

CITY COUNCIL
PLANNING AND COMMUNITY DEVELOPMENT
COMMITTEE MINUTES

February 11, 2011

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:02 a.m. in the Conference Room on the 11th day of February, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Cubberley, Griffith, and
Chairman Butler

ABSENT: None

OTHERS PRESENT: Mayor Cindy Rosenthal
Councilmember Carol Dillingham
Councilmember Dan Quinn
Mr. Jeff Bryant, City Attorney
Ms. Susan Connors, Planning and Community
Development Director
Mr. Ken Danner, Development Manager
Mr. Bob Hanger, Storm Water Engineer
Mr. Doug Koscinski, Current Planning Manager
Mr. Steve Lewis, City Manager
Mr. Shawn O’Leary, Director of Public Works
Ms. Kathryn Walker, Assistant City Attorney
Mr. Tom Knotts, Planning Commission Liaison
Ms. Robin Allen, Chamber of Commerce Interim Director
Mr. Harold Heiple, Attorney for Norman Developers Council
Mr. Sean Rieger, Attorney for Builders Association of South
Central Oklahoma
Mr. Tom Sherman, Chamber of Commerce Officer
Ms. Karla Chapman, Administrative Technician

STATUS UPDATE ON THE STORM WATER MASTER PLAN IMPLEMENTATION PLAN.

Mr. Shawn O’Leary, Director of Public Works, said a great deal of work has been accomplished since Council adopted the Storm Water Master Plan (SWMP) Action Plan on November 10, 2009. He said Staff developed a 20 year implementation plan with the 30 “key” recommendations dealing with storm water improvements to storm water quality. He said Staff then took each recommendation and set out milestones, gave a description and category, responsible party and/or Staff leader, and status for each.

Mr. O’Leary said the SWMP Task Force consists of 12 citizens representing all aspects of the community and storm water interest groups, as well as Planning and Park Board Commissioners, City Developers, and Oklahoma University (OU) representatives. He said Staff and the SWMP Task Force knew one of the more controversial and challenging issues of the SWMP was the concept of stream planning corridors and the Water Quality Protection Zone (WQPZ) has been the main focus.

Mr. O’Leary said Staff researched other cities in Oklahoma and across the country, as well as the model Environmental Protection Agency (EPA) ordinances in order to develop an ordinance to “fit” Norman. He said Staff prepared two ordinances, the first draft WQPZ Overlay District (WQPZOD) would be an amendment to the Zoning Ordinance Regulations and create an overlay district having boundaries that would *only* apply to the Lake Thunderbird Water Shed. The SWMP Task Force felt the City’s primary goal should be to protect Lake Thunderbird – Norman’s drinking water supply. He said the City must also comply with storm water quality

requirements to include the Municipal Separate Storm Sewer System (MS4) Program, Canadian River and Bishop Creek Bacteria Total Maximum Daily Load (TMDL), and the future Oklahoma Department of Environmental Quality (ODEQ) Lake Thunderbird Watershed Plan. Mr. O'Leary said the WQPZOD would not include Brookhaven Creek, Imhoff Creek, Ten Mile Creek, or Bishop Creek and would not be retro-active for existing developments. The second draft WQPZ ordinance would be an amendment to the Subdivision Regulations and the flooding and drainage goals include providing public safety, protect public and private property, and integrate recreational opportunities.

The SWMP Task Force is scheduled to meet later today to review the SWMP Action Plan and draft WQPZ ordinances. Mr. O'Leary highlighted the proposed process and schedule for final approval of the WQPZ ordinance(s) is as follows:

- ❖ March 8, 2011 – City Council Study Session
- ❖ March 14, 2011 – Public Forum
- ❖ March 15, 2011 – SWMP Sub-Committee
- ❖ March 25, 2011 – SWMP Task Force
- ❖ April 14, 2011 – Planning Commission
- ❖ May 10, 2011 – City Council

A key point of the SWMP is the concept of stream planning corridors, or Full-Build Out Floodplain (FBF). Post, Buckley, Schuh, and Jernigan, Inc., (PBS&J) developed a set of *local* floodplain maps that surpass the Federal Emergency Management Agency (FEMA) floodplain maps. Mr. O'Leary said the City's current floodplain maps were developed and adopted in 1970 and the FEMA floodplain maps are based on existing conditions. The *local* floodplain maps are based on future FBF conditions. FBF, or stream planning corridor, was the basis of the maps developed in the SWMP.

Mr. O'Leary said the Water Quality Protection Zone (WQPZ) is the FBF with a buffer and the concept of WQPZ is promoted in all of the researched model ordinances around the country. He said the Summit Valley Addition, located on Highway 9 East in Norman and developed by Don Cies, is a fascinating example of a WQPZ. He said Staff compared the FEMA Floodplain maps, the FBF maps, and the floodplain maps developed by Clour Engineering for Summit Valley Addition. Mr. O'Leary said it was very interesting to see how close all the floodplain maps harmonized with one another and stated Staff did not even know the WQPZ terminology eight – ten years ago when Summit Valley Addition was developed, yet it is a wonderful example of a WQPZ the ordinance is proposing.

In order to provide flexibility, Mr. O'Leary said developers will have three (3) options to choose from as they decide to map the WQPZ in their proposed developments. 1) Use the FEMA floodplain map, if available/exists for the proposed area, plus 100 feet; 2) Use the United States Geological Survey (USGS) "Blue Line" map, plus 100 feet *either* side of the "Blue Line"; or 3) Use the City's developed FBF maps. Staff currently requires U.S. Army Corps of Engineers 404 Permits on all developments that touch the "Blue Line" streams as shown on the USGS Quadrangle maps and currently requires development to provide erosion protection per the ODEQ Phase II Permit. Mr. O'Leary said Staff is very comfortable with the developed FBF maps, but should a developer(s) feel the FBF maps are not accurate, they can choose to use the FEMA or USGS maps instead. He said the 100 feet dimensions may get tweaked as the process moves forward and variances/variations have been included in the proposed WQPZ ordinances. He said variances can be requested in the Zoning Ordinance and would go before the Board of Adjustment.

Mr. O'Leary said some interesting variations have been developed for the subdivision regulations. Staff will introduce the concept of buffer averaging, allowing developers to take a larger buffer in one area and use a smaller buffer in another area, i.e., downstream, upstream, etc., as long as the total buffer is the same. He said developers will be asked to meet the "spirit of the ordinance" but there are opportunities for variations and developers can use different design mechanisms in order to accomplish the WQPZ goal.

Mayor Rosenthal asked Staff to speak about the density shifting provision and Ms. Kathryn Walker, Assistant City Attorney, said the proposed WQPZOD ordinance includes a provision allowing for transfer of permitted development density, i.e., if a parcel/lot is totally located in a WQPZ, the City will allow some transfer of density to permit the developer to make up for the lost parcel/lot. Mr. O'Leary said the term "clustering" is already utilized in

the current zoning ordinance and is used to cluster developments, leaving other open areas within the development. He said there are many other elements to the proposed WQPZ ordinances, but today's update only references the highpoints. Mr. O'Leary felt the proposed ordinances may need modification but they are very unique to Norman and were developed with the help of many people, i.e., Staff, interest groups, SWMP Sub-Committee and Task Force, etc. Mayor Rosenthal asked if the proposed ordinances required trails and Staff replied in the negative.

Councilmember Butler asked how the Floodplain Ordinance adopted several years ago (O-0607-39) would correspond with the proposed WQPZ ordinances and Mr. O'Leary said the Floodplain Ordinance coincides with the FEMA Floodplain maps and will continue to be used in the same fashion. He said the Floodplain Ordinance and the proposed WQPZ ordinances are similar in many respects as both deal with flood control and reduce flooding, but the proposed WQPZ ordinances are much more focused on the water quality aspect.

Mr. O'Leary said to date the majority of work done in SWMP Action Plan has been developing the WQPZ ordinances but Staff continues to do good work on other action items. He said in the spring, Norman will meet with the Cities of Moore and Oklahoma City to compare storm water regulations, establish Minimum Control Measures (MCM) for EPA compliance, and develop Memorandums of Understanding (MOU). He said a large part of the Lake Thunderbird Water Shed is located in Moore, Oklahoma City, and Cleveland County and even with Norman's best effort, the ultimate goal of the Lake Thunderbird water quality will not be met unless Moore and Oklahoma City agree to the same water quality conditions. Staff will also meet with Oklahoma Department of Environmental Quality, Oklahoma Water Resources Board, and Central Oklahoma Master Conservancy District, in the Spring 2011, to discuss the extent of pollution for Bishop Creek, and continue dialog as for continuing efforts in being consistent with the water quality regulations and interest in the region.

Mayor Rosenthal asked for a status update on ODEQ's TMDL study for Lake Thunderbird Water Shed. Mr. O'Leary felt ODEQ is a little behind schedule because they have not issued Norman a Phase II Storm Water Permit (Phase II Permit) – which is a requirement and/or regulation a city must follow for five year period. He said Norman's initial Storm Water Permit (SWP) expired December 2010, and the projected issue date for the Phase II Permit is May or June 2011. He said ODEQ has been assessing the initial SWP information and he felt one issue holding up the issuance of the Phase II permit is ODEQ is still processing TMDL data. ODEQ has evaluated Norman as doing very well in comparison to other cities in the state, but the theory is the Phase II Permit will probably have a "new" set of regulations and be more stringent than the first SWP. Councilmember Butler asked how specific ODEQ will be with the new regulations and Mr. O'Leary said the regulations are based on best management practices but the goal is to have as specific standards as possible for each city's water shed. Therefore, the Phase II Permit for Norman may look very different than the Phase II Permit for the City of Lawton, City of Oklahoma City, etc.

Councilmember Cubberley asked Staff if ODEQ will begin concentrating on the water quality of the Canadian River in the future and Mr. O'Leary said ODEQ is already regulating storm water/water quality for the Canadian River through the Norman Utilities Department. He said the Phase II Permit will be for all Norman water sheds, not just Lake Thunderbird, and requires Norman to use best management practices throughout the city which ultimately assists with the water quality for the Canadian River. He said Staff is aware of pollution issues in Bishop Creek which discharges to the Canadian River and felt interest would focus more on the Canadian River in the future, but will probably not be addressed a great deal in the Phase II Permit. Just as Lake Thunderbird is Norman's domestic water supply, the Canadian River is a domestic water supply for many other cities and/or towns.

Mr. O'Leary said the Finance Department met with Staff on September 13, 2010, to determine current status of a strategic work plan for Storm Water Utility, i.e., administration and billing process, and Mr. Anthony Francisco, Finance Director, felt this would be very easy to accomplish. A Storm Water Utility (SWU) fee election is expected to occur in late 2011 or early 2012, and, if and when, the SWU fee election passes, Staff will establish a master account file, determine key billing logistics, and provide web-based account information. Some issues to be resolved include deciding whether a renter or the owner pays the storm water utility fee, how disputes will be handled, and Council discussion for a tier system billing.

The next step would be a strategic work plan for a General Obligation (GO) Bond and pending Council direction, Staff would begin working on a GO Bond, i.e., establish bond issue language, determine the amount (\$30 million, \$38.5 million, or \$40 million), and forecast debt service. The City's Geographic Information System (GIS) has already incorporated digital/reference data for the SWMP into the City's GIS, i.e., geo references field photo locations and developed a GIS Map Overlay System.

Mr. O'Leary said the Street Division is inspecting and monitoring stream erosion and is approximately 75% complete. A detention/retention inspection form has been developed and stream photos will be updated in Spring 2011. A public outreach campaign will be accomplished immediately before the SWU fee election to include forming a Citizen Committee and public education. Mr. O'Leary said Staff continues to develop a Staff Team from multiple City departments and hired Mr. Bob Hanger for the Storm Water Engineer position. He said an inventory and inspection of City-owned dams has been performed.

Mayor Rosenthal said it would be helpful to have all the Storm Water related expenses identified in the budget and Mr. Steve Lewis, City Manager, said Staff will do so for the proposed 2012 budget. Mr. O'Leary said last year's budget reflected the Street Division and Storm Water Division as separate line items and future budgets will be more detailed to show the Storm Water related expenses.

Ms. Susan Connors, Planning and Community Development Director, provided a brief update on the 2009 Greenway Master Plan (GMP) Action Plan, which is Item 31 of the SWMP Action Plan and said the Greenbelt Commission (GC) has put together a sub-committee to continue working on the GMP. She said the sub-committee met in January 2011, and discussed having an appendix detailing the different stream corridors. She said the GMP will have the principles of the plan and ideas how to achieve a greenbelt system and an appendix will include the specifics of how each stream corridor can be achieved individually. Council could adopt the GMP as an overall principle document while the appendix could be a separate implementation technique to the GMP and could be amended as needed. She felt this would move the process forward in a more methodic manner instead of worrying about issues with the various Norman creeks/stream corridors. Ms. Connors said the sub-committee is scheduled to meet February 15, 2011, and the GC will meet February 21, 2011, to discuss and finalize the proposed GMP Action Plan and appendix before bringing back to Council.

The GC officially began using the GB Enhancement Statement review in December 2010 and Staff prepared reports to focus and understand all the information.

Items submitted for record

1. Storm Water Master Plan (SWMP) Task Force Meeting Agenda, dated Friday, February 11, 2011
2. Draft Ordinance to Provide for Standards and Requirements for a Designated Water Quality Protection Zone Inclusive of the Lake Thunderbird Watershed, Section 19, of the Code of the City of Norman
3. Draft Ordinance for Water Quality Protection Zoning Overlay District, Section 429.7, of Chapter 22, of the Code of the City of Norman
4. February 11, 2011, Status Report/SWMP Action Plan (by milestone)
5. City of Norman, Storm Water Master Plan Recommendations and Implementation Plan submitted by Post, Buckley, Schuh, and Jernigan, Inc.

The meeting adjourned at 8:56 a.m.

City Clerk

Mayor