

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 450
Tuesday, November 14, 2017, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 338
Tulsa, Oklahoma

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Charney, Chair
Hutchinson, V.Chair
Crall, Secretary
Dillard
Johnston

Miller
Moye
Sparger

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 9^h day of November, 2017 at 10:11 a.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Charney called the meeting to order at 1:30 p.m. Mr. Charney informed the audience that Mr. Crall will be late to the meeting. Mr. Charney stated there are three cases on the agenda today. It is important for him to let everyone present today, as an appointed Board, a volunteer Board, that he will be recusing from the third case on today's agenda.

MINUTES

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the Minutes of October 17, 2017 (No. 449).

Ms. Nikita Moye read the rules and procedures for the County Board of Adjustment Public Hearing.

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

2649—Brandon Potter

Action Requested:

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet to permit a lot-split in an AG District (Section 207).

LOCATION: 8151 North Harvard Avenue East

Presentation:

Brandon Potter, 18985 East Knightsbridge Road, Owasso, OK; stated he purchased 30 acres and he would like to section off two acres so his mother-in-law can build a house.

Mr. Charney stated the Board has been informed there was a 50-foot access easement that is already of record from Harvard to the subject tract, and he asked Mr. Potter if that was his understanding also. Mr. Potter answered affirmatively.

Mr. Dillard asked Mr. Potter if he was sure it was of record, because it says a Plat Survey, but he did not read where it was of record. Mr. Charney asked Mr. Potter if he had seen an actual document of record that exists that provides access from Harvard to the interior tract. Mr. Potter stated that he has been in contact with the surveyor and there was discrepancy that mapping did not see, but the surveyor stated he is confident that he owns that 50 feet of land all the way to Harvard. Mr. Potter stated he is working on receiving a revised copy of the survey. Mr. Charney stated that it will be important for the Board to know that there is a 50-foot access easement or that Mr. Potter has true ownership from Harvard back to the larger tract.

Mr. Dillard asked Mr. Potter if he was obtaining financing on this project. Mr. Potter answered affirmatively. Mr. Charney stated that it will be critical to the financing of that house that there be documentation of record that there is an easement in favor of her tract.

Mr. Hutchinson asked Mr. Potter if he had any intentions of subdividing the subject property any more. Mr. Potter stated that he had no such plans.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; Crall “absent”) to **APPROVE** the request for a **Variance** of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet to permit a lot-split in an AG District (Section 207). The Board finds the hardship to be the inset nature of the subject tract being off the right-of-way and it is a large piece of property. The approval is subject to the applicant filing the right-of-way of record; for the following property:

**S/2 SE NW & SE SW NW & N50 SW SW NW LESS S610 W60 SE SW NW SEC 28 21
13 29.917ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

2650—Sheilah Bright

Action Requested:

Special Exception to permit a wedding/event venue (Use Unit 2) on an AG zoned property (Section 310); **Variance** of the all-weather surface material requirement for parking (Section 1340.D). **LOCATION:** 5802 South 145th Avenue West

Presentation:

Sheilah Bright, 5802 South 45th West Avenue, Sand Springs, OK; stated she has owned the subject property since 1995 and it is her family farm. Her son lives on the back portion of the property. Through the years her farm has been requested for functions; i.e., picnics. She has a big barn that she would like to use for the functions and her goal is to do something for her community. Ms. Bright stated that everything she does she will do so that it will not destroy the integrity of the beautiful landscaping.

Mr. Charney asked Ms. Bright if it was her goal to hold wedding and events in the structure. Ms. Bright answered affirmatively and stated there is a park like atmosphere behind the barn that could have events or weddings. Ms. Bright stated that she plans to have security, use a licensed caterer and bartender, and have valet parking.

Mr. Hutchinson asked Ms. Bright what she would be doing to the inside of the barn for sound suppression. Ms. Bright stated there is existing insulation in the barn and the main hall has double insulation with wood over the metal. Ms. Bright stated that she has also hired a sound technician that is working on a sound design, but the barn does sit back from the road and away from any neighbors.

Mr. Crall entered the meeting at 1:45 P.M.

Mr. Johnston asked Ms. Bright how much impervious parking area she currently has. Ms. Bright stated that she estimates about 35 cars can be parked on that parking area. Ms. Bright stated that she has crushed asphalt millings on her service road that goes

past the barn and there is an area on the rear portion of the property for any overflow parking that is graveled if needed. There is also an entrance gate and exit gate in that area.

Mr. Charney asked Ms. Bright how she planned to handle the parking if it were a rainy messy day. Ms. Bright stated that she will use the graveled on the rear portion of the property which is a sizable area, and the road going to the rear is milled so it could be used for parking with valet parking provided.

Mr. Johnston asked Ms. Bright how many chairs, a maximum, she planned on having for events. Ms. Bright stated that she plans to have around 200 chairs maximum.

Mr. Charney asked Ms. Bright if she had spoken with any of her neighbors. Ms. Bright answered affirmatively. Mr. Charney asked Ms. Bright if there were any objections to her proposal. Ms. Bright said she had no objections.

Mr. Charney asked Ms. Bright if there was a city subdivision to the east of her property. Ms. Bright answered affirmatively.

Mr. Hutchinson asked if the overflow parking will cause a problem because it was not advertised or requested. Ms. Miller stated the Board could not grant permission for the applicant to use that area for parking.

Mr. Hutchinson asked Ms. Bright about her plans for the remaining 2,600 square feet of the barn. Ms. Bright stated that the architect is working on plans for the bathroom and a warming kitchen, and there will be storage for the tables and chairs. Mr. Hutchinson asked if that was included in the 2,400 square feet for parking. Mr. Johnston stated that there is a small ratio for that.

Interested Parties:

Grady Whitaker, Whitaker Architects, P. O. Box 430, Sand Springs, OK; stated the actual assembly area is 2,135 square feet so there would be 54 parking spaces required. Mr. Whitaker stated there is at least 40 to 50 spaces relatively close to the subject area, so the overflow parking will be a negligible need. Mr. Whitaker stated that 1,100 square feet will be restrooms, bridal suite/dressing area, and the balance will be storage.

John Fothergill, 3410 South 73rd West Avenue, Tulsa, OK; stated he is support of this proposal as a citizen of Sand Springs. Ms. Bright has a beautiful farm located outside the Sand Springs city limits and she has curated this farm and it is spectacular in all details and appearance. Mr. Fothergill stated that Ms. Bright wants to keep the property as a farm to maintain AG zoning but still have a commercial use on the property. There is a need for this type of business in the Sand Springs area. Mr. Fothergill stated that the Silo Center has something similar to the mentioned overflow parking, because it too has a gravel parking area along with some hard surfaces as well. Mr. Fothergill thinks this will not be something out of the ordinary, the Variance for the parking issue.

Mr. Dillard asked Ms. Bright if she had any animals on the farm. Ms. Bright stated that she has five Scottish Highlander cows and no horses.

Mr. Johnston asked Mr. West if he thought the asphalt milling was better than gravel as far as dust control. Mr. West stated that he has not really noticed but he thinks it may be better in controlling dust.

Comments and Questions:

None.

Board Action:

On **MOTION** of **JOHNSTON**, the Board voted 4-0-1 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; Crall “abstaining”; none “absent”) to **APPROVE** the request for a **Special Exception** to permit a wedding/event venue (Use Unit 2) on an AG zoned property (Section 310). The music is to end at midnight; the hours of operation are not to go past midnight; security is required for all large events; and the business will be operated year-round; for the following property:

BEG 250S NEC NE SE TH W670 S840 W650 S230 E TO SECR NE SE N TO POB SEC 32 19 11 19.89ACS, ANGUS VALLEY FARMS, OF TULSA COUNTY, STATE OF OKLAHOMA

On **MOTION** of **CHARNEY**, the Board voted 4-0-1 (Charney, Dillard, Hutchinson, Johnston “aye”; no “nays”; Crall “abstaining”; none “absent”) to **APPROVE** the request for a **Variance** of the all-weather surface material requirement for parking (Section 1340.D). The Board finds the hardship to be the inward location and the existing gravel lot situated to the west of the tract, and it will not be detrimental to the surrounding tracts or injurious to the public welfare; for the following property:

BEG 250S NEC NE SE TH W670 S840 W650 S230 E TO SECR NE SE N TO POB SEC 32 19 11 19.89ACS, ANGUS VALLEY FARMS, OF TULSA COUNTY, STATE OF OKLAHOMA

Mr. Charney recused and left the meeting at 2:05 P.M.

2651—Joseph R. Farris

Action Requested:

Special Exception to permit Mining and Mineral Processing in an AG District (Section 310). **LOCATION:** 14219 East 66th Street North

Presentation:

Joseph Farris, 2010 East 46th Street South, Tulsa, OK; stated he represents Mr. Travis Cummings of Cummings Land and Cattle Company, which owns the subject property. Mr. Cummings has entered into a lease with Anchor Stone, so they proceed quarrying on the subject property. Mr. Farris stated there are experts in various fields in attendance today in case the Board has technical questions. Mr. Farris referred to the Owasso Land Use Master Plan as prepared by the Community Development Department, particularly Chapter 5, page 5-A. Mr. Farris used an overhead projector during his presentation and placed several documents on the screen for viewing and used a large map for orientation purposes. The plan calls for industrial uses to be targeted around existing patterns of industrial activity including locations of South 5th Street and Main Street, east and west sides of U. S. 169, south of 76th Street North and near existing quarry site near 66th Street North and 129th East Avenue. He believes the Special Exception Mr. Cummings has requested is consistent with the Master Plan as adopted, and contrary to the Resolution of the City of Owasso.

Mr. Crall asked Mr. Farris if he had a hard copy of his presentation and if the Board could have that copy. Mr. Farris answered affirmatively.

Mr. Farris stated the Greenhill Materials area is immediately to the south of Anchor Stone's quarry. The Greenhill quarry is permitted for 751.7 acres up until 2069.

Mr. Farris stated the subject property is 47 acres immediately to the east of the quarry, which is Mr. Cummings property. To the west of Mr. Cummings property is a construction business that builds windows for fast food restaurants, and there is a motocross track on the Coulter property. Mr. Cummings family lives on his property; at least two of his children.

Mr. Farris stated that if the Special Exception is granted will not mean an increase in operations, traffic will continue as it is today, nothing will change in the roadway, all that will happen will the extension of 47 more acres to be quarried. None of the operations will move from the current placement because there is no need to do so.

Mr. Farris played a video of the subject area that was taken by a drone.

Mr. Farris stated that Anchor Stone has been removing lime stone from its permitted area, and the Anchor quarry as it presently exists is entirely in Rogers County, but the Cummings property is in Tulsa County. Operations at the quarry are accessed by loosening the stone by a blast, called shots which are carefully timed, then the loosened rock is hauled by truck to the rock crusher and taken off site. Greenhill Quarry does exactly the same thing.

Mr. Farris stated the hours of operation at the quarry will continue to be from 6:00 A.M. to 5:00 P.M., five days a week; blasting occurs from 8:00 A.M. to 4:00 P.M. The area under consideration will not be moving any closer to the established neighborhoods.

Mr. Farris stated that the shots are performed under the auspices of an independent contractor regulated by the Federal and State authorities, both for Anchor Stone and Greenhill. The explosions are very scientific and regulated; they are timed several thousands of a second apart which causes the blast to interfere with each other and cancel each other out, similar to frequencies. The sharp sounds last for one second and there are 50 shots a year. Mr. Farris stated that noise studies have been submitted to staff for presentation in the Board's agenda packet. The loudest sounds the neighborhood experiences come from the National Guard F-16 jets, Tulsa International flight traffic and the American Airlines runups at night according to the study. Mr. Farris stated that in over 30 years Anchor has not had a claim of damage to property due to vibration. A seismology study shows that the vibrations are well within the statutory and regulatory guidelines. Mr. Farris stated that nothing will change with this application if granted.

Mr. Farris stated that the quarry has existed long before the Master Plan for the City of Owasso was adopted. The City of Owasso says they have made a significant monetary investment for infrastructure in the area, but they do not claim what that is, and it is not in the quarry. The quarry is a quarry and will always be a quarry until it is reclaimed. The Master Plan states that it will directly result in the devaluation of existing homes and significant pending development. Mr. Farris stated the most exclusive neighborhood is Stone Canyon, multi-million-dollar homes, which was built after the quarry was in effect. Mr. Farris stated quarries and mines must have reclamation plans and the reclamation for the quarry calls for the quarry to be filled in with water when it finished. Mr. Farris stated the quarry can be filled in with water artificially or it can be filled over a lengthy period of time with rain water. This same plan is in place for the Greenhill quarry.

Mr. Crall asked Mr. Farris when the Anchor Stone quarry was to be reclaimed and made into a lake. Mr. Farris stated that it will be about 15 years and if today's request is approved it would add about eight years to the plan.

Mr. Farris stated that Anchor Stone is a good neighbor and believes the development has encroached on Anchor rather than vice versa, and that tells the story of how good a neighbor they are. Mr. Farris requests the Special Exception be approved on behalf of Mr. Cummings, so that he may proceed to monetize his property from the lime stone in his area.

Mr. Hutchinson asked Mr. Farris if Anchor Stone had any claims for property damage. Mr. Farris stated that Anchor Stone has not had one claim, but damage claims have been made with Greenhill.

Mr. Hutchinson asked Mr. Farris how far out the vibration study went. Mr. Farris deferred to Mr. Randy Wheeler.

Randy Wheeler, 2401 South Walnut, Joplin, MO; stated that at present there are four permanent stations around the quarry, and one is located at Mr. Cummings property. Distance depends on where the shot is in the quarry at that particular time. They range

anywhere from less than 1,000 feet to over 2,000 feet. In terms of perception people can feel vibrations that are 50 times lower than the State of Oklahoma limit for the quarry. They do not regulate vibration based on perception, vibration is regulated based on damage probability. His company provides services for monitoring blasts to ensure compliance with regulations, and for the purposes of showing what is being recorded in case there is litigation. All the information is provided to the quarry and available to the Department of Mines.

Mr. Crall asked Mr. Wheeler if his measurements could tell when the other company is blasting. Mr. Wheeler answered affirmatively. Mr. Wheeler stated that the company records vibrations from other quarries as well. Mr. Crall asked Mr. Wheeler if his company was also hired by Greenhill. Mr. Wheeler stated they were not.

Mr. Hutchinson asked Mr. Wheeler if in his vibration studies there had ever been any complaints from the utilities, i.e., gas line, water line, etc. Mr. Wheeler stated the gas lines and water lines can withstand even much higher vibration levels than houses, about five times higher. Underground utilities are not susceptible to damage from the vibrating of the earth.

Mr. Johnston asked Mr. Farris what is the likelihood of the quarry filling with water just from surrounding water shed. Mr. Farris stated that it is probably not very good because of the terrain because it is flat, but the plan calls for pumping water into the quarry. Mr. Johnston asked Mr. Farris how long will the pumping last. Mr. Farris stated it will last for as long as it takes to fill the quarry.

Derek Blackshare, Blackshare Environmental, 5121 South Wheeling, Tulsa, OK; stated that he selected two locations to set up a sound meter, one on the north side at the nearest residence and one on the south side. There was a week-long measurement of noise levels and durations, continuously throughout the period. There was personnel present during the daylight hours, from 6:30 A.M. to 8:30 P.M. in June. They recorded events that they saw that peaked on the recorders, i.e., an F-16 jet flying over or commercial air traffic from Tulsa International Airport. Shots from the quarry, at both locations, were recorded. The events were then categorized, and the duration of each event was summarized on a table. Background noise is all other events not specifically categorized, i.e., traffic noise from Highway 169. Noise studies are very sensitive to wind direction, atmospheric conditions, or any number of other sources.

Interested Parties:

Warren Lehr, Owasso City Manager, 7210 North 194th East Avenue, Owasso, OK; stated that Mr. Farris quoted the city's land use master plan, in quoting that he found a segment that says, "near the quarry or other industrial uses". Mr. Lehr assured the Board that statement did not contemplate the site in question. Mr. Farris failed to mention that in the last three land use master plans the subject was planned for residential, single family; it was never anticipated to be an expansion of the industrial intensive use of mining. Mr. Lehr stated that the City of Owasso has had a good relationship with Greenhill and Anchor Stone, and have known that there could be an

expansion between Anchor Stone and Greenhill, which has been discussed over the years, but it was never anticipated the mining area would expand beyond the perimeters of the two areas. Mr. Farris asked about what kind of significant infrastructure development the City of Owasso has done, the infrastructure development is a \$6 million sewer line that is extended from the east side of the city out to 194th East Avenue, which is just north of the subject site. Clearly, the City of Owasso anticipated this area to be used for residential. The last three Land Use Master Plans have called out for the subject site to be used for planned residential. The \$6 million investment of the City of Owasso anticipating that homes in that area would connect to the sewer line, it was never anticipated that the mining area would expand beyond the two areas. In 2014, when the City of Owasso adopted the Long-Range Master Plan it took 18 months to develop the plan and it involved significant public input as well as interviews with various stakeholders in the community. The subject area was looked at and questions were asked, and the land use plan was developed using solid planning principles. Discussions with Anchor Stone in the past and during this time revealed no plans for expansion, and it was anticipated that they would mine their existing property for another 30 years then close an eastern section then make a quarry lake. Years of discussion with Anchor Stone revealed that they would not expand beyond their current boundaries, they might expand within the boundaries between the two quarries but not beyond, and certainly not into the area that the City of Owasso has called out for planned residential for over 30 years. The subject property lies outside Owasso city limits the City obviously has serious concerns about the negative impact that the expansion will promote, and the area is within Owasso's fence line which does give the City of Owasso planning oversight. The Owasso City Council, the Owasso Economic Development Authority, and the Owasso Planning Commission have all passed resolutions that oppose the westward expansion of the existing quarry, and ask the Board of Adjustment to deny today's request. It certainly does not fit with the Grow Owasso 2030 Land Use Master Plan. This area has always been called to be used for residential single-family homes only; residential use being the lowest use impact for development and this type of industrial mining being one of the highest most intense possible uses of the land. The City of Owasso has already had one instance where a 200-lot development cancelled after the development heard of the potential quarry expansion. Expanding the quarry will make it increasingly difficult to develop this area for residential uses and will cost the City millions of dollars in lost revenue and lost development. The quarry expansion will cause continued impact to area residents. State Statutes do state that specific use permits shall be viewed as to its probable affect on adjacent properties and community welfare. The City of Owasso feels that this Special Exception is not in harmony with the physical facts of the area as INCOG Special Exception requirements describe. Owasso believes this will devalue the property of the existing residential property near the expansion location, real estate prices, and development will be affected by an expansion. While Owasso is in favor of development and appreciate the quarry's historical contribution to the area, the City believes in this case that the negative impact associated with expansion to the quarry outweighing potential benefits, the potential impact to Owasso and the surrounding area will be irreparable and will violates Owasso's adopted Land Use Master Plan. Expansion of a mining area is only going to be seen by Owasso's citizens as an

increase and it will run away other developments in one of the most nicely developed areas in the State of Oklahoma. A lot of the development has occurred in anticipation of the quarry lake and in the anticipation of the mining eventually ceasing. The residents are very aware of the mining that is occurring, and they will be very aware of any expansion. Owasso believes the approval of this Special Exception will be incredibly injurious to the surrounding area and the Owasso community as a whole. The City of Owasso respectfully requests the Board of Adjustment to deny application 2651.

Mr. Hutchinson asked Mr. Lehr if he heard correctly, that in 2014 the City of Owasso was in talks with Anchor Stone as well as Greenhill about any future expansion, and there was none mentioned at that time. Mr. Lehr stated that the City of Owasso has always understood that there might be some expansion between the two quarries but never outside of the perimeter of those two areas. Mr. Hutchinson asked Mr. Lehr to reiterate his statement about the City Commission, the Economic Development Authority and the Planning Commission. Mr. Lehr stated that the Owasso City Council, the Planning Commission and the Owasso Economic Development Authority have all passed resolutions in opposition to an Exception for expanding the mining.

Mr. Crall asked Mr. Lehr how many thousands of acres are within the Owasso fence line. Mr. Lehr deferred to Mr. Bronce Stephenson.

Bronce Stephenson, City of Owasso Director of Community Development, 8913 North 121st East Avenue, Owasso, OK; stated the fence line currently encompasses about 16 square miles and goes to East 66th Street North. Going back to the original land use plan, created by INCOG in the 1970s, never has the subject area been planned for industrial type development.

Mr. Johnston asked Mr. Stephenson when the zoning for the subject site will take place since it is in the fence line. Mr. Stephenson stated the City of Owasso spoke against the rezoning of the subject property a little over a year ago at the Tulsa Metropolitan Area Planning Commission. It was zoned residential then down zoned to agriculture. Mr. Johnston asked Mr. Stephenson if that meant he was fighting for RS-3 but were denied. Mr. Stephenson stated the City of Owasso has never tried to rezone the subject property not being in Owasso's city limits, but his suggestion would be for RS-3 all the way up to Residential Estate type development. When the City of Owasso brought a sewer line to the area it was in preparation for thousands of acres of residential development. This is an area around Stone Canyon specifically planned for residential development and the City of Owasso does not foresee a great deal of heavy commercial development in the area.

Mr. Hutchinson asked Mr. Stephenson if the \$6 million sewer line was in anticipation of picking up some of the subject property. Mr. Stephenson answered affirmatively.

Mr. Crall asked Mr. Stephenson if the new sewer line is on the south side of Owasso's city limits. Mr. Stephenson answered affirmatively and stated that it runs north of the quarry into the Stone Canyon area, and it currently serves Stone Canyon Elementary

and the church. Mr. Crall asked Mr. Stephenson if part of the quarry was in Owasso city limits. Mr. Stephenson stated that it is not.

Gary Akin, President/CEO of Owasso Chamber of Commerce, 315 South Cedar, Owasso, OK; stated he appears before the Board today on behalf of the Owasso Chamber of Commerce Board of Directors. The Chamber Board has passed a resolution opposing expanding mining operations in relation to today's Tulsa County Board of Adjustment case, CBOA-2651. The Owasso Chamber believes the following to be true. The expanded mining operations being requested will be detrimental to the economic developmental efforts of Owasso by negatively impacting current and future residential developments. Expanding the mining operation is contrary to the Grow Owasso 2030 Land Use Master Plan adopted in 2014, that calls for this area to be used for single family homes and agricultural use. The Chamber, Owasso citizenry, and City officials were all involved in shaping and passing this long-range plan for the purpose of bettering the City's neighborhoods, stimulating investment opportunities, and advancing future economic development programs. An expanded mining operation is an intrusive industrial use of the property and will cause a negative impact to area residents; blasting, truck traffic, increased dust, noise and vibration while stymying future residential development. The Owasso Chamber of Commerce supports business expansions that create new jobs, promote economic prosperity, creates new wealth in the City and promotes appreciation of property values for the local home owners. Respectfully, the expanded mining operations will do none of the above therefore the Owasso Chamber of Commerce opposes Tulsa County Board of Adjustment Case CBOA-2651.

Mr. Hutchinson asked Mr. Akin if the Owasso Chamber Board of Directors voted against this expansion. Mr. Akin answered affirmatively. Mr. Hutchinson asked Mr. Akin how many members are on the Chamber Board. Mr. Akin stated there are 18 members and it does require a minimum of 75% to pass a resolution.

Mr. Dillard informed the Board and the audience that it was paramount that he leaves the meeting at 3:30 P.M.

Nancy Cook, PMB 104, 8703-R North Owasso Expressway, (13601 East 66th Street North), Owasso, OK; stated she is a concerned land owner. Ms. Cook stated she did not receive a letter and believes by law she should have received a letter regarding this hearing. Ms. Cook stated that she built her house in 2004 and has 13 acres which is zoned agriculture. Owasso grows despite the rock quarry and there are houses all around. Ms. Cook presented pictures to the Board. The rock quarry has failed to inform the Board of a fire that was there in October 2015, and the lack of water to extinguish the fire.

Mr. Crall asked Ms. Cook if the fire happened at the quarry. Ms. Cook answered affirmatively. Mr. Crall asked Ms. Cook what was burning. Ms. Cook stated that it was asphalt.

Ms. Cook stated there are a lot of contradictions as to what the attorneys have presented and what a good neighbor the rock quarry has been. It was stated that the rock quarry donated stone to the church in the area. She was on the church Board and the quarry was going to give the church junk stone, and the church had to purchase the gravel from them. The traffic on 66th Street North has grown so much that the City of Owasso has erected signs saying truck traffic cannot travel north on 129th East or on 76th Street North in an attempt to detour the traffic. Ms. Cook stated that when she built her house it was her understanding that the rock quarry was going to close, which has been open for over 40 years and actively mining. She still sees no end in sight. While the attorney says there would be no increase in production she believes that is because that part is about to close, and they need a new place to start blasting for stone, so they can maintain their status quo. Ms. Cook stated that she also has news articles showing that Rogers County fought this, and at 145th East is Stone Canyon and the agreement was that there was to be nothing new except between the two quarries. Greenhill is on the Port Road so there is a natural barrier of a cliff and a hill between that quarry, and all the residential area. There are not a lot of houses near the quarry because everyone bought there to have acreage. It was her understanding when she purchased her property and built her house that the area was to be agricultural, and that is the quality of life that she was attracted to in the Owasso community. She agrees with the Owasso Board that it goes against the quality of life for the entire community, but, those people that have invested hundreds of thousands of dollars and built very nice houses fairly close to the rock quarry not anticipating that the land would be rezoned. It is her hope that this Board will reject this Special Exception to allow mining on the subject property. Ms. Cook stated that the attorney may say there have been no damage claims, but she can show houses that have been damaged by years of blasting. The attorney stated that the perception might change, perception is reality in the case of home owners many times and the quality of life certainly does not go along with the perception.

Mr. Hutchinson reminded the applicant and the audience that Mr. Dillard must leave the meeting at 3:30 P.M.

Rebuttal:

Joseph Farris came forward and stated that the difference what the Board has heard is the difference between a data driven argument and an emotional argument. He anticipated these arguments and that is why the quarry went to the expense of having all the studies performed. The aerial photos between 1976 and now show growth in the area, notably Stone Canyon.

Mr. Hutchinson asked Mr. Farris if he was saying the quarry is a positive impact on the area. Mr. Farris stated that he is saying it is definitely not a negative impact. The pictures speak for themselves.

Mr. Farris stated that Oklahoma still has a lot of land to build houses, so if it so bad why would they build exclusive houses so close to the quarry. There is not proof that it harmful to property values. Property values have been as good around the quarry as anywhere else. Mr. Farris stated that Ms. Cook stated she could show damage to houses, but there have been no claims. Blasting is by law called an ultra-hazardous activity, and if that activity causes damage to property or persons the one performing the ultra-hazardous activity gets out his checkbook. That has not happened in the 40 years the quarry has been in operation. Mr. Farris stated that the fire Ms. Cook referred to in October 2015 was from an asphalt plant that Anchor Stone had there, and there is no asphalt plant any longer. There is no access to 76th Street North directly from the quarry. An AG area is a matter of right; people can have two of the obnoxious offensive uses as a matter of right in an AG zoned area, so AG does not guarantee anyone that they will be free from any conflict. Blasting noise and vibration has been addressed and have shown that the quarry is by far not offending any of the area. The site for Stone Canyon would not have been picked and they would not have sold million-dollar houses, and built the world class golf course if the quarry was truly an offensive use. The proof is simply not there.

Mr. Hutchinson asked Mr. Farris to address Mr. Lehr's comments about the City of Owasso visiting with Anchor Stone and Greenhill about the future of the subject site, and nothing was mentioned about the expansion. Mr. Farris stated that Mr. Lehr actually said they never expected the area to be developed; Mr. Farris stated that the quarry never told him that or say that. Clearly Greenhill is going to mine as long as it is economical to do so. Mr. Hutchinson asked Mr. Farris if there were any plans for future sites. Mr. Farris stated there are no plans because this area is where the limestone is located.

Mr. Crall asked Mr. Farris if he represented Anchor Stone at the time the zoning was changed. Mr. Farris stated that he does not know what the historical zoning has been, all he knows is that it is zoned AG currently.

Mr. Crall asked staff if there was confirmation that the zoning was recently changed. Ms. Miller stated the case went to the Tulsa Area Metropolitan Planning Commission and Mr. Stephenson spoke to the Planning Commission. Mr. Crall asked Mr. Stephenson if he remembered the reasoning of why the area went to agricultural. Mr. Stephenson stated that an application had been submitted in 2015 to the Board of Adjustment at the time and it was taken off the agenda. There was an application in 2016 that was taken off the agenda right after the fire.

Dennis Phillips, 13415 East 66th Street North, Owasso, OK; stated he is a banker in Owasso and he would like to address a couple of items as a homeowner because it affects him personally. Mr. Phillips stated that he believes the City of Owasso has

proven that the quarry is in violation of the Owasso Land Use Master Plan. He can attest there are signs in place on 66th Street North and 129th East Avenue discouraging truck traffic because of the increase in truck traffic because he sees it in front of his house every day. A quick Google search will find lots of studies regarding the impact of mining and quarry operations on house values; in 2014 there was a study that says up to a mile away there is a 15% drop in value and within 3/8 of a mile it is a 25% drop in value. Mr. Phillips stated that there is data and facts that support the decrease in property values. Mr. Phillips stated he has lived in his house for two years and he bought under the understanding that the quarry would never expand west of 145th East Avenue. He would argue that there is data on home valuations and there is evidence of that when the housing development was withdrawn from the area.

Tommy Coulter, 13711 East 66th Street North, Owasso, OK; stated he owns the property adjacent to the proposed site making him the closest and immediate neighbor. His moved to the area in 1989 and the quarry was there. The expansion is the issue. It is intrusive living next to the quarry, but to have them encroach where they would be completely bordering his property is a different story. There is no doubt in his mind that quarry expansion will decrease his property value. They may be safe and run everything within regulations, but there are safety concerns. When the quarry opened they knew there was a finite amount of rock in the area, and every year they know how much rock there is left in that hole. Mr. Coulter asked the Board to deny this request.

Mr. Farris came forward and stated that Mr. Coulter has a manufacturing business on his property, and a motocross track. Sometimes neighbors are not as quiet as they think they are.

Comments and Questions:

Mr. Johnston stated that he has trouble supporting this request. The City of Owasso has shown a legitimate intent to develop the area into residential. He understands the problem but there is a lot of investment around that needs to be considered.

Mr. Hutchinson stated that he cannot support this request knowing the City of Owasso has spent \$6 million dollars with plans of someday recouping the expenses on the sewer.

Mr. Crall believes the area the quarry went in may have been compatible at one time, obviously it is not compatible today. This is the first time he has seen residential and city government all agree on everything. This is a disagreement and he does not know if it could ever be in harmony. He does have concerns about the zoning change that now requires the need for a Special Exception, but he thinks that is irrelevant. When the quarry starts expanding outside of the footprint is what is creating the issue. Mr. Crall stated that he will vote against the request.

Mr. Dillard stated he is the odd man out. He can support today's request. The reason he can support the request is because this is adjacent land, and there is 700 acres across the street, 47 acres under discussion, and 16 square miles in Owasso. There is

not a person here that is not affected by limestone because it is needed. He can support the land use for mining.

Board Action:

On **MOTION** of HUTCHINSON, the Board voted 3-1-0 (Crall, Hutchinson, Johnston "aye"; Dillard "nay"; no "abstentions"; Charney "absent") to **DENY** the request for a **Special Exception** to permit Mining and Mineral Processing in an AG District (Section 310); for the following property:

A Tract of Land that is part of the Southeast Quarter (SE/4) of Section 33, Township 21 North, Range 14 East, of the Indian Base and Meridian in Tulsa County, State of Oklahoma, and more particularly described as follows: beginning at the NE corner of the SE/4; thence S 00°00'30" E and along the E line of Said SE/4 1172.47 ft.; thence N 89°29'52" W a distance of 1035.24 ft.; thence S 00°34'19" W a distance of 407.68 ft.; thence N 89°50'50" W a distance of 99.79 ft.; thence S 01°21'52" W a distance of 28.51 ft.; thence 89°59'13" W a distance of 596.09 ft.; thence N 00°23'28" E a distance of 937.68 ft. to a point on the N line of the South Half of the NW/4 of the SE/4; thence N 89°56'07" and along said N line a distance of 405.85 ft. to a point in the west line of the East Half of the SE/4; thence N 00°02'37" E and along said west line a distance of 659.67 ft. to a point on the north line of the SE/4; thence 89°55'04" E and along said north line a distance of 1322.90 ft. to the Point of Beginning, OF TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD COMMENTS

None.

There being no further business, the meeting adjourned at 3:32 p.m.

Date approved:

12/19/17
Donald E. Charney
Chair