith** is appointed as Successor Trustee.

3. **EVIDENCE OF DEATH OR INCAPACITY OF TRUSTEE.** The death of the Settlor shall be evidenced by the filing in the office of the County Clerk in each County where real property is situated a copy of this Memorandum and a copy of the death certificate of the Settlor issued by the appropriate agency. The decision as to whether the Settlor and/or Trustee is disabled because of incapacity or inability to act due to advanced age, illness, or other cause shall be made by unanimous consent of Kevin John Potts, Allyson Lee Wilson, and Ellen Kay Smith, provided each are competent. The filing of the evidence shall be conclusive evidence of the power of the succeeding Co-Trustees to act in the place and stead of the prior trustee. In case of property other than real property, the filing of the Memorandum shall not be required to allow a trustee to act.

4. **ADDITIONAL AUTHORIZED SIGNERS FOR DEPOSIT ACCOUNTS.** Under this Trust, the Settlor/Trustee may appoint additional authorized signers for

deposit accounts. The Successor Trustee(s) may also appoint additional authorized signers for deposit accounts.

Dated: July 18, 2016.



John D. Potts, Settlor and Trustee

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) ss:
COUNTY OF CLEVELAND)

The foregoing was acknowledged before me this 18th day of July, 2016, by John D. Potts, Settlor and Trustee.

My Commission expires:





Notary Public

**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 (previously identified as Resolution R-2021-115), rezoning land identified as A-2 Rural Agricultural District and A-1 General Agricultural District to R-1 Single Family Dwelling District (previously identified as Ordinance O-2021-44), 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

- 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.

- (9) 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.

- (8) Residential development of the Property will cause an unsafe increase in traffic congestion;
- (9) Development includes creation of conservation areas;

The Property is best suited for use as a conservation area. In alternative to rezoning this land as R1, 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

Derek Rosendahl

Printed Name

June 22, 2023

Date

908 Accipiter

2920 Chautauqua Ave., APT 47, Norman, OK, 73072

Property Address

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-22-23

City of Norman
City Council Members

June 21, 2023

Re: Letter of Opposition to the purposed rezone of property owned by Shaz Investments L.L.C from A-1 to R-1.

To whom it may concern:

I am the legal representative of Sandra W. Potts as her Power of Attorney. Sandra has an undivided interest in land located within the notification zone which is adjacent to the purposed rezone area. She owns approximately 60 acres that will be negatively impacted if the rezoning from A1 to R-1 occurs. We have already experienced a significant negative impact by the Development area known as Eagle Cliff, which was developed by Shaz Investments, L.L.C. There are numerous reasons for opposition. I would also like to address the City Council regarding our concerns with this purposed request for rezone on June 27th, 2023, at the City Council Meeting.



Allyson Wilson, POA for Sandra W. Potts

Ward 4 and Norman Resident

Cell phone 405-474-0580

Attachments included:

POA documentation

Letter of notification from the City Of Norman

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/22/23

out

STATUTORY POWER OF ATTORNEY

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, **SANDRA W. POTTS, 601 East Olivia Terrace, Mustang, Oklahoma 73064**, appoint
ALLYSON LEE WILSON (nee POTTS), 601 East Olivia Terrace, Mustang, Oklahoma 73064,
as my agent (attorney-in-fact) to act for me in any lawful way with respect to the following initialed
subjects:

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF
(N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS.

TO GRANT ONE OR MORE, BUT FEWER THAN ALL, OF THE FOLLOWING
POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU
MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

INITIAL

- _____ (A) Real property transactions.
- _____ (B) Tangible personal property transactions.
- _____ (C) Stock and bond transactions.
- _____ (D) Commodity and option transactions.
- _____ (E) Banking and other financial institution transactions.
- _____ (F) Business operating transactions.
- _____ (G) Insurance and annuity transactions.
- _____ (H) Estate, trust, and other beneficiary transactions.

- _____ (I) Claims and litigation.
- _____ (J) Personal and family maintenance.
- _____ (K) Benefits from Social Security, Medicare, Medicaid, or other governmental programs, or military service.
- _____ (L) Retirement plan transactions.
- _____ (M) Tax matters.
- Sup (N) ALL OF THE POWERS LISTED ABOVE. YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (N).

SPECIAL INSTRUCTIONS:

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

This Power of Attorney shall become effective immediately.

The principal hereby nominates the attorney-in-fact named herein as conservator, guardian of his or her estate, or guardian of his or her person for consideration by the Court if protective proceedings for the principal's person or estate are commenced after the execution of this Power of Attorney.

(Attach additional pages, if needed.)

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

This Power of Attorney will continue to be effective even though I become disabled, incapacitated or incompetent.

STRIKE THE PRECEDING SENTENCE IF YOU DO NOT WANT THIS POWER OF ATTORNEY TO CONTINUE IF YOU BECOME DISABLED, INCAPACITATED OR INCOMPETENT.

This Power of Attorney shall not be affected by subsequent disability, incapacity, or extended absence of the principal, or lapse of time.

I agree that any third party who receives a copy of this document may act under it. Revocation of the Power of Attorney is not effective as to a third party until the third party learns of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

Signed this 15th day of February, 2017.

Sandra W. Potts

SANDRA W. POTTS

445-32-4491

Social Security Number

STATE OF OKLAHOMA)

) ss.

COUNTY OF OKLAHOMA)

This document was acknowledged before me on this 15th day of February, 2017, by
SANDRA W. POTTS.

Dwight P. Van Horn

Notary Public SON P. VAN HORN
Notary Public
State of Oklahoma
Commission # 01011994 Expires 03/2017

BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE
FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

**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

**FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/22/23**

- 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;**

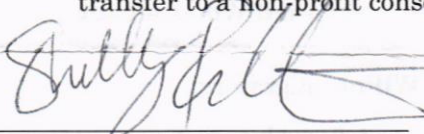
SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT

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

Shelby Robertson

Printed Name

6-21-23

Date

612 TALON DR

Property Address

Shelby Robertson
612 Talon Dr.
Norman, OK 73072

Signature of Owner

Printed Name

Date

out

**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 (previously identified as Resolution R-2021-115), rezoning land identified as A-2 Rural Agricultural District and A-1 General Agricultural District to R-1 Single Family Dwelling District (previously identified as Ordinance O-2021-44), 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

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.

- (9) **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.

- (8) **Residential development of the Property will cause an unsafe increase in traffic congestion;**
- (9) **Development includes creation of conservation areas;**

The Property is best suited for use as a conservation area. In alternative to rezoning this land as R1, 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

Derek Rosendahl

Printed Name

June 22, 2023

Date

**FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-22-23**

2920 Chautauqua Ave., APT 47, Norman, OK, 73072

Property Address

out

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/22/23

- 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.

Floyd G. Laney II
Signature of Owner

Floyd G. Laney II
Printed Name

20 June 2023
Date

Brandy Laney
Signature of Owner

Brandy Laney
Printed Name

6-20-2023
Date

1120 Osprey, Dr, Norman, OK 73072

Property Address

Floyd & Brandy Laney
1120 Osprey 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**

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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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;

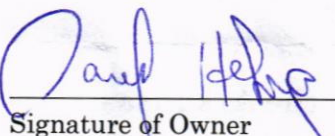
SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT

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

Daniel Helmer
Printed Name

6-21-23
Date

1117 Caracara Dr
Property Address


Signature of Owner

Brenda Helmer
Printed Name

6-21-23
Date

Norman OK 73072

Daniel & Brenda Helmer
1117 Caracara 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**

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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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;**

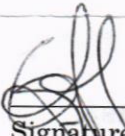
SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT

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.



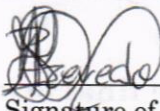
Signature of Owner

GUSTAVO AZEVEDO

Printed Name

JUN/21/2023

Date



Signature of Owner

RENATA AZEVEDO

Printed Name

JUN/21/2023

Date

Property Address

Gustavo & Renata Azevedo
4405 Spotted Owl Circle
Norman, OK 73072

out

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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.

Rebecca Hrebec
Signature of Owner

Signature of Owner

Rebecca Hrebec
Printed Name

Printed Name

6/20/23
Date

Date

1009 Eagle Cliff Dr.
Property Address
Norman, OK 73072

Rebecca Hrebec
1009 Eagle Cliff 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**

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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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.

Timothy A Kreun
Signature of Owner

Timothy A Kreun
Printed Name

6-20-2023
Date

Cathleen M Kreun
Signature of Owner

Cathleen M. Kreun
Printed Name

6-20-23
Date

Property Address

Timothy & Cathleen Kreun
4408 Spotted Owl Circle
Norman, OK 73072

mt

Please Please Do Not approve
or agree to this we do
not have the access in or
out as it is, with the
recent and damaging weather
event's in Feb, we had
such bad traffic. Just
think if we had a city
event that hit the whole
city, People could not get
out for emergency help and
responders could not get in.

Please preserve our way of
life and the beautiful scenery
we have here. Please do
not Re-zone our beautiful
way of life. Thank You

Tim Kreng
Timothy A Kreng

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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

Ray Leyva

Printed Name

6/20/23

Date

Signature of Owner

Mark Boone

Printed Name

6-20-23

Date

Property Address

Ray Leyva & Mark Boone
912 Eagle Cliff Dr
Norman, OK 73072

mt

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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

Jon-Paul Weaver

Printed Name

6-20-23

Date

Signature of Owner

Jamie Weaver

Printed Name

6-20-23

Date

Property Address

Jon-Paul Weaver
617 Aplomado St.
Norman, OK 73072

out

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

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.

Craig Jackson
Signature of Owner

CRAIG JACKSON
Printed Name

6-21-2023
Date

4205 Snowy Owl Dr
Property Address

Craig & Twana Jackson
4205 Snowy Owl Dr
Norman, OK 73072

Twana Jackson
Signature of Owner

Twana Jackson
Printed Name

6-21-2023
Date

Norman OK 73072

out

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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;**

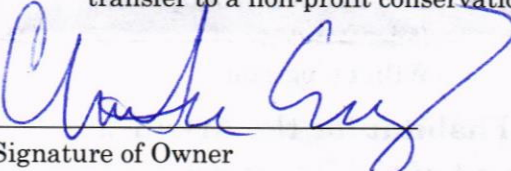
SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT

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

Christa Ensey
Printed Name

6-20-23
Date

Signature of Owner

Printed Name

Date

Property Address

Christa Ensey
4209 Elf Owl 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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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.

Kadee Holmes
Signature of Owner

Kadee Holmes
Printed Name

6/20/23
Date

Property Address

Benjamin Holmes
Signature of Owner

Benjamin Holmes
Printed Name

6/20/23
Date

Kadee & Benjamin Holmes
4413 Spotted Owl Circle
Norman, OK 73072

4413 Spotted Owl Circle Norman, OK 73072

not

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

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.

Brandi Cowan

Signature of Owner

Brandi Cowan

Printed Name

6/20/2023

Date

Steven Cowan

Signature of Owner

Steven Cowan

Printed Name

6/20/2023

Date

Property Address

Steven & Brandi Cowan
609 Talon 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**

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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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;**

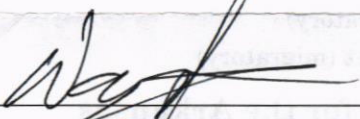
SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT

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.

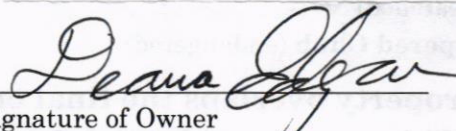
- (9) **Residential development of the Property will cause an unsafe increase in traffic congestion;**
- (10) **Development of Urban Areas needs to include creation of Conservation Areas within them;**

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

Wayne Edgar
Printed Name

6/21/23
Date


Signature of Owner

Deanna Edgar
Printed Name

6/21/23
Date

Property Address

Wayne & Deanna Edgar
4400 Snowy Owl Cir
Norman, OK 73072

out

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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.

Shane Williams
Signature of Owner

Shane Williams

Printed Name

6/21/23
Date

Signature of Owner

Printed Name

Date

Property Address

1013 Eagle Cliff Dr.
Norman OK
73072

Shane Williams
1013 Eagle Cliff Dr
Norman, OK 73072

ack

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

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.

Andy Teague
Signature of Owner

Andy Teague
Printed Name

June 21, 2023
Date

600 Talon Dr.
Norman, OK 73072
Property Address

Andy Teague
600 Talon Dr.
Norman, OK 73072

Signature of Owner

Printed Name

Date

on

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

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.

Andrea Parsons
Signature of Owner

Andrea Parsons
Printed Name

06-20-23
Date

1109 Falco Concolor
Property Address

Signature of Owner

Printed Name

Date

Andrea Lynn Parsons
1109 Falco Concolor Drive
Norman, OK 73072

Norman-OK 73072

all

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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.

Morgan Dye
Signature of Owner

Morgan Dye
Printed Name

6/21/2023
Date

Signature of Owner

Printed Name

Date

Property Address

Morgan Dye
4409 Snowy Owl Cir
Norman, OK 73072

out

**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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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.

Caleb Berry
Signature of Owner

Caleb Berry
Printed Name

6/20/23
Date

909 Eagle Cliff Dr
Property Address

Vanessa Berry
Signature of Owner

Vanessa Berry
Printed Name

6/20/23
Date

Caleb James & Vanessa Elizabeth Berry
909 Eagle Cliff Dr
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:

- | | |
|--|---|
| • 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

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/23/23

- 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;**

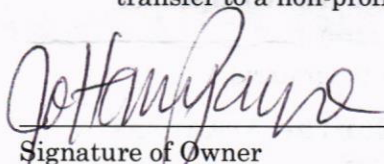
SEC. 420.2 - A-2, RURAL AGRICULTURAL DISTRICT

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.

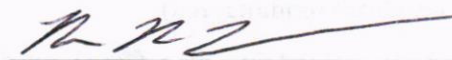
- (9) **Residential development of the Property will cause an unsafe increase in traffic congestion;**
- (10) **Development of Urban Areas needs to include creation of Conservation Areas within them;**

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

JoHanna Payne
Printed Name

6-20-23
Date


Signature of Owner

Randall Payne
Printed Name

6-20-23
Date

Property Address

Randall & JoHanna Payne
4412 Eagle Owl Dr
Norman, OK 73072

out