

STAFF REPORT

06/02/2025

PERMIT NO. 716

ITEM: This Floodplain Permit Application is for the proposed burn pit in the Bishop Creek floodplain near Eagle Cliff West subdivision.

BACKGROUND:

APPLICANT: Home Creations

Builder: ESO Excavation, LLC

ENGINEER: SMC Consulting Engineers, P.C.

On March 13, 2025, a floodplain notice of violation was sent to the applicant in regards to illegal fill in the Bishop Creek floodplain near Eagle Cliff West Subdivision. Trees that had been cleared for the development had been discarded into the adjacent floodplain. A complaint had been filed by two different groups of inspectors that had discovered the violation during routine inspections. Home Creations staff met with City staff to discuss a remedy. Staff recommended removal of the fill from the floodplain and disposal of the material offsite outside of the floodplain. The applicant indicated that removal of the material from the floodplain was not possible and proposed to burn the fill on site using an air curtain incinerator in a 10' wide by 30' long and 10' deep burn pit. Air curtain incineration involves the use of a forced air "curtain" that contains smoke and particulates and recirculates the material and re-burns it reducing smoke and emissions significantly. The applicant has indicated that multiple pits will likely be required to dispose of all the material. According the applicant's engineer, this process leaves little to no remaining material and will effectively remove the fill from the floodplain and satisfy the requirements of the notice of violation. This process is weather dependent and likely to take several months to complete. The applicant has contacted the Norman Fire Marshall and began the process of obtaining a burn permit for this work.

STAFF ANALYSIS:

Site located in Little River Basin or its Tributaries? Yes ☐ No ☒

According to the latest FIRM, the site of the proposed work is located in the Bishop Creek Floodplain (Zone AE). At the proposed site, the BFE is 1088.0'. Aerial images from multiple years indicate that the area is regularly inundated with water where a significant amount of the material is currently located. The applicant has indicated they plan to move the material further north, but partially inside the regulatory floodplain to create the burn pits. See attached plans and aerial maps. The applicant has indicated that some of the burn pits may be outside of the floodplain, but likely, most won't be. Staff recommendation would be that work be performed outside of the regulatory floodplain negating the need for the permit to address the existing violation, the applicant has indicated that removing the fill from the floodplain in a manner other than burn pits at this location is not possible.

Applicable Ordinance Sections:

Subject Area:

36-533 (e)2(a)..... Fill restrictions
 (e)2(e)..... Compensatory storage
 (f)(3)(8) No rise considerations

(e)2(a) and (e)2(e) Fill Restrictions in the Floodplain and Compensatory Storage – Fill is restricted because storage capacity is removed from floodplains, natural drainage patterns are adversely altered, and erosion problems can develop. Compensatory storage must be provided within the general location of any storage that is displaced by fill or other development activity and must serve the equivalent hydrologic function as the portion which is displaced with respect to the area and elevation of the floodplain.

The applicant has indicated that an air curtain incinerator will leave little to no material once the process is complete. This would correct the existing violation and satisfy the requirement once the work is complete.

(f)3(a)(8) No Rise Considerations – For proposed development within any flood hazard area (except for those designated as regulatory floodways), certification that a rise of no more than 0.05 ft. will occur in the BFE on any adjacent property as a result of the proposed work is required. For proposed development within a designated regulatory floodway, certification that no increase in the BFE on any adjacent property as a result of the proposed work is required.

The project engineer has submitted a No Rise statement indicating that this project will not cause a rise in the BFE at this location, meeting the ordinance requirements.

Conclusion: Staff forwards this application for Floodplain Permit #716 to Floodplain Permit Committee for their consideration.

ACTION TAKEN: _____



City of Norman

Floodplain Permit Application

Floodplain Permit No. 716

Building Permit No. _____

Date 05/22/2025 6/2/2025

FLOODPLAIN PERMIT APPLICATION (\$100.00 Application Fee Required)

SECTION 1: GENERAL PROVISIONS (APPLICANT to read and sign):

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Occupancy is issued.
5. The permit will expire if no work is commenced within 2 years of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements and must be included with this floodplain permit application.
7. Applicant hereby gives consent to the City of Norman or his/her representative to access the property to make reasonable inspections required to verify compliance.
8. The following floodplain modifications require approval by the City Council:
 - (a) A modification of the floodplain that results in a change of ten percent (10%) or more in the width of the floodplain.
 - (b) The construction of a pond with a water surface area of 5 acres or more.
 - (c) Any modifications of the stream banks or flow line within the area that would be regulatory floodway whether or not that channel has a regulatory floodplain, unless the work is being done by the City of Norman staff as part of a routine maintenance activity.
9. All supporting documentation required by this application is required along with the permit fee by the submittal deadline. Late or incomplete applications will not be accepted.
10. I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT.)

APPLICANT: Home Creations ADDRESS: 2240 N. Broadway, Moore, OK 73160TELEPHONE: (405) 692-2222 SIGNATURE: mo sharifiBUILDER: ESO Excavation, LLC ADDRESS: P.O. Box 1001 Mustang, OK 73064TELEPHONE: (405) 554-3478 SIGNATURE: Eric OwensENGINEER: SMC Consulting
Engineers, P.C. ADDRESS: 815 W. Main, OKC, OK 73106TELEPHONE: (405) 232-7715 SIGNATURE: C.D. Q

PROJECT LOCATION

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, subdivision addition, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well known landmark. A sketch attached to this application showing the project location would be helpful.

Eagle Cliff West, Section 1

Approximate Center of Site: 35°10'00.6"N / 97°26'03.2"W

DESCRIPTION OF WORK (Check all applicable boxes):**A. STRUCTURAL DEVELOPMENT**ACTIVITYSTRUCTURE TYPE

- | | |
|--|---|
| <input type="checkbox"/> New Structure | <input type="checkbox"/> Residential (1-4 Family) |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Residential (More than 4 Family) |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Non-Residential (Flood proofing? <input type="checkbox"/> Yes) |
| <input type="checkbox"/> Relocation | <input type="checkbox"/> Combined Use (Residential & Commercial) |
| <input checked="" type="checkbox"/> Demolition | <input type="checkbox"/> Manufactured (Mobile) Home |
| <input type="checkbox"/> Replacement | <input type="checkbox"/> In Manufactured Home Park? <input type="checkbox"/> Yes |

ESTIMATED COST OF PROJECT \$ TBD Work that involves substantial damage/substantial improvement requires detailed cost estimates and an appraisal of the structure that is being improved.

B. OTHER DEVELOPMENT ACTIVITIES:

- ☐ Fill ☐ Mining ☐ Drilling ☐ Grading
- ☒ Excavation (Beyond the minimum for Structural Development)
- ☐ Watercourse Alteration (Including Dredging and Channel Modifications)
- ☐ Drainage Improvements (Including Culvert Work) ☐ Road, Street or Bridge Construction
- ☐ Subdivision (New or Expansion) ☐ Individual Water or Sewer System

In addition to items A. and B. provide a complete and detailed description of proposed work (failure to provide this item will be cause for the application to be rejected by staff). Attach additional sheets if necessary.

Burning cleared trees within floodplain while using air curtain incinerator and associated burn pit.

Burn pit to be approximately 10' wide by 30' long by 10' deep.

C. ATTACHMENTS WHICH ARE REQUIRED WITH EVERY APPLICATION:

The applicant must submit the documents listed below before the application can be processed. If the requested document is not relevant to the project scope, please check the Not Applicable box and provide explanation.

- A. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel, floodway, and the regulatory flood-protection elevation.
- B. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information.

☒ Not Applicable:

- C. Subdivision or other development plans (If the subdivision or other developments exceeds 50 lots or 5 acres, whichever is the lesser, the applicant **must** provide 100-year flood elevations if they are not otherwise available).

☒ Not Applicable:

- D. Plans (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information.

☒ Not Applicable:

- E. A profile showing the slope of the bottom of the channel or flow line of the stream.

☒ Not Applicable:

- F. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures.

☒ Not Applicable:

- G. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

☒ Not Applicable:

- H. For proposed development within any flood hazard area (except for those areas designated as regulatory floodways), certification that a rise of no more than five hundredths of a foot (0.05') will occur on any adjacent property in the base flood elevation as a result of the proposed work. For proposed development within a designated regulatory floodway, certification of no increase in flood levels within the community during the occurrence of the base flood discharge as a result of the proposed work. All certifications shall be signed and sealed by a Registered Professional Engineer licensed to practice in the State of Oklahoma.
- I. A certified list of names and addresses of all record property owners within a three hundred fifty (350) foot radius of the exterior boundary of the subject property not to exceed 100 feet laterally from the Special Flood Hazard Area. The radius to be extended by increments of one hundred (100) linear feet until the list of property owners includes not less than fifteen (15) individual property owners of separate parcels or until a maximum radius of one thousand (1,000) feet has been reached.
- J. A copy of all other applicable local, state, and federal permits (i.e. U.S. Army Corps of Engineers 404 permit, etc).

After completing SECTION 2, APPLICANT should submit form to Permit Staff for review.

SECTION 3: FLOODPLAIN DETERMINATION (To be completed by Permit Staff.)

The proposed development is located on FIRM Panel No.: 40027C0295J, Dated: 02/20/2013

The Proposed Development:

☐ Is NOT located in a Special Flood Hazard Area

(Notify the applicant that the application review is complete and NO FLOODPLAIN PERMIT IS REQUIRED).

☒ Is located in a Special Flood Hazard Area.

☐ The proposed development is located in a floodway.

☒ 100-Year flood elevation at the site is 1089.00 Ft. NGVD (MSL) ☐ Unavailable

See Section 4 for additional instructions.

SIGNED: 

DATE: 5/29/25

SECTION 4: ADDITIONAL INFORMATION REQUIRED (To be completed by Permit Staff.)

The applicant must also submit the documents checked below before the application can be processed.

- ☐ Flood proofing protection level (non-residential only) _____ Ft. NGVD (MSL). For flood proofed structures applicant must attach certification from registered engineer.
- ☐ Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the 100-year flood (Base Flood Elevation). A copy of all data and calculations supporting this finding must also be submitted.
- ☒ Certification from a registered engineer that the proposed activity in a regulatory flood plain will result in an increase of no more than 0.05 feet in the height of the 100-year flood (Base Flood Elevation). A copy of all data and calculations supporting this finding must also be submitted.
- ☐ All other applicable federal, state, and local permits have been obtained.

Other: _____

SECTION 5: PERMIT DETERMINATION (To be completed by Floodplain Chairman.)

The proposed activity: (A) ☐ **Is**; (B) ☐ **Is Not** in conformance with provisions of Norman's City Code Chapter 22, Section 429.1. The permit is issued subject to the conditions attached to and made part of this permit.

SIGNED: _____ DATE: _____

If **BOX A** is checked, the Floodplain committee chairman may issue a Floodplain Permit.

If **BOX B** is checked, the Floodplain committee chairman will provide a written summary of deficiencies. Applicant may revise and resubmit an application to the Floodplain committee or may request a hearing from the Board of Adjustment.

APPEALS: Appealed to Board of Adjustment: ☐ Yes ☐ No
 Hearing date: _____

Board of Adjustment Decision - Approved: ☐ Yes ☐ No

Conditions:

SECTION 6: AS-BUILT ELEVATIONS (To be submitted by APPLICANT before Certificate of Occupancy is issued.)

1. FEMA Elevation Certificate
and/or
2. FEMA Floodproofing Certificate

NOTE: The completed certificate will be reviewed by staff for completeness and accuracy. If any deficiencies are found it will be returned to the applicant for revision. A Certificate of Occupancy for the structure will not be issued until an Elevation and /or Floodproofing Certificate has been accepted by the City.

Consulting Engineers, P.C.
815 West Main
Oklahoma City, OK 73106
405-232-7715
FAX 405-232-7859
www.smcokc.com

*Civil Engineering
Land Development
Storm Water Management*

Terence L. Haynes
Christopher D. Anderson
Muhammad A. Khan

May 22, 2025

Mr. Scott Sturtz, P.E., CFM
Floodplain Administrator
City of Norman

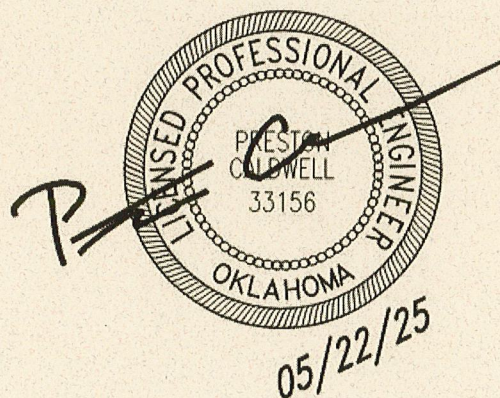
RE: No Rise Certification for
Eagle Cliff West, Section 1
Norman, Oklahoma
SMC #6552.01

Dear Mr. Sturtz,

As a part of the proposed construction of Eagle Cliff Section 1, there were trees cleared to allow the subdivision to be built. These trees have been pushed offsite within the adjacent FEMA Effective Floodplain to be burned. The contractor will be utilizing an air curtain incinerator with an appropriately sized burn pit (roughly 10' wide by 30' long by 10' deep). With this incineration process, there will be little to no remaining material upon completion of the burning. Nonetheless, there will be no rise in the base flood elevation (BFE) or adverse impact will occur on the property or any adjacent properties, upstream or downstream.

Sincerely,
SMC Consulting Engineers, P.C.

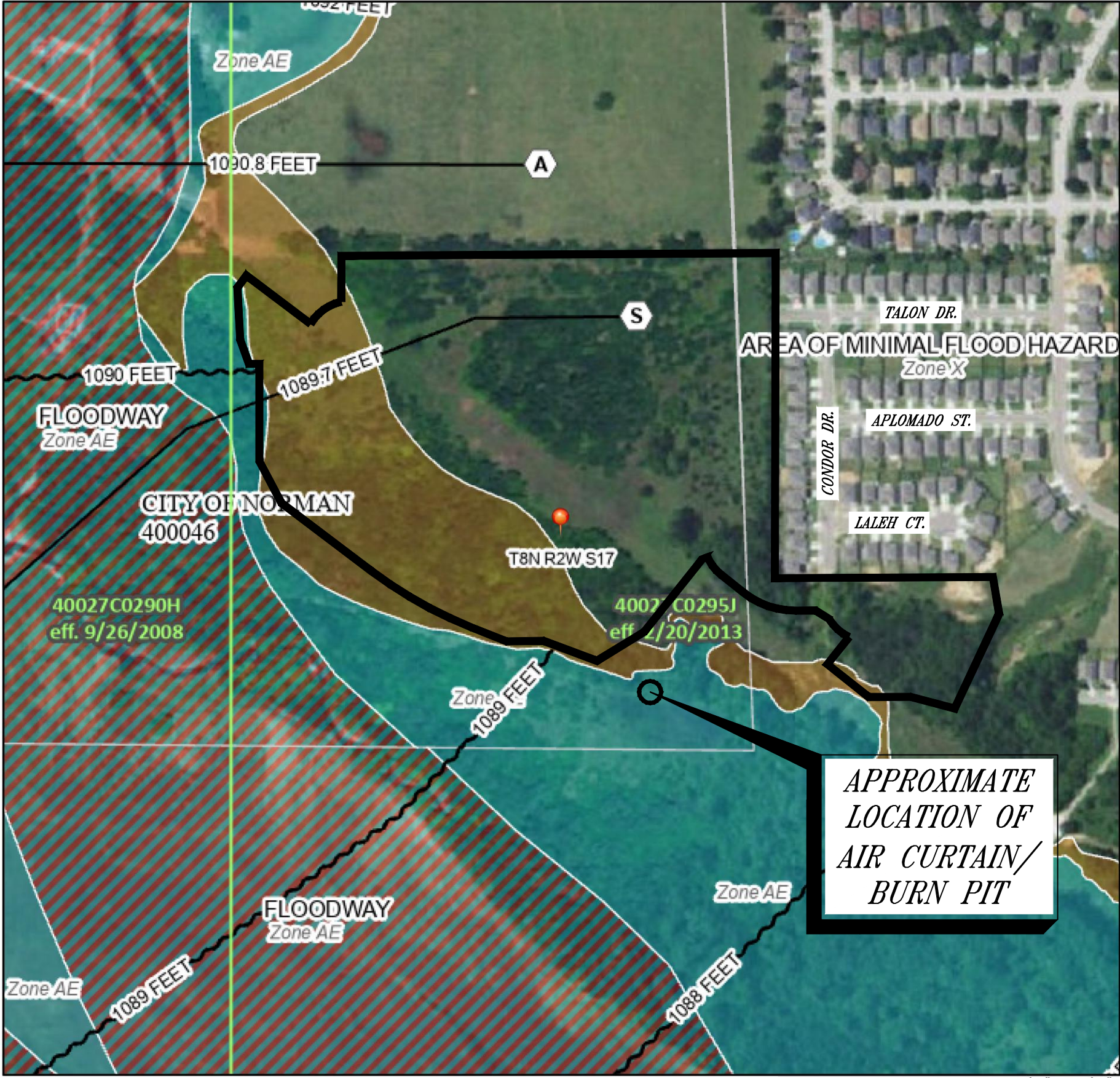
Preston Caldwell, P.E.



National Flood Hazard Layer FIRMMette



97°26'23"W 35°10'11"N



97°25'45"W 35°9'42"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		8 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

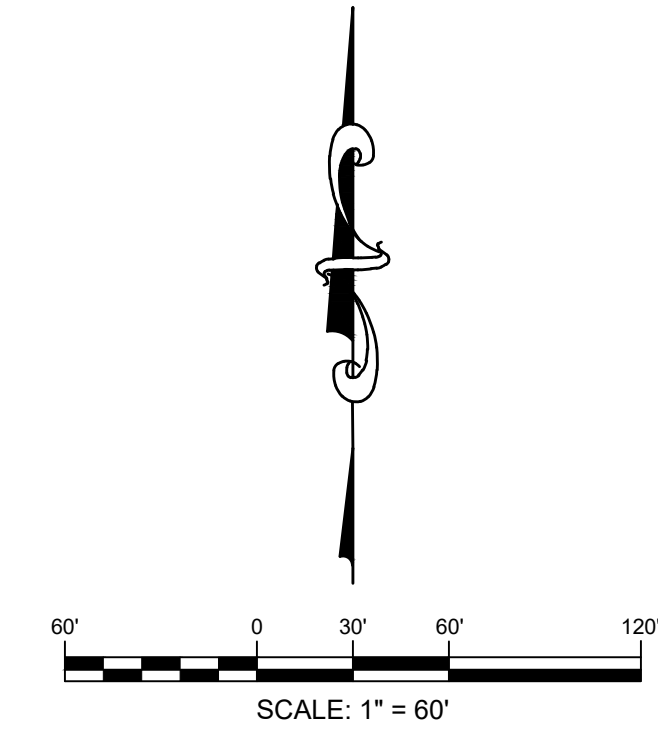
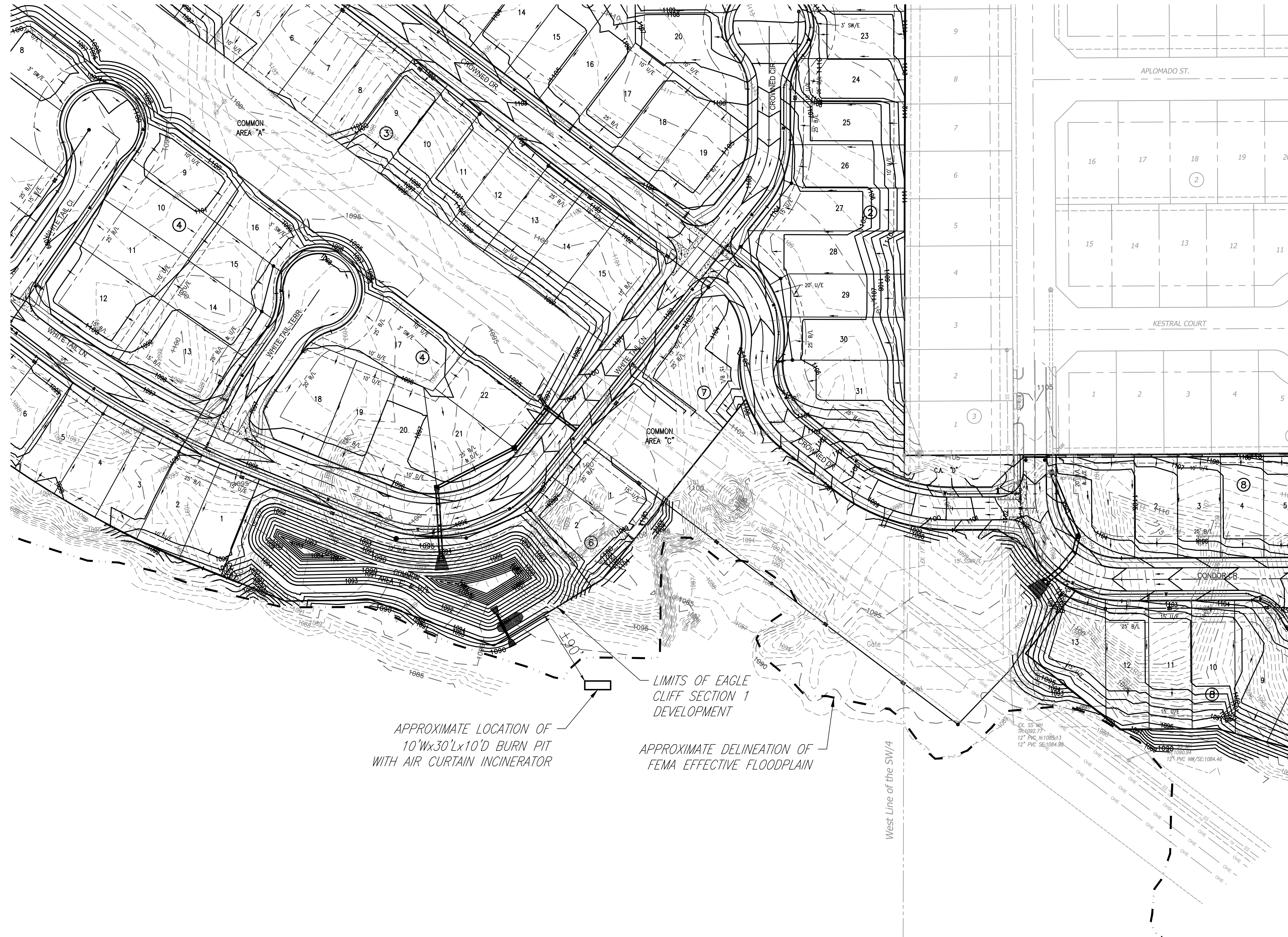
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/22/2025 at 1:58 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

SITE & GRADING PLAN FOR FLOODPLAIN ACTIVITY PERMIT

EAGLE CLIFF WEST SECTION 1

A PART OF THE N.E. ¼ OF SECTION 16, T13N, R5W, I.M.
OKLAHOMA CITY, CANADIAN COUNTY, OKLAHOMA



© SMC CONSULTING ENGINEERS, P.C. ALL RIGHTS RESERVED THESE DOCUMENTS MAY NOT BE USED FOR ANY PURPOSES WITHOUT PRIOR WRITTEN PERMISSION FROM SMC CONSULTING ENGINEERS, P.C.

EAGLE CLIFF WEST SECTION 1

**JENKINS AVE. & POST OAK DR.
NORMAN, OKLAHOMA**

SMC
SMC Consulting Engineers, P.C.
6110 S.W. 10th Ave., Suite 200
OK 73109
PH: 405-232-7715 Fax: 405-232-7659
Website: www.smcok.com

OKLAHOMA CERTIFICATE OF AUTHORIZATION NO. CA 464 EXP. 06/30/2025

PROJECT NO.: 6552.01
DATE: 05/22/25
SCALE: 1" = 60'
DRAWN BY: SY
ENGINEER: CHRISTOPHER D. ANDERSON
P.E. NUMBER: 18288

**SITE & GRADING PLAN
FOR FLOODPLAIN
ACTIVITY PERMIT**

SHEET NO.
EXHIBIT 1



The City of NORMAN

225 N. Webster • P.O. Box 370
Norman, Oklahoma 73069 • 73070

Item 3.

March 13, 2025

Home Creations
c/o Hossein Farzaneh
2252 North Broadway Street
Moore, OK 73160

Certified Mail
Regular U.S. Mail
Email: DEQ@homecreations.com

Re: Illegal Modification and Fill in the Bishop Creek Floodplain at Eagle Cliff West Development

Dear Mr. Farzaneh:

City staff investigated illegal modifications of the floodplain and illegal fill material in the floodplain on property you own immediately south of the Eagle Cliff West Development. The location of the excavation and fill material are indicated on the attached map and are located within the City of Norman (1% chance) floodplain Zone AE.

City records indicate that floodplain permits have not been obtained to perform modifications or place fill within the floodplain, which is a violation of the floodplain ordinance. In summary, you are in violation of the City Code of Ordinances Chapter 36 Section 533 FH, Flood Hazard District, which has been adopted by City Council.

Section 533 FH (f)(14) - Enforcement of Violations

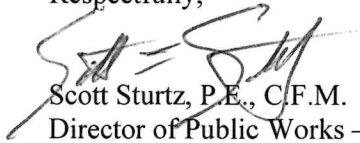
- a. Each day during which a violation exists shall constitute a separate offense.
- b. For each offense cited, a penalty of not less than \$50.00 nor more than \$750.00 shall be assessed to:
 1. The owners of record; and/or
 2. Any person employed in connection therewith and who may have assisted in the commission of such violation.
 - i. In addition to the penalties provided in NCC 1-114, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this article or to correct the violations thereof. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited buildings, structures, obstructions, or improvements, nor prevent the enforcement, correction, or removal thereof.
 - ii. The legally recorded owner of any property located in a special flood hazard area onto which fill material of any nature has been applied, with or without his knowledge and in violation of the provisions of this article, shall immediately, and at his expense, remove all such material upon written request to do so by the Director of Public Works. Upon failure of the property owner to complete this work in a timely manner, the City Council may order the work to be completed and expenses charged to the property owner or levied against the property.
 - iii. Any and all apprehended persons depositing fill material of any nature in violation of this article shall be prosecuted to the fullest extent of the law.

Please be aware that any development including modifications or placing of fill in the floodplain requires a floodplain permit from the City. More information is available on the City's website

(www.normanok.gov) by clicking the Flood Hazard Protection link on the Stormwater Division's home page. The floodplain permit application form can be downloaded from the website also.

Please apply for floodplain permits or remove fill and return the disturbed areas to their original condition by April 13, 2025. Failure to comply may result in the aforementioned penalties, as well as any other means of removal or compliance attainment allowed by law. Please contact Jason Murphy at (405) 366-5455 if you need further information about the floodplain permit.

Respectfully,



Scott Sturtz, P.E., C.F.M.





Director of Public Works – Floodplain Administrator

cc: Darrell Pyle, City Manager
Shannon Stevenson, Assistant City Manager
Tim Miles, City Engineer
Beth Muckala, Assistant City Attorney III
Jason Murphy, Stormwater Program Manager
Todd McLellan, Development Engineer



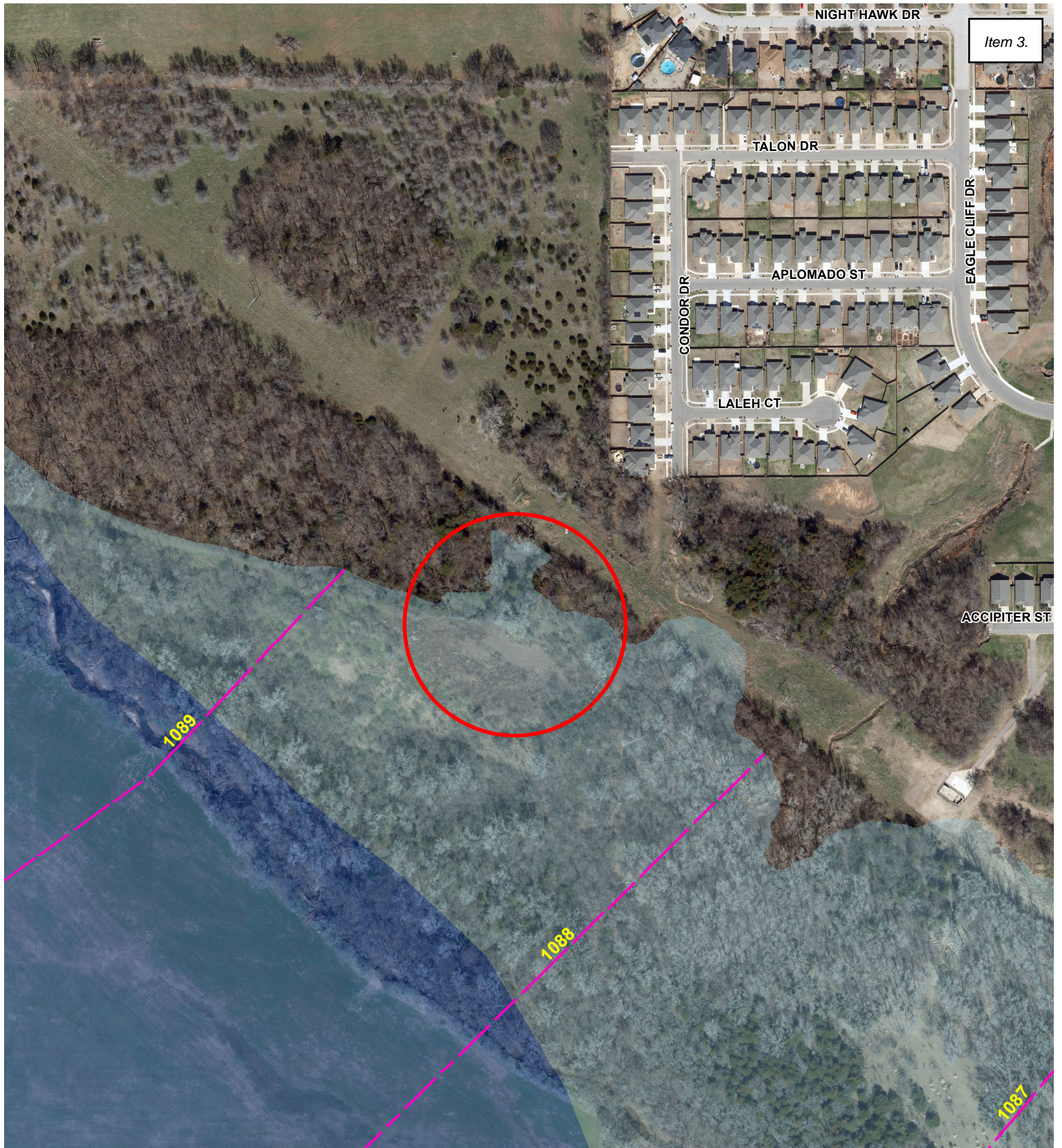
Eagle Cliff West

Legend

-  1% Chance Floodplain
-  Floodway
-  Lot Line
-  Parcel

Mar 10, 2025 at 11:29:01 AM
Norman OK 73072
United States








Item 3.



Eagle Cliff West 2023




Legend

-  BFE 2021
-  1% Chance Floodplain
-  Floodway



Eagle Cliff West Dec. 2024 Approximate Burn Pit Locations

Legend

-  BFE 2021
-  1% Chance Floodplain
-  Floodway