



**CITY OF NORMAN, OK**  
**FLOODPLAIN PERMIT COMMITTEE MEETING**  
Development Center, Conference Room B, 225 N. Webster Avenue,  
Norman, OK 73069  
Monday, August 21, 2023 at 3:30 PM

---

## **MINUTES**

### **ROLL CALL**

The meeting was called to order by Mr. Shawn O'Leary at 3:31 p.m. Roll was called and 5 members were present, two were absent. Ms. Sherri Stansel and Ms. Lora Hoggatt were absent. Others in attendance included, Jason Murphy, Stormwater Program Manager; Todd McLellan, Development Engineer; Brandon Brooks, Staff Engineer; Amy Shepard, Staff; Kim Freeman, Staff; Chris Anderson, SMC; Richard McKown, Green Earth Land Design; Lollie Lenker, Resident.

### **MINUTES**

1. Approval of minutes from the July 17, 2023 meeting

Mr. O'Leary called for a motion to approve the minutes from the meeting of July 17, 2023. The motion was made by Ken Danner and seconded by Bill Scanlon. The minutes were approved 5-0.

### **ACTION ITEMS**

2. Floodplain Permit No. 678

Mr. O'Leary said this Application is for the construction of an access road off of 36th Ave. NW and the addition of a sanitary sewer through the floodplain of a tributary of the Little River for a proposed development called Franklin Woods subdivision. Mr. O'Leary asked Mr. Murphy to present the staff report. Mr. Murphy said the Applicant is Raven Investments, LLC, the Builder is to be determined and the Engineer is SMC Consulting Engineers. Mr. Murphy said the Applicant is requesting a floodplain permit for the construction of a road to be built across the Zone A floodplain of a tributary to the Little River and to install an 8" sanitary sewer extension and manhole. The proposed site is located at the northeast corner of the intersection of 36th Avenue N.W. and Franklin Road in Norman, Oklahoma. The site is bound by the existing developments of Crystal Spring Addition and Community Christian School to the north, 36th Avenue NW to the west, and Franklin Road to the South. The site is also bound by undeveloped pastureland to the southeast and Frontage Road for I-35 to the east. The proposal is for mixed-use development of approximately 60.48 acres that will include commercial/offices, light industrial, multifamily residential, and single-family residential developments. The proposed development will be served with public streets, waterlines, sanitary sewer, stormwater collection and conveyance systems as well as multiple detention ponds for stormwater management.

Mr. Murphy said the two main components of the application are a road across the floodplain constructed with a 10' x 4' reinforced concrete box to convey the waters of the creek as well as the manhole and sanitary sewer extension that will extend into the Zone A flood zone. The

proposed construction of the road on the northwest corner of the development includes an excavation volume of 2,993.96 cubic yards and a fill volume of 2,943.64 cubic yards, resulting in a net decrease in fill of approximately 50 cubic yards in addition to the volume of the 100 linear feet of 10' x 4' RCB, bringing the total increase of storage capacity in the floodplain to just under 200 cubic yards. Installation of the sanitary sewer line in the southeast corner of the development will involve trenching through the floodplain to install the 8" line and returning the disturbed areas to the original grade. According to the plans, the new proposed manhole will be located outside the floodplain. It is just the 8 inch connecting to the existing line that will be in the floodplain.

Mr. Murphy said the applicant submitted a flood study report that calculated base flood profiles for the Little River tributary under existing and proposed conditions using HEC-RAS modeling. The stormwater runoff from the upstream, offsite drainage areas and onsite drainage areas will be conveyed through the tributary and through the proposed culvert under the boulevard and discharging south to the Tributary G of the Little River. According to the report, the proposed 100-year flood profiles will be contained within the proposed common area and WQPZ drainage easement for Franklin Woods Addition. As a result of the proposed improvements, the HEC-RAS model shows that the BFE will be decreased slightly and should not cause adverse impacts up or downstream of the project.

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

Mr. Murphy confirmed all ordinance requirements have been met and said staff recommends Floodplain Permit Application No. 678 be approved.

Mr. O'Leary asked for comments or additions from the Applicant. Chris Anderson, SMC, spoke about the pipes south of the road. Mr. O'Leary asked for any comments from the public.

Mr. O'Leary called for a motion or further questions. Mr. Sturtz motioned to approve Floodplain Application No. 678. Mr. Danner seconded the motion. The committee voted to approve the application 5-0.

### 3. Floodplain Permit No. 679

Mr. O'Leary said this Application is for the installation of a curb and sidewalk, as well as grading of the property to improve drainage at 218 S. Lahoma. Mr. O'Leary asked Mr. Murphy to present the staff report. Mr. Murphy said the Applicant is City of Norman Public Works Department, the Builder is Public Works Stormwater Maintenance Division and the Engineer is Brandon Brooks, P.E., CFM. Mr. Murphy said 218 S. Lahoma Ave., until recently, had an original single story, masonry house that was constructed in 1930 on Lot 7 Block 2 of the Eagleton Addition. The entire property including the house is in the floodplain/floodway of Imhoff Creek in an area of repetitive flooding. The previous owner of the lot, Mr. Cox, was utilizing this structure as a rental property. In June of 2022, the property was flooded and 6-8 inches of water inundated the structure. Mr. Cox reached out to the City shortly after this event to determine what his options were with regards to obtaining a floodplain permit for repairs. It was determined that significant enough damage had occurred to the structure to trigger the City's Flood Hazard Ordinance rules concerning substantial damage/improvements and that the entire structure would need to be elevated to two feet above the BFE as well as other improvements made to meet all the requirements of the ordinance. After some consideration, Mr. Cox reached out to City staff to inquire about potentially selling the property to the City to dedicate the lot for permanent floodplain storage rather than make the repairs and

improvements to the property. Mr. Cox cited concerns related to not only the cost benefit of the repairs, but the safety of any potential future tenants since he recognized the significant flood risk in this area. Negotiations began with the City and Mr. Cox at the end of 2022 into early 2023 for the sale of the property. Once an agreement was reached, City Council approved contract K-2223-150 for purchase of the lot in April of 2023. Closing on the property occurred on August 14, 2023 and the City has taken possession of 218 S. Lahoma.

Mr. Murphy said included in the terms of the sale of the lot to the City, Mr. Cox received all necessary permits and had the house demolished and all materials removed from the site, including the existing damaged sidewalk and the concrete driveway. The demolition process left a depression in the lot where the house had been located as well as gaps in the sidewalk and curb. This floodplain permit application would grant City Stormwater Maintenance staff authority to replace missing sidewalk along the front of the lot with an ADA compliant sidewalk as well as install a concrete curb to connect existing gap in the curb line along the west side of S. Lahoma Avenue along the front of this property. In addition, grading will occur to bring fill from a cut area on the west side of the property near Imhoff Creek to the eastern side of the lot to fill in the recess where the structure was removed. Grading will be performed to also create a negative gradient from east to west across the lot to facilitate the flow of flood waters towards Imhoff Creek and away from neighboring properties and the roadway. Following repair and grading work, the sod will be installed on any bare areas. City staff will continue to maintain the site after completion of the work as well, including mowing and clean up after storm events. No new fill will be brought into the site to complete the grading or removing the recess.

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

Mr. Murphy confirmed all ordinance requirements have been met and said staff recommends Floodplain Permit Application No. 679 be approved.

Mr. O'Leary asked for comments from the public. Hearing none, Mr. O'Leary asked for any comments or questions from the committee. Mr. Danner motioned to approve Floodplain Application No. 679. Mr. Scanlon seconded the motion. The committee voted to approve the application 5-0.

#### **4. Flood Hazard Ordinance Amendment**

Mr. O'Leary said the Flood Hazard Ordinance Amendment is dealing with cumulative and substantial damage and substantial improvement language. Mr. O'Leary asked Mr. Murphy to present the staff report. Mr. Murphy said this would be a revision to the Flood Hazard Ordinance to include language for cumulative substantial improvement provisions. Mr. Murphy said the City's Floodplain Ordinance which is included in Section 36-533 of the City of Norman Code of Ordinances, was first adopted by the City of Norman on July 8, 1975. The ordinance has been revised fifteen times. Revisions occurred in 1978, 1981, 1986, 1987, 1989, 1997, 2003, 2004, 2007, 2008, 2012, 2017, 2020, 2021 and 2022. The floodplain ordinance was originally adopted as a requirement of the City of Norman's participation in the National Flood Insurance Program, which was established by the U.S. Congress in 1968 and is administered by the Department of Homeland Security's Federal Emergency Management Agency FEMA.

Mr. Murphy said residents and business owners in Norman are eligible for a reduction in flood insurance premiums because of the city's active participation in FEMA's NFIP Community

Rating System. In addition to lower premiums, the CRS program helps to reduce the threat of injury or death and property damage due to flooding in Norman.

Mr. Murphy said the CRS is a voluntary program for NFIP participating communities. The intended goals of the CRS program are to reduce flood losses, facilitate accurate insurance ratings and promote the awareness of flood insurance. The CRS program rewards communities for implementing activities that protect their residents from flooding. These programs include public outreach, floodplain open space preservation and higher regulatory standards.

Mr. Murphy said communities are rewarded by having the individual flood insurance policyholder's premiums reduced. Flood insurance premium reductions run in 5 percent increments, from 5 percent to 45 percent. Class ratings range from 10 to 1. The higher the flood protection activity, the lower the Class rating. Norman became a Class 6 community in 2022. Norman's flood insurance policyholders who reside in Special Flood Hazard Areas receive a 20 percent reduction on flood insurance premiums as a result. The reduction in flood insurance premiums represents an annual savings in premium costs for Norman policyholders and will take effect at the time a new policy is written or an effective policy is renewed anytime there is a change in the CRS rating.

Mr. Murphy said the CRS Coordinator's Manual is the guidebook for the CRS program. The Coordinator's Manual spells out the credits and credit criteria for community activities and programs that go above and beyond the minimum requirements for participation in FEMA's National Flood Insurance Program. The Coordinator's Manual explains how the CRS operates, how credits are calculated, and what documentation is required, and also acts as guidance for communities in enhancing their flood loss reduction and resource protection activities. According to the CRS manual, including provisions in a flood hazard ordinance for cumulative SI/SD is worth up to 90 points, or about 20% of the points needed to improve a class rating from 6 to 5.

Mr. Murphy said currently, the City's Flood Hazard Ordinance includes language related to substantial improvement and substantial damage SI/SD that states that any cost to repair or improve a structure in the floodplain that exceeds 50% of the value of the structure is considered substantial improvement and therefore requires that the structure be brought into full compliance with all current Flood Hazard Ordinance requirements. Proposed cumulative substantial improvement language would require that the cost of repairs or improvements would be calculated over a ten-year period for determining if the threshold for substantial improvement has been met. In addition to changes in the definition of substantial improvement, two new definitions will be added to the ordinance to clarify market value and define cumulative cost and how they are calculated.

Mr. Murphy said the following example demonstrates the effects of the ordinance revision:

An existing, non-conforming house in the floodplain has a market value of \$100,000 and the owner applies for a floodplain permit to renovate portions of the structure for a total cost of \$25,000, resulting in a 25% cost of improvements to the structure. Two years later, that same house now has a market value of \$125,000 and is damaged during a flooding event resulting in repair costs of \$35,000 resulting in a 28% cost of improvement to structure. The combined cost of improvements is 53% of the market value of the structure over a two-year period. Under existing requirements, the structure would not be required to come into compliance with the flood hazard ordinance by flood proofing, raising or otherwise mitigating flood risk. With

cumulative SI/SD requirements, a permit could not be granted unless the structure was renovated in such a manner as to make it compliant with the flood hazard ordinance and therefore help mitigate the flooding risk.

Mr. Murphy said he reviewed the CRS and FMEA manuals for NFIP and other communities in Oklahoma who have similar ordinances or ordinance language. Mr. Murphy said the ordinance changes were approved by OWRB. Mr. Murphy reviewed the schedule for remaining approvals and the potential effective date.

Mr. Murphy said changes and additions are to the definitions section only. Adding a definition for Cumulative Cost which is the sum of the cost of repairs, construction, rehabilitation, addition, or other improvement of a structure divided by the assessed market value of a structure at the time that a cost is incurred and is calculated over the immediate past 10-year period.

Mr. Murphy said the second definition being added is for Market Value which means, for purposes of determining substantial improvement, the value of a structure and any attached improvements. The assessed value of a structure, as determined by the Cleveland County Assessor, shall be presumed to be the market value unless evidence of an alternative valuation is presented to and accepted by the Floodplain Permit Committee. The Floodplain Permit Committee is ultimately responsible for determining the market value of a structure, although an appeal can be made to the Board of Adjustment.

Mr. Murphy said the definition for substantial improvement had a few changes. Substantial improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before start of construction of the improvement. This includes structures that have incurred substantial damage, regardless of the actual work performed. The cost in the substantial improvement determination shall be the cumulative costs of all previous improvements for a specific building or structure during the immediate past 10-year period. The two caveats are staying the same, any improvement being made to satisfy a health or safety code or a historic structure, do not apply.

Mr. Murphy said staff recommends the Flood Hazard Ordinance Amendment be approved.

Mr. O'Leary asked for any comments from the public. Hearing none, Mr. O'Leary brought it back to the committee. Mr. Sturtz said motioned to approve the Flood Hazard Ordinance Amendment. Mr. Scanlon seconded the motion. The committee voted to approve the application 5-0.

## **DISCUSSION ITEMS**

### **5. Discussion regarding procedural and substantive aspects of the Flood Hazard Ordinance.**

Mr. O'Leary suggested postponing the discussion between the committee and Legal Staff, Beth Muckala, to go through the ordinance and re-familiarize the committee with key issues until the next meeting on September 5<sup>th</sup>, 2023 when all members can be present. Mr. Sturtz motioned to postpone the discussion to September 5<sup>th</sup>, 2023. Mr. Scanlon seconded the motion. Mr. O'Leary asked for any public comments. Hearing none, Mr. O'Leary asked for any



comments from the committee. Ms. Hudson asked for confirmation that committee members would be in attendance for the September 5<sup>th</sup>, 2023 meeting. Ms. Shepard responded that not all committee members had a chance to respond yet. The committee voted to postpone the discussion 5-0.

### **MISCELLANEOUS COMMENTS**

Mr. Murphy said there are 3 applications for the September 5<sup>th</sup> meeting.

Mr. O'Leary said the NextEra application from a previous meeting has been appealed to heard by the Board of Adjustment on Wednesday, August 23, 2023 at 4:30. Ms. Hudson asked for confirmation on who would be presenting at the meeting. Mr. O'Leary said Beth Muckala is taking the lead and Mr. Murphy would be taking the technical side for the committee and Mr. O'Leary would be present as well. Mr. O'Leary confirmed the meeting will be held in Council Chambers.

### **ADJOURNMENT**

Mr. O'Leary called for a motion to adjourn. Mr. Sturtz motioned to adjourn and was seconded by Mr. Danner. The motion was approved 5-0. The meeting adjourned at 4:03 p.m.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023

---

City of Norman Floodplain Administrator, Shawn O'Leary