

AGENDA
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday, March 16, 2021, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room

Meeting No. 492

The Tulsa County Board of Adjustment will be held in the St. Francis Room in Williams Tower I and by videoconferencing and teleconferencing.

Board of Adjustment members, applicants and members of the public are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet, or smartphone.

Attend in Person: Williams Tower I, St. Francis Room, 1st Floor
1 W. 3rd St., Tulsa, Oklahoma

Attend Virtually: <https://us02web.zoom.us/j/83965599184>

Attend by Phone: 1-312-626-6799 Meeting ID: 839 6559 9184

Additional Directions: During the meeting, if you are participating through ZOOM and wish to speak on an item, please send your name and the case number via the ZOOM chat. If you are dialing in on a phone, wait for the item to be called and speak up when the Chair asks for any interested parties.

The following County Board of Adjustment members plan to attend remotely via ZOOM, provided that they may still be permitted to appear and attend at the meeting site, St. Francis Room, Williams Tower I, 1 West 3rd Street, Tulsa Oklahoma: David Charney, Don Hutchinson, Don Crall, Larry Johnston, and William Tisdale

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of January 19, 2021 (Meeting No. 490).

UNFINISHED BUSINESS

2. **2857—Rick Clark**
~~Use Variance to allow (Use Unit 23—Section 23) storage of personal items; and Variance to allow the total combined floor area of accessory buildings to exceed~~

750 SF in the RS district (Section 240.2-E). **Updated to read:** Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in an RS District (Section 240.2-E); Variance to permit a detached accessory building in the front yard in an RS District (Section 420.2-A.2). **LOCATION:** 11802 East 140th Street North

3. **2866—McKenzie Vermillion & Robert Hopper**
Special Exception to permit a Horticulture Nursery in an AG-R District (Section 310, Table 1). **LOCATION:** 13818 North 92nd East Avenue

NEW APPLICATIONS

4. **2872—Gary Young**
Variance to allow two dwelling units on a single lot of record in an AG-R District (Section 208); Special Exception to permit a mobile home in an AG-R District (Section 310, Table 1) **LOCATION:** 25024 West 41st Street South
5. **2873—Frank Westbrook**
Special Exception permit a fence to exceed 4 feet in height in the front yard setback (Section 240.2). **LOCATION:** 9752 North Sheridan Road East
6. **2874—Jeremy & Elizabeth Morris & Joshua Glovatsky**
Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** North and East of the NE/c of West 41st Street South & South 249th West Avenue
7. **2875—Frank Pattison**
Special Exception for Use Unit 2 – Area Wide Special Exception Uses – for a wedding and event venue in an AG District (Section 1202); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 23425 West Coyote Trail
8. **2877—Linda Fitzpatrick**
Variance to allow two dwelling units on a single lot of record in an AG District (Section 208). **LOCATION:** 20024 South Yale Avenue
9. **2878—Tanner Bemies**
Special Exception to permit Use Unit 24 – Mining and Mineral Processing (Section 1224) – to extend the time limit to allow native soils to be mined in an AG District (Section 310, Table 1). **LOCATION:** 10335 East 161st Street South

10. 2876—Cody Zickefoose

Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG District to permit the construction of a single-family home and lot split (Section 207). **LOCATION:** 784 East 165th Street South

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

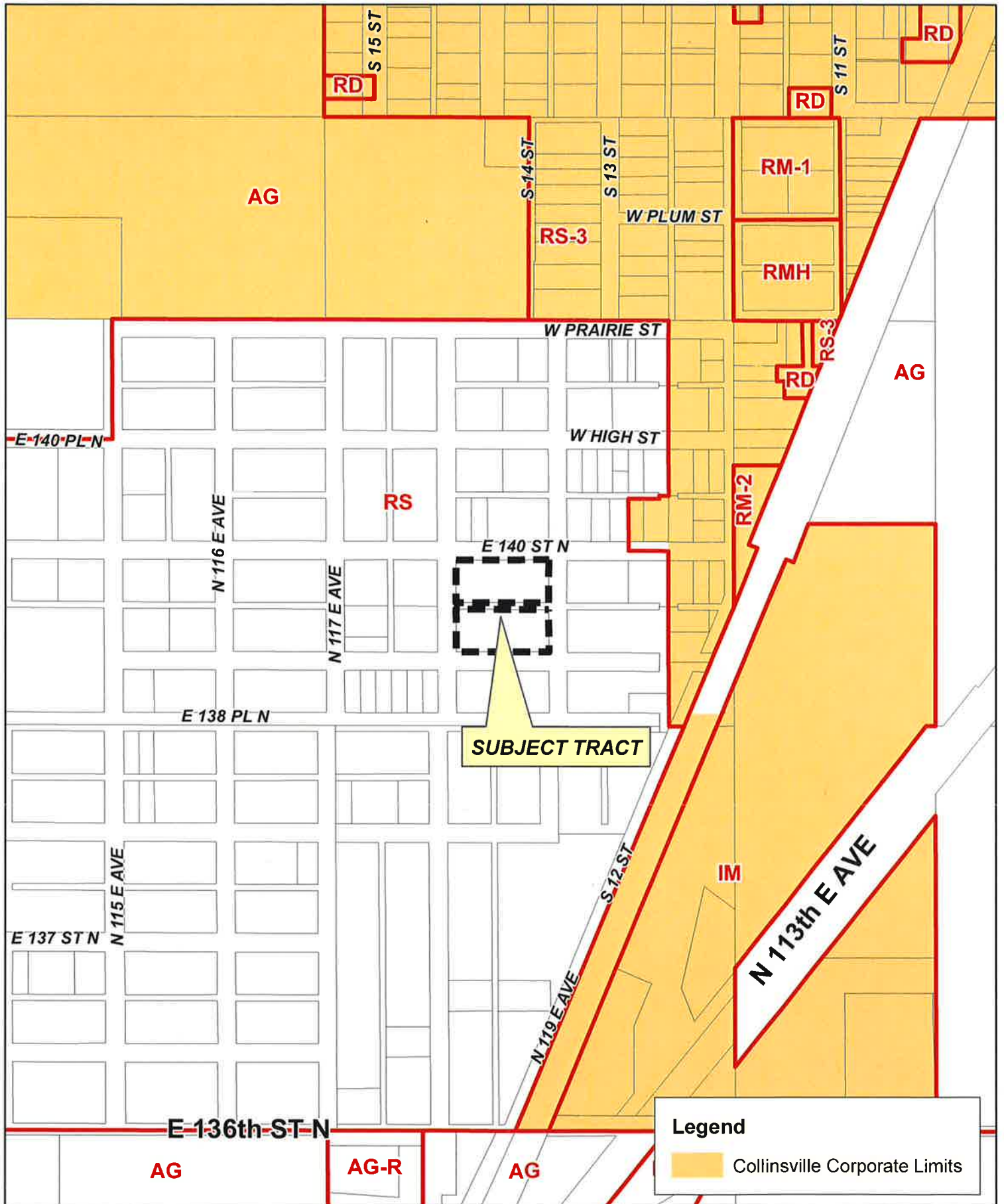
Website: tulsaplanning.org

E-mail: esubmit@incog.org

If you require special accommodations pursuant to the Americans with Disabilities Act, please call 918-584-7526.

NOTE: Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at the Tulsa Planning Office at INCOG. All electronic devices must be silenced during the Board of Adjustment meeting.

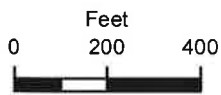
NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.



CBOA-2857

22-14 29

2.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2429

CASE NUMBER: CBOA-2857

CZM: 75

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: Rick Clark

ACTION REQUESTED: New Request: Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in an RS district (Section 240.2-E); and a Variance to permit a detached accessory building in the front yard in an RS district (Section 420.2-A.2).

Original Request: Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; and Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E)

LOCATION: 11802 E. 140th St. N.

ZONED: RS

FENCELINE: Collinsville

PRESENT USE: Vacant

TRACT SIZE: 1.93 acres

LEGAL DESCRIPTION: LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS zoning in all directions. It is located in a rural area with both residential uses and vacant properties.

STAFF COMMENTS:

New Comments:

2/16/2021 Meeting was cancelled and rescheduled to 3/16/2021.

Request for a continuance until 2/16/2021 was approved at the 1/19/2021 meeting. The applicant has submitted a new site plan to include a 30' x 40' shop in the front yard. The case was re-noticed with the change in request.

Comments for 01.19.2021:

The applicant has requested a continuance to the 2/16/2021 meeting. He is still working with the county to place a double-wide mobile home on the property. He has an existing right-of way that runs through his property, so he is also working with the county engineer's office to request that the right-of-way be closed. According to the new site plan, we will need to re-notice for the February meeting due to the applicant's request to place the accessory building in the front yard. It will require further action from the Board as accessory buildings are not allowed by right in the front or side yards. The Use Variance to allow storage of personal items will not be required as the new

2.2

single-family dwelling unit would allow storage of personal items by right. The new request will be the following:

Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E); and Variance to permit a detached accessory building in the front yard in an RS district (Section 420.2-A.2).

Comments for 12.15.20:

The case was continued 60 days, until 12/15/2020 to give the applicant time to make plans for the house he would build on the property and to submit a site plan showing the new residence.

The applicant has informed staff that he is looking into purchasing a double-wide manufactured home to place on the property. He is also planning to reduce the size of the accessory structure to approximately 1,600 square feet (see attached email).

Original Comments:

The applicant is before the Board requesting a Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; and Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E).

A Use Variance is required because a storage facility (Use Unit 23) is a use that is prohibited in the RS district. As a safeguard for the surrounding neighborhood, the Code requires that a screening fence or wall be constructed along the lot line(s) in common with an R-zoned lot.

The applicant provided the following statement:

"I purchased this property from my Parents to build a retirement living situation. I am 61 and am looking to retire on this piece of land in the next few years. The building currently being planned is solely to store personal items and to utilize for my retirement. At some point there will be a home built on this same property for my personal use within the next few years. The planned building is the minimum size requirement needed to hold my personal belongings. This space will also be utilized to allow remodel of my current home during the remodel proceedings.

The planned structure will be purposely hidden from view from the road. This is desirable feature to deter theft and keep privacy to a maximum.

The placement for the proposed building is as far south on the property as it can be placed due to terrain a terrain issue. The property features a steep hillside slope.

The properties surrounding this location are a diverse mix of metal buildings, houses, and farmland with livestock. Located within site of this property are multiple large, residential structures similar to the proposed building, all being used for similar situations.

There are no issues in the foreseeable future that would be a detriment to the surrounding property owners.

Also, properties surrounding this location are at least one acre and have houses built on them. It would not be feasible for residential tract development.

Located 0.4 miles and adjacent cross ways to the east from this property is a large metal structure. There are also two very large commercial businesses within a half a mile of this location that are far larger than this proposed personal use building."

Section 240.2.E permits accessory buildings in the RS district up to 750 SF of floor area. The provision of the Code attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures. According to the site plan, the proposed building will be 40' x 80' (3,200 SF).

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use is compatible with the surrounding area. The Board may consider prohibiting outside storage of materials or personal items on the lot.

Sample Motion:

"Move to _____ (approve/deny) a Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in an RS district (Section 240.2-E); and a Variance to permit a detached accessory building in the front yard in an RS district (Section 420.2-A.2).

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan."

Action Requested:

Use Variance to allow storage of personal items (Use Unit 23 - Section 1223);
Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E). **LOCATION:** 11802 East 140th Street North

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Crall, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; Charney "absent") to **CONTINUE** the request for a Use Variance to allow storage of personal items (Use Unit 23 - Section 1223); Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E) to the January 19, 2021 Board of Adjustment meeting; for the following property:

LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

FILE COPY

2857—Rick Clark

Action Requested:

Use Variance to allow storage of personal items (Use Unit 23 - Section 1223);
Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E). **LOCATION:** 11802 East 140th Street North

Presentation:

The applicant was not present. Mr. Hutchinson moved this case to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time; for the following property:

LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2859—Canady Trailers – Devon Rogers

Action Requested:

Variance from the all-weather parking surface requirement (Section 1340.D).
LOCATION: 11415 West. 61st Street South

Presentation:

Devon Rogers, 9333 West 51st Street, Tulsa, OK; stated he would like to build a new retail facility on the subject property. There are a lot of customers that bring in trailers for repair and they are occasionally dragging a hub, a wheel, or an axle on the ground and if there had to be concrete or asphalt that action would severely damage the material. All of the surrounding businesses in the area have gravel lots to park their equipment. Mr. Rogers stated that his product would be open utility trailers that weigh from 1,000 pounds up to 8,000 pounds. Mr. Rogers stated that he has had gravel lots at his other locations and it works out very well. He maintains those lots with a grader

FILE COPY

2857—Rick Clark

Action Requested:

Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items;
Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E). **LOCATION:** 11802 East 140th Street North

Mr. Hutchinson recused and left the meeting at 3:53 P.M.

Presentation:

Rick Clark, 10517 East 136th Street, Collinsville, OK; stated he purchased this three acres from his parents and wants to build his retirement home on the property; currently he lives a mile away. His plan and desire is to build a 40 x 80 pole barn for his own use to store building materials in to build the future house and there would be no commercial use. Mr. Clark stated he has spoken to four of the closest neighbors and they have no objections to this proposal. The only objection that he is aware of is the e-mail that was sent yesterday from a property to the south that no one lives in and no one has lived in it for about 20 years. The area is considered agricultural.

Mr. Charney stated that very often accessory buildings are accessory to a dwelling. The Board has often struggled with requests to build the accessory building first because it is not accessory to anything yet. Mr. Clark stated he lives a mile away and this will be a gradual process of transitioning his belongings. He may be doing the process in reverse order, but he really needs to have a place to store building materials and personal items.

Mr. Charney stated that if a building is accessory to a residence in a residentially zoned area on large tracts, he does not know if the Board has granted this to be done before the house.

Ms. Miller stated the Use Variance is to address that issue. A Use Variance is to allow the storage of personal items, so that addresses the fact that this would be storage. It is interesting that the second request is for an accessory building. Ms. Robi Jones stated that due to the size of the building the accessory building Variance had to be requested. Ms. Miller asked Ms. Jones if she had to request the Use Variance because there was not an existing house on the property. Ms. Jones answered affirmatively, that was the only thing that could be requested. Ms. Miller stated that even though this is not an accessory building it is still an RS District and that is a safe request if there is to be a future residence.

Mr. Clark stated that he would be wasting the Board's time and his money if he did not build a house on the property. He has no other use for the property other than to live on it. If he puts a building on it with the intent of reselling it, he thinks it would be a negative gain.

CBOA-2857

FILE COPY

Mr. Johnston stated that he does not know if he can be in favor of this request, but one point to be made is that the applicant could invest in a set of plans that show what he plans to build, present a site plan to show where the house and building are to be located, but he could not promise the Board would approve the request at that point. A financial commitment, even if it is toward a house plan, in showing how this would fit on the site overall would help.

Mr. Tisdale stated the concern he has the proximity of how close the applicant lives to the property now, there is no incentive to move quickly. He is not questioning the applicant's integrity but taking into consideration the proximity of the applicant's current residence.

Mr. Charney stated that normally when the Board approves accessory buildings that are larger the Board is provided the whole site plan; where does the house sit, where is the ingress and egress, what is the drive back to the accessory building in conjunction with the residence. What the Board has now is just an indication of how this particular 40 x 80 structure would be situated on the property. The Board is hesitant to grant a request for a building in a residential location not knowing where the building is actually placed, what it looks like, where the ingress/egress is in relation to the house and the building, etc.

Mr. Clark stated that he has already committed to a realtor to sell his existing house so he can pay for the new house and the new building. The only reason he has not fully committed is because he does not know how long it will take to sell his existing house, even the realtor says it is a great market.

Mr. Charney stated that an option might be a continuance so a site plan can be brought back to the Board for review.

Interested Parties:

Angela Jackson and Richard Tanner, 2417 Avenue M, Galveston, TX; stated she submitted an e-mail stating objections to the request. Ms. Jackson stated her father is the landowner to the south of the subject site. This appears to be a warehouse for storage that is much larger than the allowed. She does not want a warehouse in a residential area.

Rebuttal:

Rick Clark came forward and stated that the Tanner property has been vacant for at least 20 years and it is severely depleted. Mr. Clark stated that he does not understand how someone that has lived in Galveston for the last 29 years can have an objection to his request.

CBOA-2857

FILE COPY

Comments and Questions:

Mr. Johnston stated that if the Board approves this request and something happens to Mr. Clark or his situation and the house is never built, then what happens? That is a major concern. He would prefer Mr. Clark request a continuance.

Mr. Charney and Mr. Tisdale agreed.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-1 (Charney, Johnston, Tisdale "aye"; no "nays"; Hutchinson "abstaining"; Crall "absent") to **CONTINUE** the request for a Use Variance to allow (Use Unit 23 - Section 1223) storage of personal items; Variance to allow the total combined floor area of accessory buildings to exceed 750 square feet in the RS District (Section 240.2-E) to the December 15, 2020 Board of Adjustment meeting; for the following property:

LTS 1 TO 12 INCL BLK 17, HIGHLAND PARK ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

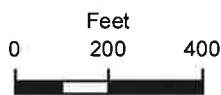
Mr. Hutchinson re-entered the meeting at 4:21 P.M.

OTHER BUSINESS

Review and approval of the 2021 meeting schedule.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hutchinson, Johnston, Tisdale "aye"; no "nays"; no "abstentions"; Crall absent) to **APPROVE** the 2021 calendar schedule for the Board of Adjustment meeting.



 Subject Tract

CBOA-2857

Note: Graphic overlays may not precisely align with physical features on the ground

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Aerial Photo Date: February 2018

2.10



Looking south at subject property from East 140th Street North



Looking slightly southeast into the subject property from East 140th Street North



Looking east down East 140th Street North from the subject property



Looking west down East 140th Street North from the subject property



Aerial view looking south onto the (approximate) subject property from E. 140th St. N.

Jones, Robi

From: Rick <clarkrick@yahoo.com>
Sent: Thursday, December 31, 2020 11:02 AM
To: Jones, Robi
Subject: Re: CBOA-2857

I submitted a request for a double wide this week to Lucky. I don't know what a lot combination is therefore I haven't applied for one. Do I need to ? My shop size will be sized down to approximately 1200-2000 square feet. I really need another extension into February so I can firm the details up. Is it possible ? I've been distracted due to the murder of my son on Thanksgiving and taking care of my elderly parents. Thank you for checking on me.

[Sent from Yahoo Mail on Android](#)

On Thu, Dec 31, 2020 at 10:46 AM, Jones, Robi <rjones@incog.org> wrote:

I am working on updating the case. Have you applied for a lot combination? Were you able to place a double-wide mobile home on the property?

Thanks,

Robi



Robi Jones

Community Planner

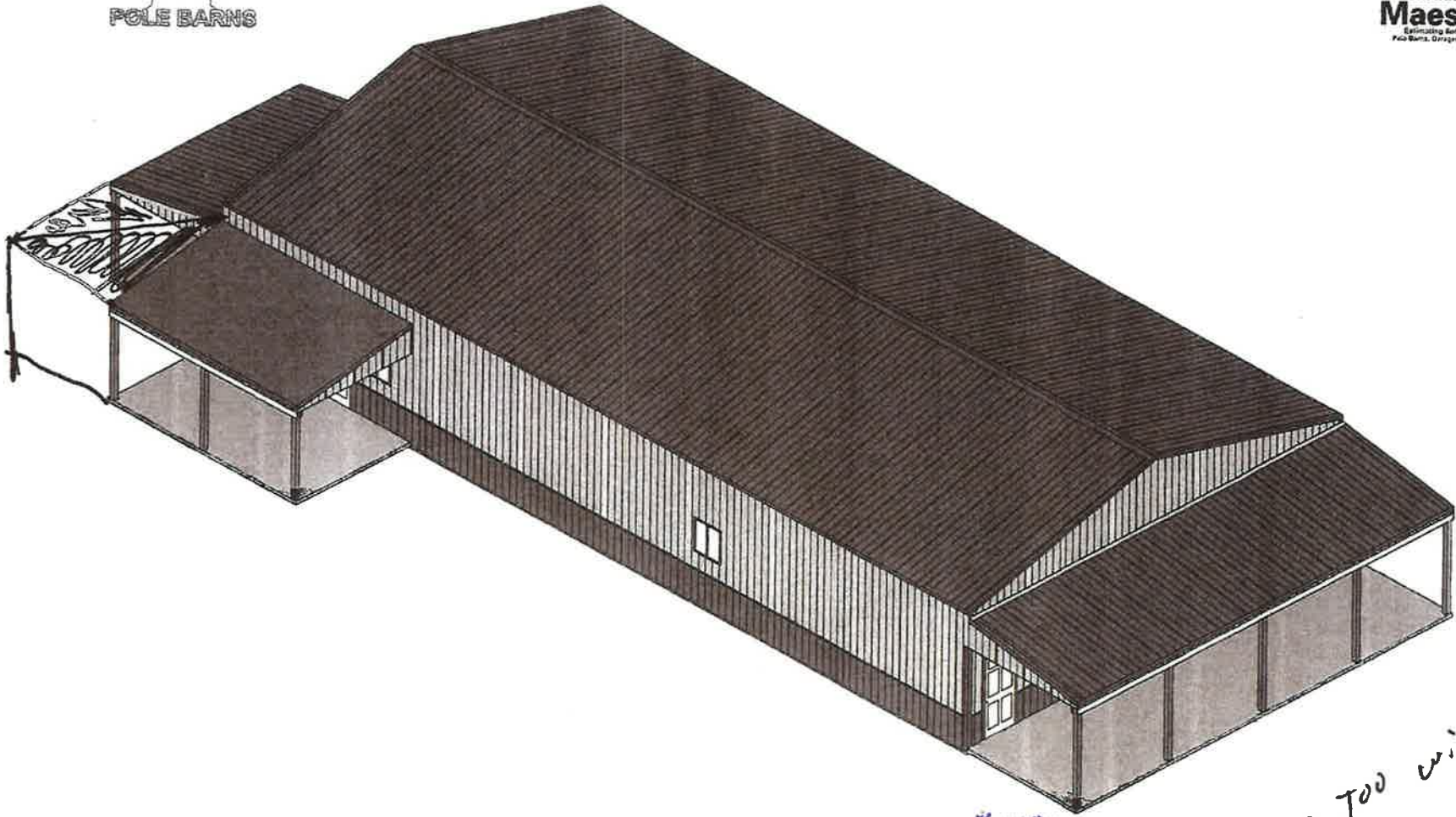
County Board of Adjustment Administrator

Tulsa Planning Office

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9472

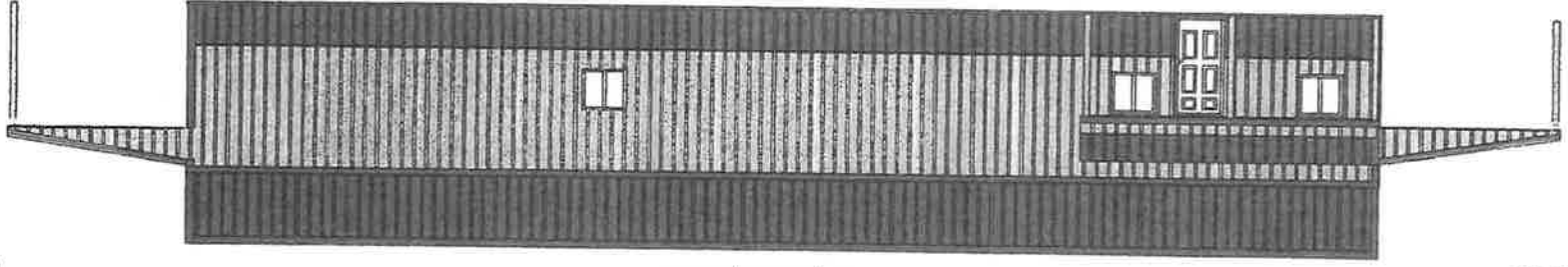
rjones@incog.org



MOVE
ENTRY
DOOR
WEST
UNDER
CANOPY

This beam too will only be
20'
centered on
40' wall

2.14



EAST SIDE-FAVOR SIDE 2 ELEVATION

Maestro
Architectural



Client
with Schedule 17
2007



Jones, Robi

From: Rick <clarkrick@yahoo.com>
Sent: Wednesday, September 23, 2020 11:16 PM
To: Jones, Robi
Subject: Clark variances

I drove around within a half mile of my property and found several apparent zoning violations. The single wide mobile home was just delivered yesterday (?) to 11426 E 137th St. It previously had a house on it. The photo of the 3 horses were taken from the spot I want to construct my pole barn looking east across our shared fence. Their home is a manufactured double wide. Roberts at 11914 E 140th St, zoned residential. Also in the photograph you can see the fire department (metal building) , the Storm Safe Rooms company, J&K Equipment and Collinsville Livestock Sales. Please take these into consideration for my application, I will be sending more in the next few days. Thank you, Rick Clark





2.19

Sparger, Janet

From: RONALD JACKSON <ronjack18@hotmail.com>
Sent: Monday, October 19, 2020 11:38 AM
To: esubmit; riones@incog.org
Subject: Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

TO: Board of Adjustment, County of Tulsa, Oklahoma

From: Richard P. Tanner, Owner of adjacent property at 1202 S. 12th Street, Collinsville, Oklahoma

Subject: Use Variance to allow (Use Unit 23-Section 1223) storage of personal items; and variance to allow total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E) at 11802 E. 140th St. N., Collinsville Oklahoma.

Good Afternoon Board Members and interested parties:

As owner of the property directly south of the subject lots, I strongly oppose the approval of this variance application to allow Mr. Clark to build a 3,200 square feet warehouse and required off street parking in the middle of this zoned residential (RS) neighborhood.

Use Unit 12-Section 1223 describes warehousing adjacent to a central business district, in industrial parks and port areas. These two lots are not abutting the boundary of our residential district. The lots are right in the middle of the neighborhood and have many residential homes surrounding the proposed site of the warehouse. At 3,200 square feet, the warehouse is 4.3 times larger than the 750 square feet limit. A screening wall will not block out the noise and disruption to the tranquility of our neighborhood.

Approving this variance request will violate several provisions of Chapter 4 Section 400 Purposes of Residential Districts:

400.1 General Provisions

The Residential Districts are designed to:

- A. Achieve the residential objectives of the Comprehensive Plan.
- B. Protect the character of residential areas by excluding inharmonious commercial and industrial activities.
- D. Preserve openness of the living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting bulk structures.

400.3 Purposes of the RS Residential Single-Family District

The RS District is designed to permit and conserve single-family detached dwellings in suitable environments at urban densities.

Specifically to my property, the lots sit at a much higher elevation than mine. Erecting a 3,200 square feet warehouse with required driveways and parking will turn these lots into impervious land that will adversely affect the flow of rainwater onto and flooding my property.

I urge the board to deny Mr. Clark's variance application and allow our neighborhood to remain a residential area.

Thank you for your time and consideration,
Richard P. Tanner
2417 Avenue M
Galveston Tx. 77550

Agent in Fact:
Angela Jackson
2417 Avenue M
Galveston Tx. 77550
713-927-0032

Sparger, Janet

From: Jones, Robi
Sent: Tuesday, October 20, 2020 8:45 AM
To: David Charney; don.crall@tulsacc.edu; Don Hutchinson; William Tisdale; lwjslj@sbcglobal.net
Cc: Miller, Susan; Sparger, Janet; ttosh@tulsacounty.org; James Rea
Subject: FW: Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

From: Rick <clarkrick@yahoo.com>
Sent: Monday, October 19, 2020 11:24 PM
To: Jones, Robi <rjones@incog.org>
Subject: Re: Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

Please enclose these photos of the abandoned home of the Tanner property. The roof appears to be in disrepair and the home has been empty many years. It appears the only objection has been by someone who doesn't take care of their own property and has grossly misrepresented my plans for my pole barn by calling it a warehouse





2.24



Sent from Yahoo Mail on Android

On Mon, Oct 19, 2020 at 1:29 PM, Rick
<clarkrick@yahoo.com> wrote:

The Tanner property has sat empty for longer than I can remember. 30 years ? And Mr Tanner is around 90 years of age and last time I talked with him approximately 2 years ago he was living in Sand Springs. There are numerous abandoned automobiles and equipment in disrepair. I strongly suspect the objection was sent by his daughter who I've been told lives in Galveston.

Sent from Yahoo Mail on Android

On Mon, Oct 19, 2020 at 1:11 PM, Jones, Robi
<rjones@incog.org> wrote:

This email arrived today and will be forwarded to the Board.



Robi Jones

Community Planner

County Board of Adjustment Administrator

Tulsa Planning Office

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9472

rjones@incog.org

From: RONALD JACKSON <ronjack18@hotmail.com>

Sent: Monday, October 19, 2020 11:38 AM

To: esubmit <esubmit@incog.org>; rjones@incog.org

Subject: Subject: Objection to Case Number: CBOA-2857, Applicant Rick Clark

TO: Board of Adjustment, County of Tulsa, Oklahoma

From: Richard P. Tanner, Owner of adjacent property at 1202 S. 12th Street, Collinsville, Oklahoma

Subject: Use Variance to allow (Use Unit 23-Section 1223) storage of personal items; and variance to allow total combined floor area of accessory buildings to exceed 750 SF in the RS district (Section 240.2-E) at 11802 E. 140th St. N., Collinsville Oklahoma.

Good Afternoon Board Members and interested parties:

As owner of the property directly south of the subject lots, I strongly oppose the approval of this variance application to allow Mr. Clark to build a 3,200 square feet warehouse and required off street parking in the middle of this zoned residential (RS) neighborhood.

Use Unit 12-Section 1223 describes warehousing adjacent to a central business district, in industrial parks and port areas. These two lots are not abutting the boundary of our residential district. The lots are right in the middle of the neighborhood and have many residential homes surrounding the proposed site of the warehouse. At 3,200 square feet, the warehouse is 4.3 times larger than the 750 square feet limit. A screening wall will not block out the noise and disruption to the tranquility of our neighborhood.

Approving this variance request will violate several provisions of Chapter 4 Section 400 Purposes of Residential Districts:

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400.3 Purposes of the RS Residential Single-Family District

The RS District is designed to permit and conserve single-family detached dwellings in suitable environments at urban densities.

Specifically to my property, the lots sit at a much higher elevation than mine. Erecting a 3,200 square foot warehouse with required driveways and parking will turn these lots into impervious land that will adversely affect the flow of rainwater onto and flooding my property.

I urge the board to deny Mr. Clark's variance application and allow our neighborhood to remain a residential area.

Thank you for your time and consideration,

Richard P. Tanner

2417 Avenue M

Galveston Tx. 77550

Agent in Fact:

Angela Jackson

2417 Avenue M

Galveston Tx. 77550

713-927-0032



Sparger, Janet

From: RONALD JACKSON <ronjack18@hotmail.com>
Sent: Tuesday, February 9, 2021 1:32 PM
To: esubmit
Subject: Objection to Case Number: CBOA-2857- Revised Site Plan, Applicant Rick Clark

TO: Board of Adjustment, County of Tulsa, Oklahoma

From: Richard P. Tanner, Owner of adjacent property at 1202 S. 12th Street, Collinsville, Oklahoma

Action Requested: Variance to allow the total combined floor area of accessory buildings to exceed 750 SF in an RS district (Section 240.2-E); Variance to permit a detached accessory building in the front yard in an RS district (Section 420.2-A.2) at 11802 E. 140th St. N., Collinsville Oklahoma.

Good Afternoon Board Members and interested parties:

As owner of the property directly south of the subject lots, I strongly oppose the approval of this variance application to allow Mr. Clark to build a 1,500 SF Shop in the front yard of this zoned residential (RS) neighborhood. Upon review of the modified site plan submitted 1-22-2021, it appears that the square footage of the 3,200 SF pole barn structure has been split into 2 buildings: a 1,500 SF shop and a 2,356 SF modular building. The site plan does not specify that the modular building is to be used as the family residence.

Section 240.2-E states accessory buildings may be located in the back yard and may not exceed 750 SF. Section 420.2-A-2 states a detached accessory building shall not be located in the front or side yard. At 1,500 SF, the shop is 2 times larger than the 750 SF limit. Many residential homes surround Mr. Clark's lots and a shop in front of a home disrupts the character of the neighborhood. The layout of a large shop in front of a residence lends itself to setting up a commercial business now or in the future.

Approving this variance request will violate several provisions of Chapter 4 Section 400 Purposes of Residential Districts:

400.1 General Provisions

The Residential Districts are designed to:

- A. Achieve the residential objectives of the Comprehensive Plan.
- B. Protect the character of residential areas by excluding inharmonious commercial and industrial activities.
- D. Preserve openness of the living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting bulk structures.

400.3 Purposes of the RS Residential Single-Family District

The RS District is designed to permit and conserve single-family detached dwellings in suitable environments at urban densities.

Specifically to my property, the lots sit at a much higher elevation than mine. Erecting buildings with a combined 3,856 SF with required driveways and parking may turn these lots into impervious land that will adversely affect the flow of rainwater onto my property. I would like an assurance that a drainage plan will be required to alleviate any flooding issues.

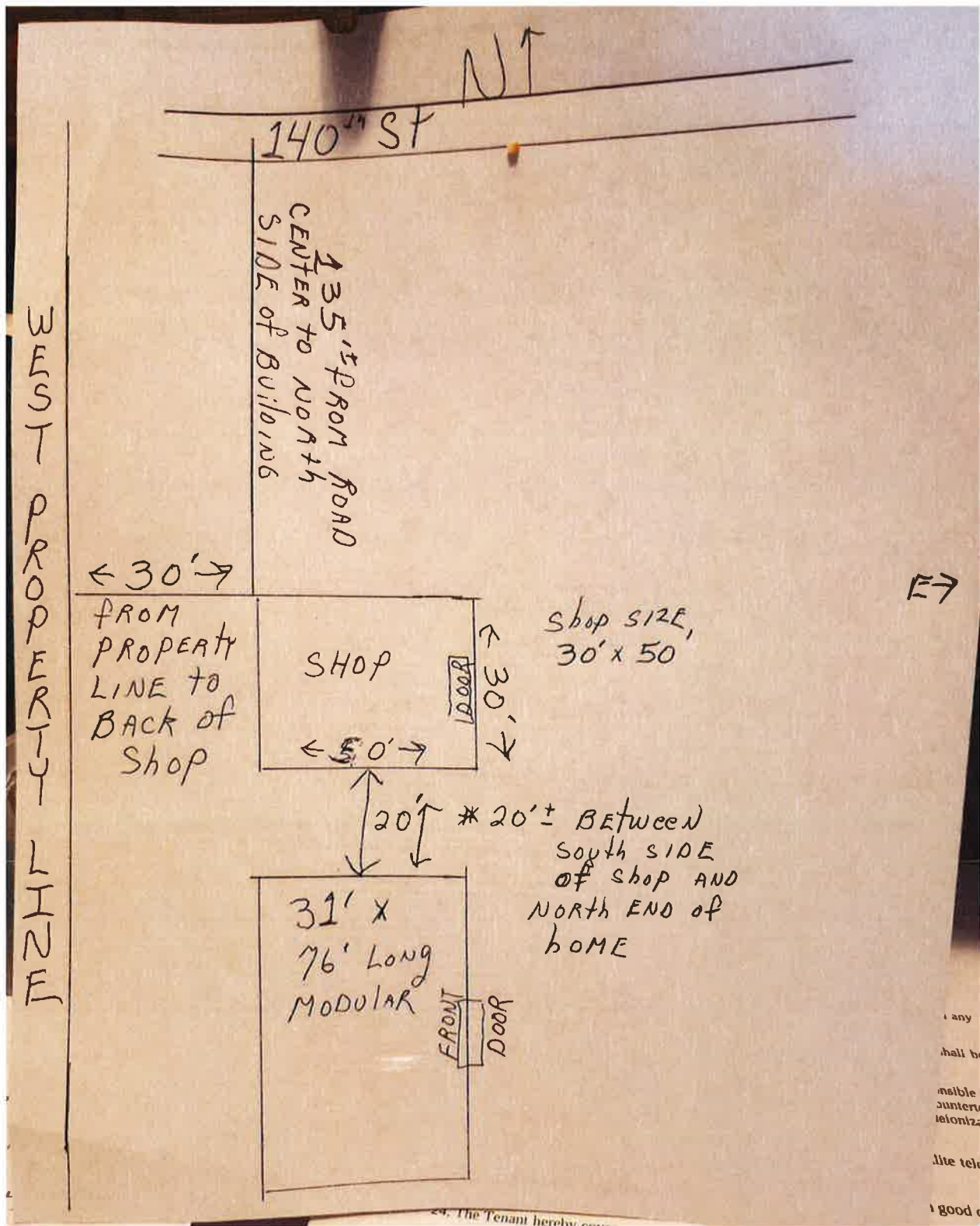
I urge the board to deny Mr. Clark's variance application and require him to abide by the provisions set forth to build in a residential area.

Thank you for your time and consideration,
Richard P. Tanner
2417 Avenue M
Galveston Tx. 77550

2.30

Agent in Fact:
Angela Jackson
2417 Avenue M
Galveston Tx. 77550
713-927-0032

2.31



New Site Plan
1-22-2021

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CBOA-2866

3.1

22-13 25



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 2325

CZM: 7

CASE NUMBER: CBOA-2866

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: McKenzie K Vermillion / Robert Hopper

ACTION REQUESTED: Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).

LOCATION: 13818 N 92 AV E

ZONED: AG-R

FENCELINE: Collinsville

PRESENT USE: Agricultural / Residential

TRACT SIZE: 2.28 acres

LEGAL DESCRIPTION: BEG 1160.63N & 329.71W SECR W/2 SE TH W659.41 N165.81 E659.4 S165.81 POB LESS W30 & E30 THEREOF FOR RD SEC 25 22 13 2.282ACS,

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG-R zoning with what appears to be mainly residential uses with some possibility of agricultural uses scattered throughout the area.

STAFF COMMENTS:

New Comments:

The meeting on 2/16/2021 was cancelled due to weather. The case was re-noticed.

On 01-19-2021, the applicant requested a continuance until 02-16-2021 in hopes of having a 5-member Board present at the next meeting.

Original Comments:

The applicant is before the Board requesting a Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).

A Special Exception is required as the proposed Agricultural Use (Use Unit 3) is a use which is not permitted by right in the AG-R district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding area.

The site plan provided by the applicant, shows a 30' x 40' existing garage that would be utilized as the grow area. Accessory buildings in AG-R zoning are not restricted by size. Section 320.2 states that accessory buildings shall meet the minimum yard or building setback requirements which have been met in this instance according to the site plan.

The applicant has provided the following statement (a hardship is not required for a special exception): "Property is currently zoned for AG/Residential use and proposed use will be Ag in nature. There will be no imposed detriment to neighboring properties. State licensing and regulations allow for proposed use of land."

The parcel is located in the fenceline of Collinsville and is included in their Comprehensive Plan as well as the Tulsa County Comprehensive Land Use Plan. The plans call for a Residential land use designation which can be viewed on the attached Land Use Map. The Collinsville Comprehensive Plan was adopted in 2008 and The Tulsa County Comprehensive Land Use Plan was adopted in 2019. The Residential Designation is described below:

Residential - Residential land use includes single-family homes, duplexes, town houses, apartment units, and manufactured homes.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject lot is compatible with the surrounding area.

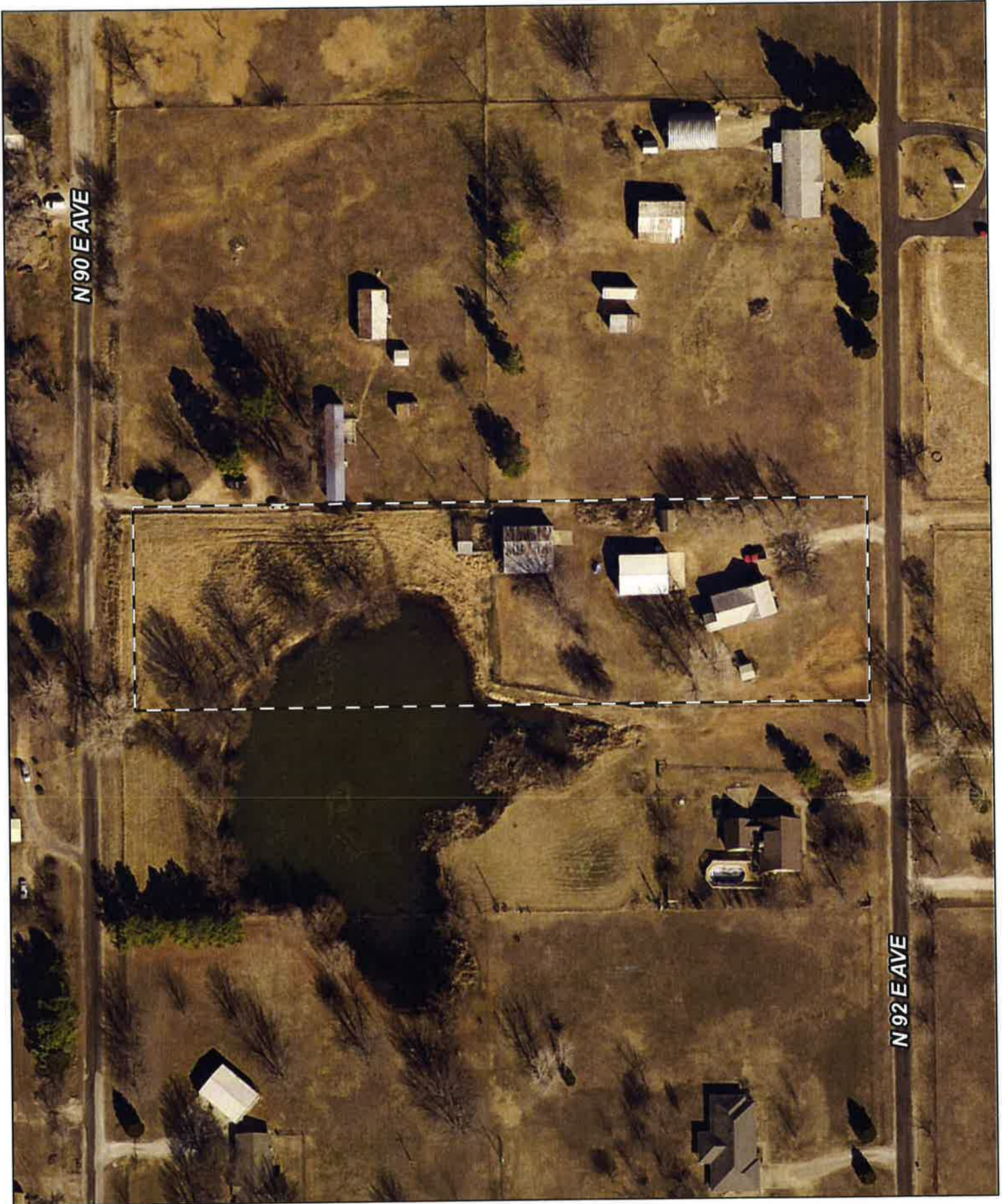
Sample Motion:

"Move to _____ (approve/deny) Special Exception to permit a Horticulture Nursery in an AG-R district (Section 310 Table 1).

Approved per conceptual plan on page _____ of the agenda packet.

Subject to the following conditions (including time limitation, if any): _____.

Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



N 90 E AVE

N 92 E AVE



Subject Tract

CBOA-2866

22-13 25

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



3.4



 Subject Tract

CBOA-2866

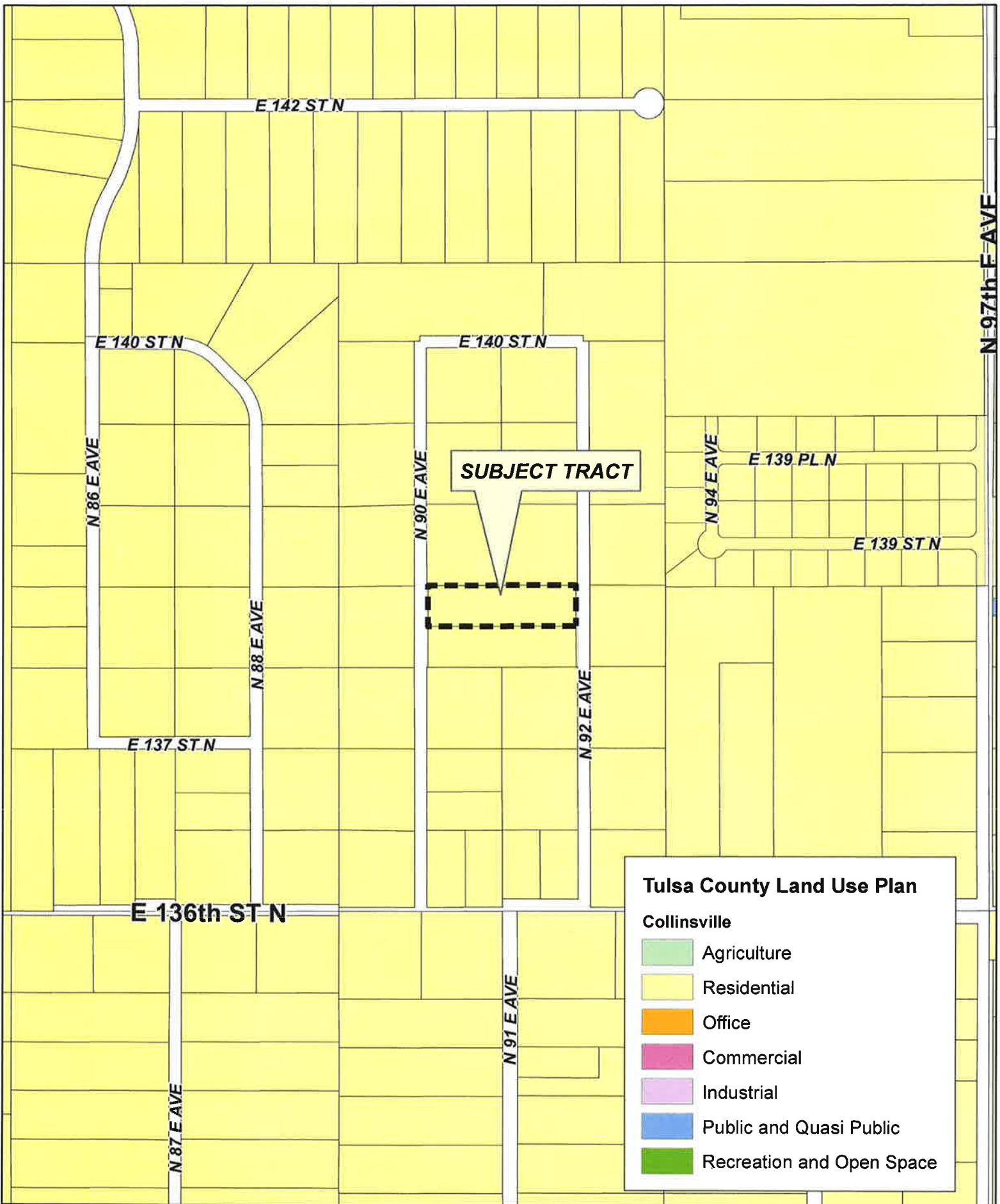
22-13 25

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



3.5



SUBJECT TRACT

Tulsa County Land Use Plan

Collinsville

- Agriculture
- Residential
- Office
- Commercial
- Industrial
- Public and Quasi Public
- Recreation and Open Space



CBOA-2866

22-13 25





Looking west from N. 92nd E. Ave toward subject property



Looking west from N. 92nd E. Ave. toward site of proposed Horticulture Nursery



Looking north along N. 92nd E. Ave.



Looking south along N. 92nd E. Ave.

Sparger, Janet

From: Carla Bell <cbell@seasonshospice.com>
Sent: Friday, January 15, 2021 8:40 AM
To: esubmit
Cc: Jones, Robi
Subject: CBOA-2866 Neighborhood Petition/Statement
Attachments: CBOA-2866 Petition-Statement.pdf
Importance: High

Attached, please find a statement and petition gathered by the residents potentially affected (in the immediate vicinity of the location) by the potential approval of the Special Exception in Case Number CBOA-2866.

We have been informed that this "Horticulture Nursery" is planned to be used as a marijuana grow operation in a primarily residential neighborhood and we are adamantly opposed to the granting of this Special Exception.

As many residents of this area are either working, elderly and/or infirmed they will not be attending the meeting on 1/19/2021 in person. The plan is for as many as possible to attend via ZOOM and a neighborhood location has been set up for those that are not equipped with internet capabilities to be able to attend if they are able to. Covid-19 safety precautions will be taken.

I have been asked to speak on behalf of the majority of the residents and will send my name and case number via the Zoom chat on the day of the meeting.

If there is anything else that we need to do to voice our opposition to this Special Exception please let me know.

Respectfully,



Carla C Bell

VP - Finance

Phone 918-492-6440

Email cbell@seasonshospice.com

6532 E 71st St Tulsa, OK 74133

: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail or by telephone, and destroy the original transmission and its attachments without reading them or saving them to disk.

I, Hugh Trimble of 13829 N 92nd East Avenue, Collinsville, in the State of Oklahoma, am the promoter of this petition which contains signatures.

29
**PETITION IN RELATION TO CASE NUMBER CBOA-2866 – SPECIAL
 EXCEPTION TO PERMIT A HORTICULTURE NURSERY IN AN AG-R
 DISTRICT**

To the President and Members of the Tulsa County Board of Adjustment assembled:

We, the undersigned residents of the subject residential neighborhood located in the area from 136th Street North, north to 140th Street North and 90th East Avenue, east to 92nd East Avenue in Collinsville, OK, Tulsa County, who are directly affected, are adamantly opposed to the granting of a Special Exception related to a horticulture grow business being allowed in our AG-R zoned neighborhood associated with the Notice of Hearing presented by Tulsa County Board of Adjustment to the area residents.

We believe that this business being proposed will be used to grow marijuana which, while recently legalized for use in this state, is still federally illegal. This use is not permitted by right in an AG-R district because of potential adverse effects to the area and general welfare. We believe that this use is not compatible with the surrounding area. We oppose the statement provided by the application that "There will be no imposed detriment to neighboring properties".

While this neighborhood is zoned AG-R, it is predominately residential with no known businesses in the immediate area. The area is greater than 60% occupied by seniors over age 65 who have lived in this neighborhood for well more than 30 years each.

This primarily residential neighborhood is not equipped to handle the increase in traffic that this venture could bring. We have a one lane road as the only through road in this residential neighborhood with very little county upkeep. We, in addition, fear the odor issues that come with these facilities and the negative perceptions to future potential home buyers.

We believe that if allowed, this horticulture business would increase traffic, promote unlawful activity, and present a clear and present threat to our peaceful way of life and our property values.

Petitioners therefore respectfully request the Board to deny the Special Exception on the basis that the Special Exception will not be in harmony with the spirit of the zoning code and that it will be injurious to the neighborhood and its residents and be detrimental to the public welfare and recommend:

- Denial of Case Number CBOA-2866 proposed by applicant McKenzie K Vermillion / Robert Hopper.
- Immediate discontinuance of this proposed Special Exception.

And your petitioners will ever pray this relief.

NAME	ADDRESS	SIGNATURE
Hugh Trimble	13829 N. 92 nd E AVE COLLINSVILLE, OK 74021	Hugh Trimble
Pamela Trimble	13829 N. 92 nd E. AVE. COLLINSVILLE, OK 74021	Pamela Trimble
Kevin Bell	9012 E 140 th ST N. Collinsville, OK 74021	Kevin Bell
Carla Bell	9012 E 140 th ST N. Collinsville, OK 74021	Carla Bell
Lewis Robinson	9015 E 140 th ST N. Collinsville, OK 74021	L. S. Robinson
Norma Robinson	9015 E 140 th ST N. Collinsville, OK 74021	Norma Robinson
Markquis Yirza	9021 E. 140 th ST. N. Collinsville 74021	Markquis Yirza
Mary Megan Yirza	9021 E. 140 th ST. N. Collinsville 74021	Mary Megan Yirza

3.10

Eyla Trumble	13998 N. 92 E Ave	918-857-3492
Robert Trumble	13998 N 92 E Ave	918-695-0660
Collin Shaw	13918 N. 92nd E Ave	918-740-1705
Janice	13935 N. 92 E. Ave	918-237-8396
Karen Deekard	13935 N. 92nd E Ave	Karen Deekard
DALE Atwell	13727 N. 92nd E Ave	Dale Atwell
Janna Atwell	13727 N. 92nd E. Ave	Janna Atwell
Doris F Reib	13830 N 92nd E Ave	Doris F Reib
Howard Reib	13880 N. 92nd E. Ave	Howard O. Reib
JASON RASS	13721 N 92ND E AVE COLLINSVILLE, OK.	J R
John Holcomb	13705 N 92 E Ave Collinsville	918-371-7059
Kim Holcomb	13705 N 92 E Ave Collinsville	918-371-3059
Brendy Luis	13715 N 92 E Collinsville	371-7059
Dee Curran	13606 N. 92 E Ave.	
Angie Clark	13675 N 90th E. Ave	918-850-0762
Angie Clark	13675 N 90th E. Ave	918-703-0780
Chris Mason	13726 N 90 E AVE	918-337-1354
Kennedy	13814 N 90th E Ave	
Viola Simpson	13831 N. 90th E Ave	918-371-5143
Sam Smith	13831 N. 90th E Ave	918-406-7699
Eric Escalante	13914 N. 90th E. Ave	(918) 863-5824

Please return this Petition to Hugh Trimble 13829 N 92nd East Avenue, Collinsville, OK 74021. This petition must not be altered, and only original signatures are permitted. Photocopied, emailed or faxed copies of signatures cannot be accepted.

GROW BUILDING

EXISTING BUILDING CONVERSION TO GROW BUILDING

13818 North 82nd East Avenue
Collinsville, Oklahoma 74021
Tulsa County

index of drawings

architectural

A000	title sheet
A001	project data & life safety
A100	site plan
A110	floor plan

GENERAL NOTES:

- CONCRETE AT 'ACCESSIBLE' AREAS:
LIMIT OF SLOPES:
A. NO CROSS SLOPE TO EXCEED 2%.
B. SLOPES AT DOORWAYS:
12" 'HINGE' SIDE TO 24" LATCH SIDE, NO SLOPE,
TOP OF WALKWAY SURFACE 'FLUSH' WITH FINISH FLOOR.
DOOR FRONT 'OUT' 5'-0" MAXIMUM SLOPE OF 1%.
C. MAXIMUM SLOPE OF WALKWAY DIRECTION OF TRAVEL IS 4%.
D. NO STEPS.
 - DOORS:
1010.1.8 DOOR OPERATIONS. Except as specifically permitted by this section, egress doors shall be readily operable from the egress side without the use of a key or special knowledge or effort.
1010.1.8.1 Hardware. Door handles, pulls, latches, locks and other operating devices on doors required to be accessible by Chapter 11 shall not require tight grasping, tight pinching or twisting of the wrist to operate.
1010.1.8.2 Hardware height. Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches (864 mm) minimum and 48 inches (1219 mm) maximum above the finished floor. Locks used only for security purposes and not used for normal operation are permitted at any height.
1010.1.8.3 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exist:
 - Places of detention or restraint.
 - In buildings in occupancy Group A having an occupant load of 300 or less, Groups B, F, M and S, and in places of religious worship, the main door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:
 - The locking device is readily distinguishable as locked.
 - A readily visible durable sign is posted on the egress side on or adjacent to the door stating:
THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED.
The sign shall be in letters 1 inch (25 mm) high on a contrasting background.
 - The use of the key-operated locking device is revocable by the building official for due cause.
 - 1010.1.9.5 Unlatching. The unlatching of any door or leaf shall not require more than one operation.
- VERIFY LOCATION OF SEPTIC TANK AND LATERAL LINES PRIOR TO CONSTRUCTION. PROTECT DURING CONSTRUCTION, AND DO NOT CONSTRUCT ANY PAVING OVER LINES WHICH INHIBITS FUNCTION OF LATERAL LINES.



rob coddy architect, llc
P.O. Box 138
Muskogee, OK 74401
918.234.0214
email: rob@robcdy.com

GROW BUILDING

13818 North 82nd East Avenue
Collinsville, Oklahoma 74021

16 September 2020

A000

PROJECT DATA

GROW BUILDING

LEGAL DESCRIPTION: Part of W/2 SE/4 Section 25, Township 22 North, Range 13 East, Tulsa County, Oklahoma

ADDRESS: 13818 North 92nd East Avenue
Collinsville, Oklahoma 74021

CODE: IBC 2015
IFC 2015
TULSA COUNTY ZONING CODE

CONSTRUCTION TYPE: VB (SECTION 602.5 AND TABLE 601)

OCCUPANCY: U GROUP, SECTION 312.1, Agricultural Buildings

AREA LIMITATIONS: MIXED USE, S2 AND U
MAXIMUM ALLOWABLE, TABLE 503: 5,500 SF
U, MAXIMUM ALLOWABLE: 1,200 SF
ACTUAL: 1,200 SF
BUILDING COMPLIES

STORIES: TABLE 504.4, ONE ALLOWABLE, COMPLIES

OCCUPANT LOAD: TABLE 1004.1.1:
WAREHOUSE: 1,200 SQ. FT./600 SQ. FT./OCC= 2.4 OCCUPANTS

EGRESS REQUIRED 1005: 0.2" X 2.4 OC = .48" REQUIRED
32" PROVIDED, COMPLIES

EXITS 1006.3.2(2): ONE EXIT REQUIRED (TRAVEL DISTANCE LESS THAN 75')
AND ONE PROVIDED.

FIRE WALL: NOT REQUIRED

FIRE BARRIER WALL SECTION 707: FIRE AREA SEPARATION NOT REQUIRED

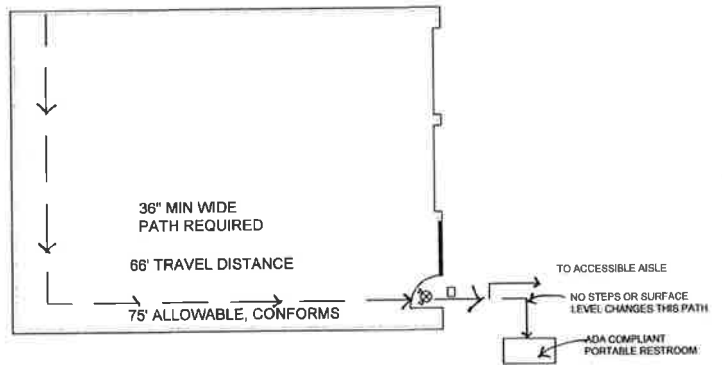
EXTERIOR WALLS: SECTION 802.2: TABLE 802, VB CONSTRUCTION REQUIRES NO RATING
WHEN SEPARATION IS GREATER THAN 10 FEET.

PARAPETS: NO PARAPET IS REQUIRED PER 705.11 EXCEPTION 1.

STORIES WITHOUT OPENINGS: 903.2.11.1: BUILDING CONFORMS (LESS THAN 1,500 SF).

RESTROOM CALCULATIONS: TABLE 2902.1
WC: 1/100 OCC REQ'D, 1 PROVIDED WITH PORTABLE ADA COMPLIANT REST ROOM.
LAV: 1/100 OCC REQ'D, NOT PROVIDED
JAN. SK. 1 REQ'D, NOT PROVIDED

HAZARDOUS MATERIAL: SEPARATE FACILITIES, 2902.2
SEPARATE FACILITIES NOT REQUIRED PER EXCEPTION 2.
OWNER ANTICIPATES NO HAZARDOUS MATERIAL STORAGE IN THIS FACILITY THUS NO NEED TO COMPLY WITH TABLE 307.7 (1) AND 406.8



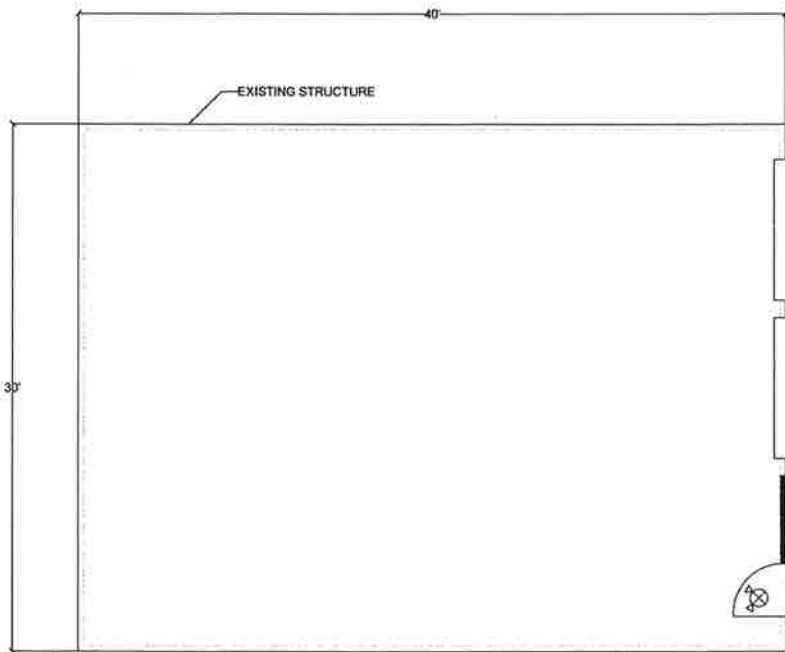
rob coday architect, llc
p.o. box 128
kiefer, ok 74041
918 636 0574
email: rcodayarch@yahoo.com

GROW BUILDING

13818 North 92nd East Avenue
Collinsville, Oklahoma 74021

15 September 2020

A001



REMOVE OH DOOR: CONSTRUCT 2X4
FRAMED WALL INFILL, SILL PLATE TREATED
WITH METAL SIDING EXTERIOR, INTERIOR
FINISH OUT PER BALANCE OF BUILDING

NEW DOOR: 3'-0" X 7'-0" X 1-3/4" HOLLOW
METAL DOOR AND FRAME, ENTRY LOCKSET
COMPLYING TO ADA, WEATHERSTRIP,
CLOSER, THRESHHOLD W/ 1/2" MAX HEIGHT.
DOOR TO HAVE EXIT/DUAL HEAD EMERGENCY
LIGHT WITH BATTERY BACK AT INTERIOR AND
EMERGENCY LIGHT WITH BATTERY BACKUP
AT EXTERIOR.

NORTH
 ① FLOOR PLAN
 1/8" = 1'-0"

rob coday architect, llc
 p.o. box 128
 kiefer, ok 74041
 918 636 0574
 email: rcodayarch@yahoo.com



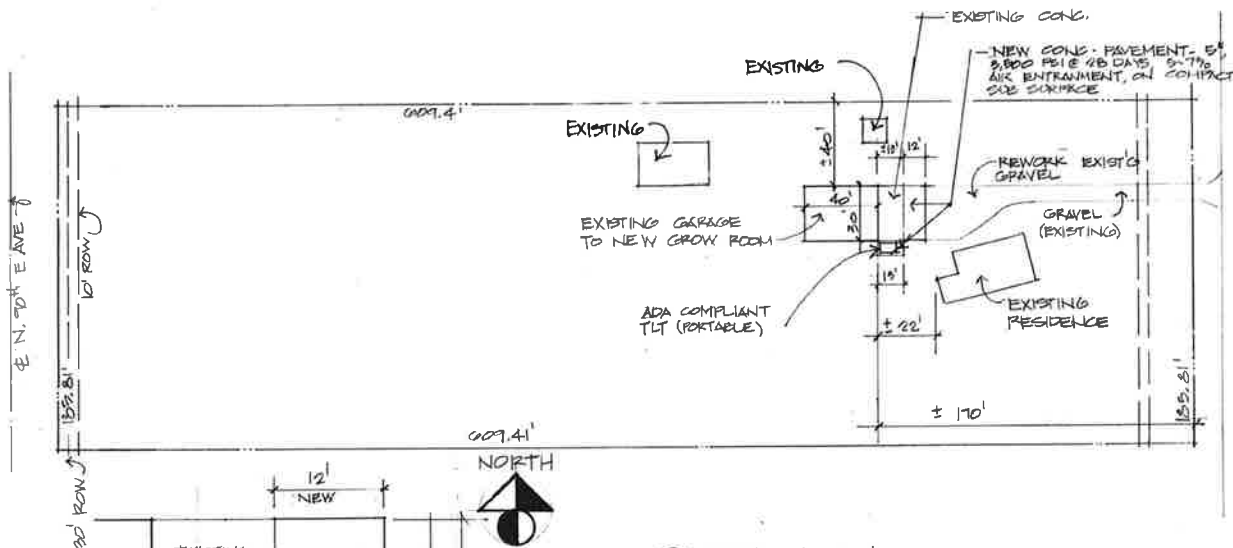
GROW BUILDING

13818 North 92nd East Avenue
 Collinsville, Oklahoma 74021

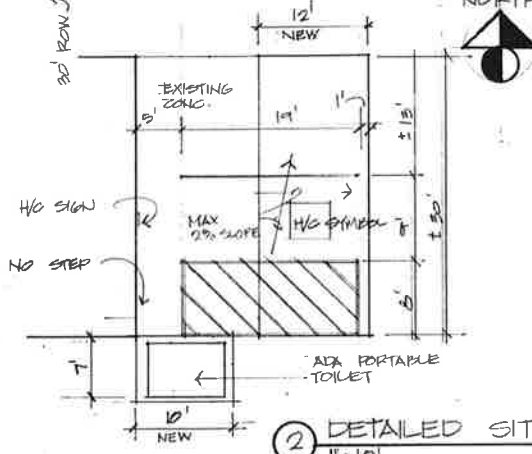
15 September 2020

A110

3.14



① SITE PLAN
1" = 50'

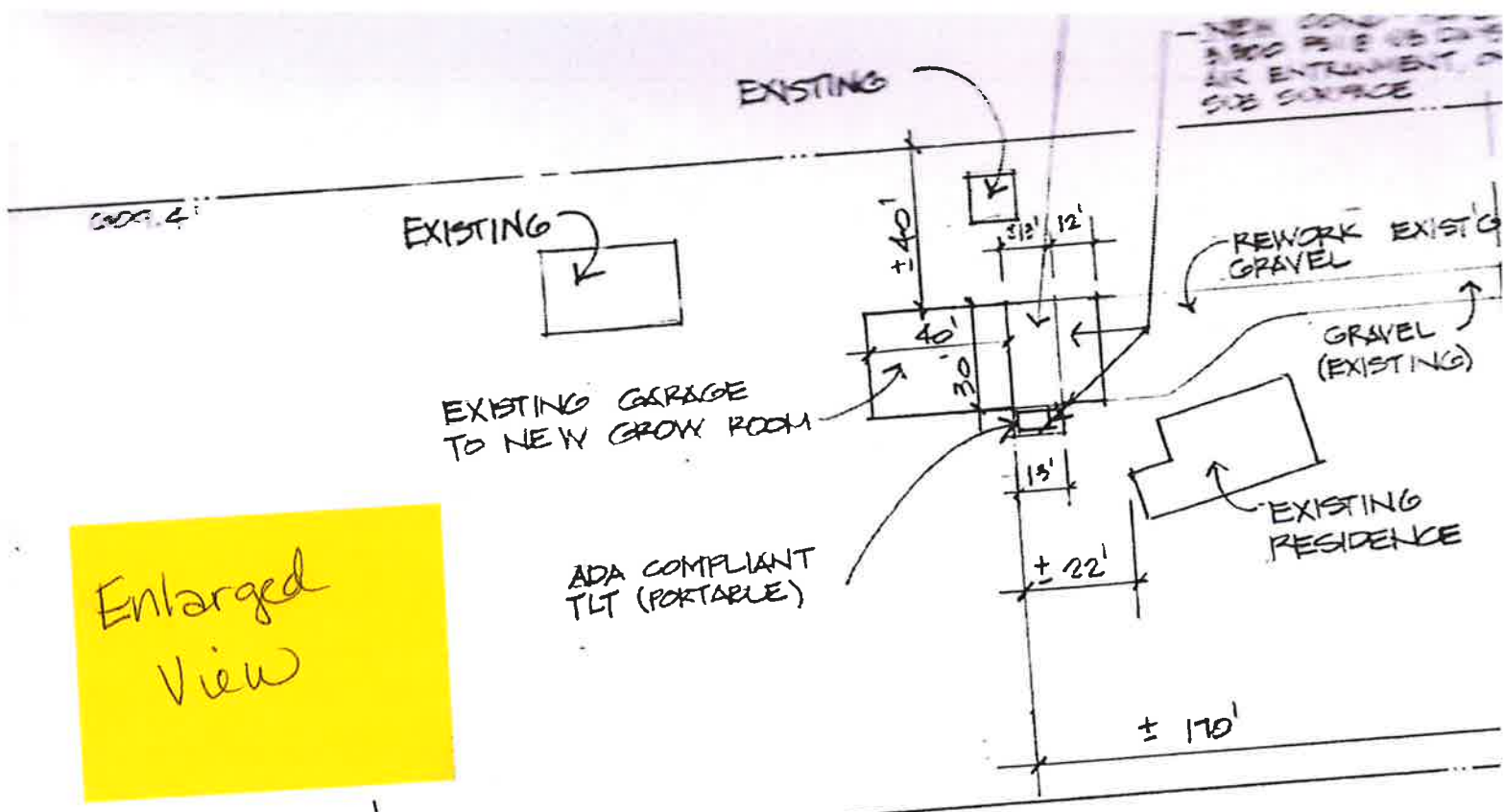


② DETAILED SITE PLAN
1" = 10'

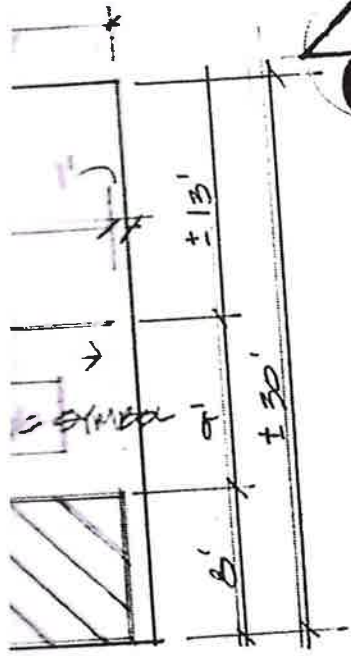
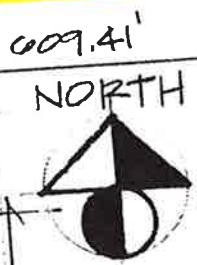


rob cody architect, llc
 13818 North 92nd East Avenue
 Collinsville, Oklahoma 74021
 15 September 2020
A100

NEW CONCRETE
3000 PSI IS OK
AIR ENTREATMENT
5/28 SURFACE



Enlarged View

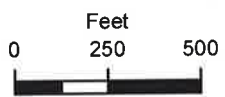
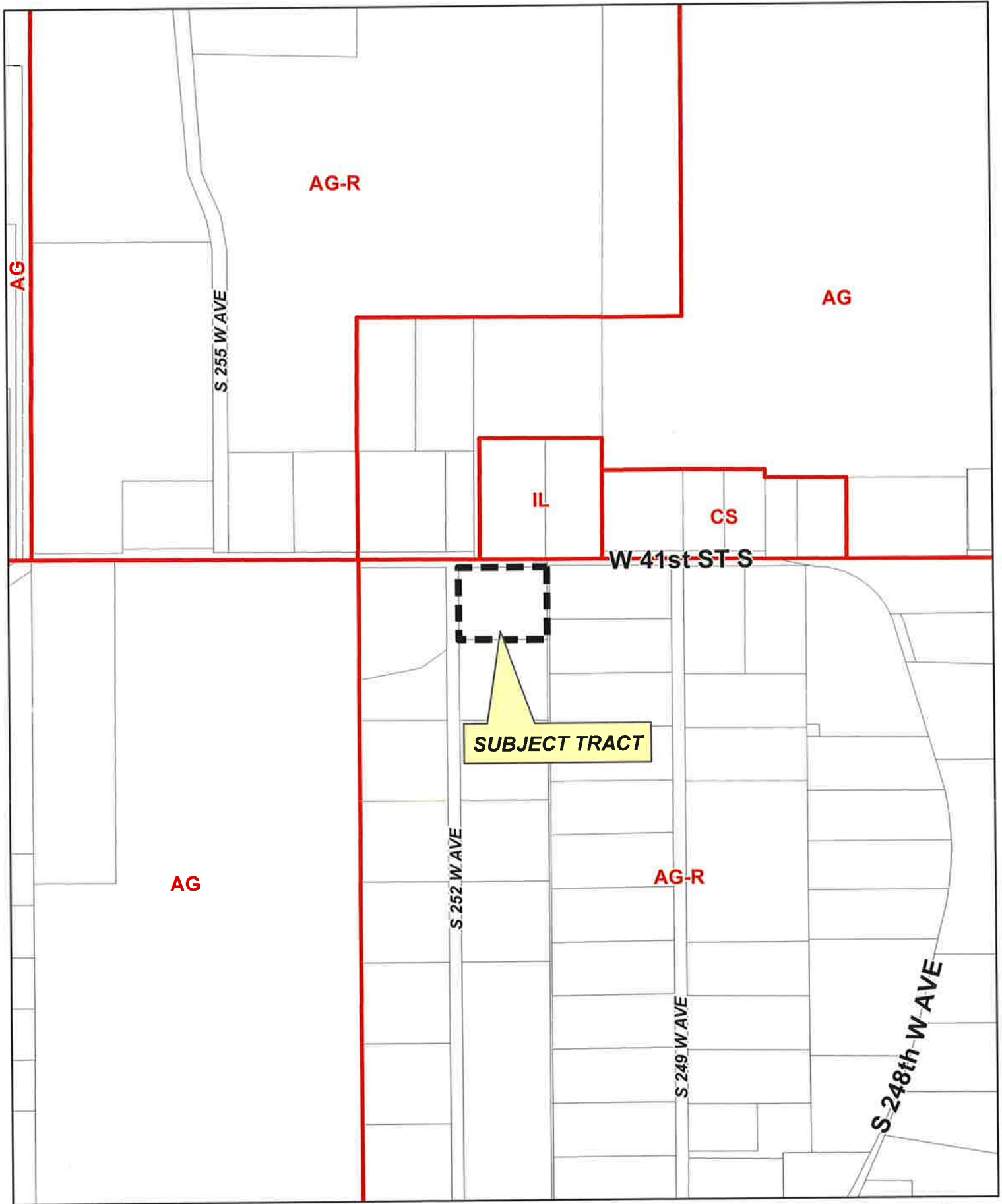


1 SITE PLAN
1" = 50'

15 SEPT 2020



2 DETAILED SITE PLAN
1" = 10'



CBOA-2872

4.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9029

CASE NUMBER: CBOA-2872

CZM: 41

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: Gary Young

ACTION REQUESTED: Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1).

LOCATION: 25024 W 41 ST S

ZONED: AG-R

FENCELINE: Keystone

PRESENT USE: Residential

TRACT SIZE: 2.42 acres

LEGAL DESCRIPTION: N330 E380 W760 E/2 NW LESS W25 & LESS N33 THEREOF FOR RDS SEC 29 19 10 2.42ACS TR B,

RELEVANT PREVIOUS ACTIONS:

Subject Property: None Relevant

Surrounding Property:

CBOA-1861 May 2001: The Board approved a Special Exception to allow a manufactured home in an AG-R district; and a Variance to allow two dwelling units on one lot of record, on property located at 24720 West 41st Street South.

CBOA-1351 June 1995: The Board approved a Special Exception to allow a manufactured home in an AG-R district on property located at 4317 South 252nd West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG-R zoning to the west, south, and east. It about IL zoning to the north. There appear to be residential uses to the south along South 252nd West Avenue. The parcel to the east belongs to the Keystone Rural Gas District.

STAFF COMMENTS:

The meeting on 2/16/2021 was cancelled due to weather. The case was re-noticed.

The applicant is before the Board requesting a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1).

As shown on the attached plan, the applicant has an existing home on the lot and is proposing to add a single-wide (16' x 80') mobile home on the west side of the property. Section 208 of the Code states that not more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot...with the exception in the AG district that there be not more than two dwellings

4.2

per lot. Section 330, Table 3 of the Code requires a minimum lot area of 1 acre and a minimum land area per dwelling unit of 1.1 acres in the AG-R district. The applicant is proposing two dwelling units on the 2.42-acre subject lot.

The applicant provided the following statement: *"My wife, (Linda), has Parkinson's. I have high blood pressure, diabetes, machine for blood clots, depression, high cholesterol, dementia, tyride (thyroid?) issues, medication for shortness of breath, and prostrate issues. We are wanting to move our trailer to get our youngest daughter closer to help take care of use."*

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to _____ (approve/deny) a Variance to allow two dwelling units on a single lot of record in an AG-R district (Section 208); Special Exception to permit a mobile home in an AG-R district (Section 310 Table 1).

- *Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.*
- *Finding the hardship to be _____.*

(Variance) Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan"

Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Case No. 1861

Action Requested:

Special Exception to allow a manufactured home in an AG-R zone. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -- Use Unit 9; and a Variance to allow two dwelling units on one lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 24720 W. 41st St. S.

Presentation:

Carl Zickefoose, 1324 N. Garfield, Sand Springs, stated that his mother owns and lives on the subject property and they would like to move a mobile home on the property as a second dwelling.

Comments and Questions:

Mr. Alberty asked if there were other lots with two dwellings in the area. He did not recall any other lots with two dwellings. Mr. Walker noted there are several other mobile homes in the area, and smaller tracts of land along the way.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Hutson**, the Board voted 4-0-0 (Alberty, Walker, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Tyndall "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in an AG-R zone; and a **Variance** to allow two dwelling units on one lot of record, finding the property large enough for two dwellings, on the following described property:

S 440' N 468' E 250' W 500' NE, Section 29, T-19-N, R-10-E, Tulsa County, State of Oklahoma.

Case No. 1862

Action Requested:

Tract 1: Variance of lot area from 2 acres to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS -- Use Unit 6; a Variance of land area from 2.2 acres to 1.5 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; a Variance of front yard abutting a public street from 85' of required right-of-way to 50'. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; Tract 2: Variance of lot area from 2 acres to 1.55 acres. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS; and a Variance of the land area from 2.2 acres to 1.55 acres on Tract #2. SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS, located 17482 S. 145th E. Ave.

FILE COPY

Case No. 1350 (continued)

Presentation:

The applicant, **Hershal Powers**, Route 1, Box 371, Sperry, Oklahoma, requested permission to install a double-wide mobile home on his property. He informed that a single-wide mobile home is existing and the additional unit will be occupied by his son, who will assist him in maintaining the land. A plot plan (Exhibit C-1) was submitted.

Comments and Questions:

In reply to Mr. Tyndall, the applicant stated that Delaware Creek recently overflowed on a portion of his tract, but the area designated for the mobile home was not under water and has never flooded.

Mr. Fields stated that construction is not permitted in a floodway without Board approval of a variance, and if this application is approved the floor of the structure will be required to be 1' above the base flood elevation.

Mr. Alberty remarked that he is not amenable to approving a dwelling unit in a regulatory floodway.

Mr. Fields stated that the applicant can confer with the Federal Emergency Management Agency (FEMA) in regard to the accuracy of the flood map at this location. He pointed out that only FEMA can change a flood map.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **CONTINUE** Case No. 1350 to July 18, 1995 to allow the applicant sufficient time to confer with FEMA in regard to the elevation of the subject property.

Case No. 1351

Action Requested:

Special Exception to permit a mobile home in an AG-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 6, located 4317 South 252nd West Avenue.

Case No. 1351 (continued)

Presentation:

The applicant, **Donnie Kitchen**, Route 2, Box 411-K, Sand Springs, Oklahoma, requested permission to install a mobile home on land at the above stated location. He informed that there are numerous mobile units in the area. A petition of support (Exhibit D-1) was submitted.

Comments and Questions:

In reply to Mr. Alberty, the applicant stated that he has been told that the land will pass a percolation test.

Protestants:

None.

Board Action:

On **MOTION** of **ALBERTY** the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an AG-R zoned district - **SECTION 310. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 6; subject to a building permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding that there are other mobile homes in the area and approval of the request will not be detrimental to the neighborhood; on the following described property:

South 300', north 1320', east 380', west 760', E/2, NW/4, Section 29, T-19-N, R-10-E, IBM, Tulsa County, Oklahoma.

Case No. 1352

Action Requested:

Special Exception to modify the height restriction in an AG District to permit a 180' monopole - **SECTION 220. HEIGHT EXCEPTIONS**, located south and east of SE/c 111th Street and 145th East Avenue.

Comments and Questions:

Mr. Beach advised that the applicant has requested by letter (Exhibit E-2) that Case No. 1352 be continued to July 18, 1995.

Mr. Alberty explained that Broken Arrow has filed a petition to annex the subject property and, if this is accomplished, the Board will have no jurisdiction.



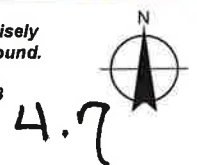
 Subject Tract

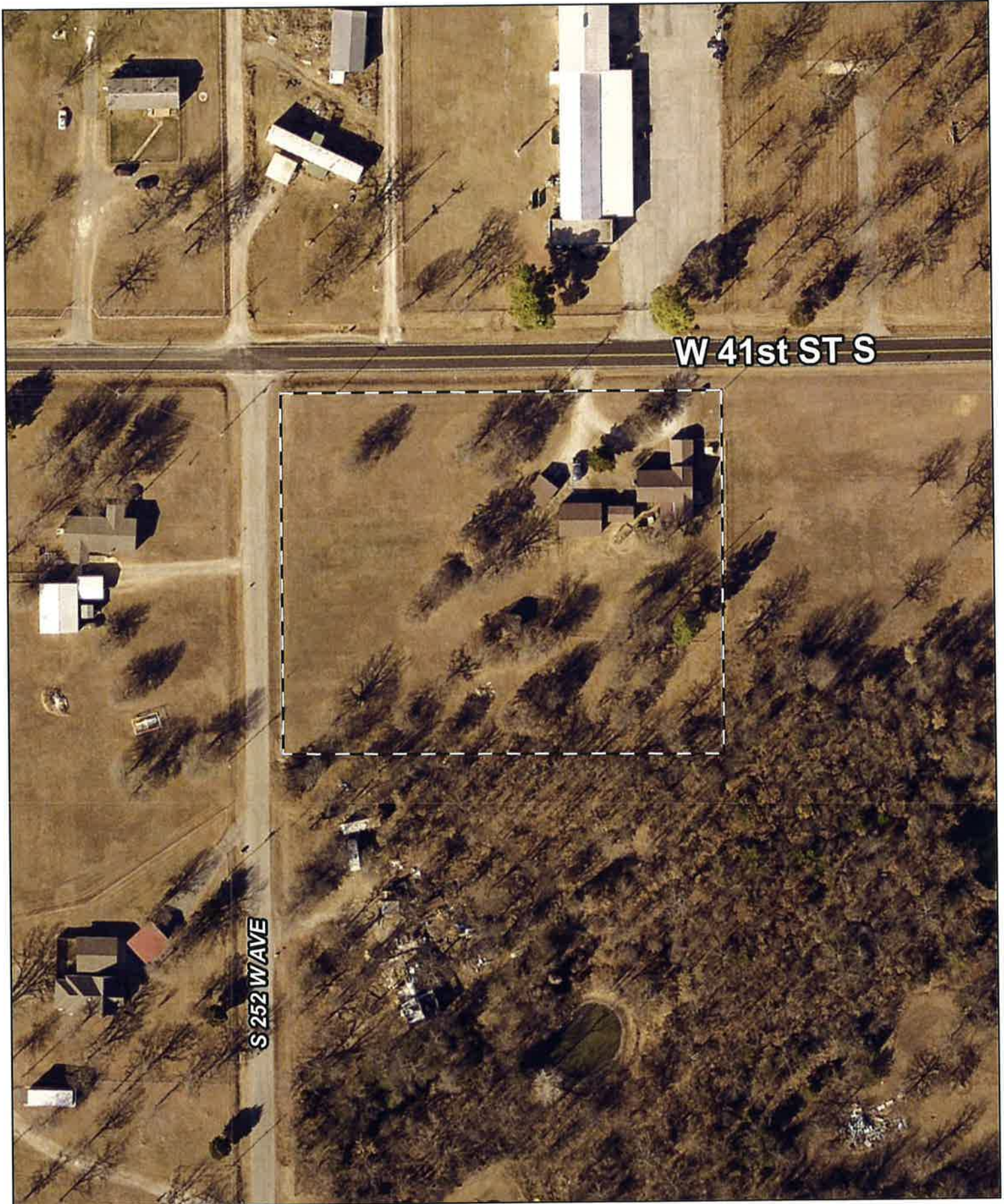
CBOA-2872

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

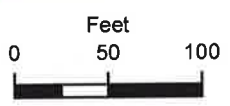
19-10 29





W 41st ST S

S 252 WAVE



Subject Tract

CBOA-2872

19-10 29

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



4.8



Looking east from South 252nd West Avenue

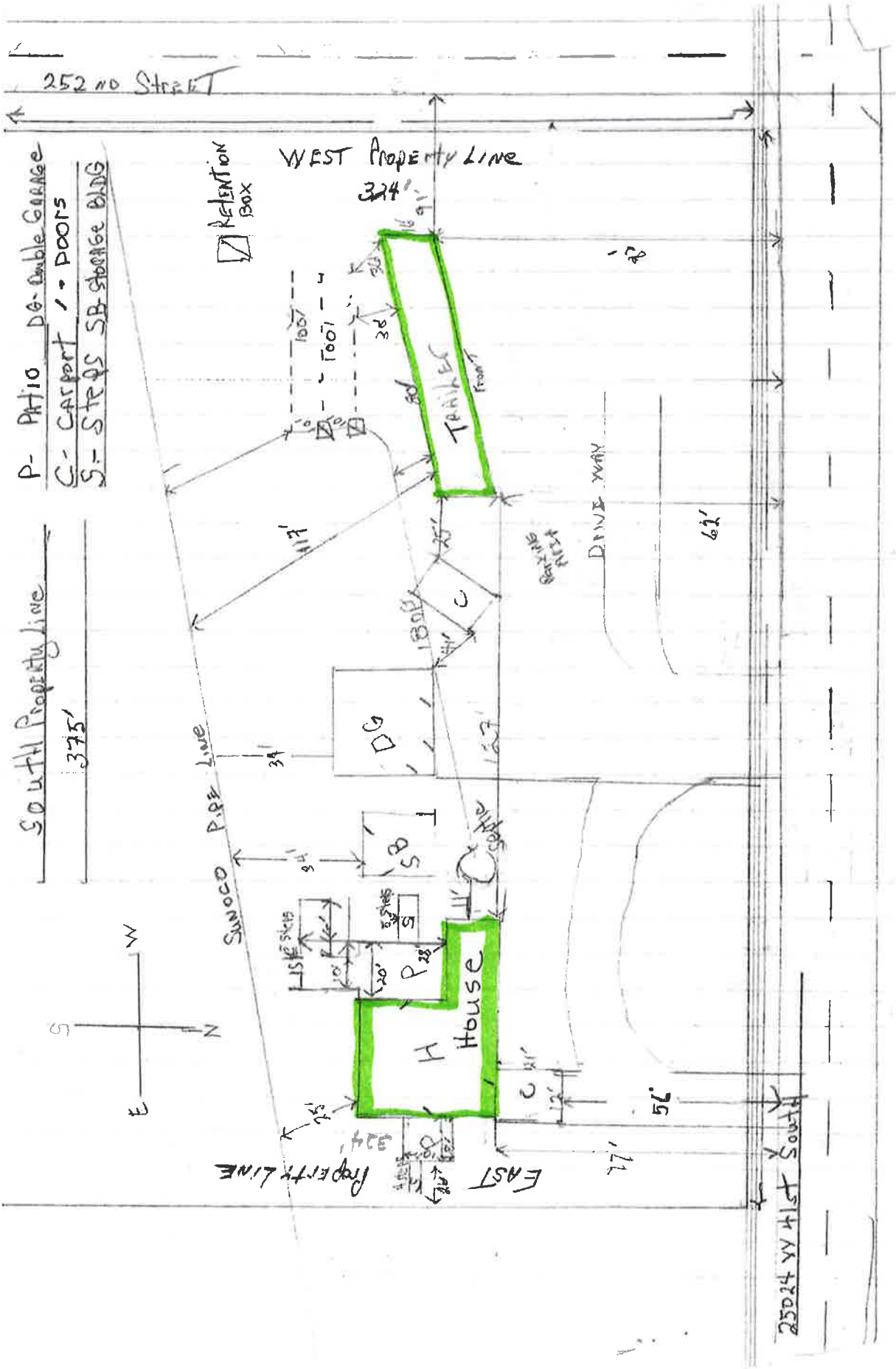


Looking south from West 41st Street South at subject property

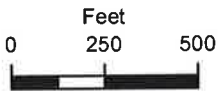
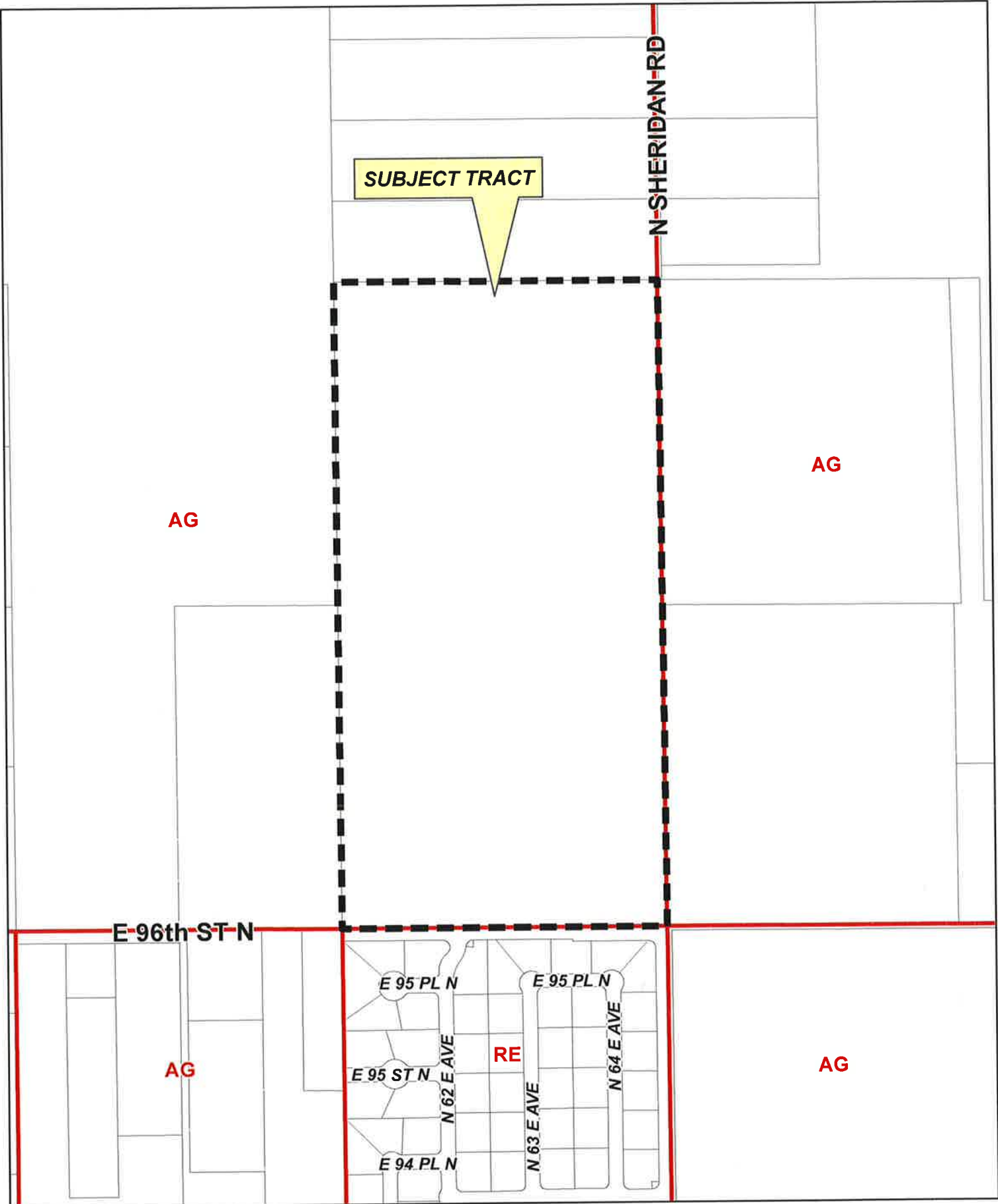
Sparger, Janet

From: Rhonda Evans <rlevans52@gmail.com>
Sent: Tuesday, February 2, 2021 9:34 PM
To: esubmit
Subject: Case #CBOA-2872

Our neighbor, Gary Young needing to bring in a mobile home on his property. We do not mind at all. They are good neighbors. Yard and all dwellings are always very well maintained. I would ask that this mobile home be allowed on the property.
Jimmy and Rhonda Evans



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CBOA-2873

21-13 15

S.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1315
CZM: 11

CASE NUMBER: CBOA-2873
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: Frank Westbrook

ACTION REQUESTED: Special Exception permit a fence to exceed 4ft in height in the front yard setback (section 240.2).

LOCATION: 9752 N SHERIDAN RD E

ZONED: AG

AREA: North Tulsa County

PRESENT USE: Agricultural

TRACT SIZE: 80 acres

LEGAL DESCRIPTION: E/2 SE SEC 15 21 13 80ACS,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts agricultural zoning to the west, north, and south. The surrounding uses appear to be mainly agricultural with some residential. It abuts a residential neighborhood to the south with RE zoning.

STAFF COMMENTS:

The meeting on 2/16/2021 was cancelled due to weather. The case was re-noticed.

The applicant is before the Board to request a Special Exception permit a fence to exceed 4ft in height in the front yard setback (section 240.2). As shown in the attached site plan, the property owner intends to construct an 8 ft. wood fence that encloses the 80-acre property. The Code limits fence and wall heights in the required front yard setback to 4 ft. However, the Code permits the Board of Adjustment to modify the height limitation through special exception approval. The intent of the Code's fence height restrictions is to maintain a minimal level of transparency or connection between a house and the surrounding neighborhood.

Sample Motion

Move to _____ (approve/deny) a Special Exception permit a fence to exceed 4ft in height in the front yard setback (section 240.2).

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions: _____

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

5.2



E 96th ST N

N SHERIDAN RD

E 95 PL N

E 95 PL N

E 95 ST N

N 62 E AVE

N 63 E AVE

N 64 E AVE

E 94 PL N



Subject Tract

CBOA-2873

21-13 15

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: May 2020



5.3



Looking west toward subject property from North Sheridan Road where the fence installation began in the front yard



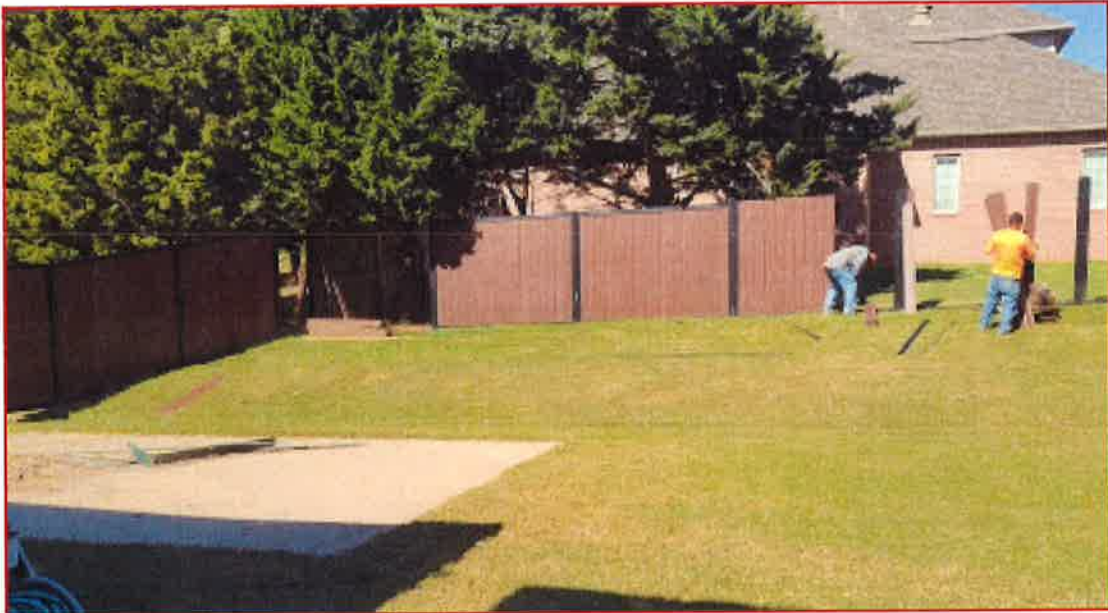
Looking north on North Sheridan Road (subject property is on the left)

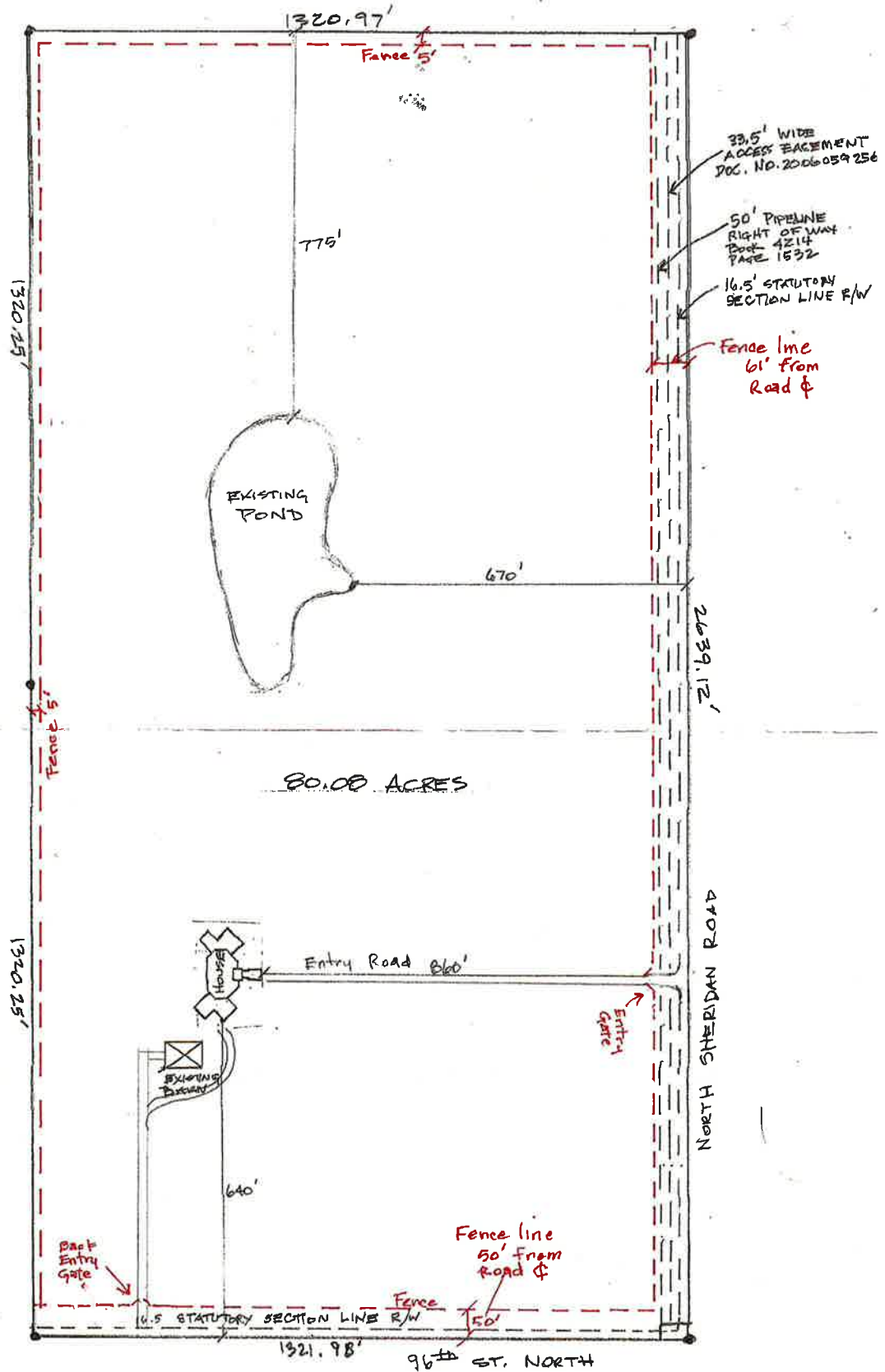


Looking west from North Sheridan Road at home and the proposed entrance to the subject property where the 8-foot fence/gate will be located



Fence and Gate material as described by applicant and photographs supplied by the company installing the fence.

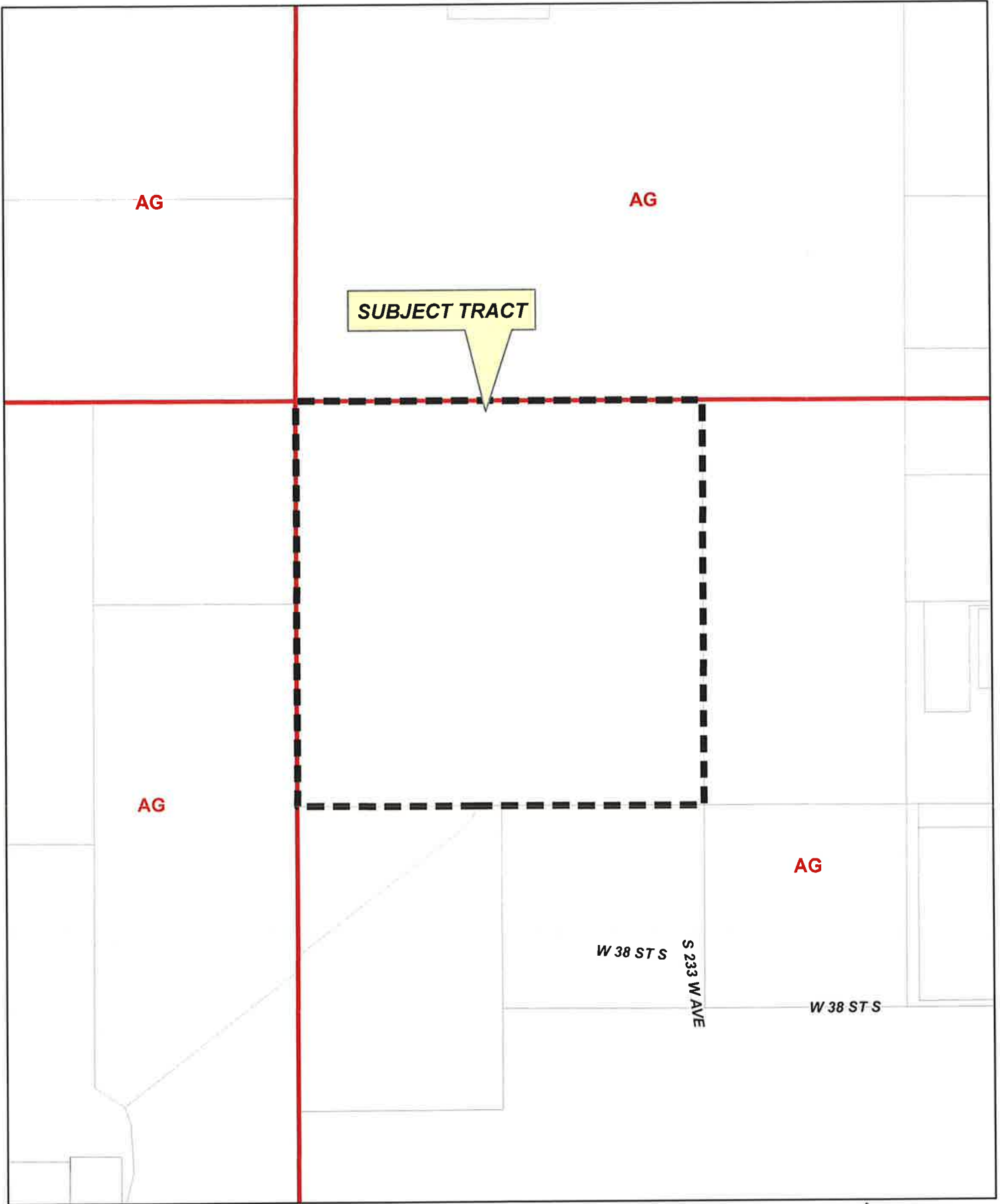




Property Owner: Frank T. Westbrook
Property Address: 9752 North Sheridan Road, Sperry, Oklahoma
Legal Description: The East Half of the Southwest Qtr. (E/2 SE/4) of Section Fifteen (15),
 Township Twenty-one (21) North, Range Thirteen (13) East of the Indian Base and Meridian,
 Tulsa County, State of Oklahoma, according to the U.S. Government Survey Thereof.

5.7

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CBOA-2874

19-10 21

6.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9021

CASE NUMBER: CBOA-2874

CZM: 41

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: Jeremy and Elizabeth Morris & Joshua Glovatsky

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG district (Section 207).

LOCATION: N. and E. of the NE/c of W. 41st St. S. & S. 249th W. Ave. **ZONED:** AG

AREA: Keystone

PRESENT USE: Vacant

TRACT SIZE: 160 acres

LEGAL DESCRIPTION: NW SEC 21 19 10 160ACS,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning and what appears to be agricultural uses or just vacant land.

STAFF COMMENTS:

The meeting on 2/16/2021 was cancelled due to weather. The case was re-noticed.

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG district (Section 207).

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The submitted site plan indicates that the subject lot has 0' of frontage onto West 41st Street South. The applicant has submitted a copy of a 30' access easement from West 41st Street South to their property.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion:

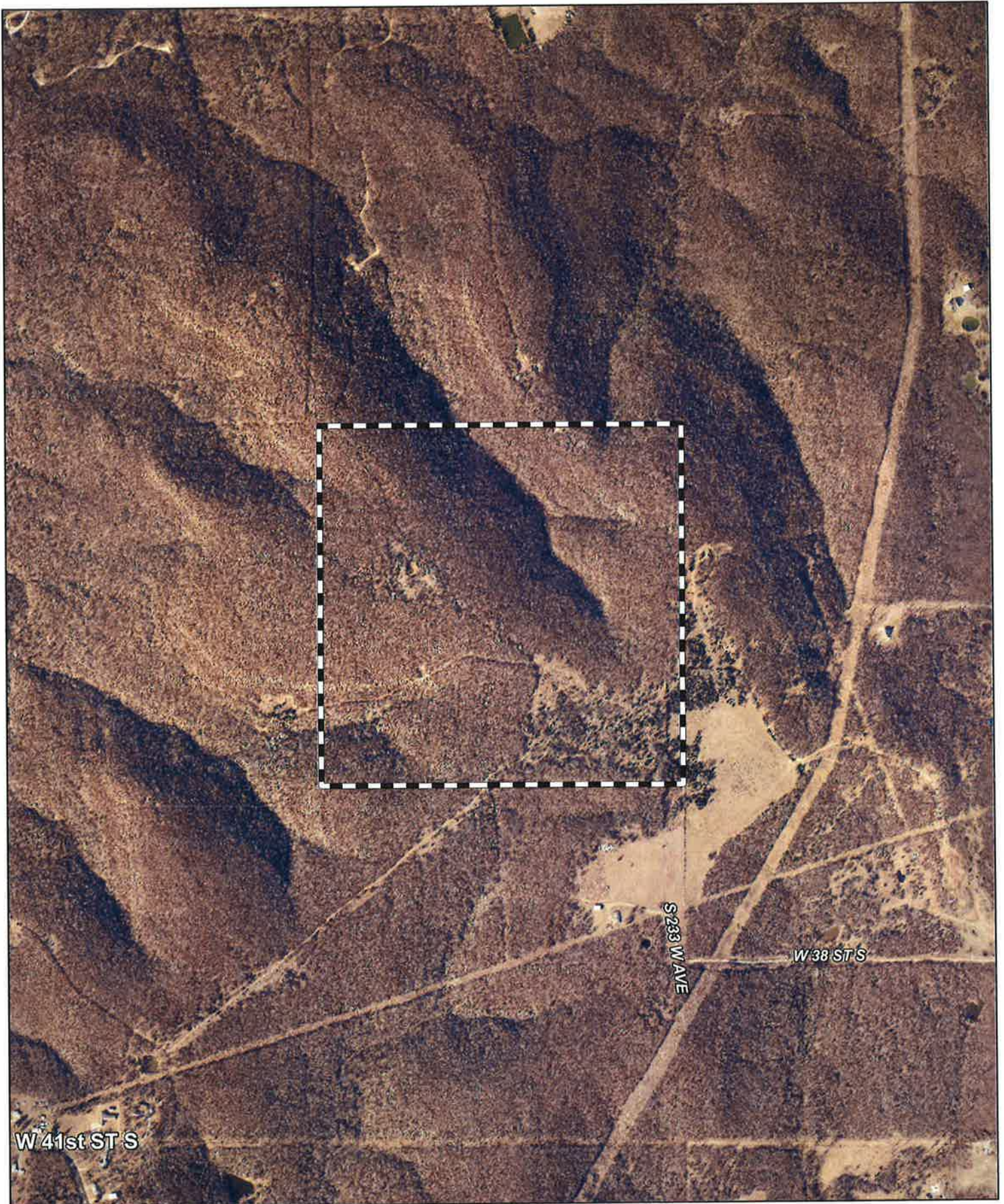
"Move to _____ (approve/deny) a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG district (Section 207).

Finding the hardship to be _____.

Subject to the following conditions (if any) _____.

6.2

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan."



W 41st ST S

S 233 W AVE

W 38 ST S



Subject Tract

CBOA-2874

19-10 21

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



6.4



ROADWAY EASEMENT

3

The Roadway Easement described herein (the "Easement") is hereby granted this 16th day of June, 2017, by CLAUDE W. McCOY and BETTY L. McCOY, husband and wife ("Grantors") to the owners of the parcels of real property described on Exhibit A hereto or any part thereof and their assignees as herein provided ("Grantees").

Grantors own the property described on Exhibit B hereto (the "Grantors' Property"). This Easement is granted to Grantees and their successors and assignees of the Grantees' Properties (the "Grantees' Assigns") to assure access to Grantees' Property.

Grantors, as the legal and equitable title owner of the real estate subject to the Easement described herein hereby grants and conveys unto Grantees and the Grantees' assigns a private, permanent, non-exclusive access easement over and across the property described on Exhibit C hereto (the "Easement Property"), part of which traverses Grantors' Property and part of which traverses adjacent properties, for a private roadway for the purposes of providing vehicular and other access for the non-exclusive use of the owners of the Grantees' Property, their successors and assigns, refuse collection service, the United States Post Office, law enforcement agencies, personnel of Tulsa County, Oklahoma, the State of Oklahoma and United States of America, the operators of all emergency vehicles, and the guests, tenants, invitees and licensees of the owners, from time-to-time, of the Grantees' Property. No owner, tenant, guest, invitee, or other person using said Easement shall in any manner obstruct said Easement or interfere with the use of said Easement for vehicular or other access. Said Easement shall be used only for a private roadway. No above ground structures shall be permitted on the Easement.

This Easement, and the rights granted hereunder to Grantees and the owners of the Grantees' Property and their successors and assigns, may be released or limited at any time by the then owners of the properties.

IN WITNESS WHEREOF, the Grantors have executed this Roadway Easement effective the date first above written.

Claude W. McCoy
Claude W. McCoy

Betty L. McCoy
Betty L. McCoy

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, a Notary Public in and for said county and State, on this 16th day of June, 2017, personally appeared Claude W. McCoy and Betty L. McCoy, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and official seal the day and year last above written.

Commission:



Melody K. Jennings
Notary Public

JHF, THRALLS PARTITION, ROADWAY EASEMENT - CLAUDE & BETTY McCOY

EXHIBIT "A"

Parcel 8

A tract of land being a part of Section 20, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County Oklahoma and being more particularly described as follows: Beginning at the Northwest corner of the Northeast Quarter of Section 20; thence S 89°38'35" E along the North line of the Northeast Quarter a distance of 1318.13 feet to the Northwest corner of the Northeast Quarter of the Northeast Quarter; thence S 00°01'57" E 1322.84 feet to the Southwest corner of the Northeast Quarter of the Northeast Quarter; thence S 00°00'28" W 3158.10 feet; thence S 56°50'28" E 209.41 feet; thence S 21°22'09" E 116.33 feet; thence S 04°01'03" E 199.92 feet; thence S 04°02'29" E 125.03 feet; thence S 12°24'18" W 184.13 feet; thence S 36°10'06" W 57.52 feet; thence N 00°17'38" E 331.47 feet; thence N 89°26'20" W 331.95 feet; thence S 00°17'38" W 33.00 feet; thence N 89°26'22" W 825.74 feet; thence N 00°17'38" E 33.00 feet; thence N 89°44'35" W 668.93 feet; thence N 00°03'01" E 623.85 feet; thence N 00°05'42" E 2648.92 feet; thence N 53°12'35" W 457.97 feet to a point on the Easterly right of way line of a County road; thence N 33°39'04" E 96.80 feet along said County road; thence N 12°33'56" W 197.76 feet along said County road; thence N 21°53'04" E 20.50 feet along said County road; thence S 67°14'12" E 530.04 feet; thence N 20°17'59" E 223.50 feet; thence N 62°59'01" W 190.14 feet; thence N 69°20'01" W 335.59 feet to a point on said County road; thence N 21°44'20" E 397.72 feet along said County road; thence N 42°15'57" E 673.21 feet to the point of beginning

Parcel 9

A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Southwest corner of the Northeast Quarter, thence S. 00°00'28" W 3158.10 feet; thence S 56°50'28" E 209.41 feet; thence N 50°55'18" E 1864.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence S 89°57'08" W 1175.23 feet to the Southwest corner of the Northwest Quarter of Section 21; thence N 00°09'19" W 1322.06 feet to the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 20; thence N 89°40'38" W 1320.96 feet to the point of beginning.

Parcel 10

The Northwest Quarter (NW/4) of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma

Parcel 11

A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 21, thence S 00°09'03" W 1986.34 feet to the Southeast corner of the North half of the Southwest Quarter of the Southwest Quarter; thence N 89°58'39" W 1320.17 feet to the Southwest corner of the North Half of the Southwest Quarter of the Southwest Quarter; thence S 00°02'00" E 661.57 feet to the Southeast corner of Section 20; thence N 89°26'19" W along the South line of Section 20 a distance of 1492.50 feet; thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence N 36°10'06" E 57.52 feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W 125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet; thence N 50°55'18" E 1864.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence N 89°57'08" E 151.33 feet to the point of beginning.

EXHIBIT "B"

Parcel 9

A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Southwest corner of the Northeast Quarter, thence S. 00°00'28" W 3158.10 feet; thence S 56°50'28" E 209.41 feet ;thence N 50°55'18' E 1864.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence S 89°57'08" W 1175.23 feet to the Southwest corner of the Northwest Quarter of Section 21; thence N 00°09'19" W 1322.06 feet to the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 20; thence N 89°40'38" W 1320.96 feet to the point of beginning.

and

Parcel 11

A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows; Beginning at the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 21, thence S 00°09'03" W 1986.34 feet to the Southeast corner of the North half of the Southwest Quarter of the Southwest Quarter; thence N 89°58'39" W 1320.17 feet to the Southwest corner of the North Half of the Southwest Quarter of the Southwest Quarter; thence S 00°02'00" E 661.57 feet to the Southeast corner of Section 20; thence N 89°26'19" W along the South line of Section 20 a distance of 1492.50 feet; thence N 01°45' 49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence N 36°10'06" E 57.52; feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W 125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet; thence N 50° 55'18" E 1864.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence N 89°57'08" E 151.33 feet to the pint of beginning.

EXHIBIT C

LANDMARK SURVEYING, L.L.C.

Brett King, L.S.
245 South Taylor Street
Prvor, Ok. 74361

PHONE 918-825-2804
C.A. 4572 EXP. 6/30/2017

**EASEMENTS IN SECTION 20 & 21, TOWNSHIP 19 NORTH,
RANGE 10 EAST, TULSA COUNTY, OKLAHOMA**

A tract of land being a part of the Southeast Quarter of Section 20, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at point on the South line of the Southeast Quarter of Section 20 and 1492.5 feet West of the Southeast corner, thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence S 00°17'38" W 33.02 feet; thence N 89°26'19" W 332.80 feet to the point of beginning.

AND

A 33 foot strip of land being a part of the Southeast Quarter of Section 20, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, the centerline of which is being more particularly described as follows: Commencing at point on the South line of the Southeast Quarter of Section 20 and 1492.5 feet West of the Southeast corner; thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet to the point of beginning of said centerline of easement; thence N 36°10'06" E 57.52 feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W 125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet; thence N 56°50'28" W 209.41 feet to the point of termination of said easement.

AND

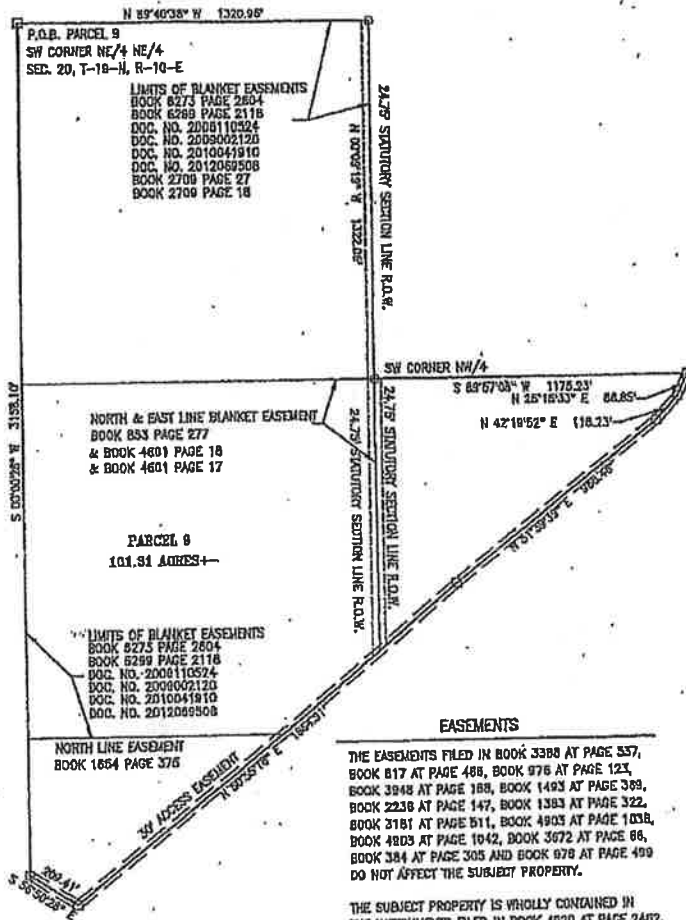
A 33 foot strip of land being a part of the Southeast Quarter of Section 20, Township 19 North, Range 10 East and the West Half of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, the centerline of which is being more particularly described as follows: Commencing at point on the South line of the Southeast Quarter of Section 20 and 1492.5 feet West of the Southeast corner, thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence N 36°10'06" E 57.52 feet; thence N 12°24'18" E 184.13 feet; thence N 04°02'29" W 125.03 feet; thence N 04°01'03" W 199.92 feet; thence N 21°22'09" W 116.33 feet to the point of beginning of said easement; thence N 50°55'18" E 1864.91 feet; thence N 51°39'39" E 968.48 feet; thence N 42°19'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to the point of termination of said easement on the South line of the Northwest Quarter of Section 21.

Witness my hand and seal this 11th day of April, 2016.



SURVEY PLAT

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.



BASIS OF BEARINGS: TRUE BEARINGS DERIVED FROM GPS OBSERVATIONS

- ⊙ DENOTES FOUND ORIGINAL STONE OR SET MAG NAIL
- ⊞ DENOTES SET 1/2" IRON PIN W/CAP
- ⊙ DENOTES FOUND IRON PIN

THE WORD CERTIFY OR CERTIFICATE AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

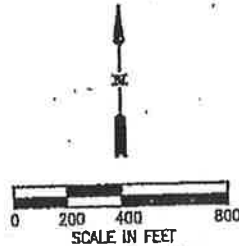
EASEMENTS

THE EASEMENTS FILED IN BOOK 3388 AT PAGE 357, BOOK 317 AT PAGE 488, BOOK 976 AT PAGE 121, BOOK 3948 AT PAGE 188, BOOK 1493 AT PAGE 389, BOOK 2238 AT PAGE 147, BOOK 1383 AT PAGE 322, BOOK 3181 AT PAGE 511, BOOK 4903 AT PAGE 103B, BOOK 4903 AT PAGE 1042, BOOK 3672 AT PAGE 88, BOOK 384 AT PAGE 305 AND BOOK 978 AT PAGE 499 DO NOT AFFECT THE SUBJECT PROPERTY.

THE SUBJECT PROPERTY IS WHOLLY CONTAINED IN THE INSTRUMENTS FILED IN BOOK 4920 AT PAGE 2407, BOOK 4939 AT PAGE 1035, BOOK 4988 AT PAGE 310, BOOK 5074 AT PAGE 1808, BOOK 5148 AT PAGE 1111, BOOK 5184 AT PAGE 281, BOOK 5214 AT PAGE 317, BOOK 5228 AT PAGE 1983, BOOK 5423 AT PAGE 869.

THE EASEMENTS FILED IN BOOK 3448 AT PAGE 85 AND BOOK 3428 AT PAGE 83 DO NOT AFFECT THE SUBJECT PROPERTY.

THE EASEMENTS FILED IN BOOK 1780 AT PAGE 467, BOOK 823 AT PAGE 227 AND BOOK 978 AT PAGE 127 LACK THE INFORMATION TO PLOT THEIR LOCATION.



CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.S. 1533, in the State of Oklahoma, of Landmark Surveying, C.A. 4572 6-30-17, of 245 South Taylor, P.O. Box 1328, Pryor, Oklahoma (918-825-2804) do hereby certify that a careful survey of the following described property was made under my supervision:

A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 10 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma; and being more particularly described as follows: Beginning at the Southwest corner the Northeast Quarter of the Northeast Quarter, thence S 90°00'28" W 3158.10 feet thence S 56°50'28" E 209.41 feet thence N 80°55'10" E 1884.91 feet thence N 51°39'39" E 968.48 feet thence N 42°19'52" E 118.23 feet thence N 25°15'33" E 68.83 feet to a point on the North line of the Southwest Quarter of Section 21; thence S 89°57'08" W 1178.23 feet to the Southwest corner of the Southwest Quarter of Section 21; thence N 00°09'19" W 1322.08 feet to the Southeast corner the Northeast Quarter of the Northeast Quarter of Section 20; thence N 89°40'38" W 1320.98 feet to the point of beginning.

I further certify that the above and foregoing is a true and correct plat of the same.

Witness my hand and seal this 7th day of April, 2016.

Brett King
 BRETT KING
 1533
 OKLAHOMA
 Copyright April, 2016.

SURVEY PLAT

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

EASEMENTS

THE EASEMENTS FILED IN BOOK 3308 AT PAGE 537, BOOK 1485 AT PAGE 369, BOOK 2236 AT PAGE 147, BOOK 1383 AT PAGE 322, BOOK 3181 AT PAGE 611, BOOK 4803 AT PAGE 1042, BOOK 384 AT PAGE 305 AND BOOK 878 AT PAGE 489 DO NOT AFFECT THE SUBJECT PROPERTY.

THE INSTRUMENT FILED IN BOOK 3672 AT PAGE 68 LACKS THE INFORMATION TO PLOT ITS LOCATION.

THE SUBJECT PROPERTY IS WHOLLY CONTAINED IN THE INSTRUMENTS FILED IN BOOK 4920 AT PAGE 2462, BOOK 4939 AT PAGE 1035, BOOK 4898 AT PAGE 319, BOOK 6074 AT PAGE 1808, BOOK 6148 AT PAGE 1111, BOOK 5184 AT PAGE 291, BOOK 6214 AT PAGE 317, BOOK 6228 AT PAGE 1963, BOOK 6423 AT PAGE 969.

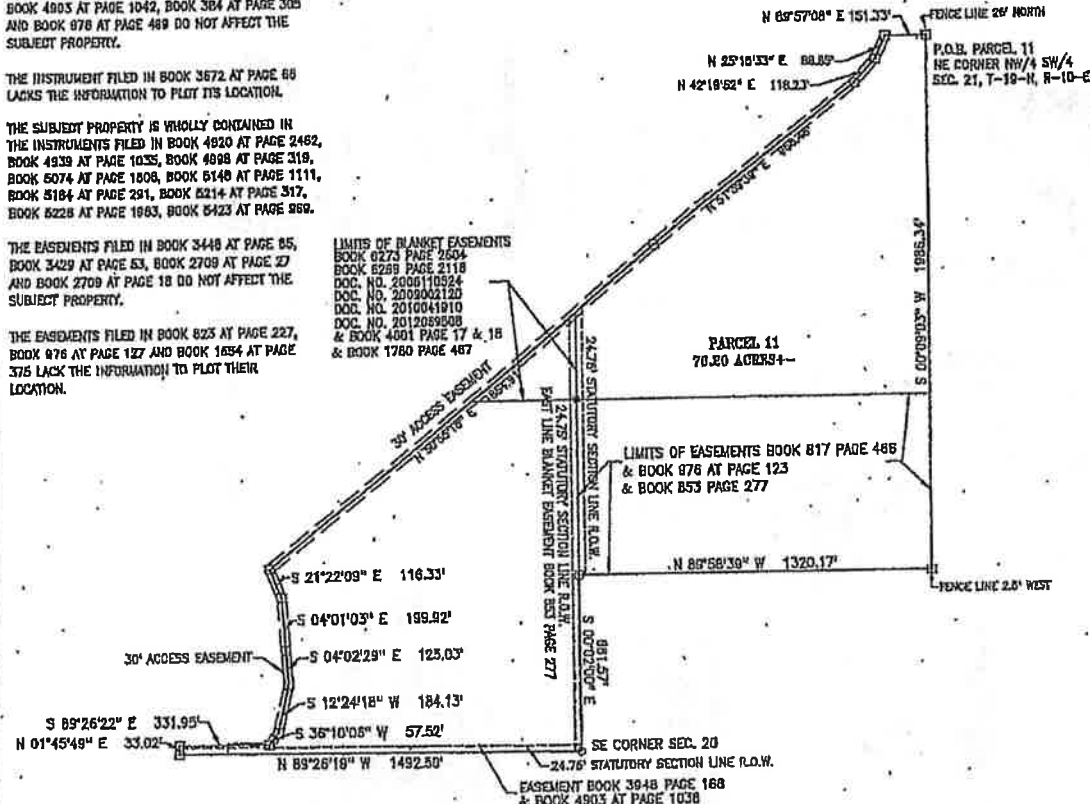
THE EASEMENTS FILED IN BOOK 3448 AT PAGE 85, BOOK 3429 AT PAGE 63, BOOK 2709 AT PAGE 27 AND BOOK 2709 AT PAGE 18 DO NOT AFFECT THE SUBJECT PROPERTY.

THE EASEMENTS FILED IN BOOK 823 AT PAGE 227, BOOK 876 AT PAGE 127 AND BOOK 1654 AT PAGE 375 LACK THE INFORMATION TO PLOT THEIR LOCATION.

LIMITS OF BLANKET EASEMENTS
 BOOK 6273 PAGE 2004
 BOOK 6299 PAGE 2118
 DOC. NO. 2006110524
 DOC. NO. 200902120
 DOC. NO. 2010041910
 DOC. NO. 2012093908
 & BOOK 4001 PAGE 17 & 18
 & BOOK 1780 PAGE 487

PARCEL 11
 70.20 ACRES±

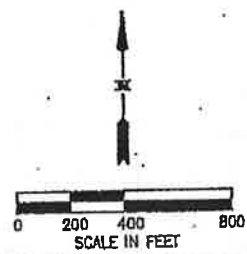
LIMITS OF EASEMENTS BOOK 817 PAGE 466 & BOOK 876 AT PAGE 123 & BOOK 853 PAGE 277



BASIS OF BEARINGS: TRUE BEARINGS DERIVED FROM GPS OBSERVATIONS

- ⊙ DENOTES FOUND ORIGINAL STONE OR SET MAG NAIL
- ⊠ DENOTES SET 1/2" IRON PIN W/CAP
- ⊙ DENOTES FOUND IRON PIN

THE WORD CERTIFY OR CERTIFICATE AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.



CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.S. 1533, in the State of Oklahoma, of Landmark Surveying, C.A. 4572 B-30-17, of 245 South Taylor, P.O. Box 1328, Pryor, Oklahoma (918-825-2804) do hereby certify that a careful survey of the following described property was made under my supervision:

A part of the East Half of Section 20, and a tract of land being a part of the Southwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 21, thence S 00°00'03" W 1888.34 feet to the Southeast corner of the North Half of the Southwest Quarter of the Southwest Quarter; thence N 89°58'39" W 1320.17 feet to the Southwest corner of the North Half of the Southwest Quarter of the Southwest Quarter; thence S 00°02'00" E 861.67 feet to the Southeast corner of Section 20; thence N 89°28'19" W along the South line of Section 20 a distance of 1492.50 feet; thence N 01°45'49" E 33.02 feet; thence S 89°26'22" E 331.95 feet; thence N 36°10'06" E 57.52 feet; thence N 12°24'18" E 184.13 feet; thence S 04°02'29" W 128.03 feet; thence N 04°01'03" W 189.92 feet; thence N 21°22'09" W 116.33 feet; thence N 89°26'18" W 1492.50 feet; thence N 61°39'39" E 988.48 feet; thence N 42°18'52" E 118.23 feet; thence N 25°15'33" E 88.85 feet to a point on the North line of the Southwest Quarter of Section 21; thence N 89°57'08" E 151.33 feet to the point of beginning.

I further certify that the above and foregoing is a true and correct plat of the above described property.
 Witness my hand and seal this 7th day of April, 2016.

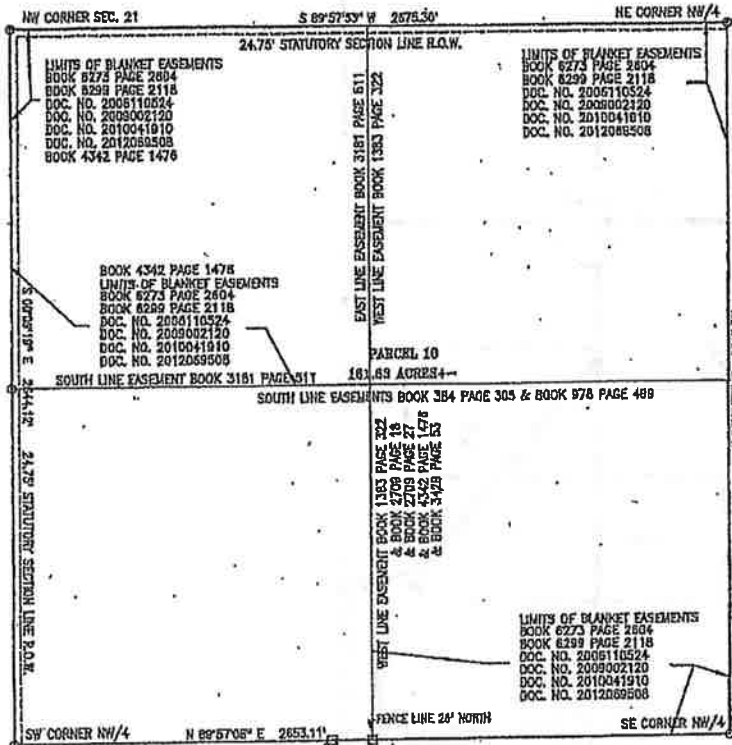


Copyright April, 2016.

6.11

SURVEY PLAT

THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.



BASIS OF BEARINGS: TRUE BEARINGS DERIVED FROM GPS OBSERVATIONS

- DENOTES FOUND ORIGINAL STONE OR SET MAG NAIL
- DENOTES SET 1/2" IRON PIN W/CAP
- ◐ DENOTES FOUND IRON PIN

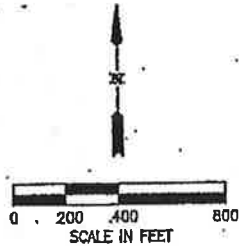
THE WORD CERTIFY OR CERTIFICATE AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

EASEMENTS
 THE EASEMENTS FILED IN BOOK 817 AT PAGE 466, BOOK 878 AT PAGE 123, BOOK 3848 AT PAGE 188, BOOK 4803 AT PAGE 1036, BOOK 4903 AT PAGE 1042 AND BOOK 633 AT PAGE 277.

THE EASEMENT FILED IN BOOK 1493 AT PAGE 359 WAS RELEASED IN BOOK 2236 AT PAGE 147.

THE INSTRUMENT FILED IN BOOK 3672 AT PAGE 66 LACKS THE INFORMATION TO PLOT ITS LOCATION.

THE SUBJECT PROPERTY IS WHOLLY CONTAINED IN THE INSTRUMENTS FILED IN BOOK 4920 AT PAGE 2482, BOOK 4939 AT PAGE 1035, BOOK 4998 AT PAGE 319, BOOK 5074 AT PAGE 1808, BOOK 5148 AT PAGE 1111, BOOK 5184 AT PAGE 261, BOOK 5214 AT PAGE 317, BOOK 6226 AT PAGE 1883, BOOK 5423 AT PAGE 989.



CERTIFICATE

I, Brett King, the undersigned, a Registered Professional Land Surveyor L.S. 1533, in the State of Oklahoma, of Landmark Surveying, C.A. 4572 6-30-17, of 245 South Taylor, P.O. Box 1328, Pryor, Oklahoma (918-825-2804) do hereby certify that a careful survey of the following described property was made under my supervision:

The Northwest Quarter of Section 21, Township 19 North, Range 10 East of the Indian Meridian and Principle Base Line, Tulsa County, Oklahoma.

I further certify that the above and foregoing is a true and correct plot of the same.

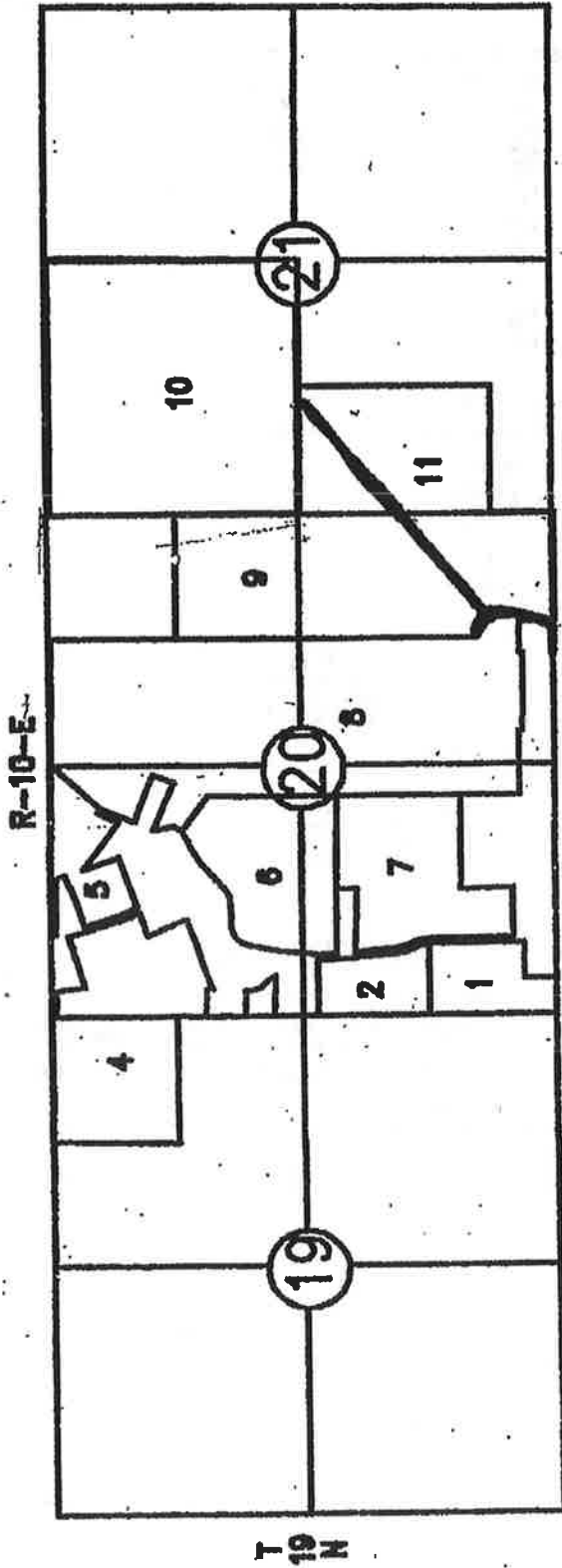
Witness my hand and seal this 7th day of April, 2016.

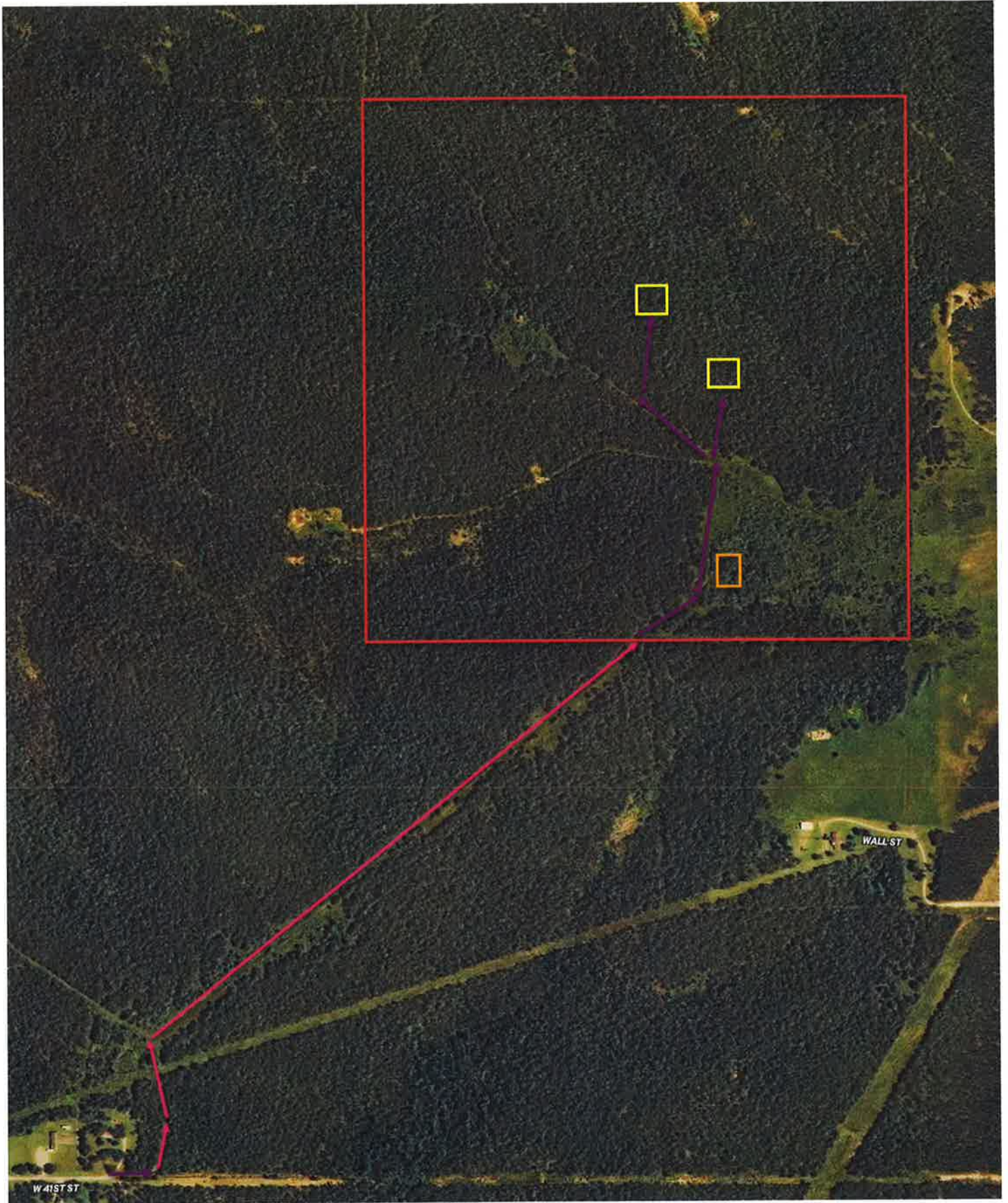
Brett King



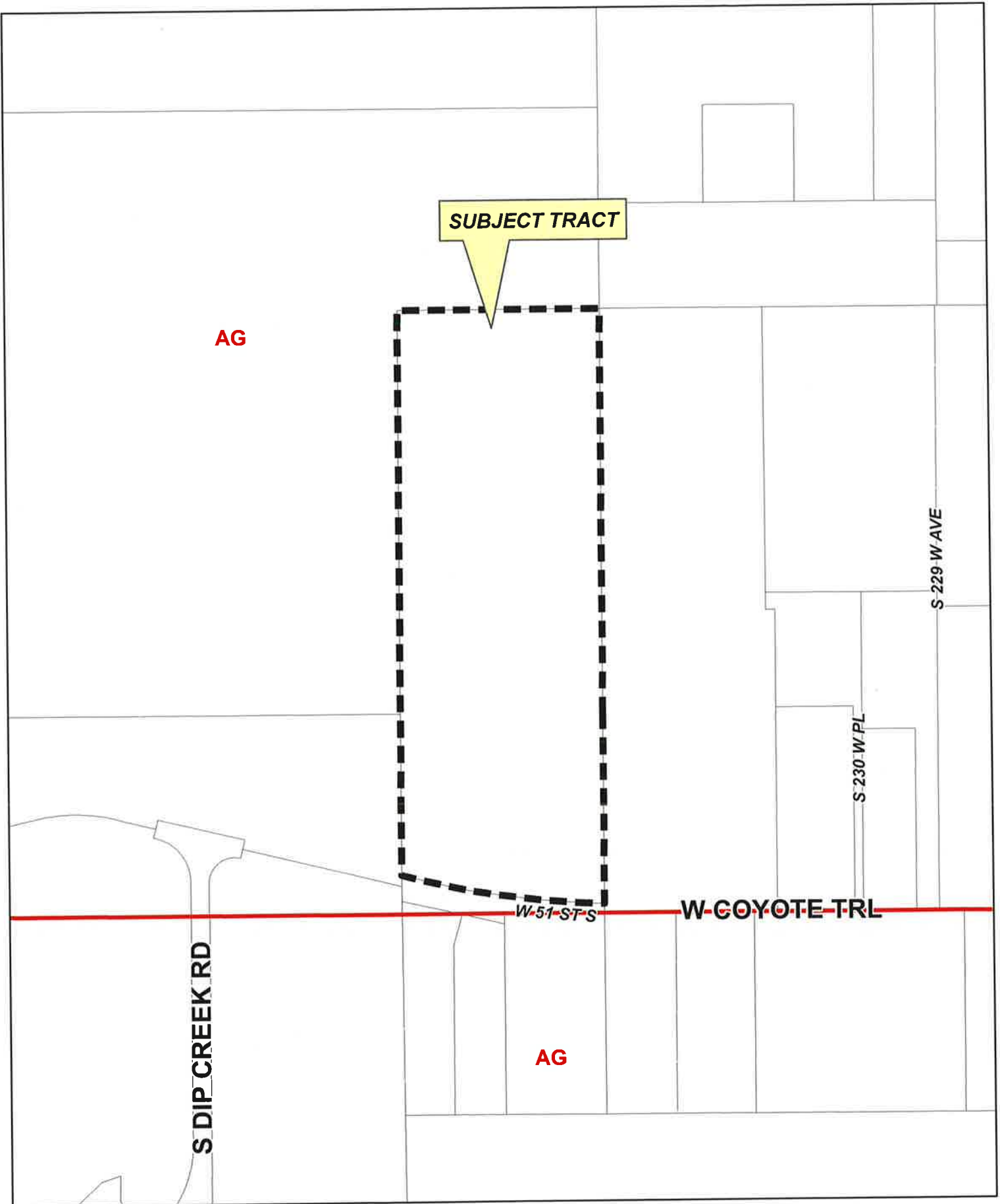
6.13

LOCATION MAP





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SUBJECT TRACT

AG

S-229-W-AVE

S-230-W-PL

S DIP CREEK RD

W-51-STS

W-COYOTE-TRL

AG



CBOA-2875

7.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 9028

CZM: 41

CASE NUMBER: CBOA-2875

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: Frank Pattison

ACTION REQUESTED: Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue in an AG district (Section 1202); and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 23425 W COYOTE TL S

ZONED: AG

FENCELINE: Keystone

PRESENT USE: Agriculture

TRACT SIZE: 29.14 acres

LEGAL DESCRIPTION: SE NE SW & E/2 SE SW LYING N OF COYOTE TR SEC 28 19 10 29.144ACS,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning and a mixture of agricultural and residential uses.

STAFF COMMENTS:

The meeting on 2/16/2021 was cancelled due to weather. The case was re-noticed.

The applicant is before the Board requesting a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue in an AG district (Section 1202); and a Variance from the all-weather parking surface requirement (Section 1340.D).

A Special Exception is required as the proposed use is not permitted by right in the AG district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the surrounding area and to the general welfare, may be permitted. The proposed wedding/event center must be found to be compatible with the surrounding area.

The subject lot is located in a rural area containing some undeveloped lots and AG zoned residential uses. The applicant has submitted a site plan and drawings indicating that the site will contain off-street parking off the driveway located on the eastern boundary of the subject lot. The applicant's home is located north of the proposed event venue.

The Code requires all parking surfaces be paved with an all-weather surface so as to maintain a minimum level of aesthetics, but more importantly to control air-borne particulates like dust and to control the tracking of dirt and mud onto public streets. The applicant has requested a variance to permit a gravel parking area.

7.2

The applicant intends to construct 40' x 80' (3200 SF) barn with a 12' x 80' lean to on the site. The proposed hours of operation are 12:00 p.m. – 12:00 a.m. and the attendance for weddings and family gatherings would be limited to 150 – 200 maximum guests.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use is compatible with the surrounding area. The Board, if concerned with the performance of such a use, may limit approval for a temporary period to essentially establish a trial period. The Board may consider the following conditions:

- Limiting the number of onsite events per year.
- Limiting the total number of guests permitted at one time.
- Limiting the day and hours of operation.

Sample Motion:

“Move to _____ (approve/deny) a Special Exception for Use Unit 2, Area-Wide Special Exception Uses, for a Wedding and Event Venue in an AG district (Section 1202)

Approved per conceptual plan on page _____ of the agenda packet.

Subject to the following conditions (including time limitation, if any): _____.

Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

“Move to _____ (approve/deny) a Variance from the all-weather parking surface requirement (Section 1340.D).

Finding the hardship to be _____.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.



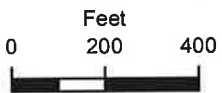
S DIP CREEK RD

W 51 ST-S

W COYOTE TRL

S 230 W/PL

S 229 W/AVE



Subject Tract

CBOA-2875

19-10 28

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



7.4



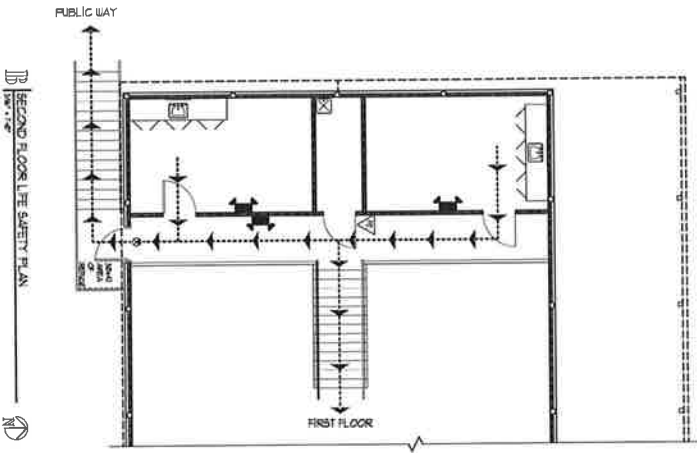
Looking north from West Coyote Trail



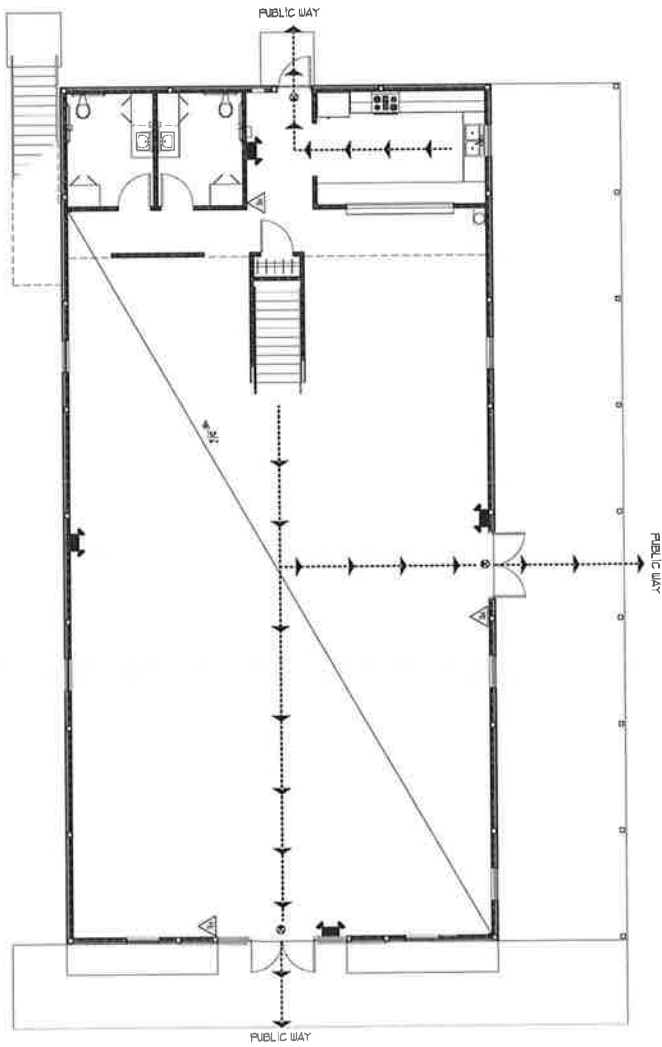
Looking east down West Coyote Trail from the subject property



Looking west down West Coyote Trail from the subject property



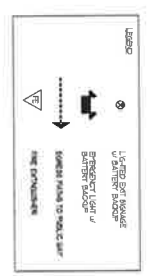
B SECOND FLOOR LIFE SAFETY PLAN
SCALE: 1/8" = 1'-0"



A FIRST FLOOR LIFE SAFETY PLAN
SCALE: 1/8" = 1'-0"

THIS SYMBOL SHALL BE SHOWN AT 1/8" = 1'-0"

NOTE: ROOMS OF EXISTING BUILDING SHALL NOT BE CHANGED UNLESS SPECIFICALLY NOTED OTHERWISE. ALL ROOMS SHALL BE ACCESSED FROM THE PUBLIC WAY. ALL ROOMS SHALL BE ACCESSIBLE TO ALL HANDICAPPED PERSONS.



A001

PROJECT: PATTISON EVENT CENTER
 DATE: 12/17/20
 DRAWN BY: [Name]
 CHECKED BY: [Name]

PATTISON EVENT CENTER
 FRANK PATTISON
 2020-012
 23425 WEST COYOTE TRAIL
 SAND SPRINGS, OK 74063



DESIGNWORKS
 - 5 5 0 0 1 0 -
 KEN ALEXANDER
 ARCHITECTURE - PLANNING - INTERIOR DESIGN
 221 S. MAIN ST. - SAND SPRINGS, OK 74063
 418-RDD-9385 - KEN@DESIGNWORKS.COM

7.8

A100

DATE	REVISION

PATTISON EVENT CENTER

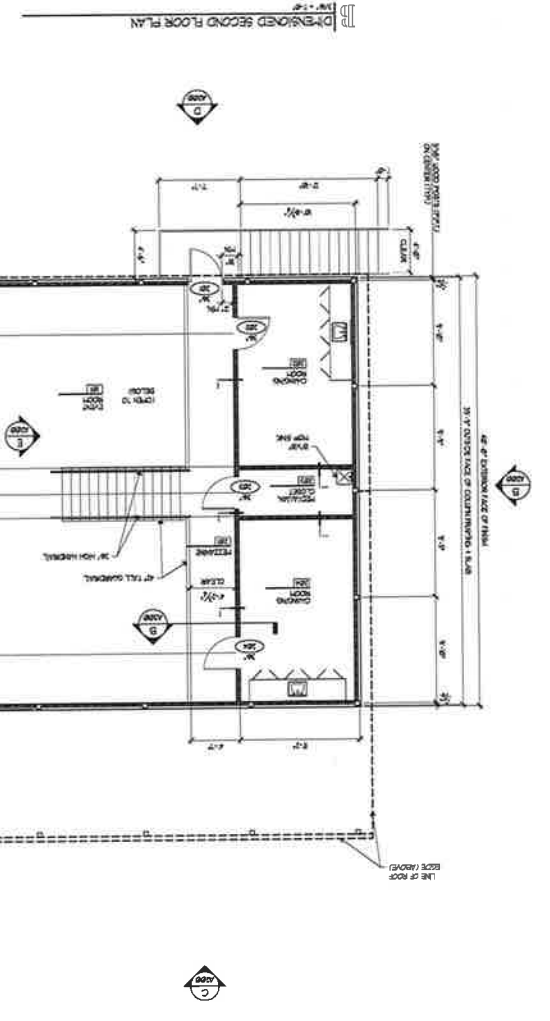
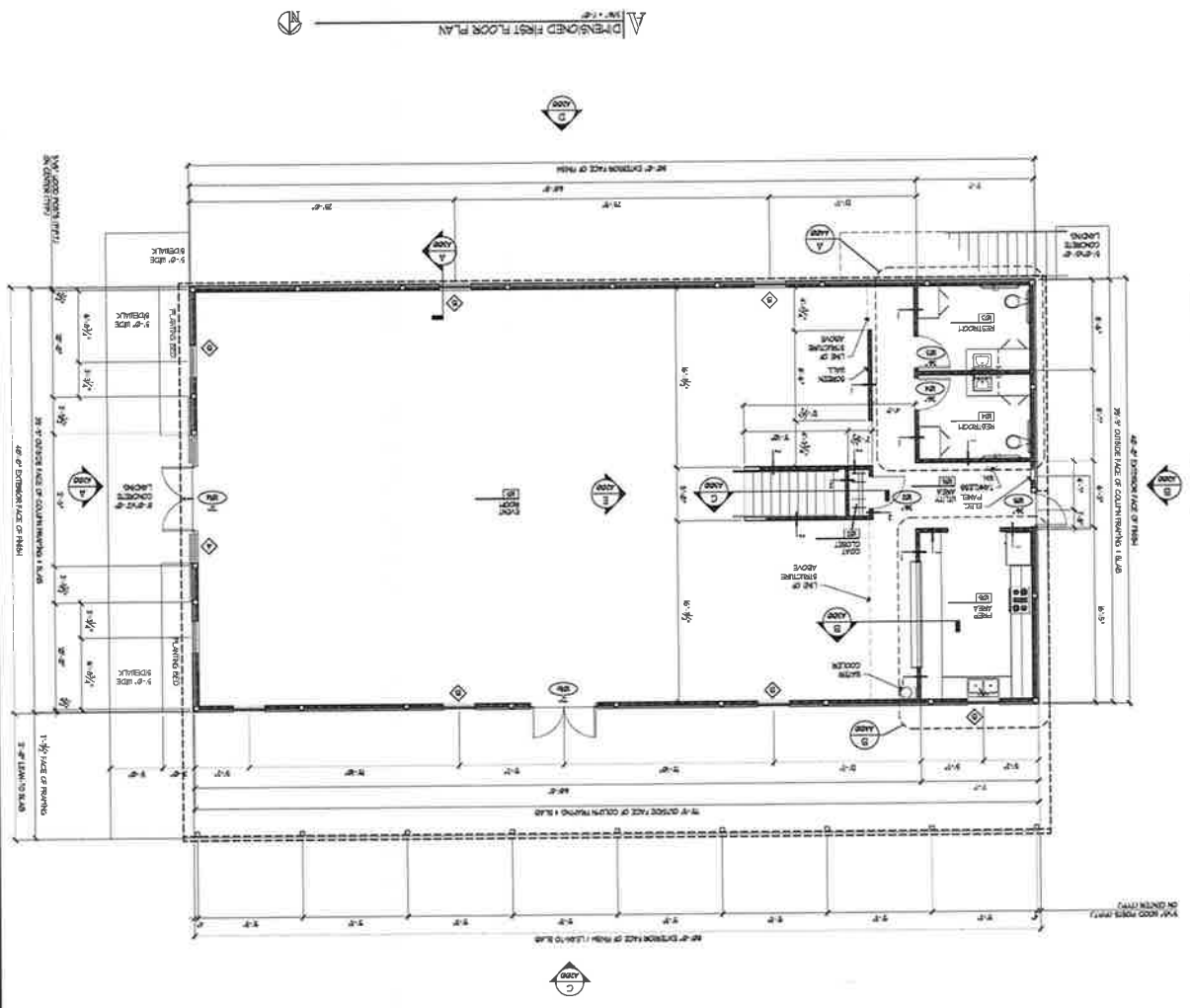
FRANK PATTISON
2020-012
23425 WEST COYOTE TRAIL
SAND SPRINGS, OK 74065



DESIGNWORKS
KEN ALEXANDER
ARCHITECT

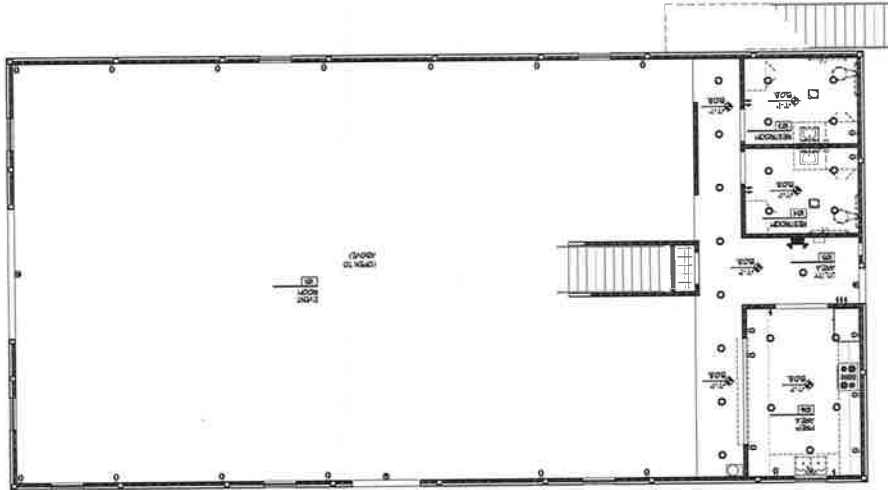
7.9

WALL TYPES
1 2x4 BOOD FRAM. TO CEILING (VARIABLE) WITH INTERIOR BOARDS TO BE SELECTED BY OWNER.
2 2x4 BOOD FRAM. TO 10' CEILING (VARIABLE) WITH INTERIOR BOARDS TO BE SELECTED BY OWNER.
3 2x4 BOOD FRAM. TO 10' CEILING (VARIABLE) WITH INTERIOR BOARDS TO BE SELECTED BY OWNER.
WALL LEGEND
5/8" BOOD COLUMN (C.O.C.) PER 106
2x4 STP WALL - FULL HEIGHT
DRIP AND CONTACT

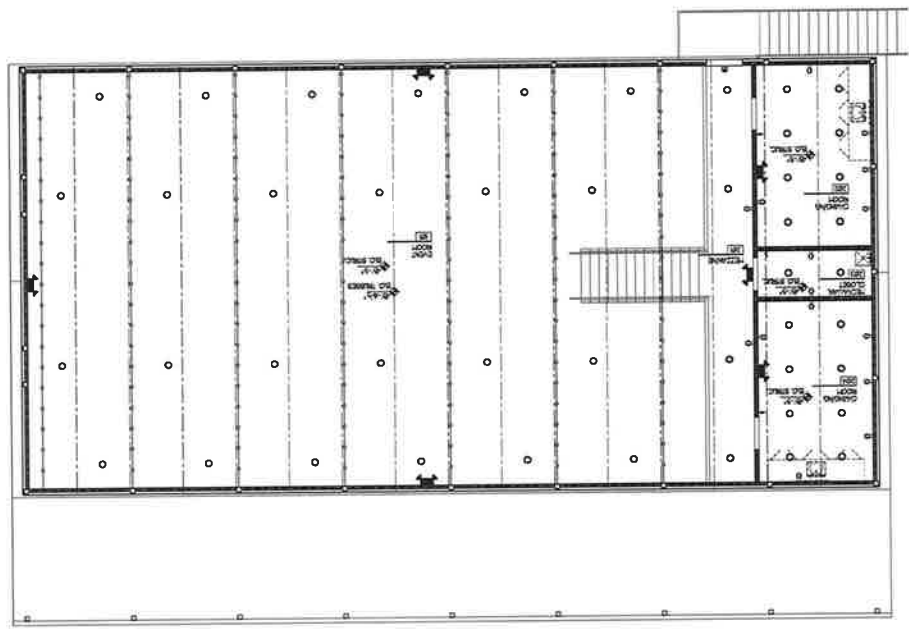


A DIMENSIONED FIRST FLOOR PLAN

B DIMENSIONED SECOND FLOOR PLAN



FIRST FLOOR ELECTRICAL PLAN



SECOND FLOOR ELECTRICAL PLAN



NOTES

- ALL LIGHTING AND ELECTRICAL DATA TO BE DETERMINED BY THE CONTRACTOR.
- ALL ELECTRICAL SYMBOLS AND LOCATIONS TO BE DETERMINED BY THE CONTRACTOR.
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RFP FIXTURE SCHEDULE

⊕	LISTED EXIT HOUSE W/ BATTERY
⊖	BATTERY (V)
↔	BATTERY LIGHTING W/ BATTERY
⊙	RECESSED CAN LIGHT FIXTURE (T5)
□	CHASSIS FIX (T)
→	BALL HOUSED BALLAST (T)
⊞	TRAY ELECTRICAL DISTRIBUTION

DESIGN WORKS
 23425 WEST COYOTE TRAIL
 SAND SPRINGS, OK 74065

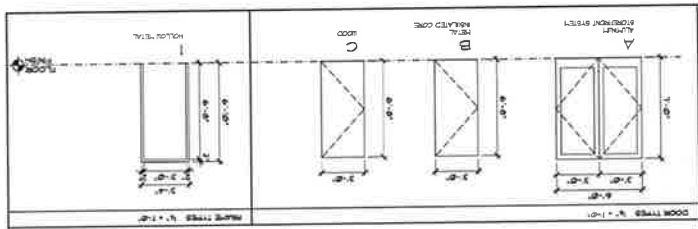
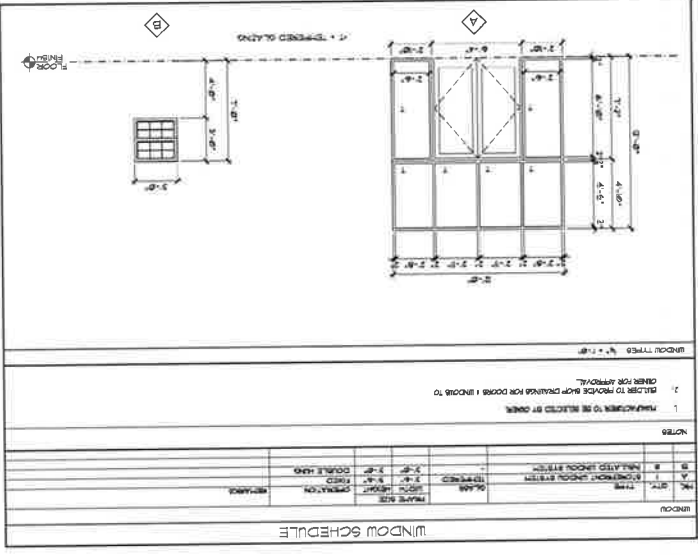
DATE	DESCRIPTION	BY

PATTISON EVENT CENTER
 FRANK PATTISON
 2020-012
 23425 WEST COYOTE TRAIL
 SAND SPRINGS, OK 74065



DESIGNWORKS
 KEN ALEXANDER
 23425 WEST COYOTE TRAIL
 SAND SPRINGS, OK 74065

7.10

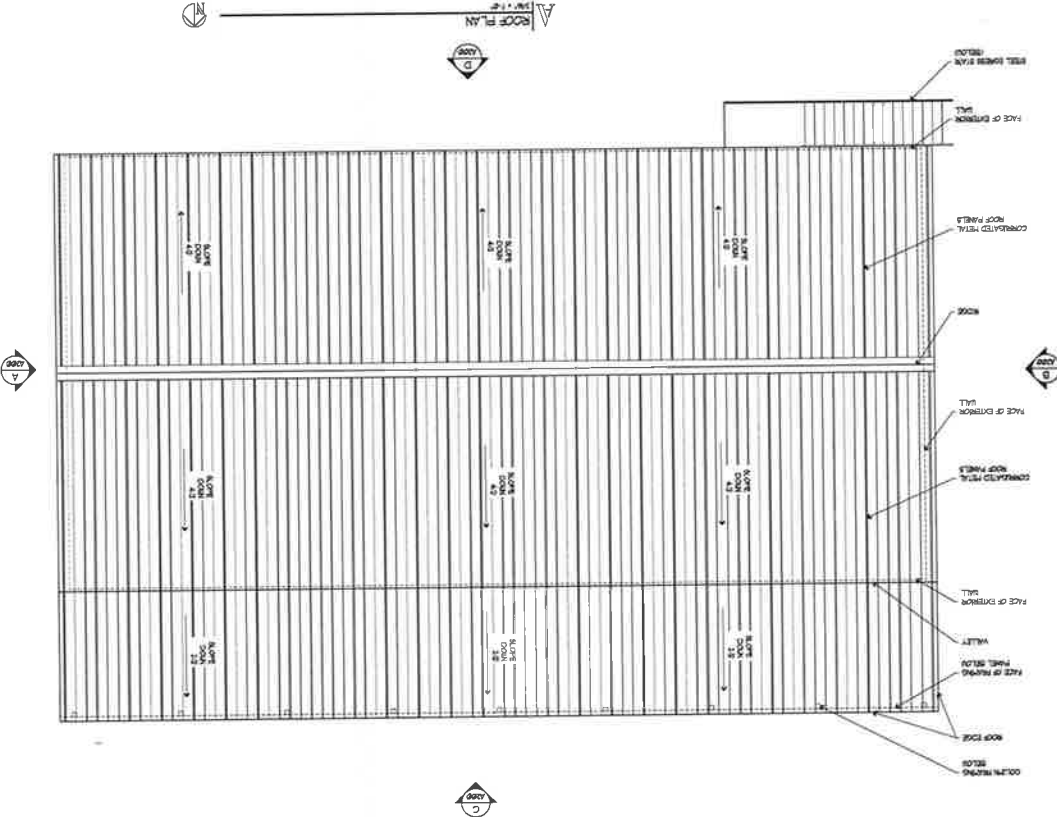


DOOR SCHEDULE

DOOR	TYPE	SIZE	FINISH	GLASS	GLASS TYPE	GLASS FINISH	GLASS TYPE
101	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
102	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
103	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
104	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
105	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
106	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
107	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
108	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
109	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
110	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
111	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
112	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
113	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
114	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
115	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
116	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
117	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
118	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
119	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD
120	DOOR	3'-0" x 7'-0"	WOOD	GLASS	TEMPERED GLASS	WOOD	WOOD

NOTES:

1. ALL DOORS TO COMPLY WITH ALL APPLICABLE CODES FOR ADJACENT WALLS.
2. ALL DOOR ACTIVATION HARDWARE SHALL BE 3" x 3" UNLESS NOTED OTHERWISE.
3. EXIT DOORS SHALL BE REINFORCED WITH GLASS BOLTS THROUGH THE USE OF A KIT FOR SPECIAL REQUIREMENTS. DOOR HARDWARE SHALL BE OPERATING DEVICES ON DOORS SHALL NOT REQUIRE TIGHT CLOSING, BUT SHALL BE REINFORCED WITH GLASS BOLTS THROUGH THE USE OF A KIT FOR SPECIAL REQUIREMENTS.
4. VERIFY ALL HARDWARE WITH OWNER & ARCHITECT PRIOR TO ORDERING.
5. THRESHOLDS SHALL NOT EXCEED 1/2" AFF. RAISED THRESHOLDS & FLOOR LEVEL CHANGES AT ACCESSIBLE LOCATIONS.
6. THE CLEAR PERIOD OF DOOR CLOSURES SHALL BE A SECONDARY POSITION OR BE DEGRADED TO 2" FROM THE LATCH MECHANISM TO THE LATCH END OF THE DOOR.
7. THE CLEAR PERIOD FOR PUSHING OR PULLING OPEN AN INTERIOR UNLATCHED, SLUNG, OR FOLDED DOOR SHALL BE 5" FROM THE LATCH MECHANISM TO THE LATCH END OF THE DOOR.
8. LOCKING EXIT/REVERSE DOORS NOT HAVING EMERGENCY EXITING SHALL HAVE SWIAGE STAYS. THIS DOOR MUST REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED.



REVISIONS

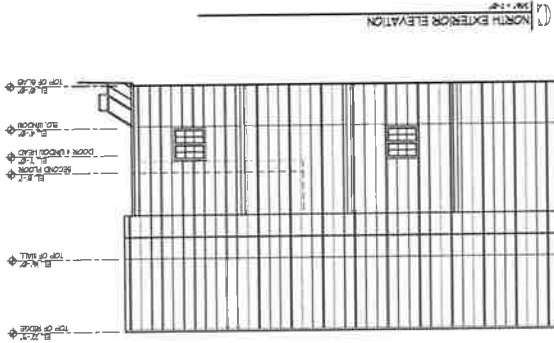
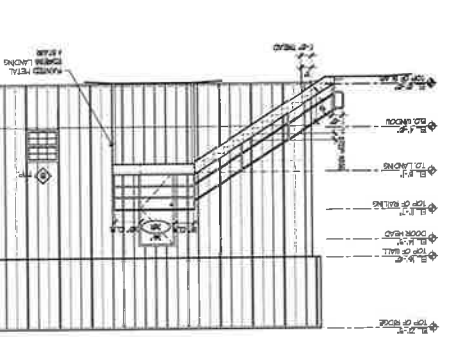
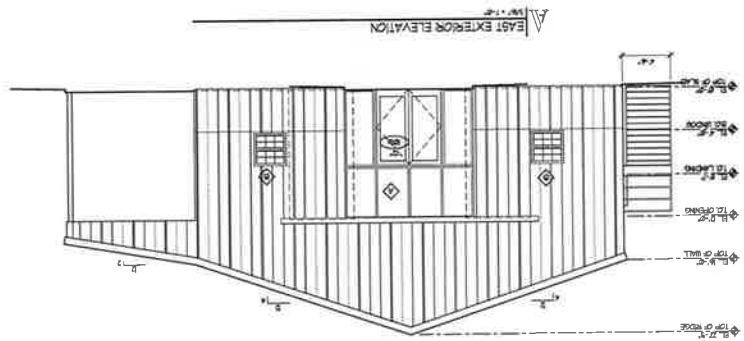
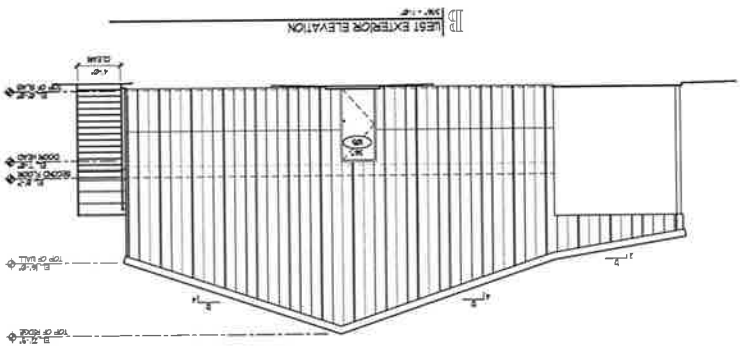
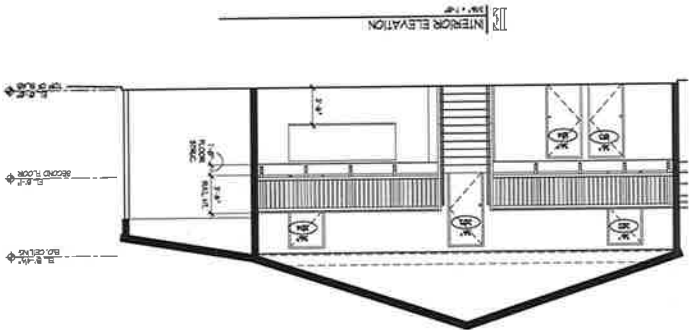
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2	ISSUED FOR PERMIT	12/14/20
3	ISSUED FOR PERMIT	12/14/20
4	ISSUED FOR PERMIT	12/14/20
5	ISSUED FOR PERMIT	12/14/20
6	ISSUED FOR PERMIT	12/14/20
7	ISSUED FOR PERMIT	12/14/20
8	ISSUED FOR PERMIT	12/14/20
9	ISSUED FOR PERMIT	12/14/20
10	ISSUED FOR PERMIT	12/14/20

PATTISON EVENT CENTER
 FRANK PATTISON
 2020-012
 23425 WEST COYOTE TRAIL
 SAND SPRINGS, OK 74065



DESIGNWORKS
 KEN ALEXANDER
 ARCHITECTURE / PLANNING / INTERIOR DESIGN
 4211 S. MAIN ST. - SUITE 100, SAND SPRINGS, OK 74083
 918.326.1588 • KEN@DESIGNWORKSOK.COM

7-11



A200

DATE	REVISION	BY

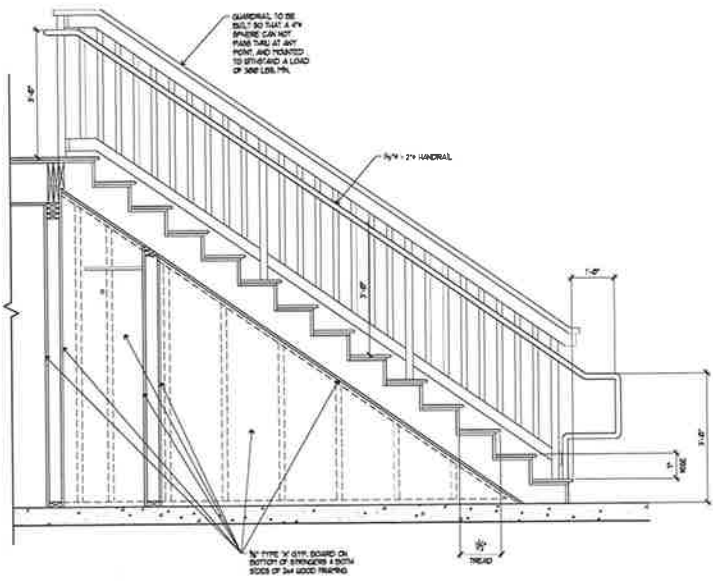
PATTISON EVENT CENTER

FRANK PATTISON
2020-012
23425 WEST CONVOYE TRAIL
SAND SPRINGS, OK 74065

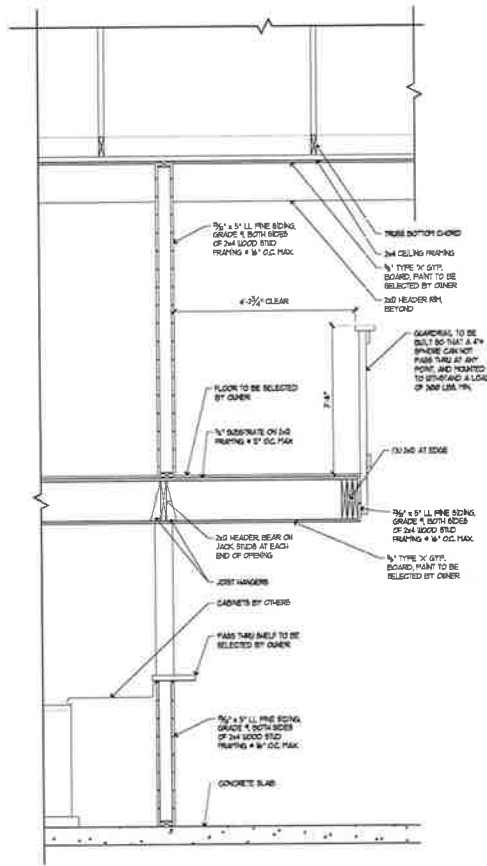
DESIGNWORKS

7.12
KEN ALEXANDER
Architectural Designer
221 W. MAIN ST. - SAND SPRINGS, OK 74083
918-354-7525 - ARCHITECTURAL@DESIGNWORKSOK.COM

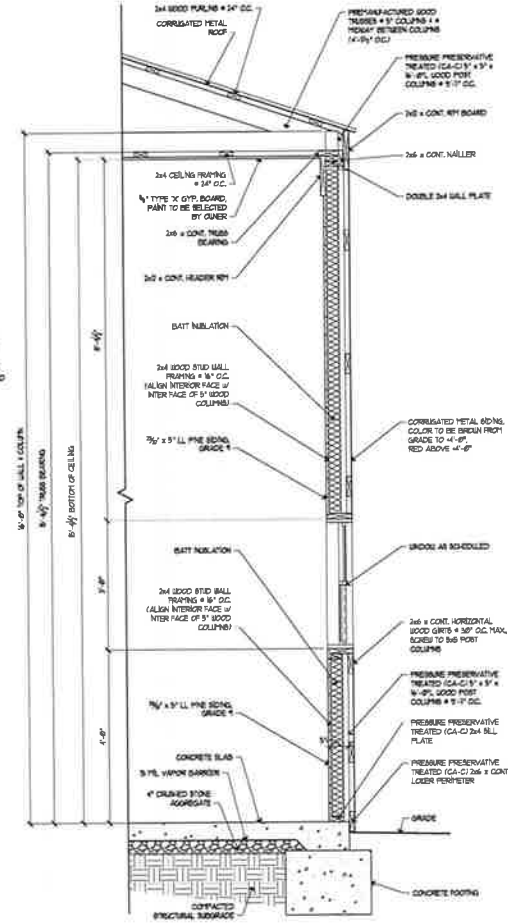




C STAIR DETAIL
1/4" = 1'-0"



B INTERIOR WALL SECTION
1/4" = 1'-0"



A EXTERIOR WALL SECTION
1/4" = 1'-0"



PATTISON EVENT CENTER
FRANK PATTISON
2020-012
29425 WEST COYOTE TRAIL
SAND SPRINGS, OK 74065

NO.	REVISION	DATE

SETS MAILED: _____
DRAWING TITLE: _____
SECTION & DETAILS: _____
DRAWING NUMBER: _____

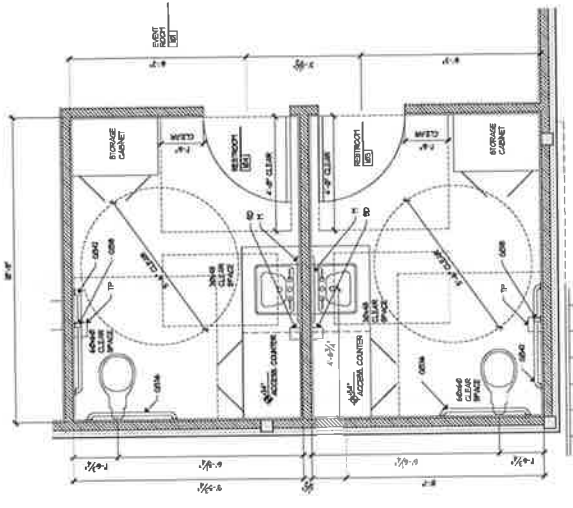
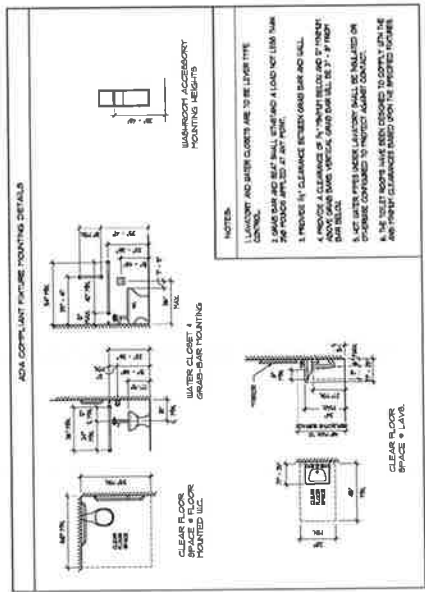
A300

7.13

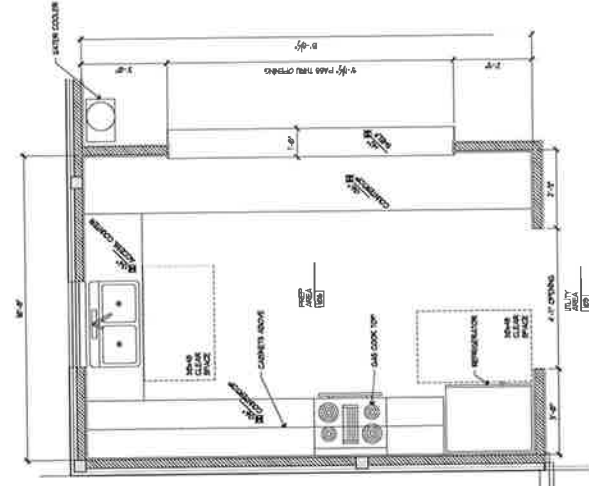
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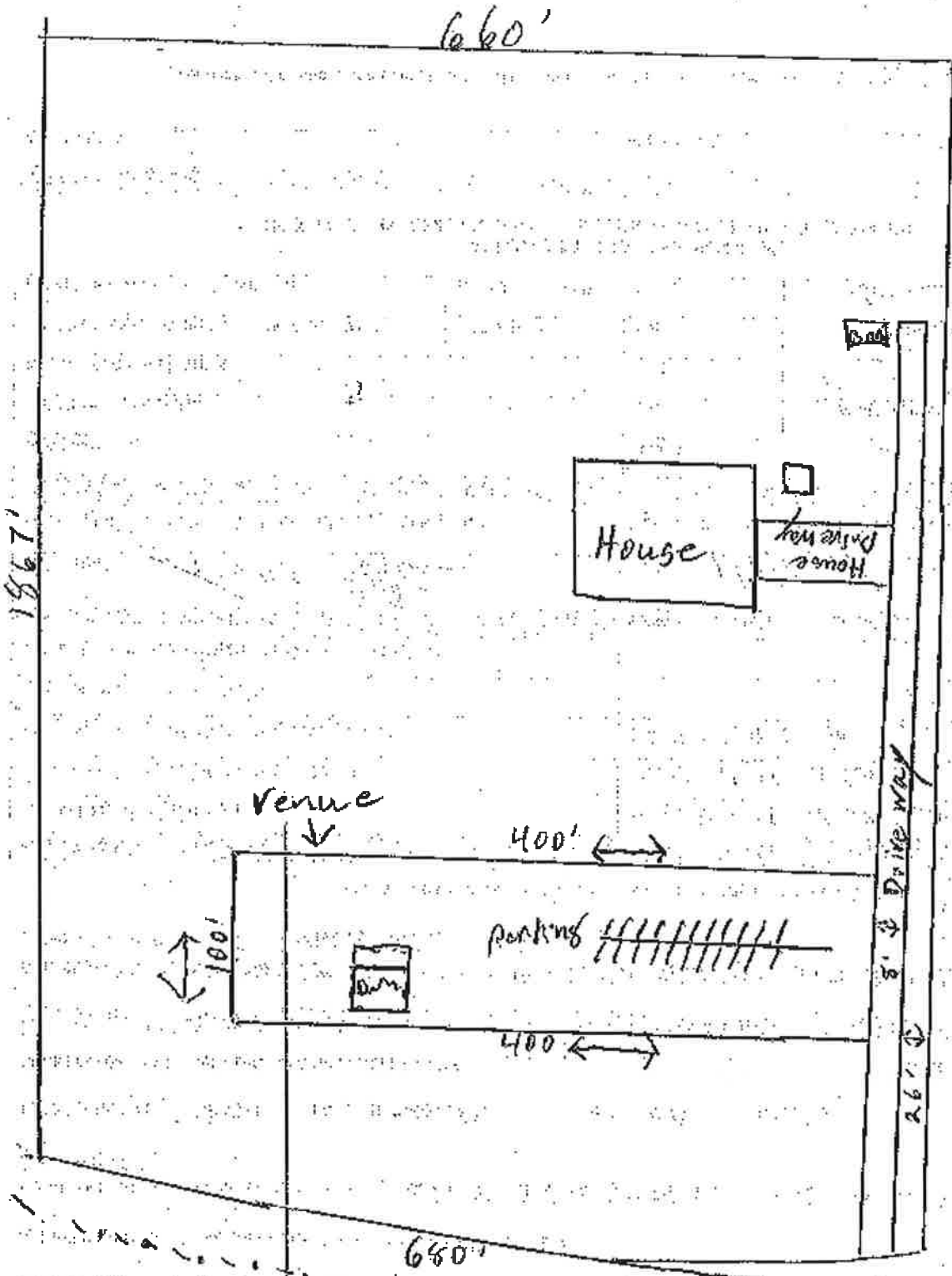
PATTISON EVENT CENTER
 2020-012
 FRANK PATTISON
 23425 WEST COYOTE TRAIL
 SAND SPRINGS, OK 74063



ENLARGED RESTROOM PLANS
 1/4" = 1'-0"



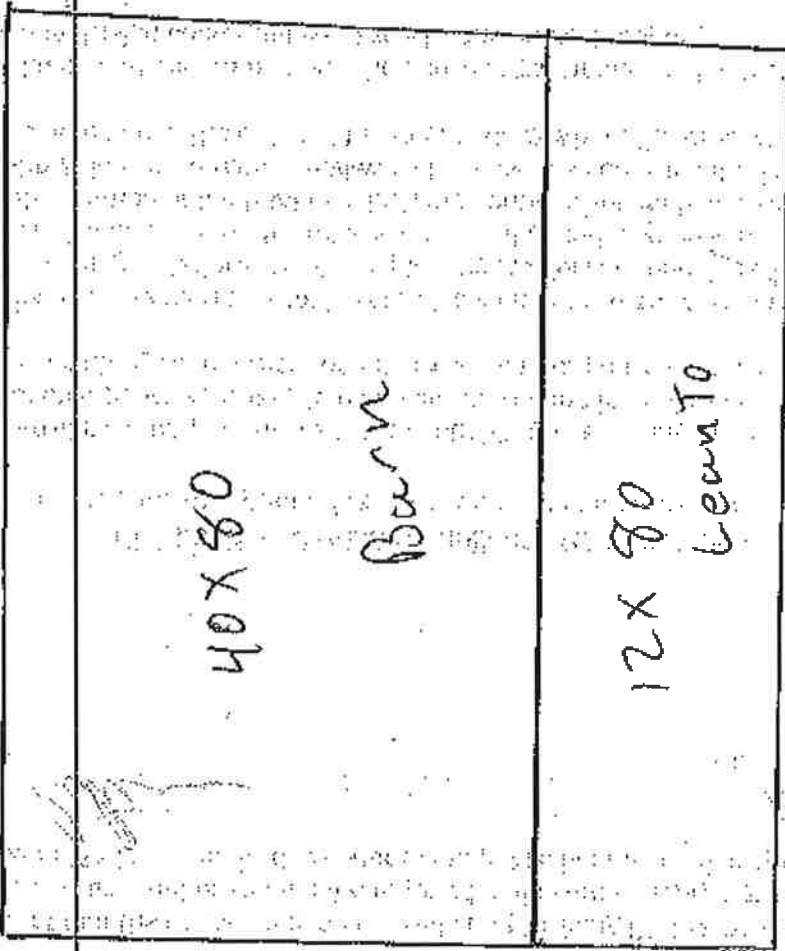
ENLARGED KITCHEN PLAN
 1/4" = 1'-0"



↑ North

Not to scale

23425 W Coyote Trail



40x80

Barn

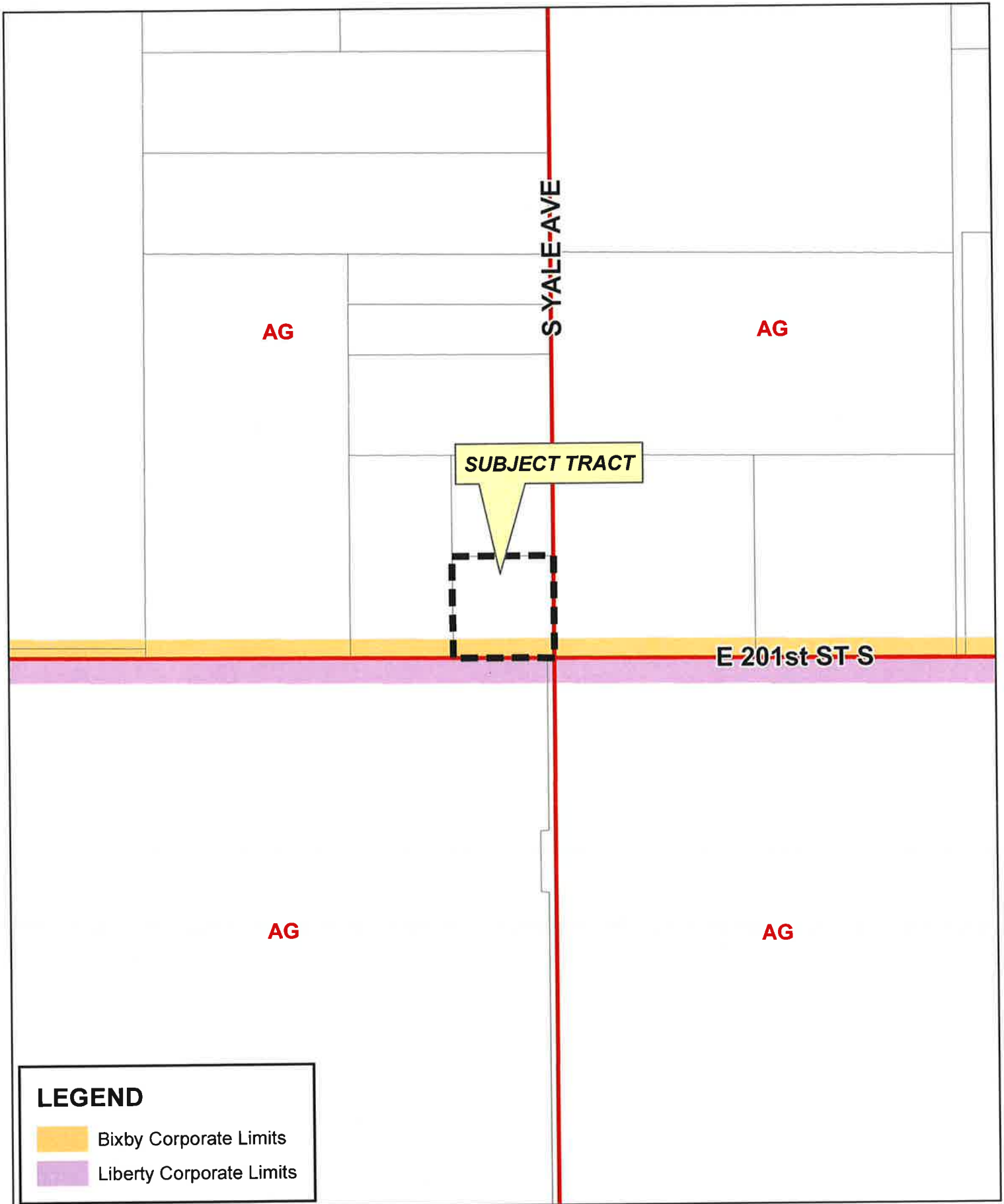
12x80

lean to



Barn

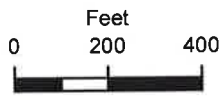
North





LEGEND

-  Bixby Corporate Limits
-  Liberty Corporate Limits



CBOA-2877

16-13 09

8.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 6309
CZM: 72, 71

CASE NUMBER: CBOA-2877
CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: Linda Fitzpatrick

ACTION REQUESTED: Variance to allow two dwelling units on a single lot of record in an AG district (Section 208).

LOCATION: 20024 S YALE AV E

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Residential

TRACT SIZE: 2.5 acres

LEGAL DESCRIPTION: SE SE SE SESEC 9 16 13 2.50AC,

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoned properties in a rural area with some residential uses to the north and west.

STAFF COMMENTS:

The meeting on 2/16/2021 was cancelled due to weather. The case was re-noticed.

The applicant is before the Board requesting a Variance to allow two dwelling units on a single lot of record in an AG district (Section 208). As shown on the attached plan, the applicant has one single-family home on the lot and is proposing to place a single-wide mobile home north of the existing home.

The applicant provided the following statement: *"All other corners adjacent to our property is AG land, no other residents."*

Section 208 states: No more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot which is within an approved PUD, in an RMH district, or in an AG district, with the exception in the AG district that there be no more than two dwellings per lot.

The Bulk and Area requirements in an AG district are described in the following table:

	AG District	Subject Property
Lot Width	Minimum 150 feet	312 feet
Lot Area	Minimum 2 acres	2.5 acres
Land Area per Dwelling Unit	Minimum 2.1 acres	1.25 acres if approved
Side Yard	Minimum 15 feet	40 feet (see site plan)
Rear Yard	Minimum 40 feet	

Section 330, Table 3 of the Code requires a minimum lot area of 2 acres and a land area per unit requirement of 2.1 acres in the AG district. The applicant is proposing one single-family home and one single-wide mobile home on the 2.5-acre subject lot.

If inclined to approve, the Board may consider any conditions it deems necessary and reasonably related to the request to ensure that the additional dwelling is not injurious to the surrounding agricultural district.

Sample Motion:

"Move to _____ (approve/deny) a Variance to allow two dwelling units on a single lot of record in an AG district (Section 208).

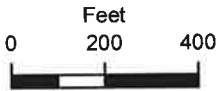
- *Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.*
- *Finding the hardship to be _____.*

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan"



S YALE AVE

E 201st ST S



 Subject Tract

CBOA-2877

16-13 09

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

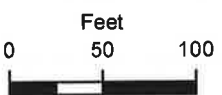


8.4



S YALE AVE

E 201st ST S



 Subject Tract

CBOA-2877

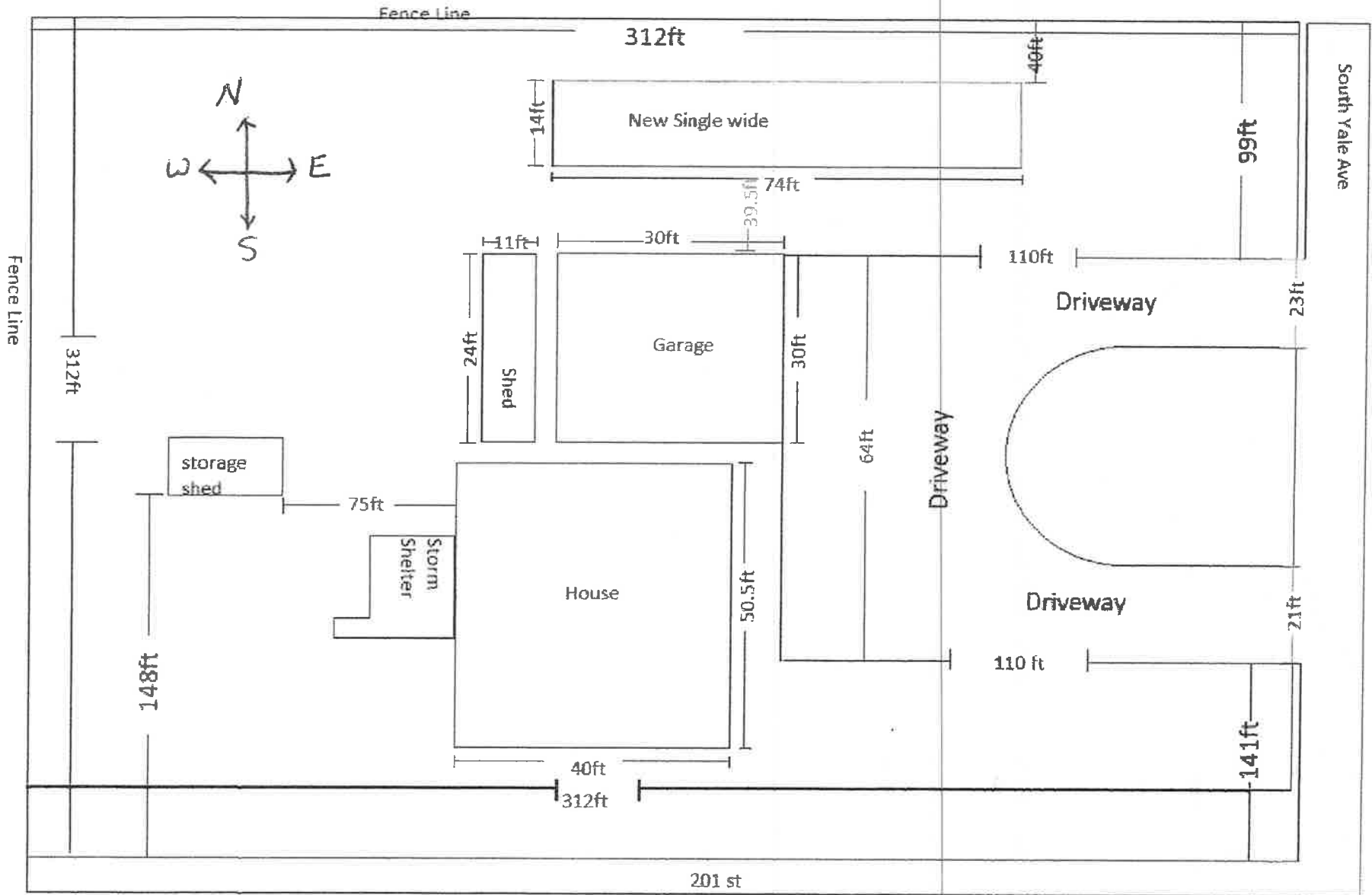
16-13 09

Note: Graphic overlays may not precisely align with physical features on the ground.

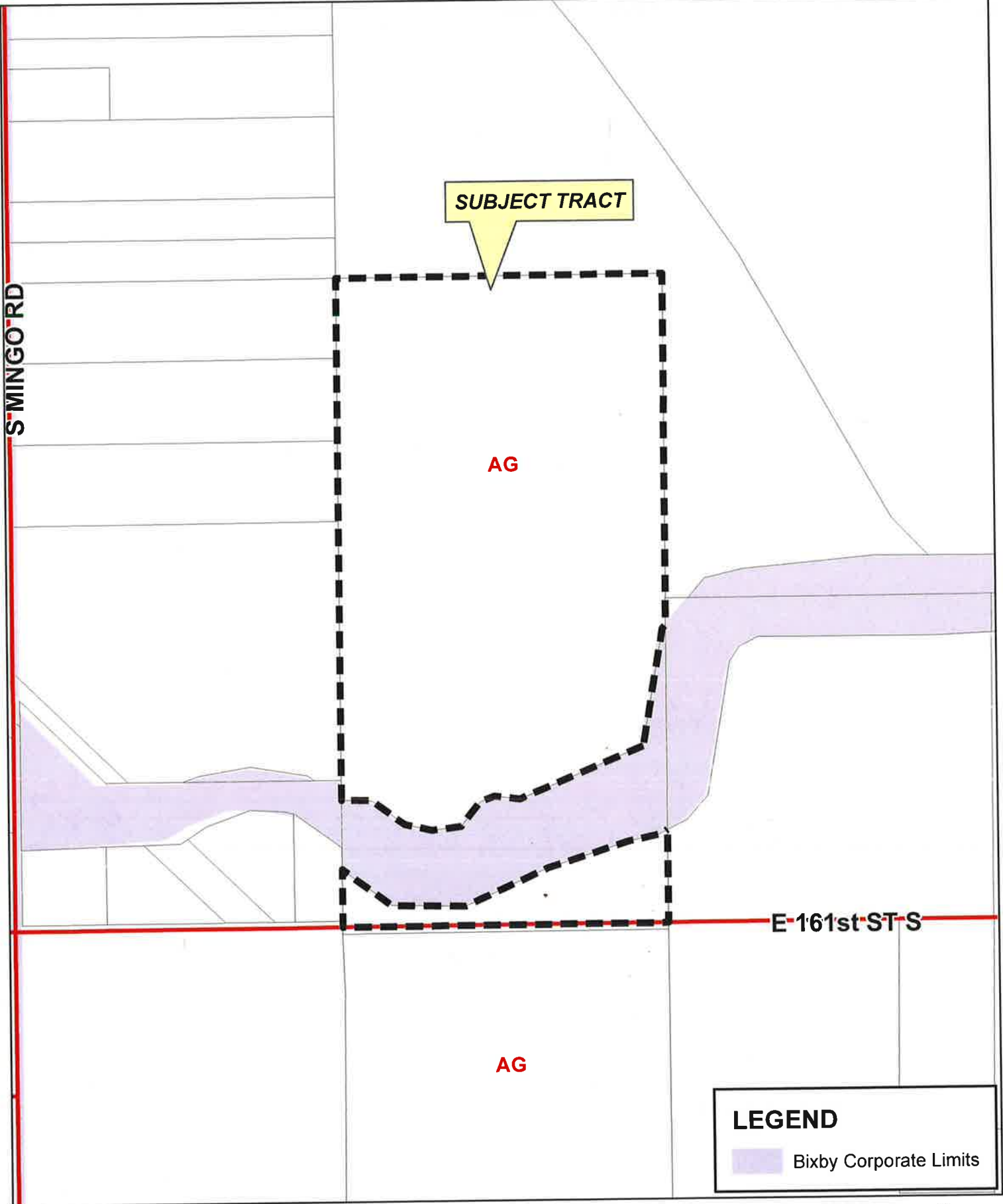
Aerial Photo Date: February 2018



8.5



8.6



SUBJECT TRACT

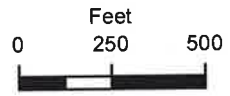
AG

AG

E 161st ST S

LEGEND

 Bixby Corporate Limits



CBOA-2878

17-14 19

9.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7419

CZM: 68

CASE NUMBER: **CBOA-2878**

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: Tanner Bemies

ACTION REQUESTED: Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224), to extend the time limit to allow native soils to be mined in an AG District (Section 310, Table 1).

LOCATION: 10335 E 161 ST S

ZONED: AG

FENCELINE: Bixby

PRESENT USE: Mining and Mineral Processing

TRACT SIZE: 68.99 acres

LEGAL DESCRIPTION: E/2 SW LESS BEG 378.63N SECR SW TH SW42.76 SW114.71 SW357.80 SW366.16 W298.35 NW244.12 N285.31 E120.93 SE164.88 SE113.29 ELY117.49 NE124.84 NE62.80 E105.02 NE547.81 NLY483.99 NE25.40 S833.78 TO POB SEC 19 17 14 68.990ACS,

RELEVANT PREVIOUS ACTIONS:

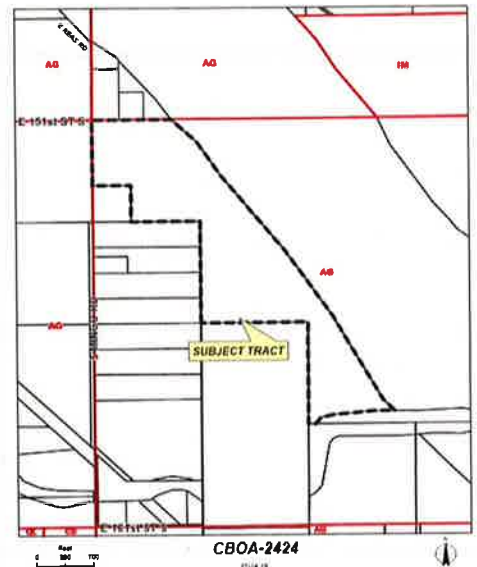
Subject Property:

CBOA-2786 January 2020: The Board approved a *Special Exception* to permit Use Unit 24, Mining & Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1), subject to conceptual plan 2.36 of the agenda packet. The approval is contingent with the written policy that was supplied by the applicant and there is to be a one-year time limit: January 2021, at which time the case is to be reviewed by the Board of Adjustment, on property located at 10335 East 161st Street South.

Surrounding Property:

CBOA-2424 May 2012: The Board approved a *Special Exception* to permit sand extraction within Use Unit 24, Mining & Mineral Processing, in an AG district (Section 310) with the following conditions:

- Statements contained in the letter from Mr. Frazier dated April 25, 2012 will be applicable. (See Exhibit A, pages 3.5 and 3.6.)
- No more than 100 loads of sand to be exported from this mining operation per year.
- The applicant will ensure that the road used to access the property, 151st Street, shall be maintained, whether it is through private efforts or through efforts with Tulsa County, for reasonable and appropriate use for truck and suitable for standard automobile traffic.

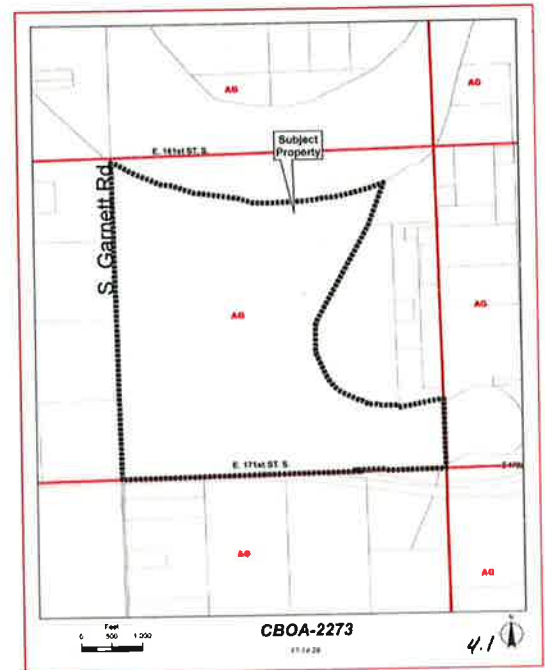


9.2

- This special exception will have a time limit of one year from today's date, May 15, 2012.
 - The debris on the property is to be depleted or removed.
- on property located at the southeast corner of 151st Street South and South Garnett Road.

CBOA-2273 July 2007: The Board approved a *Special Exception* to permit sand and gravel mining in the AG district (Section 301), with the following conditions:

- As submitted by the applicant, in accordance with the data submitted, and the plan of operation
- Subject to all of the permitting required, including environmental and quality, mining
- Hours of operation: truck traffic and pit operations from 7:00 a.m. to 7:00 p.m. and dredging as needed
- With conditions provided by the applicant to stay away from the banks in excavation
- To take necessary steps to minimize erosion, specifically, dredging no closer than 50 ft. from the shore except when the equipment is moved to the working site
- Placement of rip rap in areas that appear to be adversely affected from erosion by the operation
- The applicant to contribute to the cost and upkeep of Garnett Road South to Highway 164
- A watering plan that is consistently administered, authored by the applicant and posted for the inspector should they wish to see it
- The applicant to provide a \$250,000 bond to be posted in the event that certain remedial cure to public works is deemed necessary by the inspector's office for actions inconsistent with various permits on property located southeast of 161st Street and South Garnett Road.



ANALYSIS OF SURROUNDING AREA: The subject tract is located in an agricultural area just west of the Arkansas River. The abutting property to the west appears to be a sod farm. There are limited residential uses on nearby properties. Bixby Creek runs through the property on the south side which separates the parcel. The City of Bixby manages Bixby Creek.

STAFF COMMENTS:

The meeting on 2/16/2021 was cancelled due to weather. The case was re-noticed.

The applicant is before the Board requesting a Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224), to extend the time limit to allow native soils to be mined in an AG District (Section 310, Table 1).

In January of 2020, the Board approved a Special Exception for this use. As a condition of the approval, the applicant was required to come before the Board in one year to review the case. As there was a lapse getting the application in for the January meeting, the Board will review the case in February of 2021 to vote on the Special Exception.

A special exception is required as the proposed soil mining operation is a use which is not permitted by right in the AG district because of potential adverse affect, but which if controlled in the particular instance

as to its relationship to the surrounding area and to the general welfare, may be permitted. The use must be found to be compatible with the surrounding area.

The applicant contacted the City of Bixby in 2019 and included a statement from Jason C Mohler, P.E., Development Services Director, in the application. In summary, the statement says "The existing low water crossing provides access (to) the agricultural land north of the creek. I am not aware of any limitations on that access."

The Tulsa County Land Use Plan and the Bixby Comprehensive Plan designate this area as Rural Residential. Rural Residential is defined below:

The Rural Agriculture designation denotes areas within the City of Bixby's fenceline, but not within the City limits, that have large tracts of land for agricultural purposes. Agricultural uses may also include large-lot detached residential, accessory agricultural uses and structures to support agricultural uses. Improvements in this designation should be low impact and retain the rural character of the area.

The portion of the parcel north of Bixby Creek is located in the 100 Year Floodplain.

The Board of Adjustment, in granting a mining and mineral processing use by Special Exception, should consider potential environment influences, such as dust and vibration. If inclined to approve, the Board may consider establishing appropriate protective conditions such as setbacks, screening, and hours of operation, as will mitigate the adverse affect on proximate land uses.

The applicant will be required to obtain all relevant permits including those from the Tulsa County Inspectors Office/Building Permits Department and the Oklahoma Department of Mines.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed soil mining operation is compatible with and non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224), to extend the time limit to allow native soils to be mined in an AG District (Section 310, Table 1).

Approved per conceptual plan on page(s) _____ of the agenda packet.

Subject to the following condition(s) (if any): _____.

Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare."

UNFINISHED BUSINESS

FILE COPY

2786—Tanner Bemies

Action Requested:

Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1).

LOCATION: East of the NE/c of East 161st Street South & South Mingo Road

Presentation:

Joseph Watt, Sisemore and Associates, 6111 East 32nd Place, Tulsa, OK; stated that a copy of the operations manual on the good neighbor policy that was put together for his client, Mr. Tanner Bemies. The manual addresses all the concerns from the citizens that were at the December meeting. Mr. Watt stated there is a map in the manual showing the site's relationship to the school districts, the zoning classifications, the road conditions, the traffic counts and where alternate routing will be during school.

Mr. Charney asked Mr. Watt if there had been a meeting with any of the interested parties from the December meeting. Mr. Watt deferred to Mr. Bemies.

Tanner Bemies, 25185 South Glenwood Drive, Claremore, OK; stated that after the December meeting he met with the interested parties in the hallway. After meeting with the interested parties, it was evident to him that there was not much he could say to them that would change their minds. After receiving the meeting minutes, celebrating the birth of his first child and the busyness of the holidays time was not made to go outside and meet with the interested parties in any sort of capacity. All he had was addresses and he did not feel it would have been kind to knock on doors.

Mr. Charney asked Mr. Watt if he could briefly summarize what is contained in the manual for the interested parties, because if the Board were inclined to approve the application, the Board could grant it contingent upon certain operating conditions. It is important to hear what the commitments are, and the interested parties want to hear those.

Mr. Watt stated the highlights of the good neighbor policy. The hours of operation will be from 7:00 A.M. to 5:00 P.M. for sales, allowing trucks in and out of the site to receive material. The work facility could be from 6:00 A.M. to 6:00 P.M. to have additional hours of the day to prepare to load trucks with material. The map shows routes of the trucks. It would be mandated that all traffic be maintained on South 161st West to Memorial before turning north; Memorial is an improved section line arterial roadway and all the intersections are traffic lighted as opposed to four-way stop signs. This would minimize any disturbance to the public schools. There is on site dust control which was a concern; during the times of operation and the times of dry periods there will be water trucks and/or an irrigation system that will be present to minimize the dust created. There will be two state agencies that will be checking the operation periodically; one is the Oklahoma

CBOA - 2786

Department of Mines and the other is the Oklahoma Department of Environmental Quality of which the project will file a stormwater pollution prevention plan. The operation will be governed to the letter of the law to maintain the SWP3 in Engineering. The operation will also be bound by all the covenants in the Department of Mines regarding the upkeep of the site. Mr. Watt stated there will be an entrance constructed out of heavy stone that has been found to be very effective during wet periods to knock off mud from the tires of any truck entering or exiting. If mud and debris is taken into the street, the operation will immediately clean the street with either mechanical brooms or shovels, whatever is required, to maintain the protection of the street. There were concerns about long-term reclamation and one option would be to keep the area lowered to the point where it could receive runoff from the upstream properties and serve as a compensatory storage facility to reduce the amounts of stormwater entering the Arkansas River. The area could also be used for soccer fields or other sports. Each and every trucking company that enters into an agreement to purchase materials from the site will be entering into an agreement of which is being drafted currently that stipulates the truckers will adhere to traffic routes, times, events, keeping the truck clean, the prohibition of jake braking inside any municipality, etc. Mr. Watt stated this is a professional venture so his client can make a fair and reasonable profit and minimize the impact to the neighbors and the schools and the City of Bixby.

Mr. Bemies came forward and stated he agrees fully with Mr. Watt's plan. He has worked very closely with Mr. Watts to make sure that he will be a good neighbor.

Mr. Charney asked Mr. Bemies if it were critical to the Board's decision that the policies that have been outlined in the document and summarized by Mr. Watt, that the policy be followed to the "T" will that commitment be made? Mr. Bemies answered affirmatively.

Mr. Dillard asked staff if the good neighbor policy could be filed of record at the County Clerk's office as a stipulation that would attach to the property? Ms. Miller stated the good neighbor policy would be a condition of the approval of this action. Mr. Dillard stated that he sees the avoidance of the owner not wanting to speak with the residents because he saw they were disgruntled and did not follow through as the Board coached him to do, so can this policy be put as a legal document of record on the property? Ms. Tosh stated that since the building permit will be ongoing and will have to be reapplied for annually as a development permit, the permit can be made contingent on these requirements. The County will be the establishment that receives complaints if the requirements are not followed and that might trigger not receiving the next development permit.

Interested Parties:

Jan Bartlett, 3773 Chesapeake Street, Springdale, AR; stated she grew up on the Bolton farm which is adjacent to the proposed mine; and she is also here today on behalf of Mr. Rick Nelson who spoke with the Board before; he is a property owner across the street of the subject site. Ms. Bartlett read a letter that was written by Mr. Nelson regarding his concerns.

FILE COPY

CBOA-2786

Wayne Mark, 3118 East 146th Street South, Bixby, OK; stated he is a cyclist and he uses the roads for cycling. Those streets are the only way to get farther out of the City and the problem he sees is the amount of dump truck traffic that will be on the streets. Not only will they tear up the roads, because they are only chip and seal roads, but from his personal experience it does not make a difference what the drivers are told to do they will drive the roads as fast as they possibly can and will not give an inch to a cyclist. Mr. Mark stated he is concerned about future safety.

Gary Pereschuk, 13315 South 90th East Avenue, Bixby, OK; stated his concern is also as a cyclist; he has lived in the area for about 25 years. He used to ride at 141st and 129th but there is a sand mining operation there now, and with the speed and the flow of the dump trucks he no longer rides there so his only option is go across the pedestrian bridge at Bixby, which is now closed. His concern would be the additional amount of dump trucks that drive on the proposed route. Having seen what happens at the sand operation at 141st and 129th, the trucks are backed up at 6:00 A.M. because they want to be the first in line. He is also afraid this will happen around the Bixby school area. The traffic is horrendous so imagine what is going to happen with another 100 dump trucks. He knows everyone will not be in the area at the same time, but those trucks want to be in line early and that will be another pressure on the bridge; that is the only arterial direction to go north. If something happens on the bridge that will lock traffic up because there is no other way out. Mr. Pereschuk stated that Bixby has done a lot of flood control work, but the water backs up from the Arkansas River through a canal that is on Mingo and it goes back through the neighborhoods, and the River was up 20 feet this spring. There are many new houses being built on 131st and Memorial with future projection of other residences being built. The water will back up if there is another event like 2019.

Laura Bolton, 10910 East 161st Street South, Bixby, OK; stated she lives east of the subject property. Ms. Bolton is concerned about the hours of operation; today the hours are going to be 6:00 A.M. to 6:00 P.M. without any days of the week specified, but when he spoke at last meeting the hours were going to be 8:00 A.M. to 5:00 P.M., Monday through Saturday. This sounds like the hours and days have already extended more than what was proposed previously. It was said the trucks would go straight east off 161st to Memorial, that passes a school. Ms. Bolton stated that she knows the Board of Adjustment does not have the authority to police this, and she does know there has been discussion about reviewing this request on a yearly basis, but her concern is how will this be policed? How will Mr. Bemies make the trucks go the direction he is promising?

Mr. Charney stated the information the Board has before them regarding the hours of operation is Monday through Friday, and sometimes Saturday. The working hours of the facility, as far as sales, it states 7:00 A.M. to 5:00 P.M. The work on the site could begin at 6:00 A.M. Ms. Bolton stated that means the equipment would be running at 6:00 A.M.

Rebuttal:

Tanner Bemies came forward and deferred to Mr. Joseph Watt.

CBDA-2786

FILE COPY

Joseph Watt came forward and stated the amount of soil in the 60 acres, there was no reason to spend a lot of money testing, drilling and boring prior to the Special Exception being approved. If the Special Exception is not approved, he has saved his client that money. There was initial digging done with an excavator; went down 10 feet and there was still good soil with no evidence of water percolating up through the ground. He thinks a generalized map has been put together of how the site will be dug, so that trucks can be stacked on site while they are waiting to be loaded and not backing them onto 161st. In May a stacking lane was started around the perimeter so that not one truck will be waiting on 161st and interfering with the bicyclists or the morning traffic that utilizes the east-west direction. The trucks will pass a school, Bixby Central Intermediate School, and hopefully if the Special Exception is approved the client will be able to work out with the school an alternate route during the peak times of school use which would minimize the disturbance to the school traffic, their children and their operation. In regard to flood control and flood draining, there is nothing being put in, but the client is taking out giving more area for storm water to store itself. Most of the area is under the 500-year flood plain, under the 100-year flood plain, under the 50-year flood plain, and most of it is under the 25-year flood plain. There is not going to be any acceptable use of the property unless it is agricultural or mining because it floods. When his client first came to the Board there was nothing on paper regarding the hours of operation, and now the hours are on paper. Mr. Watt hopes this will help relieve the concerns of the residents, because a great deal of steps have been taken to make this a positive operation.

Comments and Questions:

Mr. Charney stated this application is not for a change in zoning, it is for the approval of a Special Exception to do something special on the subject site and the Board can place a time limit on that approval and has done it in the past.

Mr. Johnston stated that with a time limit placed on the approval, he could support this request. He is concerned about enforcement.

Mr. Hutchinson he can support the request with the stipulation that Tulsa County looks at this on an annual basis.

Mr. Charney agreed with Mr. Hutchinson. He stated this site is not in the City of Bixby, but it is within their fence line. It is not binding but he thinks it is relevant that it is recognized as being within the Tulsa County jurisdiction and the City of Bixby has no objections of the underlying use.

Mr. Dillard stated he is very impressed with the Architect, the Engineers but he is not sure that Mr. Bemies realizes what he is getting in to, because when there was a little bit of consternation he backed off, that is why he wanted to know if the policy could be filed of record. He can support the request if there is a one-year time limit providing the policy is kept on the record, and the applicant complies with everything in the policy.

FILE COPY

CBOA - 2786

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a **Special Exception** to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1), subject to conceptual plan 2.36 of the agenda packet. The approval is contingent with the written policy that was supplied by the applicant and there is to be a one-year time limit; January 2021, at which time the case is to be reviewed by the Board of Adjustment. Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E/2 SW LESS BEG 378.63N SECR SW TH SW42.76 SW114.71 SW357.80 SW366.16 W298.35 NW244.12 N285.31 E120.93 SE164.88 SE113.29 ELY117.49 NE124.84 NE62.80 E105.02 NE547.81 NLY483.99 NE25.40 S833.78 TO POB SEC 19 17 14 68.990ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

2789—Michael Abboud

Action Requested:

Use Variance to allow an overnight campground for recreational vehicles, Use Unit 17, in an AG District (Section 310); Variance from the all-weather parking surface requirement (Section 1340.D). **LOCATION:** 19301 West Wekiwa Rd

Presentation:

Michael Abboud, 19301 West Wekiwa Road, Tulsa, OK; stated he would like to have an RV campsite on 1 or 2 acres of the overall tract. The primary use of the property is agricultural and have cattle on the property and will still be used for agricultural purposes. He wants to preserve the existing wildlife habitat, and this is his home.

Mr. Charney asked Mr. Abboud if he lives on the subject tract. Mr. Abboud stated that he does not, but his parents live on it.

Mr. Charney asked Mr. Abboud about the request covering the 35-acre tract. Mr. Abboud stated that he intends only to use the 1 to 3 acres on the western property line; the property starts at 193rd and goes to 196th.

Mr. Charney asked Mr. Abboud if he was speaking of the most westerly long narrow piece of land. Mr. Charney stated that it is a strip of land in the southwest corner of the subject tract. Mr. Abboud answered affirmatively.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** to allow more than one dwelling unit on a single lot of record (Section 208) in an AG-R District, subject to conceptual plan submitted today. There are to be no more than three bedrooms in the detached building, the rooms are to be used by family members only, there is to be no commercial use, and the existing building is to be razed. The Board finds the hardship to be the unusual configuration of the land being a long and narrow lot that would easily accommodate the building in conjunction with the double wide mobile home that exists. The detached building must meet all health department and utility requirements. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

E/2 E/2 NW SW SW SEC 5 22 14 2.50 ACS, NORTH MEADOWS II, OF TULSA COUNTY, STATE OF OKLAHOMA

2786—Tanner Bemies

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Action Requested:

Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1).

LOCATION: East of the NE/c of East 161st Street South & South Mingo Road

Presentation:

Tanner Bemies, 21585 South Glenwood Drive, Claremore, OK; stated the plan is to excavate as deep as the water table will allow, and the soil will be processed and used for the construction of new houses or existing projects.

Mr. Charney asked Mr. Bemies if he did any business with Capital Homes or Owasso Land Trust. Mr. Bemies stated he works with his father and they have done a little work with Owasso Land Trust for cleanup and hauling off debris, but they are currently not doing any work for Owasso Land Trust. Mr. Bemies stated he has never met Mr. Charney. Mr. Charney stated he has no pecuniary interest in this and does not know Mr. Bemies, he does not think there is a duty to recuse himself in this case.

Mr. Bemies stated that he has met with a professional engineering firm and had soil tests performed to determine the soil is good to be harvested.

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Mr. Hutchinson asked Mr. Bemies if he wanted to excavate all 60.899 acres. Mr. Bemies stated that all the acreage would not be accessible due to the creek that was built by the U. S. Corp of Engineers, and the City of Bixby maintains the creek. Mr. Bemies stated that he has met with the Bixby City Engineer over the phone and through e-mail; the front ten acres will not have enough room for him to excavate so it will be the back 50 or so acres that will be excavated. Mr. Bemies stated that he has also met with the Department of Mines in Oklahoma City to make sure he meets and follows all Codes and guidelines.

Mr. Hutchinson asked Mr. Bemies if the property could be used for anything else. Mr. Bemies stated currently it is being used for growing soybeans, and at the moment he plans to reclaim the land for growing or converting the land to soccer fields in the future.

Mr. Crall asked Mr. Bemies if he had access to the land. Mr. Bemies stated currently there is a low water access that has been put in place by the U. S. Army Corp of Engineers. He has permission from the City of Bixby to drive through that access. Any maintenance or upgrades required to be done on the low water access would be done by him and U. S. Army Corp of Engineers.

Mr. Crall asked if there was any easement or access to Mingo. Mr. Bemies stated that there is only access to 161st Street. Mr. Bemies answered affirmatively.

Mr. Charney asked Mr. Bemies if he was aware of the requirements for truck ingress and egress to 161st to make certain there is no inappropriate mud tracked into the street. Mr. Bemies deferred to his engineer.

Interested Parties:

Joseph Watt, Sizemore Weisz and Associates, 6111 South 32nd Place, Tulsa, OK; stated the entrance to the site will be maintained so that it will have a construction type entrance and a wash area for trucks during the rain periods. The trucks will be cleaned so that any dirt or mud will be minimized going onto 161st.

Mr. Charney asked Mr. Watt if there would be a pad-based construction entrance that would allow cleaner ingress and egress. Mr. Watt answered affirmatively; there will be a 3" style dimensional rock that will be the initial surface to remove the larger chunks of dirt and mud off the truck tires before driving onto the pavement, and that will be maintained throughout the life of the mining.

Mr. Hutchinson asked how many loads are anticipated in a day, month or year. Mr. Bemies came forward and stated that initially it is anticipated there will be two or three loads a day.

Mr. Crall asked Mr. Bemies if he had said he has agreed with the City of Bixby that he will repair any of the roads. Mr. Bemies stated his agreement was regarding the low water crossing that is located in the middle of the property. Mr. Crall read a short

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paragraph from an agreement that states the damages caused to city street caused by the mining operation must be repaired by the applicant. Mr. Crall asked Mr. Bemies if he had agreed to that. Mr. Bemies stated that he did not agree to that statement.

Mr. Johnston asked Mr. Bemies if he would like to start out with two or three loads a day what would be his dream maximum number of loads a day. Mr. Bemies stated the dream would be to have around 2,000 loads a month if possible, roughly 50 loads a day.

Mr. Dillard asked Mr. Bemies what his hours of operation would be. Mr. Bemies stated the proposed hours would be regular business hours, 8:00 A.M. to 4:30 P.M., Saturdays would be 8:00 A.M. to 5:00 P.M. and closed on Sunday.

Rob Miller, Superintendent of Bixby Public Schools, 109 North Armstrong, Bixby, OK; stated he has concerns not necessarily with what is going on at the property but the potential impact on some of the schools that are located within a mile of the subject site. There is Central Intermediate School which is located on 161st between Riverview and Mingo about ½ mile to the west of the subject site, there is Bixby Middle School which is located on Mingo between 151st and 161st, and there is also access to the high school, transportation, the AG Department off Mingo between 151st and 161st. His primary concern from a school district perspective is the potential impact on traffic patterns, intermingling of class traffic with truck traffic especially if there are 50 trucks a day, and the already congested two lane roads in the area. Mr. Miller asked the Board to please consider the traffic concerns when reviewing the application. Secondarily would be the potential impact of noise of truck traffic in the course of a day because there are two schools within 50 yards of 161st or Mingo.

Mr. Johnston asked Mr. Miller if he has any experience with other trucks traveling those roads. Mr. Miller stated he does with the northeast campus which is on 131st Street and Garnett. On 129th there has been construction going on, and in the morning hours especially the trucks impede the normal flow of traffic significantly.

Mr. Hutchinson asked Mr. Miller what the hours of the busiest times of the schools are. Mr. Miller stated it is about 7:30 A.M. to 9:00 A.M. and about 2:00 P.M. until 3:30 P.M. for the elementary schools. At the middle school it is about 8:30 A.M. to 9:30 A.M. and 3:15 P.M. to 4:00 P.M.

Mr. Miller stated that he is also here today to represent some of the patrons who have reached out to him and asked that he advocate on their behalf, but primarily his role is as Superintendent of the school district. If the trucks do not travel near the schools, then the concern would go away.

Rick Nelson, 3120 East 71st Street, Tulsa, OK; stated he owns the 80-acre property just to the south of the subject site. Mr. Nelson asked if Mr. Bemies is going to bring fill back in after the hole is dug? Mr. Nelson stated that he is in the sod business and he had a piece of property at 131st and Sheridan that he leased. Dirt was harvested there

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for about five years and then it was turned into a landfill and it was unregulated. That is not something a person wants to see, and he thinks this will be a negative for the water quality. The closer a person gets to the water table the less filtration there is for runoff and potential pollution to the water supply. He is concerned about what will be used as backfill for the subject site once the excavation is done. Who is responsible for checking to see what comes back in as fill? Who will be responsible for the roads and how long will it be before they start repairing the roads once they are damaged? These are some of his concerns, but to him the water quality is of the utmost importance.

Helen Bolton, 10547 East 161st Street South, Bixby, OK; stated she is extremely concerned about the possible rezoning from agriculture to allow mining. Ms. Bolton stated her house and farm are adjacent to the subject property with an adjoining west fence line. She is a farmer and rancher and has lived on her property for 58 years. Her house is located ¼ mile from the designated entrance and exit. In making the property next to her available for dirt mining she feels it will be detrimental to her property and the surrounding properties and community. She sees a decline in land value, noise from the continuous running of heavy equipment, dust and traffic issues. As a former school board member for the Bixby public schools, she served 30 years, she is a devoted member of the Bixby community and the school and its welfare. Ms. Bolton stated that a major concern is what will be done with the land after the mining is complete. She sincerely believes that the quality of life for herself, her children, and her grandchildren will be ruined.

Steve Owens, 10820 East 161st Street, Bixby, OK; stated his family property is southeast and across the street from the subject site. His concern is property value. He is also a teacher of 29 years and this does not seem to be a good place to mine. There is a low water area that must be gone through which is wet and it will become more difficult to keep the roads clean. Mr. Owens stated he is also concerned about the air quality.

Ernest Holland, 15605 South Mingo, Bixby, OK; stated his property backs up to the far north side of the subject site. He would like to reiterate all the objections that have been made. He would like to know what kind of equipment would be used in the excavation. He also has concerns about the trucks not using 161st but using Mingo as a route. When the sod farms excavate the soil is replenished and they do not go down to the water table and there was no issue with dust.

Laura Bolton, 10910 East 161st Street South, Bixby, OK; stated her concern is the good neighbor and good trucking policy. It has been stated that the owner put it in writing and sign it, but how will it be enforced? Will he sit there 8:00 to 5:00 every day and make sure the trucks comply? Let's be realistic. We all know how trucks work. She is guessing they get paid by load. How will it be enforced?

Rebuttal:

Tanner Bemies came forward and stated it is required to have a reclamation plan to get a permit and deferred to Mr. Watt.

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Joseph Watt came forward and stated per the Oklahoma Department of Mines and the Oklahoma Department of Environmental Quality a stormwater pollution plan that is approved and reviewed by them must be kept on site. After each rainstorm, if any part of the stormwater pollution plan has failed the owner will be required to repair it within 24 hours and file a DEQ inspection at that point in time. The actual reclamation plan, there are options the Oklahoma Department of Mines gives the owner, and it is consistent with the Oklahoma Department of Environmental Quality, the first option is to have overburdened topsoil areas designated for each area that is being mined. When that area is not being mined any longer that topsoil would be placed back on it and reclaimed and seeded with Bermuda, Fescue and other native grasses. As that is moved from pit to pit, when the whole site is done and leaving a 50-foot wide strip all the way around the property that is not touched, the owner would receive every bit of water as it drains across the property, store that water and release it at a rate that is less than what it releases at this time thus reducing the flood plain in the area. At no time has there ever been a discussion of bringing in unregulated fill material, garbage, trash, asphalt, concrete, or anything like to fill in the site. The regulations for that are extreme and expensive because that creates a landfill and that is not the intent. The main intent is to use the land as a recreation area when the excavation is complete because there will be nice flat fields with good topsoil sustaining good quality grass. Or the site could be used as a compensatory storage facility so that stormwater can stay in the pit for awhile thus helping the overall system of the time of concentration runoff thus preventing flooding.

Mr. Charney asked Mr. Watt if the topsoil would be stored on the site. Mr. Watt answered affirmatively. Mr. Charney asked Mr. Watt if he would be excavating a hole and when through with that hole that hole would be covered with topsoil to permit growth. Mr. Watt answered affirmatively. Mr. Charney asked Mr. Watt if the holes would remain with no commitment to bring the land back to level. Mr. Watt answered affirmatively.

Mr. Charney asked Mr. Watt if there were any plans to constructing outflow structure from the pits? Mr. Watt stated there are no plans have been considered in putting outflow structures on the site, but various scenarios are being studied.

Mr. Hutchinson asked Mr. Watt if a hydrology study had been done. Mr. Watt stated that is being worked on, and he will advise his client accordingly. Mr. Hutchinson asked Mr. Watt if the Department of Mines required that. Mr. Watt answered no.

Mr. Charney asked Mr. Bemies to describe the equipment that will be on site. Mr. Bemies stated that he plans to use crawlers that range from 20-Tons to 40-Tons. Additionally, there will be a front loader which would hold about four cubic yards of material at a time and it would be used for loading the trucks. There would also be a small dozer to push off the topsoil.

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Mr. Hutchinson asked Mr. Bemies what the hours would be to allow the trucks to line up for loading. Mr. Bemies said that in order to be a good neighbor he would have a good neighbor policy with all truck companies.

Mr. Charney asked Mr. Watt if all the property was in the 100-year flood plain north of the drainage way. Mr. Watt answered affirmatively.

Mr. Charney asked Mr. Watt what will be done to control the dust and maintain good air quality. Mr. Watt stated that there will be a watering program to mitigate the dust and minimize it to the best of everyone's ability.

Mr. Johnston asked what the duration of the operation would be. Mr. Watt stated that based on preliminary numbers, it would probably be seven to twelve years dependent on sales. If the number of houses being built in Tulsa and Creek Counties continue at the rate of the last five years, it would be about seven to twelve years.

Mr. Johnston asked how far down from the surface is the water table? Mr. Watt stated that it has not been found, but that is the next thing to be identified. Based on previous projects that he has done in the Bixby area he thinks it is between 17 and 22 feet.

Comments and Questions:

Mr. Charney stated this Board has a history of granting Special Exceptions with conditions, and sometimes the Board denies Special Exceptions regardless of conditions. This is one he does not think he feels comfortable with, with this many loose ends.

Mr. Dillard suggested the request be tabled until next month to allow the applicant to provide the Board with a written list of what the good neighbor policy is going to be; what excavating machines will be there. Right now all the Board has is words, and words are hard to enforce unless there is a written document behind the words.

Mr. Hutchinson agreed with Mr. Dillard. The times the Board has tabled requests in the past has always seemed to help. Mr. Hutchinson suggested the requested be tabled for 30 or 60 days to see what the applicant provides and then base the decision off of that.

Mr. Charney asked the applicant if he would prefer the 30 days or the 60 days; would 30 days be enough time to get everything pulled together? Mr. Bemies stated that 30 days would be fine.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** the request for a Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1) to the January 21, 2020 Board of Adjustment meeting to allow the applicant to submit a

CBOA - 2786

thorough set of comments, conditions, and how this will be accomplished; for the following property:

E/2 SW LESS BEG 378.63N SECR SW TH SW42.76 SW114.71 SW357.80 SW366.16 W298.35 NW244.12 N285.31 E120.93 SE164.88 SE113.29 ELY117.49 NE124.84 NE62.80 E105.02 NE547.81 NLY483.99 NE25.40 S833.78 TO POB SEC 19 17 14 68.990ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Ms. Jones stated that in January the meeting will be held in the St. Francis Conference Room in the Williams Tower I located at 1 West 3rd Street at 1:30 P.M.

2787—Eller & Detrich – Lou Reynolds

Action Requested:

Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow soil mining (Section 1224) in an IM District (Section 910, Table 1). **LOCATION:** 4802 South 49th West Avenue

Presentation:

Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated that from 41st Street South to 51st Street the area was one large hill, and now there is only one small part of the hill remaining. Eagle Redi-Mix Concrete is to the north and there is a mini storage to the south; some of these storage buildings have been condemned by the State for the widening of the Gilcrease Expressway. The primary purpose of this application is to use the dirt for the Turnpike Authority. Mr. Reynolds used pictures to explain the layout of the area as it exists. Mr. Reynolds stated that the neighbors are happy about the proposed project.

Mr. Charney stated that as a point of information, juxtapose to the previous application that was seeking a Special Exception in an AG District, this application is in an IM District.

Mr. Reynolds stated that for the IM District to exist the hill had to be taken out. The Turnpike Authority is going to build a road across the subject property to do construction and based on the relocation of the turnpike, they will be building a cul-de-sac which will be developed into an industrial park on the north side of the mini storage. The reclamation plan has been filed and approved by the State of Oklahoma. The stormwater patterns are not being changed. This basically finishes what everyone started ½ mile north of the subject site and this has been approved by the State pending receiving the Board of Adjustment's approval.



116 West Needles
P.O. Box 70
Bixby, OK 74008
www.BixbyOK.gov

December 10, 2019

Robi Jones
Tulsa County
Board of Adjustment
rjones@incog.org

RE: Case Number CBOA-2786

Board of Adjustment:

The City of Bixby has received the Notice of Hearing for Tulsa County Board of Adjustment Case Number CBOA-2786. We recognize that regulation of the allowable uses for that property lies with Tulsa County and do not object to the proposed Special Exception allowing Use Unit 24.

With that said, access to the property is somewhat unique. The US Army Corp of Engineers constructed the Bixby Creek Local Flood Protection Project and the City owns and maintains the completed project. A portion of the Special Exception property is south of Bixby Creek with the remainder being north of Bixby Creek. The Corp constructed a low water crossing for access to the north side of Bixby Creek. The City is not opposed to use of the low water crossing as part of the mining operation with an understanding that the Applicant is responsible of any crossing upgrades necessary to handling loading in excess of the original design and must repair any damages to the low water crossing resulting from the proposed Use.

Additionally, the City is concerned that the proposed Use may generate significant truck traffic on County and City streets. Damages to City streets caused by the mining operation must be repaired by the Applicant.

If you have any questions or need additional information, please reach out to me at 918-366-0417 or jmohler@bixbyok.gov. Thank you in advance for including this letter in the Case file for CBOA-2786.

Regards,

A handwritten signature in black ink that reads "Jason C. Mohler".

Jason C. Mohler, P.E.
Development Services Director

CC: Jared Cottle, City Manager
Marcae' Hilton, City Planner

9.17

protect the animals that are around the property. The track is for everyone, and if they want to play on the track they must sign a waiver. It was designed for everyone to have a safe place to play. There is nothing in Sperry for the children to do other than sports and not all children are interested in sports.

Mr. Draper stated that according to the plan that was presented to the Board, there is a general admission parking area with an overflow parking area designated. What is the count for these proposed areas? Ms. Weathers stated there is plenty of pasture to park in. There is ten acres and the track utilizes about a quarter of an acre. Mr. Draper asked how many vehicles is the general admission parking designed to hold. Ms. Weathers stated that parking would hold about 100 vehicles but there would probably only be about 50 vehicles in the lot. Ms. Weathers stated that she has no intention of making the area a concrete world. Once the club house is built it would only be used as a concession with bathrooms for participants.

Mr. Draper asked how many people were anticipated in the four hour racing window. Mr. Huff stated there would probably be about 75 people, because it depends on people's schedules. Sometimes there would a few more, other times a few less.

Comments and Questions:

Mr. Charney stated that he respects and appreciates the alternative means to get children off the couch and away from the video games. He thinks that the entire Board is respectful of the mission of Ms. Weathers and Mr. Huff for young people. However, the Board's focus is confined to land use planning. Whether the request is of the most noble of causes or a cause the Board may not agree with, the Board must determine and analyze the request in terms of land usage. The Board must determine that there is no adverse or injurious effect to the neighborhood.

Board Action:

On **MOTION** of **WALKER**, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker "aye"; no "nays"; no "abstentions") to **DENY** the request for a Special Exception to permit a Go-Kart Track within Use Unit 20 in an AG district, finding that the proposed use does not fit into the agricultural zoning. The use would not be harmony and spirit of the code, and it would be injurious and detrimental to the neighborhood; for the following property:

**TR BEG SECR SE SE TH W326.7 N333.5 W229.2 N TO PT ON NL S/2 SE SE E555.9
S POB SEC 17 21 13 6.668ACS, OF TULSA COUNTY, STATE OF OKLAHOMA**

Case No. 2424—Phil Frazier

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Action Requested:

Special Exception to permit sand extraction within Use Unit 24 – Mining & Mineral Processing – in an AG District (Section 310). **Location:** SE/c of 151st Street South and South Mingo Road

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Mr. Sansone stated that this case is a continuation from the last Board of Adjustment meeting on April 17th. Since that continuation a letter has been received from the applicant that changes the operation. In the letter it was stated that there is not enough sand located in the river at the point of extraction to allow the sale of the sand to the public. The applicant will address this change today.

Presentation:

Phil Frazier, 1424 Terrace Drive, Tulsa, OK; after the hearing on the 17th of April there were four issues that the protestants raised and that the Board had questions about. The original application was filed to extract sand, and at that time he had advised the Board that the sand is a special type of sand; there are only a few places where this type of sand can be found. The sand is used in the growing and the placement of sod. The Easton family has operated the sod farm for the past 35 years, and since they have been growing the Patriot Sod they have been buying their sand. The purchase of that sand meant there were trucks hauling in sand and leaving empty, thus increasing traffic on the road. Since the last meeting it has been discovered that there is not the depth of sand that was anticipated, so no sand will be sold to public entities. The only sand trucks hauling sand will be when the sand is being hauled out because it is required for a specific job.

Mr. Frazier went on to address issues that were raised in the last meeting. As to the road condition, Mr. Easton has already improved the road by installing an asphalt composition on the road. As to the traffic and dust, the asphalt composition will curtail the dust significantly. The traffic will be reduced because there will no longer be trucks hauling in sand nor will there be commercial sand trucks leaving. Noise was also a concern raised at the last meeting. The reduction of traffic will reduce the noise, and there will not be diesel powered barge equipment used for the sand extraction as planned. There will be a drag and the drag line will be used when the river is low; when the river is up there will be no mining. In regards to the debris, Mr. Easton allowed the City of Tulsa and Tulsa County to dump massive amounts tree limbs that had been broken out of trees during the ice storm a few years ago. Most of the tree debris will be ground up or burned, but most of it will be ground into mulch. Mr. Easton will continue to deplete the tree debris regardless of the decision on his application. Mr. Frazier believes this operation will enhance the neighborhood, as opposed to the last previous plan presented, with less truck traffic, the road improvements, and debris removal.

John Easton, 11225 South 90th East Avenue, Bixby, OK; stated that is not that sand will be hauled out to other projects; this business venture is getting into athletic turf business. Athletic turf fields have sub-drains installed underneath the fields and they want a sand based sod. He will be building sand based fields and growing the sod on that field. There will be a few instances where the sand will be required to be brought in, because some people like to keep the sand the same as what was originally installed, and he does not anticipate but 100 loads or less a year leaving his property. This process is done a football field at a time.

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Mr. Draper asked Mr. Frazier if the applicant was proposing to improve the road with the same type of materials as it is currently built with. Mr. Frazier stated the road is an asphalt composition.

Mr. Osborne asked what an asphalt composition consisted of, i. e., black top, granular, or something else. Mr. Easton stated that the composition was made from asphalt that has recycled. Most of the road had an asphalt surface but there was an area that the road had eroded and it was gravel. But he has taken the recycled asphalt, rolled it, and blended it in to the existing road and looks good. There is no dust.

Interested Parties:

Gloria Cravens, 9723 East 151st Street South, Bixby, OK; stated she lives at the corner of 151st Street and Mingo about 50 feet from the road. The road has large black top composition clumps right up to her yard. She believes that Mr. Easton will be using the road for more than he is saying today; for example, when the elementary school was built he supplied sand to the contractors for the school. Then Mr. Easton allows dumping on his land; for example, when the tennis court was taken out the tennis court debris was hauled onto his land by large trucks. All of those trucks were using that road. Today the traffic has been reduced but she does not believe it will last.

Mr. Charney stated that there are a couple of things the interested parties and the Board need to keep in mind with this case. What is being examined today is a request to mine sand from the river, and that is the special exception that is before the Board today. There are means by which an interested party can complain about wrongful uses or for noxious activity on a piece of property, and that is to contact the County. Today the Board is here to only examine the ability to extract sand from the river, and the sand that will be exported. Some of the complaints in this case cannot be addressed by this Board.

Ms. Cravens stated that the residents of the area have tried. There have been calls to the County and even calls to the EPA. There is nothing done.

Mr. Walker asked Ms. Cravens about the trucks she has seen hauling sand out, where does she think the sand is coming from since Mr. Easton has stated that he does not have enough sand. Ms. Cravens stated that she assumed it was coming from the river because that is the direction the trucks are coming from when they are using that road.

Mr. Frazier asked Ms. Cravens if she understood that Mr. Easton could haul out sod from his property if he chose to do so. Ms. Cravens nodded in affirmation, and stated that the trucking of sod is fine.

Mr. Osborne asked Ms. Cravens if she had seen sand trucks coming into the property and leaving the property. Are they loaded when they are coming in or going out? Ms. Cravens stated that the trucks are usually loaded with junk or trash when they are coming in. Mr. Osborne asked if she had seen sand being brought into the property.

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CBOA-2424

Ms. Cravens stated that she had not seen sand brought in lately, but the sand is leaving the property.

Rebuttal:

Mr. Frazier came forward for a rebuttal.

Mr. Charney stated that the Board has heard some concern that there has been a fair amount of sand extraction thus far and that is the current operation. Mr. Charney asked Mr. Frazier to present his client's prospective on that view. Mr. Frazier stated that there has been one instance where there was a composite of sand that was removed from the property, not the river. That composite was not mined, there was a hole dug and the composite was hauled out. In regards to the debris from the elementary school, that was a one-time episode and that was in conjunction with the composite material. The rock was brought in and it was used for riffraff along the riverbank to keep the bank from washing away. The EPA did come to investigate that incident, and they gave Mr. Easton a "clean bill of health".

Mr. Charney stated that if the Board were to approve this less intrusive mining application, if volume were an important factor in that decision and based on the roadway that exists, would his client understand a restriction on the volume of sand extraction. Mr. Easton stood and stated that he did not have a problem with a volume restriction because there is not enough sand available at his spot on the river to operate a commercial business.

Mr. Draper asked staff if the proposals being voted on today need to have criteria added to them by the Board, i.e., limiting it to what has been presented today or has the application been revised. Mr. Alberty stated that when a presentation has been made, and an applicant offers conditions, if the Board agrees to those conditions they need to be stated in the motion. Of course, there is always the possibility of making the motion more restrictive or adjust the conditions to the Board's motion. Mr. Draper asked if the application before the Board is based on Mr. Frazier's last letter, the letter contents should be included in the motion. Mr. Alberty gave affirmation.

Comments and Questions:

Mr. Walker stated that he is pleased with the reduced intensity of the application. He believes Mr. Easton has shown good faith by attempting to address some of the complaints prior to this meeting.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a **Special Exception** to permit sand extraction within Use Unit 24 – Mining & Mineral Processing – in an AG District (Section 310), with the following conditions. Statements contained in the letter from Mr. Frazier dated April 25, 2012 will be applicable, see attached Exhibit A, pages 3.5 and 3.6. No more than 100 loads of sand to be exported from this mining operation per year. The applicant will ensure the road that is used to access the

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CSOA-2424

property, 151st Street, shall be maintained, whether it is through private efforts or through efforts with Tulsa County, for reasonable and appropriate use for truck and suitable for standard automobile traffic. This special exception will have a time limit of one year from today's date, May 15, 2012. The debris on the property is to be depleted or removed. Finding that the approval of the special exception, the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

GOV LTS 3 4 6 & 8 & 27AC ACCRETED LAND LESS BEG SWC GOV LT 4 TH N466.69 E466.69 S466.69 W466.69 POB & LESS BEG 1322.52N & 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

Case No. 2429—Ronnie VanLandingham

Action Requested:

Variance to permit a detached accessory structure in an RS District larger than 750 square feet (Section 240.2.E); Variance to permit a detached accessory structure in the side yard (Section 420.2.A.s). Location: 1325 South 214th West Avenue

Presentation:

Ronnie VanLandingham, 13255 South 214th West Avenue, Sand Springs, OK; stated he has joined two lots together. He has visited with all the neighbors and explained to them what he wants to do and why he wants to do it. The side yard variance request is because he has a GRDA non-active power line in the back yard with a 145'-0" easement so he cannot build anything in the back yard. The reason he wants to build a larger building, larger than 750 square feet, the building will have the appearance of a house in the middle of the lot instead of a small out-building in the middle of the lot. The building will be a steel building on a steel frame, with a four foot brick wall around three sides. There will also be vinyl siding across the front of the building. Eleven out of the twelve neighbors within the 300'-0" radius are in favor of his request being approved, and the twelfth neighbor lives about 250'-0" away from the subject property. The home owners association has also seen his proposed plan and they have given their approval for the building pending the approval from the Board of Adjustment.

Mr. Walker asked what Mr. VanLandingham planned to do with the carport and the additional storage building in the backyard. Mr. VanLandingham stated that he had installed the carport to protect his boat but they are still deteriorating, and that is one of the reasons for the proposed building. The additional storage building was on the property when he purchased the house and he plans to demolish that building.

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UNFINISHED BUSINESS

Case No. 2424—Phil Frazier

Action Requested:

Special Exception to permit sand extraction within Use Unit 24 – Mining & Mineral Processing – in an AG District (Section 310). **Location:** SE/c of 151st Street South and South Mingo Road

Presentation:

Phil Frazier, Attorney, 1424 Terrace Drive, Tulsa, OK; stated he represents Mr. John Easton, the property owner. The property is bounded on the north side by 151st Street, bounded on the south side by 161st Street, bounded on the east side by the Arkansas River, and bounded on the west side by Mingo Road. The location is approximately a half mile from East 151st Street, approximately a half mile from 161st Street and a half mile east of Mingo Road. The interest in this special exception is that Easton Sod is a sod farm that has been on this land for years. In recent years they have developed a particular type of sod which is called Patriot Sod. Easton Sod is one of five sod companies in the world that has developed this particular sod and producing this sod, thus creating a commercial necessity to continue with the operation. Patriot sod requires a five to six inch sand base. Up to this point the sand has been purchased to produce this sod. Mr. Easton would like to utilize his property on the river, which is presently a sod farm, to mine his own sand and use it in his sod farm operation. This is the basis for the special exception request before the Board of Adjustment today.

Mr. Charney stated that there have been several letters received from surrounding people of the neighborhood stating that if the request were approved, it would be injurious to the neighborhood and not consistent with the agricultural use. They see the sand extraction and mining as a different venue from the sod farming. Mr. Frazier was asked to express his thoughts on that matter and whether he thought there was a distinction between sand extraction and sod farming.

Mr. Frazier stated there is no distinction because it is two different operations but the sand is used as a part of the agricultural use of the sod farming. Sod farming is an agricultural use and the sand is utilized in the production of the sod. This operation will be at least a half mile from any residence. Any reference to the detriment of the neighborhood would not be accelerated because the requirements the sand extraction will have placed upon them will be far more stringent than what exists today. There are several licensing authorities that would be involved, and their regulations are very strict. The roadway would be the only contact with the neighborhood, and there are only a couple of houses in the immediate vicinity. There would be no dust raised from the obtaining of the sand from the river because the sand would be wet. Mr. Frazier stated that he believed there would no adverse effect on the neighborhood.

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Mr. Walker asked Mr. Frazier if the half mile distance was measured from the dredging point. Mr. Frazier stated the operation would be a half mile from the residences, because the closest residences are on 151st Street and Mingo. The operation is half mile away from 151st Street and a half mile away from Mingo Road.

Mr. Osborne asked Mr. Frazier if the subject tract was owned by the same person who wants to operate and utilize the sand extraction. Mr. Frazier confirmed that statement. Mr. Osborne asked if the sand would be dredged from the river and taken to the sod plot locations. Mr. Frazier confirmed that was exactly what would happen in the operation.

Mr. Charney stated that he understood the sand extraction operation would be largely in the center of the section, half mile from 151st and 161st Streets, and he wanted to know if the dredging process limited the operation to that particular area or if it will be a broader application allowing it anywhere along the property. Mr. Charney also asked if the Board were inclined to approve this request if the client would be willing to limit the dredging operation to center section not allowing the operation to spread. Mr. Frazier stated that if the Board were to approve this request his client would certainly be willing to operate under the limitation that the operation would be in that particular area, because he does not want to be farther away from the river than necessary. The closer the operation can stay the better, and it will also be necessary to receive approval by the Bureau of Mines and the Corp of Engineers.

Mr. Charney stated that the Board has been provided many pieces of information from the opponents of the application. There was significant theme among the many objections and that is the poor condition of the roadway of 151st Street along where the trucks will need to exit in front of the homes. Even though the mining operation will be a half mile away from homes the truck traffic will be increased significantly, and the already decimated road will have even more traffic. That traffic is what the neighbors are saying would be detrimental to the neighborhood.

Mr. Frazier stated there would be more traffic but not much more, than and not as many as the sod farm has because there will not be very much sand trucked off the property. Mr. Frazier showed Mr. Charney on a case map where a road could be located. It would be a road that would turn west out of the property and located farther south than 151st Street by a few hundred feet. This proposed road would not impact East 151st Street residences. Mr. Frazier stated that in the one mile section of Mingo Road between 151st and 161st Streets there is only one residence and one office.

Mr. Charney asked Mr. Frazier if there was activity on the property today, i.e., dumping or other non-agricultural uses. Mr. Frazier stated that over the years that his client's father has left broken down equipment on the property. The client is working with his father to clear the property of the useless equipment. Also there has been top soil sold from the property.

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Interested Parties:

Yolanda Hiatt, 9723 East 151st Street South, Bixby, OK; stated she lives on the corner of 151st Street and Mingo Road. She is opposed to the special exception request because of the heavy traffic that currently exists. The truck traffic delivers a variety of items to the area and has been heavy for approximately the last five years. The 151st road was once paved and now it is pothole infested due to the heavy traffic. The traffic also creates a large amount of dust. The trucks start at 7:00 A.M., especially the construction trucks for the Bixby Public Schools. Ms. Hiatt stated that recently the truck traffic has been so heavy that her in-ground pool has started cracking. A few years ago a horse was hit by a truck and had to be euthanized because the truck was traveling so fast that it could not stop for the animal. All the trucks travel faster than they should, and this is a dead end street. Ms. Hiatt does not want to have this request approved.

Melinda Stone, 9909 East 151st Street South, Bixby, OK; stated that she is strongly opposed to this request. Ms. Stone stated that she lives in the very last house on a dead end street. Mr. Charney asked Ms. Stone to come forward and point out her house on the case map provided the Board in their agenda packet. She is not against the sod trucks or the sod farm because it is agriculture, but this is more than a sod farm. Since the ice storm of 2007, when the destroyed trees were being hauled away in Tulsa, those trees were dumped on Mr. Easton's property. The large trucks drove up and down the street, 24 hours a day, two and a half minutes apart; she stated timed the trucks. For three weeks the dust was horrendous and they sped up and down the road. The drivers did not care if they hit a pothole. There are pets and children in the area. Ms. Stone stated that she stopped many of the truck drivers and asked them to slow down, and when she did not receive any help from the drivers she called several supervisors to no avail. There are several acres of tree debris, still today, and those huge tree debris mounds catch fire due to instantaneous combustion. They are smoldering today. Last year the fire spread toward her property line, and she was prepared to evacuate her home because the fire was up to her property line. It was that close. Ms. Stone stated that her husband is in very poor health. She also stated that because of the smoldering fires he has developed emphysema, which she can document with medical records. If this request is approved the residents of the neighborhood will not be able to spend time outside and they won't be able to open the windows of their homes due to the dust. She does not object to the sod farm because she enjoys agriculture, but what is proposed today is not agriculture. There is more than tree debris dumped on Mr. Easton's property, and that is his business, but the truck traffic is horrific. Also no one wants to repair the road, not the city, not the county and not Mr. Easton. Ms. Stone stated that if the sand extraction is allowed to go in, the property values will plummet, because no one wants to buy a house across the street from a sandpit. The other sand extraction companies in the area do not have anyone living close to the operation, i.e., Holiday Sand.

Gloria Cravens, 9723 East 151st Street South, Bixby, OK; stated that she opposes the approval of this special exception. There is sand in the air all the time, because once the wet sand extracted it dries out and blows in the wind. The cement is breaking off her house and around her pool because of the shaking the truck traffic causes. She

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has been awakened early in the morning because her house is shaking so much from the uncovered dump trucks going up and down the street so fast. A supervisor from one of the trucking companies came to speak to her about her complaints and he told her to call her county commissioner. The reason she bought her home is because it is located on a dead-end road in what used to be a peaceful area.

Mr. Osborne asked Ms. Cravens to describe what type of trucks leaving the area other than the empty dump trucks. For the past two years there have been trucks with sand using the road to leave. Mr. Osborne asked Ms. Cravens where the blowing sand that has been referred to be coming from; he wanted to know, in particular, if the blowing sand was coming from the sod farm. Ms. Cravens stated that the sand was not coming from the sod farm because they water the sod to keep it moist so it will grow. The blowing sand is coming from the road that the uncovered dump trucks, the cars, and the pickups pulling trailers that are speeding up and down the road.

Rebuttal:

Mr. Frazier stated that the opponents are correct, in that there have been some fires in the area. The City of Bixby, the City of Tulsa, and the County of Tulsa did not have enough space to dispose of all the tree debris from the 2007 ice storm, and Mr. Easton allowed them bring the debris to his property and dump it. Most of the debris has been burned and has burned over the years. There are still some times when the debris mounds flare up, and Mr. Easton is in the process of extinguishing or smothering the fires as best as he can. Mr. Easton intends to grind the debris into mulch to use in his agricultural use. As to the concrete, there have been loads of broken concrete brought in which has been used along the river to alleviate the erosion. As to the dust, it is coming from the river. Because of the extremely dry year last year, the wind picked up dry sand and dirt distributing it everywhere. As to the road repair, Mr. Easton has brought in gravel for the road in an attempt to fix the pothole problem because the city nor the county would do anything about the road. Mr. Easton is willing to move the road down and away from 151st Street in order to receive approval for his special exception request.

John Easton, 11225 South 90th East Avenue, Bixby, OK; stated that if he is allowed to have his mining operation it will be mandated by the State of Oklahoma. The road in front of the homes used to be a good road until the massive amount of timber was hauled in by the City of Tulsa. There was so much timber hauled in that it covered 16 acres and was approximately eight feet deep. Mr. Easton stated that one of the reasons he allowed the tree debris to be dumped on his property was because he wanted the debris to create compost, mix that with sand creating top soil. That was a long-term goal. The people who were hauling in the timber were contracted to repair the road after they were done, but it was not done. Spontaneous combustion does start fires in the area, and there is a man constantly digging out the fires and dousing them with water, especially in the summer.

Mr. Charney asked Mr. Easton if the Board decided it was important to provide an ingress and egress point from his property to the south, would he be willing to provide

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that. Also, if the Board decided that it was important to have the area watered for dust control, as part of the mining operation program, would he be willing to do that. Mr. Easton stated that he would, and that it would be mandated by the state.

Mr. Charney stated that it would be important for Mr. Easton and his counsel to hear the Board's standard of review. In granting such an operation, or use by special exception, the Board should consider the environmental influences, such as dust or vibration. The Board should establish, when appropriate, protective conditions such as setbacks, screening, dust control as will mitigate the adverse effects of the nearby uses. This is something the Board is charged to do at this level, given that the roadway operation is one of significant truck traffic immediately in front of their homes is an adverse use.

Mr. Walker asked Mr. Easton about his plans for the mulch or tree limbs. Mr. Easton stated there were a couple of ideas that he would like to implement. One is the mulch that has been composted. He wants to manufacture that and bag it. His business is drifting more into the athletic field with the sod, and it requires 75% to 90% sand base. There is a small amount of mulch mixed with the sand base to grow this specific athletic grass on clay or anything else. Mr. Easton stated that if he cannot grow and harvest his own sod he finds it necessary to bring in sand from an outside supplier. Mr. Walker asked Mr. Easton where the burning tree debris was located and how close it is to the neighbor's property. Mr. Easton stated that he thought there was a portion of the debris that does touch a neighbor's property on one end at the north, but most of the debris is in the center. The drivers who were dumping the debris extended a little beyond their parameters, and it was hard to control because there were approximately 50 trucks an hour coming and going.

Mr. Charney called each of the opponents to the head table to ask them a question. Ms. Melinda Stone was called forward. Mr. Charney stated that currently the egress for the truck traffic is right in front of her home. There has been an offer made to move the egress about a quarter mile to the south. Mr. Charney asked if she would see that as having less of a negative impact on her home. Ms. Stone the proposed egress site is not a quarter of a mile away, and there are several houses in the immediate area of the proposed site. Ms. Yolanda Hiatt and Ms. Gloria Cravens were called forward and asked the same question as was asked of Ms. Stone regarding the proposed egress site. Ms. Hiatt stated there are at least six houses in the immediate vicinity of the egress site, and Ms. Craven concurred.

Mr. Charney asked Mr. Easton to come forward. Mr. Charney stated that the Board has been looking at the case map provided them, and have asked the opponents to locate their properties and explain the area around the proposed egress site. The Board has now been told there are several houses in the proposal site. Mr. Easton stated that he knew there were several houses in the proposed area but the house that would be right on the corner of Mingo is not protesting the project. There are five houses within an eighth of a mile south of the proposed site. The proposed egress site would be closer to one house and about the same distance as it is to the opponent's houses.

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Comments and Questions:

Mr. Ron Walker stated that he could support the special exception request if there could be a good relocation of the ingress and egress to the sod farm. If he were to make a motion it would be contingent upon the restoration of 151st Street and the moving of the tree debris away from the neighboring property.

Mr. Gene Dillard stated that Mr. Easton should have been building a relationship with his neighbors before he appeared before the Board, but he could support this request with the condition that the land be cleaned of the "collectibles" that have been allowed to lay deteriorating for years.

Mr. Osborne stated that this is a very difficult case, because he likes to be and wants to be an advocate for the individual to use their property as they wish. But when the individual fails to be a good neighbor that is when it becomes an issue. The Board is being asked if sand extraction is a good use and permitted by-right in an AG district because of potential adverse effect. If the sand extraction is controlled, it is one thing, but when it is not controlled then the sand extraction affects the general welfare; that is something that no longer follows the guidelines of being a good use, and falls outside the spirit of the code. That is why the code exists. Mr. Osborne stated that today he could not support this request because he sees it is a detriment by Mr. Easton's actions.

Mr. Charney stated that the increased truck traffic makes this a difficult request to consider. Mr. Charney stated that he would like to find a way for the land owner to do with their land within the spirit of co-operative efforts, but he does not see a way of arriving to that conclusion so he could not support an approval of this request.

Mr. Charney asked staff if it would be wise to ask the applicant and his counsel to bring the Board a plan on the location of the ingress and egress point, and continue this case to the next meeting in May. There are various issues to be considered in this case. Those issues are past actions, clean up, the mulch that is still burning, and the ingress and egress; but if there were a plan brought to the Board to address those issues a motion could be made to continue this case.

Mr. Alberty agreed with Mr. Charney. There has been a lot of abstract discussion today. Typically whenever there is a request of this magnitude before the Board, there are more specifics presented, not only specifics on how the sand operation is going to operate, but is the sand operation only going to provide sand for Mr. Easton's use or will it be sold and trucked out. The Board can make a motion on one or the other, if the motion for support the Board can list a series of conditions that Mr. Easton would need to comply with. Mr. Alberty thinks Mr. Easton would be better served, because he heard concerns of nearby neighbors and the Board, if the applicant were allowed to come back with a specific plan. The plan should stipulate how the issues will be addressed. If the applicant is not willing to come back then the Board can definitely take action today.

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Mr. Walker stated that he could support the sand operation because it will not be a problem on the river; the problem is the trucking. That is why he would like to see the ingress and egress moved and 151st Street be restored. Mr. Easton is in the business so he will be trucking the sand in from an outside entity, so by granting the use of his own sand plant it helps the situation by possibly lowering the truck traffic.

Mr. Charney asked Mr. Frazier if he would like to continue this matter to the meeting in May, as opposed to taking a vote today. Mr. Frazier stated that he has not heard anyone complain about the mining proposition but has heard many complaints about the truck traffic. Mr. Frazier welcomed the opportunity to present an alternative to the Board in regards to the truck traffic, but he does have concerns over the conversation regarding restoring 151st Street to its original condition. That street was not in very good condition prior to this, and Mr. Easton has attempted to fix the road a couple of times but it still keeps deteriorating. Mr. Easton would be glad to help in some of the restoration of 151st Street.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a **Special Exception** to permit sand extraction within Use Unit 24 – Mining & Mineral Processing – in an AG District (Section 310), to the meeting of May 15, 2012; for the following property:

GOV LTS 3 4 6 & 8 & 27AC ACCRETED LAND LESS BEG SWC GOV LT 4 TH N466.69 E466.69 S466.69 W466.69 POB & LESS BEG 1322.52N & 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

Case No. 2428—Billy Frazier

Action Requested:

Special Exception to permit dirt extraction (borrow fill pit) within Use Unit 24 – Mining & Mineral Processing – in an AG District. **Location:** South of the SE/c of West 51st Street South & South 85th West Avenue

Presentation:

Billy Frazier, 7798 West 51st Street, Tulsa, OK; stated he wants to develop the property; this is not just a mining proposition. Mr. Frazier stated that he had a meeting with Mr. Terry West about two years ago, because Mr. West had seen him digging out an existing pond to make it deeper and working on the property. At that time Mr. West informed Mr. Frazier that he needed to obtain a development permit, which Mr. Frazier

Mr. Walker explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today the application would be denied. Mr. Walker asked the applicants if they understood and asked the applicants what they would like to do. Two of the applicants stated that they would like to continue their cases to another meeting.

NEW APPLICATIONS

Case No. 2425—Zelda Weathers

Action Requested:

Special Exception to permit a Go-Kart Track within Use Unit 20 in an AG District.

Location: 9600 North Harvard Avenue

Presentation:

Zelda Weathers, 10210 North Harvard, Sperry, OK; requested to have her hearing rescheduled to the May 15th meeting.

Interested Parties:

There was one interested party present; he agreed to the rescheduling of the hearing.

Comments and Questions:

None.

Board Action:

On **MOTION** of **DILLARD**, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a Special Exception to permit a Go-Kart Track within Use Unit 20 in an AG District, to the meeting of May 15, 2012; for the following property:

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S POB SEC 17 21 13 6.668ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2424—Phil Frazier

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Action Requested:

Special Exception to permit sand extraction within Use Unit 24 - Mining & Mineral Processing - in an AG District (Section 310). **Location:** SE of the SE/c 151st Street South and South Mingo Road

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Presentation:

Phil Frazier, 1424 Terrace Drive, Tulsa, OK; requested to have his hearing rescheduled to the April 17, 2012 meeting.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On MOTION of DILLARD, the Board voted 3-0-0 (Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a Special Exception to permit sand extraction within Use Unit 24 - Mining & Mineral Processing - in an AG District (Section 310), to the meeting of April 17, 2012; for the following property:

GOV LTS 3 4 6 & 8 & 27AC ACCRETED LAND LESS BEG SWC GOV LT 4 TH N466.69 E466.69 S466.69 W466.69 POB & LESS BEG 1322.52N & 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2416—Ronald L. Hall

Action Requested:

Variance to permit a second dwelling unit on one lot of record (Section 208); and a Variance of the minimum required land area per dwelling unit (Section 330).

Location: 12612 North 143rd Avenue East

Presentation:

Ronald L. Hall, 12612 North 143rd East Avenue, Collinsville, OK; would like to move a second mobile home onto his acreage for his step-daughter to live in. There have been two mobile homes on the land since 1973 until March 2010, when the second mobile home was removed. The new mobile home will have a separate legal address, its own private utilities, and a separate septic system.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Case No. 2273

Action Requested:

Special Exception to permit sand and gravel mining in the AG district (Section 301), located: Southeast of 161st Street and South Garnett Road.

Presentation:

Mike O'Dell, 9660 Lakewood Road, Lenexa, Kansas, submitted applicant exhibits (Exhibit B-1). They proposed to mine sand and gravel from the Arkansas river and the adjacent floodplain at the location indicated by the submitted plans. He informed the Board that the demand is growing and the local supply has diminished. The site has not been earmarked for any development in the county land use plan; it has been identified as an agricultural reserve.

Comments and Questions:

Mr. Charney asked for clarification of Mr. O'Dell's last statement. Mr. Cuthbertson responded that he is probably referring to the Arkansas River Corridor Master Plan, which was provided to the Board. He added it covers the river from the Keystone Dam all the way to Wagner County.

Mr. O'Dell continued, stating the site is close to the existing users, within a mile to the main haul-route, Highway 64 to the south on Garnett Road. They have a written agreement and some verbal agreements with the County that Holliday Sand & Gravel would supply the materials and the County would supply the labor. It would be a cost share for the Garnett Road widening and improvements. He explained that the property cannot be developed for other uses than AG because the bulk of the property is in the floodplain. There would be a minimal clearing of habitat vegetation. They propose the operation to run from 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturdays, mainly during construction season. The projected life of the project is 15 years. Environmental impacts are supplied in the exhibits. There are about five homes nearby, one within ¼ mile west of the Garnett frontage of the subject property and four within ½ mile west off of 161st Street. There are approximately another 24 residences about one mile away. Local schools are 1 ½ to 2 miles away and not on the haul-route. They estimate 100 trucks per day but there could be up to 200 trucks per day equaling 400 trips per day. They would contract for a traffic study. They are planning for dust control of the plant roads with recycled asphalt. The primary operation would be river dredging on approximately 105 acres. They would use silencers on the dredgers. Mr. O'Dell stated the plant would be on twelve acres in the northwest corner and screened to the east and south by the treed corridors on Snake Creek and Snake Creek tributary. They would agree to plant evergreens along Garnett. He submitted photographs (Exhibit B-2). They talked with the neighbor across the street and he did not have any objection. They would direct

lighting down. They plan for a hydrology study for the project and permits. The sand pond and pit is on about eighty-three acres.

Mr. Hutson asked how many permits they must obtain before they build a plant and begin operations. Mr. O'Dell estimated there are about six permits from DEQ, State of Oklahoma, the County, and Corp of Engineers. Mr. Hutson wanted the interested parties to understand they have to meet many requirements for these permits. Mr. Cuthbertson also mentioned that once this project is over it does not open up the way for commercial development, as the land is zoned agricultural.

Interested Parties:

Joe Davidson, P.O. Box 686, Bixby, Oklahoma, stated his land adjoins on the east side along Snake Creek. He owns 50 acres with a residence. He asked if the trucks run seven to seven or are those hours for the dredging or is that 24 hours per day. He expressed concern about the widening of Garnett and the bridge as a big project. He added this is a school bus route. Mr. Davidson stated he made phone calls randomly to 15 of the 27 sand supply companies listed in the phonebook and everyone of them informed him they had excess capacity in sand at that time. He indicated that the Department of Mining does not do a lot of engineering review once the County gives approval. The Army Corp of Engineers informed him today that because of a Supreme Court ruling they no longer have authority to issue a 404 Permit.

Teresa McLain, 16614 South 128th East Avenue, stated a family member owns property on east Snake Creek. She opposed because before the 1986 flood the creek was cutting off the family property. She informed the Board that if the flow of the river is changed it would take out a small wood culvert at 129th that would cut off eight people from their properties. She also asked if the culvert washes out, who would they call. She asked if they planned to use the cutterhead in the river or on the banks.

Jerry Martin, 12926 East 161st Street South, expressed concern of the river washing out the banks and culvert. He complained of dust and truck traffic from such a plant.

George Roberts, P.O. Box 905, Bixby, Oklahoma, stated he owns property east of the subject property. He was concerned that not all of the neighbors were notified of this case. He also mentioned that it would devalue their property.

Glenn Koenig, 16312 South 128th East Avenue, stated opposition of such a project on the river that could cause loss of land.

Ray Bowen, Mayor of the City of Bixby, stated that Holliday Sand and Gravel has been a good corporate citizen.

(name inaudible), 12925 East 161st Street South, opposed the application for the noise of the proposed plant.

Teresa McLain-Bean, asked if this plant would mine silica sand, which is a very fine sand.

Applicant Rebuttal:

Mr. O'Dell stated that Holliday Sand and Gravel is an employee-owned property. He responded to neighbor's concerns that they plan to do a hydrology study. They will not proceed if they believe it will do damage to streets or anyone's property downstream. Mr. Charney asked about the hours of operation mentioned, if that was for the trucking and/or the mining. Mr. O'Dell replied that the hours of seven to seven would be the hours they would be open, loading trucks. He added there will be times when they would need to dredge 24 hours per day. Mr. Charney asked if they could agree to the Board imposing certain hours of operation. He replied that they could if they built a larger production rate plan. Mr. Hutson assumed that would mean more noise and larger equipment. Mr. O'Dell replied that he did not know that it would be noisier, but a little more of a presence. He stated they are aware a bus goes by the proposed plant, but the trucks would not haul past the school on residential streets. He informed the Board that river dredging is not regulated if there is only incidental fall-back into the river, with an EPA 404 permit. The Corp of Engineers are very involved with this site and have jurisdiction there. He commented that the dredge is about 20 ft. x 40 ft. in size and might be used in the pit if there was enough water. The cutter-head is about 24 inches in diameter and is like a rotating head with teeth on it that loosens the sand. They would not want to dredge within 50-100 ft. of the bank and cave the bank. They could post a quarter million dollar bond payable to a homeowners' association or the county, in the case of unforeseen erosion. Mr. Charney asked if other Departments and/or agencies that do more technical studies and reviews after a Board of Adjustment approval.

Janet Meshack, with Meshack Associates, replied that Holliday Sand and Gravel contacted them in advance to see if this was even possible. It is nearly all in a floodway. She stated Snake Creek actually overflows around 181st Street. They advised the Holliday company that they would have to lower some of the areas affected in order to have compensatory floodplain storage and conveyance not to cause any rise in the water surface or floodway. Mr. Charney asked if there is a process to follow to prevent erosion of the bank. She did not think there was any real process that would eliminate the possibility of erosion. The Keystone Dam has a big impact on the water level.

Mr. Hutson asked how they selected this site. Mr. O'Dell replied they selected this site because it is convenient, close to the market. Less transportation time decreases the cost of delivery. The distance from residential homes makes this a good site and they will not be hauling past houses.

David Iski, Assistant District Attorney, encouraged the Board to address the concerns within Section 1224.3 and Section 1680.3 in their findings.

In discussion, Mr. Walker had concerns for possible occurrences of erosion. Mr. Charney was relieved to know that the dredging site, which might be around the clock, is farther away from residences. Mr. Hutson noted that sod farms are all over the area and recognized dust as a characteristic of a farming area during certain seasons. Mr. Tyndall found the proposal to be appropriate subject to the hours and road usage. Mr. Charney stated the Board has considered dust, vibration, traffic and the applicant's offer to do watering to control dust. Their road improvement plan would assist the vibration. The haul route seems to be the best and shortest distance to users. The applicant would have significant setbacks and berming. They have addressed the hours of operations.

Board Action:

On **Motion of Hutson**, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit sand and gravel mining in the AG district (Section 301), as submitted by the applicant, in accordance with the data submitted and the plan of operation, subject to all of the permitting required, including environmental and quality, mining; hours of operation: truck traffic and pit operations from 7:00 a.m. to 7:00 p.m. and dredging as needed; with conditions provided by the applicant to stay away from the banks in excavation; to take necessary steps to minimize erosion, specifically dredging no closer than 50 ft. from the shore, except when the equipment is moved to the working site; placement of rip rap in areas that appear to be adversely affected from erosion by the operation; the applicant to contribute to the cost and upkeep of Garnett Road south to Highway 164; a watering plan that is consistently administered, authored by the applicant and posted for the inspector should they wish to see it; and the applicant to provide a \$250,000 bond to be posted in the event that certain remedial cure to public works is deemed necessary by the Inspector's office for actions inconsistent with various permits; finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; finding the Board has made an effort to address the issues raised in Section 1608; on the following described property:

"That portion of the Arkansas River lying South of the centerline, upstream of the confluence of Snake Creek, in the South ½ of Section 20, and in the North ½ of Section 29 all in Township 17N, Range 14E of the Indian Base and Meridian, in Tulsa County, Oklahoma, and more particularly the South half of the Arkansas River, beginning at the extension of S. Garnett Road, easterly and downstream along the south bank of the Arkansas River approximately 4600 feet to the mouth of Snake Creek, containing 105 acres more or less; AND certain real property in Tulsa County, Oklahoma, in the North ½ of Section 29, Township 17 North, Range 14 East of the Indian Base and Meridian and lying north of Little Snake

Creek, less the south 1000 feet (containing 23.6 acres), containing 160 acres, more or less."

NEW BUSINESS

There was no new business.

OTHER BUSINESS

Interpretation of the Zoning Code to determine the classification of a pond in a platted residential district.

BOARD ACTION:

On Motion of Charney, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** this business to the meeting on August 21, 2007.

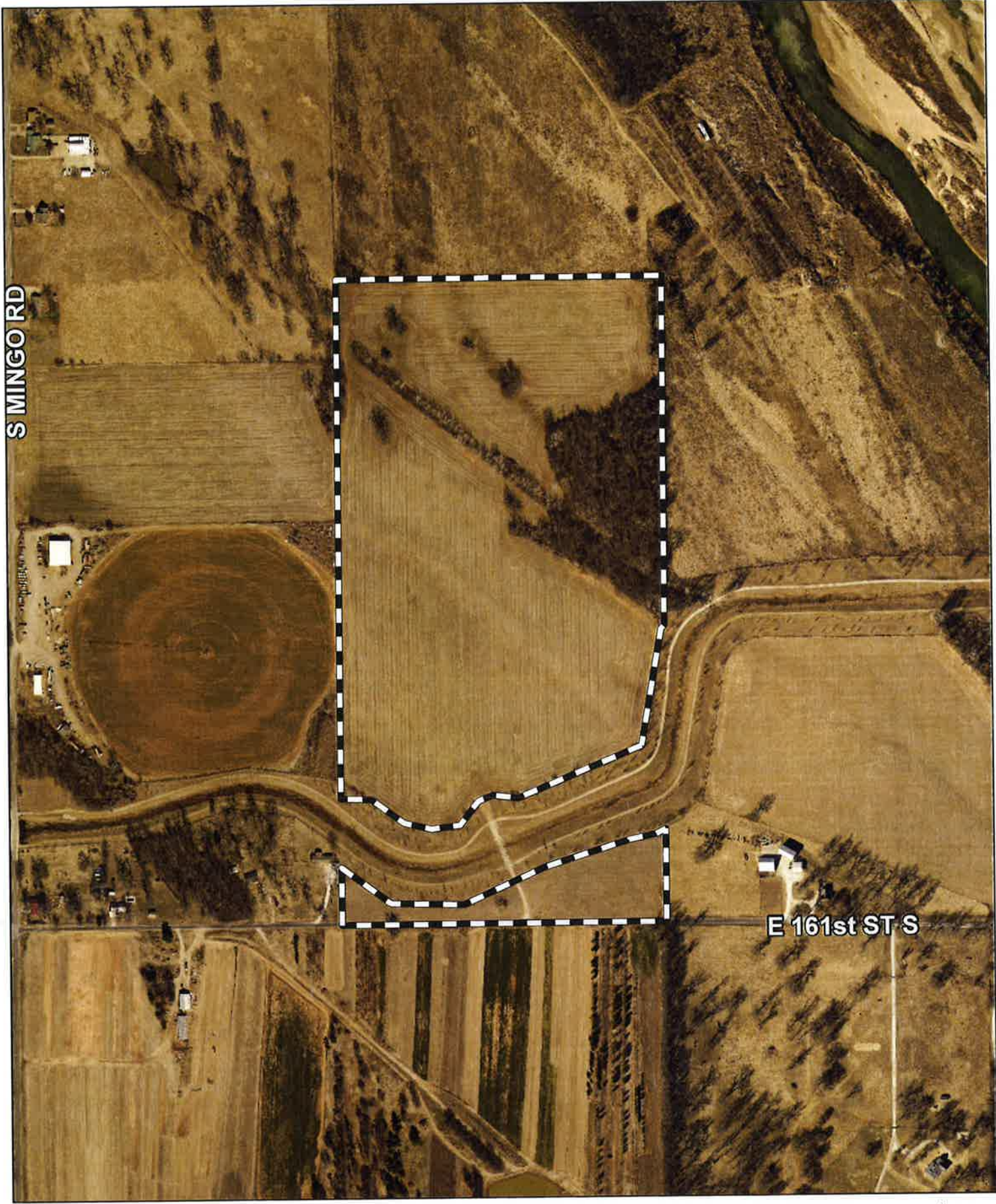
There being no further business, the meeting adjourned at 3:49 p.m.

Date approved: _____

8/21/07

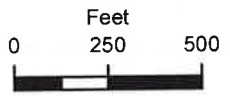
David E. Charney

Chair



S MINGO RD

E 161st ST S



 Subject Tract

CBOA-2878

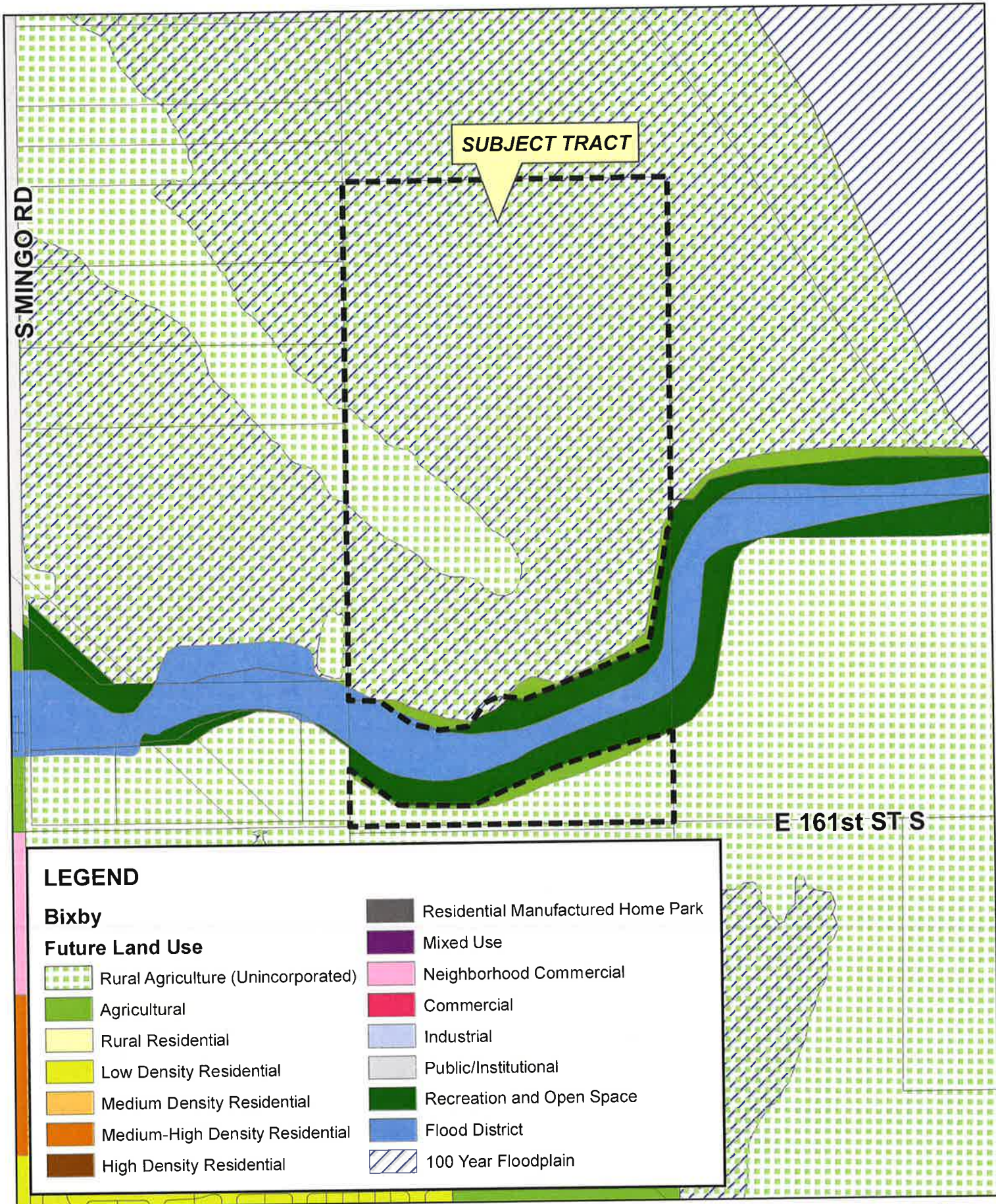
17-14 19

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



9.37



SUBJECT TRACT








S MINGO RD

E 161st ST S

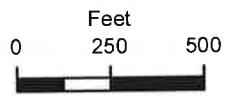
LEGEND

Bixby

Future Land Use

-  Rural Agriculture (Unincorporated)
-  Agricultural
-  Rural Residential
-  Low Density Residential
-  Medium Density Residential
-  Medium-High Density Residential
-  High Density Residential

-  Residential Manufactured Home Park
-  Mixed Use
-  Neighborhood Commercial
-  Commercial
-  Industrial
-  Public/Institutional
-  Recreation and Open Space
-  Flood District
-  100 Year Floodplain



CBOA-2878

17-14 19





Looking north into entrance from East 161st Street South



Looking west down East 161st Street South from the subject property



Looking east down East 161st Street South from the subject property



116 West Needles
P.O. Box 70
Bixby, OK 74008
www.BixbyOK.gov

February 12, 2020

Tulsa County Board of Adjustment
C/o INCOG
2 West 2nd Street, Ste 800
Tulsa, Oklahoma 74103

RE: Case No. CBOA-2878 / Tanner Bemies

To whom it may concern:

The City of Bixby objects to the Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224), which extends the time limit to allow native soils to be mined in an AG District (Section 310, Table 1) for the location of 10335 E. 161st Street S Bixby, Oklahoma.

The reason for this objection is:

- The site proximity to the Arkansas River and low water crossing access through Bixby Creek without a complete Stormwater Management Plan provided to the City of Bixby as a receiving MS4.
- Mr. Bemies has provided the City of Bixby with a Stormwater Pollution Prevention Plan (SWP3), however, the plan is incomplete/incorrect.

Should you have any questions, please feel free to contact our office.

Regards,

A handwritten signature in black ink, appearing to read "Bea Aamodt", written over a horizontal line.

Bea Aamodt, P.E.
Public Works Director
City of Bixby



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

August 19, 2020

Tanner Bemies, Owner
Tanner Bemies Mining Operations
21585 S. Glenwood Dr.
Claremore, OK 74019

CEQA-2878

Re: Authorization to Discharge Stormwater from Construction or Land Disturbing Activity
DEQ Authorization Number: OKR1031396

Dear Mr. Bemies:

The new Notice of Intent for the facility listed below was received on August 17, 2020 and processed by the Oklahoma Department of Environmental Quality (DEQ). Enclosed is an authorization allowing you to discharge stormwater associated with construction or land disturbing activities under the terms and conditions of OPDES Construction General Permit OKR10 for stormwater discharges from construction activities from the following site located in Tulsa County.

Facility:

Tanner Bemies Mining Operations
East 1/2, SW 1/4, Section 19, Township 17 North, Range 14 East
Bixby, OK 74008

All applicable fees associated with this authorization have been paid. Site that remains active one year from the effective date of the authorization will be invoiced for the next full permit year. Once this project is completed and stabilized, you must submit a Notice of Termination (NOT) form to DEQ to terminate this authorization.

If you have any question regarding this Authorization or the Stormwater Program, please call me at (405) 702-8196.

Sincerely,

Kimberly Carkin, Permit Writer
Municipal Discharge and Stormwater Permits Section
Water Quality Division

MBM/KC/JB/JH/cp



**Oklahoma Department of Environmental Quality
Authorization to Discharge Stormwater under the OPDES Construction
General Permit OKR10**

AUTHORIZATION NO. **OKR1031396**

In compliance with the Oklahoma Pollution Discharge Elimination System (OPDES) Act, 27A O.S. §2-6-201, the Rules of the Department of Environmental Quality (DEQ), and in reliance on the certified statements and representations heretofore made in its application,

**Tanner Bemies
21585 S. Glenwood Dr.
Claremore, OK 74019**

is authorized to discharge stormwater from a construction site located in Tulsa County at

**Tanner Bemies Mining Operations
East ½, SW ¼, Section 19, Township 17 North, Range 14 East
Bixby, OK 74008**

The receiving body of water is the Arkansas River. This facility discharges into a 303(d) listed stream.

The OPDES permit requires permittee to have a Stormwater Pollution Prevention Plan (SWP3) which includes a description of appropriate sediment control measures. These are applicable to your construction site, which is subject to inspection.

Proof of this authorization must be available at the construction site.

The authorization shall become effective **August 19, 2020** and will expire at midnight October 17, 2022.

All terms and conditions of the OPDES Construction General Permit OKR10 that became effective on October 18, 2017, shall apply to the recipient of this authorization.



Michael B. Moe, P.E., Engineering Manager
Municipal Discharge and Stormwater Permits Section
Water Quality Division

CSOA - 2878

Stormwater Pollution Prevention Plan (SWP3)

Authorization No. OKR10#####

For Construction Activities At:

Tanner Bemies Mining Operations
Part of the East ½, SW/4 of Sec. 19, T17N, R14E
Tulsa County, OK 74117

SWP3 Prepared For:

Tanner Bemies
21585 S. Glenwood dr.
Claremore OK 74019
918-688-2058
tbemies@gmail.com

SWP3 Prepared By:

Sisemore & Associates.
C. Joseph Watt, P.E.
6111 East 32nd Place
Tulsa, OK 74135
918-665-3600

SWP3 Preparation Date:

04/09/2020

Estimated Project Dates:

Project Start Date: 5/2020

Project Completion Date: Life of the Reserves

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Section 1: Stormwater Team and Project/Site Information

1.1 Stormwater Team

Stormwater team is responsible for overseeing development of the SWP3, making any modifications to it, implementing and maintaining control measures, taking corrective actions when required, performing site inspection and monitoring, supervising pollution prevention and waste management activities, providing staff training, and communicating changes in the SWP3 to the people working on the site. The following personnel, along with their role and responsibility, will be part of the **stormwater team** for my construction site:

Team Leader (Name/Title/Telephone)	Roles & Responsibilities
Tanner Bemies	Overseeing Contractor
Owner/Developer	
918-430-8018	

Team Member # 1 (Name/Title/Telephone)	Roles & Responsibilities
C. Joseph Watt, P.E.	Responding to RFI's and periodic Inspections
Civil Engineer	
918-384-8086	

Team Member # 2 (Name/Title/Telephone)	Roles & Responsibilities

Team Member # 3 (Name/Title/Telephone)	Roles & Responsibilities

Team Member # 4 (Name/Title/Telephone)	Roles & Responsibilities

[Repeat as necessary]

1.2 Nature of Construction Activity and Project Information

Project/Site Name and Address	
Project/Site Name: Tanner Bemies Mining Operations	
Project/Site Street/Location: E. 161st St. S. & S. Mingo Road	
City: Tulsa	County: Tulsa
State: OK	ZIP Code: 74134

General Description of the Project/Site: This is a 70 acre site that current is grassed and has the topography to drain east into the Arkansas river. It is composed of soils in the hydrological category of C and D. These soils will be mined and removed to supply fill material to the surrounding construction activities in the Tulsa metropolitan area.

Estimated project start date: 11-2019		
Estimated project end date: Life of the Reserves		
Total area of the construction site	70	(acres)
Estimated area to be disturbed:	62.1	(acres)
Estimated current impervious area at the site:	0.0	(acres)
Estimated impervious area after construction:	0.0	(acres)
Pre-construction runoff coefficient of the site: $c = .35$ (Mannings)		
Post-construction runoff coefficient of the site: $c = .35$ (Mannings)		
Purpose of the Construction Project/Site:		
<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Wind Farm <input type="checkbox"/> Road/Bridge		
<input checked="" type="checkbox"/> Other(s), please specify: Non-coal Surface mine for fill material		

Project Latitude/Longitude (for linear project, include latitude/longitude of start and end points)	
Latitude:	Longitude:
___° ___' ___" N (degrees minutes, seconds)	1. ___° ___' ___" W (Degrees, minutes, seconds)
2. 36.9422° N (decimal)	2. -95.6957° W (decimal)
Latitude:	Longitude:
1. ___° ___' ___" N (degrees, minutes, seconds)	1. ___° ___' ___" W (degrees, minutes, seconds)
2. ___° ___' ___" N (decimal)	2. ___° ___' ___" W (decimal)
Method for determining latitude/longitude:	
<input checked="" type="checkbox"/> DEQ Flex-viewer <input type="checkbox"/> EPA Website <input type="checkbox"/> USGS topographic map <input type="checkbox"/> GPS	

Description of soil type(s) and fill materials: 6-8 inches topsoil over lean to fat clays
Description of slopes (describe existing slopes and note any changes due to grading or fill activities): <i>The site slopes gradually (+/- 1%) from the west to the east.</i>
Description of drainage patterns (describe existing drainage patterns and note any changes due to grading or fill activities): <i>There is one main flow paths of the subject site both flowing from the NW to the SE and draining off to and east. Theses are characterized as sheet flows. The eastern side of the property drains into the Arkansas River Tributary for Bixby drainage Channel,</i>
Description of existing or baseline vegetation on or immediately surrounding the project area: <i>Most of the vegetation is pasture type grasses with little trees and brush mainlt on both sides of the drainage way.</i>
Climate/Rainfall Patterns - check the box that applies:
<input type="checkbox"/> (0-20" annual rainfall) <input type="checkbox"/> (20" -30" annual rainfall) <input checked="" type="checkbox"/> (30"-40" annual rainfall) <input type="checkbox"/> (40" -50" annual rainfall)
<i>(Note: Annual rainfall data can be found at the following link: https://www.mesonet.org/index.php/weather/category/rainfall)</i>

1.3 Operators and Contactor's Contact Information

Operator(s) Information:		
Name: Tanner Bemies		
Address: 21585 S. Glenwood Dr.		
City: Claremore	State: OK	Zip Code: 74019
Operator's Point of Contact: Tanner Bemies		
Telephone Number: 918-688-2058		
Email address: tbemies@gamil.com	Fax number:	

(Repeat for multiple operators by copying and pasting the above rows)

Contractor's Information:		
Name:		
Address:		
City:	State:	Zip Code:
Telephone Number:		
Email address:	Fax number:	

(If owner is a separate entity)

Sub-Contractor's Information:		
Name:		
Address:		
City:	State:	Zip Code:
Telephone Number:		
Email address:	Fax number:	

(If owner is a separate entity)

SWP3 Contact(s):	
SWP3 Contact Name (Primary): C. Joseph Watt, P.E.	
Telephone number: 918-665-3600	
Email address: jwatt@sw-assoc.com	Fax number: 918-665-8668
SWP3 Contact Name (Backup):	
Telephone number:	
Email address:	Fax number:

1.4 Construction Support Activities (if applicable)

List of construction support activities that will be available at the construction project/site:

Type of Construction Support Activities ¹	Will be Present at the Construction Site?
Equipment Staging Yards	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Material Storage Areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Excavated Material Disposal Areas	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Borrow Areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Concrete Batch Plant ²	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Asphalt Plant ²	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Note-1: Locate all the construction support activities on the site map. Appropriate/additional controls & measures are required for construction support activities. Support activities should not be located within the watershed of an Outstanding Resources Water (ORW).

Note-2: Include Section 8 if you have Concrete Batch Plant and/or Asphalt Plant as construction support activities at your construction site. Exclude/delete Section 8 if you don't have Concrete Batch Plant and/or Asphalt Plant at your construction site.)

1.5 Sequence of Construction Activities

(Note: You may edit sequence of construction activities in the following table to reflect your project's sequences along with estimated start date and duration)

No.	Sequence of Construction Activities	Estimated Start Date	Duration (in Days)
1.	Construction access/entrance to site, construction routes, areas designated for equipment parking/staging area	5/01/20	2
2.	Silt fences, berm or similar control measures as perimeter control	5/03/20	2
3.	Land clearing and grading, site preparation (cutting, filling, and grading, sediment traps, barriers, diversions, drains, surface roughening)	5/05/20	14
4.	Excavation Fill Material	5/19/20	LOR
5.	LOR = Life of Reserves		
6.			
7.			
8.			
9.			
10.			

1.6 Allowable Non-Stormwater Discharges

List of allowable non-stormwater discharges that will be present at the construction site:

No.	Type of Allowable Non-Stormwater Discharge	Likely to be Present at Construction Site?
1.	Fire hydrant flushing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.	Waters used to wash vehicles and equipment	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3.	Water used to control dust	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4.	Potable water including uncontaminated water line flushing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5.	Routine external building wash down	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6.	Pavement washing waters	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7.	Uncontaminated air conditioning or compressor condensate	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8.	Uncontaminated, non-turbid discharges of ground water or spring water	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9.	Foundation or footing drains	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.	Landscape Irrigation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11.	Discharges from emergency fire-fighting activities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
12.	Uncontaminated construction dewatering water	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

(Note: You are required to identify the likely locations of these allowable non-stormwater discharges on your site maps.)

Section 2: Site Description and Site Map

2.1 Receiving Waters/Discharge Information

Receiving Water body's Information: Stormwater discharges from this construction project will flow to the following receiving water body(ies).

No.	Name of the Receiving Waters	Is this surface water listed as impaired?	Cause of Impairment ¹	Has a TMDL ² been completed?	TMDL Pollutant(s)
1.	Arkansas River	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2.		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	

(Note: Name of the receiving waters can be found at the DEQ website using the following link: <http://qis.deq.ok.gov/flexviewer/>. Cause of impairment and TMDL information can be found at the DEQ website using the following link: <http://www.deq.state.ok.us/WQDnew/wqprogms.html>)

¹ If you discharge to impaired water that is impaired for **Sediment and/or Turbidity** and located within 1 mile, you are required to comply with the additional requirements in Part 3.5.1 of OKR10 permit.

² Total Maximum Daily Load (TMDL)

Does the project/site discharge stormwater to an **Aquatic Resource of Concern (ARC)** or an **Outstanding Resource Water (ORW)**?

Yes No,

If yes, I must comply with specific buffer requirements (see Part 3.5.2 of OKR10 permit) and stabilization deadlines requirements (see Part 3.5.2 of OKR10 permit).

Does the project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?

Yes No

If yes, what is the name of the MS4 operator? _____

Note: See Table R-5 in the [MS4 Permit's Factsheet](#) for the MS4s information.

2.2 General Location Map

Provide a general location map (e.g., DEQ GIS Data Viewer or U.S. Geological Survey (USGS) quadrangle map or aerial image from the internet) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges within one mile of the construction site (see Part 4.3.5.D of the OKR10 permit).

X A general location map is included in **Attachment A** of this SWP3.

2.3 Site Map

SWP3 includes a legible site map or series of site maps/erosion and sediment control plans showing all the features (see also Part 4.3.5 of OKR10 permit) listed below:

- Pre-construction topographic view including vegetation, showing the location of
 - ✓ all surface water bodies within one mile of the site (including wetlands); and
 - ✓ direction of stormwater flow across the construction site (i.e., use arrows to show which direction stormwater will flow);
- Boundaries of property and identify the location(s) of:
 - ✓ Earth-disturbing activities;
 - ✓ boundary lines of any natural buffers;
 - ✓ approximate slopes before and after major grading activities,
 - ✓ areas of steep slopes, surface water crossings, Structures and other impervious surfaces upon completion of construction
- Locations of all structural and nonstructural controls/BMPs identified in the plan including showing the location of:
 - ✓ construction entrance/exit,
 - ✓ concrete wash-out area,
 - ✓ construction support activity areas such as locations of off-site materials, waste, borrow area, or equipment storage area;
 - ✓ stockpiled materials (sediment, topsoil, etc.), and
 - ✓ locations of all potential pollutant-generating activities;
- Locations where stormwater and allowable non-stormwater will be discharged off-site (should be continuously updated); sampling locations if project is subject to numeric limitations due to presence of an asphalt batch plant;
- Location where stabilization practices are expected to occur; Areas where final stabilization will be accomplished and no further construction phase permit requirements apply.

X The site map or series of maps for this facility can be found in **Attachment B** of this SWP3 showing all the above-mentioned features in Part 2.3 of this SWP3.

Section 3: Construction Site Pollutants

3.1 Pollutant-Generating Activities

Potential sources of sediment to stormwater runoff:

Clearing and grubbing operations, grading and site excavation operations, vehicle tracking, topsoil stripping and stockpiling, landscaping operations

Potential sources of pollutants, other than sediment, to stormwater runoff:

- Combined Staging Area - small fueling activities, minor equipment maintenance, sanitary facilities, and hazardous waste storage.
- Materials Storage Area - general building materials, solvents, adhesives, paving materials, paints, aggregates, trash, etc.
- Construction Activity - paving, curb/gutter installation, concrete pouring/mortar/stucco, and building construction
- Concrete Washout Area

3.2 List of Potential Pollutants

List of Pollutants that can be present at the construction site:

(Note: Check all the boxes applicable to your project site; include additional pollutants, if necessary, in the space below)

Check	Materials/ Chemicals	Stormwater Pollutants	Location at the Site
<input checked="" type="checkbox"/>	Dirt from land disturbed area	Sediment	Over the entire tract
<input type="checkbox"/>	Pesticides (insecticides, fungicides, herbicides, rodenticides)	Chlorinated hydrocarbons, organophosphates, carbonates, arsenic	
<input checked="" type="checkbox"/>	Fertilizer and dirt/soil	Nitrogen, phosphorous	
<input type="checkbox"/>	Plaster	Calcium sulphate, calcium carbonate, sulfuric acid	
<input type="checkbox"/>	Cleaning solvents	Perchloroethylene, methylene chloride, trichloroethylene, petroleum distillates	
<input type="checkbox"/>	Asphalt	Oil, petroleum distillates	
<input type="checkbox"/>	Concrete	Limestone, sand, pH, chromium	
<input type="checkbox"/>	Glue, adhesives	Polymers, epoxies	
<input type="checkbox"/>	Paints	Metal oxides, Stoddard solvent, talc, calcium carbonate, arsenic	
<input type="checkbox"/>	Curing compounds	Naphtha	

<input type="checkbox"/>	Wood preservatives	Stoddard solvent, petroleum distillates, arsenic, copper, chromium	
<input type="checkbox"/>	Hydraulic oil/fluids	Mineral oil	
<input type="checkbox"/>	Gasoline	Benzene, ethyl benzene, toluene, xylene, MTBE	
<input checked="" type="checkbox"/>	Diesel Fuel	Petroleum distillate, oil & grease, naphthalene, xylenes	
<input type="checkbox"/>	Antifreeze/coolant	Ethylene glycol, propylene glycol, heavy metals (copper, lead, zinc)	
<input type="checkbox"/>	Sanitary toilets	Bacteria, parasites, and viruses	
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

Section 4: Compliance with Federal and State Requirements

4.1 Endangered or Threatened Species Protection

Eligibility Criterion

Under which criterion listed in NOI is the construction project/site eligible for coverage under the OKR10 permit?

A B C D E

For reference purposes, the eligibility criteria listed in Part 1.2.2.E.2 of OKR10 permit are as follows:

Criterion A.	The proposed construction site or land disturbing activity is not located within any of the corridors of the Federal or State identified Aquatic Resources of Concern, and further investigation is not required.
Criterion B.	The proposed construction site or land disturbing activity is located within a corridor of a Federal or State identified Aquatic Resources of Concern. The SWP3 describes this area in relation to the identified water or watershed and specifies the measures to be employed to protect the endangered or threatened species or their critical habitat (see Parts 3.5.2 and 10 and Addendum A).
Criterion C.	If one of those eligibility criteria under Part 1.2.2.E.2.b, d, or e cannot be met, applicants may use Addendum I Buffer Guidance to evaluate alternatives of buffer requirements and select equivalent sediment controls or contact DEQ for further consultation.
Criterion D.	The applicant's federally approved construction activities are authorized by the appropriate Federal or State agency and that authorization addresses the Endangered Species Act Section 7 consultation for the applicant's stormwater discharge or stormwater discharge-related activities. Applicants selecting option d must include documentation from USFWS (U.S. Fish and Wildlife Service) or a qualified biologist that demonstrates Section 7 consultation has been completed. The SWP3 must comply with any conditions resulting from that consultation.
Criterion E.	The applicant's stormwater discharges and stormwater discharge-related activities were already addressed in another operator's certification of eligibility under Part 1.2.2.E.2.a, b, c, or d. that included the applicant's project area. By certifying eligibility under Part 1.2.2.E.2.e, the applicant agrees to comply with applicable measures or controls upon which the other operator's certification under Part 1.2.2.E.2.b, c, or d. was based.

Note: For Criterion B, C, D, or E, you may subject to comply with additional requirements.

4.2 Federal, State, or Local Historic Preservation Laws

Will stormwater discharges or stormwater discharge-related activities (e.g., catch basin, pond, culver, etc.) affect a property that is protected by Federal, State, or local historic preservation laws? Yes No

If yes, describe any actions taken to mitigate those effects: [Click here to enter text.](#)

Describe how this determination was made: [Click here to enter text.](#)

4.3 TMDL Requirements

If a TMDL or watershed plan or local compliance plan has been approved for the waterbody, SWP3 must include all the applicable requirements in consistent with the TMDL or watershed plan or local compliance plan that are applicable to the stormwater discharges from the construction site.

Does the construction project/site discharge stormwater into a receiving stream that has an approved TMDL or watershed plan or local compliance plan?

Yes No

If yes, is there any waste load allocations (WLAs) and/or the TMDL's associated implementation plan requirements applicable to stormwater discharges from the construction activity?

Yes No

If yes, SWP3 must incorporate any limitations, conditions, or requirements applicable to permittee's discharges to ensure that the waste load allocations (WLAs) and/or the TMDL's associated implementation plan will be met within any timeframe established in the TMDL report or watershed plan. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL or watershed plan.

Note: *Approved TMDL reports or watershed plans can be downloaded from DEQ's website at <http://www.deq.state.ok.us/wqdnew/tmdl/index.html>*

Does the construction project/site discharge stormwater to the **Lake Thunderbird watershed**?

Yes No

If yes, the following control measures will be used to meet the Lake Thunderbird TMDL requirements:

- Additional Pollutant Prevention or Discharge Monitoring** - You must comply with any additional requirements established by the local MS4 municipalities;
- Sites of Five Acres or Larger** - You must submit a copy of SWP3 to DEQ for review;
- Vegetated Buffer** - You must ensure that a vegetated buffer of at least 100 feet is retained or successfully established or planted between the area disturbed and all receiving streams. If the nature of the construction activity or the construction site makes a buffer impossible, you must provide equivalent controls. There are exceptions from this requirement for water crossings, limited water access, and stream restoration authorized under a CWA Section 404 permit;
- Sediment Basins** - For all drainage locations serving 5 or more acres disturbed at one time, you must use a temporary or permanent sediment basin and/or sediment traps to minimize sediment discharges;
- Site Inspection** - You must conduct site inspections once every 7 calendar days at a minimum, and within 24 hours of a storm event of 0.5 inches or greater and within 24 hours of a discharge caused by snowmelt;
- Corrective Actions** - You must implement corrective actions (e.g., repair, modify, or replace any stormwater control used at the site, clean up and dispose of spills, releases, or other deposits, or remedy a permit violation) by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7 calendar days timeframe and document your schedule for installing the stormwater controls and making them operational as soon as practicable after the 7 days timeframe;
- Stabilization** - You must initiate stabilization measures immediately whenever earth-disturbing activities have permanently or temporary ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. You are required to complete the stabilization activities within 7 calendar days after the permanent or temporary cessation;
- Soil Nutrient Testing** - You are required to conduct a soil nutrient test to determine actual nutrient needs before applying fertilizer on your site. Fertilizer application must be limited to that necessary to meet actual needs on the site.
- Describe any additional measures or controls you will implement to comply with the Lake Thunderbird TMDL requirements: [Click here to enter text.](#)

Section 5: Stormwater Control Measures

The purpose of the implementation of different stormwater pollution controls is to reduce pollutants in the stormwater and the volume of stormwater leaving the construction site. All pollution control measures will be selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.

5.1 Stabilization Practices

Type of Site Stabilization Practice(s) that will be implementing at the construction project/site (select all that apply):

Temporary Permanent Vegetative Non-Vegetative

Deadline to Initiate Stabilization: I shall initiate stabilization measures **immediately** whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.

Deadline to Complete Stabilization:

- I shall complete stabilization measures **as soon as practicable** but no later than 14 calendar days after the initiation of soil stabilization.
- My project/site is located in ARC/discharge to ORW; I shall complete stabilization measures **as soon as practicable** but no later than 7 calendar days after the initiation of soil stabilization.

Temporary Non-Vegetative Stabilization: The following **non-vegetative** controls/BMPs will be used to temporarily stabilize exposed portions of the construction site (*select all that apply*):

Rolled erosion control products such as geotextiles, blankets or plastic cover Soil binders
 Straw mulch Wood mulch Compost Blanket Other, _____

If any of the above-referenced controls is used to temporarily protect areas that are being vegetative stabilized, one of the effective non-vegetative cover will be used to stabilize any such exposed portions of our site.

Temporary Vegetative Stabilization: The following **vegetative** controls will be used to temporarily stabilize the exposed portions of the construction site (*select all that apply*):

Hydroseeding with mulch Sod Other, Silt Fencing and rolled vegetative barriers

Permanent Vegetative Stabilization: The following **vegetative** controls will be used to permanently stabilize the exposed portions of the construction site (*select all that apply*):

Hydroseeding with mulch Sod Planted vegetation Other, _____

One of the following criteria will be used for vegetative cover:

- Provide a vegetative cover which covers 70% or more of the vegetation prior to commencing earth-disturbing activities and no large bare areas (10 square feet).

- Immediately after seeding, you must select, design, and install non-vegetative erosion controls that provide cover (such as **straw mulch, jute matting, and straw blankets**) to the area while vegetation is being established.

Stabilization Practices Record: A record of the dates when grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included with the plan. Yes No

If No, explain: _____

A record of the dates when grading activities occur will be documented using the Grading & Stabilization Activity logs in **Attachment-I** of this SWP3.

5.2 Natural Buffers and/or Equivalent Sediment Controls

Buffer Compliance Alternatives

Are there any **waters of the State** that are located within 50 feet (or 100 feet if the construction site is located in ARC or ORW or Lake Thunderbird Watershed) of your construction disturbances as measured from the top of the bank to the disturbed portions of your site? Yes No

*(Note: **Waters of the State** means all named/unnamed stream, creeks, rivers, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private located within the boundary of Oklahoma State.)*

Construction Project/Site Location (check one only):

- My construction project/site isn't located in **ARC** or discharge to **ORW**
- My construction project/site is located in **ARC** or **ORW**
- My construction project/site is located in Lake Thunderbird Watershed or in a watershed with established TMDL that has Wasteload Allocation (WLA) for Construction Project

Check the compliance alternative that you have chosen:

- I will provide and maintain a 50 feet (or **100 feet** if the construction site is located in ARC or ORW or Lake Thunderbird Watershed) undisturbed natural buffer.

(Note (1): You must show the boundary line of the natural buffer on your site map.)

(Note (2): You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site's erosion and sediment controls.)

- I will provide and maintain an undisturbed natural buffer that is less than 50 feet (or **100 feet** if the construction site is located in ARC or ORW or Lake Thunderbird Watershed) and is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to required undisturbed natural buffer.

(Note (1): You must show the boundary line of the natural buffer on your site map.)

(Note (2): You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site's erosion and sediment controls.)

- i. Width of natural buffer to be retained: _____
- ii. Method used to determine equivalent sediment load reduction:

- Addendum-I: Buffer Guidance in OKR10 permit
 - a. Soil Type: _____
 - b. Buffer Vegetation: _____OR
- Site-specific calculation
 - a. Model or other tool used to estimate sediment load reductions:

 - b. Results of calculations: _____
 - c. Description of additional erosion and sediment controls used:

It is infeasible to provide and maintain an undisturbed natural buffer of any size; therefore, I will implement erosion and sediment controls that will achieve the sediment load reduction equivalent to a 50 feet (or 100 feet if the construction site is located in ARC or ORW or Lake Thunderbird Watershed) undisturbed natural buffer.

- i. Rationale for concluding that it is infeasible to provide and maintain a natural buffer of any size:

- ii. Method used to determine equivalent sediment load reduction:

- Addendum-I: Buffer Guidance in OKR10 permit
 - a. Soil Type: _____
 - b. Buffer Vegetation: _____OR
- Site-specific calculation
 - a. Model or other tool used to estimate sediment load reductions:

 - b. Results of calculations: _____
 - c. Description of additional erosion and sediment controls used:

I qualify for one of the following exceptions (*select one that applies to your project/site*):

- There is no discharge of stormwater to the surface water that is located 50 feet from my construction disturbances.
- No natural buffer exists due to preexisting development disturbances that occurred prior to the initiation of planning for this project.
- Buffer disturbances are authorized under a CWA Section 404 permit.
- Buffer disturbances will occur for the construction of a water-dependent structure or water access area (e.g., pier, boat ramp, and trail).

5.3 Structural Controls/Best Management Practices (BMPs)

The table below listed Structural and Non-Structural Stormwater Controls/Best Management Practices (BMPs) that should be considered for every construction project/site to meet the **non-numeric technology-based effluent limitations, water-based effluent limitations and applicable numeric technology-based effluent limitations.**

The following BMPs will be used or implemented at the construction project/site (select all that apply):

Erosion Controls		Sediment Controls	
<input type="checkbox"/>	Preservation of Existing Vegetation	<input checked="" type="checkbox"/>	Silt Fence
<input type="checkbox"/>	Vegetative Swales	<input type="checkbox"/>	Silt Dikes
<input checked="" type="checkbox"/>	Hydroseeding with Mulch	<input type="checkbox"/>	Compost Sock
<input type="checkbox"/>	Hydraulic Mulch	<input checked="" type="checkbox"/>	Check Dam
<input type="checkbox"/>	Wood Mulching	<input checked="" type="checkbox"/>	Fiber Rolls
<input type="checkbox"/>	Straw Mulching	<input checked="" type="checkbox"/>	Storm Drain Inlet Protection
<input type="checkbox"/>	Compost Blankets	<input checked="" type="checkbox"/>	Outlet Protection/Velocity Dissipation Devices
<input type="checkbox"/>	Soil Binders	<input checked="" type="checkbox"/>	Earth Berms and Drainage Swales
<input type="checkbox"/>	Geotextiles and Mats	<input type="checkbox"/>	Sand Bag Barrier
<input type="checkbox"/>	Soil Preparation/Roughening	<input type="checkbox"/>	Gravel Bag Berm/Barrier
<input checked="" type="checkbox"/>	Sod	<input checked="" type="checkbox"/>	Sediment Basin
<input type="checkbox"/>	Streambank Stabilization	<input type="checkbox"/>	Sediment Trap
Tracking Controls		<input type="checkbox"/>	Rip-rap
<input checked="" type="checkbox"/>	Stabilized Construction Entrance/Exit	<input type="checkbox"/>	Gabions
<input type="checkbox"/>	Stabilized Construction Roadway	Non-Structural Controls	
<input type="checkbox"/>	Entrance/Exit Tire Wash	<input type="checkbox"/>	Phasing and Scheduling
<input checked="" type="checkbox"/>	Street Sweeping and Vacuuming	<input checked="" type="checkbox"/>	Dust Suppression
Other Structural Controls		<input checked="" type="checkbox"/>	Dust Suppression
<input type="checkbox"/>	Vegetative Buffers	<input checked="" type="checkbox"/>	Good Housekeeping
<input type="checkbox"/>	Non-Vegetative Stabilization	<input type="checkbox"/>	Preventive Maintenance
<input checked="" type="checkbox"/>	Concrete Waste Management	<input checked="" type="checkbox"/>	Preservation of Top Soil
<input checked="" type="checkbox"/>	Dewatering Controls	<input type="checkbox"/>	Minimizing Soil Compaction
<input type="checkbox"/>		<input type="checkbox"/>	Fertilizer Application Management
<input type="checkbox"/>		<input type="checkbox"/>	

Did you include specifications of all the selected structural BMPs with the SWP3?

Yes No, if no, explain the reason: [Click here to enter text.](#)

5.3.1 Perimeter Control

Permit requirement: *You must install controls along the perimeter of your site that will receive stormwater from your construction activities. (Examples of perimeter controls include, but are not limited to, silt fences, fiber rolls, filter berms, and temporary diversion dikes.)*

To comply with Part 3.3.1.C of OKR10 permit, I shall use the following type of perimeter control(s) at my construction site:

Perimeter Control Description: Silt Fencing, Inlet Sediment traps, on site sedimentation traps

Installation Date(s): To be determined upon approval of plans

Maintenance Requirements: I shall remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control. Silt fence will be inspected for rips or tears in the fabric, areas where the fence has been knocked down and areas where the fence has been undermined.

5.3.2 Sediment Track-Out

Permit requirement: *You must minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting your construction site. (Note: you may use most recent ODOT or OKC specifications for construction entrance/exit - use of aggregate stone with an underlying geotextile or non-woven filter fabric, or turf mats.)*

To comply with the Part 3.3.1.D of OKR10 permit, I shall use the following type of sediment track-out control at my construction site:

Track-Out Control/Construction Entrance/Exit Description: Aggregate Stone Construction entrance and Exit

Installation Date(s): _____

Maintenance Requirements: I shall minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting our construction site.

Track-out Removal/Cleaning:

- X** I shall remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal.
- X** I shall remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day where sediment has been tracked-out from my construction site onto the surface of off-site streets, other paved areas, and sidewalks.
- X** I am prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control).

5.3.3 Stockpiled Sediment or Soil

Permit requirement: *You must control discharge of stormwater from Stockpiled Sediment or Soil.*

To comply with the Part 3.3.1.E of OKR10 permit, I shall use temporary perimeter sediment barrier such as **berms, dikes, fiber rolls, silt fences, sandbag, or gravel bags** to protect from contact with stormwater (including run-on).

I shall use appropriate cover or temporary stabilization such as **mulching or hydro-mulching** to avoid direct contact with precipitation or to minimize sediment discharge.

Installation Date(s): The Same day that said stockpile is made

Maintenance Requirements: I shall not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, and/or surface water.

5.3.4 Minimize Dust

Permit requirement: *You must minimize the generation of dust to avoid pollutant discharges to the extent feasible through application of water or other dust suppression techniques.*

Dust Control Description: To comply with the permit requirement and to avoid any pollutants, particularly soil/sediment, from being discharged into surface waters, I shall apply/spray water using spray truck or sprinklers to minimize the generation of dust from my construction site.

5.3.5 Minimize the Disturbance of Steep Slopes

Permit requirement: *You must minimize the disturbance of steep slopes (i.e., slopes of 40% or greater).*

Steep Slope Control Description: There are no steep slopes other than those of the detention facility which will be sodded

Installation Date(s): upon completion of the detention facility grading

Maintenance Requirements: Maintain smooth surfaces on embankments and sod as soon as practical

5.3.6 Preserve Topsoil

Permit requirement: *You must preserve native topsoil on your site, unless infeasible; you must stockpile and reuse it in areas that will be stabilized with vegetation.*

Topsoil Control Description: I shall preserve native topsoil on our site as much as possible and practicable.

Maintenance Requirements: I shall stockpile and reuse preserved top soil in areas that will be stabilized with vegetation.

5.3.7 Minimize Soil Compaction

Permit requirement: *In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed, you must minimize soil compaction.*

Soil Compaction Control Description: In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed, I shall restrict vehicle and/or equipment use in these areas to avoid or minimize soil compaction.

5.3.8 Protection of Storm Drain Inlets

Permit requirement: *If you discharge to a storm drain inlet that you have access to, you must install protection measures that remove sediment from your stormwater discharge. (Examples of inlet protection measures include **fabric filters, sandbags, or gravel barriers** -- Install inlet protection measures that remove sediment from your discharge prior to entry into the storm drain inlet.)*

Storm Drain Inlet Control Description: Use fiber logs around new inlets until permanent stabilization of drainage is complete.

Installation Date(s): After each inlet is set in place.

Maintenance Requirements: I shall clean, or remove and replace the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, I shall remove the deposited sediment by **the end of the same work day** in which it is found or by the end of the following work day if removal by the same work day is not feasible.

5.3.9 Constructed Stormwater Conveyance Channels

(Note: Examples of velocity dissipation devices include **check dams, sediment traps, riprap, or grouted riprap at outlets**, include design specifications)

Stormwater Conveyance Channel Control Description: Velocities will be control via check dams until pipe is installed

- If Silt dikes/Check dams are used in series, I shall space them at appropriate interval so that **the base of the upstream dike is at the same elevation as the top of the next downstream dike**. Spacing of silt dikes/check dams is indicated on the site plans of SWP3.

Installation Date(s): after each channel has been cut

Maintenance Requirements: all check dams/rip-rap will be inspected during facility inspection for erosion, undermining or breeches. Any damage will be repaired immediately.

5.3.10 Sediment Basins

Permit requirement: For common drainage locations that serve an area of 10 or more acres disturbed at one time (or 5 acres if it is located in ARC), a temporary (or permanent) sediment basin shall be provided where attainable until final stabilization of the site.

Are 10 or more (or 5 or more if site discharges to an ORW/ARC) acres draining to a common point?

Yes No

Is a sediment basin included in the project? Yes No

If yes, what is the designed capacity for the storage?

3600 cubic feet per acre: _____

OR

2-year, 24 hour storm: 100 year storm _____

OR

Other criteria were used to design basin: _____

If no, explain why no sedimentation basin was included and describe required natural buffer areas and other controls implemented instead: _____

Maintenance Requirements: I shall keep the sediment basin in effective operating condition and remove accumulated sediment to maintain at least ½ of the design capacity of the sediment basin at all times.

5.3.11 Dewatering Practices

Permit requirement: *You are prohibited from discharging stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation associated with a construction activity, unless such waters are first effectively managed by appropriate controls.*

Dewatering Practice Description: Evaporation and percolation.

Installation Date(s): As needed through out project

Maintenance Requirements: After each rain event

5.3.12 Other Stormwater Controls

Stormwater Control Practice # 1

Description: Silt Fencing Rolled vegetative barriers . Inlet protection

Installation Date(s): As needed through out project

Maintenance Requirements: Click here to enter text.

Stormwater Control Practice # 2

Description: Click here to enter text.

Installation Date(s): _____

Maintenance Requirements: Click here to enter text.

Section 6: Pollution Prevention Controls

6.1 Spill Prevention and Responses

Spill Prevention

Is there an existing Spill Prevention Control and Countermeasure (SPCC) plan developed for the site?

Yes No, if yes, keep a copy of the SPCC plan onsite with this SWP3.

If No, describe procedures for quickly stopping, containing, and cleaning up spills, leaks, and other releases:

Emergency Spill Notification

In case of a toxic or hazardous material spill, notify:	Phone Numbers
Project Manager/Team Leader	Tanner Bemies
Emergency – Fire, Police	911
County Local Emergency Planning Committee (LEPC)	
DEQ Spill Reporting Hotline (24-hr)	800-522-0206
NRC (National Response Center)	800-424-8802

6.2 Waste Management Procedures

All wastes generated at the construction site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste, shall be prevented from being discharged to Waters of the State. The following BMP measures will be used to handle trash disposal, hazardous or toxic waste, sanitary waste, recycling, and proper material handling:

- Trash Dumpsters:** dumpsters will have a secure watertight lid, will be closed during precipitation or not in use, and will be placed away from stormwater conveyances and drains, and meet all federal, state, and municipal regulations. Only trash and construction debris from the site will be deposited in the dumpster. No construction materials will be buried on site.
- Hazardous Waste Containment:** hazardous waste materials will be stored in appropriate and clearly marked containers and segregated from other non-waste materials.

- X Portable Toilets:** portable toilets will be secured to prevent tipping, located away from stormwater inlets and conveyances. These toilets will be anchored with the ground to prevent any tipped or knocked over and/or sand bags around to ensure wastewater doesn't mix with the stormwater.

- X Recycling Bins/Dumpsters:** wood pallets, cardboard boxes, and other recyclable construction scraps will be disposed of in a designated dumpster for recycling. The dumpster will have a secure watertight lid, will be closed during precipitation or not in use, and will be placed away from stormwater conveyances and drains and meet all local and state solid-waste management regulations.

- X Proper Material Handling:** containers will be tightly sealed when not in use, and excess paint shall be disposed of according to Oklahoma requirements and manufacturer's recommendations. Minimum amounts of fertilizer, as recommended by the manufacturer, will be used. Upon application the fertilizer will be worked into the soil to limit exposure to stormwater. Contents of partially used bags will be transferred to a sealable plastic bin, and then stored in a covered area.

- X Good housekeeping:** construction debris, trash, and other floatable material will be collected and prevented from becoming a pollutant source on the following schedule:
All home builders will be required to police each of their site on a daily basis for trash, scrap material, etc. and disposed of properly

- X Minimizing exposure:** construction products, materials, chemicals, and wastes will be stored in such a way that they are prevented from coming into contact with stormwater (e.g., plastic sheeting or temporary roofs).

- X Designated concrete washout:** all concrete washwater will be directed into a leak-proof container or pit. The container or pit will be designed so that no overflows can occur due to inadequate sizing or precipitation and located as far away as possible from surface waters and stormwater inlets or conveyances. I shall use **compacted clay liner, 20 mil synthetic liners or similar equivalent liners** to make the pit leak proof.

- Other: Click here to enter text.

6.3 Prohibited Discharges

The following discharges from the construction project/site are prohibited under the permit, and are considered a violation should any occur.

- Wastewater from the washout of concrete, unless managed by an appropriate control as described in Part 3.3.3.B.4 of OKR10 permit;
- Wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, unless managed by an appropriate control as described in Part 3.3.3.B.4 of OKR10 permit;
- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- Soaps, detergents or solvents used in vehicle and equipment washing; and
- Toxic or hazardous substances from a spill or other release.

X In the event that one of these above-mentioned discharges occurs, I will take corrective action consistent with Part 7.4 of this SWP3.

Section 7: Procedures and Documentations

7.1 Maintenance and Repair

I shall ensure that all pollution prevention controls installed in accordance with the requirements of OPDES Construction General Permit OKR10 and remain in effective operating condition and are protected from activities that would reduce their effectiveness. All structural BMPs (i.e. all the Erosion & Sediment Controls) that require a repair of any kind (due to normal wear and tear, or as a result of damage) or require maintenance in order for the control to continue operating effectively shall be required/maintained in accordance with the OPDES Construction General Permit requirements. At a minimum, maintenance will be performed in the following specific instances:

- for perimeter controls, whenever sediment has accumulated to $\frac{1}{2}$ or more the above-ground height of the control (Part 3.3.1.C of OKR10 permit);
- where sediment has been tracked-out onto the surface of off-site streets or other paved areas (Part 3.3.1.D of OKR10 permit);
- for inlet protection measures, when sediment accumulates, the filter becomes clogged, and/or performance is compromised (Part 3.3.1.J of OKR10 permit); and
- for sediment basins, as necessary to maintain at least $\frac{1}{2}$ of the design capacity of the basin (Part 3.3.1.L of OKR10 permit).
- for all structural BMPs, repair of any kind (due to normal wear and tear, or as a result of damage) or maintenance will be performed in order for the BMPs to continue operating effectively.

7.2 Approval from Local Office

- I shall check/already checked local offices (city and county offices) to ensure SWP3 for my construction activities is consistent with requirements of the City and/or County Offices.
- I shall update the SWP3, if necessary, to make consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by local officials for which I received written notice.

7.3 Inspections

(Note: An inspector must be knowledgeable in the principles and practices of erosion and sediment controls and pollution prevention to assess conditions at the construction site that could impact stormwater quality, and the effectiveness of any stormwater controls.)

Person Responsible for Inspections: Tanner Bemies, Owner or C. Joseph Watt, P.E. Engineer

General Procedures: During each inspection, the following areas of the construction site will be inspected:

- Cleared, graded, or excavated areas of the site;
- Stormwater controls (e.g., perimeter controls, silt dykes, check dams, sediment basins, inlets, exit points etc.) and pollution prevention practices (e.g., pollution prevention practices for vehicle fueling/maintenance and washing, construction product storage, handling, and disposal, etc.) at the site;
- Material, waste, or borrow areas covered by the permit, and equipment storage and maintenance areas;
- Evidence of a spill, leak, or other type of pollutant discharge, or failure to have properly cleaned up a previous spill, leak, or other type of pollutant discharge;
- Areas where stormwater flows within the site, stormwater discharge points;
- Identify any other incidents of non-compliances observed; and
- Areas where stabilization has been implemented.

Inspection Frequency:

- Once every 7 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, since my project is located in ARC or discharge to an impaired water.
- Once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

Reductions in Inspection Frequency (if applicable):

- For the reduction in inspections resulting from stabilization: **Once per month** for the portion of the site that was stabilized per Part 3.3.2 of OKR10 permit.

Rain Gauge to Measure Qualified Storm Event of 0.5 inches or greater:

Location of the Rain Gauge: [Click here to enter text.](#)

Inspection Report Forms:

Inspection Report Form has been prepared in accordance with the requirements of Part 4.3.13 of OKR10 permit. A copy of the Inspection Report Form that will be used during construction of this project included in **Attachment E** of this SWP3.

7.4 Corrective Action

General: Corrective actions are actions taken to modify, replace, or reinstall any stormwater control used at the site; clean up and dispose of spills, releases, or other deposits; or remedy a permit violation.

Corrective actions are triggered only for specific, more serious conditions. For any of the following conditions, a new or modified control shall be installed **no later than 7 calendar days** from the discovery:

- A required stormwater control was never installed or was installed incorrectly, or not in accordance with the corresponding OKR10 permit requirement;
- A stormwater controls needs to be repaired or replaced (beyond routine maintenance required in Part 4.3.12 of OKR10 permit);
- A stormwater control is not effective enough for the discharge to meet applicable water quality standards;
- A prohibited discharge (Parts 3.1 and 3.3.3.A of OKR10 permit) is occurring or has occurred; or
- DEQ or MS4 Operator requires corrective action as a result of permit violations found during a inspection.

X I shall immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. I shall conduct corrective action(s) for each of the above-mentioned triggering conditions should they occur at my construction site.

Person Responsible for Corrective Actions: Tanner Bemies.

Corrective Action Schedule/Specific Action Frequency:

X I shall perform all Corrective Actions (modify, replace, or reinstall), if identified, **no later than 7 calendar days** from the time of discovery.

Corrective Action Forms:

Corrective Action Report Form has been prepared in accordance with the requirements of Part 4.3.14 of OKR10 permit. A copy of the Corrective Action Report Form that will be used during construction of this project included in **Attachment F** of this SWP3.

7.5 Employee Training

Person Responsible for Staff Training

Name: Tanner Bemies

Title: Owner

Staff Training Requirements

Prior to the start of earth-disturbing activities, personal with the following responsibilities shall be trained to understand all the requirements of this SWP3:

- Proper design, installation, and maintenance/repair of stormwater controls.
- The proper application and storage of chemicals.
- Proper Inspection and corrective actions.

At minimum, all Personnel must be trained to understand:

- The location of all stormwater controls and the maintenance requirements for each of the control.
- The pollution prevention requirements outlined in this SWP3.
- When and how to conduct inspections, record applicable findings and take necessary corrective actions.

Frequency/Schedule of Employee Training: At the Beginning of the project

(Note: Employee training shall be conducted at least annually or more often if employee turnover is high).

Employee training records and documentations shall be maintained using the **Employee Training Report** located in **Attachment G** of this SWP3.

7.6 Notification of Change of Ownership (NCO) for Individual Lots

- SWP3 will include documents if lots are sold and transfer to other new operator(s), (see Part 2.2.3 of OKR10 permit). Documents will be included under **Attachment M** of this SWP3.
- NCO is not applicable to my project/site.

7.7 Sub-contractor Certifications

- Sub-contractor certification forms will not be used for this project.
- DEQ's sub-contractor certification form (**Attachment M**) will be used and kept onsite with the SWP3.
- A form other than DEQ's form will be used and kept onsite with the SWP3.

7.8 Record Keeping and Record Retention

- X** I shall retain copies of the SWP3 and all reports required by the 2017 OKR10 permit, and records of all data used to complete the NOI to be covered by this permit, for a **period of at least 3 years** from the date that the site is finally stabilized.

7.9 Posting a Notice

- X** I shall post a notice near the main entrance of the construction site with the following information:

- The OPDES permit number for the project or a copy of the NOI if a permit number has not yet been assigned;
- The name and telephone number of a local contact person;
- A brief description of the project; and
- Location of the SWP3

A **sample copy of the Notice** is included in **Attachment M** of this SWP3.

Section 8: Additional Monitoring (if applicable)

(Note: Only applicable if you have Concrete Batch Plant and/or Asphalt Plant that is covered under your OKR10 authorization)

8.1 Support Activity Covered by this Plan

Concrete Batch Plant Asphalt Plant Both Not Applicable

8.2 Representative Outfall(s)

Are there substantially identical outfalls? Yes No

If yes, which outfalls are substantially identical? _____

Which outfall(s) will be sampled? _____

8.3 Structural & Non-Structural BMPs

Perimeter control and retention/detention pond will be installed. All exposed areas will be kept clean and orderly manner to minimize exposure. Structural controls will be maintained to keep these effective and operational.

8.4 Quarterly Visual Monitoring

In addition to routine site inspection, quarterly visual monitoring, qualified facility inspector will perform quarterly visual monitoring:

1. Quarterly visual monitoring assessments will be conducted using the form in **Attachment J** of this SWP3. Each drainage point will be visually inspected on a quarterly basis. If no qualifying storm event occurs during a monitoring quarter, this will be noted on the quarterly visual monitoring report for that quarter.
2. Samples will be collected from each outfall, will be examined and documented observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution using the quarterly visual monitoring form and will occur during daylight hours (e.g., normal working hours).
3. Completed quarterly visual monitoring forms will be kept with the SWP3.

8.5 Comprehensive Site Compliance Evaluation

1. A comprehensive site compliance evaluation will be conducted at least once annually. If the project is less than one year, at least one inspection will be conducted, which will include all areas where industrial materials or activities are exposed to stormwater and areas where spills and leaks have occurred within the past 3 years.

2. A report resulting from this inspection will be submitted to DEQ by **March 1** of the year following the monitoring period using the form in **Attachment K** of this SWP3.

8.6 Numeric Effluent Limitation Monitoring for Asphalt Plant

1. Stormwater discharges from asphalt plants must comply with the limitations and monitoring requirements listed below.

Parameter	Limitation	Monitoring Frequency	Sample Type
Total Suspended Solids	23 mg/L, daily max. 15 mg/L, 30-day avg.	1/year	Grab
Oil and Grease	15 mg/L, daily max. 10 mg/L, 30-day avg.	1/year	Grab
pH	6.5 - 9.0, min. and max.	1/year	Grab

2. Annual monitoring period is from **January 1 to December 31**. If the project is less than one year, at least one sample must be collected.
3. Laboratory analyses for the parameters specified above must be performed by a laboratory certified by DEQ for those parameters.
4. Monitoring will be performed on a storm event that results in an actual discharge from the construction site (at least **0.1 inch** of stormwater event defined as a **measurable storm event**) that follows the preceding measurable storm event by at least 72 hours (3 days).
5. A minimum of one grab sample will be collected within the first 30 minutes of the discharge resulting from a measurable storm event. If it is not practicable to take the sample during the first 30 minutes, the sample must be collected as soon as practicable after the first 30 minutes and document why it was not possible to take samples within 30 minutes.
6. Monitoring information will be submitted on a discharge monitoring report (DMR) form (see **Attachment L**) by **March 1** of the year following the monitoring period.
7. If an exceedance of a numeric effluent limit occurs, follow-up monitoring will be conducted within 30 calendar days, or during the next qualifying storm event, of implementing corrective actions.

Person(s) and positions of person(s) responsible for monitoring: [Click here to enter text.](#)

Sample location(s): [Click here to enter text.](#)

Monitoring Schedules: [Click here to enter text.](#)

8.7 Additional Procedures for Concrete Batch Plant

Is there a mobile batch plant associated with this construction project/site?

No Yes, If yes, permit number: OKG11_____

How long will the batch plant be utilized?

- Less than 180 days
 Greater than 180 days

Will wastewater be used for dust suppression?

No Yes, If yes, the following requirements must be met:

- a. The wastewater to be land applied shall be free from visible sheen of oil or globules of oil or grease and shall have a pH of between 6.5 s.u. and 9.0 s.u.
- b. The wastewater to be land applied for dust suppression shall be visually inspected prior to land application. An inspection log shall be maintained at the site and made available to DEQ personnel upon request.
- c. There shall be no land application of wastewater in areas where the depth to maximum seasonal groundwater level is less than 2 feet in accordance with OAC 252:616-5-1(b)(2)(E).
- d. There shall be no land application of wastewater during periods of precipitation or when soil is saturated or frozen.
- e. There shall be no runoff of wastewater from the land application site(s).
- f. The permittee shall keep a logbook which records the time and date, the source and the volume of wastewater used, and the area to which the wastewater .

Describe the liner used for any surface impoundments: The liner for the Concrete wash out will be 14 mil plastic.

Is the bottom of all surface impoundments at least 15 feet above groundwater levels?

No Yes

The following berm/dike slope requirement will be followed:

- For sites utilized less than 180 days, a 1:2 (1 vertical to 2 horizontal) slope
 For sites utilized more than 180 days, a 1:3 (1 vertical to 3 horizontal) slope

Section 9: SWP3 Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Tanner Bemies **Title:** Managing member

Signature: _____ **Date:** _____

ENGINEERS CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and or imprisonment for knowing violations.

Signature:  Date: 03 April 2020

Section 10: SWP3 Attachments & Additional Documentation

The following documentations are attached to the SWP3:

Attachment A – General Location Map

A copy of general location map is included in Attachment A.

Attachment B – Site Map(s)

Copy of the site map(s) is/are included in Attachment B.

Attachment C – 2017 OKR10

Note: it is helpful to keep a printed-out copy of the 2017 OKR10 so that it is accessible to you for easy reference. However, you do not need to formally incorporate the entire 2017 OKR10 into your SWP3. As an alternative, you can include a reference to the permit and where it is kept at the site.

Attachment D – Notice of Intent (NOI)

A copy of your NOI is included in Attachment D.

Attachment E – Inspection Report

A copy of the Routine Facility Inspection Report Form is included in Attachment E.

Attachment F – Corrective Action Report

A copy of Corrective Action Report Form is included in Attachment F.

Attachment G – Employee Training Report

A copy of Employee Training Log is included in Attachment G.

Attachment H – SWP3 Modifications Log

A copy of Report on SWP3 Modifications/Amendments Log is included in Attachment H.

Attachment I – Site Stabilization Log

A copy of Site Stabilization Log is included in Attachment I.

Attachment J – Quarterly Visual Monitoring Report

A copy of Quarterly Visual Monitoring Report Form is included in Attachment J.

Attachment K – Annual Site Evaluation Report

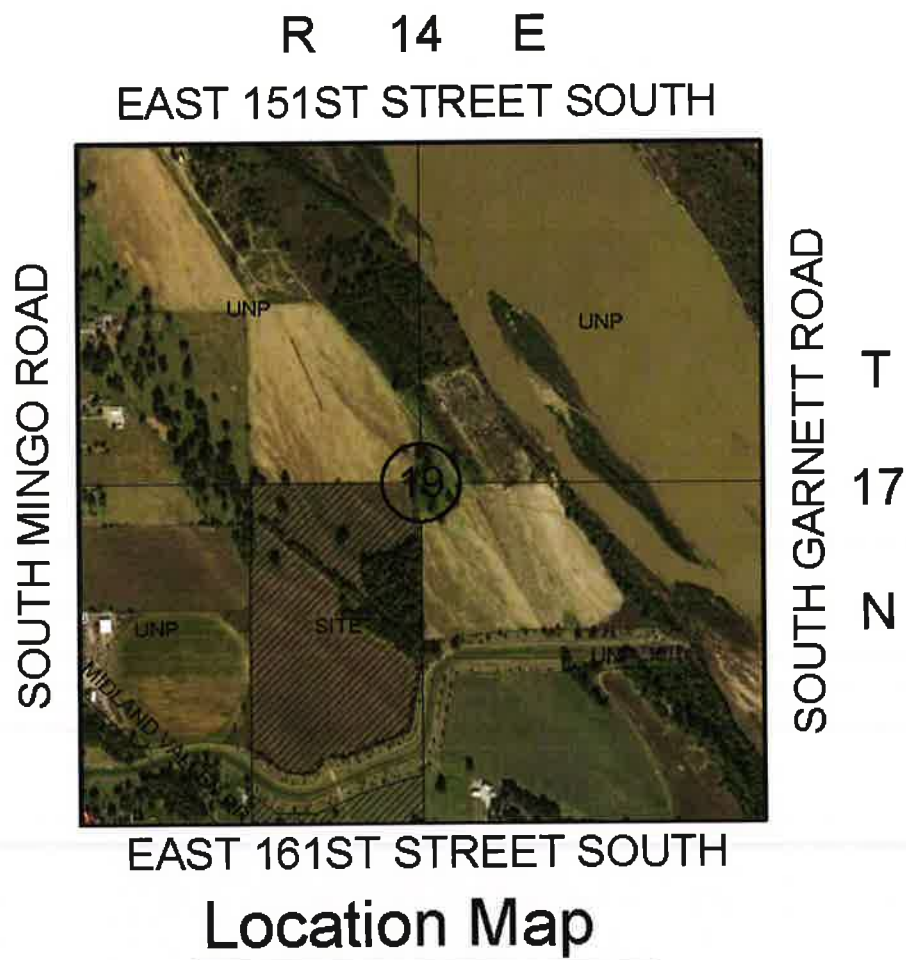
A copy of Annual Comprehensive Site Compliance Evaluation Report (ACSCER) form is included in Attachment K.

Attachment L – Discharge Monitoring Report (DMR)

A copy of Discharge Monitoring Report (DMR) is included in Attachment L.

Attachment A – General Location Map

A copy of general location map is included in Attachment A.



SCALE: 1"=1000'

Attachment B – Site Map(s)

Copy of the site map(s) is/are included in Attachment B.

Attachment C – 2017 OKR10

Note: it is helpful to keep a printed-out copy of the 2017 OKR10 so that it is accessible to you for easy reference. However, you do not need to formally incorporate the entire 2017 OKR10 into your SWP3. As an alternative, you can include a reference to the permit and where it is kept at the site.

Attachment D – Notice of Intent (NOI)

A copy of your NOI is included in Attachment D.

Site Inspection Report

Inspection Date: _____

General Information (OKR10 Part 4.3.13.E)	
Name of Project:	Permit No.:
Inspector Name:	Inspector Title:
Inspector's Contact Information:	
Inspection Frequency:	
Standard Frequency: <input type="checkbox"/> Every 7 days and within 24 hours of a 0.50" rain, or discharge from snowmelt	
<input type="checkbox"/> Every 14 days and within 24 hours of a 0.50" rain, or discharge from snowmelt	
Reduced Frequency: <input type="checkbox"/> Once per month (for stabilized areas)	
Weather at the time of this inspection: _____	
Was this inspection after a 0.50" storm event? <input type="checkbox"/> Yes <input type="checkbox"/> No, Total rainfall that triggered the inspection (in inches):	
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No	

List all areas where soil stabilization is required to begin because construction work in that area has permanently or temporarily stopped and all areas where stabilization has been implemented:

Stabilization of Exposed Soil (OKR10 Part 4.3.13.D)			
Stabilization Area	Stabilization Method	Have You Initiated Stabilization ?	Notes (describe your observation)
		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide date:	
		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide date:	

		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide date:	
		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide date:	
		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide date:	

(Notes: For each area where stabilization has been initiated, describe the progress that has been made, and what additional actions are necessary to complete stabilization. Note the effectiveness of stabilization in preventing erosion. If stabilization has been initiated but not completed, make a note of the date it is to be completed. If stabilization has been completed, make a note of the date it was completed. If stabilization has not yet been initiated, make a note of the date it is to be initiated, and the date it is to be completed.)

Provide a list/description of all structural and non-structural BMPs that your SWP3 indicates will be installed and implemented at your site. You must separately identify the **location** of each control. During Inspection, identify whether they are **installed and operating properly**, or any **corrective action** is necessary. Provide the **date** on which the condition that triggered the need for maintenance or corrective action was first identified. In the notes section you must describe the **specifics about the problem** you observed.

Condition and Effectiveness of BMP Controls & Pollution Prevention (OKR10 Part 3.3, 4 & 5)					
	BMP Description & Location	Is it Installed & Operating Properly?	Is Corrective Action (CA) Required?	Date on Which Maintenance or CA First Identified?	Notes (describe if you observed any problem)
	Silt Fence/Fiber Rolls/Berm/Wattles Location:	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
	Silt Dikes/Check Dams/Rock Dams Location:	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
	Stabilized Construction Entrance/Exit Location:	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
	Inlet Protection on all storm drain Location:	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
	Sand Bag Barrier/Gravel Bag Barrier Location:	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
	Vegetated Swales	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		

Location:				
Compost Blankets/Geotextiles/Mats Location:	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
Vegetative Buffers Location:	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
Sediment Trap/ Sediment Basin Location:	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
Concrete Washout Pit Location:	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
Dust Control/Prevention	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		
	Yes <input type="checkbox"/> No	Yes <input type="checkbox"/> No		

(Note: The permit differentiates between conditions requiring repairs and maintenance, and those requiring corrective action. The permit requires maintenance in order to keep controls in effective operating condition and requires repairs if controls are not operating as intended. Corrective actions are triggered only for specific, more serious conditions – whether a required stormwater control was never installed, or was installed incorrectly, or not installed in accordance with the requirements of OKR10)

Pollution Prevention and Waste Management (OKR10 Part 3.3.3)		
Items of Inspection	Response & Reason	Action(s) Needed
Is the site free of floatables, litter, and construction debris?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, reason:	
Are material storage and handling areas, including fueling areas, free of spills and leaks?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, reason:	

Are spill kits available where spills and leaks are likely to occur?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, reason:	
Are dumpsters and waste receptacles covered when not in use?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, reason:	
Has preventative maintenance been conducted on equipment and machinery?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, reason:	
Are material stockpiles sufficiently contained?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, reason:	
Has there been any sediment tracked-out from the site onto the surface of paved street, sidewalks or other paved areas outside of the site?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, reason:	
Is the project free from visible erosion and/or sedimentation?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, reason:	

Complete the following section if a discharge is occurring at the time of inspection:

Description of Discharges (OKR10 Part 4.3.13.D.2.f)	
Was a stormwater discharge or other discharge occurring from any part of your site at the time of the inspection?	
<input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, provide the following information for each point of discharge:	
Specify Discharge Location	Observations (Visual Quality of the Discharge)
1.	Describe the discharge (color, odor, floating, settled/suspended solids, foam, & oil sheen): Are there any visible signs of erosion and/or sediment accumulation that can be attributed to your discharge? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, describe what you see, specify the location(s) where these conditions were found, and indicate whether modification, maintenance, or corrective action is needed to resolve the issue:
2.	Describe the discharge (color, odor, floating, settled/suspended solids, foam, & oil sheen): Are there any visible signs of erosion and/or sediment accumulation that can be attributed to your discharge? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, describe what you see, specify the location(s) where these conditions were found, and indicate whether modification, maintenance, or corrective action is needed to resolve the issue:

Contractor or Subcontractor Certification and Signature:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who

manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Date: _____

Print Name: _____

Affiliation: _____

Corrective Action Report

Today's Date: _____

(You are only required to fill out this form if any of the corrective action triggering conditions occurs on your site. Routine maintenance and repairs are generally not considered to be a corrective action triggering condition.)

Section A: Initial Report (Part 4.3.14.B.1 of OKR10) (Complete this section within 24 hours of discovering the condition that triggered corrective action)	
Name of Project:	Permit No. OKR10
Date Problem First Discovered:	Time Problem First Discovered:
Name & Contact Information of the Individual:	
What site conditions triggered the requirement to conduct corrective action (check the box that applies): <input type="checkbox"/> A required stormwater control was never installed or was installed incorrectly, or not in accordance with the corresponding OKR10 permit requirement <input type="checkbox"/> A stormwater control is not effective enough for the discharge to meet applicable water quality standards <input type="checkbox"/> A prohibited discharge (OKR10 Parts 3.1 and 3.3.3.A) is occurring or has occurred. <input type="checkbox"/> DEQ requires corrective action as a result of permit violations found during an DEQ inspection	
Provide a description of the problem:	
Deadline for completing corrective action:	<i>not more than 7 calendar days after the date you discovered the problem</i>

Section B: Corrective Action Progress (Part 4.3.14.B.2 of OKR10) (Complete this section no later than 7 calendar days after discovering the condition that triggered corrective action)	
Section B.1: Why the Problem Occurred	
Cause(s) of Problem	How It Was Determined & Date of Determining the Cause
1.	1.

2.		2.	
Section B.2: Stormwater Control Modifications to be Implemented to Correct the Problem			
Stormwater Control Modification(s) Needed to Correct Problem	Date of Completion	SWP3 Update Necessary?	SWP3 Modifications Notes
1.		<input type="checkbox"/> Yes <input type="checkbox"/> No, If yes, provide date SWP3 modified:	
2.		<input type="checkbox"/> Yes <input type="checkbox"/> No, If yes, provide date SWP3 modified:	

Section C: Certification and Signature by Permittee

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____ Title: _____

Signature: _____ Date: _____

SWP3 Employee Training Report

Project Name: _____ DEQ Authorization No. OKR10 _____

Instructor's Name: _____ Instructor's Title: _____

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: *(check as appropriate)*

- | | |
|-------------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Overview of SWP3 | <input type="checkbox"/> Temporary & Permanent Stabilization |
| <input type="checkbox"/> Erosion & Sediment Controls Installation | <input type="checkbox"/> Good Housekeeping |
| <input type="checkbox"/> Erosion & Sediment Controls Maintenance | <input type="checkbox"/> Inspections and Corrective Actions |
| <input type="checkbox"/> Spill Prevention & Response | <input type="checkbox"/> Emergency Procedures |

Specific Training Objective: _____

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Signature of the Attendees	Date
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			

Grading and Stabilization Activities Log

Date Grading Initiated	Description of Grading Activity	Description of Stabilization Measure and Location	Date Grading Activity Ceased (Temporary or Permanent)	Date When Stabilization Initiated

DEQ Template on Grading and Stabilization Log, V.1

Date Grading Initiated	Description of Grading Activity	Description of Stabilization Measure and Location	Date Grading Activity Ceased (Temporary or Permanent)	Date When Stabilization Initiated

SWP3 Modification Log

No.	Description of the Modification	Date of Modification	Modification Prepared by [Name(s) and Title]	Signature by Designated Corporate Official
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

No.	Description of the Modification	Date of Modification	Modification Prepared by [Name(s) and Title]	Signature by Designated Corporate Official
9.				
10.				

Quarterly Visual Monitoring Report

(Complete a separate form for each outfall you assess)

Facility Name:		DEQ Authorization No.	
Outfall Id.:	Substantially Identical Outfall? <input type="checkbox"/> No <input type="checkbox"/> Yes (identify substantially identical outfalls)		
Date & Time Discharge Began:	Date & Time Sample Collected:	Date & Time Sample Examined:	
Substitute Sample? <input type="checkbox"/> No	(identify quarter/year when sample was originally scheduled to be collected)		
Person's Name/Title collecting sample:			
Person's Name/Title examining sample:			
Nature of Discharge: <input type="checkbox"/> Rainfall, if rainfall: Rainfall Amount: _____ inches <input type="checkbox"/> Snowmelt			


Parameters & Observation Results

Parameter	Method	Results
Color	Visual	<input type="checkbox"/> Clear <input type="checkbox"/> Green <input type="checkbox"/> Yellow <input type="checkbox"/> Brown <input type="checkbox"/> Red <input type="checkbox"/> Black <input type="checkbox"/> Blue <input type="checkbox"/> Milky <input type="checkbox"/> Other (Describe) _____
Odor	Smell	<input type="checkbox"/> None <input type="checkbox"/> Musky <input type="checkbox"/> Earthy <input type="checkbox"/> Rotten Eggs <input type="checkbox"/> Sewage <input type="checkbox"/> Petroleum <input type="checkbox"/> Other (Describe) _____
Clarity or Turbidity	Visual (see through clear container)	<input type="checkbox"/> Can't see through bottle, <input type="checkbox"/> Can see through but can't read newspaper, <input type="checkbox"/> Can see through and read newspaper, <input type="checkbox"/> Clear, but not as clear as bottled water, <input type="checkbox"/> As clear as bottled water
Floating Solids	Visual (of water in container)	<input type="checkbox"/> Yes (Describe) _____ <input type="checkbox"/> No
	Visual	<input type="checkbox"/> _____ Tablespoons, or

Settled Solids	(bottom of container)	<input type="checkbox"/> ___ Cups of solids on bottom after 24-hr.
Suspended Solids	Visual (look through container)	Describe Observations. _____ _____
Foam	Visual	<input type="checkbox"/> No <input type="checkbox"/> Yes, if yes, Thickness _____ Color _____
Oil Sheen	Visual	<input type="checkbox"/> No <input type="checkbox"/> Yes, if yes, Color _____ Extent _____
Visual Indicators of Stormwater Pollution	Indicate what you observed	Describe: _____ _____
Probable Sources of any Observed Stormwater Contamination: _____ _____		

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

 Signature: _____
 Title: _____

DEQ Form 606-005		Oklahoma Department of Environmental Quality Annual Comprehensive Site Compliance Evaluation Report (ACSCER)
Submission of this ACSCER form is required in ADDENDUM G of OKR10 permit for Concrete and Asphalt Plants only. All requested information must be provided on this form. See instructions on Page 5 of this form.		
DEQ Authorization Number: OKR10 _____		
Part A: Operator Information and Certification		
Section I. Operator Information		
Operator Name: _____ Mailing Address: _____ City: _____ County: _____ State: _____ Zip Code: _____ Operator's Point of Contact : _____ Title: _____ Phone: _____ Email: _____		
Section II. Facility Information		
Facility Name: _____ Phone: _____ Address: _____ City: _____ County: _____ State: _____ Zip Code: _____ Latitude: _____ Longitude: _____ Facility's Point of Contact : _____ Title: _____ Phone: _____ E-mail: _____		
Section III. Certification		
<i>I certify under penalty of law that I have read and understand the requirements for filing this Annual Comprehensive Site Compliance Evaluation Report, which is to be filed by March 1 of each year beginning in 2018.</i> <i>This report is also to be retained as part of the Stormwater Pollution Prevention Plan (SWP3) for at least 3 years from the date permit coverage expires or is terminated and will be made available to any State or Federal Inspector visiting this facility. All records of actions taken in accordance with Addendum F of this Permit as part of the SWP3 will be retained for at least 3 years from the date permit coverage expires or is terminated. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly involved in gathering</i>		

the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: _____ Title: _____

Signature: _____ Date: _____

Part B: I Comprehensive Site Compliance Evaluation

Reporting Period: _____

1.	Number of routine facility inspections you performed during the reporting period: _____
2.	Dates of the Inspection performed: _____
3.	Did any of your routine facility inspections find that one or more of your BMPs was not effective in controlling the pollutant source for which it was designed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> All BMPs were effective
4.	Were all BMPs you indicated you would be using in your SWP3, including good housekeeping practices, actually being implemented at the time of the Annual Comprehensive Site Compliance Evaluation? <input type="checkbox"/> Yes <input type="checkbox"/> No
5.	If you found one or more ineffective BMPs, have they all been replaced with an alternative or modified BMP? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> All BMPs were being effective
6.	Were there additional BMPs needed to address any conditions requiring corrective action? <input type="checkbox"/> Yes <input type="checkbox"/> No
7.	If one or more BMPs were not being implemented, were corrective actions taken after the first inspection to eliminate the problem? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> All BMPs were being implemented
8.	Was/were the same failure(s) to implement a BMP deficiency(ies) noted in more than one inspection?

Yes No No deficiencies noted in any inspection

9. Document any deficiencies identified and any corrective actions implemented to remove the original violation below. Use additional sheets if necessary.

Date	Deficiencies	Corrected		Date of Correction
_____	_____	<input type="checkbox"/>	<input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/>	<input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/>	<input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/>	<input type="checkbox"/> No	_____

10. What must you do to correct the deficiencies that remain uncorrected?

11. Did any conditions require SWP3 review and revision to eliminate design, selection, installation, and/or implementation problem during the past year? If yes, describe the conditions in brief:

No Yes _____

12. At any time during the reporting period, did you discover any previously unidentified *unauthorized* non-stormwater discharges from your facility or previously unidentified pollutants in the existing discharges?

Yes No

13. Have all unauthorized non-stormwater discharges (including any discovered in previous years) been eliminated or permitted?

	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Permit applied for <input type="checkbox"/> No unauthorized discharges
14.	<p>Have any significant spills or leaks occurred at your facility during the reporting period?</p> <input type="checkbox"/> Yes <input type="checkbox"/> No
15.	<p>If any significant spills or leaks occurred, did they result in either a dry weather discharge or an actual discharge of the spilled or leaked material commingled with stormwater (as opposed to the spilled material being washed away by stormwater?)</p> <input type="checkbox"/> Yes <input type="checkbox"/> No
16.	<p>If any significant spills or leaks occurred, did they result in more than the minimum amounts of material being discharged in stormwater? Base your answer on your knowledge of the material you spilled or that leaked. The minimum amounts could vary with the nature (toxicity, oxygen demand, pH, etc.) of the spilled or leaked material from amounts left after normal sweeping type cleanup to the point at which even trace amounts left after cleanup could cause an environmental problem.</p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No spills or leaks occurred
17.	<p>Have all known spills or leaks been cleaned up or otherwise prevented from contaminating stormwater that would be discharged under the authority of this permit?</p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No spills or leaks occurred
18.	<p>How many times did you visually monitor all of your stormwater discharges at all the outfalls during the reporting year?</p> <p>_____</p>
19.	<p>Would the results of your visual monitoring indicate that there are pollutants in your stormwater discharges that are not adequately controlled by your current BMPs?</p> <input type="checkbox"/> Yes <input type="checkbox"/> No
20.	<p>If the results of your visual monitoring indicated a potential problem, was it due to one or more of the following?</p> <input type="checkbox"/> New pollutant source (including exposure of previously unexposed material) <input type="checkbox"/> Failure to implement or maintain an existing BMP <input type="checkbox"/> Less than expected performance from a BMP <input type="checkbox"/> No BMP was selected to deal with that problem <input type="checkbox"/> N/A (No problems identified)
21.	<p>If your visual monitoring indicated a potential problem, what have you done to resolve the problem?</p> <input type="checkbox"/> Eliminated exposure or pollutant source <input type="checkbox"/> Modified existing BMPs

	<input type="checkbox"/> Added a new BMP	<input type="checkbox"/> Plan to address problem by end of current reporting year
	<input type="checkbox"/> Nothing planned	<input type="checkbox"/> N/A (No problems identified)
22.	Did any monitoring results exceed a numeric effluent limitation contained in Part 3.4.1 and Part F.7.B during the past discharge monitoring period?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
23.	If your answer to the previous question was Yes , list the dates, name of the pollutants and the test results that exceeded numeric effluent limitations. Use additional sheets if necessary.	
	Date	Pollutants
	Test Results	Date
	Pollutants	Test Results
	_____	_____
	_____	_____
	_____	_____
24.	Were there any incidents of noncompliance in the past year or any non-compliance that is currently ongoing?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Compliant with the Permit	
25.	Were there any required revisions to the SWP3 resulting from the inspection and/or monitoring?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
26.	If your answer to the previous question was Yes , list the dates, reason for revision and brief description of the revision. Use additional sheets if necessary.	
	Date	Reason for Revision
	Description of Revision	
	_____	_____
	_____	_____
	_____	_____



**Instructions for Completing
the Annual Comprehensive Site Compliance Evaluation Report (ACSCER)**

When to File an ACSCER Form

Permittees who are presently covered under OPDES General Permit OKR10 for stormwater discharges associated with construction activity must submit an ACSCER form to DEQ by March 1 of each year beginning in 2018. If your authorization becomes effective less than one month from the end of the yearly monitoring period, your first monitoring period starts with the next annual monitoring period.

Completing the Form

To complete this form, type or print in the appropriate areas only.

Permit Information

Enter the existing DEQ Authorization assigned to the facility identified in Section I for stormwater discharges from industrial activity.

Part A: Operator Information and Certification

Section I. Operator Information

Provide the legal name of the person, firm, public organization or any other commercial entity that owns or operates the facility described in this application. The name of the operator may or may not be the same name as the facility. An operator is the legal entity that controls the facility's operation, rather than the plant or site manager. Provide complete mailing address including city, county, state, and ZIP code. Include operator's point of contact name, title, telephone number and a valid email address.

Section II. Facility Information

Enter the facility's official or legal name and complete physical address including city, county, state, and ZIP code. Include facility's point of contact name, telephone number and email address. Indicate the latitude and longitude of the facility to the nearest 15 seconds. . Include facility's point of contact name, title, telephone number and a valid email address.

Section III. Certification

The ACSCER form must be signed by a responsible party - **for corporation:** by a responsible corporate official, such as: president, vice president, secretary, and treasurer either for a corporation or company; **for a partnership or sole proprietorship:** by a general partner or the proprietor, respectively. (Note: **for limited liability company (LLC):** by one of its owners, called managing members/partners of the company); **for a municipality, state, Federal, or other public facility:** by either a principal executive or ranking elected official.

Part B: Annual Comprehensive Site Compliance Evaluation Report

1. A summary of your past year's routine facility inspection documentation such as control measures' maintenance, repair and/or replacement, any additional control measures needed to comply with the permits;
2. The location(s) of discharges of pollutants from the site, evidence of pollutants discharging to receiving waters at all facility outfall(s), and the condition of and around the outfall(s);
3. A summary of your past year's corrective action documentation;
4. A summary of your past year's quarterly visual monitoring documentation;
5. A summary of your past year's effluent limitation violations if applicable; and
6. Describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the Permit.

Note: Please see Part F.5 of OKR10 for detailed scope of Annual Comprehensive Site Compliance Evaluation.

Completed ACSCER form must be submitted to DEQ by March 1 of each year beginning in 2018.

If you need any assistance or have any question, contact the Stormwater Unit of Environmental Complaints and Local Services (ECLS) of DEQ at (405) 702-6100 or email to:

ecls-stormwaterpermitting@deq.ok.gov

Where to file an ACSCER Form

Completed ACSCER form must be submitted to the following address:

Stormwater Unit of ECLS

Oklahoma DEQ

P.O. Box 1677

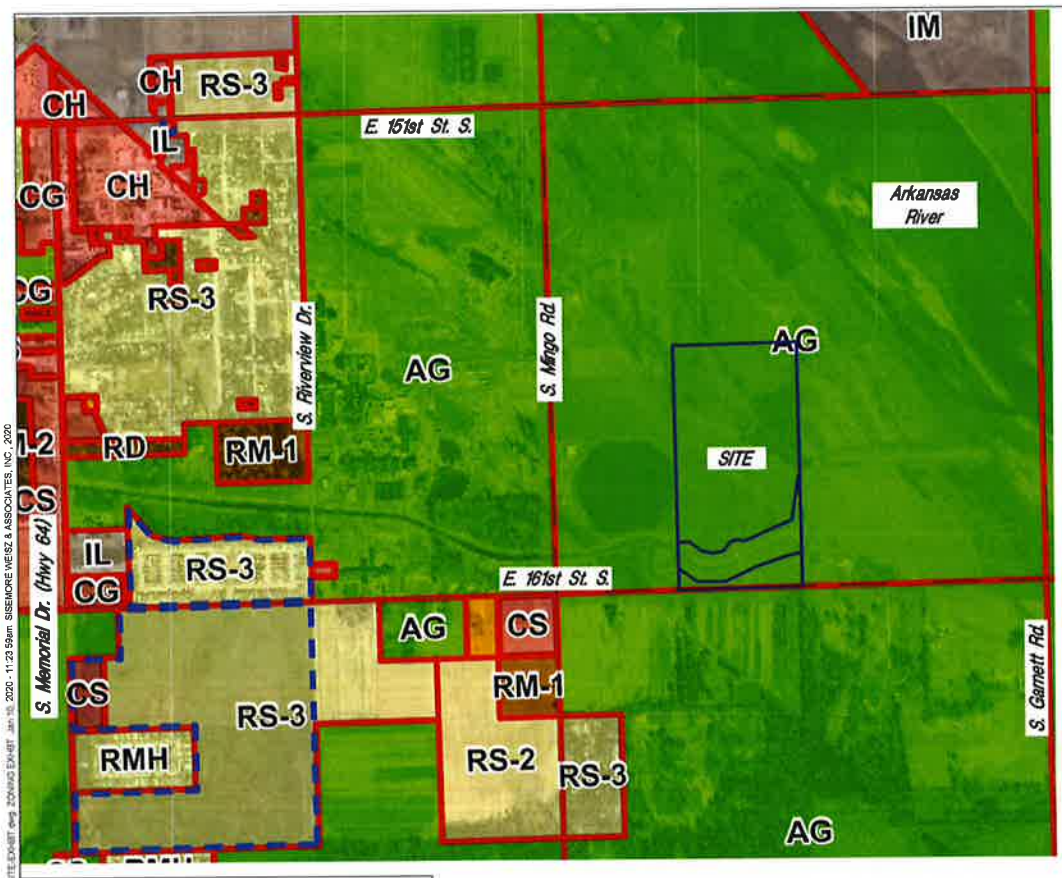
Oklahoma City, OK 73101-1677

fax it to: (405)702-6226

email it to: ecls-stormwaterpermitting@deq.ok.gov

*Commencing **December 21, 2020**, ACSCERs must be electronically submitted to DEQ. Instructions on how to access and use the appropriate electronic reporting tool will be made available on DEQ's website prior to the December 21, 2020 compliance deadline.*

Any other Documentation required by this Permit is included in Attachment M.



SCALE: 1"=1000'

Legend

- AG AGRICULTURAL
- CG COMMERCIAL GENERAL
- CH COMMERCIAL-HIGH
- CS COMMERCIAL SHOPPING
- IL INDUSTRIAL-LIGHT
- IM INDUSTRIAL-MODERATE
- OL OFFICE-LOW
- RD RESIDENTIAL DUPLEX
- RMH RESIDENTIAL MANUFACTURE HOUSING
- RM-1 RESIDENTIAL MULTI-FAMILY 1
- RS-2 RESIDENTIAL SINGLE-FAMILY 2
- RS-3 RESIDENTIAL SINGLE-FAMILY 3

Bemies Mining Project

Existing Zoning

DATE PREPARED: JANUARY, 2020

Exhibit "A"

FILE: 1714 19

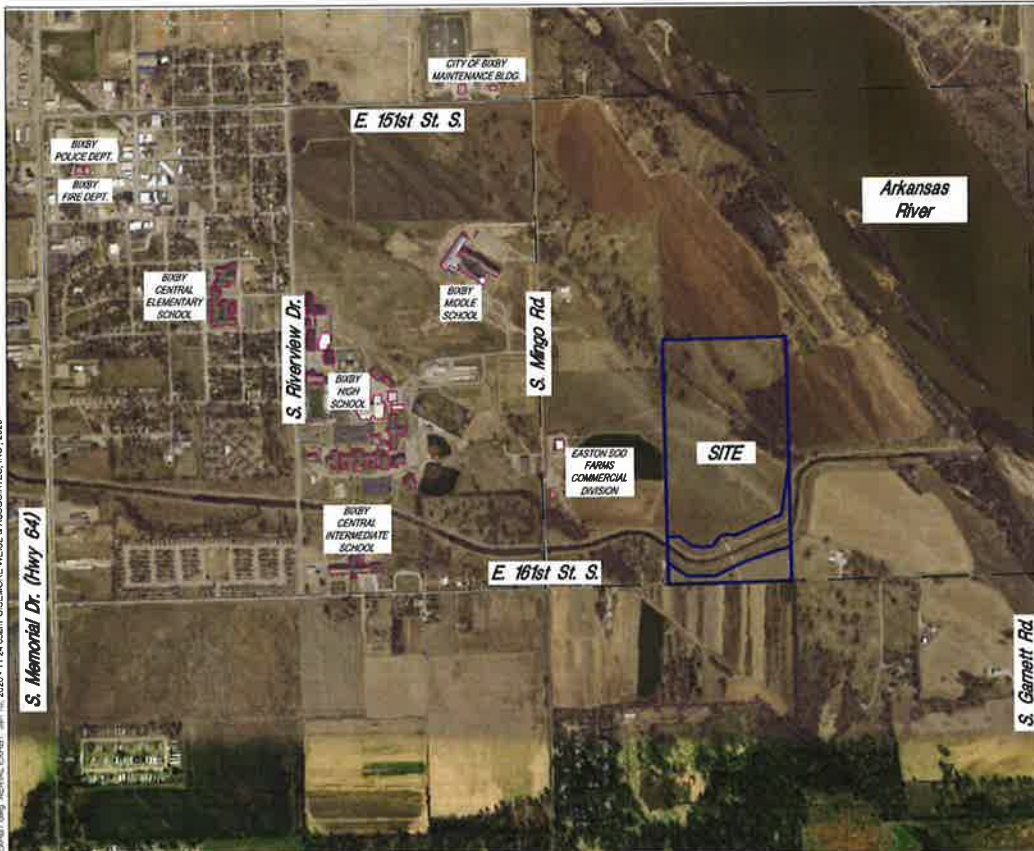
WO#: 16383

K:\HEB\2019\BEMIES\BEMIES\DWG\2020\11-23\BEMIES WEI&A ASSOCIATES, INC. 2020

SWA Sisemore Weisz & Associates, Inc.
 88 EAST 12TH PLACE
 TULSA, OKLAHOMA 74106
 O.A. NO. 2421

PHONE: (918) 565-5000
 FAX: (918) 565-8058
 EXP. DATE: 5/30/25

9.110



Bemies Mining Project
Surrounding Areas

DATE PREPARED: JANUARY, 2020

Exhibit "B"

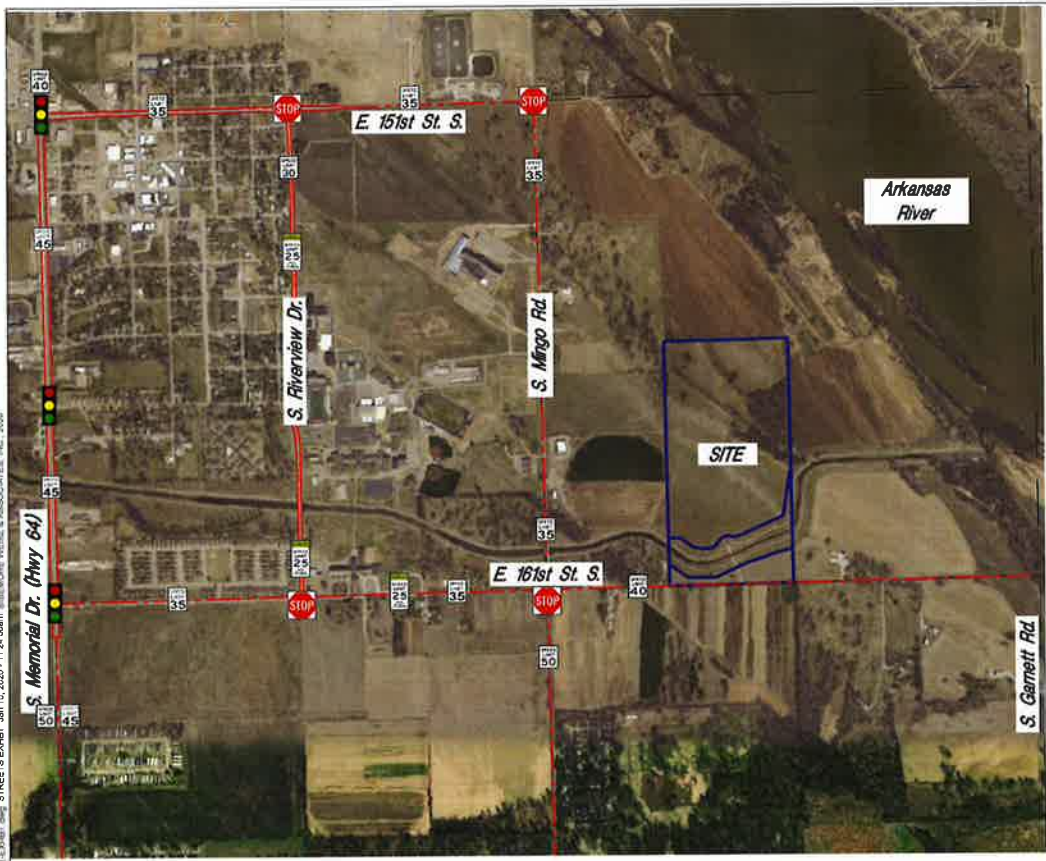
FILE: 1714.19

WO#: 18383

K:\1714\303\BITE\24-487.dwg AESTH.L EXHIBIT 1/15/20 11:24 am SISEMORE WEISZ & ASSOCIATES, INC., 2020

SWA Sismore Weisz & Associates, Inc.
 625 EAST 23rd PLACE PHONE: (918) 666-3000
 TULSA, OKLAHOMA 74106 FAX: (918) 695-8956
 CA. NO. 2421 EXP. DATE: 6/30/21

K:\11833\333117\DWG\1714.dwg STREETS EXHIBIT Jan 10, 2020 - 11:24:06am SITEMORE WELZ & ASSOCIATES, INC. 2020



SCALE: 1"=1000'

Legend

-  UNIMPROVED STREET
-  IMPROVED STREET

Bemies Mining Project
Streets

DATE PREPARED: JANUARY, 2020

Exhibit "C"

SWA Sitemore Welz & Associates, Inc.
 89 EAST 13th PLACE
 TULSA, OKLAHOMA 74103
 CA. NO. 2421

PHONE: (918) 586-2600
 FAX: (918) 586-9998
 EXP. DATE: 3/30/21

FILE: 1714.19 WO#: 16383

9.112

K:\11528\BEMIES\SITE\EXHIBIT.dwg TRAFFIC EXHIBIT Jan 13, 2020 - 11:24:30am BEMIES WELZ & ASSOCIATES, INC. 2020



SCALE: 1"=1000'

Traffic Count Legend

- 10 - 5,001 PER DAY
- >5,001 - 25,001 PER DAY

Bemies Mining Project

Traffic

DATE PREPARED: JANUARY, 2020

Exhibit "D"

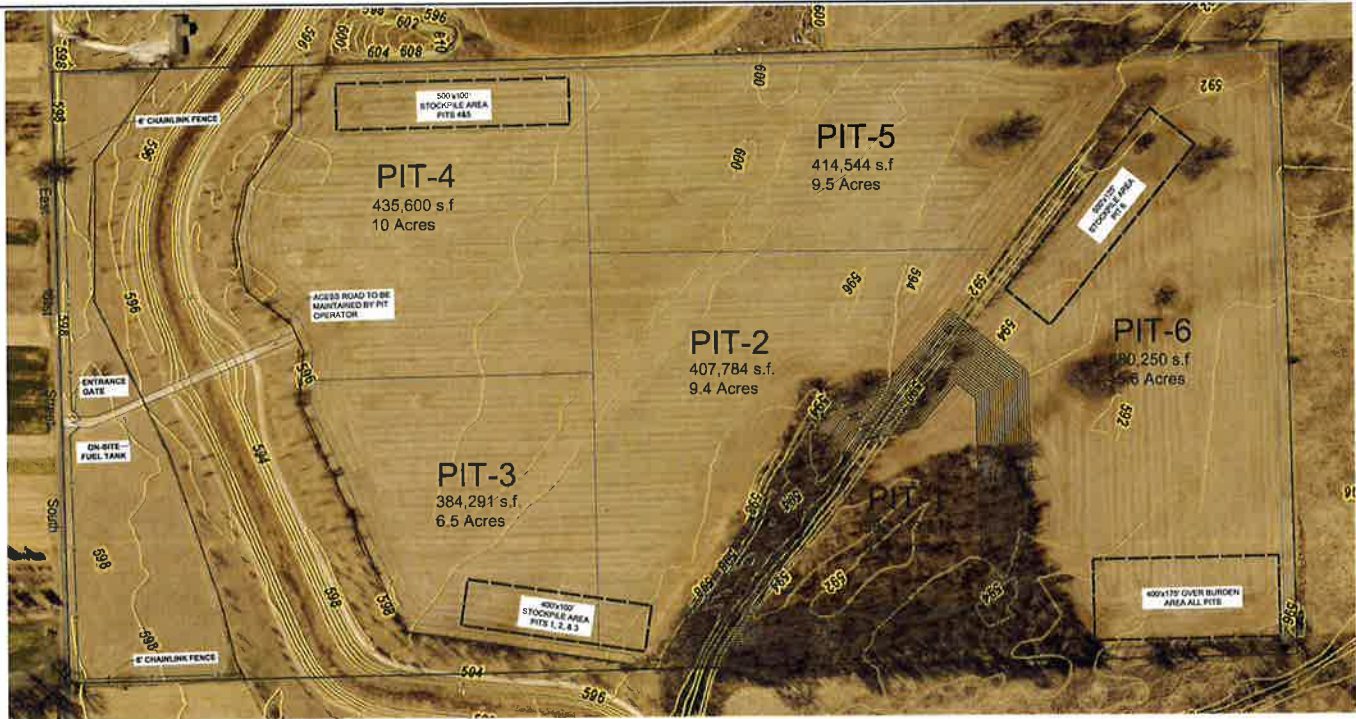
SWA **Stemore Welz & Associates, Inc.**
 431 EAST 32nd PLACE
 TULSA, OKLAHOMA 74106
 CA. NO. 2421

PHONE: (918) 585-3900
 FAX: (918) 585-9988
 E-MAIL: INFO@SWA-OK.COM
 WWW: WWW.SWA-OK.COM

FILE: 1714.19

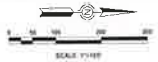
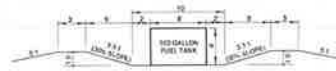
WOW#: 18383

9.113



Pit Volumes

PIT	Area	Volume	Depth
PIT-1	202,714	1,710	8.4
PIT-2	407,784	3,300	8.1
PIT-3	384,291	3,100	8.1
PIT-4	435,600	3,500	8.0
PIT-5	414,544	3,300	8.0
PIT-6	80,250	650	8.1

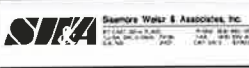


ALL CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH CURRENT TULSA COUNTY PUBLIC WORKS DEPARTMENT SPECIFICATIONS, REQUIREMENTS AND DESIGNATION OF THE PROJECT. CALL OWNER.

EXISTING UNDERGROUND LINES HAVE BEEN SHOWN TO THE BEST OF OUR KNOWLEDGE AND BELIEF. THE USER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE TULSA COUNTY PUBLIC WORKS DEPARTMENT AND ALL APPLICABLE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE TULSA COUNTY PUBLIC WORKS DEPARTMENT AND ALL APPLICABLE AGENCIES.



DATE	REVISIONS



PLAN SCALE: 1"=100'	WORK ORDER NO: 1808	TYPE OF WORK: NA	DATE: 12/15/18
PROFILE SCALE: 1"=10'	DATE: 12/14/18	PHASE: NA	DRAFTED BY: LAD
VERT: 1/2"	ATLAS PAGE NO:	SHEET: 1	OF: 1

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, BIDDING AND SEALED DOCUMENT.

Bemies Mining Project
SWP3 SITE PLAN



DATE	REVISION



SIA **Stamore Weisz & Associates, Inc.**
 1111 W. 10th St., Suite 200
 Tulsa, Oklahoma 74103
 Phone: (918) 438-1111
 Fax: (918) 438-1112
 Email: info@stamoreweisz.com

PLAN SCALE	WORK ORDER NO.	TYPE OF WORK	DATE
1"=100'	1000	N/A	10/11/10
PROFILE SCALE	FILE	PROJECT	DRAWN BY
1"=10'	1000	N/A	
DATE	SCALE	ATLAS PAGE NO.	SHEET
10/11/10	1"=100'		1 OF 1

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, BOUND AND SEALED DOCUMENT.

Bemies Mining Project
 RECLAMATION MAP

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH OIL AND GAS RECLAMATION ACT AND REGULATIONS. REQUIREMENTS FOR RECLAMATION SHALL BE AS SET FORTH IN THE OIL AND GAS RECLAMATION ACT AND REGULATIONS. CALL O&G 1.

EXISTING UNDERGROUND LINES HAVE BEEN SHOWN TO THE BEST OF OUR KNOWLEDGE AND BELIEF. THE USER'S RESPONSIBILITY IS TO VERIFY THE LOCATION AND DEPTH OF ALL UNDERGROUND LINES BEFORE ANY CONSTRUCTION. CONTACT O&G 1 AT 1-800-527-5273 FOR CONSTRUCTION REQUIREMENTS.

DATE: 10/11/10
 DRAWN BY: J. W. WILSON
 CHECKED BY: J. W. WILSON



Operations and Friendly Neighbor Manual

Tanner Bemies Mining

Tulsa County BOA CBOA-2786

East ½ of the SW Quarter of Section 17, T-14-N, R-19-E

Prepared by:



**C. Joseph Watt, P.E.
6111 East 32nd Place
Tulsa, OK 74135
918-665-3600**

Tanner Bemies Mining Operations Manual

- I. Location Map and Surrounding Zoning
- II. Adjacent Schools
- III. Hours of Operation
- IV. Traffic Routes
- V. On Site Dust Control
 - a. Prevailing winds
 - b. Annual rainfall
 - c. Periods of drought
- VI. Internal Site Control
- VII. Public Street Protection
- VIII. Policy on Public Street Cleaning
- IX. Long Term Plan on Reclamation Options
- X. Participating Companies Agreement

Location Map and Surrounding Zoning

I. The proposed operation is located along East 161st Street South just east of South Mingo road. It is in an AG district and surrounded by "AG" districts. Exhibit "A" shows the surrounding zoning of the areas.

Adjacent Schools

- II. The site is located within $\frac{3}{4}$ of a mile to the following Bixby public schools:
- a. Bixby Central Intermediate School.
 - b. Bixby Middle School
 - c. Bixby High School
 - d. Bixby Central Elementary

Hours of Operations

The normal working hours for the facility will be from 7:00 am to 4:00 p.m. for sales. Work at the facility shall be from 6:00 am to 6:00 p.m.

Traffic Routes

During those times the schools are beginning and ending, alternative routes for all trucks will be mandated to not be allowed to go north on S. Mingo or North on South Riverview Drive but instead proceed west to South Memorial and then proceed north. Exhibit "B" shows the relationship of the location of the Bixby Schools to the Project Site.

Exhibit "C" shows that traffic lighted intersections on Memorial will better help traffic movement than the "STOP" intersections at Mingo or Riverside and East 151st Street South.

Exhibit "D" shows that the recent traffic counts on Memorial, Riverside, Mingo as well as 151st and 161st. Even though more traffic exists Memorial, it is also the only fully expanded 5 lane arterial in the area and therefore is more accommodating to this type of trucking.

On Site Dust Control

During the times of the year that activities would create dust on site water trucks will be used to control the dust. If the prevailing winds and periods of drought are such that excessive dust would be generated then more than one water truck system will be put into action.

Internal Site Control and Public Street Protection

Weekly routine measures on the site will be the collection of any trash and debris and that shall be disposed of properly. There will be a section of the entrance and exit drive that will be constructed of 3-6" rock that will allow mud to be removed from the tires of trucks leaving the site.

Public Street Cleaning and Protection

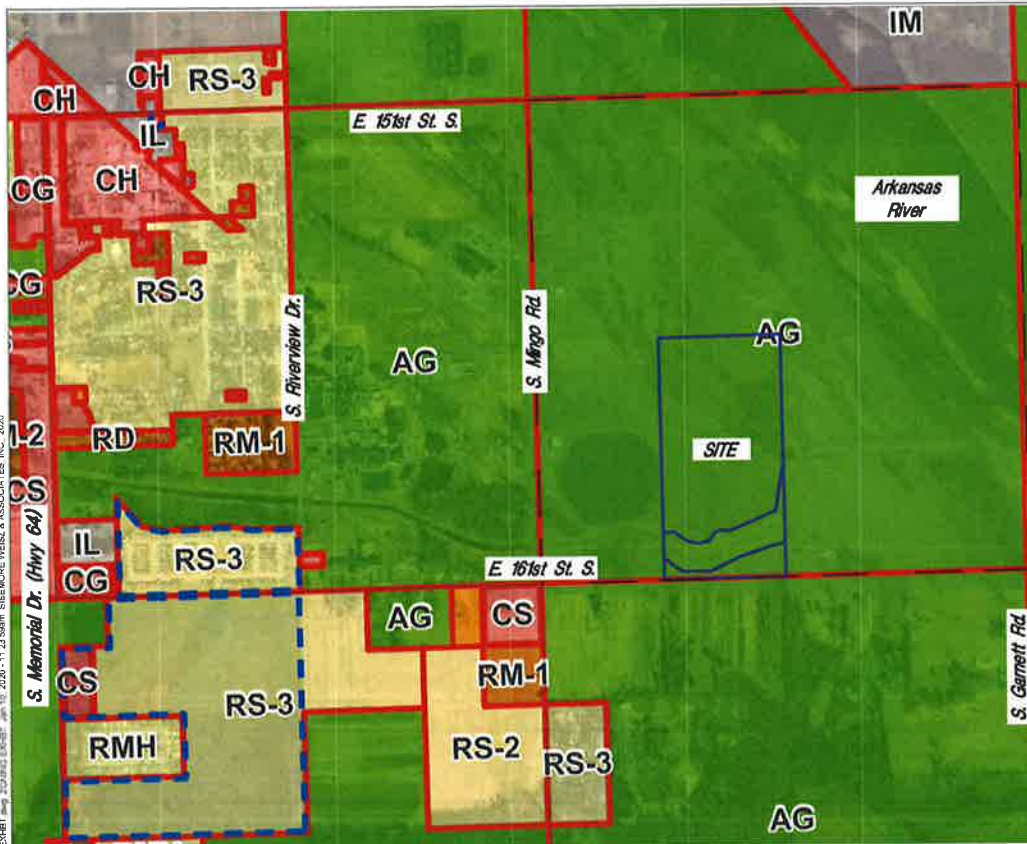
If any undesirable amount of mud does get East 161st St. South then power brooms will be used to routinely clean the street of the all mud and or debris.

Long Term Plan on Reclamation Options

There are two options that can be incorporated into the finished site. 1) the area can be left lowered and used as compensatory storage for the storm water runoff from the upstream rain storms. 2) If desired by some organization, the fields which will be left could be used for outdoor sporting events like what Tulsa did with its storage facilities in the Mongo Creek basin. At the very least the topsoil will be returned and sustainable grasses will be planted to provide a protection against erosion.

Participating Companies Agreement

Each and every trucking organization that wishes to do business with the mine will have to agree and sign into effect a contract that will bind all drivers to the routes and times established by the owners of this mine.



SCALE 1"=1000'

Legend

- AG AGRICULTURAL
- CG COMMERCIAL GENERAL
- CH COMMERCIAL-HIGH
- CS COMMERCIAL SHOPPING
- IL INDUSTRIAL-LIGHT
- IM INDUSTRIAL-MODERATE
- OL OFFICE-LOW
- RD RESIDENTIAL DUPLEX
- RMH RESIDENTIAL MANUFACTURE HOUSING
- RM-1 RESIDENTIAL MULTI-FAMILY 1
- RS-2 RESIDENTIAL SINGLE-FAMILY 2
- RS-3 RESIDENTIAL SINGLE-FAMILY 3

Bemies Mining Project

Existing Zoning

DATE PREPARED: JANUARY, 2020

Exhibit "A"



Sisemore Weisz & Associates, Inc.
 801 EAST 23RD PLACE
 TULSA, OKLAHOMA 74105
 CA. NO. 2420
 PHONE: 918-585-3000
 FAX: 918-585-3008
 EOP DATE: 6/05/01

FILE: 1714.19

WO#: 18383

9.120



SCALE: 1"=1000'

Legend

- UNIMPROVED STREET
- IMPROVED STREET

Bemies Mining Project
Streets

DATE PREPARED: JANUARY, 2020

Exhibit "C"

FILE: 1714.19 WO#: 18383



Sisemore Weitz & Associates, Inc.
 877 EAST 20th PLACE PHONE: (202) 695-3900
 TALLA, OKLAHOMA 7406 FAX: (202) 695-0000
 O.C. NO. 2421 EDP DATE 6/30/02

K:\1714\171419\171419.dwg STRREET PLAN SET Jun 10, 2020 - 11:24 08am SISEMORE WEITZ & ASSOCIATES, INC. 2020

9.122



SCALE: 1"=1000'

Traffic Count Legend

- 10 - 5,001 PER DAY
- >5,001 - 25,001 PER DAY

Bemies Mining Project

Traffic

DATE PREPARED: JANUARY, 2020

Exhibit "D"

FILE: 1714.19

WO#: 18383

K:\MUNICIPAL\TRAFFIC COUNT\TRAFFIC COUNT - Jan 10, 2020 - 11:24:13am - SISMORE WEISZ & ASSOCIATES, INC. 2020



Sismore Weisz & Associates, Inc.
 879 EAST 20th PLACE PHONE: 336-595-3900
 TULSA, OKLAHOMA 74106 FAX: 336-595-6999
 CA. NO. 2421 EXP. DATE 6/30/21

9.123



ALL CONCRETE IS TO BE FINISHED TO THE CURBSIDE
 TO BE 2" MIN. THICK AND 1500 PSI STRENGTH
 AND TO BE SET IN 1" SAND. ALL CURBS TO BE
 4" HIGH AND TO BE SET IN 1" SAND. ALL
 CURBS TO BE SET IN 1" SAND. ALL CURBS
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 SET IN 1" SAND. ALL CURBS TO BE SET
 IN 1" SAND. ALL CURBS TO BE SET IN
 1" SAND. ALL CURBS TO BE SET IN 1"
 SAND. ALL CURBS TO BE SET IN 1" SAND.
 CALL ONE



DATE	REVISIONS

County of
TULSA

SWA Sparrowe Wells & Associates, Inc.
 1000 N. WILSON ST. SUITE 200
 TULSA, OK 74103
 PHONE: 918.438.8888
 FAX: 918.438.8888
 WWW: SWA-OK.COM

PLAN SCALE
 1"=100'

WORK ORDER NO.
 8883

TYPE OF WORK
 RM

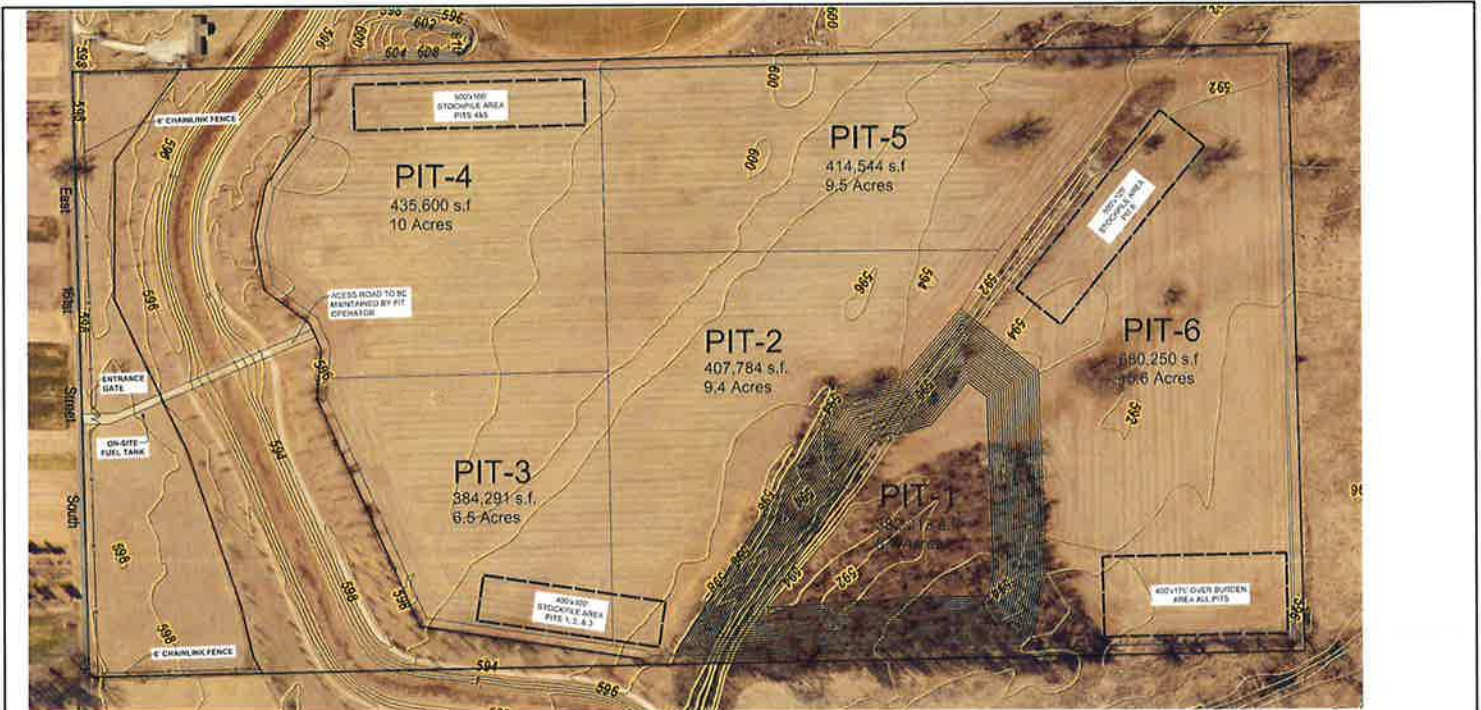
DATE
 03/18/09
 DRAFTED BY
 LRS
 SHEET
 1
 OF
 1

PHASE
 N/A

THIS DOCUMENT IS PREPARED BY
 SWA AND IS NOT A FINAL, BIDDING
 AND SEALED DOCUMENT.

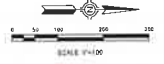
**Bemies Mining Project
 RECLAMATION MAP**

9.124



Pit Volumes

Pit	Volume (cu yd)	Volume (cu m)
PIT-1	1,000,000	76,455
PIT-2	1,000,000	76,455
PIT-3	1,000,000	76,455
PIT-4	1,000,000	76,455
PIT-5	1,000,000	76,455
PIT-6	1,000,000	76,455



(A) Fuel Storage Detail

THIS DOCUMENT IS THE PROPERTY OF BEMIES AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. WITHOUT THE WRITTEN PERMISSION OF BEMIES.

ALL DIMENSIONS TO CENTER UNLESS OTHERWISE SPECIFIED.
 ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
 ALL DIMENSIONS TO CENTER UNLESS OTHERWISE SPECIFIED.
 ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
 ALL DIMENSIONS TO CENTER UNLESS OTHERWISE SPECIFIED.
 ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.



NO.	REVISIONS



PLAN SCALE	1"=100'
WORK ORDER NO.	1000
TYPE OF WORK	NEW
DATE	03/14/10
DRAWN BY	LDL
CHECKED BY	
DATE	
PROJECT NO.	
PHASE	
DATE	
SHEET	3
OF	3

Bemies Mining Project
 SWP3 SITE PLAN

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IL

AG

E 161st ST S

AG

SUBJECT TRACT

E 165 ST S

RE

PUD-851

S 1 E AVE

S 4 E AVE

E 168 ST S

E 167 ST S

S-PEORIA-AVE



CBOA-2876

10.1



17-12 25

**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 7225

CASE NUMBER: CBOA-2876

CZM: 65

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: Codey Zickefoose

ACTION REQUESTED: Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district to permit the construction of a single-family home and a lot split (Section 207).

LOCATION: 784 E 165 ST S

ZONED: AG

FENCELINE: Glenpool

PRESENT USE: Vacant

TRACT SIZE: 5 acres

LEGAL DESCRIPTION: The East 329.58 feet of the West 857.00 feet of the South Half of the Southwest Quarter of the Northeast Quarter (S/2 SW/4 NE/4) of Section Twenty-five (25), Township Seventeen (17) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, Containing 5.00 acres, more or less.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-1609 October 1998: The Board approved a *Variance* of the required frontage on a public street from 30' to 0' to construct a single-family dwelling subject to there being no further splitting on the property and there only being one dwelling on the 40 acres, on property located at 819 E. 165th St. S. (See map - this was part of a 40-acre parcel has now been divided into two 13± acre parcels, two 2± acre parcels, and two 5± acre parcels. The proposed application would require a lot split approval to split 5-acres from one of the 13± acre parcels.)

Surrounding Property:

CBOA-2857 January 2018: The Board approved a *Variance* to allow 0 feet of frontage on a public street in the AG District subject to a right-of-way easement or a dedication easement running along the front of the subject property, on property located west of the southwest corner of East 165th Street South and South Peoria Avenue East (1038 E. 165th St. S.).

CBOA-1601 September 1998: The Board approved a *Variance* of the required 30' frontage on a public street to 0' subject to the applicant submit a copy of the recorded easement to staff and subject to obtaining a building permit and a perc. test, on property located at 1039 E. 165th St. S.

CBOA-945 January 1990: The Board approved a *Variance* of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit construction of a single-family dwelling subject to an easement, extending from Peoria Avenue to the west side of the subject property, being filed

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of record, on property located ¼ mile west of Intersection of 165th Street south and South Peoria Avenue (906 E. 165th St. S.).

CBOA-698 October 1986: The Board **approved** a *Variance* of the required frontage on a public street to permit all lots of Country Acres Subdivision to front on a private street; and **approved** a *Variance* of the required lot width in an AG District from 200' to 171' for Lot 14 subject to the filing of an approved plat by TMAPC, on property located ½ mile south and west of East 161st Street South and Peoria Avenue. This is south of the subject property.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by AG zoning and a combination of residential and agricultural uses.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district to permit the construction of a single-family home and a lot split (Section 207).

The applicant provided the following information:

1. Unnecessary hardship currently exists to the applicant due to living arrangements with family members at the current temporary residence.
2. This property is not located within 30 feet of a county-maintained road. Private road access only.
3. The proposed house will not cause substantial detriment to the public good and will meet all required permitting during the building process to ensure it doesn't impair the purpose and intent of the zoning ordinance.

The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street or dedicated right-of-way. The Code attempts to ensure that each parcel used for residential purpose has public emergency access.

The submitted site plan indicates that the subject lot has a proposed 50' wide private roadway and utility easement. The applicant has submitted a copy of a Non-Exclusive Easement that provides access to the subject lot from East 165th Street South; the easement is attached to this case report for the Boards review.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet in the AG district to permit the construction of a single-family home and a lot split (Section 207).

Finding the hardship to be _____.

Subject to the following conditions (if any) _____.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would

result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.”

Case No. 1608 (continued)

and 1,300' long. Mr. Lynchard wants to place the home in the middle of the property. All the surrounding homes do not meet Code either.

Comments and Questions:

Mr. Walker stated that he is from Sand Springs and is familiar with the area, this area has grown into a development by default. This applicant has ended up with a tract that has existing tracts around it. Mr. Walker supports this application.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Variance of required lot width from 200' to 160' on an existing lot in an AG district. **SECTION 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS – Use Unit 6** on the following described property:

W 160' of E 640' of the SW/4 of the SE/4 of Section 29, T-19-N, R-11-E, Tulsa County, State of Oklahoma.

Case No. 1609

Action Requested:

Variance of the required frontage on a public street from 30' to 0' to construct a single-family dwelling. **SECTION 207. STREET FRONTAGE REQUIRED**, located 819 E. 165th St. S.

Presentation:

The applicant, **Thomas Zickefoose**, submitted a site plan (Exhibit C-1) and stated that 165th Street dead ends on his 40 acres that he has owned for many years. Mr. Zickefoose now lives next to the 40 acres and he is asking for a variance in order to build a new home on the 40 acres.

Comments and Questions:

Mr. Tyndall asked if the street goes to his acreage. The applicant and Mr. Beach said that the street goes to his acreage but it is a private street.

Mr. Alberty asked if the two previous Board actions were in the immediate area. Mr. Beach answered yes, they are in the general area.

Mr. Beach stated that there is a mutual access easement that has been filed of record that identifies all of the abutting owners' property.

Case No. 1609 (continued)

Mr. Alberty expressed concern about further development on the property but if it will only have the one development then he has no concern with it.

Board Action:

On **MOTION** of **ALBERTY**, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Looney "absent") to **APPROVE** Variance of the required frontage on a public street from 30' to 0' to construct a single-family dwelling. **SECTION 207. STREET FRONTAGE REQUIRED** subject to there being no further splitting on the property and there only being one dwelling on the 40 acres, on the following described property:

SW, NE, Section 25, T-17-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 1610

Action Requested:

Special Exception to permit an existing church and accessory uses in an AG district. **SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5;** OR a Variance to expand a nonconforming church use. **SECTION 1420. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION,** located 3029 S. 57th W. Ave.

Comments and Questions:

Mr. Beach stated that the reason for the "either/or" request is that this is a lawful nonconforming church that has been at the location since prior to 1980. If there were a questions about whether it is lawfully nonconforming or not, they wanted to make sure that he was advertised for either use.

Presentation:

The applicant, **Mike Smith**, submitted a site plan (Exhibit D-1) and stated that he represents the Berryhill United Pentecostal Church. Mr. Smith stated Mr. Beach informed him to bring evidence that the church had been at that location since before 1980. Mr. Smith submitted copies of utility bills, etc. dated 1978 and 1979 (Exhibit D-2). Mr. Smith said that the church would like to construct a fellowship hall on the back of the building.

Comments and Questions:

Mr. Alberty asked the applicant if this structure is going to be two stories. Mr. Smith answered that it may be in the future. The ceiling height will be 23' or 24'. They have no intention to make it two stories right now, but they might in the future.

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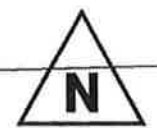
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2657—Kyle Zickefoose

Action Requested:

Variance to allow 0 feet of frontage on a public street in the AG District (Section 207). **LOCATION:** West of the SW/c of East 165th Street South & South Peoria Avenue East

Presentation:

Kyle Zickefoose, 15608 South Elwood Avenue, Glenpool, OK; stated he has 3 1/3 acres that is on a family farm. There is a maintained gravel driveway that goes all the way to the barn where the family runs a hay business. He applied for a permit to build a house and he was told that he would need to asphalt that entire road in order to build his house. After receiving estimates, he determined that to asphalt that road it would cost more than his house. There are plans to asphalt that road in the future, but this Variance request will allow him to build his house now.

Mr. Charney asked Mr. Zickefoose if 165th Street South terminated before his property. Mr. Zickefoose stated that 165th terminates after his property, because it goes another 990 feet approximately.

Mr. Charney stated the County does not like to issue a building permit to build a house in front of the house when there is not a publicly dedicated road, unless there is a significant mutual access easement that gives the person ingress and egress to a County road. Mr. Zickefoose stated that everyone that lives on the subject road is family, and there is a house that was permitted to be built at the very end of the road.

Mr. Dillard asked Mr. Zickefoose if he was going to borrow money to build the house. Mr. Zickefoose answered affirmatively. Mr. Dillard stated that he does not think Mr. Zickefoose will be able to obtain financing.

Mr. Charney stated that when mortgage financing studies this and they see there is no publicly dedicated right-of-way, they will very often mandate what the County wants to see which a mutual access roadway or a dedicated easement that runs in front of the subject property.

Mr. Zickefoose stated he has a road easement agreement with all the people on the road. There are houses on the north and south side of the road, and he had to have that before he could even put the road in.

Mr. Charney asked Mr. Zickefoose if it was a filed mutual access easement of record that services all the property to the west of the termination of the County right-of-way. Mr. Zickefoose answered affirmatively. Mr. Zickefoose stated that when he wanted to build the barn he had to present that easement to mortgage lender and the loan was granted.

CBA-2657

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Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Variance** to allow 0 feet of frontage on a public street in the AG District (Section 207), subject to a right-of-way easement or a dedication easement running along the front of the subject property. The Board finds the hardship to be the unique inset configuration of the land; for the following property:

E220 W440 S/2 W/2 SE NE SEC 25 17 12 3.33ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

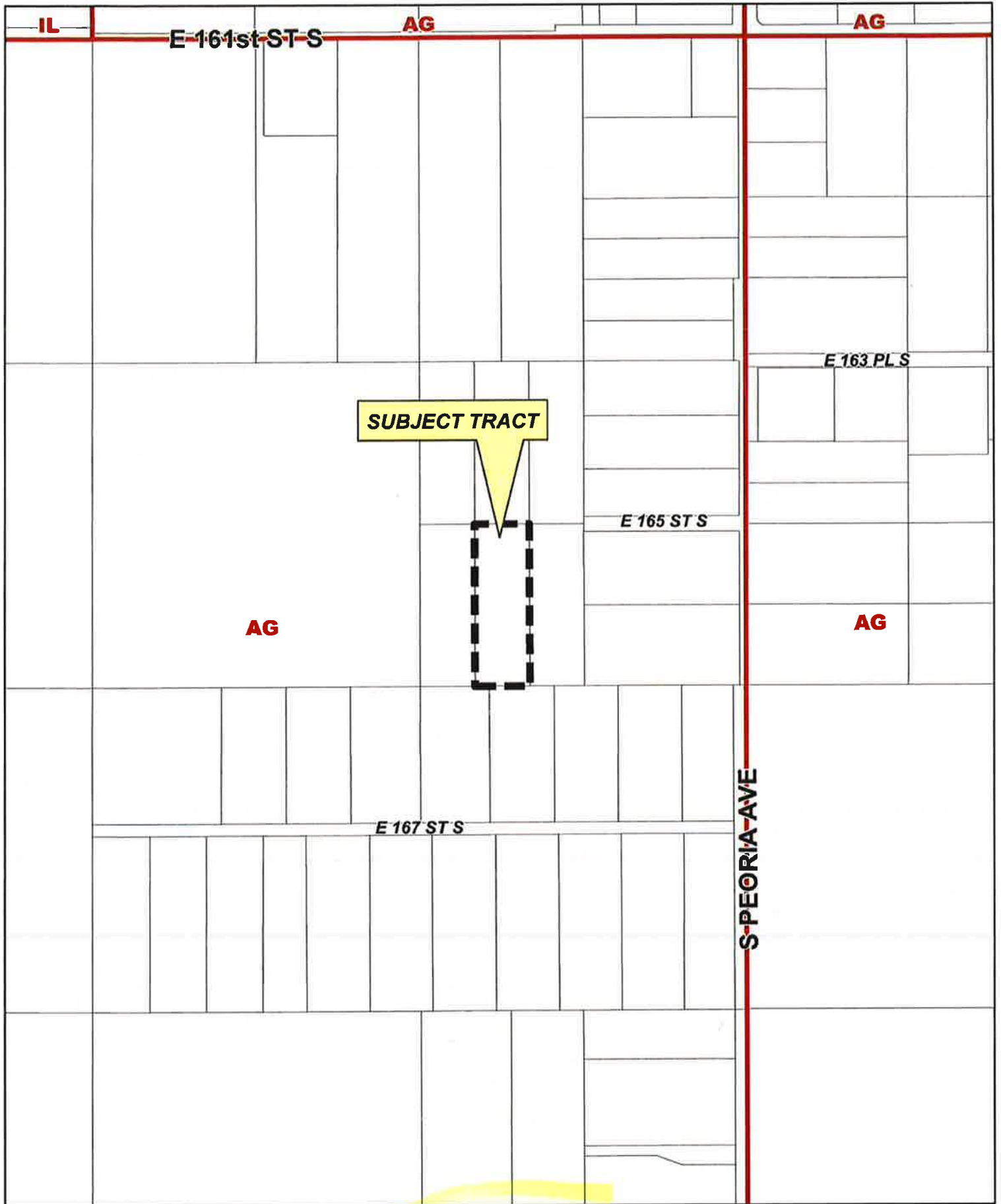
Mr. Dillard left the meeting at 2:45 P.M.

Mr. Charney explained to the applicants and interested parties that there were only four board members present now, because Mr. Dillard had to leave this meeting. If an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Charney asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

2658—Stever Arterberry

Action Requested:

Variance to permit more than one dwelling unit on a single RE zoned lot (Section 208); **Special Exception** to permit three manufactured housing units in a Residential Estate District (Section 410, Table 1). **LOCATION:** South of the intersection of South 179th West Avenue and West 41st Street South



CBOA-2657

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Case No. 1600 (continued)

Tract "A" – a tract of land in the S/2 of the NE/4 of the NW//4 of Section 34, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: Beginning at the NE/c of said S/2 NE/4 NW/4; thence Wly along the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 152.38'; thence Ely parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 152.38' to the point of beginning and Tract "B" – a tract of land in the S/2 of the NE/4 of the NW/4 of Section 34, T-18-N, R-12-E of the IBM Tulsa County, State of Oklahoma described as follows: Starting at the NE/c of said S/2 NE/4 NW/4; thence S along the E line of said S/2 NE/4 NW/4 a distance of 152.38' to the point of beginning; thence from the point of beginning, Wly parallel to the N line of said S/2 NE/4 NW/4 a distance of 340.20'; thence S parallel to the E line of said S/2 NE/4 NW/4 a distance of 156.57'; thence NEly a distance of 340.22' to a point on the E line of said S/2 NE/4 NW/4; thence N along said E line a distance of 148.18' to the point of beginning.

Case No. 1601

Action Requested:

Variance of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, 1039 E. 165th St. S.**

Presentation:

Jason Jackson, 13975 S. Oak Pl., Glenpool, Oklahoma, 74033, stated that he is requesting a Variance of the 30' street frontage so that the subject property will not be land-locked in the future.

Comments and Questions:

Mr. Beach pointed out that the public street extends west from Peoria and stops just east of this property. The Board discussed the easement that runs in front of the subject property.

Interested Parties:

David Brant, 1043 E. 165th St. S., stated that there are several homes on 3 1/3 acre tracts that are served by a private road with an easement.

Board Action:

On **MOTION** of **LOONEY**, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays", no "abstentions"; Alberty "absent") to **APPROVE** a Variance of the required 30' frontage on a public street to 0'. **SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6** subject to the applicant submit a copy of the recorded easement to staff and subject to obtaining a building permit and a perc test on the following described property:

Case No. 1601 (continued)

W 440' of the NW/4, SE/4, NE/4 of Section 25, T-17-N, R-12-E, Less the W 220' thereof, Tulsa County, Oklahoma.

Case No. 1602

Action Requested:

Variance of the required 30' frontage on a public street to 0', for 4 lots to permit construction on each lot. SECTION 207. STREET FRONTAGE REQUIRED – Use Unit 6, 175th St. S. & Harvard

Presentation:

Becky Fugett, 8717 S. 72nd E. Ave., purchased the subject property at an auction in which the land was represented as being in two 15-acre tracts and two 13.9-acre tracts. She submitted a road maintenance agreement showing four owners having ¼ ownership in the road, recorded as Exhibit B-1. The road has been built and the applicant would like to keep it as a private road. Currently it is constructed to county standards with the exception of the asphalt. She indicated that there are plans to "chip and seal" the drive at a future date.

Interested Parties:

Vernoy Godwin, 17417 S. Harvard, stated that the 60' gravel easement runs 699' along his south fence line, which stirs up a lot of dust, and noted that his son has asthma. He would like the road built to county standards, which would also allow him access to the south of his property. The county road would have to be dust free and the drainage would be maintained.

Comments and Questions:

Mr. Beach explained that if the County agreed to accept this road, the property would have to be dedicated to the County, the applicant would have to build it to County standards, and the County would then maintain it.

Applicant's Rebuttal:

Ms. Fugett stated that Mr. Godwin's drive is gravel, and they are trying to keep the traveling on that roadway to a minimum. Mr. Godwin had approached her about using the road to access his south property, and they explained to him that that is part of their property.

Comments and Questions:

Mr. Looney asked if the four owners would be agreeable to resurfacing the road. Ms. Fugett stated that the road was recently completed. She explained that she was told that road needs time to settle, make sure there is sufficient gravel, and fill the potholes before the oil/chip is applied.



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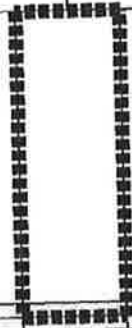
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COUNTY BOARD OF ADJUSTMENT
Meeting No. 116
Tuesday, January 23, 1990, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Alberty, Chairman Eller Tyndall Walker	Looney	Gardner Jones Moore	Andrew, Building Inspection Fields, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, January 19, 1990 at 9:39 a.m.

After declaring a quorum present, Chairman Alberty called the meeting to order at 1:32 p.m.

MINUTES

On MOTION of ELLER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, aye"; no "nays"; no "abstentions"; Looney, "absent") to APPROVE the Minutes of December 19, 1989 (No. 115).

UNFINISHED BUSINESS

Case No. 945

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit construction of a single-family dwelling - Section 207. **STREET FRONTAGE REQUIRED** - Use Unit 6, located 1/4 mile west of intersection of 165th Street South and South Peoria Avenue.

Presentation:

The applicant, Thomas E. Zickefoose, PO Box 789, Glenpool, Oklahoma, stated that he owns the land surrounding the property in question. He pointed out that he maintains the road, and requested permission to construct a dwelling on three and one-half acres of the land.

Comments and Questions:

Mr. Alberty asked if the property is being split, and Mr. Zickefoose stated that he sold 10 acres, which was later split.

Case No. 945 (continued)

Mr. Gardner advised that the applicant should have a legal instrument that has been filed of record, which will assure access to the property.

The applicant remarked that there is a 60' easement off Peoria Avenue to access the property, but stated that he is not sure the easement has been filed.

Mr. Alberty pointed out that the 40 acres to the west will be landlocked if the easement has not been filed.

Protestants: None.

Board Action:

On **MOTION** of WALKER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker, aye"; no "nays"; no "abstentions"; Looney, "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit construction of a single-family dwelling - **Section 207. STREET FRONTAGE REQUIRED** - Use Unit 6; subject to an easement, extending from Peoria Avenue to the west side of the subject property, being filed of record; finding that there are similar sized tracts in the area; and the granting of the request will not be detrimental to the area or violate the spirit, purposes or intent of the Code; on the following described property:

The west 220' of the SW/4, SW/4, NE/4, Section 25, T-17-N, R-12-E, Tulsa County, Oklahoma.

Case No. 946

Action Requested:

Special Exception to permit additions to public school facilities - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 5.

Special Exception to permit additions to public school facilities - **Section 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located NE/c of 65th West Avenue and West 31st Street South.

Comments and Questions:

Mr. Jones informed that Staff has reviewed the plan and advised the applicant to get approval for the master plan, which would prevent his returning to the Board for any future phase of work which conformed to the plan.

Case No. 945

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance to permit construction of single-family dwelling with 0' frontage on a dedicated street, located 1/4 mile west of Intersection 165th Street South and Peoria.

Presentation:

The applicant, Thomas E. Zickefoose, was not present.

Comments and Questions:

Mr. Jones informed that the application was taken too late to complete the advertising portion of the case, and suggested that Case No. 945 be continued to January 23, 1990. He stated that the applicant has been notified of the need for a continuance.

Board Action:

On MOTION of LOONEY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 945 to January 23, 1990.

OTHER BUSINESS

Review and Approval of 1990 Meeting Schedule

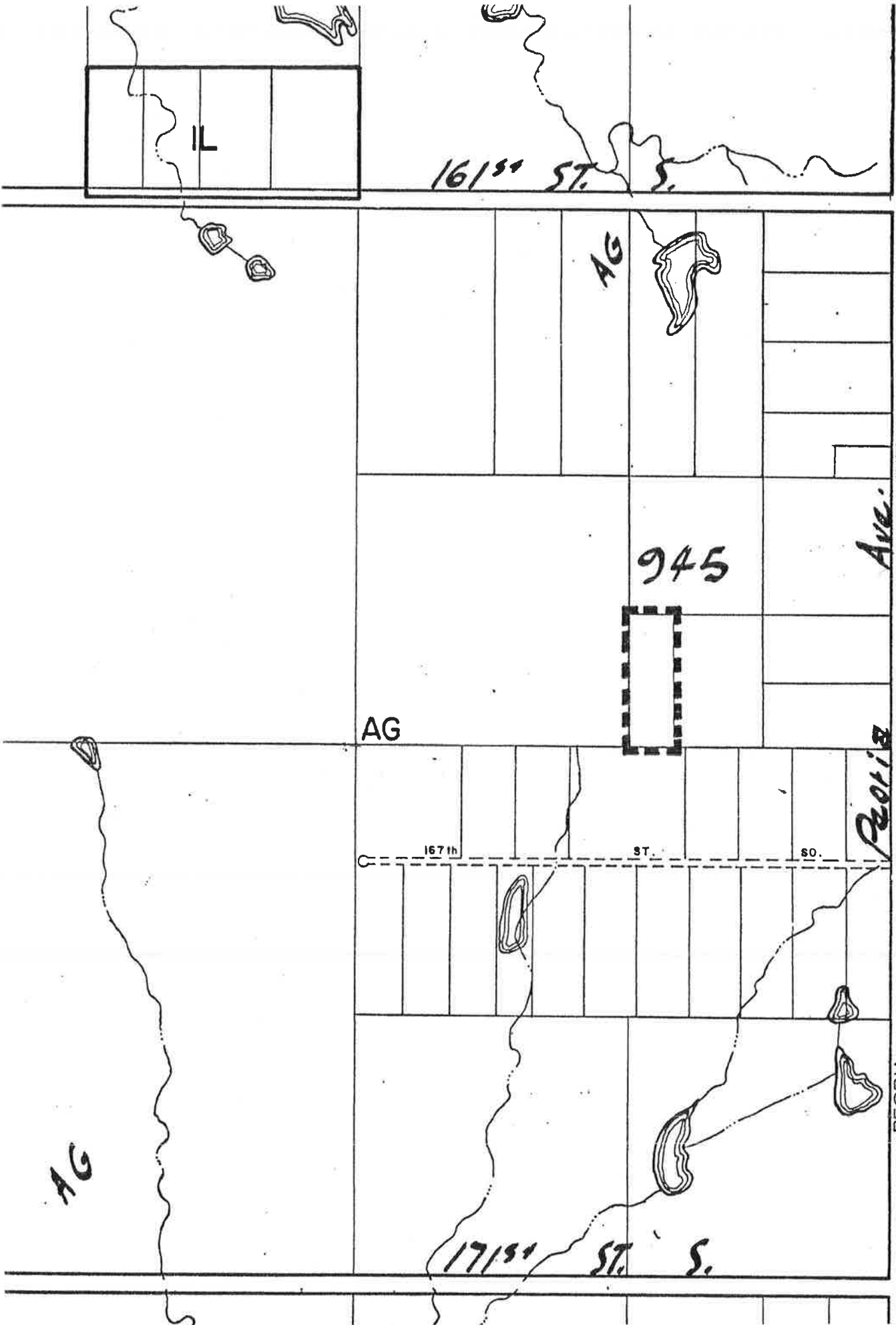
Board Action:

On MOTION of ELLER, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the 1990 meeting schedule (Exhibit D-1) as presented.

There being no further business, the meeting was adjourned at 2:04 p.m.

Date Approved Jan. 23, 1990

Wayne Alberty
Chairman



PEORIA AVENUE

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Case No. 696 (continued)

Board Action:

On MOTION of LOONEY the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home; and to APPROVE a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209) to allow more than 1 dwelling unit (2) per lot of record; subject to Building Permit and Health Department approval; finding that the subject property is partially surrounded by industrial zoning; finding that there are numerous mobile homes in the area and that the granting of the requests will not be detrimental to the area and will be in harmony with the spirit and intent of the Code; on the following described property:

The north 132' of the south 264' of the east 330' of the NE/4 NE/4 NE/4, less the east 30' for roadway, Section 17, T-19-N, R-12-E, Tulsa County, State of Oklahoma.

Case No. 698

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required frontage on a public street to permit all lots of Country Acres Subdivision to front on a private street.

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Request a variance of the required lot width in an AG District from 200' to 171' for Lot 14, located 1/2 mile south and west of East 161st Street South and Peoria Avenue.

Presentation:

The applicant, Jack Cox, 7935 East 57th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit C-1) and a copy of the preliminary plat (Exhibit C-2), stated that he represents the owners of the property in question. He asked that a private street be permitted in lieu of a dedicated street and that the lot width of Lot 14 be reduced. Mr. Cox pointed out that this lot exceeds the acreage requirement. He stated that Glenpool requested that a cul-de-sac be installed, which has been complied with.

Comments and Questions:

Mr. Alberty asked the applicant if a covenant has been drawn up that states that the homeowners are responsible for maintenance of the street and he answered in the affirmative.

Protestants: None.

Case No. 698 (continued)

Board Action:

On MOTION of LOONEY the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 207 - Street Frontage Required - Use Unit 1206) of the required frontage on a public street to permit all lots of Country Acres Subdivision to front on a private street; and to APPROVE a Variance (Section 330 - Bulk and Area Requirements In Agriculture Districts) of the required lot width in an AG District from 200' to 171' for Lot 14; subject to the filing of an approved plat by TMAPC; finding a hardship demonstrated by the size of the lot and the fact that it exceeds the acreage requirement; on the following described property:

N/2, SE/4 of Section 25, T-17-N, R-12-E, Tulsa County, Oklahoma.

Case No. 700

Action Requested:

Variance - Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1206 - Request a variance to allow three dwelling units per lot of record, located approximately NW/c of 52nd Street and 107th West Avenue.

Presentation:

The applicant, Corrine Briscoe, 2914 Victor, Kansas City, Missouri, stated that she owns the property in question. She stated that a house was moved on her property to use for rental units and that she was not aware that she needed permission for the additional dwelling.

Comments and Questions:

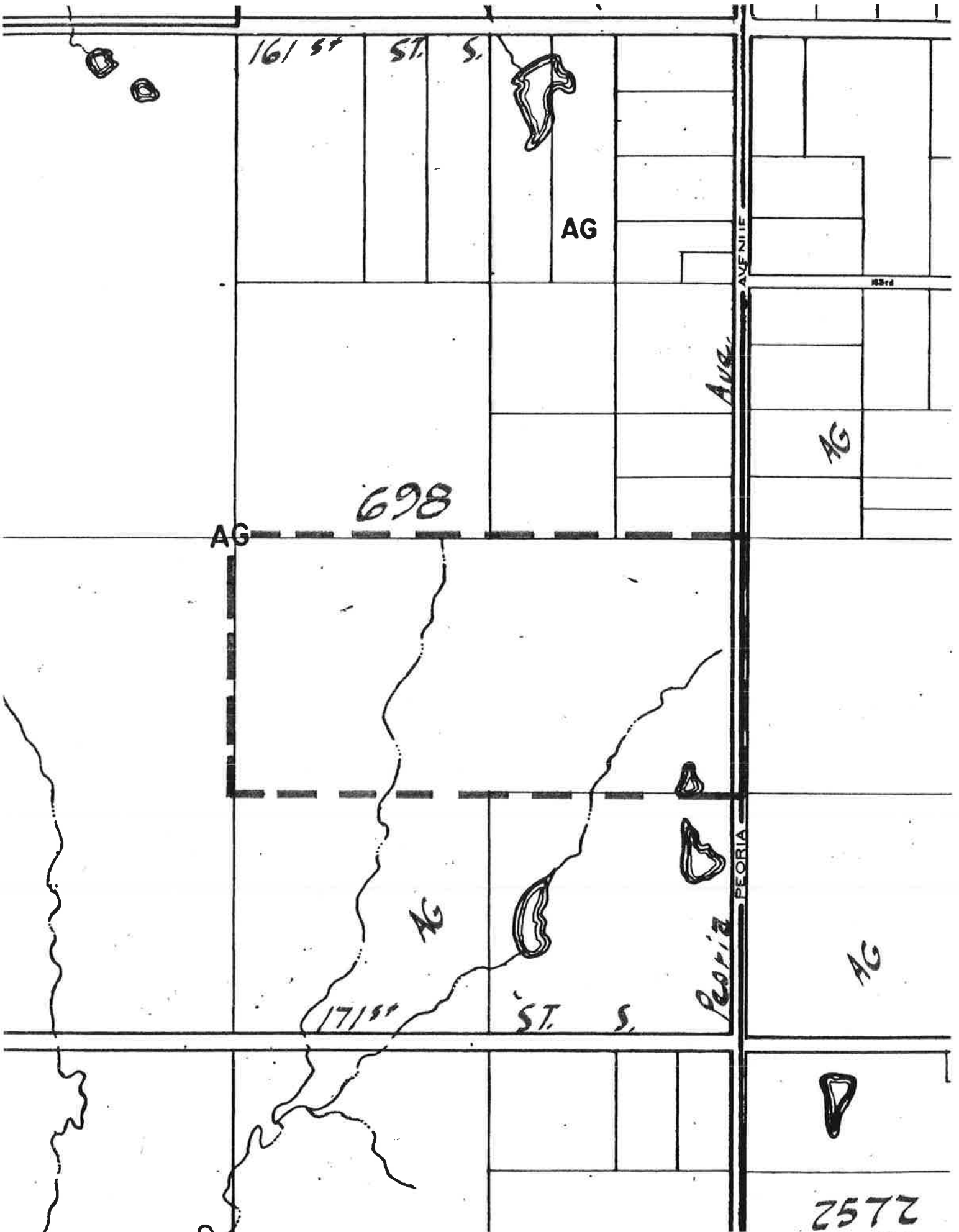
Mr. Alberty asked where the additional house is located on the property and Ms. Briscoe informed that it was placed between the 2 existing houses.

Mr. Alberty inquired if the houses are on a septic system and she answered in the affirmative.

Mr. Alberty asked Ms. Briscoe if she lives in one of the dwellings and she informed that they are all rental units. The applicant pointed out that there is another lot with 3 dwellings located down the street from her property.

Mr. Jones stated that the irregular tract could be split into 3 separate lots by right, but Ms. Briscoe did not want to create 3 separate parcels.

Protestants: None.



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171 ST S

ST. S.

Peoria

PEORIA AVENUE



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10.20



E 161st ST S

E 165 ST S

E 167 ST S

E 168 ST S

S 1 E AVE

S 2 E PL

S 4 E AVE

S PEORIA AVE



Subject Tract

CBOA-2876

17-12 25

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: May 2020

10.21





0 Feet 50 100



Subject Tract

CBOA-2876

17-12 25

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: May 2020

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NON-EXCLUSIVE EASEMENT

The undersigned Clinton T. Zickefoose and Tamara L. Zickefoose, husband and wife, and Andrew Zickefoose, a single person, (hereinafter "Grantors") do hereby grant, bargain, sell and convey to Codey Zickefoose, a single person, (hereinafter "Grantee"), his lawful invitees, successors and assigns, for and in consideration of ten dollars (\$10.00) and other good and valuable consideration a non-exclusive road and utility easement over and across the following described property, to-wit:

TRACT A: The South 30 feet of a tract described as beginning at the NE/corner of the SW/4 NE/4 of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, thence South 660.93 feet; thence West 467.08 feet; thence North 660.86 feet; thence East 467.25 feet to the point of beginning.

AND

TRACT B: The North 30 feet of the East 463 feet of the S/2 SW/4 NE/4 of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma,

This road and utility easement is given for the express purpose of allowing Grantee access to and ingress and egress to and from his lands which are more particularly described as follows, to-wit:

The East 329.58 feet of the West 857 feet of the S/2 SW/4 NE/4 of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma,

and for permitting Grantee to locate, construct, build and maintain utility facilities reasonable and necessary for the development, use and enjoyment of Grantee's land.

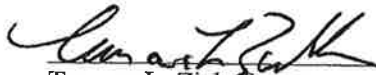
Grantee shall save and hold harmless Grantors from any liability or damage resulting from Grantee's use of the easements granted to them herein.


Grantors, acting in their sole discretion, reserve the right to make use of the subject easement in a manner which is not inconsistent with the rights granted to Grantee herein. In this regard, Grantors shall have no responsibility or liability for the maintenance of any road constructed and/or used by Grantee, unless and until Grantors actually makes use of such road for their own purposes.

IN WITNESS WHEREOF, the Grantors herein named have hereunto set their hand seals this

10 day of Feb., 2021.


Clinton T. Zickefoose


Tamara L. Zickefoose


Andrew Zickefoose

STATE OF OKLAHOMA)

)ss.

ACKNOWLEDGMENT

COUNTY OF Tulsa)

Before me, a Notary Public in and for said County and State, on this 10th day of February, 2021, personally appeared Clinton T. Zickefoose, Tamara L. Zickefoose, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My Commission Expires:

11-19-21
(SEAL)


Notary Public/Commission # 13010632



ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, on this 10th day of February, 2021, personally appeared Andrew Zickefoose, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

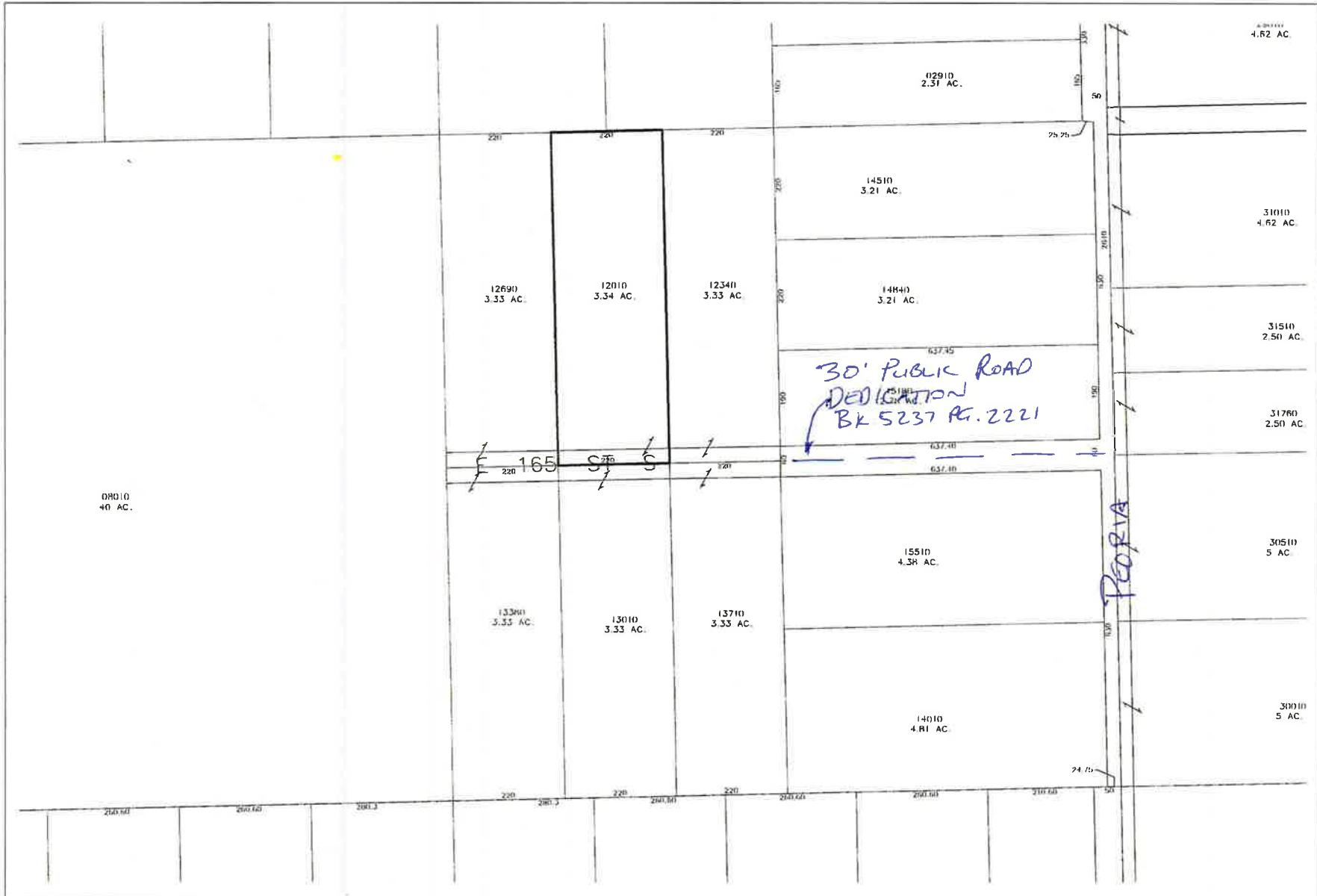
My Commission Expires:

11-19-21
(SEAL)


Notary Public/Commission # 13010632



10.25



Ken Yazel
Tulsa County Assessor

1 inch = 250'
N

P.O. Box 787 Glenpool, Okla. 74033

876768

BOOK 5237 PAGE 2221

DEDICATION FOR PUBLIC ROAD

Dedication made this 20th day of February, 1990, by BOBBY J. HUNT and LISA M. HUNT, husband and wife, of 16430 South Peoria, Bixby, Oklahoma, 74008, herein referred to as "Grantor" to the County of Tulsa, State of Oklahoma, herein referred to as "Grantee".

Grantor for the consideration of One Dollar (\$1.00) and other good and valuable consideration paid by Grantee, receipt of which is acknowledged, Grantor hereby grants to Grantee, its successors and assigns, an easement hereinafter described, over and across the hereinafter described land for a public road. The easement is located and described as follows:

The South 30 feet of the following described property: The South 220 feet of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE/4 SE/4 NE/4) more particularly described as beginning 661.17 feet North of the Southeast Corner of the Northeast Quarter; Thence North 220 feet; Thence West 662.2 feet; Thence South 220 feet; Thence East 662.15 feet to the Point of Beginning, all being a part of Section Twenty-five (25), Township Seventeen (17) North, Range Twelve (12) East, Tulsa County, Oklahoma containing 3.34 acres, more or less.

IN WITNESS WHEREOF, the Grantors have executed this Dedication the day and year first above written.

STATE OF OKLAHOMA
TULSA COUNTY
FILED OR RECORDED
90 FEB 23 PM 12:36
JOAN HASTINGS
TULSA COUNTY CLERK

Bobby J. Hunt
BOBBY J. HUNT, "Grantor"

Lisa M. Hunt
LISA M. HUNT, "Grantor"

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 20th day of February, 1990, personally appeared Bobby J. Hunt and Lisa M. Hunt, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.



Joan Hastings
Notary Public

My Commission Expires:



800

TULSA ABSTRACT & TITLE CO.
11 MEMORIAL PLAZA
3023 E 63RD PL. SUITE 101
TULSA, OK 74133
(918) 750-9088

STATE OF OKLAHOMA
TULSA COUNTY
FILED OR RECORDED

92 JUN -8 PM 3:31

5411 0215

DEDICATION OF PUBLIC ROAD JOAN HASTINGS
AND ROAD MAINTENANCE AGREEMENT SA COUNTY CLERK
(AGREEMENT)

THIS AGREEMENT entered into this 9th day of May, 1992, by and among Clinton T. Zickefoose and Tamara L. Zickefoose, husband and wife, (Clinton Zickefoose), and Thomas E. Zickefoose and Frances D. Zickefoose, husband and wife (Thomas Zickefoose) and David R. Brandt and Judith Y. Brandt, husband and wife, (Brandt), and Kyle E. Zickefoose and Kiristi J. Zickefoose, husband and wife, (Kyle Zickefoose) and Sam E. Smith and Jackie L. Smith, husband and wife (Smith), and Bobby J. Hunt and Lisa M. Hunt, husband and wife, (Hunt);

1600

WHEREAS, Clinton Zickefoose is the owner of

West 220 feet of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SE/4 SE/4 NE/4), Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 1)

WHEREAS, Thomas Zickefoose is the owner of:

West 220 feet of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 2)

WHEREAS, Thomas Zickefoose is the owner of:

East 220 feet of the West 440 feet of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW/4 SE/4 NE/4) Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 3)

WHEREAS, Brandt is the owner of:

East 440 feet of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 4)

WHEREAS, Kyle Zickefoose is the owner of:

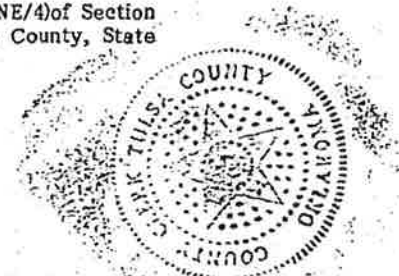
East 220 feet of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 5)

WHEREAS, Smith is the owner of:

North Half of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter N/2 SE/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 6)

WHEREAS, Hunt is the owner of:

South 220 feet of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE/4 SE/4 NE/4) of Section 25, Township 17 North, Range 12 East, Tulsa County, State of Oklahoma; (Tract 7)



TULSA ABSTRACT & TITLE CO.

5411 0216

WHEREAS, Hunt, pursuant to document recorded in Book 5237 at Page 2221, have granted a 30 foot roadway easement across the South 30 feet of Tract 7, and

WHEREAS, Smith, pursuant to document recorded in Book 5237 at Page 2220, have granted a 30 foot roadway easement across the North 30 feet of Tract 6, and

NOW, THEREFORE, the parties hereto do agree as follows:

1. That C. Zickefoose does hereby grant, create, convey and devise to the Public a 30 foot strip over the North 30 feet of Tract 1 for roadway purposes;

2. That Thomas Zickefoose does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the South 30 feet of Tract 2 for roadway purposes;

3. That Thomas Zickefoose does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the North 30 feet of Tract 3 for roadway purposes;

4. That Brandt does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the South 30 feet of Tract 4 for roadway purposes;

5. That Kyle Zickefoose does hereby give, create, convey and devise to the Public a 30 foot strip for roadway purposes over the North 30 feet of Tract 5 for roadway purposes;

6. That each owner grants a perpetual non-exclusive mutual access easement for the purposes of permitting access to and from public streets to and from each of the lands to which this mutual access easement extends.

7. That vehicular parking upon a mutual access easement shall be limited to parking which does not prohibit or unreasonably interfere with the passage of other owners to and from their respective lands.

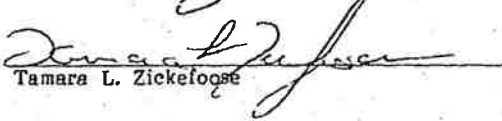
8. That each owner whose land derives its access from a mutual access easement shall be responsible for a pro rata share of the cost of maintaining in good repair the surfacing in the configuration and at the standard of construction existing at the time of occupancy of the first land which derived its access from the mutual access easement.

9. That any two land owners, whose lands derive their access from a mutual access easement, may undertake necessary maintenance of the surfacing and recover from the other lands who derive access from the mutual access easement a pro rata share of the costs of maintenance; provided, however, maintenance activity shall meet a standard, both as to need and as to materials and workmanship, as would be acceptable by FHA or VA standards.


10. That in the event of any dispute arising concerning maintenance of the common drive or mutual access easement, each party shall choose one arbitrator and such arbitrators shall collectively choose an additional arbitrator, and the decision shall be by majority of all the arbitrators.

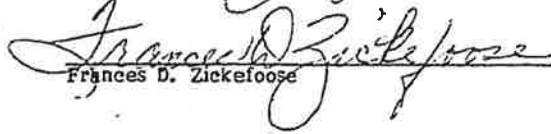
11. That this Agreement shall be binding upon the heirs, successors and assigns of the parties and further any grantee of any party shall bear his or her portion thereof.


Clinton T. Zickefoose


Tamara L. Zickefoose

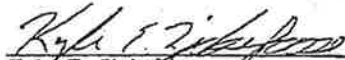
5411 0217

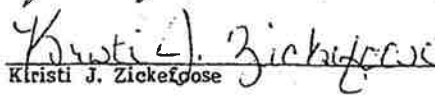

Thomas E. Zickefoose



Frances D. Zickefoose



David R. Brandt


Judith Y. Brandt

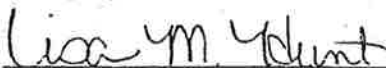

Kyle E. Zickefoose


Kristi J. Zickefoose


Sam E. Smith


Jackie L. Smith


Bobby J. Hunt


Lisa M. Hunt

STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 24 day of May, 1992, personally appeared Clinton T. Zickefoose and Tamara L. Zickefoose, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.

Sherryl A. Greif
Notary Public

My Commission Expires: _____
STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 25 day of May, 1992, personally appeared Thomas E. Zickefoose and Frances D. Zickefoose, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.

Sherryl A. Greif
Notary Public

My Commission Expires: _____
STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 24 day of May, 1992, personally appeared David R. Brandt and Judith Y. Brandt, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.

Sherryl A. Greif
Notary Public

My Commission Expires: _____
STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

5411 0219

STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 25 day of May, 1992, personally appeared Kyle E. Ziekefoose and Kiristi J. Ziekefoose, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.

Sherry A. Greif
Notary Public



STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 25 day of May, 1992, personally appeared Sam E. Smith and Jackie L. Smith, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.

Sherry A. Greif
Notary Public



STATE OF OKLAHOMA)
) ss
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 25 day of May, 1992, personally appeared Bobby J. Hunt and Lisa M. Hunt, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.

Sherry A. Greif
Notary Public



Pl 2 Box 181-A
Reply Ok. 74008

736389

STATE OF OKLAHOMA
CREEK COUNTY

FORM 7011

JOINT TENANCY
WARRANTY DEED
(INDIVIDUAL FORM)

79 JAN -5 AMTD 56

BOOK 4375 PAGE 1192

29
ANITA HUBBETT
COUNTY CLERK

KNOW ALL MEN BY THESE PRESENTS:

That Thomas E. Zickafoose and Frances D. Zickafoose, husband and wife
a/k/a Thomas E. Zickefoose and Frances D. Zickefoose

part ies of the first part.
in consideration of the sum of Ten and other dollars

and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do hereby
grant, bargain, sell and convey unto Robert Edward Harris and Daisy Kathryn Harris,
husband and wife

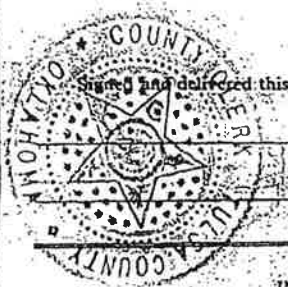
as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the
survivor, parties of the second part, the following described real property and premises situate in _____
TUESA County, State of Oklahoma, to-wit:

The North Half (N2) of the West Half (W2) of the Southeast Quarter
(SE4) of the Northeast Quarter (NE4) of Section 25, Township 17
North, Range 12 East of the Indian Base and Meridian LESS AND
EXCEPT all the oil, gas, minerals and mineral rights, and RESERVING
unto the grantors a roadway easement and right-of-way over and
across the South 30 feet of the described property.



together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title
to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, as such joint
tenants, and to the heirs and assigns of the survivor, forever, free, clear and discharged of and from all former
grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.



Signed and delivered this 2nd day of January, 19 79
Thomas E. Zickafoose
Frances D. Zickafoose

INDIVIDUAL ACKNOWLEDGMENT—OKLAHOMA FORM

STATE OF OKLAHOMA County of Creek, SS.

Before me, a Notary Public in and for said County and State, on this 2nd day of January, 19 79
personally appeared Thomas E. Zickafoose and Frances D. Zickafoose, husband
and wife a/k/a Thomas E. Zickefoose & Frances D. Zickefoose

to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that
they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office this 2nd day of January, 19 79.
My commission expires _____ William L. Wilson Notary Public

10.32

71155

STATE OF OKLAHOMA
TULSA COUNTY
FILED OR RECORDED

EASEMENT

BDO-4628 PAGE 1504

1982 AUG -2 AM 11: 02

KNOW ALL MEN BY THESE PRESENTS:

ANITA NESBITT
COUNTY CLERK

That the undersigned owner of the legal and equitable title to the following described real estate, for and in consideration of the value received, the receipt of which is hereby acknowledged, does hereby grant and convey to Rural Water District Number 2, Creek County, State of Oklahoma, a perpetual easement through, over, under, and across the following described property:

The North Half (N2) of the West Half (W2) of the Southeast Quarter (SE4) of the Northeast Quarter (NE4) of Section 25, Township 17 North, Range 12 East of the Indian Base and Meridian, LFSS AND EXCEPT all the oil, gas, minerals and mineral rights, and RESERVING unto the grantors a roadway easement and right-of-way over and across the South 30 feet of the described property.

Tulsa County, Oklahoma

for the purposes of permitting the construction of water lines, telephone and electric lines, cables, conduits, pole lines and roads thereon, through, over, under, and across said property, together with all necessary and convenient appurtenances thereto; and to use and maintain the same, and affording the owners and operators of the above mentioned Rural Water District Number 2, Creek County, Oklahoma, their officers, agents, employees, and/or all persons under contract with them, the right to enter upon said premises and strip of land for the purpose of surveying, excavating for, constructing, operating, and maintaining such utility, and for terminating such use.

The Rural Water District Number 2, Creek County, Oklahoma is hereby given and granted possession of the above described premises for the purposes aforesaid, and the undersigned, for himself, and his heirs, administrators, successors, and assigns, covenants and agrees that no building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed, or permitted upon the above described premises; and further covenants and agrees that in the event the terms of this paragraph are violated by the undersigned, or any person in privy with him, such violation will be corrected and eliminated immediately upon receipt of notice from the above mentioned Rural Water District Number 2, or that utility shall have the right to correct and eliminate such violation.

TO HAVE AND TO HOLD such easement unto Rural Water District Number 2, Creek County, Oklahoma forever.

Dated this 29th day of July, 1982.

ATTEST: (SEAL)

Robert J. Harris
Daisy K. Harris

STATE OF OKLAHOMA)
COUNTY OF TULSA)SS

Before me, the undersigned, a Notary Public in and for said County and State, on this 29th day of July, 1982, personally appeared ROBERT J. HARRIS, to me known to be the identical person s who executed the foregoing instrument and acknowledged to me that THEY executed the same as THEIR free and voluntary act and deed for the purposes therein set forth.

GIVEN under my hand and seal the day and year last above written.

My commission expires: DEC. 4, 1982

Thurston B. Steil
Notary Public

STATE OF _____)
COUNTY OF _____)SS

Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 19____, personally appeared _____ to me known to be the identical person who subscribed the name of the _____ to the foregoing instrument as its _____, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed of such corporation for the uses and purposes therein set forth.

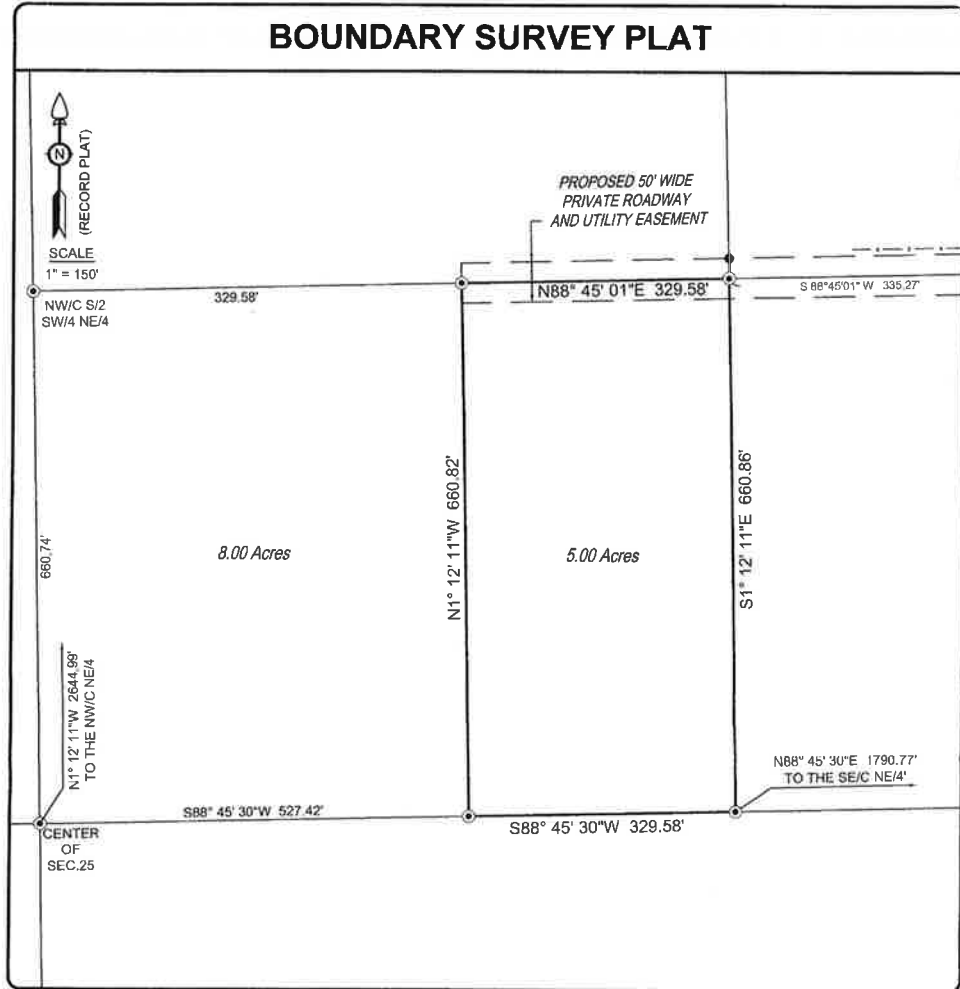
GIVEN under my hand and seal the day and year last above written.

My commission expires: _____

Notary Public



BOUNDARY SURVEY PLAT



LEGAL DESCRIPTION	LINE AND SYMBOL LEGEND	
<p>The East 329.58 feet of the West 857.00 feet of the South Half of the Southwest Quarter of the Northeast Quarter (S/2 SW/4 NE/4) of Section Twenty-five (25), Township Seventeen (17) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, Containing 5.00 acres, more or less.</p>	<p> 1/2" Iron Rod Set, CA 7652 3/8" Iron Rod Found A/C Unit Power Pole Water Meter Gravel Concrete Asphalt Property Line Fenceline Overhead Electric Easement </p>	
NOTES	SURVEYOR'S CERTIFICATE	
<ol style="list-style-type: none"> 1. Current Owner: Clinton Thomas & Tamara L. Zickefoose 2. No title report furnished. Easements, rights of way, or other encumbrances other than those shown hereon may exist. 3. Property subject to all covenants, easements, restrictions, reservations, conditions, and rights of way of public record. 4. The basis of bearings is Grid North (Oklahoma State Plane, Zone North), NAD83 (2011). 5. The purpose of this survey is to split the land as shown hereon in accordance with the desires of the current record owners. 	<p>I, Jason R. Lilly, a Registered Professional Land Surveyor of the State of Oklahoma, do hereby certify that I or others under my direct supervision have made a careful survey of the property shown hereon. I further certify that this Plat of Survey meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.</p> <div style="text-align: right;"> </div>	
	<p>FORESIGHT LAND SURVEYING, LLC 318 WEST MAIN STREET HENRYETTA, OK 74437 918-268-2502 OFFICE@FORESIGHTSURVEYING.NET WWW.FORESIGHTSURVEYING.NET CA #7652</p>	<p>SHEET: 1 OF 1 Date: 6/01/2020 Fieldwork by: RLW Drawn by: JSB Checked by: JRL Owner: Zickefoose Project No. 20-0081</p>



Proposed Driveway 2