

We are writing to protest the 2025 Land Use and Transportation Plan Amendment and Rezoning with respect to the rezoning of land on the south side of Norman near Eagle Cliff South. We have a couple concerns we think should be considered by the Planning Commission.

1. As meteorologists, smart community planning is important to us. We should be developing with vulnerability to natural hazards in mind. The area of proposed development continues to build closer and closer to and even within the 500-year flood plain (see map below). 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. A 500-year flood event today could very well be a 100-year flood event 30 years from now. Even 1000-year flood events have become more common, and we should keep that in mind when planning long-term housing developments. We believe building homes in this area would not only place future homeowners in a vulnerable position but would also place city infrastructure in a more vulnerable location and increase the overall vulnerability of Norman to extreme rainfall events. Fortunately, there are other areas in within the city limits that could be developed without increasing this vulnerability.
2. Our next concern deals with safety. In the event of an emergency requiring a quick evacuation (i.e., wildfire), a lot of people would have to funnel through the 12<sup>th</sup> Ave SE and Cedar Lane intersection because there is only one way out of this area. This would be even more true for this new housing development especially since roads such as Talon Dr. are rather narrow and frequently have cars parked on both sides of the street. As the population in this part of Norman increases, we are more and more concerned that residents will not be able to evacuate in a timely manner in the event of a disaster such as a wildfire. If this development is ultimately approved, a second way out of the neighborhood must be created by connecting the area to Jenkins Ave south of Highway 9.
3. Our final concern deals with wildlife. Developing this area would destroy habitat for several species. If the development is approved, we would at the very least like to see it amended to include a city park to not only have greenspace for the residents who live here but also to maintain a small stretch of habitat for wildlife. This park would be in addition to the proposed retention pond. At the absolute least, there is a narrow stretch of trees that stretches behind the homes on Condor Dr. These trees should be maintained to allow a safe migration zone for the various bird species that reside in the Norman area. Also, if we talk economics, trees typically increase property values, so the maintenance of these trees would be appreciated by everyone living on lots on Condor Dr. and the proposed lots on the east side of the proposed west tract.

Thank you for your time and consideration!

Charles and Emma Kuster

4300 Condor Dr. Norman, OK 73072

Signed:

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 5-6-21



Figure 1. FEMA floodplain map for the area. Available at <https://msc.fema.gov/portal/search?AddressQuery=Norman%2C%20OK#searchresultsanchor>

Dear Members of the Planning Commission,

The Board of Directors of the Eagle Cliff South Property Owners Association object and protest the Request for Norman 2025 Land Use and Transportation Plan Amendment and Rezoning by Shaz Investments, L.L.C. The land in question should not be considered for urban development due to the **extremely significant erosion and drainage issues** that have occurred in past and current developments within the same adjoining steep terrain of Eagle Cliff South (refer to section 2 below). Further development in this area should not be allowed until the same developers can prove they are able to construct proper drainage and erosion infrastructure to protect property and property owners.

Additionally, the proposed development at the bottom of the steep terrain comes in direct contact with the designated FEMA floodplain. This direct proximity to the floodplain over much of the development is cause for concern for the future property owners. Of greater concern, however, is the fact that **we believe the FEMA flood hazard designations are out of date and have moved farther northward (i.e., well into the proposed development) based on observable evidence** (refer to section 3 below). Therefore, we request further assessment of the area by FEMA officials before development is considered.

Before describing these two areas of concern, **the Eagle Cliff South Board of Directors require explicit clarification of who will be responsible for the upkeep and maintenance of the proposed development.** In the preliminary plat, it is stated that *“Maintenance of the common areas and islands/medians in public rights-of-way shall be the responsibility of the Property Owners’ Association”* and that *“All maintenance within the drainage detention facility easement shall be the right, duty and responsibility of the Property Owners’ Association in the plat of EAGLE CLIFF.”* This statement is ambiguous/incomplete because there is no EAGLE CLIFF Property Owners Association (POA). The EAGLE CLIFF housing division to the north does not have a POA. We at EAGLE CLIFF SOUTH have a POA but under no circumstances want to be listed as being responsible for the maintenance of this proposed development due to the unmanageable conditions these same developers have left us with in the past, as will be shown below in section 2. We protested the construction of an additional section within Eagle Cliff South based upon similar concerns stated here which were met with promises by the developers that have not come to fruition. If there is to be a new POA established and called EAGLE CLIFF WEST to align with the name on the proposed plat, then that needs to be explicitly stated and those future property owners need to be warned of these potential issues.

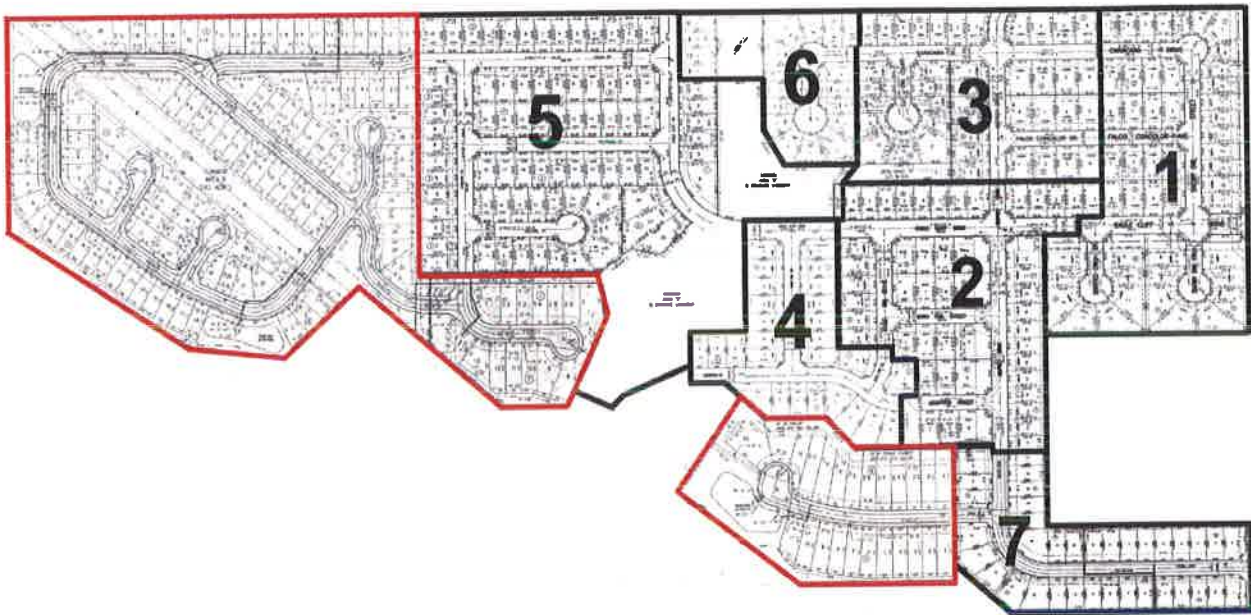
Below you will find the following sections:

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**1.) Eagle Cliff South Neighborhood Relative to Proposed Rezoning/Development**



**Figure 1:** Plats for the seven sections of Eagle Cliff South with proposed development (red outline).



**Figure 2:** Satellite view of Eagle Cliff South neighborhood (valid Sept. 2020) with proposed development (red outline)

## 2.) Erosion / Drainage / Steep Terrain / Inadequate Prior Development

Figure 3 shows the exact locations of extremely significant erosion and drainage issues that have been left by the developers in previous construction as well as construction currently ongoing in Eagle Cliff South (that is, from the same individuals proposing this new development). What follows are photographs of each location identified on the map. In many locations, no erosion control measures were even attempted while in other locations, the attempted measures failed immediately. Many of these areas are very dangerous to people and/or ruinous to a homeowner's property. According to the recorded Plats, the Eagle Cliff South Property Owners Association (POA) bears responsibility for the management and upkeep of these areas, but they are completely unmanageable due to poor design and/or a complete lack of construction efforts to minimize erosion.

Whether the failure to construct proper drainage/erosion measures is due to the negligence of the developers or the insufficient quality of the land for urban development is not 100% clear to the Eagle Cliff South POA. (The land is part of a creek-basin system with very steep embankments.) All we know is that past and current measures have failed and that the current situation is unacceptable and requires further action. Please do not allow additional development to take place until the same developers can prove it is possible to construct proper drainage and erosion infrastructure on this steep landscape that protects owners and their property.

As an additional note, we (the Board of Directors for Eagle Cliff South POA), previously protested the most recent development (Section 7 in Figure 1, which has just started building its first home foundations) due to these same steep terrain, drainage, and erosion issues. At the Planning Commission meeting for that development, we were all told by the developers that they knew the terrain was steep but that they would be putting in retaining walls to stop any drainage issues. [City Council video page - Planning Commission on 2019-08-08/ 6:30PM Aug 8, 2019 - [https://normanok.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=1303](https://normanok.granicus.com/MediaPlayer.php?view_id=2&clip_id=1303)] That development was allowed to go forward, but as you'll see below, no retaining walls were ever put in and extremely bad erosion has resulted (see photographs for areas labeled with a preceding 7 in Figure 3).



**Figure 3:** Major drainage/erosion issue areas (yellow circles). Photographs corresponding to each labeled region can be found on the following pages.



-- (7.1) --





-- (7.2) --



-- (7.3) --





-- (7.4) --



-- (7.5) --





-- (7.6) --



-- (7.7) --





-- (6.1) --





-- (6.2) --



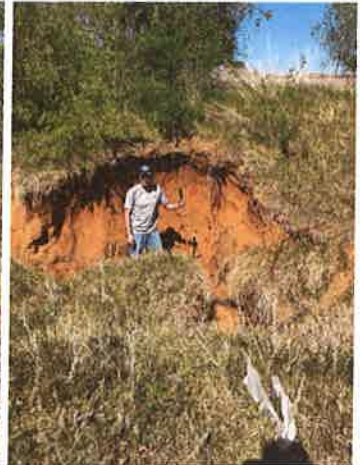
-- (6.3) --

- trees/brush growing. No proper access to be able to maintain area
- Water blockages





-- (5.1) --





-- (5.2) --

- Erosion ditch leading to large vertical drop (30+ feet) into creek bed at erosion fence
- Very dangerous
- 3-foot erosion ditch underneath black erosion fence





-- (5.3) --

- 30-foot vertical drop. No safety measures. No Erosion control outside cement drainage



-- (5.4) --

- Hidden vertical drop near fence line. No safety measures or erosion control



-- (5.5) --

- Hidden vertical drop near fence line. No safety measures or erosion control





-- (5.6) --

- Hidden vertical drop near fence line. No safety measures or erosion control



-- (5.7) --



-- (5.8) --

- Vertical drop near fence line. No safety measures or erosion control





-- (5.9) --



-- (5.10) --





-- (5.11) --



-- (5.12) --





-- (5.13) --



-- (5.14) --





-- (5.15) --







-- (5.16) --



-- (5.17) --









-- (4.1) --





### **3.) Flood Hazard Potential Issues**

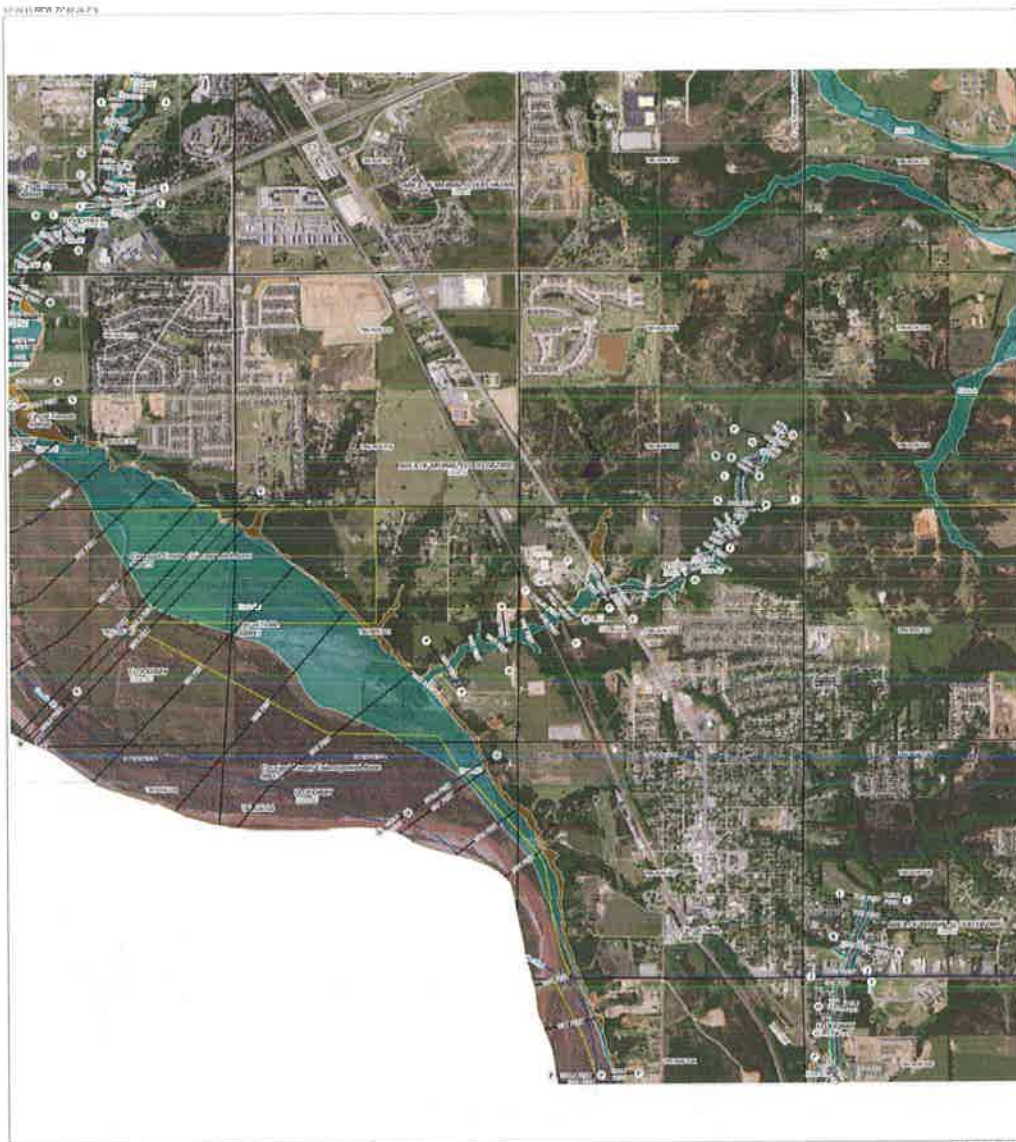
The proposed development at the bottom of the steep terrain comes in direct contact with the FEMA 1% annual chance flood hazard along much of this southern line (see Figure 4 below). This in itself would be cause for concern for future homeowners along the southern side of the proposed development. However, there is much greater concern that this FEMA demarcation is out of date and has moved much farther to the north (i.e., into the proposed development). The FEMA Flood Hazard map was established for Feb, 20<sup>th</sup>, 2013 (see Figure 5). Over the past 5-10 years there has been a significant increase in flooded land just to the south of the Eagle Cliff South neighborhood that can be attested to by members of the neighborhood as well as farmers who own the land immediately to the south of the proposed development. This increased flooding can be linked to the increased urban development in the area, reducing the amount of land available for water absorption and increasing the amount of water runoff.

Further evidence can be seen in Figure 4 with an identified area of land residing in the 1% annual chance flood hazard (i.e., 100-year flood) that has been under 2-3 feet of water for at least the last month. It is unknown how long this area has been under water, but the entire area looks like a swampland. At the very least, this proves that the FEMA designation is incorrect for that area, which is right next to the proposed development. Therefore, we request a further assessment of the area by FEMA officials before development is considered.



**Figure 4:** FEMA flood hazard map and proposed development with designated floodway (red/blue strips), 1% annual chance flood hazard (blue shading), and 0.2% annual chance flood hazard (orange shading). Full FEMA map can be found in Figure 5. Also shown is an area that has been under 2-3 feet of water for at least the past month.





**FLOOD HAZARD INFORMATION**

Map shows Flood Hazard Areas for 100 Year Flood Hazard (VHA) and 500 Year Flood Hazard (VHA).

- 100 Year Flood Hazard (VHA)
- 500 Year Flood Hazard (VHA)
- Regulatory Channel
- 100 Year Annual Chance Flood Hazard Area
- 500 Year Annual Chance Flood Hazard Area
- Subsidence Hazard Area
- Coastal Flood Hazard Zone I
- Coastal Flood Hazard Zone II
- Area with Flood Hazard Risk for Level 1
- Area with Flood Hazard Risk for Level 2
- NO SCALE: Area of Shaded Flood Hazard
- NO SCALE: 1-Block County
- NO SCALE: Area of Under-Drained Flood Hazard
- NO SCALE: Shaded Area of Shaded Area
- NO SCALE: Shaded Area of Shaded Area
- NO SCALE: 100 Year Annual Chance Flood Hazard
- NO SCALE: 500 Year Annual Chance Flood Hazard
- NO SCALE: Coastal Flood Hazard Zone I
- NO SCALE: Coastal Flood Hazard Zone II
- NO SCALE: Area with Flood Hazard Risk for Level 1
- NO SCALE: Area with Flood Hazard Risk for Level 2

**NOTES TO USERS**

This map was prepared by FEMA in cooperation with the Oklahoma Department of Emergency Management (ODEM) and the Oklahoma Department of Transportation (ODOT). The map is based on the best available data and is intended for informational purposes only. FEMA does not warrant the accuracy of the information on this map. Users should consult the appropriate state or local agency for more information. This map is not to be used for any purpose other than that for which it was prepared. The map is the property of FEMA and is loaned to the user. It is not to be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of FEMA. The map is not to be used for any purpose other than that for which it was prepared. The map is the property of FEMA and is loaned to the user. It is not to be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of FEMA.

**SCALE**

1 inch = 1,000 feet

0 1000 2000 3000 4000 5000 feet

0 1000 2000 3000 4000 5000 meters

North arrow pointing up.

**FEMA**  
National Flood Insurance Program

**NATIONAL FLOOD INSURANCE PROGRAM**  
FLOOD INSURANCE RATE MAP  
CLEVELAND COUNTY, OKLAHOMA  
AND INCORPORATED AREAS  
Sheet 296 of 478

Product Line List  
COMMUNITY  
COMMUNITY  
COMMUNITY  
COMMUNITY  
COMMUNITY  
COMMUNITY

DATE OF MAP  
4/00/2009  
EFFECTIVE DATE  
February 20, 2013

Figure 5: FEMA Flood Hazard Map of region. Effective date, Feb 20<sup>th</sup>, 2013.



The Board of Directors for the Eagle Cliff South Property Owners Association thanks for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Derek Rosendahl". The signature is written in dark ink and is positioned to the left of the typed name.

Derek Rosendahl  
President, Board of Directors  
Eagle Cliff South Property Owners Association



