

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

APRIL 14, 2011

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of April 2011. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Jim Gasaway called the meeting to order at 6:30 p.m.

Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Cynthia Gordon (arrived after Roll Call)
Diana Hartley
Chris Lewis
Curtis McCarty
Roberta Pailes
Andy Sherrer (arrived at 7:38 p.m.)
Jim Gasaway
Zev Trachtenberg

MEMBERS ABSENT

Tom Knotts

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Doug Koscinski, Manager, Current
Planning Division
Ken Danner, Development Coordinator
Roné Tromble, Recording Secretary
Kathryn Walker, Asst. City Attorney
Larry Knapp, GIS Analyst
Jane Hudson, Planner II
Shawn O'Leary, Director, Public Works
Department
Bob Hanger, Storm Water Engineer

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Item No. 2, being:

CONSENT DOCKET

Chairman Gasaway announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE MARCH 10, 2011 REGULAR SESSION MINUTES

Item No. 4, being:

COS-1011-7 – CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY JAMES AND JUDY ARMS (LEMKE LAND SURVEYING) FOR LOT 4 ARMS ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY ONE-QUARTER MILE WEST OF NORTH PORTER AVENUE.

Item No. 5, being:

PP-1011-17 – CONSIDERATION OF A PRELIMINARY PLAT (REAPPROVAL) SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LITTLE RIVER TRAILS ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE WEST SIDE OF NORTH PORTER AVENUE APPROXIMATELY 1,100 LINEAR FEET NORTH OF TECUMSEH ROAD.

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Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, Chairman Gasaway asked whether anyone in the audience wished to remove an item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Zev Trachtenberg moved to place approval of Item Nos. 3 through 5 on the Consent Docket and approve by one unanimous vote. Diana Hartley seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

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| YEAS | Cynthia Gordon, Diana Hartley, Chris Lewis, Curtis McCarty, Roberta Pailles, Zev Trachtenberg, Jim Gasaway |
| NAYES | None |
| ABSENT | Tom Knotts, Andy Sherrer |

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 through 5 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

Item No. 3, being:

APPROVAL OF THE MARCH 10, 2011 REGULAR SESSION MINUTES

This item was approved as submitted on the Consent Docket by a vote of 7-0.

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Item No. 4, being:

COS-1011-7 – CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY JAMES AND JUDY ARMS (LEMKE LAND SURVEYING) FOR LOT 4 ARMS ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY ONE-QUARTER MILE WEST OF NORTH PORTER AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Rural Certificate of Survey Plat
3. Staff Report

This item was approved on the Consent Docket by a vote of 7-0.

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Item No. 5, being:

PP-1011-17 – CONSIDERATION OF A PRELIMINARY PLAT (REAPPROVAL) SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LITTLE RIVER TRAILS ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE WEST SIDE OF NORTH PORTER AVENUE APPROXIMATELY 1,100 LINEAR FEET NORTH OF TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan
5. Typical Lot Site Plan
6. Pre-Development Meeting Summary
7. Greenbelt Commission Comments
8. Greenbelt Enhancement Statement

This item was approved on the Consent Docket by a vote of 7-0.

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Item No. 6, being:

O-1011-33 – EVE M. COHN, D.C., REQUESTS SPECIAL USE FOR AN OFFICE (MEDICAL/CHIROPRACTIC) FOR PROPERTY CURRENTLY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, LOCATED AT 423 E. EUFAULA STREET.

This item was withdrawn by the applicant. It appears on the agenda because it had already been advertised.

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Item No. 7, being:

CONSIDERATION OF A REQUEST SUBMITTED BY HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C., FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 36TH AVENUE N.W.

7a. RESOLUTION NO. R-1011-108

HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-10) TO DELETE THE OUTER LOOP DESIGNATION AND CHANGE A PORTION OF THE TRACT TO OPEN SPACE/PARK DESIGNATION AND A PORTION TO OFFICE OR MEDIUM DENSITY RESIDENTIAL DESIGNATION FOR 41.61 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 36TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Land Use Plan Map
2. Staff Report

7b. ORDINANCE NO. O-1011-51

HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT (6.09 ACRES AND 8.67 ACRES), AND PUD, PLANNED UNIT DEVELOPMENT (6.20 ACRES), TO PUD, PLANNED UNIT DEVELOPMENT (12.29 ACRES) AND PL, PARKLAND DISTRICT (8.67 ACRES), FOR 41.61 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 36TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative

7c. PP-1011-19

CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C., (SMC CONSULTING ENGINEERS, P.C.) FOR COMMERCE PARKWAY ADDITION, A PLANNED UNIT DEVELOPMENT AND PARK, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 36TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Revised Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan
6. Request for Alley Waiver
7. Pre-Development Summary
8. Greenbelt Commission Comments
9. Greenbelt Enhancement Statement

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that the Land Use Plan change covers only the northern area of the site. Part of it will be open space/park, and part will be either medium density residential or office. The developer did the same thing in the existing PUD. There is a mixture of uses, although it is not truly "mixed use." They think the time is ripe

to delete the Outer Loop designation. The site is currently zoned A-2 and it was not included in the prior PUD. They are adding it to the PUD at this time. It is anticipated that the parkland area will become a City park. The site is vacant at this time. Hillsdale Bible College is to the north of the site in the City of Moore. The park area will become part of a linear park that was presented to the Planning Commission in the past couple of months in some items on property to the west. Staff is supporting the Plan change, with the proviso that we really don't have an official answer from ODOT to delete the Outer Loop designation. There were no filed protests on the request. They are asking for some multi-family designation next to the park, which is a nice idea. We don't expect any negative impacts in any direction from this.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, SMC Consulting Engineers, representing the applicant – We are changing an area that was in the PUD as RM-2/CO to RM-6/CO. The area zoned A-2 that wasn't part of the prior PUD is to be RM-6/CO. The developer wants to have the option to go either way. There were changes to the floodplain map recently, which allowed the area to the east of this to be platted to be the new Bob Moore Cadillac facility. The new proposed Gateway Park is the area being zoned as parkland, and it continues to the west across other properties. The affected area is only 20.96 acres.

PARTICIPATION BY THE AUDIENCE:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend adoption of Resolution No. R-1011-108, Ordinance No. O-1011-51, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for COMMERCE PARKWAY, A Planned Unit Development, to the City Council, dependent on the deletion of the Proposed Outer Loop. Diana Hartley seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

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| YEAS | Cynthia Gordon, Diana Hartley, Chris Lewis, Curtis McCarty, Roberta Pailles, Zev Trachtenberg, Jim Gasaway |
| NAYES | None |
| ABSENT | Tom Knotts, Andy Sherrer |

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-108, Ordinance No. O-1011-51, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for COMMERCE PARKWAY, A Planned Unit Development, to the City Council, passed by a vote of 7-0.

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Item No. 8, being:

CONSIDERATION OF A REQUEST SUBMITTED BY L&S DEVELOPMENT II, L.L.C., FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

8a. RESOLUTION NO. R-1011-106

L&S DEVELOPMENT II, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-9) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR 48.29 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Land Use Plan Map
2. Staff Report

8b. ORDINANCE NO. O-1011-51

L&S DEVELOPMENT II, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 48.29 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. PUD Narrative

8c. PP-1011-18

CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY L&S DEVELOPMENT II, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR GLENRIDGE ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Typical Lot Site Plan
6. Pre-Development Summary
7. Greenbelt Commission Comments
8. Greenbelt Enhancement Statement

PRESENTATION BY STAFF:

1. Mr. Koscinski explained that this is another of the parcels that have cooperated with each other to install utility services to enable moving this into the Current Urban Service Area. This property is already designated for low-density residential. The rezoning is to a Planned Unit Development because the applicant is proposing a gated community with non-standard setbacks. It will be a single-family development with fairly large lots and a good amount of open space. Because it is a gated community, it must be a Planned Unit Development, and will have private roads. This development wraps around two sides of the Bridgeview Methodist Church site that the Commission

reviewed last month. It has only one access point onto Indian Hills Road. The area is currently all vacant land. This is consistent with the 2025 Plan. It is low-density residential. Staff supports both the Plan change and the PUD rezoning. There were no filed protests. The Pre-Development Summary indicates there were comments from people in the Marlatt Addition to the east, but they were interested in learning what was planned in the area.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – The property is currently a field with the proposed church next to it. This is really very low density; the range for single-family density is 3-6 homes per acre, and this will be 3.17 homes per acre. This development features detention areas with paved walking trails around them. This is really the last piece of a very large puzzle in this northwest area of the community, starting with J&J Addition to the west, and several additions to the north. The staff supports this, and the Greenbelt Commission was also favorable. We would appreciate your support tonight.

PARTICIPATION BY THE AUDIENCE:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Diana Hartley moved to recommend adoption of Resolution No. R-1011-106, Ordinance No. O-1011-49, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for GLENRIDGE ADDITION, A Planned Unit Development, to the City Council. Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

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| YEAS | Cynthia Gordon, Diana Hartley, Chris Lewis, Curtis McCarty, Roberta Pailles, Zev Trachtenberg, Jim Gasaway |
| NAYES | None |
| ABSENT | Tom Knotts, Andy Sherrer |

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-106, Ordinance No. O-1011-49, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for GLENRIDGE ADDITION, A Planned Unit Development, to the City Council, passed by a vote of 7-0.

Item No. 9, being:

CONSIDERATION OF PROPOSED ORDINANCES

9a. ORDINANCE NO. O-1011-52

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR STANDARDS AND REQUIREMENTS FOR A DESIGNATED WATER QUALITY PROTECTION ZONE INCLUSIVE OF THE LAKE THUNDERBIRD WATERSHED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

9b. ORDINANCE NO. O-1011-53

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ADD A SECTION 429.7 CREATING A ZONING OVERLAY DISTRICT FOR THE WATER QUALITY PROTECTION ZONE AND AMENDING SECTION 441(11) PROVIDING FOR SUBMITTALS FOR A VARIANCE FROM THE REQUIREMENTS OF THE WATER QUALITY PROTECTION ZONING OVERLAY DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance No. O-1011-52
3. Ordinance No. O-1011-53

PRESENTATION BY STAFF:

1. Mr. O'Leary went through a presentation on the process and science leading to the development of the ordinances under consideration, the areas regulated, and the provisions of the ordinances.

Mr. Sherrer arrived after the close of the presentation.

2. Mr. McCarty asked what the buffer zones have to do with low impact development. Mr. O'Leary responded that one of the things they find in all of the low impact development manuals (from Texas, South Carolina, Georgia, and Portland, Oregon) is that all have buffers in them. Buffers, whether they're called water quality protection zones or just buffers, are a way to let the stream and channel do what Mother Nature wants it to do – leaves it alone, does not constrict it, does not affect it. By doing that, you effectively have a lower impact from the development. I suspect it is also a water quality issue, as it is for us, as well as just a nuisance issue. The film that we didn't show has one of our property owners along Imhoff Creek, and the gentleman talks about the 30 years that he has lived in that home, and over the course of 30 years he has lost 20 or 30 feet of his lot to erosion. I think that would be an example that wouldn't have happened had the buffers been on Imhoff Creek. Mr. McCarty commented that when he reads the Planning Magazine, it talks about low impact development quite often. Most often it is talking about gardening or areas in the curb and gutter that will filter the water. It doesn't talk about buffer zones along creeks. It talks more about how to clean the water and have areas that do that before it goes into channels and lakes. Mr. Hanger added that the ordinance from the North Central Texas Council of Governments lists about 29 methods of keeping the development as natural as possible. Buffers are one of those 29 methods, which also include rain gardens, biofilters, etc.

3. Mr. McCarty asked about the impact changes to the North Central Texas document would have on our ordinance. Mr. O'Leary said he is never a fan of adopting someone else's standard. It does require a license agreement to adopt the North Central Texas manual. It was developed by the Council of Governments in Dallas/Fort Worth for 65 cities, of which about 24 have adopted it. It looks really close to the South Carolina manual. The manual in North Texas is not anything that would be very different from what we would do if we were doing it on our own. We are currently researching what would happen if they change their manual; we don't want them to be able to dictate anything to us. Ms. Walker added that the City adopts manuals like this quite frequently, with the Building Code and things like that. If there is a portion that we're not happy about bringing into our code, we would take that out. What we are attempting to do with the licensing is to get control of the document so we can modify it as times goes on to meet our needs. We're not looking to be governed by another agency. The way the manual is referenced in Section 19-411(D) it says that the manual may be utilized to determine pollutant removal for a particular structural control. It saves developers from having to calculate it on their own. We have that in the Storm Water Master Plan, but that was criticized because it was data from 2003, and this is more recent.

4. Mr. Lewis said one of the things that concerns him, as a director of a POA, is the responsibility for maintaining the buffer zones. Slide 38 shows the example of Summit Valley. Section 19-514(E) talks about the height of vegetation in the buffer zones. He was concerned about the potential for fires. If the POA is mandated with maintaining the buffers, they are probably liable for any fire damage to surrounding properties. Mr. O'Leary indicated this section is a compromise between what exists naturally in some of the streams, and something that is a little more reasonable but not quite to the degree of a groomed soccer field or golf course. Ms. Walker explained that this issue was not really addressed by other communities, but as time went on and we got drier in Norman, it became more in the forefront of our minds. She met with our Fire Marshall and the Fire Chief to discuss the issue. We want to get the water quality cleansing benefits, but not create a fire hazard. They provided documents about how they look at three zones around a house in terms of fire risk. This is an attempt to marry those two things. It is a work in progress and may be modified before it goes to City Council. It started with a minimum height of vegetation, and it will probably have minimum and maximum heights.

5. Mr. Lewis asked about impacts on affordable housing in Norman due to the amount of land that is lost to these buffer zones. He has been made aware that there is a development coming forward that, without WQPZs, there would have been about 400 lots in the development, and after WQPZs came into place about 104 of those lots were lost. Mr. O'Leary responded that he is not familiar with that particular case or those numbers, and he doesn't know whether they considered all of the elements of the ordinance, e.g., clustering and averaging. He referred to Slide 23. One way to look at the cost issue would be the cost of the land that would be dedicated. We are talking about 325 acres out of 10,500 acres of developable property in the current and future urban service area. Those are the most likely places that conventional subdivisions are going to occur. We don't think it will be much of a stretch to get the buffers on the country residential and suburban residential; they're ten-acre and two-acre lots. I suppose you could apply a number per acre cost to the 325 acres, and that

would be one simple answer to your question. I would say, too, in our discussions with the Task Force this has been a subject of great discussion and debate. There are those who would say, and have said, that this will increase the value of those subdivisions because now we have buffers and open space and natural stream and channel corridors which are much more favorable to home owners, particularly young home owners, than the concrete-lined channels 15 feet wide. I think another way to look at that is to take a look at Imhoff Creek and the gentleman that was on the video who said over the course of 30-35 years living in his home, he has lost 20 to 30 feet of his lot. So there's a loss to that owner that he never anticipated when he bought that home 30 years ago. Again, there's so many ways to look at this and I appreciate your question. Another thing to consider is the cost of maintenance. As a POA president you can really appreciate that. As we've looked at the current proposal, we really think that, done properly, the maintenance should decrease, not increase; there should be less to do. The example of Summit Valley is a good example, where they're not doing much there as you can see, and I don't think they probably ever will, unless we made them do that. That's probably okay, because we want it to be natural; we want it to be in that condition. It's a tough question and I don't know that anyone has a really great answer.

6. Mr. Lewis noted that we keep referencing back to the 2025 Plan. The 2025 Plan was adopted by Norman City Council effective December 16, 2004. For some reason, in the back of my mind, I'm thinking this type of land use plans are to be updated every five years. So if we add five years to 2004, we're still about a year and a half behind, but we're modeling an ordinance going forward that's going to affect numerous land owners and the future of the City off of an outdated land use plan. Ms. Connors responded that the 2025 Plan was adopted and it is indicated that we should update that plan every five years. Last year City Council chose to wait until the census came out this year, so that we would have new census numbers, because it doesn't make sense to try and look at land uses on old census numbers. Now they have chosen that we're going to look at trying to do a transportation plan first, because we do not have a complete transportation plan for the City. They have budgeted the beginning of that process. We don't have the funds to do both at the same time right now. As long as this is the adopted plan with no update, this is the official plan, as amended. We are still working with this and it is not out of compliance. Mr. Lewis commented that he wouldn't characterize it as out of compliance, but outdated. When you look at the 2020 plan versus the 2025 plan, we had significant land changes. We're trying to overlay something onto a plan that who knows what the change will be for the 2030 plan or the 2035 plan, and I think it would be prudent of us to slow down a little bit. That's the one thing that has somewhat concerned me about this flying through – I received a copy of the ordinance a week ago at 6:30 and we went into a study session. So really to have ample time to get my hands around this, even though I was listed as one of the people on the original storm water master plan then moved over to the Reapportionment Commission, it still was a volume of information to get a grasp on. As I shared with some in City government, I am just now getting to a point where I feel like I'm on somewhat of a solid footing and understanding what's going on, but yet I'm being asked to make a recommendation to City Council for approval or disapproval based on a very quick piece of information. And that's concerning to me, because I have a responsibility to the City of Norman, which ultimately is the citizens of the City of Norman. Ms. Walker pointed out that the 2025 map that he has is not actually the most

updated map. As amendments come through the Planning Commission and City Council we have the updated map on our GIS system, so it is constantly being updated. We were careful, in the ordinance, because where the Land Use Plan really has the most effect is with what determines the full build-out floodplain. The way full build-out floodplain is defined in the ordinance actually references the 2025 Plan and any updates to that plan. That would encompass the 2030 plan or, if you had a land use plan amendment go through tonight, that would encompass that update as well. Mr. O'Leary added that the other thing that's in our plan is the engineered solution variance, and this is one of the reasons why you have to have that. Let's say the Land Use Plan did change, as it always will change, and that engineer felt as a result of those changes our full build-out floodplain as shown was too large and should be reduced. They can study that in detail and submit that as a variance to this ordinance, and they do that today. That's built into the plan for that option to address any changes to the land use and the impervious area.

7. Mr. McCarty asked how many miles of creeks and streams this is talking about. Mr. O'Leary indicated it is 330 miles. Mr. McCarty asked how many structural controls are in those areas. Mr. O'Leary said very few. Most of these 330 miles of streams and channels are in the undeveloped areas. Mr. McCarty asked who in the City will be doing the inspections and how those will be done and how they will be funded. Mr. O'Leary explained that the Public Works Department will be responsible. It will be inspected by their staff members; there is a Storm Water Division that is made up of about 32 people today. The financing to do more and hire more people, provide more resources for them, would probably be through the storm water utility fee structure, which is item 2 on the work plan.

8. Mr. McCarty said Mr. O'Leary made a comment that he will have to disagree with. You said that these buffer areas, the way that they're maintained currently, that this ordinance would cost less maintenance to the POAs. If what I'm hearing from Kathryn is potentially that the Fire Department may want these cut to 8 or 10 inches, the majority of these areas are never mowed or cut down at all through a summer, as you can see in that picture. You're talking about weed eaters and something to get them to those requirements if we're really looking at that, and that's rather expensive to send a crew down through a creek in a POA to do. I'm not sure that I can agree that it would be less expensive. Mr. O'Leary responded that those are some of the unknowns. The general thinking behind that comment is that there would be very little time that you would have to do that. It would depend, of course, on the grasses and trees. I think Summit Valley is sort of a typical scenario; there wasn't much of that really to mow. Mr. McCarty pointed out that the picture we saw showed 3-4 foot high brush along the bottom of the trees that potentially would need to be cut down, and that can't be done with a brush hog in those area typically. Mr. O'Leary commented that is a work in progress; we're trying to get our arms around the range of heights and maintenance standards. We had very little help in that area. There was very little definition. In fact, Bob Hanger has referenced several times Portland, Oregon or Seattle where he was researching a case where this had been done in a subdivision, and the problem they were having was the residents were coming in and mowing it down to an inch and using it as soccer fields, which really defeated the whole purpose behind their water quality protection zones. So they were having to re-educate their residents to not do more, but to do less. It's really from that that we derived that

thought it would be less expensive. Mr. McCarty commented that brings up an interesting point. Most of these areas that are flood zones around the country are used for soccer fields, baseball fields, low detention areas, etc. What I have found quite often through some of the research I've done – I was actually on the Task Force and so I've been looking at this – is that the majority of buffer zones that I see throughout the country are used for quality of life issues, like you just mentioned, and not for riparian or filtering areas. That's a concern of mine. These are no-touch no-build kind of zones, and it can't even really be a quality of life zone. Mr. O'Leary said he was in a meeting earlier in the day with some folks from the City of Tulsa, and we were talking about how Tulsa, for almost 20 years, has had full build-out floodplains and 40-acre floodplain maps. They're a model in the country. They did that because they were flooding and people were dying. It was a very serious situation in Tulsa many years ago. They did that for flood control purposes; they did not do it for water quality control. We didn't really talk in terms of water quality 20 years ago. But the inquiry the gentleman had – he's the stormwater manager for the city – he said we're really trying to redefine that because we want to do more water quality, but we really defined it as floodplain management. He also indicated what you just said, is that those areas have been very favorable, but they have been used for recreational purposes and they're trying to strike that balance in Tulsa, Oklahoma as we speak, just as you're describing.

9. Ms. Gordon asked if the outer zone (Zone 3) would be the part that mainly would be maintained by POAs, so we're not talking about them going down and mowing the streambed or brush hogging that area in Zone 2 or Zone 1. Mr. O'Leary indicated that is exactly right. It is our hope that these would be left in a very natural state, just as the picture in Summit Valley Addition indicated. Parts of Zone 2 might be maintained; each condition is going to be different. Closer to the homes is the area that would be maintained.

10. Ms. Pailes commented that she attended, off and on, the public meetings for this, but missed the information about the phosphorous and nitrogen removal. If your starting point is water quality at Lake Thunderbird, and you think of the problems it has, one of which is algal blooms, and think of the solution to that – reduce phosphorous and nitrogen – that seems like an admirable, straight forward solution. I didn't think to look up other cities' regulations, but I looked for stream management guides for other states and 100 feet seems to be consistently recommended. It might not be optimum, but it's what one can hope for and it doesn't remove 90% but it seems a relatively rational solution. Does this apply to only residential, or would it apply to things like golf courses, which are big offenders in the phosphorous/nitrogen area? Mr. O'Leary indicated it would be all private property. It would depend on whether a golf course was required to be platted. The thing we didn't talk about here that's really the discussion of a lot of the concerns at Lake Thunderbird is the content of chlorophyll A, which is the basic ingredient to algae. As an expert with ODEQ said, algae is good – we want algae in lakes. Too much algae is bad, and we have too much algae in Lake Thunderbird now and it's rapidly increasing. To put that in terms of numbers, the State standard for chlorophyll-A is 10 micrograms per liter. When Dr. Vieux did his study in 2007, the amount of chlorophyll-A in Lake Thunderbird was 30 micrograms per liter, so three times the allowable amount. Recent tests in the lake have indicated 60 and 70 micrograms per liter, and he projected closer to 40 and 50. So, if anything, we think as

great as Dr. Vieux's report was, he might have under-estimated the impact of these issues.

11. Mr. Trachtenberg asked the burden on staff of this, as well as the burden on applicants to show a lot more on their plats. A lot of the mapping is done by our GIS staff. What is the status of that information? Does that belong to the public? Is that available to applicants who want to work things out? How is that information made available? Mr. O'Leary responded that the development of the full build-out floodplain, or what was called then stream planning corridors, made up about 25-30% of our Stormwater Master Plan; we paid the consultant about \$300,000 to develop that set of maps. So we have quite an investment in this, and it was the baseline for this discussion. Once we knew what they were and what they looked like and how big they were, we would know if we wanted to regulate them or not. It is a product of the public, just like our GIS system is today. One of the theories in developing that was that was something we wanted to give to the development community. If they didn't want to develop their own, just like they don't want to develop FEMA maps – that's a product of the public, as well – we hand it to them. The beauty of that is today we have all that in digital format – in electronic format – so we can actually give them electronic GIS-based data – very, very accurate data – that they can just insert into their development plans. It is a product that, if adopted, would be offered to every developer or any homeowner that walks in the door.

12. Ms. Hartley asked about the amount of water contributed to the watershed by Oklahoma City and by Moore, and whether they are looking at any kind of an ordinance. Mr. O'Leary said he doesn't know that they are specifically looking at buffer ordinances. They are regulated by the State of Oklahoma, as we are. We are what they call a Phase 2 city, which was a city less than 100,000 population when the program was adopted. Moore is a Phase 2 city. Oklahoma City is a Phase 1 city, so their stormwater regulation started in 1990 and they are regulated by the State much more stringently than we are. Right now this watershed plan that is being developed by ODEQ, and we hope will be out soon but probably is a year away, will be the baseline for additional regulations. We think our buffer ordinance is a great first step in getting ahead of that and it's a good thing to do now, but we think that regulation when it's released will require Oklahoma City and Moore to do much more than they're doing today. That could be buffers. That could be a number of other methods. We think buffers will be one of their choices because it is by far the cheapest of all the alternatives that are out there. But I don't think they're doing it today. I will also say one of our items – the 30 work items – is to coordinate with the cities of Moore and Oklahoma City, ODEQ, OCC and develop methods and procedures to address the pollution of Lake Thunderbird. Much of the discussion I've heard from the Council and the subcommittee and the Task Force is Norman wants to lead the way on this, and this buffer ordinance is one of the ways we're going to lead the way. This is the words of our leadership. Ms. Hartley asked if there is a role that the Central Oklahoma Water Conservancy District plays in this. Mr. O'Leary responded very much so. In fact, the City of Oklahoma City and ODOT were sued in 2007 because they felt that their Phase 1 permit was not adequate to address pollution. In settlement of that suit, ODEQ and OCC agreed to develop this watershed plan and, when developed, Oklahoma City agreed to comply with it. The only thing keeping us from getting to that is the completion of that report.

13. Mr. Lewis asked if the amount of pollutants (nitrogen, phosphorous, etc.) that Norman contributes has been measured, versus what Oklahoma City and other areas contribute. Mr. O'Leary responded that we are just beginning to measure; that is not part of our requirement. Oklahoma City is required to measure some of their discharges; Moore is not. Mr. Hanger added that he doesn't have the numbers memorized, but we have taken samples in Little River right at the city limits with Moore. We also have samples from Hog Creek, coming from Oklahoma City. Lake Thunderbird has been declared by the State of Oklahoma an impaired body of water based on chlorophyll-A and turbidity and dissolved oxygen. Usually when you have high algae content, it lessens the dissolved oxygen. Mr. Lewis said his question was more whether we have specific data about whether Norman is contributing more or less contaminants into Lake Thunderbird than the other areas. Mr. Hanger indicated that we have the data and he can provide that. Mr. O'Leary suggested that Dr. Vieux might be willing to speak to that; it was in his report.

14. Baxter Vieux commented that they did a modeling study, and it's about 50/50 in terms of the watershed area and also in terms of the loading. There are hot spots here and there that are more or less, but we don't have specific measurements per se. As a part of the watershed plan that's being developed, they did take samples on the major tributaries in the Little River and in Hog Creek. When that becomes known from ODEQ, then we'll have some hard numbers for that. But it's roughly about 50/50 and it's tied mainly to how much area is draining from Norman versus the other communities.

15. Mr. McCarty commented that he was a member of the Task Force and was there for all of the meetings except the first one. He doesn't recall any vote that the Task Force ever took or any type of consensus on anything. He is surprised the Planning Commission is discussing it, because he felt like the Task Force never finished. He feels like it is a work in progress and there are a lot of unknowns. Mr. O'Leary indicated what he intended to say was they had met with the Task Force numerous times with a set of draft ordinances, and with each meeting they challenged it and suggested changes and asked for more research. What the Commission is seeing is the culmination of those series of meetings. It has never gone to a vote of the Task Force. The last meeting was a bit tense. I think we had reached maybe a point of frustration on both sides of the issue. There were some folks who wanted zero dimension and others who wanted 350. I think the Mayor, who chairs that group, concluded that it was time to move on and bring it to the Planning Commission because we probably weren't going to find a full consensus there.

16. Mr. Trachtenberg commented that recently the Planning Commission was charged by the City Council to develop an ordinance on commercial lighting. What was the official mandate for the development of the language in this ordinance? Mr. O'Leary responded that the Master Plan had clear guidance that we wanted a stream planning corridor ordinance and water quality controls in Lake Thunderbird. Literally within a week of the acceptance by Council on November 10, 2009, the staff was charged with developing that ordinance. That was the first thing we wanted and at that time the Council subcommittee, made up of Mayor Rosenthal, Councilmembers Quinn, Butler, and Dillingham, wanted to bring that back quickly. The direction from the Council subcommittee was to bring that back, re-engage the citizen Task Force,

and develop an ordinance, which now has become two ordinances, and then take it through the appropriate approval process. It went from Council, to staff, back to the Council subcommittee and the Task Force. We have met off and on for about a year and a half and the Council subcommittee met after the last Task Force meeting and said we've gone far enough, go forward to the Planning Commission because it takes Planning Commission action to adopt any changes to the Zoning Ordinance.

17. Mr. McCarty asked, if we implement the buffer zones today, how much of an improvement we will see to the lake. Mr. O'Leary responded that we believe that of all the best management practices that are out there, that buffers are by far the most effective of all of them – detention basins, bio-engineered channels, etc. We have said consistently throughout our discussions that these buffers will not address the full pollution control that we need. In fact, one of the tougher things to do is going to be to go back and address the runoff from Oklahoma City and Moore and other developed areas. I believe that the buffers, having studied all of this for many months and years, will be the most effective of all the methods that we use. To give you an example, Dr. Vieux's report talks about fertilizer controls. When you talk about nitrogen and phosphorous you think let's just stop fertilizing; let's get all our homeowners to stop making their lawns green. That's difficult to do. I think Dr. Vieux's report said if you did that, and did that really really well, you might get about 10% reduction in nitrogen and phosphorous. I think buffers, if done properly, could be much more effective than fertilizer controls and other methods. I believe his reference was more to developed area, and mine was as well.

18. Ms. Pailles commented that the missing piece is the South Canadian watershed. Imhoff, Brookhaven, and Bishop Creeks were addressed in the study sessions and hearings, but they're not addressed in this ordinance. Mr. O'Leary responded that there is a whole section of the Master Plan that addresses the Canadian River. We're not ignoring it. We have a very aggressive plan for storm water Phase 2 regulations. In fact, the water quality protection zones were proposed originally for the Canadian basin as well. As the Task Force went forward, they concluded that they should not do that in the Canadian basin, but to focus on Lake Thunderbird because of the water quality and the use of the domestic water. At the same time, they recommended a great deal of storm water improvements in the Canadian reservoir. And I would tell you the majority of the dollars spent, if we go forward and implement all of that, will be spent in the Canadian reservoir, not in Lake Thunderbird.

RECESS – 8:24 to 8:33 p.m.

PARTICIPATION BY THE AUDIENCE:

1. Richard McKown, Green Earth Land Design, 4409 Cannon Drive – Normally I wouldn't want to go first. I think you're in for a long evening. There are a lot of issues here and there are a tremendous amount of concerns by my fellow colleagues in the professional land use industry, otherwise known as the development industry. But I have to go first because I need to get to dance practice for the parent dance at Sooner Theatre and I'm waiting for a text saying hurry and get down there. So I'll try and be brief.

We all want the exact same thing. We want clean, safe storm water now and in the future for our children. That is absolutely paramount to everyone in our industry,

and it starts right in the communities we develop – whether it's an office park or neighborhood. The algae starts growing; it's growing in my back yard. I have a crazy neighbor that feels like his yard should be deep dark green all year long, and he fertilizes the sidewalk. I'm really struggling finding a way to talk to him about it, because he doesn't like my yard that's allowed to be quite natural. This is a complicated set of issues.

Since we've been here, I received an email from Dr. Kaufman from the University of Oklahoma. We've been doing research together in storm water cleansing techniques for the past nearly five years, and he sent me this great email that says we're receiving a research award at the Regional Landscape Architecture Conference May 5 in Des Moines, Iowa, and he wanted to see if I would go up there with him to get it on behalf of Terra Verde and Carrington Place community.

I think it is a huge issue and is incredibly complex. I've been studying it intensely for the past ten years. I moved down here in 2001 with the specific goal to make our land development company as green as the home building company that Ideal Homes is. Ideal Homes is remarkable in terms of what it does in energy efficiency. And at the time I moved down here, the reputation was for just bulldozing all the trees down, straightening the stream, putting in a concrete-lined ditch, and we've in great degree quit doing that. But we've discovered many things along the way. I hate to just take complete issue with the comments that have been made about the buffers being the most effective way to clean storm water. But in the condition where we're going to urbanize a situation – an example that's been used many times tonight has been Summit Valley. Go out and visit Summit Valley. Go for a walk up that buffer zone. The storm water comes off the roof tops, across the yards, washes the excess fertilizer down into the curbs and gutters, goes into drop inlets, and then is piped to the flowline of the channel. That's our current drainage ordinance. Look at this slide that's up right now (Slide 27) – 85% of the time the rain falls the water stays inside that little U-shaped stream channel. It's being piped underneath this riparian zone. That's our drainage ordinance. That's how it works. You've got to get up early in the morning and you've got to hang out with guys like Reid Kaufman, and work at this all day, and you've got to go stand in the rain when it's raining and look at what's happening to come up with systems where you actually can get the water into a situation where it is being filtered. We're being put in a situation where we have to come and say we're being put in a hardship, which is very hard to define in any municipality, and we have to seek a variance. That's not ideal for urbanizing and filtering and cleaning storm water, and actually improving the water quality at Lake Thunderbird. We need to put together the mechanics of a treatment train. We're deeply invested in this. We've spent a fortune. We've done things, they've blown apart, we've gone back in and rebuilt them and it's amazing what we've learned. It's why we're winning a research grant, because this type of thing has been going on in the coastal areas of the country where it rains a little bit every week, but they don't get flash floods and they also don't have our tight clay soils. So they have soil conditions that allow infiltration. We've had to invent all new technology to do filtration with our exploded clay media, various different recipes. We're still up in the air about whether we have fly ash; it does bind up nitrogen. It's also potentially causing some other problems, so we're not doing it that way at the moment. But the research is very much in its infancy here in the entire Great Plains area. Central Texas – I'm excited they're working on things, because they have similar rainfall patterns and they have similar soil conditions, but truly these things don't easily

always translate. But the important point I'd like to make is we want to solve the problem with the lake.

When I was a little kid – I was born in this town – it was called Lake Dirty Bird. It was red. Anything you had on that was white would be pink. As a little boy, you're not crazy about having pink clothes. Your T-shirts would always turn pink. It's not that way anymore, in large part due to improvements in controlling silt and runoff. When I was a kid – my family has been here 42 years in the construction industry – we didn't have any erosion control; we didn't have any silt fences. We didn't have anything way back when the lake was red. We can solve this. We can solve it with good common sense measures that actually filter the water at the top of the stream – the water that actually fills up that little stream channel at the most common rain occurrences – 85% of the time. And we can do an amazing job at it. We've got a development community here in this town that's willing to do those things – willing to adopt new measures that allow us to have not just low-impact techniques, but treatment train systems. But this ordinance puts us over in the position of having to make that extraordinary – or a variance requirement.

You approved last year the J&J property. It has very few stream channels on it, but the stream channels that are on it are under the control of the Army Corps of Engineers. I screwed part of it up. I wanted to move a stream channel. The guys came down from Tulsa and they said you have a wetland condition here. You've got the soil, you've got the plant species – I wanted to move the pond over to the edge of the road because it would look a lot nicer and you could see it and more of the public could walk up and down it. It wasn't a big deal. It's only about five foot of difference, and basically there's this big wide swale and he said I don't want you working in here. I want you to go back and redesign things and stay out of this zone. So we are already under the regulation of the Army Corps of Engineers through their 404 permitting process to stay out of the very sensitive areas along our streams. The J&J property also had a huge swath of land that, because it's so flat, fell into this storm water quality protection zone. And there was no way to get the water into that. It would be like dumping water on this table – just spread out. It was one foot of fall for every 150 feet of land -- unbelievably flat -- less than ½% of grade. We went through and put together a system of a treatment train where you go from wet detention structures to riparian zones that we're actually constructing over into some of the 404 stream channels and then back out into some other detention areas where they made sense. And we pulled together some of the best and brightest minds in the region on the subject. We have developed some incredible knowledge here in our community. I want us to get there together. I am so tired of fighting about this.

I didn't know we were done as a Task Force. I've been working on this and never missed a meeting of the Task Force. I'm one of the original members. Every community we develop, all throughout central Oklahoma, we employ all these techniques. One of our most recent designs will be featured in Oklahoma City's mayor's development roundtable next month, and it's about all of these things that we constantly have developed and experimented with and figured out for our local soil and weather conditions and for our environment, and they're working. And they're working very well and we're making progress. We need to put the changes to our subdivision regs together with this so we can actually draw through the implications of this to make sure it's a total system that works and we can get there. We can't get there – it's not a panacea to just say buffers, they do a great job. That's just not true. They do a great job in specific situations and in some of our neighborhoods we've

gone back, cut out huge amounts of land that have been disconnected from the stream, and reconnected them with the stream so you have a floodplain that actually functions 85% of the time when it rains, and all of a sudden we have a buffer that does what it's meant to do in an urban condition. But it took a lot of doing and a lot of dirt had to be moved to restore a stream channel to its original condition. Anyway, that said, thank you for all your hard work on this. And best of luck.

2. Harold Heiple, 218 East Eufaula, representing the Norman Developers Council and I'm also on the Stakeholders Committee – I brought with me tonight a map of the Lake Thunderbird watershed. We used to have a camera up there that could get down fairly low and let you see – I don't know if it can do that. The reason I brought this side is because it shows the FEMA floodplain and it shows all of the SPCs – the stream planning corridors – that were developed by the consultant and came out in his report in 2009, and in addition some red lines that Mr. Hanger drew on there where streams may continue beyond the end of the SPCs, or full build-out floodplain, as they've been referred to.

By way of history, in 2009 when the consultant's report was released, it featured SPCs – these stream planning corridors – and they are outside the FEMA 100-year floodplain. The consultant said that the SPCs should be given or dedicated to the City without any compensation and also that they should be areas of no-build. Now this was from the very outset in their report. Well, the minute that position was voiced, the entire development community – the property owners – all said no deal. It's been no secret – we've been adamantly opposed to SPCs since the inception and there are instances showing that these things are not necessarily accurate because of the way they were put together. The scale on here is 1 inch is 4,000 feet. Try to figure a metes and bounds legal description off something that is down at that scale. And even if our GPS system can say we can bring it down to a foot, you know – garbage in, garbage out. So we're not at all prepared – then or now – to have anything to do with SPCs or, as they have now been relabeled – full build-out floodplains.

The two ordinances that are before you tonight incorporate these SPCs under the name of full build-out floodplains. Here is what these ordinances will do. They will take valuable and developable acres away from an owner without compensation and they will prevent any houses or other buildings from being built anywhere in those areas. And remember we're talking about full build-out plus 100 feet on either side. Now if you're a no builder or a no growther, that's delightful. If you've got investments in land that you've made in good faith in an urbanized area, that's disastrous. Here's what these ordinances will not do, and I think you've got to realize this, because nobody said this really up til now. These ordinances will not reduce pollution that's currently going into Lake Thunderbird from the houses and the buildings and the streets which currently exist in Norman, Oklahoma. The lake is impaired and will continue to be impaired. This administration, in the last four years, has done nothing to address any of those problems. These ordinances will not – and this is critical – reduce the pollution of the storm water that's coming off the houses that the owner is allowed to build, for that very example that Richard just cited. You say the SPC is an area of no build, so the owner says fine, I won't touch it. I'll just build on everything that's outside it. And he builds on everything that's outside it and he follows the current ordinances and he puts it in a pipe and sends it underground and it never goes through this buffer. It ends up down there in that little valley in the stream. So all of the new houses are polluting that stream just like the existing houses are polluting the streams and, yet, these big buffers

that have been taken without compensation and not allowed to develop, they're not doing any good. The ordinances will not provide any increase in drainage control of the storm water that's coming off the houses that the owner is allowed to build. So for all of the talk about the wonders of these buffers, these won't get you there. We want to get there.

I had proposed a substitute ordinance to the Stakeholders Committee. I'm going to provide you a substitute ordinance that will reduce pollution. Now my ordinance has not been fully vetted by any group, and it certainly should be. I've asked for equal time to present my ordinance whenever the City staff is presenting their two ordinances to various groups, and the Mayor has not seen fit to allow us equal time to present our side and our position and the ordinances that we say will solve the problem that is supposedly the goal behind all these. The Mayor is intent on getting these two land-grab ordinances on the books by May 24th. That's the rush. That's why, as finally was revealed tonight publicly, that the four members of the City Council who constitute this committee just wired right around the Stakeholders Committee and said get it on the road – take it to the Planning Commission. If they've got a problem with it, they still can bring it back and they've got time before our May 24th meeting, in the hopes that they can get five votes out of the Planning Commission to kind of stamp it. And what you have to know is that their failure to engage in meaningful dialogue is why your approval is not appropriate tonight. Because you need to schedule a debate or a study session, or whatever format you want to, that will give you the details that will let you make an informed decision about what this ordinance or any ordinance will or will not truly do. Because you've only been hearing one side of it from the staff.

What I'm about to say is something that I didn't have in any prepared remarks, but what you did tonight certainly was right on point. Item 8 that you just approved earlier tonight has a stream planning corridor in it – fairly large one. Now, the proponents of these two ordinances insist that a buffer is absolutely essential – that it's the backbone of any pollution control system. As Richard said, it's not necessary. And Item 8's design tonight, which was recommended by staff, approved without question, and approved unanimously by you people has reduced pollution for the entire tract that was contained within the plat without any buffer whatsoever – without any. So don't tell me that buffers are really the best way to protect an urbanized area, because that ain't going to hold up, friends. And what we are trying to do desperately is to get an acceptable ordinance that makes sense and that everybody can get behind and support and not have this end up in litigation. Because, as night follows day, if you're going to take 100 lots away on a 400-lot subdivision without compensation, somebody can't afford to do that. And they don't want to go to litigation. And Richard McKown and Trey Bates and Sean Rieger and I have been working very hard to get an acceptable ordinance. All we want is reasonable constructive dialogue by all the players and we haven't been given that. So all we can do is make a matter of public record to you tonight that the two ordinances that you have before you do not do what they are purported to do. And I hope you will take some time to look over the substitutes, schedule whatever is appropriate for your own edification, and let's all arrive in a reasonable time – whether we get this on the books by May 24th or not – it may be good for somebody that's going off the Council, but from the standpoint of the benefit of the community, whether it's May or June or July – it doesn't make any difference, as long as what we get on the books is for the good of the community. And that's what we're trying to come up with.

3. John Woods, President and CEO of the Norman Chamber of Commerce, 115 East Gray Street – It's a pleasure to be with citizens giving their time to figure out very difficult decisions. I appreciate your time and efforts volunteering to wade through difficult issues that are in front of you. I want to let you know for the record I am not a developer. And, for the record, I am not a business owner. I am a dad of a 7-year old daughter who frequently drinks out of the tap and the water that she drinks comes from Lake Thunderbird. And so the actions of our city, the actions of this particular Commission concern me as a father. And the future of our city, when it relates to our water quality. I am a homeowner that is concerned about the price of a home when I purchase it. I am someone that is concerned about the environment that I surround my home with – what it looks like aesthetically. I am someone that is concerned about the price of goods and services in my community, and I can say after hearing, over the course of not as much time as our staff has put into this – not as much time as you, as a Planning Commission, may have put into this, or those of you who have served on the working group – as someone that is new to the process, but I have spent several hours trying to catch up to speed and become familiar with this issue.

I can tell you that as I read more of this work product, I come up with more questions than I have answers. So my request to you may not be the same request that you would have from some others that come and speak before you today. I can truly and honestly say from my perspective I do not have the opportunity to tell you unequivocally that there is a situation in which you should absolutely not recommend some type of water quality protection zones. I personally cannot do that. There may become a point in time where the Norman Chamber of Commerce has an official position -- and we will be meeting and we have met unofficially to look through this information. I certainly doubt there will be a situation in which we will recommend as it is currently constituted because I think there are serious concerns with the ordinance that is in front of you today. But what I can ask you to do, unequivocally, is to ask the City to take a deep breath and slow down – to take an opportunity to let a working group and committee continue their work and try to reach consensus. I do not believe that's an unreasonable request from the business community of this city to ask upon volunteers and City staff to spend more time looking through these problems. It is a fact that the way we currently develop property by an urban code standards is absolutely the opposite of the way that you would flow water in a method to treat it through a buffer zone. It's undisputed. Water flows to detention facilities from your urbanized settings and flows through pipe systems into a stream bed. It does not flow through any kind of a buffer system. In fact, if one of your major concerns is storm and flood issues, then you would not want a situation in which water, in an uncontrolled format, was flowing through a buffer zone into a stream bed. The very way that we design through a detention pond type facility is to slow the water down. So if we were to redesign – if you admit, or if you can believe, or you can come up with the scientific evidence that a buffer zone is the best way to have a water quality control, then by that very same logic you're admitting that water needs to flow through this buffer zone and not through a slow drain process, thereby creating a higher propensity for flooding in these very areas. So they are in many ways mutually exclusive issues that this particular ordinance causes you to create a serious problem. So, from my position, and from I think the Chamber's position as a whole, we're simply asking you to slow this train down. And it really has been a train over the past month. I have taken a look at the documents. I've taken a look at the very slow and methodical time that staff, that

volunteers, that planning groups have taken to study this issue, and then suddenly in a very short period of time we've sped it up rapidly through the process. I can't really explain why and I don't understand why. But I do know that these citizens sitting on this dias tonight have the opportunity to ask the City let's just take a time out and slow this down a little bit. And let's take a look and see if what those that are speaking tonight are saying are true – that this is not the best method – that this is not the best way to treat your water quality based upon current design standards and how we view detention pond facilities and other mechanisms surrounding our development. Let's take the opportunity to allow the business community to take a look at the true costs of this, because I can tell you right now, as the Chamber President, and as for someone that's interested in the business community, we look at our sales tax revenue dollars. People will spend sales tax dollars within typically a 15-minute drive of where they live. We need citizens, we need individuals living in Norman. You don't need them living in Moore. You don't need them living in south Oklahoma City. If you want to drive sales tax dollars to Norman, you need more residents in this community. You can talk about shifting residences and compacting residences and that may be all legitimate and fine but the end of the day there will be fewer opportunities for housing units in this community which at the end of the day means fewer residents long-term and will mean fewer individuals spending their dollars in this community and that's plain and simple fact. It is plain and simple fact that if you do this – and you may say that the cost versus the quality is worth it. Maybe it is. I don't believe that that would be shown to be the case, but maybe it is. But you need to realize if you do that, you will be increasing the housing costs in the City of Norman, making housing developments outside of this city much more economically feasible for someone to choose to call their home. Plain and simple. No question. Cannot be disputed. And I can tell you one other thing, as someone that has been a former housing association president. There is absolutely no doubt in my mind if you have this type of zone with this kind of growth you will create a potential for fire. I've seen it firsthand and how we experience what a housing association has to do in relation to maintenance of that property. And, second of all, you are going to create a more expensive per house fee in relation to those housing developments. We charged, for example, where I lived at the time \$100 and we had very small areas that we had to maintain. You start to talk about this type of area and you relate that per residence and you could see easily, I think, double or triple the housing maintenance fees annually to those consumers – again giving someone one less reason to want to call Norman home. That, to me, just doesn't make sense. At the end of the day, perhaps the study group will find that this is the way to go. I tend to think not. But all I can ask you to do is wait and weigh these considerations of cost versus the benefits that I don't think have really been undertaken in this process today. So that's what I would ask you to do, is to ask this staff, ask this City, ask that working group to spend more time really digging into these numbers, this data, this distance for its true necessity. Other ways we can compromise and find a way to have water quality be important, but to make sure that we're maintaining cost competitiveness with our neighbors and neighboring communities. And I thank you so much for your time and for your efforts on this commission.

4. Sean Rieger, 136 Thompson Drive, representing the Builders Association of Southcentral Oklahoma – Gosh, we were just here not long ago with another ordinance, weren't we? I think back to that experience where we went through that for over a year. That lighting ordinance was probably less cumbersome in some ways

than this will be on the future of Norman. And now this is being thrust through in a very fast-paced process. We were all stunned tonight, literally, with the revelation that we had never heard that the Task Force was finished. That was news tonight. We had no idea that was the case. I'm not on that Task Force, but several of the people in this room are and that was news to them, I understand. It was nothing we were aware of. There was still very intense discussion in that Task Force right up to last week, and I guess suddenly the plug has been pulled on them. I'm not sure why that was the case. But we have significant concerns about this proposal. I want to talk through just about seven points in general.

First of all, you heard Mr. O'Leary tell you that cities like Norman, Moore, and Oklahoma City are governed by the State of Oklahoma Department of Environmental Quality in their storm water permit process – Phase 2 cities – Phase 1 cities. And what you've heard is the same thing that we've heard for the last two months from Mr. O'Leary is that there is a permit forthcoming from the State that, as he told you tonight, will tell Moore, Oklahoma City, and Norman what to do. That permit, as he told you, is months or maybe about a year away. We've heard July. We've heard this fall. We've heard December. But it is forthcoming and it's soon to be here. It will tell us what to do from the State's perspective. As importantly, it will tell Moore and Oklahoma City what to do. Then we can go forward with those recommendations, and if we want to be higher than that level, certainly we can do that. But it seems imprudent to adopt standards that maybe are not even what the State is recommending we do and maybe are not what the State recommends our neighbors to do, putting us at a different plane. We should wait for the storm water permit to come out from the State to tell us all what we should be doing, and then we should tailor our ordinances to be as such. If we want to be a leader at that point, we still have the opportunity.

I think the next really important point here is how do we build this. You've heard a lot about that tonight, and Harold brought up a development – Richard talked about J&J. I'm going to show them to you on the screen, because it just so happens they were in front of you tonight, and there they are. How do we build this? We're thoroughly perplexed as to how we do this. You've heard it a lot tonight. The concept here is very simple. What you're being told is these buffer zones are going to be put into place so that all the storm water can be taken through these zones and cleansed before it gets into the creeks. Well, look at these subdivisions right here. Take a look at that screen. There is J&J right there. You see these detention ponds right there. That is the treatment train that Richard was telling you about. That's how they do it. They take the water down into these detention ponds, they treat it, release it to the next pond, and there it goes. It works. It's been successful. But if you're going to take this ordinance and apply it to that, then I want you to look at that very closely. You're going to take an extra 100 feet on each side of those ponds. Those lots are 100 and some feet. Let's just say, on average, you're going to take an entire lot on all sides of every one of those ponds. That's a lot of lots. That's a lot of revenue and income stream to that developer. How does he do that? How does he do that and keep the same pricing that you were told earlier it's not going to have an affect on? I don't know how you do that. I have no idea how you do that. Let's look at the one you just approved earlier. Here's the one, and Harold brought this one up. You see right there are the detention ponds – again, the treatment train. Well, if we're going to take an extra 100 feet on each side, those lots right there are 130 feet. You've wiped out huge numbers of lots in that development. For what purpose? Because now look at this again and think about this. You've been told that all the water is going to go through

the buffer zones, but that's not how we develop. That's not how our subdivision regulations require us to develop. Look at this area over here. How are you going to get the storm water in that part of the subdivision to go through buffer zones to these ponds? I guess you could take it through somebody else's lots – through their property and their side yards and back yards. I don't know how you do that. The water goes into the street and goes into pipes and then the pipe takes it subgrade into the pond. It never goes through a buffer – ever. And I don't know how you're going to make it go through a buffer, because to do that you're going to have to take it through lots – through people's back yards. You're going to have to sheet flow it across a wide expanse. Now, if you could do that, maybe you could cleanse the water. But just think common sense wise – just look at that drawing. How do you physically do that? And the answer you heard tonight is the staff doesn't know, either. We're basically going to go with the guidance of the North Texas subdivision regulation that nobody even heard about until about a week ago. We don't know. We don't know how we're going to build this. So there's significant questions left to figure out before we go forward.

There's an engineered option. What they've told us in response to that discussion is don't worry about it, we'll let you do the engineered option and so you don't have to do the buffer zones. The problem with the engineered option is it's through a variance process. And you saw tonight you have to show error. You have to prove that. Somehow they made an error. You have to show that there's no unreasonable disruption to the natural terrain. Well, if we build treatment train ponds, we're going to disrupt the terrain. You have to dig it up and build it. You're going to have to show that you didn't interfere with the full build-out floodplain. In essence, you still have to have the full build-out floodplain. So the variance process is so severe that it will never happen. I don't know how you'll ever get that approved, basically. And how would you get that approved on every development that you would have to do, since you can't really use the buffers?

A homeowners association point is important. I don't think they have a clue right now – the existing homeowners – of what this is saying. We've heard for the past year, since the storm water came out, homeowners associations have begged the City to bring forth some sort of a funding mechanism to help them maintain the common areas. We've heard that repeatedly. This answers what's going to happen in the future on that. This says they will actually maintain those areas very clearly. We've asked for clarity. Well, does that mean the City is going to do the dredging of these ponds when they get over-sedimented? We don't know. Does that mean the homeowners association is going to do it? We know they have large areas that they're going to have to maintain. We know this ordinance actually mentions things about water monitoring and remediation required by the homeowners association. We know this says the developer has to prepare a report for best management practices. Well, every time a developer puts forth a report of what's going to happen on that subdivision in terms of long-term maintenance that means the HOA is going to do that. It's not the developers that are going to do that. So all of this is adding tremendous cost to the HOAs and I think it answers their question as to ever will they see any funding from the City to do these things for them – probably not. Because I don't think the City is going to treat future HOAs differently than they would the existing.

No funding in place. Very important. We just heard Mr. O'Leary tell you that the City will have a very large responsibility in this. They have to go out at least once a year and after every storm to inspect these drainage areas. Another thing that we've learned in this process is that almost all of these other ordinances that you've been told

about in other cities that have anything like this – and there's not much of anything like this – but they have funding mechanisms in place to help pay for the cities' responsibilities in these efforts. We don't have that in place yet. That needs to come in place with this if we're going to mandate the City to have a function as far as maintenance.

Dramatically increases costs. We talked about that. You're going to lose huge numbers of lots. That increases cost. No question about it.

And I think the last point that I want to leave with you is the Moore and Oklahoma City angle. I think that's been brushed over. We are in a competitive market. The developers have to compete in Moore, Oklahoma City, Edmond. They don't compete in Austin. They don't compete in Scottsdale, Arizona. They don't compete in South Carolina or San Antonio. They compete in central Oklahoma. We can be proud to be the leader if you want. I understand that and I believe that concept is genuine, too. But if you're proud to be the leader and you do something that nobody else in your area is doing and you added in tremendous cost in doing so, ahead of before the State has told the other cities to do it through storm water 2, then you've put your community at a severe disadvantage economically. Why would you do that? If the State comes forward and says Moore and Oklahoma City, you will do this and Norman you will do this – no problem. We're on an even playing field. We know we all have to do it. We go forward. But if Norman says we're going to do this, and the State comes out in a year and doesn't make anybody else do it, oh, my gosh. We've just put ourselves in a sling. We can't do that. We can't do that any more in Norman, Oklahoma. We can't do that when Moore is giving \$2 million for Imax theaters and Oklahoma City is going out with its corporate representatives and getting Whole Foods and anything else it wants. We can't do that anymore. We have to watch where we're at in the competitive market.

I urge you to let the Task Force continue its work. I urge you to wait until the State makes it an even playing field and tells us what we should be doing. I urge you to caution this forward with restraint. Thank you very much for your time. I appreciate it very much.

5. Trey Bates, 3720 Timberridge Drive – I'd like to start by kind of setting a stage here that I think sometimes gets turned around a little bit and I'm real sensitive to it and that's this perception I think sometimes that there are these two sides warring against each other. Mr. O'Leary, in his discussion at one point, talked about the last meeting we had as a stakeholders meeting and how contentious it was. And I'll agree that it was somewhat contentious, but it wasn't contentious over one thing and that was the central thing for which we were all there, in that we recognize that we have a problem with Lake Thunderbird and that we need to come up with the solution for Lake Thunderbird. The only area where contention arose was the interpretation and the understanding of the facts as they were being presented to us and the best way to go about resolving the problem that we all recognize that we have with our drinking water. You know, another thing that's really interesting is you look around the table and there's all these people, and at any point in time they could get a job somewhere else and, while they might have fond memories of Norman, Oklahoma, they're going to go on to their other job and they're going to maybe check the newspaper every once in a while or have relationships with some past friends or family that are still here, but they're gone. The people in my industry are married to this town. We can't pack our stuff up and leave. We have to make sure that in order to be successful we have a

great community to live in, that the quality of life goals are achieved, one of which, of course, is that we have great and ample supplies of drinking water, because otherwise who would want to move here? The background that I want to try to lay down here is that in that meeting, while there was a lot of tension, there was no tension – there was no separation in the direction that we all wanted to go with regard to protecting our drinking water.

Now let me tell you a couple of things that were stated that we learned in that group that you haven't been told about. First of all, you saw a slide that showed – and I don't want to quote Mr. O'Leary exactly, but I think he said something like all these other communities are already doing this or are doing it. My first thought is, well, they have all these water quality things in place. Right? They're dealing with water quality. Well, I spent a lot of time looking at it and I can tell you that there isn't a single city in Oklahoma that is doing anything close to this in terms of trying to protect water quality by identifying zones that are 40-acre drainage basins, putting in buffer strips, and calling that a water quality program. Not one. Tahlequah is the closest. They have a 50 foot strip that they've outlawed fertilizer on on their scenic tributaries where water is running all the time. Tulsa – it's all about flooding. And, strangely enough, in Broken Arrow they have a voluntary program where they have worked with the development community to try to develop low impact standards and give them bonuses from their standard if they add these buffer strips. So it's not a mandatory – it's a purely voluntary program that they put in place. My point is, there is not another community that has done anything close to what is being proposed here.

Secondly, what every other community has done, we aren't proposing. Every other community has a funded storm water program. You know, there are costs associated with this. I was part of the original group. Actually, Commissioner Trachtenberg and I were on the first Greenbelt Commission and we worked through that and I was there when we voted to bring on the greenbelt master plan study and include that as part of the storm water plan. I was there through that whole process. And my point is there was never a point where we got off on something so drastically focused on one group of people that wasn't funded. A big part of that was always coming up with a funding mechanism to make sure that we had a complete storm water plan, and that's been lost in this.

Another thing that wasn't told to you today that was brought up and proven in our group was that the graph that showed that 100 foot or whatever it was – 23 meters – the graph that showed the effectiveness of these buffer zones. It was asked and it was proven or stated on the part of staff that these did not apply to urban areas. In fact, I'll give credit to Mr. Hanger. He actually went through various subdivisions in Norman and tried to come up with a calculation of the effectiveness of buffer zones in urbanized areas, and he showed where there was maybe a 20-30% effectiveness in terms of the overall amount of water in a development that would go into a buffer zone. So, in other words, 70-80% of the water in a typical development in Norman, Oklahoma would never reach one of these buffer zones. And I'm kind of doing a little back of the envelope math, and I'm thinking, okay, if 80% of the water never gets to the buffer zones, and the buffer zones are 50-70% effective, then you've got 20% times 70% effectiveness – in other words, a relatively small amount of nitrates and phosphates are removed from buffer zones in urbanized areas, compared, quite honestly, to a great education program on better use of fertilizers. I mean, the point is that we learned in that meeting that the graph was not applicable in urbanized settings.

Another thing we learned – there is no EPA guidance for 100 foot buffer zones. There is an EPA model ordinance, and in the instructions of the EPA model ordinance it says where there's this little water drop you should look at your own community. And, in fact, it's kind of interesting – that's titled forested areas. And if you get in a little bit deeper, they start talking about these real heavily forested areas on the East Coast and they've got these big trees and these canopies hang out over the creeks. And if you get closer than 100 feet, you start disturbing the root structures. And when you start disturbing the roots of the trees, then you compromise the entire channel. And that's where 100 feet makes sense. If you read the EPA model ordinance, it says when you're talking about areas that are grassy or unforested look at the Napa, California ordinance. The Napa, California ordinance is 50 feet. So even if you want to follow the EPA model, it's not 100 feet as a recommendation and, in fact, if you read the instructions it says look at your own community for what makes sense. They weren't specifically recommending 100 feet.

The culmination of all of these meetings is another representation that I take a little bit of issue with. You know, if you're ever asked to serve on a jury and you got two days through the jury deliberations, and they said, okay, you're done – you never reached a culmination. You may not have a unanimous vote, but the culmination occurs where everybody has finally said we've debated all we can debate, we've worked together all we can work together, and now it's time to see where we stand. And I am testifying before you today that event never happened. So there has been no culmination of the Task Force. There is a lot of information that you guys honestly, in my opinion, haven't seen, and I would hope that you would take that into account and help our community move forward with a storm water quality program that makes sense. Thank you.

6. Dan Butler, 4000 Hammer Drive – I've heard a couple of things I just wanted to disagree with a little bit, but then I'll get on to what I want to say. One thing, there are a couple big cities in Oklahoma that are using buffer zones. They're using the buffer zones around their water supply – watersheds – not in their towns. Oklahoma City gets their water from the North Canadian River flowing into Lake Hefner and Lake Overholser and currently buffer zones are being put along the North Canadian River and its tributaries between El Reno and Canton Lake. They're using 300 foot buffer zones. They're also doing a lot of other things, such as getting farmers to go to no-till farming and changing animal practices and things like that.

The second city is Tulsa. They get their water from Lake Oologah and Lake Eucha. Lake Eucha has had terrible algal problems and they're putting buffer zones in the streams that flow into Lake Eucha. The State of Arkansas is doing that also under threat of a lawsuit from the City of Tulsa, but they're doing it. So we have two cities that are putting in buffer zones in areas where it affects their drinking water lakes. Two big cities.

Second point I want to disagree with is these detention basins in subdivisions – they don't do a very good job of taking nutrients out of the water. They do a very poor job, much as farm ponds do a very poor job of taking nutrients out of the water where cattle stand upstream of them. They get loaded up with nutrients in the first couple of years and after that they put out as much as they're taking in. That's well-established research.

Finally, having worked with buffer zones and water quality for the past – well, I retired two years ago, but I worked in that area 28 years and have something to say

about it. I haven't worked in development and the people that have development issues have good points. I take their word for that. But I do have expertise with buffer zones and other practices. I can tell you that the idea that buffer zones are going to solve the problem in Lake Thunderbird is wrong. Much as the low impact development along the houses and in the neighborhoods aren't going to solve the problem in Lake Thunderbird. It takes all of that put together, and even then you don't solve it – you reduce the algae in Lake Thunderbird when all of that is put together. But it takes all those pieces. You can't pull out a piece and expect the rest of it to work. So we need the buffer zones, but we also need the things going on in the homes and the lots in the developments, and you just can't take out one of those pieces and expect success. So people are talking about buffer zones tonight as if they're going to do it, and, no, they're not, but they're needed. They're needed as part of the whole.

Secondly, to use an analogy that might make more sense to everybody, we'll talk about sewage treatment plants. When the first sewage treatment plants came online about the turn of the century, they were very simple. People weren't waiting until it was perfected to put them in. They knew they had to do something and they went ahead and acted with what they knew how to do at that time. Science and engineering has come up over the years with more and better ways to do it, and as those more and better ways are discovered and introduced, sewage treatment plants have changed in their designs so that a sewage treatment plant of the 21st century would not even be recognizable to a man that worked in a sewage plant of the early 20th century. But you still have to start. You don't say I'm going to wait for the next 100 years or the next 10 years or the next 5 years to see if new science comes along. You make your start and as new science comes along you adjust to it, much as we do with homebuilding or anything else. We're not building homes and conserving energy right now like we did 50 years ago, either. You adapt to the new science that comes along. That's it. Thank you.

There being no further public comment, Chairman Gasaway closed the public hearing and turned discussion over to the Planning Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Sherrer said he feels like he's drinking from a fire hose. There are a lot of different opinions being presented. It is a struggle to get a full grasp on all these things within a week. Mr. Butler mentioned that Oklahoma City and Tulsa have done buffer zones at the river or lake level. He asked if that was ever considered as an option. It sounds like we're looking at this as an individual development plan, rather than as a more comprehensive look at going closer to Lake Thunderbird and looking at a way of filtering. Mr. Butler explained that Tulsa and Oklahoma City are doing it at the river and the stream level; they're not doing anything around the lakes. They are going out to individual farm fields, in most cases less than 40 acres, and doing it at that level, all the way up to the first order streams where you don't even have a defined channel. So they're putting in buffers on all these things, not just the streams that have water in them. They are doing a number of other things, too, as they recognize it takes a complete program.

2. Mr. Sherrer is also struggling with what Mr. Rieger mentioned, that the State has some plans to do something in the near future. It seems a little bit odd why we feel that need to do something before then, especially with some of the facts he heard from

members of the Task Force. I don't understand the urgency quite as much, given the comments from the Task Force. I do think there are some things that put you in a competitive disadvantage potentially, and we have to at least consider those things. It seems like there's a lot to digest here.

3. Ms. Pailles commented that Norman is the only city in Oklahoma that has the "most livable" category; we're doing things that no other city in Oklahoma has done. I don't find it a persuasive argument to say that it hasn't been done in Oklahoma before. The example Mr. Rieger gave is true; the property he was talking about has been farmed for many years and it's plowed flat, there is no native vegetation, and whatever the original drainage was it is not clear. In the Lake Thunderbird drainage area most of the streams are channelized and surrounded by natural forest. In that area the buffers make perfect sense. The comment that it probably would make land more expensive is probably accurate; certainly some homes would have greater expense in response to this, but that wouldn't prevent developers from providing lower cost housing in other areas. The main thing is we have a problem with four qualities of Lake Thunderbird and the buffers would address three of them. It seems like a good solution based on science. If you want to provide another solution, you have to provide equal information on a scientific basis. One of the people that has been here forever that's been to all of the meetings was commenting that, basically, the people who came into the room seven years ago kind of opposed to it are still opposed, and the people who came into the room seven years ago more or less in favor of dealing with water problems through environmental best practices are still pro. That's kind of discouraging; basically, nobody has changed anybody's minds. Ms. Connors clarified that the Glenridge Addition is in the Lake Thunderbird watershed.

4. Mr. McCarty said he was on the storm water master plan as well as the recent Task Force that started several years ago. Everybody agrees that we want to improve our water quality; the disagreement is how we do it, because there's more than one way to address this issue, like Mr. Butler said. It is not any one item that can fix this problem and we're not sure what the best way is to fix the problem. It has been quite a learning experience and has been a great process. The process has been going very quickly, there has been a lot of pertinent information that has been provided, there has been a lot of studying done, there have been disputes about how some of the data was provided. I have spent quite a bit of time learning about phosphorous and nitrogen – it's very complex. The work I have read is that primarily buffers work best in areas that are not urbanized – in other words, vacant farm fields that we have that are flat land and mostly in east Norman that feed into these areas. What this ordinance doesn't do today as we build and as we live in Norman is change one thing about the water going into the lake. It's going to put buffers in areas primarily that are going to be vacant land for a long time. One house per ten acres – everything east of 48th Avenue is what our current 2025 plan is and where there's current urban utilities. There's no water or sewer beyond those points. I'm having a hard time with this ordinance and why we're in such a hurry to try and write an ordinance that affects a lot of people in a lot of different ways and why we're not concerned about the Canadian River. So this is only addressing water that goes into our drinking water and not to anybody else's rivers downstream, and that kind of concerns me as well. We've asked those questions; why aren't we doing something to talk about how you can fertilize your yards? That would be an immediate impact. We know that ODEQ has

been doing a study that has been pushed back, I'm sure because of budgeting purposes or what have you, that I think is going to probably help us in this ordinance or a future ordinance. I think that it's something that we need to at least have a grasp around the direction that they're going before we start writing an ordinance that we may have to change or adapt in the next year and be back talking about this. The buffers I see more as a quality of life issue to the city than it is nutrient and phosphorous. We already have the backbone, which is the creeks, and we have the FEMA floodplain which is the area outside of the creeks. So in a 1% rain event, water gets to those areas. That's your buffers. What is this land beyond that ever going to do? I'm really struggling. Tonight we heard from Mr. Butler. I wish we had known about what Oklahoma City and I looked at Lake Oologah – I looked at what they're doing. I think the buffers are just around the immediate lake; I don't think it gets into tributaries or creeks from what I could find – I could be wrong. I wish we would have had the information to see what Oklahoma City was doing before tonight to know exactly how they're addressing this, because that's the first I've heard of it. I think that the Task Force could reach a consensus, and I wish that we had more time to work on that to try and do that, just because how big of an ordinance this is and how it's going to affect everything that we do into the Little River and into Lake Thunderbird. There was even a statement made, and I know it's been challenged, at our last public meeting that was here there was a lady that stood up and she said she was with the Thunderbird Water Conservation District and made a comment that the water quality in Thunderbird in the last two years has improved. So some of the things that the developers are doing – it's working, from what we can tell, if that statement is true. Now, I don't know where her data is coming from, but there's other people out there telling us different things than what we're being told. And I have no doubt that we have a potential water problem. It's just how we're approaching it and what the ordinance is before us to fix it. I'm a green certified builder and a LEED certified builder, so I understand the green aspects of what we do and how it affects what we do and our future and our kids and their future and grandkids, and I could go on. I just don't see how this ordinance, the way it is drafted currently, helps us.

5. Chairman Gasaway commented that he was a member of the Storm Water Master Plan committee. Like many issues, and the lighting ordinance is a good example, you can talk things to death. We spent well over a year on the lighting ordinance and I'm not sure that we had any better product after a year than we did after two or three months. We talked a lot about it. We took some things off, put some on, but essentially after a couple of months we were in the same direction as we ended up at the end. I think this issue, as far as the committee itself, has probably reached that point. There's not much more we can learn. There're not many more facts that we can have. I think we've reached a point where it comes down to some people disagree, some people agree. I don't know what else we can present. I missed a meeting or two, unfortunately. I did miss the last meeting. But the meetings that I attended we discussed essentially the same topics at least at two of the meetings. Whether we resolved anything or not, I don't know. But I think we have studied everything that there is to study and I think it's time to decide whether we like the product or we don't like the product. But saying let's study it for another six months – I don't know what else we could study honestly. I think, to that extent, it's detrimental, and I think you can see in the committee that they're starting to feel that, too.

Another comment that was made was let's wait for the State. I've never heard of when the State or the federal government comes in and you sit around and wait for something that you get anything that you want. Usually you get told something that doesn't benefit – it's not tailor made for our area. It's made for the entire state. Some of it we might benefit from; some of it will be drastically different than anything that will benefit Norman. Norman is different. We're not talking about our storm water that runs into the river. We should, at some point, absolutely, and we've bounced around that a little bit tonight. We're talking about our drinking water. We have to do something about our drinking water and that's what makes Norman different. We're not drinking out of the river. We're drinking out of Lake Thunderbird and it's time to do something about it. We should have done this thirty years ago; we're late. We can't repair the damage that's been done. We can't repair the development in areas that should have not been put there thirty years ago. But we can start now and make a difference. We hope Moore and Oklahoma City will participate to some extent, but we can't fix them. We can fix Norman, Oklahoma to the best extent that we know how.

6. Mr. Sherrer felt it would be helpful to have some sort of recommendation from the Task Force, even if it were not a unanimous decision.

7. Mr. McCarty stated that he completely agrees with Mr. Gasaway in some aspects. I'm on several other technical committees throughout the State, and we take a completely different approach to how we want to write an ordinance. We get the people involved that it's going to affect and we all work together as a team to come up with some type of recommendation to fix a problem. If you would get other stakeholders involved in these from the very beginning, I can promise you we would be sitting here tonight with an ordinance that we all could approve and be happy with. I see it done in other states, other cities throughout Oklahoma, and it works. But when you just take an ordinance and you throw it out there and there's a lot of moving parts and a lot of really deep detail and study that goes into it, you end up in the battles in those task force meetings and there is disagreement because of everybody's opinion. But if we started from scratch from the very beginning and we had other engineers and we had Dr. Vieux in there and he helped us with the information he's got, and Harold Heiple and other people that are stakeholders, it works. And that's where I have a real problem with the way that we are doing things – like the lighting ordinance. I truly believe that if we would take a proactive approach in our city to identify the problems, the people that are involved in it, the stakeholders, that we would be here discussing something completely different right now.

8. Mr. Trachtenberg said we've been talking about this issue for seven years. Mr. Heiple said in his presentation that the idea of buffers was a no-go for the point of view that he represents from the very beginning. To be perfectly honest, I was jealous of people like Trey who got picked for that great and deeply important committee – I wanted to be on that group, because I think this is the most fundamentally important thing for this town. It seems to me that the City has been exploring this question with tremendous energy, with tremendous vigor, and with tremendous intellectual capacities represented by people like Dr. Vieux for a long, long time. What I'm a little puzzled by is that the process produced a master plan, that master plan essentially had this concept in it, it was contentious, it was opposed, but it was passed – it was

accepted, I guess, technically, by the City. And what we're doing – and forgive me, Harold, if I use a term that you often invoke here – it seems to me that we're being asked to be kind of ministerial here, which is that there's a policy, it was approved by the legitimate authority in our community – the City Council. The City Council has a process for developing ordinances – or it has a variety of processes for developing ordinances. In this particular case it did not ask a task force to develop an ordinance; it asked the staff to develop an ordinance and to touch base with people who had been stakeholders in this. It did not set up a jury situation. And now that entirely legitimate process has come forward. We've been given a decision to make. Let's make it. There may be very good reasons to disapprove of this ordinance. I support it, but I can totally respect people who don't and think that this ought to go down in flames. Fine. Let's vote on that.

Now, let me just close with one thing, and I'm going to refer to Baxter. I want to say this. Many, many times, in my capacity as a Planning Commissioner, I've been asked to deal with things that I had no clue about. And the lighting ordinance, frankly, was one of those. I happen to know about water, in large part because of Baxter. I've been studying water for seventeen years – pretty much since I got to OU. And I can tell you one thing, that in all the reading, all the study that I've done, I have gone to – I've presented at meetings of the American Water Resources Association – and there is one constant when people talk about water quality and flood control, and as a bonus – as the icing on a cake – recreational opportunities and quality of life issues. Those are the icing on the cake. The one thing that's a constant in all of those discussions is buffers – whether it's 50 feet, 100 feet. I don't know. That's a technical issue. But the one thing that I can just assure everybody in this room that is the constant in discussions of water management, water quality, and flood control is buffers. That's what it is. We've known this as a society for as long as people have studied it, and that's not going to change. It's not going to change in a month; it's not going to change in a year; it's not going to change in 20 years. That's the truth. So I'm behind this. I support this. I've given you my reasons. But we're all very intelligent, thoughtful people here. We've got to bring our values to bear on the facts, and that combination might lead you to think this is a bad idea. Then vote against it.

Zev Trachtenberg moved to recommend adoption of Ordinance No. O-1011-52 and Ordinance No. O-1011-53 to the City Council. Roberta Pailles seconded the motion.

9. Mr. Lewis said he intends to make a motion to postpone this item, because he appreciates the time that Commissioners and staff have invested in this, and appreciates the comments by Mr. Vieux, Mr. McKown, Mr. Wood, Mr. Heiple, Mr. Bates, Mr. Rieger, and Mr. Butler. I think it brings a wealth of knowledge to the table. What I'm concerned about, and I will echo exactly what Andy said – if you've ever been sitting at a railroad crossing watching a train go by, you have train cars going past and you can't even see what's on them, they're going so fast. When I look up the track and down the track, I can read what's on the car because it slows down and I can see that. When something comes to my desk a week ago, and a few hours – something I've never seen before that's as comprehensive as this ordinance is and affects as many people as this ordinance does, I have to question in my mind why this ordinance is moving so fast through the Planning Commission. After hearing comments tonight that the Task Force never actually came to a decision, that they didn't even know they were completed, and again for this ordinance to be on the table in front of the

Planning Commission is very shocking to me. I have been going at 100 miles an hour trying to get my hands around this ordinance, knowing that I have to make a decision of either approving or disapproving to send on to City Council. I have to know that, as Mr. Wood said, the decision I make will affect many generations to come within this city, because it's a recommendation to City Council as to what they do. Do they take our recommendation as a Planning Commission or do they do something else? So, respectfully to my colleague Mr. Trachtenberg, I think the only thing that really this Commission can do is table this ordinance – give it back to the Task Force until they come up with a decision or a recommendation and then let it come through the Planning Commission at a very prudent pace, where the Commissioners will have time to evaluate it, to thoroughly understand it. And I don't make my comments lightly. Resolution by the Planning Commission 9899-1, which was adopted May 13, 1999, and amended June 13, 2002, clearly says when something can be tabled or postponed, and it says "It further is resolved by the Planning Commission agenda items for a public hearing maybe be tabled in the event of the following circumstances: when a request has been amended" and I think we definitely heard from Ms. Walker that there is going to be amendments coming forward. There's going to be minimum and maximum amendments on the height of the vegetation in the buffer zones coming forward. Unquestionable. It also says "when the Planning Commission determines that circumstances warrant further study." I've been waiting all night for somebody to tell me that, indeed, buffer zones work. I haven't quite got that yet. I've been waiting all night for someone to say I understand this ordinance backward and forward that sits on this Planning Commission, and I get the sense – and certainly I don't want to speak for every Commissioner; I can only speak for myself – but I get the sense that many of this Commission are as blind-sided by the technicality and the depth of this ordinance as I am. Some may not be, and I respect them greatly for having a grasp and a depth of knowledge about something that will be moving forward. But I would recommend and potentially make the motion that we table this item, give it back to the Task Force, let them make a recommendation, and let it come through at a prudent pace. That is the responsible thing to do, not only tonight, but for the entire future of Norman going forward.

Chris Lewis moved to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 indefinitely. Curtis McCarty seconded the motion.

Ms. Walker cited Robert's Rules of Order and indicated that a motion to postpone indefinitely does not take precedence over a motion on the floor.

10. Ms. Gordon stated that she didn't feel blind-sided and did understand most of the ordinance. She didn't find it particularly heavy. She agrees with most of the comments in favor of the ordinances. While it's not perfect, sometimes you have to go ahead because it's not always possible to reach consensus.

Curtis McCarty moved to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 until June, or until the Task Force can reach a consensus and bring something forward. Chris Lewis seconded the motion.

Ms. Walker explained that a motion to postpone to a certain time takes precedence over a motion to postpone indefinitely, to amend, and to commit. Ms. Connors noted

that the motion was either/or. Ms. Walker indicated that it would need to include a specific date.

Curtis McCarty moved to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 until June 9. Chris Lewis seconded the motion.

There being no further discussion, a vote on the motion to postpone was taken with the following result:

| | |
|--------|---|
| YEAS | Diana Hartley, Chris Lewis, Curtis McCarty, Andy Sherrer, |
| NAYES | Cynthia Gordon, Roberta Pailes, Zev Trachtenberg, Jim Gasaway |
| ABSENT | Tom Knotts |

Recording Secretary Roné Tromble announced that the motion to postpone Ordinance No. O-1011-52 and Ordinance No. O-1011-53 until June 9 failed by a vote of 4-4.

There being no further discussion, a vote on the motion to recommend adoption of the two ordinances was taken with the following result:

| | |
|--------|---|
| YEAS | Cynthia Gordon, Roberta Pailes, Zev Trachtenberg, Jim Gasaway |
| NAYES | Diana Hartley, Chris Lewis, Curtis McCarty, Andy Sherrer, |
| ABSENT | Tom Knotts |

Recording Secretary Roné Tromble announced that the motion to recommend adoption of Ordinance No. O-1011-52 and Ordinance No. O-1011-53 to the City Council failed by a vote of 4-4.

Chairman Gasaway asked for clarification of the result of these votes. Ms. Walker explained that the ordinances will go forward to City Council without an affirmative recommendation, and we will send detailed minutes forward.

* * *

Item No. 10, being:

MISCELLANEOUS DISCUSSION

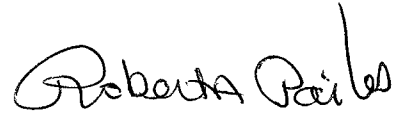
None

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Item No. 11, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 10:07 p.m.



Norman Planning Commission