

FLOODPLAIN PERMIT COMMITTEE MEETING  
*201 West Gray, Building A, Conference Room D*  
*Monday, March 15, 2021*  
*3:30 p.m.*

Minutes

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PRESENT:                   Shawn O’Leary, Director of Public Works  
                                  Scott Sturtz, City Engineer  
                                  Ken Danner, Subdivision Development Manager  
                                  Jane Hudson, Director of Planning and Community Development  
                                  Lora Hoggatt, Planning Services Manager  
                                  Bill Scanlon, Citizen Member

OTHERS PRESENT:        Todd McLellan, Development Engineer  
                                  Cydney Karstens, Staff  
                                  J.W. Dansby, Dansby Engineering  
                                  Adhir Agrawal, ARA & Assoc. PLLC  
                                  Brian Spano, Resident  
                                  David Freese, Resident  
                                  Roger Janoe, Resident  
                                  Jeremy Steele, Resident

The meeting was called to order by Mr. Shawn O’Leary at 3:33 p.m. Mr. O’Leary welcomed the committee and introduced Mr. Bill Scanlon as the new Floodplain Permit Committee Member.

**Item No. 1, Approval of Minutes:**

Six members of the committee were present, and Cydney Karstens called roll. Mrs. Sherri Stansel was absent from the meeting. Mr. O’Leary called for a motion to approve the minutes from the meeting of January 4, 2021. A motion was made to approve the minutes by Mr. Scott Sturtz. The motion was seconded by Ms. Lora Hoggatt. Mr. Scanlon asked if he could vote or abstain since he was not present at the meeting. Mr. O’Leary said Mr. Scanlon was free to vote or abstain. Mrs. Karstens called roll for approval, and the minutes were approved 5-0, with Mr. Scanlon abstaining.

**Item No. 2, Floodplain Permit Application No. 625:**

Mr. O’Leary said this application was for removal and reconstruction of an asphalt driveway at 535 and 545 South Pickard Avenue, which is located in the Imhoff Creek Special Flood Hazard Area (SFHA) and Dr. Evenson would be presenting the staff report. Dr. Carrie Evenson gave the staff report for Floodplain Permit Application No. 625. Dr. Evenson said the Applicants were Jeremy and Jamie Steele and the Engineer was Adhir Agrawal and all parties were present. Dr. Evenson said the property is located on the east side of South Pickard Avenue between McNamee Street and West Boyd Street in the Westbrook Addition. Dr. Evenson said the majority of the house is in the floodplain with the western side of the property in the floodway. Dr. Evenson presented an aerial photograph of the project location for reference. Dr. Evenson stated that in March 2017, the applicant was issued Floodplain Permit No. 584 for an addition to the existing house, the work has been completed, and a Certificate of Occupancy has been issued by the City. Dr. Evenson said as part of Floodplain Permit No. 584, compensatory storage was provided in an amount in excess of what was required and will be important in considering the current application. Dr. Evenson said in August 2019, City staff investigated a citizen complaint and determined that asphalt driveway paving and a garage structure had been constructed without a floodplain permit and that a warning letter was issued to the Applicant. Dr. Evenson said that to comply with floodplain regulations the Applicant demolished and removed the garage structure from the floodplain. Dr. Evenson said the Applicant plans to remove the majority of the existing asphalt driveway previously placed in the floodplain and install a new asphalt driveway at a lower elevation to match the original grade, which will address any remaining floodplain ordinance violations. Dr. Evenson reviewed the current driveway footprint and plans for removal and the updated layout for the proposed driveway.

Dr. Evenson reviewed photos of the project location. Dr. Evenson said according to the engineer's calculations approximately 54.2 cubic yards of fill in the form of 3 in. asphalt paving and approximately 14.8 cubic yards of fill in the form of concrete (below the BFE) previously placed in the floodplain without a permit as well as approximately 54.2 cubic yards of 3 in. base material will be removed from the floodplain during this project. Dr. Evenson added the engineer certified an additional 3.4 cubic yards of compensatory storage was provided for work completed under Floodplain Permit No. 584 in excess of the permit requirement. Approximately 54.2 cubic yards of new asphalt will be installed for the driveway and asphalt pad, and approximately 18.1 cubic yards of previously installed asphalt on the Applicant's adjacent property at 545 S. Pickard Avenue will remain. Dr. Evenson said, based on the engineers calculations, no net fill will be placed in the floodplain as a result of this project, which meets the ordinance requirement. Dr. Evenson directed the Floodplain Permit Committee to the table included in the Staff Report for Floodplain Permit Application No. 625 to review the calculations. Dr. Evenson said the project engineer has provided a hydraulic analysis and determined that the proposed driveway will not cause a rise in the Base Flood Elevation (BFE), which meets the ordinance requirement. Dr. Evenson said staff recommended approval of Floodplain Permit Application No. 625. Mr. O'Leary asked if there were any comments from the applicant or representatives; hearing none, he asked for questions or comments from the public. Mr. O'Leary asked for questions from the committee or a motion. Mr. Scanlon recommended approval of Floodplain Permit Application No. 625. Mrs. Jane Hudson seconded the motion. Mrs. Karstens called roll, and the committee voted to approve the application 6-0.

**Item No. 3, Floodplain Permit Application No. 626:**

Mr. O'Leary said this Floodplain Permit Application was for the construction of a house, barn, and driveway at 5850 72nd Ave NE. The driveway will be located in the Little River floodplain. Dr. Evenson gave the staff report for Floodplain Permit Application No. 626. Dr. Evenson said the Applicant was Roger Janoe and the Engineer was J.W. Dansby and all parties are present. Dr. Evenson said the applicant owns an approximately 5.6 acre tract, a portion of which is in the Little River floodplain in northeast Norman. Dr. Evenson presented an aerial photograph of the project location and the floodplain footprint of that property. Dr. Evenson stated that the Applicant is proposing to install a driveway to access a house and barn to be built on the west side of the property. According to the DFIRM, the proposed location of the driveway and culvert is in the Little River floodplain Zone A [no base flood elevations (BFEs) have been determined]. Dr. Evenson said according to the Applicant's engineer, the U.S. Army Corps of Engineers, Tulsa District, determined that the BFE for this property is 1070.0 ft, and the lowest finished floors of the house and barn are to be at or above 1078.14 ft. Based on this information, the house and barn will be located outside of the 100-year floodplain. Dr. Evenson said the driveway will cross the floodplain from east to west and will consist of 430 feet of a 12 foot wide asphalt driveway placed at existing grade and 28 feet of an 18" corrugated metal pipe at the creek crossing. Dr. Evenson said the Applicant's engineer has certified that the construction of the driveway will not cause a rise in the BFE of more than 0.05 ft. Dr. Evenson reviewed the location of the proposed house, barn and driveway and the plans for the driveway. Dr. Evenson reviewed the applicable ordinances and confirmed all have been met. Dr. Evenson said staff recommended approval of Floodplain Permit Application No. 626, provided a Letter of Map Amendment (LOMA) is submitted to and approved by FEMA reflecting a Base Flood Elevation of 1070 ft. on this parcel. The LOMA must be approved by FEMA before the city issues a

Building Permit for the structures, so the City can verify that the structures are outside the floodplain boundaries. Mr. O’Leary asked if there were any comments from the Applicant or representatives; hearing none, he asked for questions from the Applicant or engineer; hearing none, he asked for comments or questions from the committee. Ms. Hoggatt asked, based on the site plan, if the barn would meet the 50 foot setback requirement from the rear property line. Mr. Dansby clarified the 50 foot setback requirement and agreed that the plan would comply with that requirement. Mr. Sturz asked if the proposed 18” pipe would be sufficient to handle the flow of the tributary on this property. Mr. Dansby said there is a box culvert upstream of this property that is intended to withstand flooding but this pipe is the minimum standard and in times of flooding the water is meant to flow over the driveway. Mr. O’Leary confirmed the driveway is intended as a low water crossing. Mr. Sturtz asked if the applicant was aware that water will be coming across this location during flood events possibly cutting off access to the property. Mr. Janoe agreed that he was aware. Mr. Scanlon asked if it was standard to vote on an application that has conditions to approval such as the LOMA. Mr. O’Leary said it is common for a floodplain permit to have such conditions, and staff will track these conditions to ensure the requirements are met. Mr. Dansby asked to have the staff recommendation repeated. Dr. Evenson said staff recommended approval of Floodplain Permit Application No. 626 provided a LOMA is submitted to and approved by FEMA reflecting a Base Flood Elevation of 1070 ft. on this parcel. The LOMA must be approved by FEMA prior to the City issuing a Building Permit for the structures. Mr. Dansby asked why a LOMA is required instead of the report from the U.S. Army Corps of Engineers. Dr. Evenson said the parcel needs to be updated to reflect the updated boundary of the floodplain, which will ensure correct information is available when assessed by city staff or potentially a mortgage company for flood insurance

requirements. Mr. Dansby asked if staff knew the timeframe required to obtain a LOMA. Dr. Evenson said since it is a FEMA process, she was unsure of the exact timeframe. Mr. Todd McLellan said based on prior experience, it was a pretty quick process, taking only a few weeks. Mr. O'Leary said certainly a letter of intent giving you an approximate BFE is a start but is not the official process and could have ramifications in the future up to requiring a structure to be removed. Mr. McLellan said there was an inconsistency in the letter from the U.S. Army Corps of Engineers when identifying the parcel and he was concerned this could cause an issue in the future. Mr. Dansby noted the inconsistency in the letter identifying the location as well. Mr. Dansby attempted to clarify a timeframe to obtain a LOMA. Mr. O'Leary directed him to FEMA for more information and to obtain an estimated timeframe. Ms. Hoggatt noted a change from the initial staff report that the LOMA must be approved before a Building Permit was issued instead of before a Certificate of Occupancy was issued. That change was acknowledged by staff. Mr. O'Leary called for a motion. Ms. Hudson recommended approval of Floodplain Permit Application No. 626 as amended. Mr. Sturtz seconded the motion. Mrs. Karstens called the roll, and the committee voted to approve the application 6-0 with the condition recommended by staff.

**Item No. 6, Miscellaneous Discussion:**

- a) Mr. O'Leary stated that there are two pending applications for the April 5, 2021 meeting.
- b) Mr. O'Leary said the April 19, 2021 meeting has no pending applications and the deadline for submittals is March 31, 2021.

**Item No. 7, Adjournment:**

Mr. O’Leary called for a motion to adjourn. Ms. Hoggatt motioned to adjourn and was seconded by Mr. Scanlon. Mrs. Karstens called roll, and the motion was approved 6-0. Meeting adjourned at 3:58 p.m.