

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: _____