

To: The City of Norman Planning and Community Development

From: James Greer
4509 Moorgate Drive
Norman, Oklahoma 73072
405-314-4429

RE: Nextera Energy Floodplain Permit Application No. 675

To all,

In 2004, the City of Norman adopted the Norman 2025 Land Use and Transportation Plan, for the long-range development of future anticipated growth requirements of the City of Norman and surrounding areas. The Norman 2025 Plan was developed over multiple years using anticipated growth rates, public utility constraints, and environmental conditions; and by utilizing polling and forums for public and governmental involvement in the final design. As adopted, the City created future zoning and developmental regulations, as the quoted next three functions of said:

The Plan serves several functions for the City of Norman. First, it serves as a guide for public investment by articulating policies and strategies that suggest both general and specific capital projects. The various policies and specific recommendations must ultimately be tied to capital improvement programs that define, budget, coordinate and schedule specific projects. The Plan should be used as a policy basis for the expenditure of capital funds.

Second, the Plan serves as a policy basis for the development of various regulatory techniques. In order for the recommendations of the Plan to be carried out, various zoning and subdivision regulation amendments may be necessary, and other mechanisms must be developed. This plan serves as the policy base for those changes.

Third, this Plan defines the desired land use pattern for use and development of all private sector properties. As such, this Plan will serve as a policy guide for zoning and planning requests as they are presented to the Planning Commission and City Council.

With the adoption of the Norman 2025 Plan, an elevated level of security was created for landowners, investors, and developers to acquire tracts of undeveloped land with the mindset that, an immediate deployment of capitol expense would not be required to secure future land use conversions. This practice allowed for "real time" growth development, implementing current design and function engineering, and eliminating the constraints of aging building permits and design changes to hold land use plans and investments. The City of Norman has set a high

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Jennifer Mangham
8-14-2023

standard of oversight over the implementation of the rules and regulations as these growth sectors are moved to pre-development phases and into completion. Life-long and long-term residents of the City of Norman, who have helped mold this great community, and are strictly bound by and willingly complying with the City's planning, permitting, and building requirements. As these tracts of raw land are converted to residential and commercial projects, the generation of tax revenues over multiple avenues increases and the City benefits immensely from the new growth sectors by the developments under your guidance. The same long-term residents are the one's securing the future residential demands, providing new commercial improvements and employment bases, and assisting in charitable community donations. Why should a Florida based, non-contributing utility company get preferential treatment on their projects?

As I follow pre-development requirements by local developers, their engineered preliminary drafts are presented to the oversight committees for approval and change recommendations for working in the flood areas. Nextera has a new plan for our surface every single time we meet, and only as a verbal. The Nextera NEET Transmission Line is a 55-mile, 345 KV line with no actual benefit to the City of Norman. Nextera has evoked the use of condemnation to acquire Rights of Way over a petitioned 150-foot wide Easement. The use of eminent domain has allowed them to design an Easement route through any lands of choice and any areas of choice; why would they consider floodplain access for high voltage transmission. Most of the condemnation lawsuits are against the same developers, investors, and landowners previously defined in this petition of protest. As described by Nextera, the engineered width of the proposed and petitioned Easement was proportional to the safe working distance for Electromagnetic Hazard Protection and Electrical "arching" potential. Thus, permits should evaluate and protect for the EM Polarization eccentric to these lines with respect to the height above maximum flood elevations at the point of construction; similar to Norman Building Code setbacks for conductive materials. This process be similar to the current flood elevations studies our local developers have privately conducted, to determine the multiple channel control conditions of the Little River Drainage Basin, that would dictate stage/discharge relationships at each of the subject power poles. Elevation profile data collected from this study could be used to request a Letter of Map Amendment or Map Revision from FEMA and potentially resolve the appeal requirement. This study would prevent Energizing the flood water and/or potential "arching" during high water events could never be a good design or plan.

Nextera has initiated construction on a 40-acre sub-station at the corner of 48th and Franklin NW; on a highly desired tract of potential residential property. Nextera is in the process of taking a property that was not subject to the flood plain restrictions and lowering the elevation on that parcel to an elevation that is restricted by flood zone regulations. With respect to the provided Location Map, that tract of land does not appear to be designation within the application. Is this 40-acre sub-station subject to Norman Planning Commission regulations or is there an exemption on this zoning change?

In summary, I **AM** in agreement with the City, the regulations, and the other developers in the denial of the Protest as designed and would require compelling evidence to support the Appeal.



14 AUG 2023

8/16/2023

Dear Flood Plain Committee:

First off, I want to express our deepest gratitude and surprise that the Permit application No. 675 (electric transmission line) was denied. I expressed my concerns to the company doing the initial environmental survey as they needed to access our land and basically told us we had no choice but to comply. We felt powerless to oppose such a large conglomerate utility company so we have been resigned to the fact that we would no longer have the unspoiled farm land surrounding us. I am native to the 10 mile flats area, I rode bikes down Western with my mother in the 80's all the way to Sooner Mall. I have grown and invested in Norman with my construction company - **Blue Jay Construction** and my wife's medical aesthetics practice **Gudgel Aesthetics**. We are building in the Golden Valley Subdivision on W Rock Creek and we are going to be heavily impacted as the proposed line is set to be installed right next to the entirety of our 10 acres and will be looming above us (we felt devastated when we learned the plans to string 100' power lines all around us). You can imagine our delight and surprise to learn these plans were denied in the initial review!

10 Mile flats is a unique and iconic feature for Norman. The ridge running from Indian Hills all the way to Main Street has enjoyed breath-taking views of the fertile valley reminding us of our agrarian roots and a simpler time for a 100 yrs. Many years ago, Norman took a stand to prevent high density development and limit the size of tracts to 10 acres in order to protect the agrarian nature of 10 mile flats and protect the environmental biodome of wetlands and natural beauty surrounding the North Canadian River and 10 mile flat creek. If this power line is approved, it will forever scar the landscape and take away what Norman has fought so hard to maintain.

I am realistic and understand that growing developments have needs, but we have to decide what is best for the entirety of the community. I believe what is best for our community is to fight to maintain pristine areas such as 10 mile flats and protect it from the encroachment of the electric transmission line. I feel the installation of this line would have a negative environmental impact, aesthetically and catastrophically alter W Norman, and would be an irreversible mistake for our city to allow this to take place. Please take a stand and help protect West Norman.

Sincerely,

Jason Gudgel

5425 W Rock Creek Rd.

Norman, OK 73072

405 924 0045

Jasongudgel@hotmail.com

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ON

Jennifer Mangham
8-16-2023

Jason Gudgel
Jason Gudgel

8-14-23

We support the No Vote on the Nextera Appeal on building in the floodplain. We have Interstate 35 frontage and are being offered \$3600 for 3 acres of land next to a new car lot and have found ourselves in court because we denied that offer. I have spoken with our neighbors and they are basically trying to steal their properties too. These people should not be allowed to offer us less than market value for our prime Norman property and positively should not be given any preferential treatment in our community. I also know ~~our~~^{our} neighbors ~~are~~^{are} having issues with building in the flood zone and Nextera should too. Please delay the permit until all the people have been paid by these bad actors. Thanks

Jean A. Bastett

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Jennifer Mangham
8-16-2023

We vote NO on the appeal of the Nextera line coming through our property. Please look at not allowing any building until they pay us what is fair. They lowball offered us \$3600 for prime real estate and then they condemned our property. We are in court determining the valuation until the first of October and I request you postpone the final vote until then. They are really requesting a permit to build in our name since they don't own the property yet. Once they build, many citizen's of Norman will be tied up in jury court and they will be long gone with no benefit to our community.

Amy Sharr
Aug 14, 2023

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ON

Jenny Mangham
8-16-2023

We vote NO on the appeal of the Nextera line coming through our property. Please look at not allowing any building until they pay us what is fair.

Camille Morgan
8-14-2023

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ON

Jenny Manghan
8-16-2023

Please Do Not Approve the Permit for the Nextera Transmission Line until all court battles have been settled and they own their route. They are taking the people of Norman to jury trial because they won't take \$2500 for their homesites and property. We are trying to force them to move to the edge of our property and not divide it, so the path may change. Please help with this crazy property taking in our fine city. Maybe the Cleveland County judges will have some mercy on us all. Thank you for your time.

J. Anderson Jr

15 of August of 2023

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ON

Janice Mangham

8-16-2023

DO NOT APPROVE THE APPEAL OF THE NEXTERA LINE FLOOD PERMIT. IF WE CAN'T BUILD IN THE FLOOD PLAIN THEY SHOULD GET EQUAL FAIR TREATMENT. THESE PEOPLE ARE STEALING OUR PROPERTIES AND WE CAN ONLY GAMBLE ON THE COURT SYSTEM GETTING US MONEY. THEY HAVE OFFERED US \$3600 FOR 2.5 ACRES OF LAND IN NORMAN AND THAT'S NOT FAIR EITHER. WE DO NOT HAVE THE RESOURCES TO FIGHT THEM IN A JURY TRIAL AND HOPE THE COURT GRANTS US REAL PROPERTY VALUES NEXT MONTH. PLEASE HELP US CONTROL THESE OUT OF STATE COMPANIES THAT HAVE NO INTEREST IN HELPING THE PEOPLE OF OKLAHOMA. OUR COURT DATES ARE ALL NEXT MONTH.

William L. Barrett

08-14-2023

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Jenny Mangham

8-16-2023

To the City of Norman Floodplain Committee

Please do not move forward with the Nextera High Voltage Transmission Line until all the legal issues are finalized and they have the citizens of Norman paid for their taking of our property. You should deny the permit and hold the final vote until mid-September when the Cleveland Court determines our property values. Nextera is offering absurd numbers and have sued us for not taking the \$2500 fee. There is no benefit to allow them to build until they settle the right of way purchase like all the other permit applicants. Please do not let them build until we have settled because they will be more difficult to work with after it's built. Remember, they are on a bonus to complete on time and they are robbing us of our property without any defense. Your assistance in protecting the citizens of Norman is critical.

Thanks in advance

Mark J. Griffin

8-14-2023

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ON

Gertrude Mangham

8-16-2023

To the City of Norman,

All, Nextera has applied for an appeal to the denied Floodplain Permit Application No. 675, and we are in stance with the City to DENY the appeal. Nextera does not have full easement routing and does not have a fully developed plan for the application process. They have been offering \$3500 for 150 foot wide easements that are dividing properties all across Norman and wonder why there is extreme pushback. If you didn't take the \$3500, they upped the offer to \$3600 and then filed a lawsuit on you for not complying. Property values in Norman have always been high because the City has made this a great place to live, with great schools, and the demand is really high. Property values are already fixed and no one can purchase one acre of land for \$3600 in this area. There are numerous local developers currently building housing and commercial properties, that are required to adhere to stick guidelines to initiate the permit process and an out of State contractor should not get preferential treatment that they are not given. Additionally, a blanket permit application on the current route has taken the transmission line through multiple drainage basins, all with completely different floodplain characteristics and environments. The nesting sites of bald eagles both near Draper and Norman, the least tern habitat along the banks of the Canadian River, and other habitats must be considered. Nextera has challenged all the residents of Norman and surrounding communities more than the Oklahoma Turnpike Authority in their condemnation process. As much resistance as OTA had, at least they used condemnation to construct a product that the local community would benefit from with large, reoccurring tax dollars and transportation infrastructure. Nextera will not provide any benefit to the community. Nextera is only hanging three wires on the poles, why can't they use the large high voltage infrastructure already in place this less that a ½ mile away and goes the same place. We were told by the land agents that even the City of Norman, Blanchard, and the Cleveland County commissioners have denied letting them cross their properties, so they attack the people living on social security.

We are all forced into lawsuits in Cleveland County and Nextera has selected to use a trial jury of Norman residents to settle the damage claims and cost us more money. We know Nextera has demanded and deserves an appeal determination, but the residents of this community are requesting delaying any and all forward progress on permits until the full Easement is granted over the next few months. You supported the OTA request and we ask you support the citizens who are being harmed by the Nextera Line. Thank You.

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Jennifer Mangham
8-16-2023

Draper
Hyer
August 15, 2023

PLEASE Vote NO - ON
the NextERA permit,
they are stealing our land
in Norman.

August 16, 2023

Blanca Meyer

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ON

Jennifer Mangham
8-16-2023

Shirley Calvert
Calvert Trust
3930 48th Ave NW
Norman OK 73072

8/15/2023

City of Norman Planning and Community Development

Ref: Floodplain Permit Application **No. 675**

NextEra Energy Transmission Southwest LLC appeal to Norman, Cleveland
County Board of Adjustment

Dear Board of Adjustment,

The purpose of this letter is to express my opinion that the Variance sought by NextEra should **not** be approved at this time. Specifically, as a citizen of Norman, I **protest** NextEra's request for the Appeal regarding Floodplain Permit No. 675.

I am asking my City Council and the Board of Adjustment to consider my protest.

Currently, I am in litigation with NextEra. They have taken me to imminent domain court to force taking my property for their use and I have retained legal representation to pursue my rights and interests. My lawsuit is premised on the fact that NextEra failed to bargain in good faith with me regarding this entire issue. When I informed them that I would not agree to waive my landowner rights regarding good faith bargaining (an acceptable contract) and my right to due process (right to a jury trial if necessary), NextEra informed me that if I did not agree with their offer, they would "*just take me to court*" to get my property.

My lawsuit is currently pending NextEra's response to my filed exceptions. My case specifically registers my concern that NextEra be prevented from 'steamrolling' this process by entering my property and beginning construction prior to my concerns being addressed and reconciled by the legal process.

Therefore, I protest the approval of this appeal. NextEra is asking my City Council to permit without any contingency of legal resolution. They are placing the Board of Adjustment in the position of approving a construction permit that would effectively enable them (NextEra) to come onto my property and begin construction prior to my case being properly adjudicated by the required legal process.

Respectfully,



Shirley Calvert

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OF THE CITY CLERK
ON 8/17/23

Jake and Samantha Calvert
4100 48th Ave NW
Norman OK 73072

8/15/2023

City of Norman Planning and Community Development

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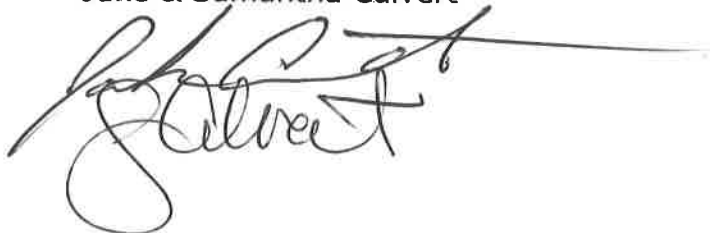
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Leo and Gloria Calvert
3926 48th Ave NW
Norman OK 73072

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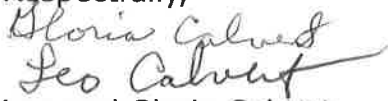
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Respectfully,


Leo and Gloria Calvert

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ON 8/17/23

Jerry and Sue Calvert
4000 48th Ave NW
Norman OK 73072

8/15/2023

City of Norman Planning and Community Development

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Respectfully,



Jerry and Sue Calvert

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ON 8/17/23

Letter of Protest of Floodplain Permit Application #675

TO: City of Norman, Cleveland County, Oklahoma – Board of Adjustment
FROM: Raven Investments, LLC
SUBJECT: PROTEST – Notice of Appeal for NextEra Energy Transmission Southwest, LLC to install an electric transmission line across Norman through the Canadian River, Ten-Mile Flat Creek and Little River Floodplains
DATE: August 18, 2023

LOCATION OF OUR LAND:

Parcel 1 – East Half of Section 21, Township 9 North, Range 3 West (320 acres located between Rock Creek Rd and Robinson and borders 48th Ave. NW)

Parcel 2 – Southwest Quarter of Section 3, Township 9 North, Range 3 West (160 acres located north of Franklin and borders 48th Ave. NW)

Parcel 3 – Part of the west half southeast quarter of Section 3, Township 9 North, Range 3 West (110.45 acres sits next to Parcel 2 above north of Franklin)

Parcel 4 – Part of the southwest quarter of Section 3, Township 9 North, Range 3 West (10.02 acres sits at the corner of Franklin and 36th Ave NW)


Parcel 5 – Part of the southwest quarter of Section 2, Township 9 North, Range 3 West (41.29 acres sits at the corner of Franklin and 36th Ave NW)

We respectfully submit our protest to allow the construction of these transmission lines in the Ten-Mile Flats and Little River Floodplains. We feel strongly that NextEra should be held to the same standards that any other developer would be held to in this area. With the history of flooding in this area, we are concerned the construction phase of this project could disrupt the natural flow of water and prove to be devastating to our crops, livestock and to other housing developments downstream from the construction. In addition, flooding on 48th Avenue NW is of constant concern and it is unknown whether this could also prove to add a negative effect.

We have been told that NextEra does not allow water features such as detention ponds to be located under their transmission lines. This would lead one to believe then that transmission lines over a flooded field, over a river, creek, etc. also would not be optimal and possibly dangerous. NextEra is projecting to add access roads which if the roads are raised to avoid flooding would be detrimental to the surrounding areas by changing the natural flow of the water thereby damaging our property further.

We ask that you consider our request to protect the landowners of Norman.

Raven Investments, LLC

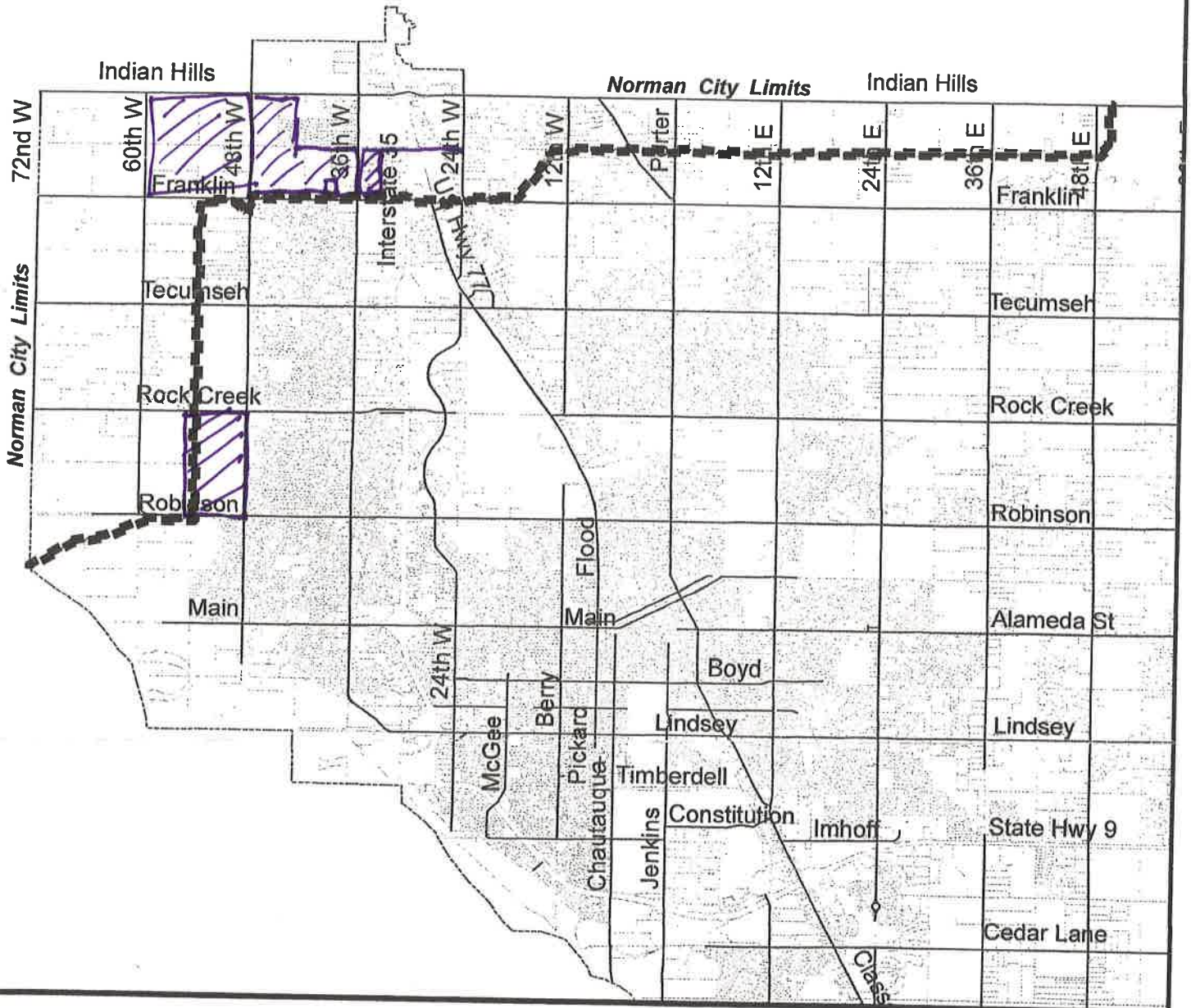


Linda Hildebrant, Manager

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ON 8/18/23

- See attached map -

 RAVEN INVESTMENT LAND



Location Map



Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

August 8, 2023



0 0.5 1 Mile

 Transmission Line

 Parcels