AMENDED AGENDA Tulsa County Board of Adjustment Regularly Scheduled Meeting

Tuesday September 16, 2025, 1:30 p.m.
Williams Tower I

1 West 3rd Street, St. Francis Room Meeting No. 547



Consider, Discuss and/or Take Action On:

1. Approval of Minutes of August 19, 2025 (Meeting No. 546).

UNFINISHED BUSINESS

2. CBOA 3265 - Ted Schwendemann

Action Requested:

<u>Variance</u> of the rear yard setback (Section 3.040, Table 3-3 and a <u>Variance</u> to permit an accessory building in the side yard in an RS district (Section 18.080-C, Table 18-1) **Location:** 6832 W. 41st PI

3. CBOA 3278 - Charles & Monica McDonald

Action Requested:

<u>Special Exception</u> to permit a type 1 home occupation of Soap and Candle Making in the AG district (Section 8.120). **Location**: 15405 E Hwy 64

4. CBOA 3290 - Gricelda Lopez

Action Requested:

<u>Special Exception</u> to permit a manufactured housing unit, single section, in an RS-3 District (Sec. 3.030) **Location:** 5859 N. Norfolk Ave. East

NEW APPLICATIONS

5. CBOA 3293 - Matt Crutchfield

Action Requested:

<u>Variance</u> of the rear setback from 25 ft in the RE district to 5ft or 6ft; (Section 310, Table 3). **Location:** 8861 E 104 PL N

6. CBOA 3294 - Sheldon and Mia Liggins

Action Requested:

<u>Variance</u> of 10 feet for the side yard setback in the RE district to permit an accessory structure (Garage) (Sec. 030-A) **Location:** 204 W. 164th PI S

7. CBOA 3295 - Platinum Pest & Lawn - Jennifer

Action Requested:

<u>Special Exception</u> to permit a home occupation of Pest control and lawn service in the AG district (Section 8.120). **Location:** 12831 N 135th East Ave

8. CBOA 3296 - Annette Shaeffer

Action Requested:

<u>Special Exception</u> to permit a Rural Retreat on an AG district. (Sec. 6.50-G) **Location:** 4706 S 229th West Ave.

9. CBOA 3298 - Alexis Packham Johnson

Action Requested:

<u>Special Exception</u> to allow a duplex use in an RS-3 district (Sec. 3.030, Table 3-2) **Location:** 13115 S 121st East Ave.

10. CBOA 3299 - Nathan S. Cross

Action Requested:

<u>Special Exception</u> to allow Mining and Mineral Processing in an AG District (Sec. 6.010, Table 6-1) **Location**: 55th Street N. & 66th Street NW of N. 145th E. Ave Continuance required for amended newspaper renotice to October 21, 2025 meeting.

11. CBOA 3300 - Timber Wolf Excavating

Action Requested:

<u>Special Exception</u> to allow Mining and Mineral Processing in an AG District (Sec. 6.010, Table 6-1) **Location**: 8405 N. Memorial Drive

OTHER BUSINESS

ELECTION OFFIGERS:

Current Positions Held:

David Charney - Chair
Don Hutchinson - Vice Chair
Michael Hicks - Secretary
Scott Houston
William Tisdale

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: https://www.incog.org/Land_Development/land_main.html

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. <u>All electronic devices must be silenced</u> during the Board of Adjustment meeting.



Case Number: CBOA-3265

Hearing Date: 9/16/2025 1:30 PM

Continuance from 5/20/25 & 8/19/25

Case Report Prepared by:

Kendal Davis

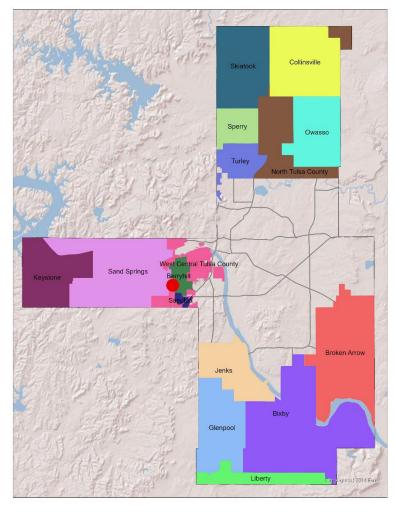
Owner and Applicant Information:

Applicant: Ted Schwendemann

Property Owner: Same

<u>Action Requested</u>: Variance of the rear yard setback (Section 3.040, Table 3-3 and a Variance to permit an accessory building in the side yard in an RS district (Section 18.080-C, Table 18-1)

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 0.70 acres

Location: 6832 W 41st Pl

Present Zoning: RS-3

Fenceline/Area: Sand Springs

Land Use Designation: Residential

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 9230 CASE NUMBER: CBOA-3265

CASE REPORT PREPARED BY: Kendal Davis

HEARING DATE: 9/16/2025 1:30 PM Continuance from 5/20/25 & 8/19/25

APPLICANT: Ted Schwendemann

ACTION REQUESTED: Variance of the rear yard setback (Section 3.040, Table 3-3 and a Variance to

permit an accesory building in the side yard in an RS district (Section 18.080-C, Table 18-1)

LOCATION: 6832 W 41st Pl **ZONED:** RS-3 (Residential Single

Family)

FENCELINE: Sand Springs

PRESENT USE: Vacant **TRACT SIZE:** 0.70 acres

LEGAL DESCRIPTION: LT 4 BLK 4 STRATFORD ESTATES BLK 4

RELEVANT PREVIOUS ACTIONS: None

Surrounding Property:

CBOA-2531 April 2015: The Board approved variance to allow a detached accessory building to exceed the 750 sf size limitation to allow a 40 X 50 RV storage and 20 X 20 shed (Sec 240.E) Variance of the requirement that detached accessory buildings must be located in the rear yard. (Section 420.2.A.2)

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS-3 and contains a residence. The tract abuts RS-3 zoning to the north, south, east and west, containing single family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of the rear yard setback (Section 3.040, Table 3-3 and a Variance to permit an accessory building in the side yard in an RS district (Section 18.080-C, Table 18-1).

Tulsa Count Zoning Code Section 18.080, Table 18-1 prohibits an accessory building from being located in the required side setback for any lot in the RS-3 district. The applicant had previously built a shed that does not meet this requirement and is seeking a variance to permit the shed. In addition the Tulsa County Zoning code requires a rear yard of 20 ft. Due to the shape of the lot, the owner has built the shed closer to the rear property line than allowed. They did not provide a specific distance.

The applicant provided the statement "I was told if was out of city limits I did not need a permit for my shed. I need a variance approved for my shed already built on my property. My neighbors have similar sized buildings. My property is to small to meet the requirements of my barn. I approved size and placement with my neighbors before it was built."

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

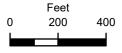
Subject to	the following conditions, if any:
1)	
2)	
3)	

In approving a variance, the board of adjustment is authorized to impose such conditions and restrictions as the board determines to be necessary to ensure compliance with the standards of §14.100-H, to reduce or minimize the effect of the variance upon other properties in the area, and to better carry out the general purpose and intent of these zoning regulations.

No Variance may be approved unless the board of adjustment determines that the following facts favorable to the property owner have been established.

- a. That by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of applicable zoning regulations would result in unnecessary hardship.
- b. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same zoning district; and
- c. That the variance, if granted, will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of these zoning regulations, or the comprehensive plan.

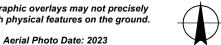


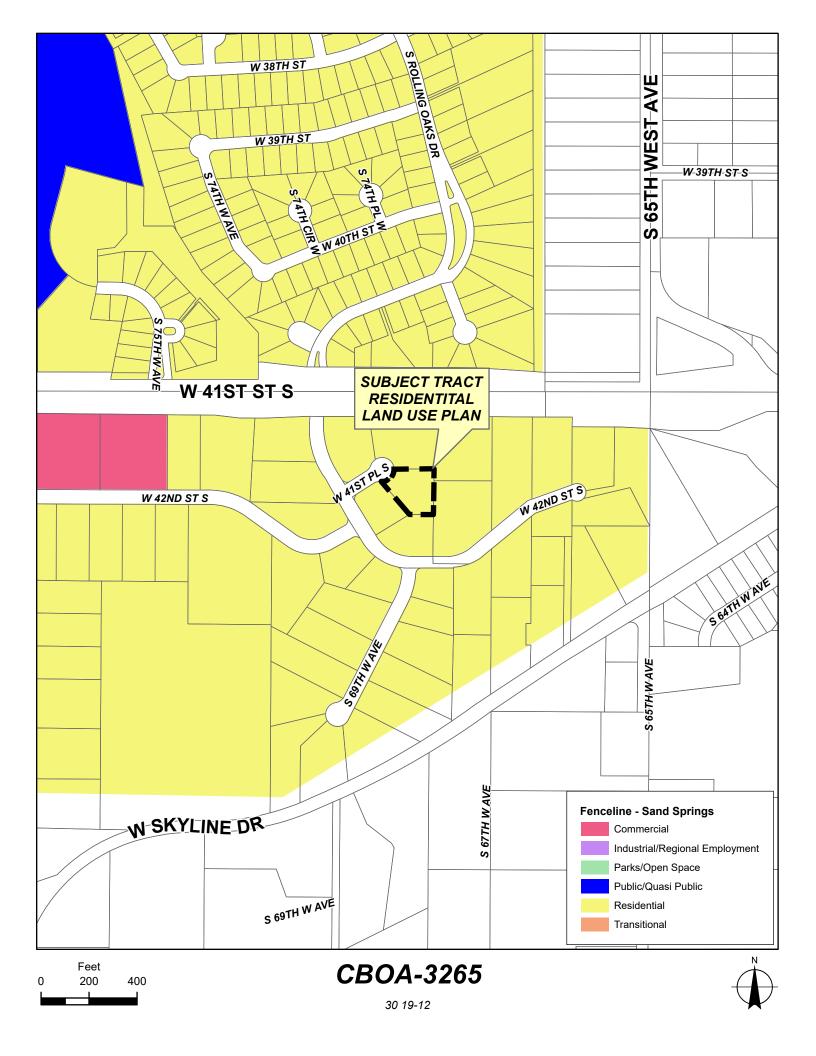


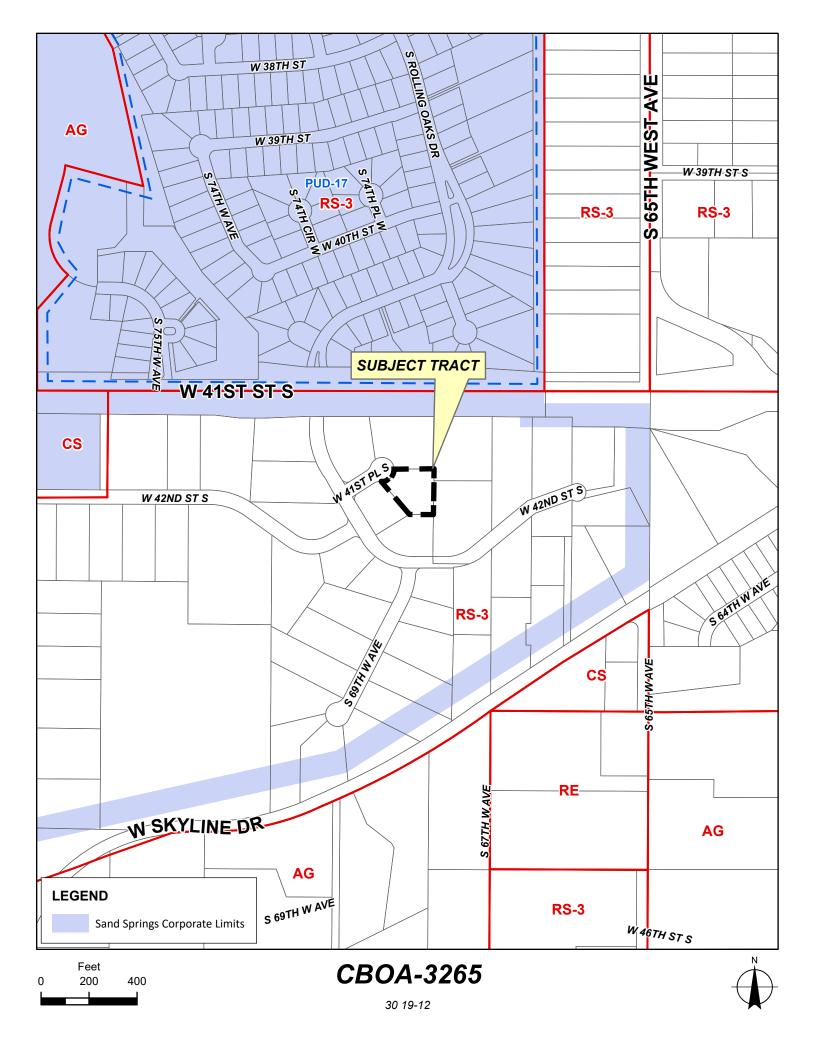


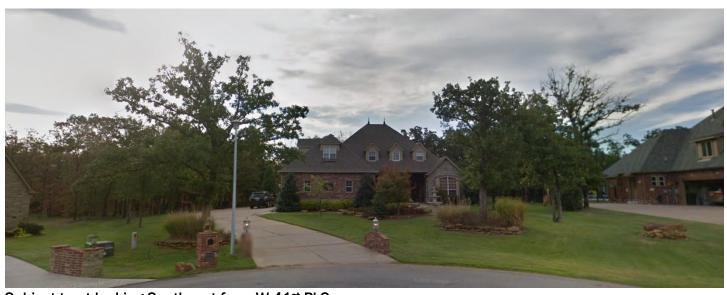
CBOA-3265

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









Subject tract looking Southeast from W 41st PI S

Davis, Kendal

Subject: RE: [EXTERNAL] RE: CBOA-3265

Is TC Engineering looking at this project? The excess rain and aerobic waste water runoff is injurious to my residential property next door.

Thank you,

Subject: RE: [EXTERNAL] RE: CBOA-3265

I never agreed to the size of his building. I told him the covenants stated it had to be 15 feet from the property line between our houses.

I applied for a variance in April 2021 CBOA-2531 and was approved because of the water runoff. I ended up placing my 30x50 garage in the rear of my house instead.

Ted got some bad advice from the lady he bought his house from. Rona Ellen complained extensively about me posssibly placing my garage in the side yard. She then told Ted he could build his garage in the side yard. Any other neighbors don't suffer the consequences of the now even more extennsive water runoff.

Subject: RE: [EXTERNAL] RE: CBOA-3265

The project will have to go through Tulsa County Engineering to determine how to handle runoff.

Thank you,

Jay Hoyt

Sent: Monday, May 19, 2025 1:13 PM

To: Hoyt, Jay < JHoyt@incog.org>

Subject: RE: [EXTERNAL] RE: CBOA-3265

All of the rain runoff from the 2,400 sq foot building now runs onto my property and is a drainage issue. How is the runoff going to be handled?



Sent by neighbor



Sent by neighbor



Sent by neighbor



Sent by neighbor

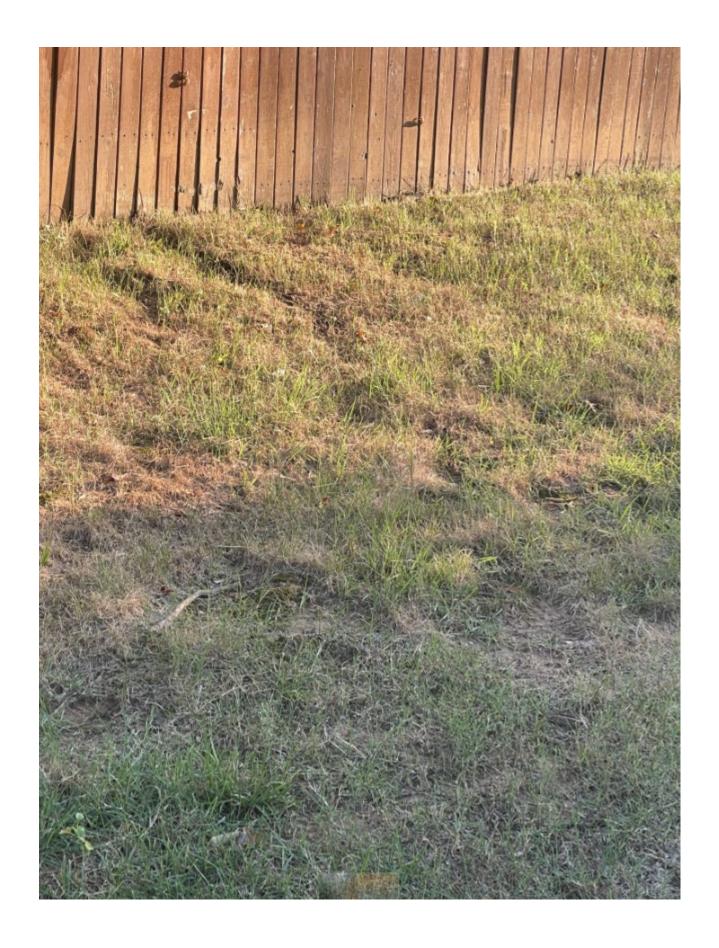


3 ft of dirt piled against the fence and a 2,400 sq ft non compliant garage causing erosion problems that are only going to get worse. If the county doesn't address this issue then civil court will get expensive for all of us. –

Sent by neighbor



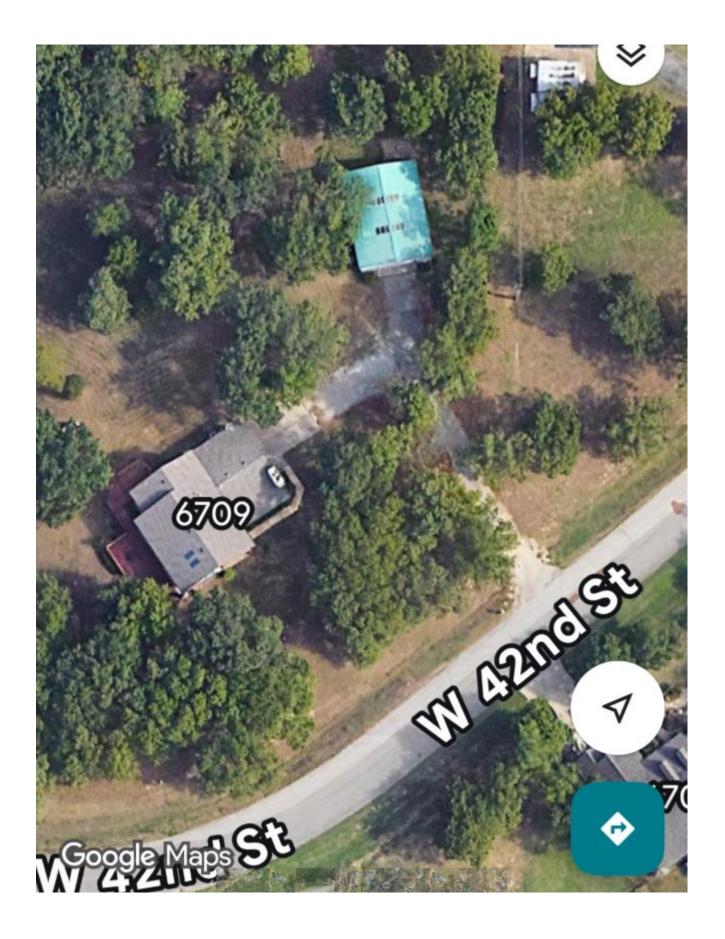
Sent by neighbor

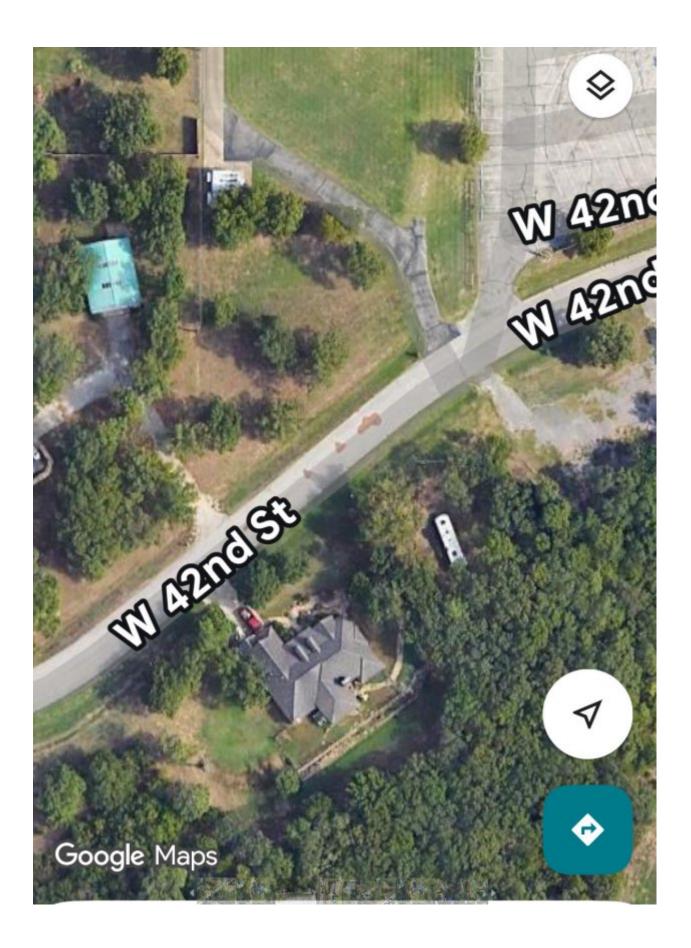


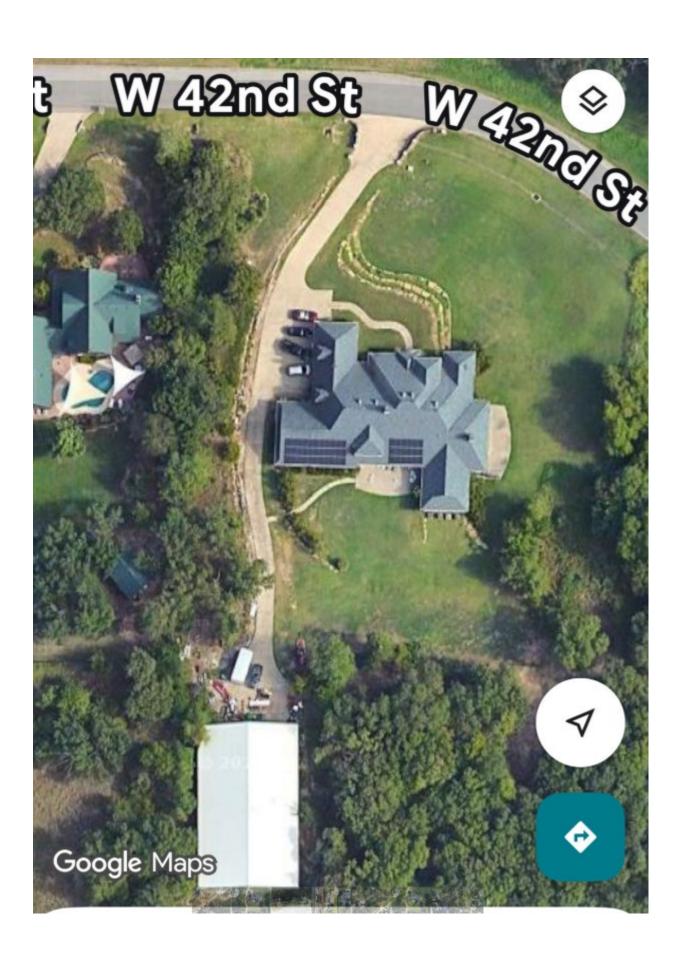
Sent by neighbor

Neighborhood pictures of surrounding area below:

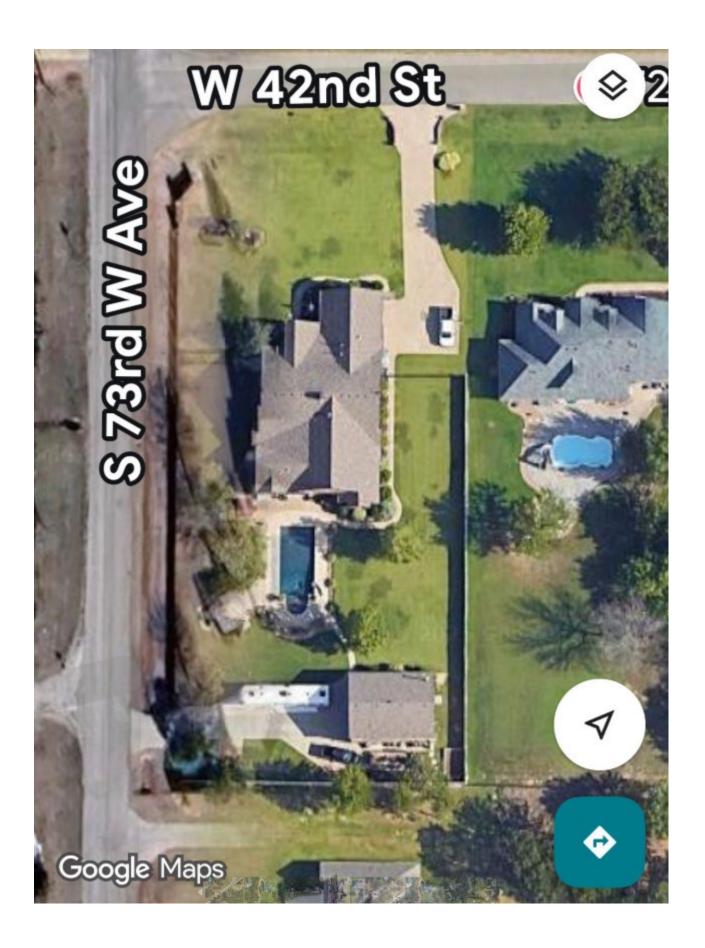


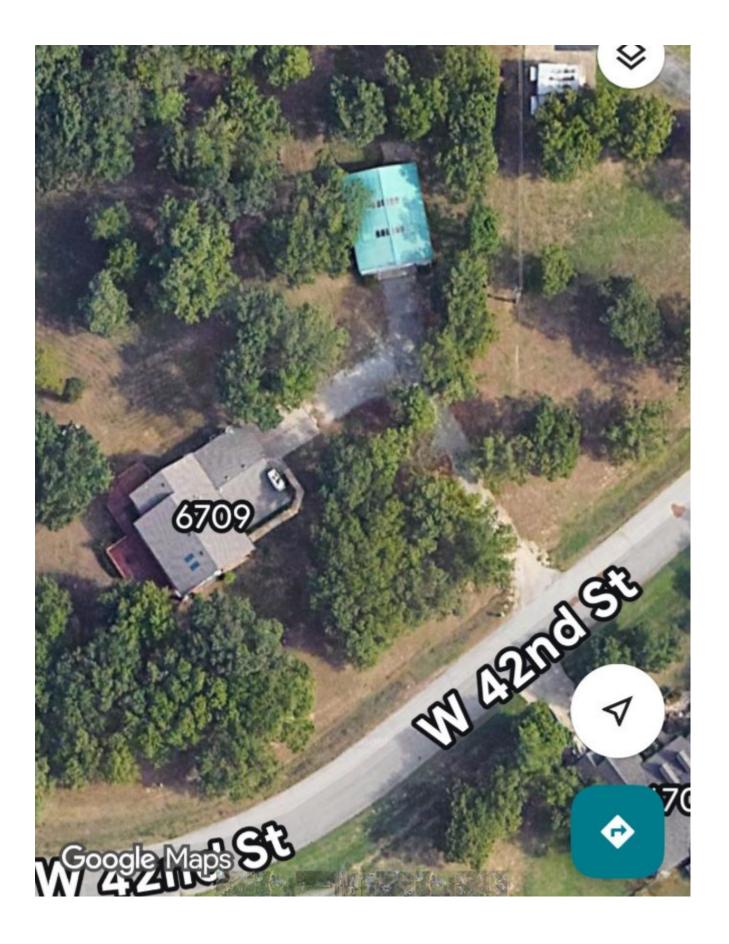


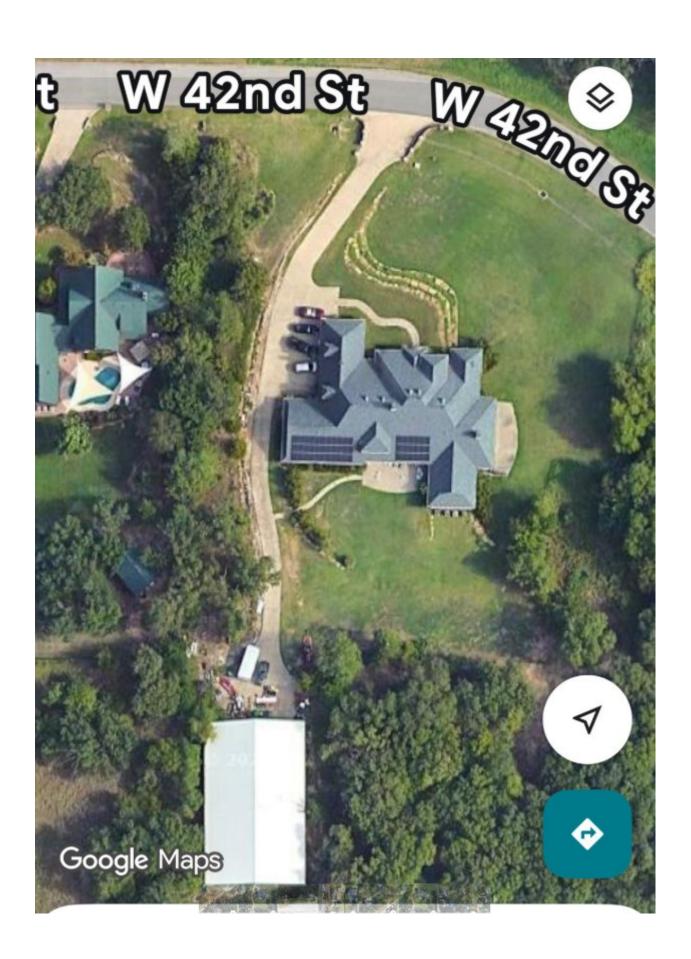


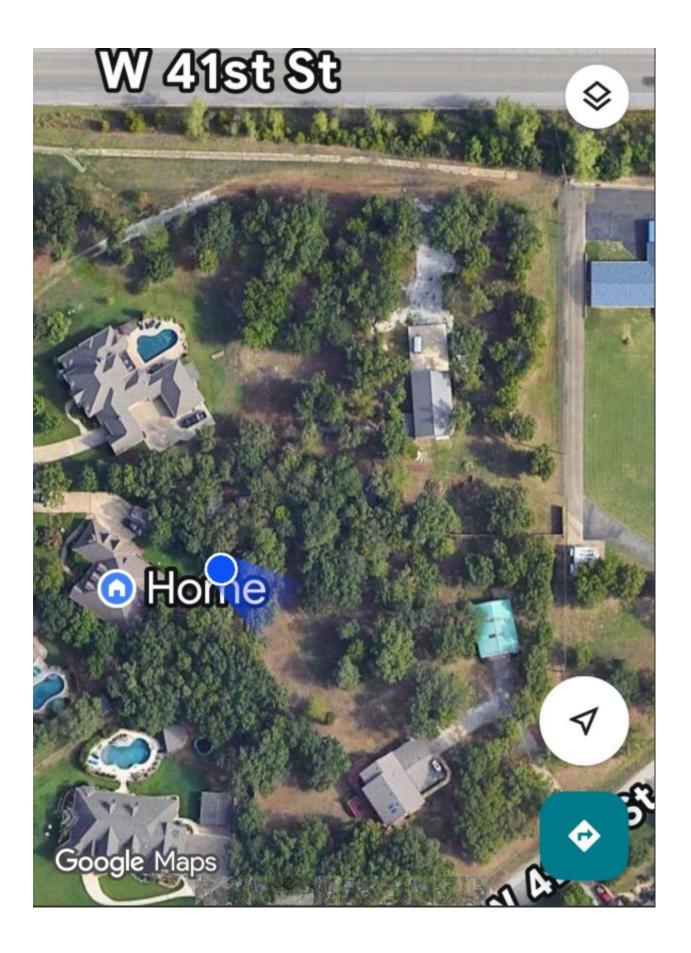








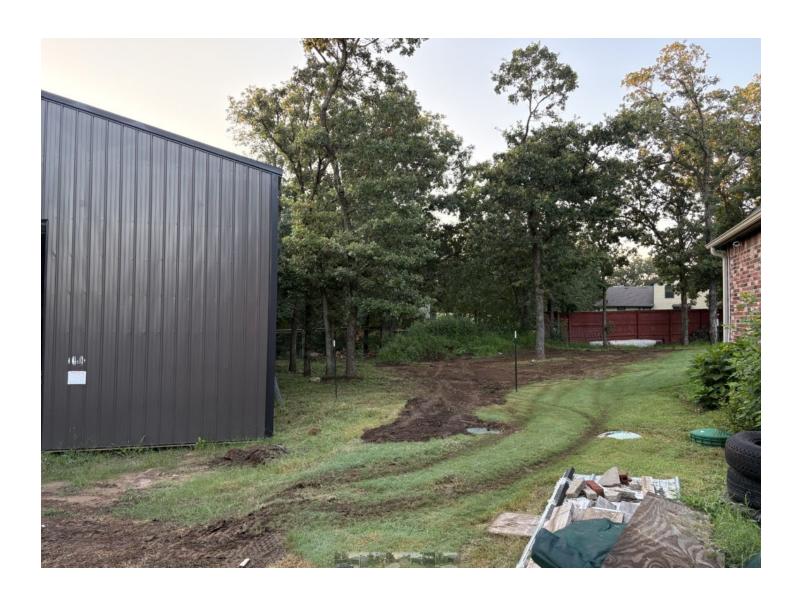






Attached is a few photos of my barn and my neighbors properties. - Ted Schwendemann













Case Number: CBOA-3278

Hearing Date: 9/16/2025 1:30 PM Continuance from 5/20/25 & 8/19/25

Case Report Prepared by:

Kendal Davis

Owner and Applicant Information:

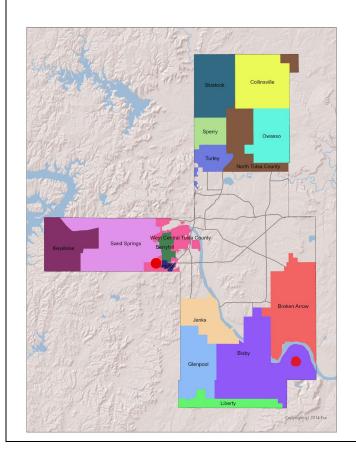
Applicant: Charles & Monika

MacDonanld

Property Owner: Same

<u>Action Requested</u>: Special Exception to permit a type 1 home occupation for Soap Making and Candle making in the AG district (Section 8.120).

Location Map:



Additional Information:

Present Use: Residence

Tract Size: 7 acres

Location: 15405 E Highway 64

Present Zoning: AG (Agricultural)

Fenceline/Area: Bixby

Land Use Designation: Residential

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 7427 CASE NUMBER: CBOA-3278

CASE REPORT PREPARED BY: Kendal Davis

HEARING DATE: 8/19/2025

Applicant Continuance request from 6/17/2025 and 07/15/2025 1:30 PM

APPLICANT: Charles & Monika MacDonanld

ACTION REQUESTED: Special Exception to permit a type 1 home occupation for Soap Making and Candle

Making in the AG district (Section 8.120).

LOCATION: 15405 E Highway 64 **ZONED:** AG (Agricultural)

FENCELINE: Bixby

PRESENT USE: Residence **TRACT SIZE:** 7 acres

LEGAL DESCRIPTION: LOT 5 BLOCK 1 DEERFIELD CREEK

RELEVANT PREVIOUS ACTIONS: None Relevant

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG contains a single-family residence. The tract is surrounded by AG zoning containing single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Special Exception to permit a type 1 home occupation of Soap making and Candle making in the AG district (Section 8.120).

Type 1 Home Occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, artists and crafts people

A special exception is required as the proposed home occupation is a use which is not permitted by right but by exception in the AG district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The proposed home occupation must be found to be compatible with the surrounding neighborhood.

The applicant provided the statement:

"There is ample space to conduct a home occupation that will have no effect on adjacent properties. Its intended use is also to remain as agricultural/residential."

Sample Motion:

"Move to _____ (approve/deny) a Special Exception to permit a Type 1 home occupation of Soap Making and Candle making in the AG district (Section 8.120).

Sub	iect to	the f	ollowing	conditions,	if anv
OUD.	μ	$u \sim v$	UIIUWIIIE	ooi iaidoi is.	II GIIV.

1) _	 	
<i>2</i>) _		
<i>3</i>) _		

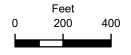
In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board of adjustment determines to be necessary to ensure compliance with the standards of §14.080-G, to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of these zoning regulations

That the special exception will be in harmony with the spirit and intent of these zoning regulations; and the special exception will not be injurious to property in the vicinity of the subject property or otherwise detrimental to the public welfare.



Street View from Highway 64



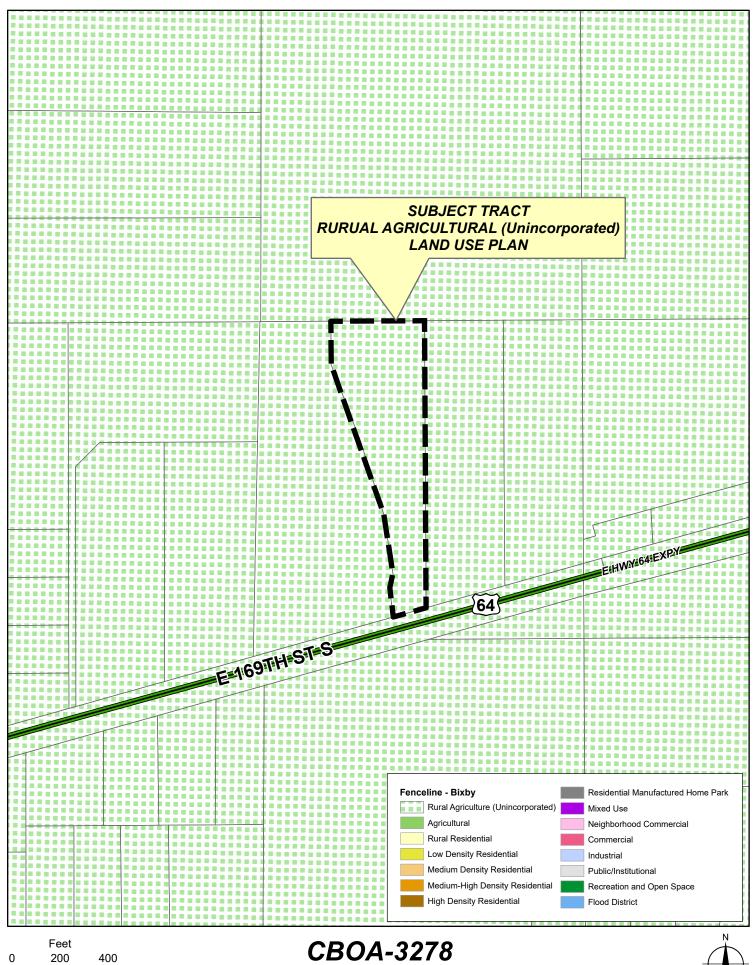


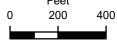


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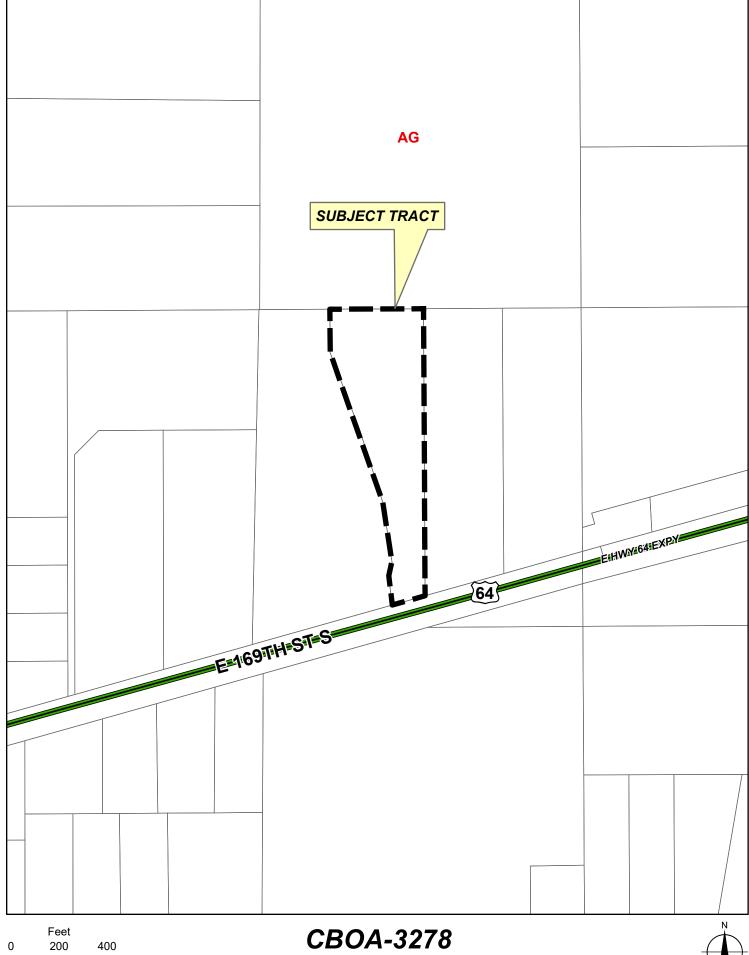
Aerial Photo Date: 2023











Rosemary Amato 16757 S. 145th E. Ave. Bixby, OK 74008 ramato416@yahoo.com (918)254-7964

4/29/2025

Mr. Jay Hoyt,

I am writing this letter in support of my neighbors, Charles and Monika MacDonald, and their home-based business located at 15405 E Highway 64, Bixby OK 74008.

As a resident of this neighborhood, I have had the opportunity to observe the MacDonald's business operations firsthand. I can confidently say that their business has been conducted in a professional, respectful, and unobtrusive manner. In fact, if you did not know they had a business, you would never know. They have no signage or equipment on their property. It has not caused any disturbances, excessive noise, traffic, or parking issues. They have not converted any portion of their land and have only used existing buildings thus maintaining the Agricultural nature of the neighborhood.

I believe that allowing the MacDonald's to continue operating their business from their home will benefit not only them but the wider community as well. I respectfully ask that the county support this request and continue to foster an environment were small, home-based businesses can thrive.

Please feel free to contact me if you need any additional information.

Sincerely,

Rosemary Amato

Letter of support

From: Felicia Cornwell (felicia.cornwell08@gmail.com)

To: prayingmac@yahoo.com

Date: Wednesday, April 30, 2025 at 05:59 PM CDT

Jeremy and Felicia Archer 15107 e hwy 64 s Bixby OK 74008 felicia.cornwell08@gmail.com 918-944-3448

4/30/2025

To Jay Hoyt,

I am writing this letter in support of my neighbors, Charles and Monika MacDonald, and their home-based business located at 15405 E Highway 64, Bixby OK 74008.

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I believe that allowing the MacDonalds to continue operating their business from their home will benefit not only them but the wider community as well. I respectfully ask that the county support this request and continue to foster an environment where small, home-based businesses can thrive.

Please feel free to contact me if you need any additional information.

Sincerely,

Jeremy & Felicia Archer

Sent from my iPhone

about:blank 1/1

Jody Blood

14601 E Hwy 64 Bixby, OK 74008 jblood79@gmail.com 405-714-1185

4/29/2025

To Jay Hoyt,

I am writing this letter in support of my neighbors, Charles and Monika MacDonald, and their home-based business located at 15405 E Highway 64, Bixby OK 74008.

As a resident of this neighborhood, I have had the opportunity to observe the MacDonald's business operations firsthand. I can confidently say that their business has been conducted in a professional, respectful, and unobtrusive manner. In fact, if you did not know they had a business, you would never know. They have no signage or equipment on their property. It has not caused any disturbances, excessive noise, traffic, or parking issues. They have not converted any portion of their land and have only used existing buildings thus maintaining the Agricultural nature of the neighborhood.

I believe that allowing the MacDonalds to continue operating their business from their home will benefit not only them but the wider community as well. I respectfully ask that the county support this request and continue to foster an environment where small, home-based businesses can thrive.

Please feel free to contact me if you need any additional information.

Sincerely,

Jody Blood

Wendell Nolan

16845 S 145th East Ave Bixby, OK 74008 Wendell.Nolan@olp.net 918.408.0845

4/29/2025

To Jay Hoyt,

I am writing this letter in support of my neighbors, Charles and Monika MacDonald, and their home-based business located at 15405 E Highway 64, Bixby OK 74008.

As a resident of this neighborhood, I have had the opportunity to observe the MacDonald's business operations firsthand. I can confidently say that their business has been conducted in a professional, respectful, and unobtrusive manner. In fact, if you did not know they had a business, you would never know. They have no signage or equipment on their property. It has not caused any disturbances, excessive noise, traffic, or parking issues. They have not converted any portion of their land and have only used existing buildings thus maintaining the Agricultural nature of the neighborhood.

I believe that allowing the MacDonalds to continue operating their business from their home will benefit not only them but the wider community as well. I respectfully ask that the county support this request and continue to foster an environment where small, home-based businesses can thrive.

Please feel free to contact me if you need any additional information.

Sincerely,

Wendell Nolan

W. Nolan



Case Number: CBOA-3290

Hearing Date: 9/16/2025 1:30 PM

Continuance from 8/16/25

Case Report Prepared by:

Kendal Davis

Owner and Applicant Information:

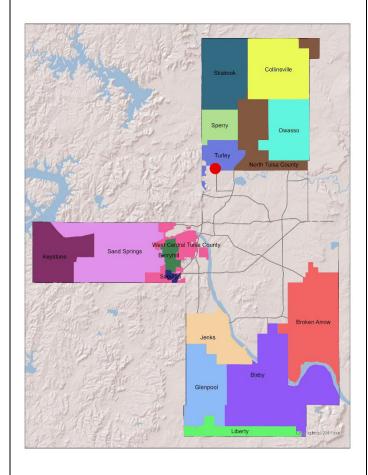
Applicant: Gricelda Lopez

Property Owner: LOPEZ, GRICELDA &

MONICA SANTOYO

<u>Action Requested</u>: Special Exception to permit a manufactured housing unit, single section, in an RS-3 District (Sec. 3.030)

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.80 Acres

Legal Description: BEG 626.9E NWC SE SE TH E173 S200 W173 N200 POB SEC 1 20 12

.794ACS

Present Zoning: RS-3 (Residential

Single-Family 3)

Fenceline/Area: Broken Arrow

Land Use Designation: Rural

Commercial

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 0201 CASE NUMBER: CB0A-3290

CASE REPORT PREPARED BY: Kendal Davis

HEARING DATE: 9/16/2025 1:30 PM

Continuance from 8/16/25

APPLICANT: Gricelda Lopez

ACTION REQUESTED: Special Exception to permit a manufactured housing unit, single section, in an RS-3

District (Sec. 3.030)

LOCATION: 5859 N. Norfolk Ave. East

ZONED: RS-3 (Residential Single-Family 3)

FENCELINE: Broken Arrow

PRESENT USE: Residential TRACT SIZE: 0.80 Acres

LEGAL DESCRIPTION: BEG 626.9E NWC SE SE TH E173 S200 W173 N200 POB SEC 1 20 12 .794ACS

RELEVANT PREVIOUS ACTIONS:

CBOA-2606; On 11.15.2016, a **Special Exception** was **approved** to allow a community group home for children (Use Unit 8) in the RS District (Section 410). Located: 5903 N. Norfolk Ave E.

CBOA-3043; on **2.21.2023,** a **Special Exception** was **approved** to permit a manufactured home in an RS district (Section 410). Located: 1110 E. 59th Pl. N.

CBOA-2591; on 8.16.2016, a **Special Exception** was **approved** to permit a manufactured home (Use Unit 9) in the RS District (Section 410, Table 1). Located: 5723 N. Norfolk Ave E.

CBOA-0395; on 11.21.89, a **Special Exception** was **approved** to allow a mobile home in an RS zoned District Located 5912 N. Norfolk.

CBOA-1643; on 5.18.99, a **Special Exception** was **approved** to allow a mobile home on an RS zoned lot. Sec. 410. Located 5716 N. Norfolk.

ANALYSIS OF SURROUNDING AREA:

The subject tract is zoned RS-3 and is bounded to the West and North by RS-3 zoning containing single-family residences and to the North.

STAFF COMMENTS:

The applicant is before the Board to request **Special Exception** to permit a manufactured housing unit, single section, in an RS-3 District (Sec. 3.030)

A special exception is required as the proposed mobile home is a use which is not permitted by right but by exception in the RS district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The mobile home must be found to be compatible with the surrounding neighborhood.

If inclined to approve the request the Board may consider any condition, it deems necessary in order to ensure that the proposed home occupation is compatible and non-injurious to the surrounding area.

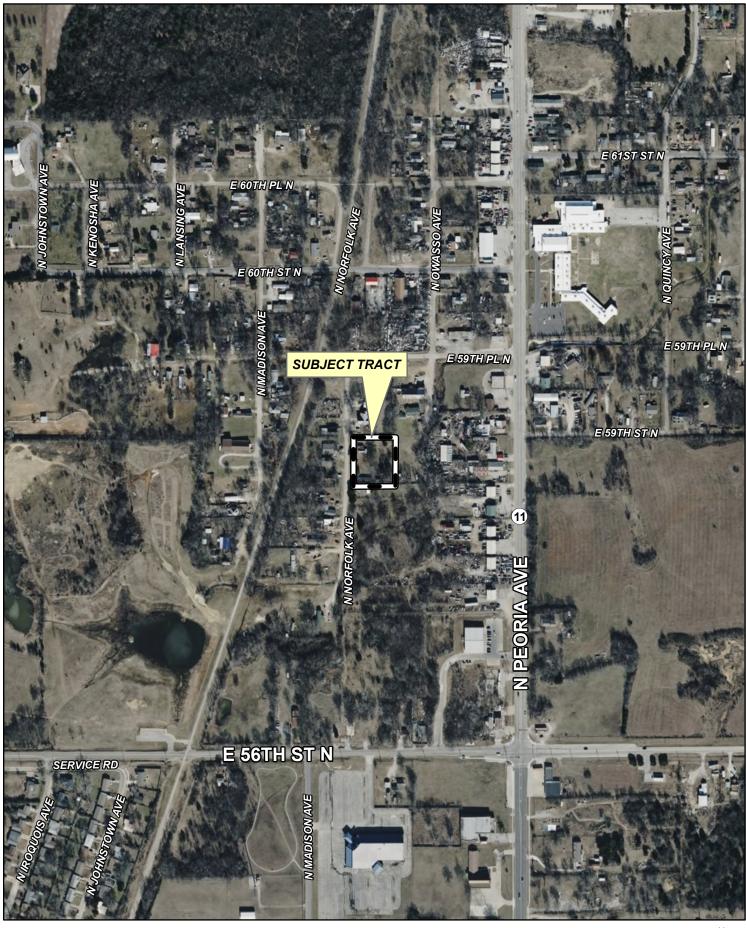
Sample Motion:	
<i>"Move tosection, in an RS-</i> 3	<i>(approve/deny)</i> a Special Exception to permit a manufactured housing unit, single 3 District (Sec. 3.030)

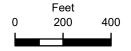
In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board of adjustment determines to be necessary to ensure compliance with the standards of §14.080-G, to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of these zoning regulations

That the special exception will be in harmony with the spirit and intent of these zoning regulations; and the special exception will not be injurious to property in the vicinity of the subject property or otherwise detrimental to the public welfare.

* Note: The existing house thats there is not livable.





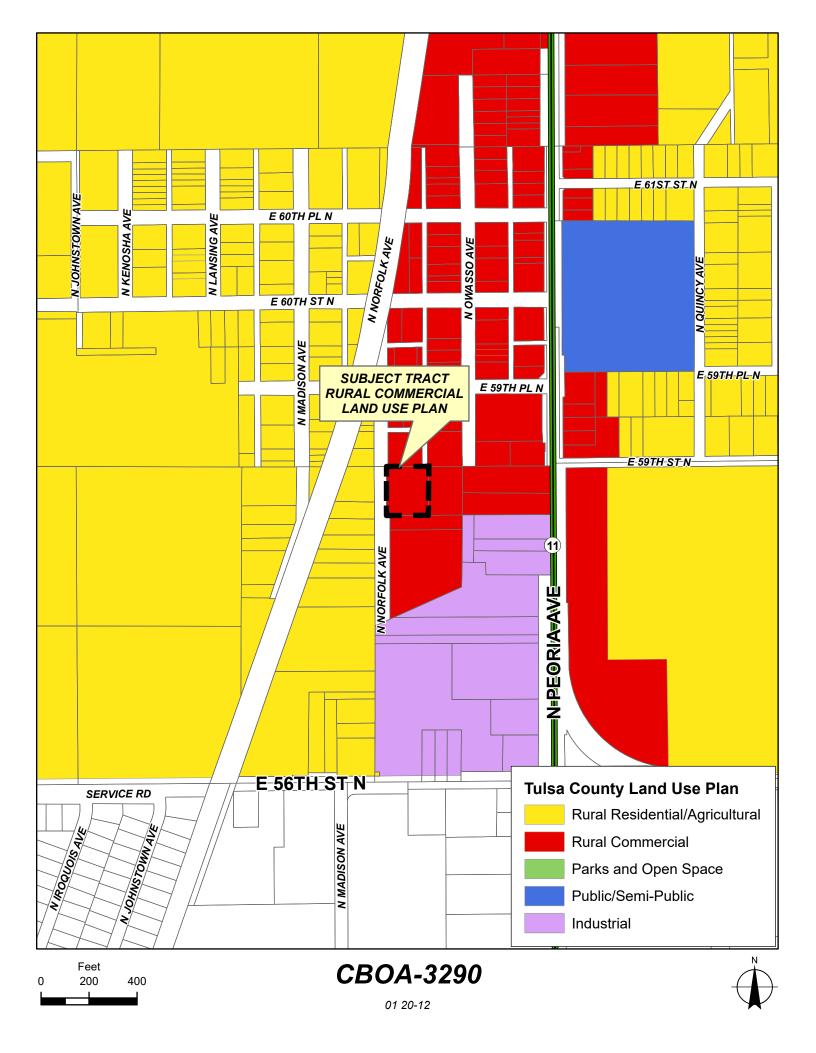


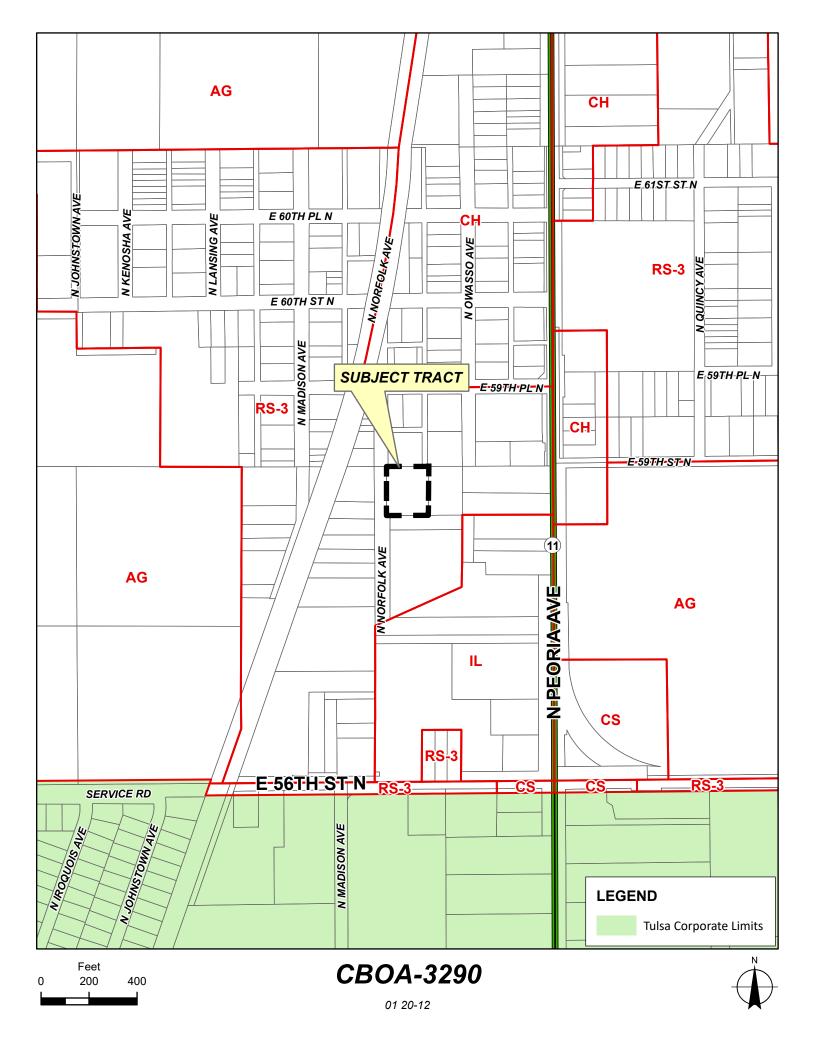


Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2024









Case Number: CBOA-3293

Hearing Date: 9/16/25 1:30 PM

Case Report Prepared by:

Kendal Davis

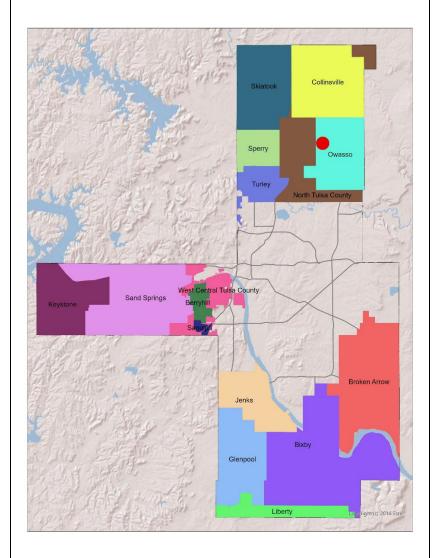
Owner and Applicant Information:

Applicant: Matt Crutchfield

Property Owner: Same

<u>Action Requested</u>: Variance of the rear setback from 25 ft in the RE district to 5ft or 6ft; (Section 3.040, Table 3-3).

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.51

Legal Description: LT 6 BLK 4 RANCH

CREEK ADDN

Present Zoning: RE (Residential

Estate)

Fenceline/Area: Owasso

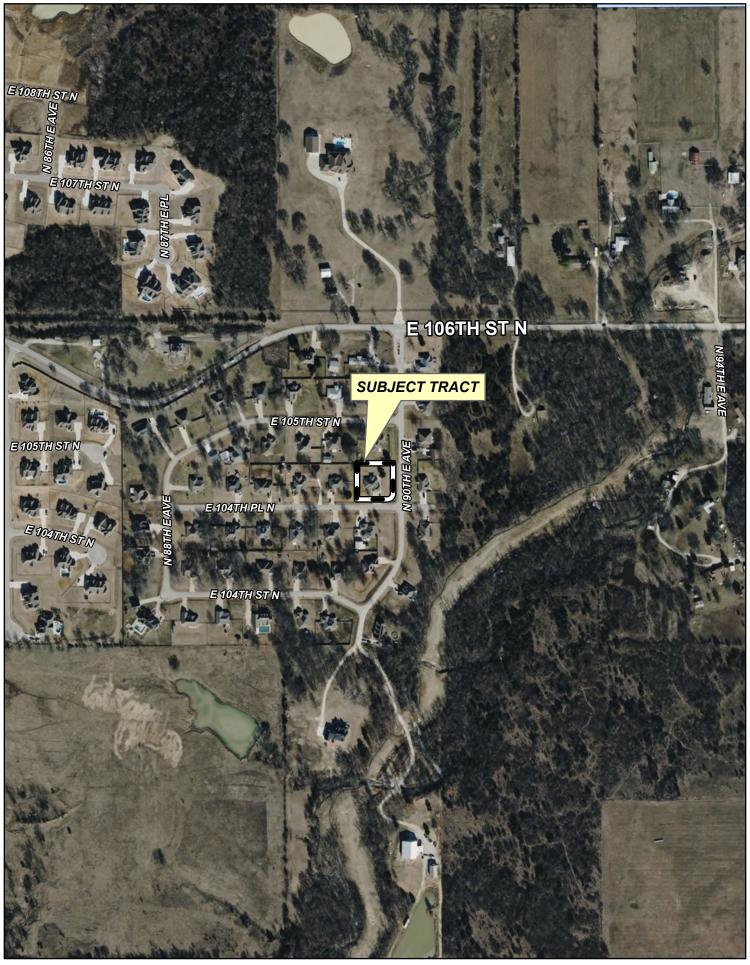
Land Use Designation: Residential

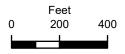
TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 1313 CASE NUMBER: CBOA-3293 CASE REPORT PREPARED BY: Kendal Davis HEARING DATE: 9/16/25 1:30 PM APPLICANT: Matt Crutchfield ACTION REQUESTED: Variance of the rear setback from 25 ft in the RE district to 5ft or 6ft; (Section 310, Table 3). **LOCATION:** 8861 E. 104th PL. N. OWASSO, OK **ZONED:** RE (Residential Estate) **FENCELINE:** Owasso **PRESENT USE:** Residential TRACT SIZE: 0.51 acres **LEGAL DESCRIPTION:** LT 6 BLK 4 RANCH CREEK ADDN **RELEVANT PREVIOUS ACTIONS: Surrounding Properties:** CBOA-3200. Variance to permit a detached accessory building in the side yard in the RE district (Section 420.2.A.2) and a Variance of the front and side yard setbacks in the RE district to permit a detached garage (Section 430.1). **ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned RE and contains a single-family residence. The tract is surrounded by RE zoning containing single-family residences. **STAFF COMMENTS:** The applicant is before the Board to request a Variance to permit a detached accessory building in the rear yard setback in the RE district (Section 3.010, Table 3). The Tulsa County Zoning Code does not allow an accessory building to be built within the required rear yard setback in a residential zoning district. Additionally, the required rear yard setback in an RE district is 25 feet and the side yard is required to be 15 feet. If inclined to approve the request the Board may consider any condition, it deems necessary in order to ensure that the proposed home occupation is compatible and non-injurious to the surrounding area. Sample Motion: "Move to _____ (approve/deny) a Variance of the rear setback from 25 ft in the RE district to 5ft or 6ft; (Section 3.010, Table 3). 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.



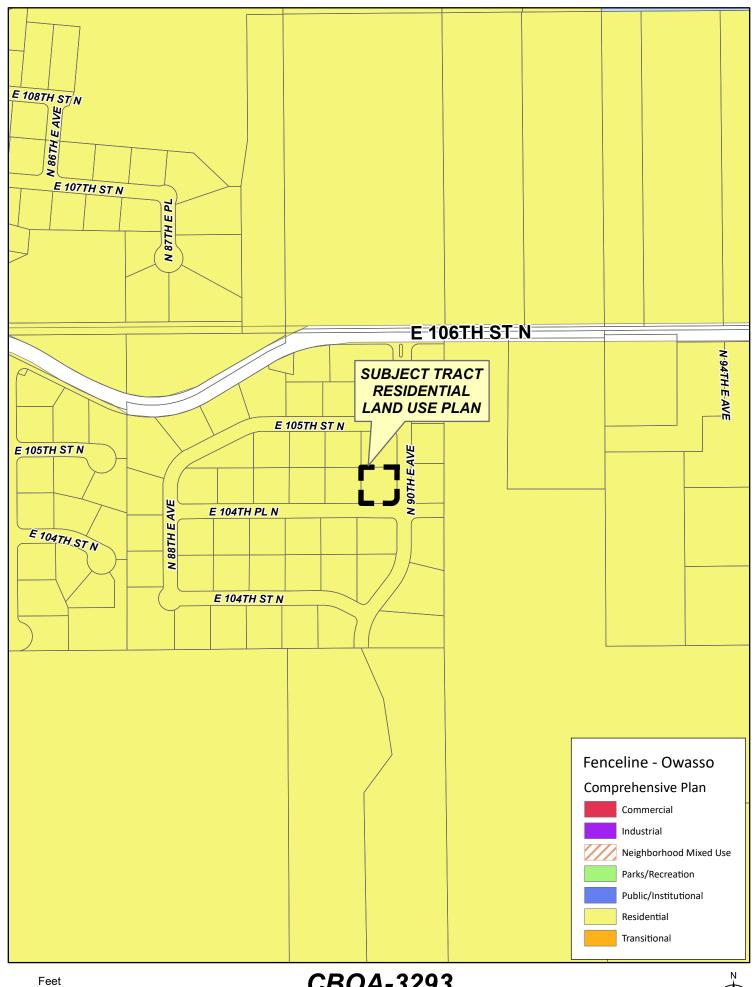




Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2024

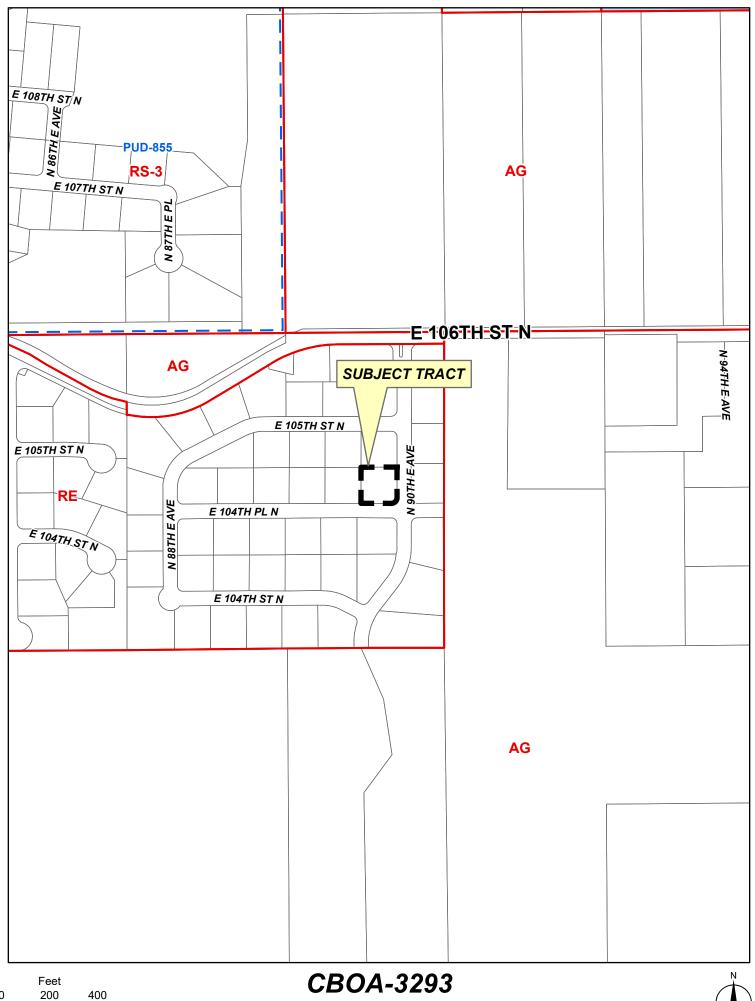






400

200







Case Number: CBOA-3294

Hearing Date: 9/16/25 1:30 PM

Case Report Prepared by:

Kendal Davis

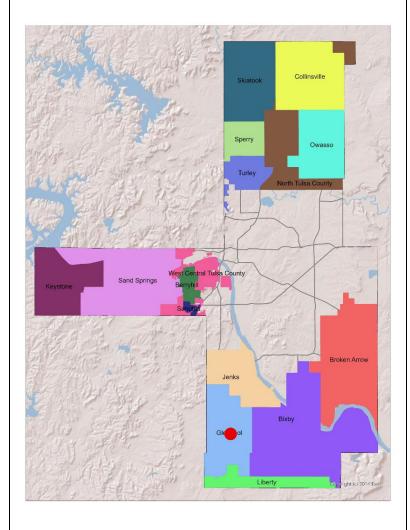
Owner and Applicant Information:

Applicant: Sheldon and Mia Liggins

Property Owner: Same

<u>Action Requested</u>: Variance of 10 feet for the side yard setback in the RE district to permit an accessory structure (Garage) (Sec. 3.040 Table 3-3)

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.53

Legal Description: LOT 9 BLOCK 4 ELWOOD MEADOWS BLOCKS 1-4

Present Zoning: RE (Residential

Estate)

Fenceline/Area: Glenpool

Land Use Designation: Suburban

Residential

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 7225 CASE NUMBER: CBOA-3294

CASE REPORT PREPARED BY: Kendal Davis

HEARING DATE: 9/16/25 1:30 PM

APPLICANT: Sheldon and Mia Liggins

ACTION REQUESTED: Variance of 10 feet for the side yard setback in the RE district to permit an accessory

structure (Garage) (Sec. 030-A)

LOCATION: 204 W. 164th Pl. S Glenpool, OK ZONED: Residential Estate

FENCELINE: Glenpool

PRESENT USE: Residential TRACT SIZE: 0.53

LEGAL DESCRIPTION: LOT 9 BLOCK 4 ELWOOD MEADOWS BLOCKS 1-4

RELEVANT PREVIOUS ACTIONS: None

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RE and developed with a single-family residence. It is located within an RE zoned subdivision, with surrounding properties also zoned RE and developed with single-family residences.

Surrounding Properties:

The subject tract is zoned RE and contains a single-family residence. The tract is surrounded by RE zoning containing single-family residences.

STAFF COMMENTS:

The applicant is before the Board to request a Variance of 10 feet for the side yard setback in the RE district to permit an accessory structure (Garage) (Sec. 030-A)

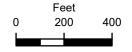
The applicant provided a statement: We are requesting a Variance of the minimum rear setback requirement of the principal home of 10 feet. These 10 feet represent the distance of the current foundation of our detached structure (i.e. garage) from the rear line of the home in the side yard. The structure is the size of a 1 car garage (and not a storage shed) that resembles & enhances the home. Our lot is one of the few where the aerobic system isn't in the middle of the side yard which would allow for the placement of any structure. Prior to construction, we contacted our HOA and inquired with the City of Glenpool regarding permits. Since we are in an unincorporated area of Glenpool, we were told no permit was required from the city. We proceeded with the construction. We were unaware Tulsa County (TC) issues permits for our area. A TC inspector stopped by our home and told us of the permit requirement, and we submitted the required documents. By this time, the majority of the structure was completed. The construction materials, quality, and workmanship mirror the home in all likeness (same brick, shingles, windows, lights and garage door). The variance, if granted, will not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance or the comprehensive plan.

Sample Motion:
"Move to (approve/deny) a Variance of 10 feet for the side yard setback in the RE district to bermit an accessory structure (Garage) (Sec. 030-A)
Subject to the following conditions, if any:
Finding the hardship to be

If inclined to approve the request the Board may consider any condition, it deems necessary in order to ensure that the proposed home occupation is compatible and non-injurious to the surrounding area.

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.

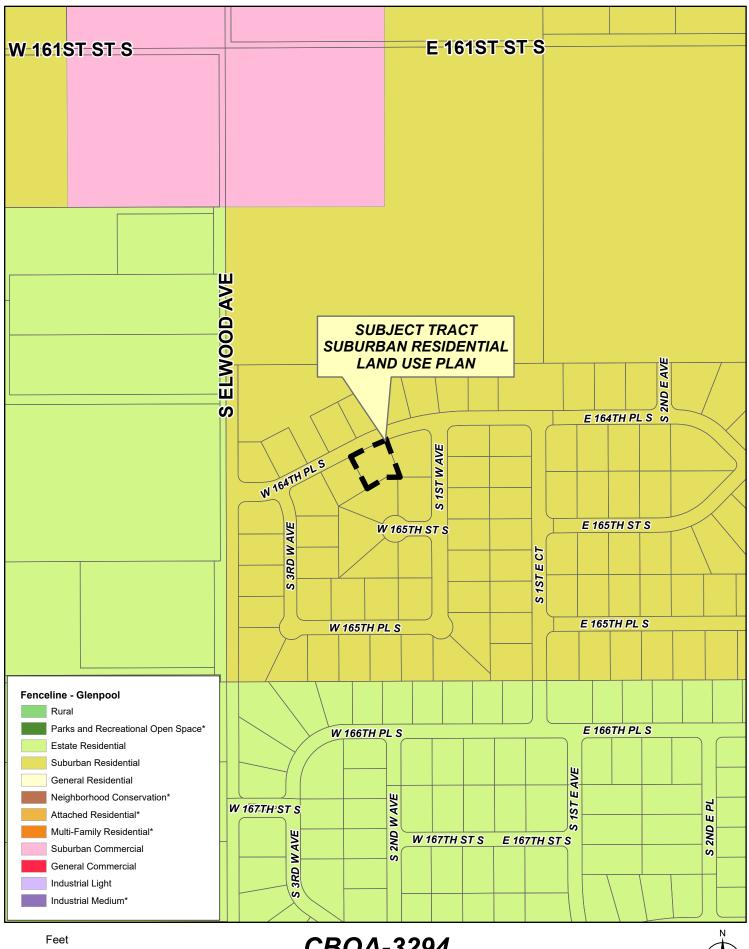






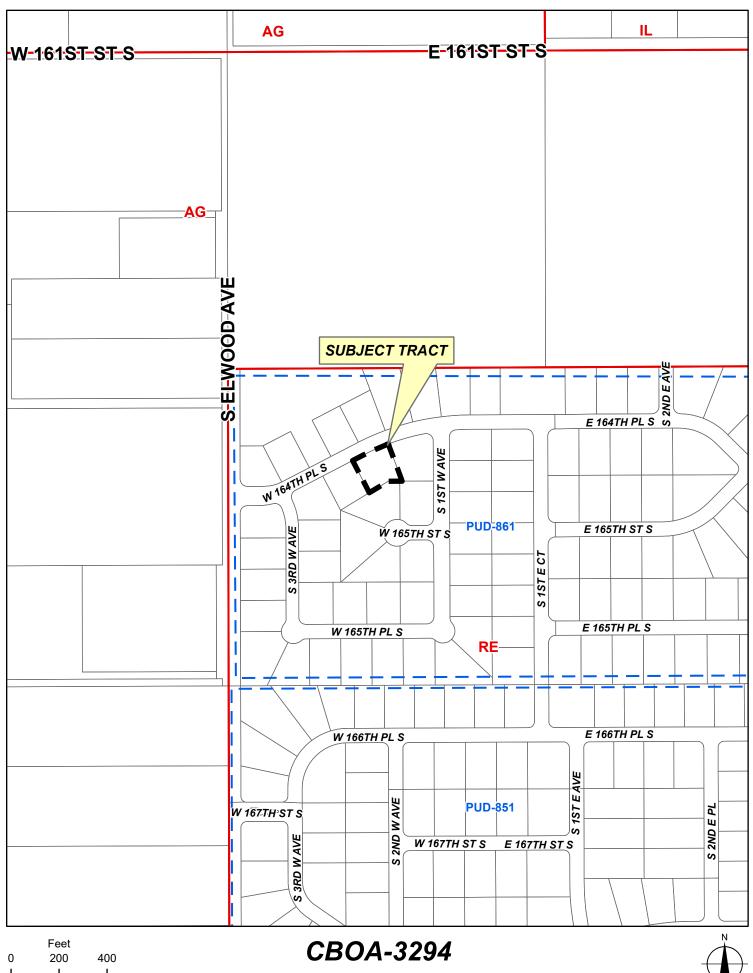
Note: Graphic overlays may not precisely align with physical features on the ground.





200 400 CBOA-3294





Sec. 8.020 Accessory Antennas

8.020-A AG-R and R Districts

- 1. In AG-R and R districts, accessory antennas and their support structures are allowed to be mounted on a principal building or accessory building, provided that:
 - a. The overall mounted height of the antenna does not exceed 65 feet, measured from the average ground elevation at the base of the building to the highest point of the antenna; and
 - **b.** The aggregate surface area of all mounted antennas may not exceed 10 square feet, based on the area of the side with the largest surface area.
- 2. AG-R and R districts, structures other than principal or accessory buildings that are used to support accessory antennas (including guy lines) must comply with all of the following regulations.
 - a. Only one such antenna support structure is allowed on a lot.
 - **b.** The antenna support structure may be located only in the rear yard, not in a street yard or side yard.
 - c. The overall height of the antenna may not exceed 65 feet, measured from the average ground elevation at the base of the structure to the highest point of the antenna.
 - **d.** The antenna support structure may not encroach upon the land or airspace of any abutting property.
 - e. The antenna support structure may not exceed 24 inches in width above 25 feet in height, exclusive of guy lines.

8.020-B Other Districts

In all districts other than AG-R and R districts, antenna support structures that are accessory to principal uses must be set back from any R district a distance equal to at least 110% of the height of the antenna, measured from the average ground elevation at the base of the structure to the highest point of the antenna. The setback distance must be measured from the nearest point of the antenna supporting structure (excluding any guy lines) to the nearest point on the residential zoning district boundary line, excluding R-zoned freeways.

8.020-C The accessory antenna regulations of this section (Sec. 8.020) may be modified in accordance with the special exception procedures of Sec. 14.080.

Sec. 8.030 Accessory Buildings in R Districts

8.030-A Accessory buildings are permitted in the rearyard area of R-zoned lots, subject to regulations of <u>Table</u> 8-1.

Table 8-1: Accessory Building Coverage, Height, and Setback Regulations

	Lot Area (square feet)			
Regulation	22,500 or Less	22,501 to 43,560	Over 43,560	
Maximum Building (Combined) Coverage of all Accessory Buildings	25% of Lot Area			
Maximum Height (feet)	18	25	No maximum	
Minimum Street Setback	Behind front façade of principal building			
Minimum Side and Rear Setbacks (feet)	3 Same as principal building			

8.030-B Nonconforming detached accessory buildings in the rearyard that are set back from side and rear lot lines by less than required in <u>Table</u> 8-1 may be expanded or demolished and reconstructed without complying with the rear and side setback requirements of <u>Table</u> 8-1, provided that the reconstructed or expanded building complies with all of the following requirements:

- 1. It is no closer to any interior lot line than the existing nonconforming structure;
- 2. It is not over 18 feet in height; and



ALEXA MA

Gmail - 204 W 164 PL S



Mia Richle Liggins <miarlchie74@gmail.com>

204 W 164 PL S

Kerrick Edenborough kedenborough@tulsacounty.org
To: "miarichie74@gmail.com" <miarichie74@gmail.com>

Fri, Jul 25, 2025 at 11:11 AM

Good Morning,

We are working on your zoning and floodplain review for the proposed accessory structure. It appears from the site plan that the structure will be sitting in what is considered the side yard. There are a couple of options to correct this issue.

- Move the proposed structure and submit a new site plan for the new proposed location behind the rear line of the house to be in the side yard.
- 2. Call INCOG and apply for the County Board of Adjustment to request a variance and attend the CBOA meeting.

If you have any questions please let me know.

Thank you



Kerrick Edenborough, CFM

Inspections - Zoning Officer

Phone: 918-596-5289

Email: kedenborough@tulsacounty.org

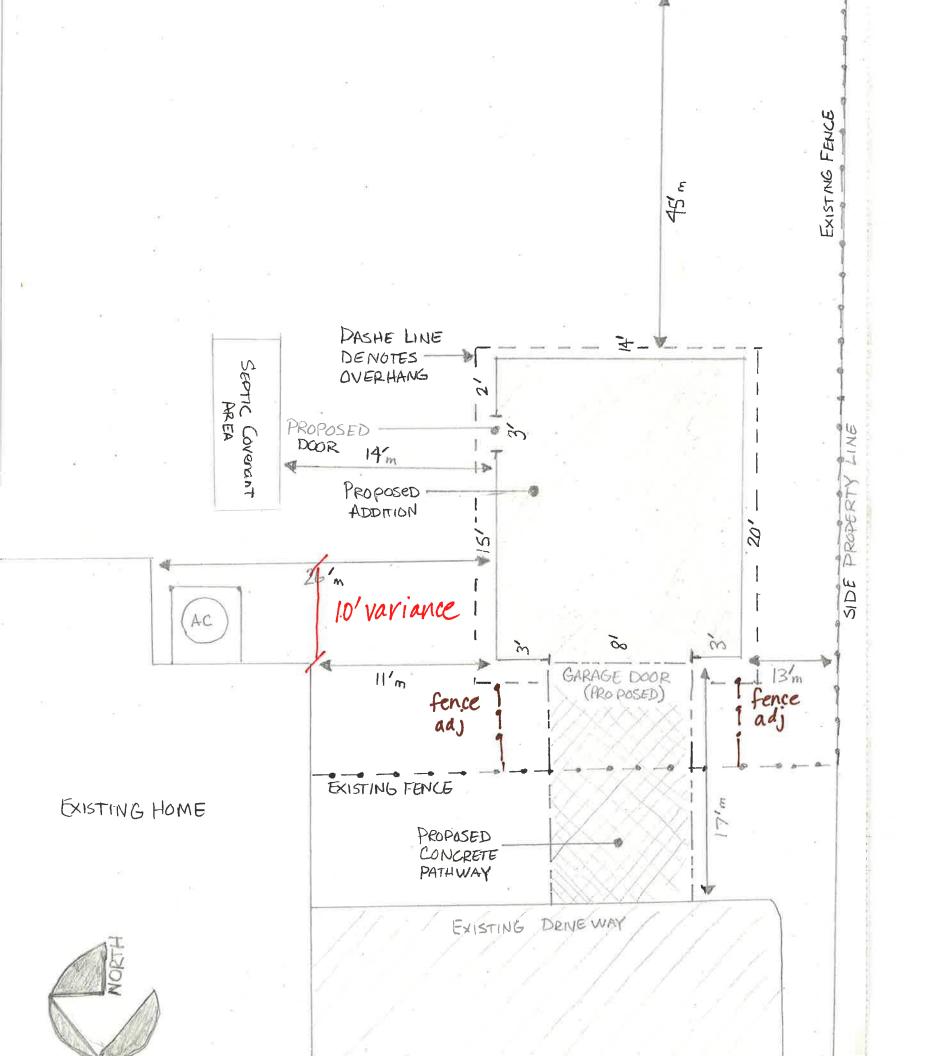
218 W 6th St, Suite 210

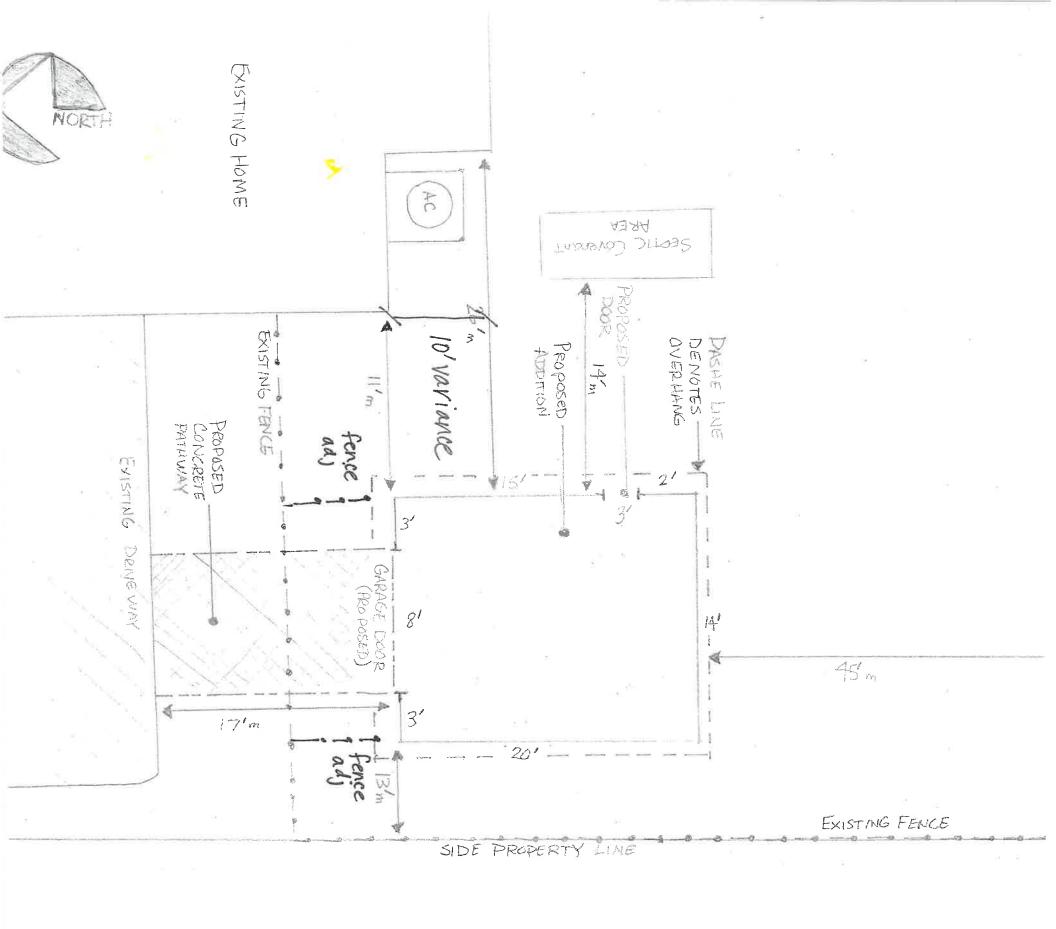
Tulsa, OK 74119

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https://mail.google.com/mail/u/0/?ik=e62f5aff6e&view=pt&search=all&permmsgid=msg-f:1838635960816555881&simpl=msg-f:1838635960816555881

1/2







Case Number: CBOA-3295

Hearing Date: 9/16/25 1:30 PM

Case Report Prepared by:

Kendal Davis

Owner and Applicant Information:

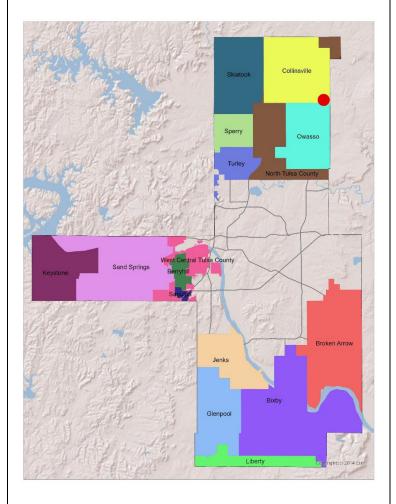
Applicant: Platinum Pest & Lawn -

Jennifer

Property Owner: Paniolo LLC

<u>Action Requested</u>: Special Exception to permit a Type 2 home occupation in the AG district (Section 8.120-C).

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 2.02

Legal Description: S188.68 N1320.76 E/2 E/2 SW LESS E170 S188.68 N1320.76 E/2 E/2 SW LESS W25 THEREOF FOR RD SEC 33

22 14 (TR 7 PH 3) 2.03ACS

Present Zoning: AG (Agricultural)

Fenceline/Area: Collinsville

Land Use Designation: Residential

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 2433

CASE NUMBER: CBOA-3295

CASE REPORT PREPARED BY: Kendal Davis

HEARING DATE: 9/16/25 1:30 PM

APPLICANT: Platinum Pest & Lawn - Jennifer

ACTION REQUESTED: Special Exception to permit a Type 2 home occupation in the AG district (Section 8.4.20.0)

8.120-C).

LOCATION: 12831 N 135th East Ave, Collinsville, OK **ZONED:** AG (Agricultural)

FENCELINE: Collinsville

PRESENT USE: Residential TRACT SIZE: 2.02

LEGAL DESCRIPTION: S188.68 N1320.76 E/2 E/2 SW LESS E170 S188.68 N1320.76 E/2 E/2 SW LESS

W25 THEREOF FOR RD SEC 33 22 14 (TR 7 PH 3) 2.03ACS

RELEVANT PREVIOUS ACTIONS: None

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG (Agriculture) and is currently developed with an accessory structure. The applicant has indicated that a principal structure is planned for the site in the near future. The surrounding area is zoned AG and is characterized by single-family residential uses. The existing building is primarily an open shop, with the enclosed portion located along the east side of the structure. The property is bounded by U.S. Highway 169 to the east and N. 135th East Avenue to the west.

STAFF COMMENTS: The applicant is before the Board to request a Special Exception to permit a Type 2 home occupation in the AG district (Section 8.120-C).

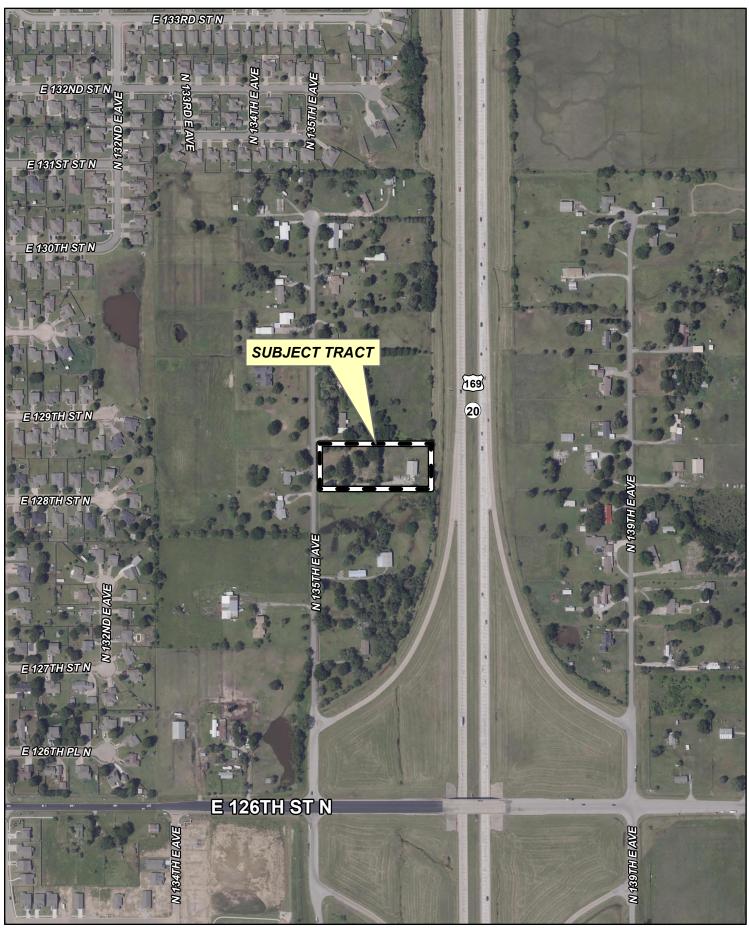
Type 2 home occupations are those in which household residents use their home as a place of work and either employees or customers come to the site. Typical examples include tutors, teachers, photographers, counselors, hair cutting/styling and real estate agents.

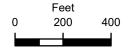
A special exception is required as the proposed home occupation is a use which is not permitted by right but by exception in the AG district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The proposed home occupation must be found to be compatible with the surrounding neighborhood.

If inclined to approve the request the Board may consider any condition, it deems necessary in order to ensure that the proposed home occupation is compatible and non-injurious to the surrounding area.

Sample Motion:	
"Move to district (Section 8	<i>(approve/deny)</i> an Special Exception to permit a Type 2 home occupation in the AG 3.120-C).
Subject to the fo	lowing conditions, if any:

In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board of adjustment determines to be necessary to ensure compliance with the standards of §14.080-G, to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of these zoning regulations. That the special exception will be in harmony with the spirit and intent of these zoning regulations; and the special exception will not be injurious to property in the vicinity of the subject property or otherwise detrimental to the public welfare.



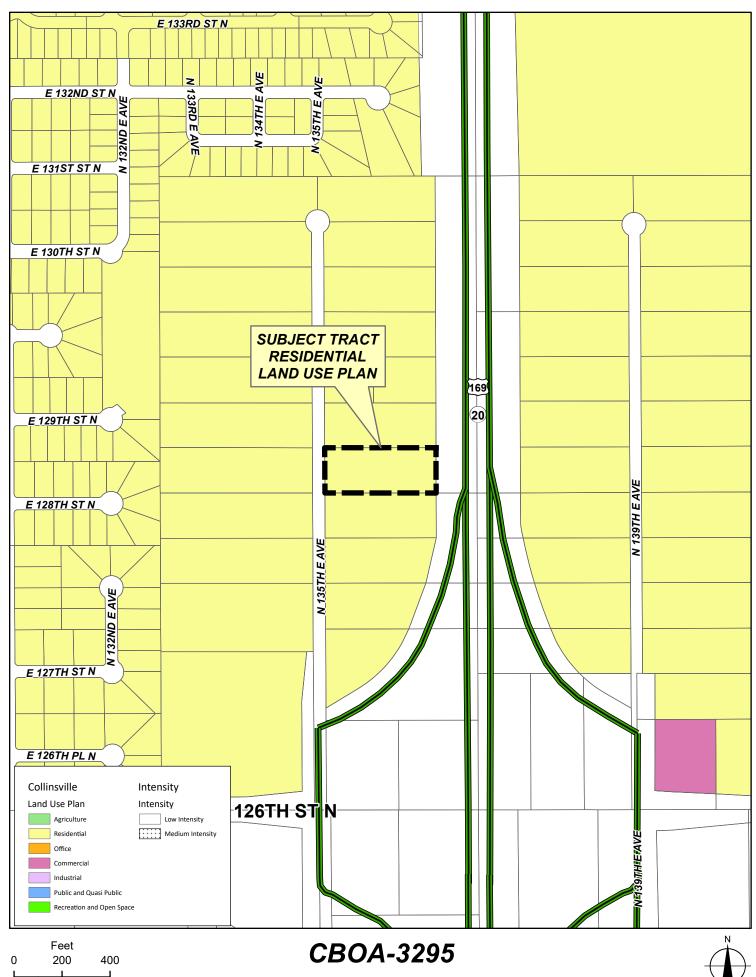


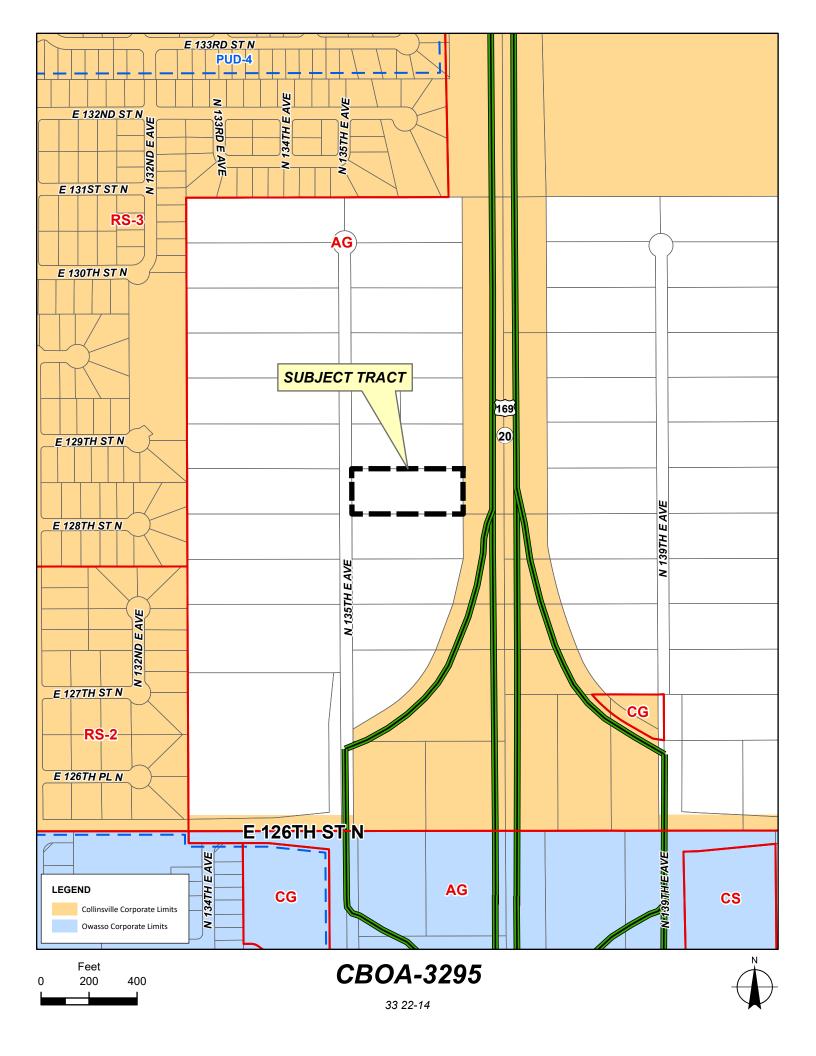


Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2024







At 12831 N 135th E Ave, Collinsville, OK, is a 2.02acre property that includes one structure. The majority of the structure is an open shop, and the enclosed area runs along the east side of the building. Highway 169 runs along the east side of the property and 135th E Ave runs along the west side of the property.





CBOA-3295 | Zoning Exception

From Sheri Bird <billing@woodguys.com>Date Tue 8/19/2025 10:50 AMTo Davis, Kendal <kdavis@incog.org>

August 19, 2025

Subject: Letter of Support for Platinum Pest and Lawn Zoning Exception Application CBOA-3295

Dear Kendal Davis,

I am writing to express my strong support for Platinum Pest and Lawn's zoning exception application, CBOA-3295. I understand they are seeking an exception to operate their business at the proposed location, and I believe granting this exception would be a significant benefit to our community. I have been a resident of Owasso for 24 years and have personally witnessed the positive impact Platinum Pest and Lawn has had on communities throughout the Tulsa area. Additionally, we own and operate Wood Guys LLC in Tulsa and have had wonderful interactions with Platinum Pest and Lawn's employees over the years.

I have always found Platinum Pest and Lawn to be a responsible and ethical business. They are responsive to customer concerns and committed to providing high-quality services. Beyond my personal experiences, I know that Platinum Pest and Lawn employs many local residents, contributing to our local economy and providing valuable job opportunities. Their presence in our community has been a positive one, and I am confident that they will continue to be a responsible and contributing member of our business community.

For these reasons, I urge you to approve Platinum Pest and Lawn's zoning exception application. Please feel free to contact me if you have any questions.

Sincerely, Stephen Bird 918-254-7343 Wood Guys LLC 9915 E 51st St, Suite A-100 Tulsa, OK 74146



CBOA-3295

From Jaela <jaela_lanae@hotmail.com>

Date Fri 8/22/2025 1:33 PM

To Davis, Kendal <kdavis@incog.org>

Subject: Continued Support for Current Location

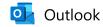
I hope this message finds you well.

I am writing to express my appreciation for the outstanding service Platinum Pest & Lawn has provided over the past 12+ years. From the beginning, their commitment to customer satisfaction, the quality of their work, and the professionalism of everyone involved has truly stood out. It's rare to come across a company that not only delivers excellent service but does so with such a personal, customer-first approach. Platinum Pest & Lawn are absolutely top-notch, and it's been a pleasure working with them

With that said, I would like to kindly request that you consider continuing their service at their current location. The work they have done has been exceptional, and the relationship we've built over the years is one I value greatly.

Thank you, Jaela Sederholm

Sent from my iPhone



Application #CBOA-3295 Platinum Pest Control

From david@uniqueadvantage.biz <david@uniqueadvantage.biz>

Date Tue 8/19/2025 10:23 AM

To Davis, Kendal <kdavis@incog.org>

Good morning Kendal,

My name is David Mullin. Jennifer Johnson with Platinum Pest Control was having a conversation with me and mentioned their current business location and being able to use a positive review about it.

I've been a customer of theirs for about 7 years at this point. They have always been very responsive when we have has specific needs. I'm sure some of this has to do with their great location in Collinsville just off of Hwy 169 where they can send a service tech or sometimes even the owner Jared would run by. I know they operate up in Bartlesville and in Skiatook along with Collinsville and Owasso. Their current location seems to really be a great place overall in their specific line of business being able to quickly run in all of those directions to keep customer service super high.

We've had a couple times of the years normally in certain seasons when my wife has seen a couple spiders or ants of wasps and it's awesome knowing I can put in a quick call and most often the same day they send a tech by the house to treat what our concern was. I've stopped by their office in the past to pick up a quick treatment tool in the past as well and liked the space it was at set back from the service road and away from neighbors in a good way just against the highway side of the property. Truthfully they could probably advertise really easily from their location to the traffic although I believe they use other methods that are working well.

I am available to answer any questions that might be helpful for what they are having done. Please reach out with any questions or any way I can pay it forward for a great local business with great employees!

Thank You,



DAVID M MULLIN CFP

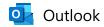
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Platinum

From Leslie Stuart <leslielstuart@gmail.com>
Date Sat 9/6/2025 9:29 PM
To Davis, Kendal <kdavis@incog.org>

Hi!

I am a customer of Platinum for the last 4 years - since we moved to Oklahoma. I have no issues with them continuing to operate their business in their current location. They have done many things for us: including pest control, lawn care, sprayed our trees. They have been excellent in customer service. We wish them the best!

Leslie Stuart



CBOA-3295

From Jaela <jaela_lanae@hotmail.com>

Date Fri 8/22/2025 1:33 PM

To Davis, Kendal <kdavis@incog.org>

Subject: Continued Support for Current Location

I hope this message finds you well.

I am writing to express my appreciation for the outstanding service Platinum Pest & Lawn has provided over the past 12+ years. From the beginning, their commitment to customer satisfaction, the quality of their work, and the professionalism of everyone involved has truly stood out. It's rare to come across a company that not only delivers excellent service but does so with such a personal, customer-first approach. Platinum Pest & Lawn are absolutely top-notch, and it's been a pleasure working with them

With that said, I would like to kindly request that you consider continuing their service at their current location. The work they have done has been exceptional, and the relationship we've built over the years is one I value greatly.

Thank you, Jaela Sederholm

Sent from my iPhone



Case Number: CBOA-3296

Hearing Date: 9/16/25 1:30 PM

Case Report Prepared by:

Kendal Davis

Owner and Applicant Information:

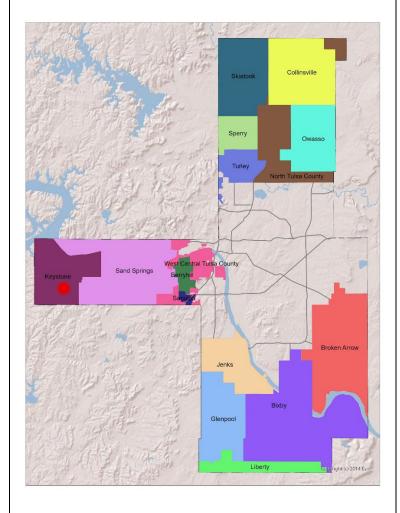
Applicant: Annette Shaeffer

Property Owner: SHAEFFER, DAVID G AND

ANNETTE

<u>Action Requested</u>: Special Exception to permit a Rural Retreat on an AG district. (Sec. 6.50-G).

Location Map:



Additional Information:

Present Use: Agricultural

Tract Size: 3.82

Legal Description: BEG 315S & 905E NWC SE TH E205 N810 W205 S810 POB SEC 28

19 10 3.812ACS

Present Zoning: AG (Agricultural)

Fenceline/Area: Sand Springs

Land Use Designation: Rural

Residential/Agricultural

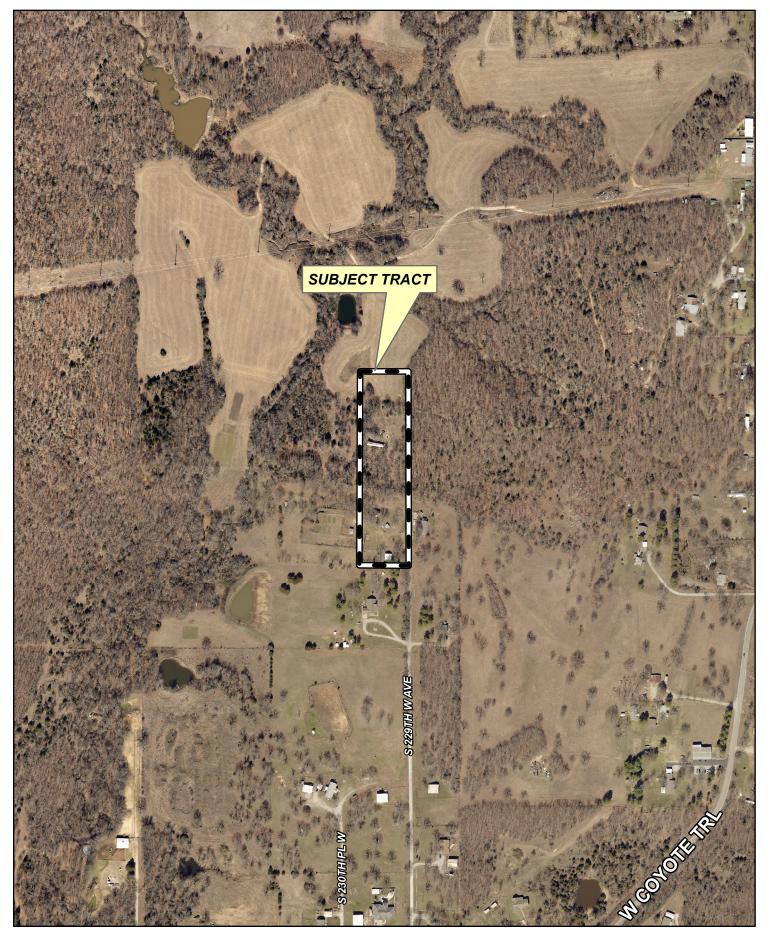
TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 9028 **CASE NUMBER: CBOA-3296 CASE REPORT PREPARED BY:** Kendal Davis **HEARING DATE:** 9/16/25 1:30 PM **APPLICANT:** Annette Shaeffer **ACTION REQUESTED:** Special Exception to permit a Rural Retreat on an AG district. (Sec. 6.50-G). **LOCATION:** 4706 S 229th West Ave, Sand Springs, OK, 74063 **ZONED:** AG (Agricultural) **FENCELINE:** Sand Springs **TRACT SIZE:** 3.82 **PRESENT USE:** Agricultural **LEGAL DESCRIPTION: BEG 315S & 905E NWC SETH E205 N810 W205S810 POB SEC 28 19 10 3.812ACS RELEVANT PREVIOUS ACTIONS:** None **ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned AG (Agriculture) and is developed with a shop, a former tractor shed, and the remnants of a collapsed barn. Surrounding properties are also zoned AG and are developed with single-family residences. **STAFF COMMENTS:** The applicant is before the Board to request a Special Exception to permit a Rural Retreat on an AG district. (Sec. 6.50-G). Rural Retreat is an establishment that is part of a working farm or ranch that provides temporary overnight accommodation for individuals or groups engaged in supervised training or personal improvement activities. Examples include corporate retreat facilities, educational retreat facilities and dude ranches or working farm learning centers. If inclined to approve the request the Board may consider any condition, it deems necessary in order to ensure that the proposed home occupation is compatible and non-injurious to the surrounding area. Sample Motion: "Move to _____ (approve/deny) Special Exception to permit a Rural Retreat on an AG district. (Sec. 6.50-G).

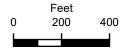
In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board of adjustment determines to be necessary to ensure compliance with the standards of §14.080-G, to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of these zoning regulations. That the special exception will be in harmony with the spirit and intent of these zoning regulations; and the special exception will not be injurious to property in the vicinity of the subject property or otherwise detrimental to the public welfare.

Subject to the following conditions, if any: ________.

substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.



CBOA-3296



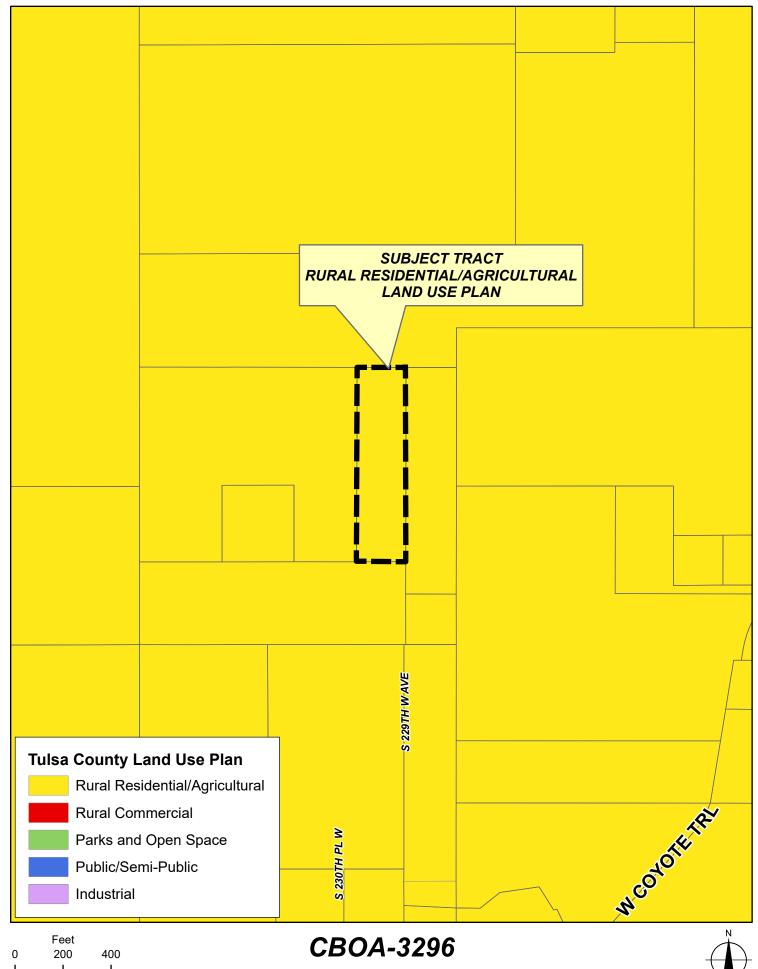


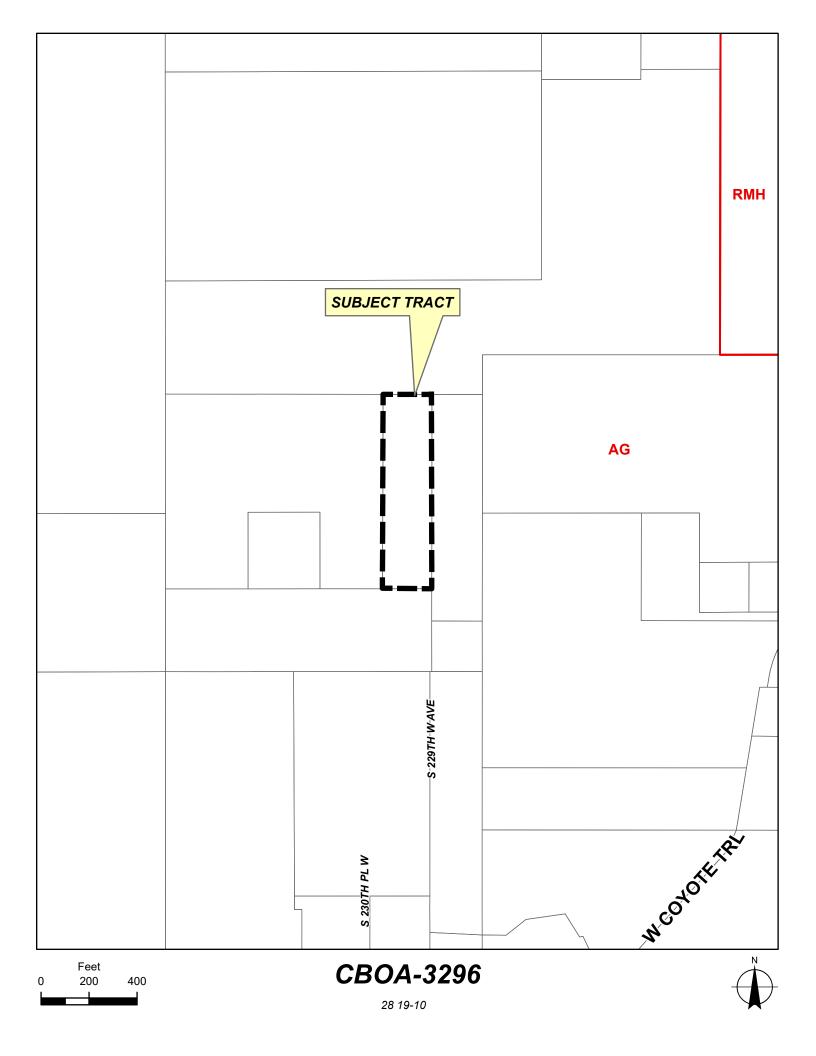
28 19-10

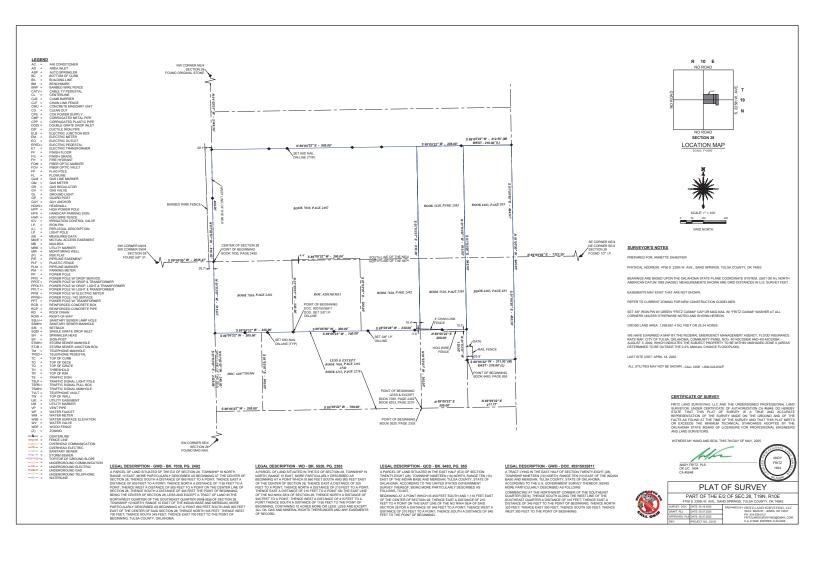
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2023









E N track shed A gap 5



Case Number: CBOA-3298

Hearing Date:9/16/25 1:30 PM

Case Report Prepared by:

Kendal Davis

Owner and Applicant Information:

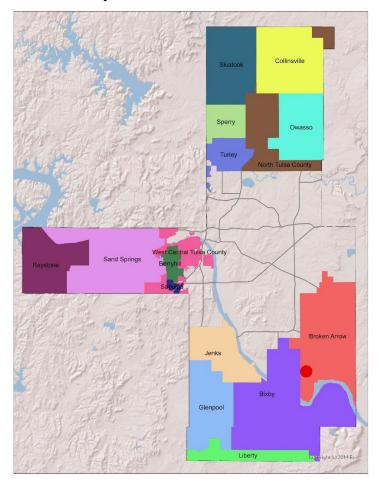
Applicant: JOHNSON, ALEXIS PACKHAM

Property Owner: Same

Action Requested:

Special Exception to allow a duplex use in an RS-3 district (Sec. 3.030, Table 3-2)

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.55

Legal Description: S98.375 N148.375 W295 N/2 NE LESS W50 FOR RD SEC 8 17 14 .553AC

Present Zoning: RS-3 (Residential Single Family)

Fenceline/Area: Broken Arrow

Land Use Designation: Level 1 - Rural

Residential

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 7408 CASE NUMBER: CBOA-3298

CASE REPORT PREPARED BY: Kendal Davis

HEARING DATE: 9/16/25 1:30 PM

APPLICANT: JOHNSON, ALEXIS PACKHAM

ACTION REQUESTED: Special Exception to allow a duplex use in an RS-3 district (Sec. 3.030, Table 3-2)

LOCATION: 13115 S 121st East Ave, Broken Arrow ZONED: RS-3 (Residential Single

Family)

FENCELINE: Broken Arrow

PRESENT USE: Residential TRACT SIZE: 0.55

LEGAL DESCRIPTION: \$98.375 N148.375 W295 N/2 NE LESS W50 FOR RD SEC 8 17 14 .553AC

RELEVANT PREVIOUS ACTIONS: None

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned RS-3 (Residential Single-Family) and is developed with a single-family residence. Surrounding properties are primarily residentially zoned and developed with single-family residences to the north, south, east, and west. Additionally, a large AG-zoned tract containing a public school is located to the northwest.

STAFF COMMENTS: The applicant is before the Board to request a Special Exception to allow a duplex use in an RS-3 district (Sec. 3.030, Table 3-2).

A Duplex requires special exception approval; 2 detached houses permitted by right, subject to applicable minimum lot area per unit requirements

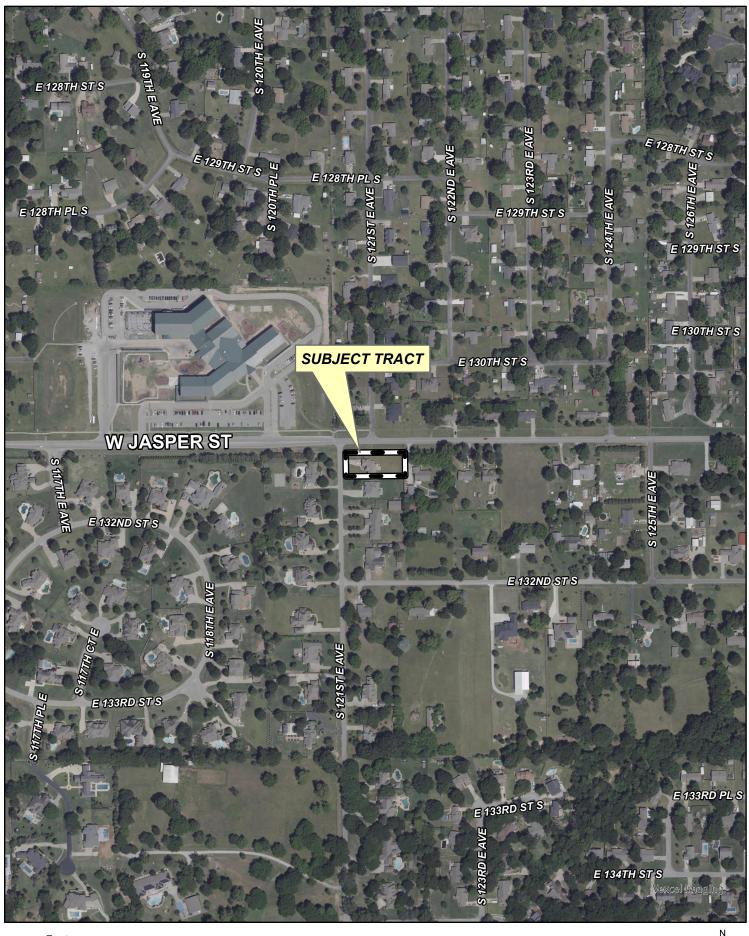
A principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The 2 dwelling units are attached and may be located on separate floors or side-by- side.

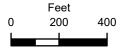
If inclined to approve the request the Board may consider any condition, it deems necessary in order to ensure that the proposed home occupation is compatible and non-injurious to the surrounding area.

Sample Motion:	
"Move to	(approve/deny) a Special Exception to permit a duplex use (Sec. 3.030, Table 3-2)

REVISED 9/10/2025

In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board of adjustment determines to be necessary to ensure compliance with the standards of §14.080-G, to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of these zoning regulations. That the special exception will be in harmony with the spirit and intent of these zoning regulations; and the special exception will not be injurious to property in the vicinity of the subject property or otherwise detrimental to the public welfare.





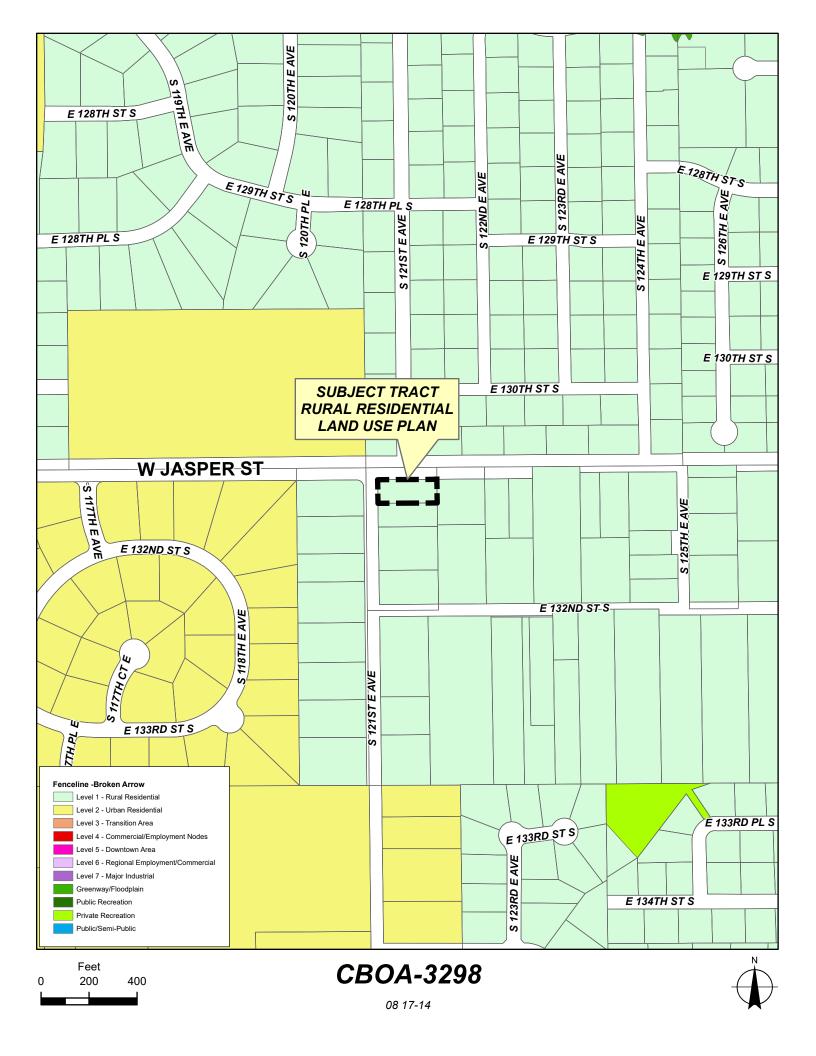


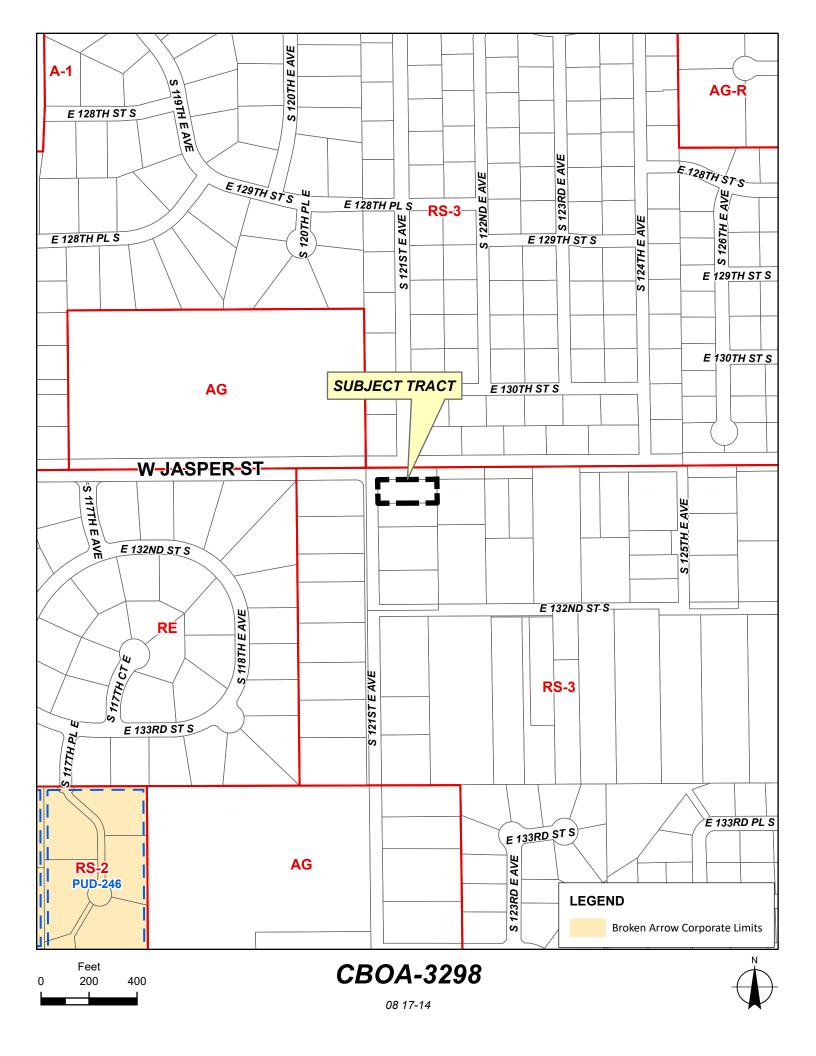
CBOA-3298

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

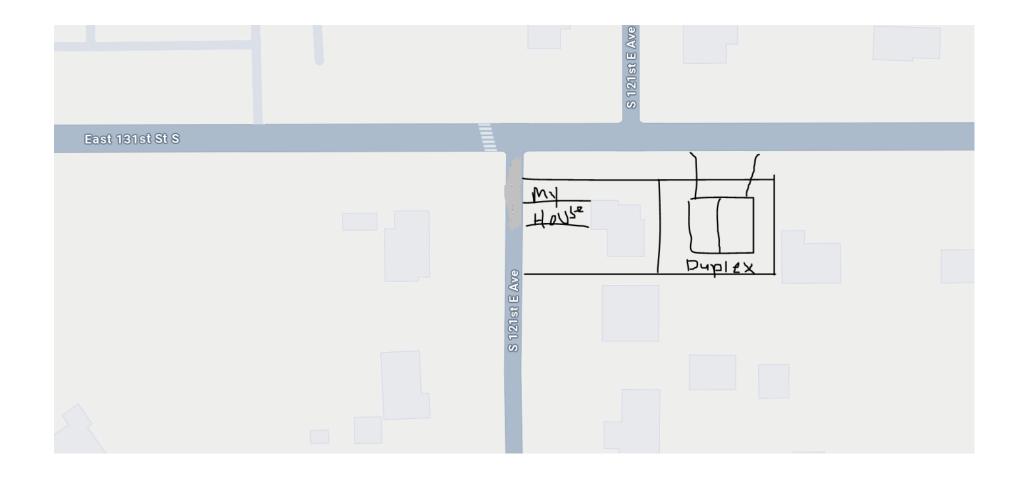
Aerial Photo Date: 2024

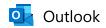












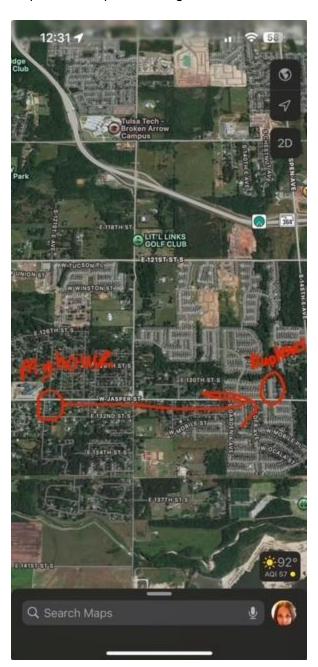
Duplexes close to Alexis Johnson's House

From Alexis Johnson <alexis.johnson@cherokee-federal.com>

Date Thu 8/7/2025 12:46 PM

To Davis, Kendal <kdavis@incog.org>

Duplex developments/neighborhoods close to my house:









From: Steve Pelt
To: esubmit

Subject: Case Number CBOA-3298

Date: Monday, September 08, 2025 9:06:03 AM

BOARD OF ADJUSTMENT COUNTY OF TULSA OKLAHOMA CASE NUMBER: CBOA-3298

To whom it may concern,

Please accept this email as a formal record of our strong opposition to the request for special exemption to allow duplex use in this RS-3 district.

This property regularly has 6-8 vehicles parked in the driveway along with a large utility trailer. The lawn is seldom mowed and reaches knee height before anything is done.

The privacy fence has been in disrepair for months and simply lays in the grass.

If this special exemption is allowed, it will have a major negative impact on our property values.

Please decline this request.

Respectfully, Steve Pelt, Danita Wallace Homeowners 13135 S. 121st East Ave. Broken Arrow, Ok. 74011 From: <u>Jerry Tilley</u>
To: <u>esubmit</u>

Subject: Case Number CBOA-3298

Date: Monday, September 08, 2025 9:00:26 AM

Greetings,

My name is Jerry Tilley, and I reside at 13150 S. 121st E. Ave, Broken Arrow, OK. I would like to share my comments and concerns regarding the proposed conversion of the single-family dwelling at 13115 S. 121st E. Ave, Broken Arrow, OK into a duplex.

I respectfully oppose this proposal, and I'd like to outline several concerns that I believe warrant your consideration.

1) Lot Size and Density Compatibility.

The property in question sits on a small lot that was originally zoned and developed for single-family use. Introducing a duplex on this parcel would exceed the intended density for the area and strain the spatial limitations of the site. This raises concerns about setbacks, parking adequacy, and overall livability of those that live in the area.

2) Accessibility.

The property sits on the northeast corner of 131st Street South and 121st East Ave directly adjacent to 131st Street. There is an elementary school directly across the road to the north of the property and that stretch of 131st is part of a traffic school zone. The street is often busy and becomes congested when the school zone traffic enforcement is active. Any additional access from 131st street into the property would only exacerbate the situation.

3) Property Value Disparity and Market Impact.

According to the Tulsa County Assessor's Office my home is currently valued at \$631,000 and the adjacent property to my south is valued at almost \$700,000 while the proposed duplex site is valued at \$278,000. This significant disparity underscores the risk of introducing a multi-family structure into a high-value, stable and established single-family neighborhood. Buyers in this area expect continuity in housing type and neighborhood character. A duplex may signal a shift toward rental or investor-driven properties, which could depress local comps and affect property values across the area.

4) Parking and Infrastructure Strain.

Duplexes typically bring increased occupancy and vehicle count. On a small lot with limited driveway space, this will likely result in overflow parking which cannot happen on 121st E. Avenue because it is narrow and cannot safely accommodate parked vehicles. Tulsa county has posted a "no parking" sign right across the street from the property in question. Obviously 131st Street is not an option since there is no easement for such parking. The Property as it sits now typically has 6 or 7 cars parked in the driveway (including a truck with a trailer) leaving no room for additional parking. I have attached a picture taken on Sunday September 7th, 2025 depicting

the situation. It was the middle of the day so there may be a car or two not there at the time.

5) Precedent and Zoning Integrity.

Approving this duplex sets a precedent for future multi-family conversions, which could accelerate density creep and fundamentally alter the character of all the neighborhoods in the area. Zoning exists to preserve the intent and integrity of residential areas, and I urge the board to enforce these standards consistently.

I respectfully request that the Board Of Adjustment deny this proposal and preserve the single-family character of our neighborhood and the surrounding areas.

Thank you.

Jerry D. Tilley



To Whom It May Concern at Board of Adjustment County of Tulsa, Oklahoma

Please accept this letter as a formal document of record to our strong opposition to the request for special exemption to allow duplex use in this RS-3 district (Sec. 3.030, Table 3-2). Case number: CBOA – 3298.

The proposed requested duplex structure does not align with the character of the surrounding properties. A duplex would detract from the aesthetics of the neighborhood, which features many well-maintained single-family homes. The yard area cannot accommodate two families, only one. This exemption would create potential for an increase in duplexes within the neighborhood. The change would alter the neighborhood significantly and have a huge negative effect on our property values.

Thank you for your attention to this matter.

The following Signatures with Addresses are those of property owners within the affected RS – 3 district who strongly object to this special exemption.

X Kevin & Julie Lacy K. J. Omin Lacy
131255. 121st E Ave Broken Arrow, OK 74011

X STEVEN 6. Pet Star Pet
13135 9. 121st EAST AUX BROKEN ARROW OK 74011

X Jerry D. Tilley Jem Jole
13150 5. 1219 E. AVE Broken Arrow, OK 74011

X	Matt + Sugge Coloson Work
-	13190 9 121 = EAVEB. A. OK 74011
X	Mac and Shannon Lowe Snannon lowe 13220 S. 121St E. Ave. BA 74011
X	MARY HORRIGAN Mary Hourgan 13145 5.121 E, ANE BP 74011
	Olta Bonna Oleta Bonan
-	12112E25+ 132 236 Sp.
X_	Styphon A. Mois STEVE MEIER 130225. 121° = E AVE.
X _	
X _	

From: kevin lacy
To: esubmit

Subject: Case Number CBOA-3298 Objection Letter
Date: Sunday, September 07, 2025 6:00:19 PM
Attachments: 2025 Duplex Objection Letter.pdf

To Whom it May Concern, Board of Adjustment County of Tulsa, Oklahoma

My Name is Kevin Lacy. My wife and I are the Property owners at 13125 S. 121ST E. AVE. Broken Arrow Oklahoma. I am writing this letter in response to A Notice of Hearing we received for case number CBOA-3298. We own the property that is next door to the property that has requested the special exemption to allow Duplex use in RS-3 District. I have attached a document that has been signed by our fellow property owners and neighbors that along with us strongly object to this being allowed. Please see the Formal Objection Letter attached to this email.

Thank You for your attention to this matter Kevin & Julie Lacy 13125 S. 121ST E. AVE. Broken Arrow Ok 74011



Case Number: CBOA-3299

Hearing Date: 9/16/25 1:30 PM

Case Report Prepared by:

Kendal Davis

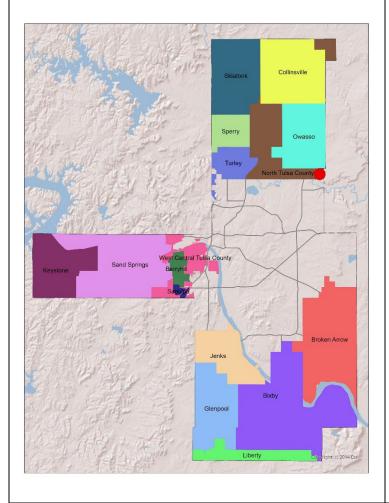
Owner and Applicant Information:

Applicant: Nathan S. Cross

Property Owner: Greenhill Properties LLC

<u>Action Requested</u>: Special Exception to allow Mining and Mineral Processing in an AG District (Sec. 6.010, Table 6-1)

Location Map:



Additional Information:

Present Use: Agricultural

Tract Size: 364.27

Legal Description: NE & N/2 NE SE & E/2 NE NW SE & SW SE NW & E/2 SE NW & SW LESS E16.5 N3300 E/2 SEC & LESS W2623.5 E2640 N16.5 NE & LESS BEG 674.57E SWC SW TH N250 E408.68 SE254.70 W456.80 POB & LESS 5.36AC OF RR R/W DESC IN BK3919 PG53 & 54 & LESS BEG SWC SW TH N50

Present Zoning: AG (Agricultural)

Fenceline/Area: Owasso

Land Use Designation: Rural Residential/Agricultural

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 0404 CASE NUMBER: CB0A-3299

CASE REPORT PREPARED BY: Kendal Davis

HEARING DATE: 9/16/25 1:30 PM

APPLICANT: Nathan S. Cross

ACTION REQUESTED: Special Exception to allow Mining and Mineral Processing in an AG District (Sec. 6.010. Table 6-1)

LOCATION: 55th Street N. & 66th Street NW of N. 145th E. Ave. **ZONED:** AG (Agricultural)

FENCELINE: Owasso

PRESENT USE: Agricultural **TRACT SIZE:** 364.27

LEGAL DESCRIPTION: NE & N/2 NE SE & E/2 NE NW SE & SW SE NW & E/2 SE NW & SW LESS E16.5 N3300 E/2 SEC & LESS W2623.5 E2640 N16.5 NE & LESS BEG 674.57E SWC SW TH N250 E408.68 SE254.70 W456.80 POB & LESS 5.36AC OF RR R/W DESC IN BK3919 PG53 & 54 & LESS BEG SWC SW TH N50

RELEVANT PREVIOUS ACTIONS:

ANALYSIS OF SURROUNDING AREA: The North Tulsa County Area is generally defined as lying north of East 56th Street North, bounded by the Sperry and Skiatook fence lines on the west, the Collinsville fence line on the north, and the Owasso fence line on the east. An additional portion extends northeast beyond the Collinsville fence line. The majority of this area was previously included in the North Tulsa County Comprehensive Plan (Cherokee Corridor) as part of the Tulsa Metropolitan Comprehensive Plan. The planning area encompasses a population of approximately 2,100 residents within roughly 750

households. The public engagement process began with an area-wide survey distributed throughout the community. An advisory team was also established to provide input and guidance, offering valuable information about local priorities and continuing to provide feedback during the preparation of the Future Land Use Map for North Tulsa County.

STAFF COMMENTS: The applicant is before the Board to request Special Exception to allow Mining and Mineral Processing in an AG District (Sec. 6.010, Table 6-1)

The extraction or quarrying of coal, ores, stone, minerals, topsoil or aggregate resources from the ground. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining and topsoil extraction. Also includes crushing, washing and grading coal, ore, stone, sand, gravel, minerals, topsoil or aggregate resources and manufacture of Portland cement.

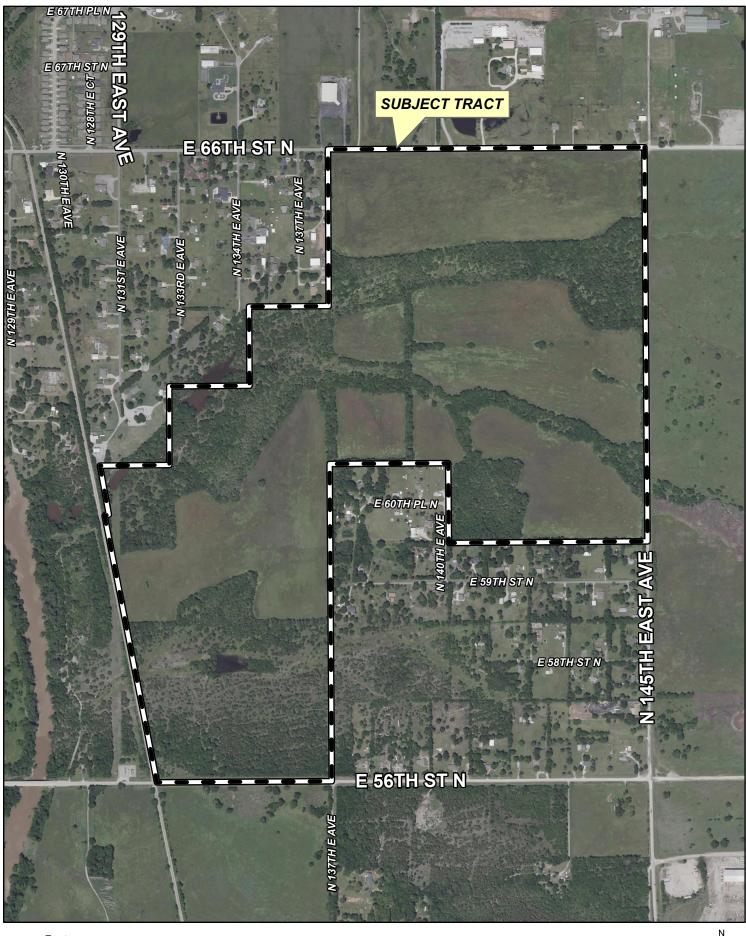
If inclined to approve the request the Board may consider any condition, it deems necessary in order to ensure that the proposed home occupation is compatible and non-injurious to the surrounding area.

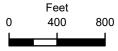
Sample Motion:

"Move to	(approve/deny) Special Exception to allow Mining and Mineral Processing in an AG			
District (Sec. 6.010, Table 6-1)				
Subject to the following conditions, if any:				
3	-			

In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board of adjustment determines to be necessary to ensure compliance with the standards of §14.080-G, to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of these zoning regulations

That the special exception will be in harmony with the spirit and intent of these zoning regulations; and the special exception will not be injurious to property in the vicinity of the subject property or otherwise detrimental to the public welfare.







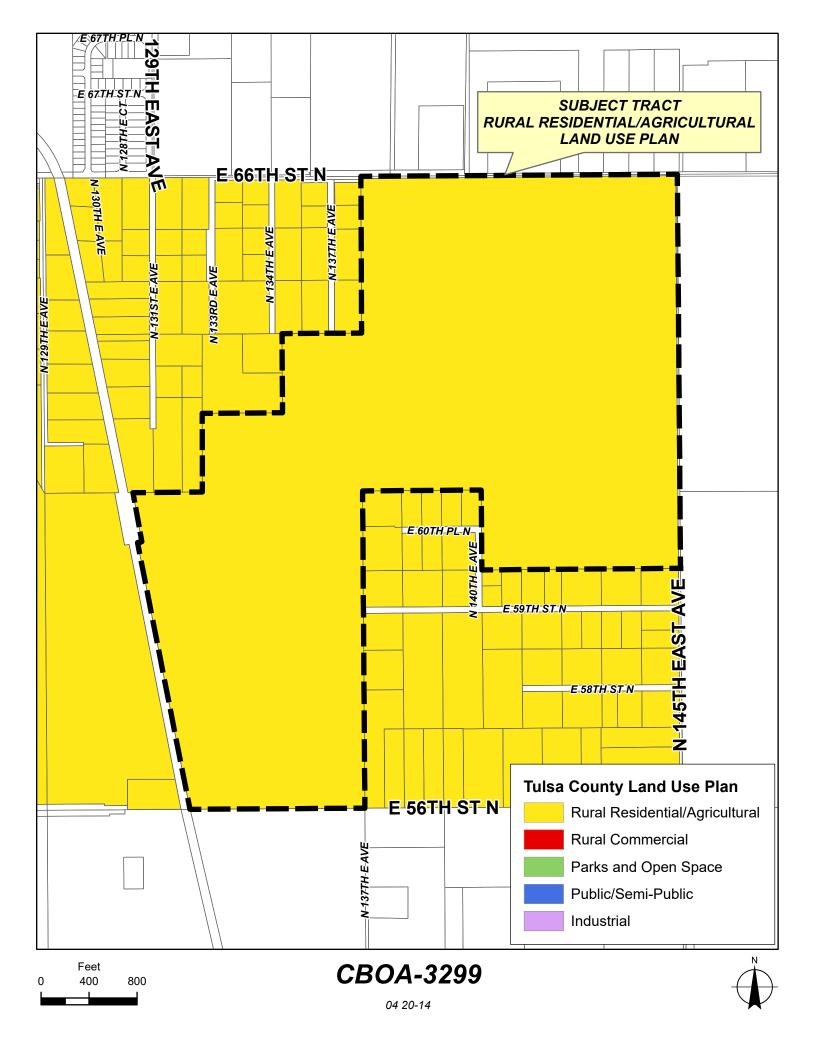
CBOA-3299

04 20-14

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

Aerial Photo Date: 2024





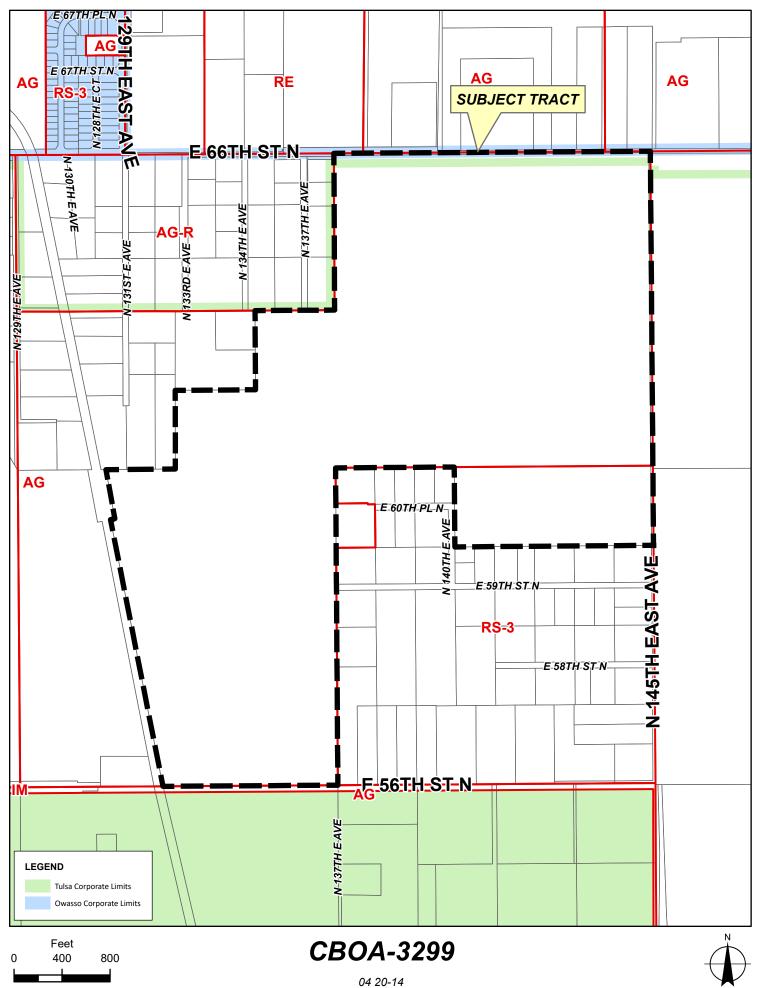




Exhibit "A"

Legal Description

A TRACT OF LAND LYING IN SECTION FOUR (4), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION FOUR; THENCE THENCE S01°26'23"E ALONG THE EAST SECTION LINE FOR A DISTANCE OF 3279.54 FEET; THENCE S88°37'05"W FOR A DISTANCE OF 1654.57 FEET; THENCE N01°29'43"W FOR A DISTANCE OF 660.90 FEET; THENCE S88°36'45"W FOR A DISTANCE OF 993.13 FEET; THENCE S01°31'43"E FOR A DISTANCE OF 2643.20 FEET; THENCE S88°37'58"W FOR A DISTANCE OF 1436.23 FEET TO THE EAST LINE OF AN EXISTING RAILROAD RIGHT OF WAY; THENCE N12°24'33"W ALONG SAID RAILROAD RIGHT OF WAY FOR A DISTANCE OF 2265.30 FEET; THENCE N77°35'27"E ALONG SAID RAILROAD RIGHT OF WAY FOR A DISTANCE OF 37.50 FEET; THENCE N12°24'33"W ALONG SAID RAILROAD RIGHT OF WAY FOR A DISTANCE OF 419.74 FEET; THENCE N88°36'45"E FOR A DISTANCE OF 582.13 FEET; THENCE N01°34'27"W FOR A DISTANCE OF 660.70 FEET; THENCE N88°36'25"E FOR A DISTANCE OF 662.32 FEET; THENCE N01°33'05"W FOR A DISTANCE OF 660.75 FEET; THENCE N88°36'06"E FOR A DISTANCE OF 662.58 FEET; THENCE N01°31'45"W FOR A DISTANCE OF 1301.15 FEET TO THE NORTH SECTION LINE: THENCE N88°42'19"E ALONG THE NORTH SECTION LINE FOR A DISTANCE OF 2652.43 FEET TO THE POINT OF BEGINNING

SAID TRACT CONTAINING 316.89 ACRES, MORE OR LESS

LEGAL DESCRIPTION WAS PREPARED ON JUNE 06, 2025 BY CLIFF BENNETT, PLS #1815, WITH THE BEARINGS BASED ON OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD83 OKLAHOMA STATE PLANE NORTH ZONE 3501).

Surveyor's Certificate

I, CLIFF BENNETT, OF WALLACE DESIGN COLLECTIVE, CERTIFY THAT THE LEGAL DESCRIPTION HEREON CLOSES IN ACCORDANCE WITH CURRENT TOLERANCES AND IS A TRUE REPRESENTATION OF THE DESCRIBED LEGAL, AND THAT THE SURVEY OF THE DESCRIBED LEGAL MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS 4TH DAY OF JUNE 2025.

CLIFF BENNETT, PLS OKLAHOMA NO.1815

CERT. OF AUTH. NO. 1460 EXP. DATE JUNE 30, 2025

EXHIBIT "B"

HISTORY

The property at issue in this request (the "Subject Property") is part of a parcel of undeveloped land situated between 56th Street North and 66th Street North west of North 145th East Avenue. The Subject Property has largely been vacant land for most of its existence due, in part, to the large amount of limestone beneath the soil. MINING

At some point in the distant past, a rich vein of limestone was discovered in and around the Subject Property. After that discovery, mining operations began to grow in the area. Currently, there are multiple active mining operations within roughly a mile radius of the Subject Property and as well as a vacant parcel north of the Subject Property which was recently approved by the Tulsa County Board of Adjustment for a Special Exception to allow Mining or Mineral Processing. As such, this portion of Tulsa County has become a significant source of regional limestone for use in construction. These mining activities have been further bolstered by increased demand due to depletion of other mining resources in the area to the point that this area of Tulsa is now the primary provider of limestone for construction in Tulsa and Oklahoma City, as well as other places within the

A summary of the requirements of the Oklahoma Department of Mines for permitting of a mining operation in Oklahoma is attached as Exhibit "C" along with an explanation of requirements for mitigation of impacts of mining operations to the adjacent properties. This summary was prepared in conjunction with direct input of Randy Wheeler, President of White Industrial Seismology, Inc., the entity the monitors vibrations in the area for purposes of reporting seismic activity to the Oklahoma Department of Mines. A copy of Mr. Wheeler's CV is attached as Exhibit "D". SPECIAL EXCEPTION

The proposed mining use referenced above is allowed as a Special Exception in AG zoning districts under the Tulsa County Zoning Code. As is depicted in the Site Plan attached to this Application as Exhibit "E", the Applicant proposes only the interior of the Subject Property be utilized for Mining or Mineral Processing with a 425 foot buffer being preserved around the north, northwest, south, and southeast portions of the proposed Mining or Mineral Processing Area. As proposed, Mining or Mineral Processing would only be allowed on 53% of the Subject Property with the remainder being undeveloped

Berm and Spacing:

In addition to the foregoing the Applicant also requests a Special Exception to allow the use of earthen berms and a significant spacing buffer between the mining activities and

the adjacent residentially zoned parcels on the west and east sides of the Subject Property. The earthen berm and spacing concept would be substantially similar to the diagram attached to this Application as Exhibit "F" and would include, at a minimum, an 6 foot tall earthen berm beginning within 5 feet of the mining pit as well as a minimum of 400 feet of open area buffer between the outside edge of the proposed earthen berm and the property line in these areas. The earthen berms shall be constructed in all areas of the Subject Property that share a property line with a residentially zoned parcel consistent with the requirements of Section 7.040 and 12.010 of the Tulsa County Zoning Code.

Additional Proposed Conditions:

In addition to the berms and spacing described above, the Applicant proposes the following additional conditions to the Special Exception:

- 1. Blasting operations conducted on the Subject Property will be limited to only being conducted between the hours of 8:00 am and 4:00 p.m. Monday through Friday.
- 2. A chain link security fence would be constructed around the perimeter of the Subject Property which adjoins residential properties.
- 3. A dust suppression system would be installed to prevent dust from leaving the Subject Property.
- 4. Reclamation of the Subject Property after mining and mineral processing activities are completed would be conducted in accordance with the regulations of the Oklahoma Department of Mines.

EXHIBIT "C"

1. OKLAHOMA DEPARTMENT OF MINES ("ODM") PERMITTING PROCESS

Mining permits are issued by the ODM only after an extensive review process. A detailed location and reclamation map that shows the permit area, planned setbacks, any transmission lines, pipelines, and natural features must be submitted by the applicant. The plan must address the methods that will be used to prevent conditions that could be hazardous to animal life and the safety of adjoining properties.

A reclamation plan must also be submitted that shows the intended configuration of the property after mining activities are completed. This intent of this reclamation plan is to ensure before mining commences that there is a regulated plan governing what will happen to the property after mining operations cease. To that end, a surety bond must be posted with ODM for all the acres within the permit area to insure compliance with the terms of the reclamation plan.

In addition to the above, a detailed plan for shots used in the proposed mining operation must be included in the permit application that demonstrates:

- 1) Types of explosives to be used;
- 2) Procedures to be utilized to control vibration and noise;
- 3) Procedures to be utilized to ensure complete and accurate records retention for data collected in accordance with the permit requirements;
- 4) Procedures to be utilized for shots including timing and signals; and
- 5) Procedures for use of seismographs to verify compliance with vibration standards under the permit and Oklahoma law.

Once the above documentation has been completed, the permit application is submitted to the County Clerk of the county in which a proposed mining operation is located for public access and review. Notice is then given for 4 consecutive weeks to allow interested parties to file objections related to the proposed mining operations with ODM and request a public hearing. In the event a party disagrees with the findings of ODM at a public hearing, such party may request adjudication of the matter by an administrative hearing.

In addition to the permit process and oversight by ODM, approval of other state agencies is also required. Oklahoma Department of Environmental Quality regulates storm water runoff, point-source discharges, and air quality. The US Army Corps of Engineers has jurisdiction to oversee impact on adjacent waterways such as Bird Creek.

As demonstrated by the number of steps and agencies involved in the above description, mining operations are not conducted unless certain specific qualifications are met. Additionally, if a mine is permitted, ODM continues to monitor operations and review data, handle any complaints and conduct site reviews of the mining operations. Accordingly, mining may be one of the most heavily regulated and monitored activities undertaken in Tulsa County. A copy of the relevant Oklahoma statutes governing mining activity is attached to this Application as Exhibit "G"

2. SHOT ACTIVITIES

During shots, energy waves are transmitted through the ground as vibrations. Vibrations are measured in inches per second ("in/s"). ODM has set a regulatory limit of 1.0 in/s for ground vibration. Human beings are extremely perceptive to ground vibrations. The human body can begin to perceive vibration levels at approximately 0.02 in/s. This is 50 times less than the ODM regulated vibration level. This obviously leads to a scenario where humans believe that vibrations are stronger than the actual intensity released by the shot.

Each individual shot is planned to optimize the amount of energy breaking rock and minimize air overpressure, noise and vibration. Ground vibrations and air overpressure are measured for every shot with multiple seismographs. The results measure for every single shot is compared with ODM allowable limits by a third-party, independent consultant. All complaints are investigated by ODM. After many years and thousands of shots at the existing operations around the proposed mining operation, no verifiable damage has ever been documented by ODM.

The Greenhill West quarry in the City of Tulsa has been in operation for a number of years. The Amazon and QuikTrip distribution centers, a QuikTrip convenience store, a fuel station, and a Costco retail store have been built while the quarry was in full production. All of these companies hired prominent geotechnical consultants to study the potential effects of mining before buying and building at their respective locations.

3. DUST. NOISE AND TRAFFIC

DUST

Dust is a byproduct of mining operations and, as part of ensuring compliance with permits and operational reviews conducted by ODM, mining operations use various techniques to mitigate fugitive dust during dry conditions. The primary techniques are frequent and consistent spraying of water from water tanker trucks brought on site during mining activities, application of dust suppressing agents on haul roads, and the use of sprinkling systems on stockpiles and stationary equipment.

Recent studies have shown that mining operations conducted in silica based geologic formations, such as granite or quartz, produce dust that may cause a type of lung cancer called silicosis. The mining activities conducted at the proposed mining

operation on the subject property would be mining for limestone. The dust from this limestone formation is calcium carbonate and is not carcinogenic.

OVERPRESSURE AND NOISE

Aerial vibration (called overpressure in seismology terms) limits from shot activity is one of the multiple parts of mining operations actively regulated by ODM at each mining operation. Each shot is measured by seismographs which are monitored by a third-party, independent consultant. Mining operations are required to limit overpressure emanating from activity to be below 133 decibels (dB). This is an extremely low threshold. To put the ODM limit in perspective, the overpressure of a 29 mph wind (which occurs regularly in this area) is about 134 dB. Overpressure of 151 dB causes about the same pressure as a 75 mph wind, at which point some window damage can occur.

TRAFFIC

There are three operating mining operations in the vicinity of this proposed mine. The amount of truck trips to and from a mining operation is driven by demand for rock products. Market demand has been relatively stable year over year and for a number of years. If this proposed mine were to go into operation, the trucks that travel to and from the site would be the same trucks that are currently traveling to and from other sites in the vicinity and should not increase the number of trucks on the road. They would simply be traveling to and from this site rather than to and from another site in the area. Additionally, the proposed mining operations in this area would be west of residential areas and any access to and from the site would predominantly travel on Highway 169.

8831205.2

EXHIBIT "D"

Professional Resume of Randall M. Wheeler May 15, 2023

PROFESSIONAL EXPERIENCE

White Industrial Seismology, Inc./White Engineering Associates, Inc.

President/Senior Vibration Specialist 1992 - Present

Vice President/Director of Technical Services 1985 - 1992

Manager of Technical Services 1982 - 1985

Manager of Data Processing 1980 - 1982

Computer Analyst 1978 - 1980

PROFESSIONAL AFFILIATIONS

International Society of Explosives Engineers, ISEE. Vice Chairman – Blast Vibration and Seismograph Section from 2002 to 2006. Member of the Board of Directors from 1998 to 2006. Member of the Standards Committee. Helped develop seismograph performance specifications and calibration standards.

Society of Mining Engineers, SME.

FIELDS OF PROFICIENCY

Mathematics, Seismology and Geophysics - Blasting Vibrations and Their Effects.

Application of Explosives in Construction, Mining and Quarrying Industries.

Pre-Blast and Post-Blast Inspections and Investigations.

Software Development Applicable to Engineering, Science and Seismology.

Engineering Mathematics.

Mechanics of Seismic Waves.

EXPERIENCE INCLUDES

Studies for setting safe blasting limits for major construction projects, mines, and quarries throughout the United States.

Studies pertaining to power input of drop balls and vibrating sheepsfoot rollers.

Pre-blast and post-blast inspections and investigations.

Application of explosives for excavation in mining and quarrying.

Expert testimony, depositions, public hearings and public relations.

Development of software applications:

Fourier transform frequency analysis for seismic and atmospheric disturbances.

Structural response analysis for various types of seismic disturbances.

Signature analysis and seismic wave simulations.

Linear regression analysis of seismic and acoustic amplitude decay.

Consultant in the development of the Alpha-Seis, Alpha-Seismite, Mini-Seis and Mini-Seis III/Pro digital seismographs.

PUBLICATIONS

Wheeler, R.M. 2011. "Resolving Blasting Near a High Pressure Pipeline" Proceedings of the 37th Annual Conference on Explosives and Blasting Technique; February 7; San Diego, Ca. International Society of Explosives Engineers; 2011.

Lusk, B., Worsey, P., Oakes, K., Chambers, J., Crabtree, S., Brasier, T., and Wheeler, R. 2006. "Destructive Wave Interference in Underground Blasting Utilizing Precise Timing" Proceedings of the 32nd Annual Conference on Explosives and Blasting Technique; Volume I, January 30; Dallas, TX. International Society of Explosives Engineers; 2006.

Wheeler, R.M. 2005. "The Importance of Saving the Full Wave Form and Frequency Analysis" Proceedings of the 31st Annual Conference on Explosives and Blasting Technique; Volume II, February 9; Orlando, FL. International Society of Explosives Engineers; 2005.

Eltschlager, K. and Wheeler, R.M. 2005. "Microphone Height Effects on Blast-Induced Air Overpressure Measurements" Proceedings of the 31st Annual Conference on Explosives and Blasting Technique; Volume I, February 8; Orlando, FL. International Society of Explosives Engineers; 2005.

Wheeler, R.M. 2004. "The Importance of Proper Seismometer Coupling" Proceedings of the 30th Annual Conference on Explosives and Blasting Technique; 2004 February 3; New Orleans, LA. International Society of Explosives Engineers; 2004.

Cumerlato, C.L., Siskind, D.E., and Wheeler, R.M. 1992. "Residential Structural Response to Airblast Overpressure From Munitions Disposal at the McAlester Army Ammunitions Plant." Final Report for the U.S. Department of the Army, McAlester Army Ammunition Plant, McAlester, Oklahoma.

Wheeler, R.M. 1991. "An Analysis of Firing Time Scatter Effects on Vibration Simulations from Waveforms with Low and High Frequency Components." Proceedings of the Seventh Annual Symposium on Explosives and Blasting Research; 1991 February 6-7; Las Vegas, NV. International Society of Explosives Engineers; 1991: 135-146.

Bowling, D.S., Wheeler, R.M., and Wheeler, M.B. 1989. "It's Like an Earthquake When They Blast!" - A Comparison of Strong Motion Earthquake Vibrations With Those Typically Generated by Surface Coal Mine Blasting. The Journal of Explosives Engineering Vol. 7, No. 4, 28-31.

Wheeler, R.M. 1989. "Controlling Blast Vibration Effects with On-Site Analysis of Single Hole Signatures, A New Approach." Proceedings of the Fifth Annual

Symposium on Explosives and Blasting Research; 1989 February 9-10; New Orleans, LA. International Society of Explosives Engineers; 1989: 123-134.

Wheeler, R.M. 1988. "How Millisecond Delay Periods May Enhance or Reduce Blast Vibration Effects." Mining Engineering Vol. 40, No. 10, 969-973.

Nuttli, O.W., Bowling, D.S, Lawson, J.E., and Wheeler, R.M. 1987. "Some Aspects of Seismic Scaling and the Strong Ground Motion of the Eastern Missouri Earthquake of January 12, 1984." Seismological Research Letters Vol. 58, No. 2, 53-58.

PRESENTATIONS AND SPEAKING ENGAGEMENTS

I have given numerous technical presentations over the years. The following list illustrates the diversity of my speaking engagements.

White Industrial Seismology, Inc. Blast Vibration Control Seminars.

Oklahoma Department of Mines Miner Training Institute, Krebs, Oklahoma.

Association of Oklahoma General Contractors, Muskogee, Oklahoma.

Northwest Mining Association 97th Annual Convention and Short Course.

ISEE Chapter meetings across the United States.

ISEE Annual meetings.

High-Tech Seminars on Blasting Technology, Instrumentation, and Explosives Applications sponsored by Blasting Analysis International.

Kentucky Blasting Conference.

Pennsylvania Blasting Conference

Ohio Drilling and Blasting Conference

Queen's University Blasting Technology Short Course in Kingston, Ontario CANADA.

University of Missouri at Rolla Sponsored Blasters Training Seminar in St. Louis, Missouri.

Mid-America Blasting Conference.

U. S. Department of Labor, Mine Safety and Health Administration, National Mine Health and Safety Academy, Mine Blasting and Safety Application Seminar.

State of West Virginia Blaster's Training, Charleston, WV.

EFEE World Conference on Explosives and Blasting, Brighton ENGLAND.

Missouri Limestone Producers Association.

EDUCATIONAL BACKGROUND

Pittsburg State University

1981 - 1984

Professional Resume of Randall M. Wheeler May 15, 2023 Page 4

Missouri Southern State College

1977 - 1981

B.S. Degree in Mathematics

A.S. Degree Computer Analysis

Minor in Physics

Pittsburg State University

1976

Electronics Curriculum

HONORS AND AWARDS

Missouri Blasting Safety Board. Appointed by Governor Matt Blunt, 2008.

Director - Heartland Chapter of Society of Explosives Engineers, 2005 -

Officer – International Society of Explosives Engineers, 2004 - 2006

Director - International Society of Explosives Engineers, 1998 - 2004

President - Ozark Chapter of the International Society of Explosives Engineers, 1996 - 1997

Secretary/Treasurer - Ozark Chapter of the International Society of Explosives Engineers, 1995 - 1996.

Director - Ozark Chapter of the International Society of Explosives Engineers, 1994 - 1995.

President's Award - International Society of Explosives Engineers - Las Vegas, Nevada, February 6, 1991.

Who's Who Among Rising Young Americans 1991.

Outstanding Service Award - Ozark Chapter of the International Society of Explosives Engineers, 1990.

Director - Heartland Chapter of Society of Explosives Engineers, 1989.

Charter President - Ozark Chapter of the International Society of Explosives Engineers, 1987 - 1989.

Excellence in Research Award from Pittsburg State University, Spring 1985. Award presented for Masters project on the Fourier transform with applications to seismic and acoustic disturbances from blasting.

Kappa Mu Epsilon - Mathematical Honorary Society.

Phi Kappa Phi - National Graduate Honor Society.

BLAST MONITORING PROJECTS

QUARRY AND UNDERGROUND

APAC Central – numerous quarries in Arkansas, Oklahoma, and Kansas

Martin Marietta Materials – numerous quarries in Kansas and Missouri

Lafarge Corporation – numerous quarries in Missouri and Oklahoma

Dozens of other smaller operations

COAL

Peabody – various operations across the U.S.

AMAX - Indiana

Old Ben Coal - Illinois

Continental Coal - Missouri

Many others over the years

CONSTRUCTION

Explosive Contractors

Pillshaw Explosives

Buckley Powder Company

Austin Powder Company

Orica

Dyno Nobel

Dykon Blasting

Dykon Demolition

Summers Blasting

Many others over the years

METAL

Freeport-McMoRan Operations in

Arizona

New Mexico

Peru

Chile

Indonesia

I also supervised monitoring in South Africa for a week with RAM Technical Services.

Professional Resume of Randall M. Wheeler May 15, 2023 Page 6

The number of domestic blast vibration monitoring projects I have been involved with over the last 45 years is too extensive to remember much less list. They have extended across the United States.

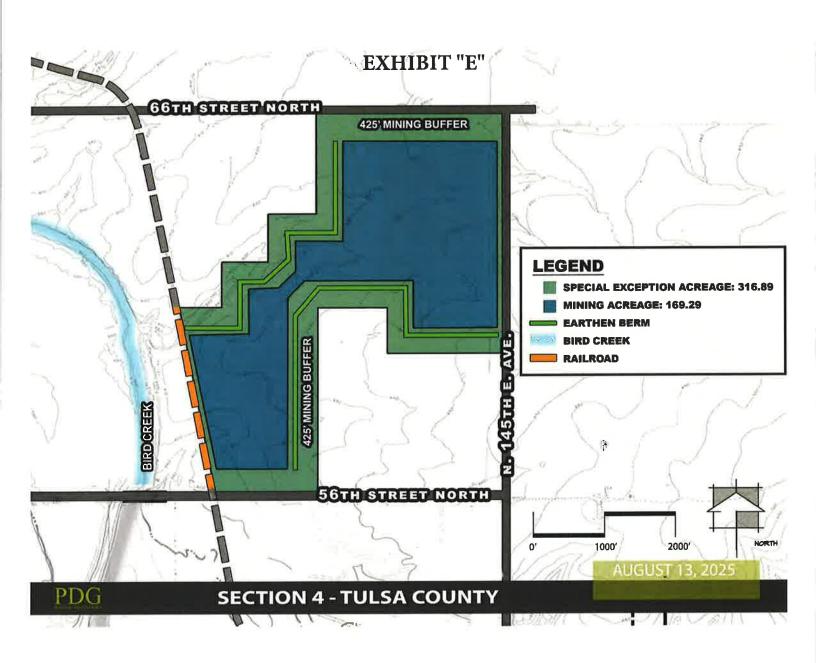


EXHIBIT "F" 425' MINING BUFFER ZONE 425' MINING BUFFER ZONE MINE PROPERTY LINE 425 FT BERM HEIGHT 6'-0" MINIMUM VARIES 20'-0" MINIMUM **QUARRY FLOOR** MINE WALL SECTION

Okla. Admin. Code 460:25-13-18

460:25-13-18. Blasting requirements

Currentness

- (a) All blasting shall be conducted between sunrise and sunset.
 - (1) The Department may specify more restrictive time periods, based upon public requests or other relevant information, according to the need to adequately protect the public from adverse noise.
 - (2) Blasting may, however, be conducted between sunset and sunrise if:
 - (A) A blast that has been prepared during the afternoon must be delayed due to the occurrence of an unavoidable hazardous condition and cannot be delayed until the next day because of a potential safety hazard.
 - (B) A complete written report of blasting at night is filed by the operator with the Department not later than three days after the night blasting. The report shall include the reasons for the delay in blasting, including why the blast could not be held over to the next day, when the blast was actually conducted, the warning signals given, and a copy of the blast report.
- (b) Access to the area shall be controlled to prevent the presence of livestock or unauthorized personnel during blasting and until an authorized representative of the operator has reasonably determined:
 - (1) That no unusual circumstances, such as imminent slides or undetonated charges, exist: and
 - (2) That access to and travel in or through the area can safely be resumed.
- (c) Flyrock shall not be cast from the blast area.
- (d) In all blasting operations, except as otherwise authorized in this Section, the maximum safe peak particle velocity shall not exceed the requirements of Section 460: 25-13-19(a) at the location of any dwelling, public building, school, church, or commercial or institutional building.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-13-18, OK ADC 460:25-13-18

End of Document

Okla, Admin, Code 460:25-13-19

460:25-13-19. Blasting standards

Currentness

- (a) In all blasting operations, except as hereinafter otherwise provided, the maximum safe peak particle velocity shall not exceed at the immediate location of any dwelling house, public building, school, church, commercial or institutional building, the following:
 - (1) Distance of structure from a blast 0-300 feet 2.0"/sec PPV.
 - (2) Distances of structure from blast 301 feet and beyond 1.0"/sec PPV initially until the blaster can determine from a history of blasts that a preponderance of frequencies, 40 HZ or above, are high enough to justify the 2.0"/sec PPV limit.
- (b) This ground velocity limit is not construed to mean property owned, leased, or contracted by the blaster or blaster's company or property on which the owner gives a written waiver.
- (c) No two (2) consecutive subcharges within any charge shall be separated by a delay time of less than eight (8) milliseconds.
- (d) The standard table for the maximum charge per delay shall be generated by the formula: W = (D/scaled distance)2; Where W is the weight of explosive in pounds and D is the distance from the charge to the nearest dwelling house, public building, school, church, commercial or institutional building in feet. The scaled distance factors allowed for various distances from the blast site, the table in Subsection (h) will be used. On sites where the Department decides it necessary to comply with the provision of the law this formula may be altered.
- (e) For the purpose of well shooting below 100 feet, the table shall be generated by the formula: W = (D/50)3; Where W is the total weight of explosives in the hole and D is the distance from the charge to the nearest dwelling house, public building, school, church, commercial, or institutional building.
- (f) Scaled Distance factors allowed for various distances from blast site:
 - (1) 0 to 300 ft. from blast site-Use scaled distance factor of 50 without seismic monitoring.
 - (2) 301 to 5,000 ft. from blast site Use scaled distance factor of 55 without seismic monitoring.

(3) 5,001 ft and beyond from blast site - Use scaled distance factor of 65 without seismic monitoring.

Credits

Authority: Oklahoma Mining Commission; 63 O.S. Section 123.4

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 38 Ok Reg 2418, OAR Docket #21-682, eff 9-11-21; Amended at 39 Ok Reg 2036, OAR Docket #22-686, eff 9-11-22]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-13-19, OK ADC 460:25-13-19

End of Document

Okla. Admin. Code 460:25-13-20

460:25-13-20. Seismographic measurements

Currentness

- (a) If a blaster decides that the table of maximum pound per delay established in 460: 25-17-19, is too conservative, he may use seismographic measurements and increase the charge per delay period, provided the velocity as required by Section 460: 25-13-19(a) is not violated. He must use the seismographic on every shot thereafter so long as the table is not being complied with.
- (b) If a blaster considers the table too conservative for his particular area, he may, upon submission of seismographic reports, petition for a modified table for blasting operation at the particular site, but in no case shall the Department allow a table that would allow velocities above the requirements of Section 460: 25-13-19(a).
- (c) In making a seismographic determination of the velocity at a particular position, the following formula shall be used: V = VO(Do/D)1.5; Where VO is the maximum ground particle velocity at the seismograph, Do is the distance of the seismograph from the blast, and D is the distance from the blast to the position in question and in the same general direction. The distance Do may not be greater than D, and D cannot be more than five (5) times Do. This determined velocity at the site of any dwelling house, public building, school, church, commercial or institutional building shall not exceed the requirements of Section 460: 25-13-19(a).
- (d) If special conditions occur which indicate that abnormal or potentially damaging ground vibrations may result from blasting, the Department may require a seismograph recording of any or all blasts.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-13-20, OK ADC 460:25-13-20

End of Document

Okla. Admin. Code 460:25-13-21

460:25-13-21. Airblast

Currentness

- (a) Maximum allowable airblast at any dwelling, public building, school, church, commercial or institutional building shall not exceed one hundred and twenty nine (129) decibels when measured by an instrument having a flat frequency response (+/-3 decibels) over a range of at least 6 to 200 hertz. If the airblast is measured with an instrument having a flat frequency response of (+/- 3 decibels) over a range of at least 2 to 200 hertz, the corresponding limit is one hundred and thirtythree (133) decibels.
- (b) If the department believes that the airblast from a blasting operation is exceeding or threatening to exceed the limits in section (a), it may require theat the blaster monitor the air airblast for a specified period.
- (c) The blaster shall take precautions, including the adequate confinement of all explosive materials, to ensure that the airblast limits in section 460:25-13-21(a) are met.
- (d) The Department may require lower limits than those specified in section 460:25-13-21(a) in the vicinity of buildings with increased susceptibility to damage from airblast, such as those with large plate glass windows, or in areas where excessive airblast could be deemed unacceptable, such as near hospitals or schools.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-13-21, OK ADC 460:25-13-21

End of Document

Okla. Admin. Code 460:25-13-22

460:25-13-22. Records of blasting operations

Currentness

A record of each blast, including seismographic reports if used, shall be retained for at least three years and shall be available for inspection by the Department upon request. The record shall contain at a minimum the following data:

(1) Name of company or contractor.
(2) Exact location of the blast, date, and time of detonation.
(3) Name, signature and license number of blaster in charge.
(4) Type of material blasted.
(5) Number of holes, burden and spacing.
(6) Diameter and depth of holes.
(7) Types of explosives used.
(8) Total amount of explosives used.
(9) Maximum amount of explosives per delay period of eight (8) milliseconds or greater.
(10) Method of firing and type of circuit.
(11) Direction, distance in feet, and identification of nearest dwelling, house, public building, school, church, commercial or institutional building neither owned nor leased by the person conducting the blast.
(12) Weather conditions including temperature, wind velocity, and direction.

(13) Type and height or length of stemming.
(14) A statement as to whether mats or other protections against flyrock were used.
(15) Type of delay electric blasting caps used and delay periods used.
(16) The person taking the seismograph reading shall accurately indicate exact location of seismograph if used and shall also show the distance of seismograph from blast and the distance from the nearest seismograph and the nearest structure.
(17) Seismograph records, where required:
(A) Name of person and firm analyzing the seismograph record
(B) Seismograph reading
(18) Maximum number of holes per delay period of eight (8) milliseconds or greater.
(19) Sketch of blast pattern including number of holes, burden and spacing distance delay pattern, and if decking is used, a hole profile.
(20) Digital or video recordings of each shot must be available for review upon request. Digital or video recordings must clearly show top and bottom of blast.
(21) Information provided with digital or video recordings must include:
(A) Date of recording;
(B) GPS location of recording and camera bearing;
(C) Name of person recording the blast.
Credits [Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Amended at 31 Ok Reg 2108, eff 9-12-14]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections

may be more current; see credits for details.

OAC 460:25-13-22, OK ADC 460:25-13-22

End of Document

Okla, Admin. Code 460:25-13-23

460:25-13-23. Variances

Currentness

- (a) The Department of Mines may grant variances from any provisions of this Chapter, if it can be demonstrated that said variance improves safety conditions or that said variance will provide such safe conditions as those which would prevail if there was compliance with the standards.
- (b) Such a variance may be modified or revoked by the Department.

Credits

[Source: Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-13-23, OK ADC 460:25-13-23

End of Document

Okla. Admin. Code 460:25-15-1

460:25-15-1. Purpose

Currentness

This Subchapter sets forth general procedures governing state inspections.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-15-1, OK ADC 460:25-15-1

End of Document

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Okla. Admin. Code 460:25-15-2

460:25-15-2. State inspections

Currentness

- (a) The Department may conduct an average of at least one inspection every year on all blasting permits under its jurisdiction. Additional inspections may be ordered for just cause by the Director of the Oklahoma Department of Mines or his designees.
- (b) The inspections required under (a) of this section shall:
 - (1) Be carried out on an irregular basis, as to monitor compliance at all operations, including those which operate nights, weekends, or holidays;
 - (2) Occur without prior notice to the operator being inspected or any agent or employee of such operator, except for necessary on-site meetings; and
 - (3) Include the prompt filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of 63 O.S. (1995), this Chapter and the permit.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-15-2, OK ADC 460:25-15-2

End of Document

Okla. Admin. Code 460:25-15-3

460:25-15-3. Citizens requests for inspection

Currentness

- (a) A citizen may request a site inspection by furnishing to an authorized representative of the Director of the Oklahoma Department of Mines a signed, written statement (or an oral report followed by a signed, written statement) giving the authorized representative reason to believe that a violation, condition or practice exists and setting forth a phone number and address where the citizen can be contacted.
- (b) Within 30 days of the state inspection, or, if there is no state inspection, within 30 days of receipt of the citizen's written statement, the Department may send the citizen the following:
 - (1) If an inspection was made, a description of the enforcement action taken if any; or
 - (2) If no state inspection was conducted, an explanation of the reason why.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-15-3, OK ADC 460:25-15-3

End of Document

Okla. Admin. Code 460:25-15-4

460:25-15-4. Right of entry

Currentness

Each authorized representative of the Director of the Department of Mines conducting a state inspection of any blasting operation under Title 63 of the Oklahoma Statutes:

- (1) Shall have the right of entry to inspect and investigate any blasting operation, without advance notice or a search warrant, upon presentation of appropriate credentials, and
- (2) May, at reasonable time and without delay, have access to a copy of any records required to be maintained by 63 O.S. (1995), Section and this Chapter, and may inspect any monitoring equipment required by 63 O.S. (1995), Section or this Chapter.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-15-4, OK ADC 460:25-15-4

End of Document

KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment 460:25-15-5. Availability of records [REVOKED]

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 15. State Inspection

Okla. Admin. Code 460:25-15-5

460:25-15-5. Availability of records [REVOKED]

Currentness

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Revoked at 39 Ok Reg 2036, OAR Docket #22-686, eff 9-11-22]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-15-5, OK ADC 460:25-15-5

End of Document

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations

Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-1

460:25-17-1. Purpose

Currentness

This Subchapter sets forth general rules regarding Departmental enforcement of 63 O.S. (1995), Section 123.1 et seq., this Chapter and all conditions of permits imposed under 63 O.S. (1995), Section 123.1 et seq. and this chapter.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-1, OK ADC 460:25-17-1

End of Document

KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment 460:25-17-2. Cessation Orders [EXPIRED]

Oklahoma Administrative Code
Title 460. Department of Mines
Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations
Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-2

460:25-17-2. Cessation Orders [EXPIRED]

Currentness

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 through 7-14-96 (emergency) 1]

Editors' Notes

EDITOR'S NOTE: ¹ This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-96 (after the 7-14-96 expiration of the emergency action), Section 460:25-17-2 was no longer effective. For the official text of the emergency rule that was effective from 1-11-96 through 7-14-96, see 13 Ok Reg 1111.

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-2, OK ADC 460:25-17-2

End of Document

Okla, Admin. Code 460:25-17-3

460:25-17-3. Notices of violation

Currentness

- (a) The Director of the Oklahoma Department of Mines or authorized representatives shall issue a notice of violation if, on the basis of an inspection, he or she finds a violation of 63 O.S. (1995), Section 123.1 et seq., this Chapter or any condition of a permit imposed under the 63 O.S. (1995), Section 123.1 et seq. or this Chapter, which does not create an imminent danger or harm for which a cessation order must be issued under Section 460:25-17-4.
- (b) A notice of violation issued under this Section shall be in writing, signed by the Director, or his authorized representative, and shall set forth with reasonable specificity:
 - (1) The nature of the violation;
 - (2) The remedial action required, which may include interim steps;
 - (3) A reasonable time for abatement, which may include time for accomplishment of interim steps; and
 - (4) A reasonable description of the portion of the non-coal surface mining and reclamation operation to which it applies.
- (c) The Director or his authorized representative may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom it was issued.
- (d) If the operator to whom the notice was issued fails to meet any time set for abatement or for accomplishment of an interim step, the Director or his authorized representative shall issue a cessation order under Section 460:25-17-4.
- (e) The Director or authorized representative shall terminate a notice of violation by written notice to the operator to whom it was issued, when he determines that all violations listed in the notice have been abated.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-3, OK ADC 460:25-17-3

End of Document

Okla, Admin, Code 460:25-17-3.1

460:25-17-3.1. Cessation orders

Currentness

- (a) The Director of the Department of Mines or his authorized representative shall immediately order a cessation of blasting operations or of the relevant portion, thereof, if finding on the basis of any inspection, and condition or practice, of any violation of 63 O.S. (1995) Section 123.1 et seq., this Chapter, other state law, or any condition of a permit imposed under 63 O.S. (1995) Section 123.1 et seq or this Chapter which creates an imminent danger to the health and safety of the public. If the cessation ordered under this section will not completely abate the imminent danger or harm in the most expeditious manner physically possible, the Director or his authorized representative shall impose affirmative obligations on the operator to whom it was issued to abate the condition, practice or violation. The order shall specify the time by which abatement shall be accomplished.
- (b) The Director of the Department of Mines or his authorized representative shall immediately order a cessation of the blasting operations, or of the relevant portion thereof, when a notice of violation has been issued and fails to abate the violations within the abatement period fixed or subsequently extended by the Director or authorized representative. A cessation order issued under this subsection shall require the operator to whom it is issued to take all steps the Director or his authorized representative deems necessary to abate the violations covered by the order in the most expeditious manner physically possible.
- (c) A Cessation order issued under (a) or (b) of this Section shall be in writing, signed by the Director or his authorized representative, and shall set forth with reasonable specificity:
 - (1) the nature of the violation;
 - (2) the remedial action or affirmative obligation required, or recommended if any, including interim steps, if appropriate;
 - (3) the time established for abatement, if appropriate, including the time for meeting any interim steps; and
 - (4) a reasonable description of the position of the blasting operations to which it applies. The order shall remain in effect until the condition, practice or violation has been abated or until vacated, modified or terminated in writing by the Director of the Department of Mines.
- (d) Any action or activities intended to protect the public health and safety and the environment shall continue during the period of any order unless otherwise provided in the order.

- (e) The Director or authorized representative may modify, terminate or vacate a cessation order for good cause, and may extend the time for abatement if the failure to abate within the time previously set was not caused by lack of diligence on the part of the person to whom it was issued.
- (f) The Director or authorized representative shall terminate a cessation order, by written notice to the operator to whom the order was issued, when he or she determines that all conditions, practices or violations listed in the order have been abated.

Credits

[Source: Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-3.1, OK ADC 460:25-17-3.1

End of Document

Oklahoma Administrative Code

Title 460. Department of Mines

Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations

Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-4

460:25-17-4. Service of notices of violations and cessation orders

Currentness

A notice of violation or cessation order shall be served on the person to whom it is directed or his designated agent promptly after issuance, as follows:

- (1) By tendering a copy at the blasting operation to the designated agent or to the individual who, based upon reasonable inquiry by the Director or his authorized representative, appears to be in charge of the blasting operation referred to in the notice or order. If no such individual can be located at the site, a copy may be tendered to any individual on the site who appears to be an employee or agent of the person to whom the notice or order is issued. Service shall be complete upon tender of the notice or order and shall not be deemed incomplete because of refusal to accept.
- (2) As an alternative to (1) of this section, service may be made by sending a copy of the notice or order by certified mail or by hand to the operator to whom it is issued or his designated agent. Service shall be complete upon tender of the notice or order of the mail and shall not be deemed incomplete because of refusal to accept.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-4, OK ADC 460:25-17-4

End of Document

Okla, Admin. Code 460:25-17-5

460:25-17-5. Review of citations

Currentness

- (a) Upon the issuance of a notice or order charging that a violation of the Oklahoma Explosives and Blasting Regulations Act has occurred, the Department shall inform the operator within thirty (30) days of the proposed amount of said penalty.
- (b) The person charged with the penalty shall then have thirty (30) days form receipt of the proposed assessment notice to pay the proposed penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the Department for placement in an escrow account.
- (c) If through administrative or judicial review of the proposed penalty, it is determined that no violation occurred, or that the amount of the penalty should be reduced, the Department shall within thirty (30) day remit the appropriate amount to the person.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-5, OK ADC 460:25-17-5

End of Document

Okla. Admin. Code 460:25-17-6

460:25-17-6. Violator enforcement

Currentness

- (a) Any person who violates any permit condition or any other provision of the Oklahoma Explosives and Blasting Regulation Act or this Chapter may be assessed an administrative penalty by the Department. The penalty assessment will be as follows:
 - (1) Such penalty shall not exceed Five Thousand Dollars (\$5,000.00) for each violation.
 - (2) Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments.
- (b) In determining the amount of the penalty, consideration shall be given to the following:
 - (1) The person's history of previous violations regarding explosives and blasting operations;
 - (2) The seriousness of the violation, including harm to the environment and any hazard to the health or safety of the public;
 - (3) Whether the person was negligent; and
 - (4) Whether the person demonstrated good faith in attempting to achieve rapid compliance after notification of the violation.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6, OK ADC 460:25-17-6

End of Document

Okla. Admin. Code 460:25-17-6.1

460:25-17-6.1. When penalty will be assessed

Currentness

- (a) The Department shall assess a penalty for each cessation order.
- (b) The Department shall assess a penalty for each notice of violation, if the violation is assigned 31 points or more under the point system described in Section 460-25-17-6.3.
- (c) The Department may assess a penalty for each notice of violation assigned 30 points or less under the point system described in Section 460:25-17-6.3. In determining whether to assess a penalty, the Department shall consider the factors listed in Section 460:25-17-6.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.1, OK ADC 460:25-17-6.1

End of Document

Okla. Admin. Code 460:25-17-6.2

460:25-17-6.2. Procedures for assessment of civil penalties

Currentness

- (a) Within 15 days of service of a notice or order, the person to whom it was issued may submit written information about the violation to the Department and to the inspector who issued the notice of violation or cessation order. The Department shall consider any information so submitted in determining the facts surrounding the violation and the amount of the penalty.
- (b) The Department shall serve a copy of the proposed assessment and of the worksheet showing the computation of the proposed assessment on the person to whom the notice or order was issued, by certified mail, within 30 days of the issuance of the notice or order
 - (1) If the mail is tendered at the address of that person set forth in the permit application or any address at which that person is in fact located, and he or she refuses to accept delivery of or to collect such mail, the requirements of this paragraph shall be deemed to have been complied with upon such tender.
 - (2) Failure by the Department to serve any proposed assessment within 30 days shall not be grounds for dismissal of all or part of such assessment unless the person against whom the proposed penalty has been assessed:
 - (A) Proves actual prejudice as a result of the delay; and
 - (B) Makes a timely objection to the delay. An objection shall be timely only if made in the normal course of administrative review.
- (c) Unless a conference has been requested, the Department shall review and reassess any penalty if necessary to consider facts which were not reasonably available on the date of issuance of the proposed assessment because of the length of the abatement period. The Department shall serve a copy of any such reassessment and of the worksheet showing the computation of the reassessment in the manner provided in (b) of this Section, within 30 days after the date the violation is abated.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.2, OK ADC 460:25-17-6.2

End of Document

Okla, Admin, Code 460:25-17-6.3

460:25-17-6.3. Point system for penalties

Currentness

The Department shall use the point system described in this Section to determine the amount of the penalty and, in the case of notices of violations, whether a mandatory penalty should be assessed as provided in 460:20-17-6.1(b). Points shall be assigned as follows:

- (1) **History of previous violations.** The Department shall assign up to 30 points based on the history of previous violations. One point shall be assigned for each past violation contained in the notice of violation. Five points shall be assigned for each violation (but not a condition or practice) contained in a cessation order. The history of previous violations, for the purpose of assigning points, shall be determined and the points assigned with respect to a particular blasting operation. Points shall be assigned as follows:
 - (A) A violation shall not be counted, if the notice or order is the subject of pending administrative or judicial review or if the time to request said review or to appeal any administrative or judicial decision has not expired, and thereafter it shall be counted for only one year;
 - (B) No violation for which the notice or order has been vacated shall be counted; and
 - (C) Each violation shall be counted without regard to whether it led to a civil penalty assessment.
- (2) Seriousness. The Department shall assign up to 30 points based on the seriousness of the violation, as follows:
 - (A) **Probability of occurrence.** The Department shall assign up to 15 points based on the probability of occurrence of the event which a violated standard is designed to prevent. Points shall be assessed according to the following schedule:
- (i) No probability of occurrence: 0 points
- (ii) Insignificant probability of occurrence: 1-4 points
- (iii) Unlikely probability of occurrence: 5-9 points

(iv) Likely probability of occurrence: 10-14 points

(v) Occurred: 15 points

(B) Extent of potential or actual damage. The Department shall assign up to 15 points, based on the extent of the potential or actual damage, in terms of area and impact on the public or environment, as follows:

(i) If the damage or impact which the violated standard is designed to prevent would remain within the blast site or permit area, the Department shall assign 0 to 7 points, depending on the duration and extent of the damage or impact.

(ii) If the damage or impact which the violated standard is designed to prevent would extend outside the blast site or permit, the Department shall assign 8 to 15 points, depending on the duration and extent of the damage or impact.

(C) Alternative. In the case of a violation of an administrative requirement, such as a requirement to keep records, the Department shall, in lieu of (2)(A) and (B) of this Section, assign up to 15 points for seriousness, based upon the extent to which enforcement is obstructed by the violation.

(3) Negligence.

- (A) The Department shall assign up to 25 points based on the degree of fault of the person to whom the notice or order was issued in causing or failing to correct the violation, condition, or practice which led to the notice or order, either through act or omission. Points shall be assessed as follows:
- (i) A violation which occurs through no negligence shall be assigned no penalty points for negligence;
- (ii) A violation which is caused by negligence shall be assigned 12 points or less, depending on the degree of negligence;
- (iii) A violation which occurs through a greater degree of fault than negligence shall be assigned 13 to 25 points, depending on the degree of fault.
 - (B) In determining the degree of negligence involved in a violation and the number of points to be assigned, the following definitions apply:
- (i) No negligence means an inadvertent violation which was unavoidable by the exercise of reasonable care.
- (ii) Negligence means the failure of a permittee to prevent the occurrence of any violation of his or her permit or any requirement under this Chapter due to indifference, lack of diligence, or lack of reasonable care or the failure to abate any violation of such permit or this Chapter due to indifference, lack of diligence, or lack of reasonable care.

- (iii) A greater degree of fault than negligence means reckless, knowing, or intentional conduct.
 - (C) In calculating points to be assigned for negligence, the acts of all persons working on the blasting site shall be attributed to the person to whom the notice or order was issued, unless that person establishes that they were acts of deliberate sabotage.
 - (4) Good faith in attempting to achieve compliance.
 - (A) The Department shall add points based the degree of good faith of the person to whom the notice or order was issued in attempting to achieve rapid compliance after notification of the violation. Points shall be assigned as follows:
- (i) Rapid compliance: 1 TO 10 points
- (ii) Normal compliance: 0 points
 - (B) The following definitions shall apply under (4)(A) of this Section:
- (i) Rapid compliance means that the person to whom the notice or order was issued took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before the time set for abatement.
- (ii) Normal compliance means the person to whom the notice or order was issued abated the violation within the time given for abatement.
 - (C) If consideration of this criterion is impractical because of the length of the abatement period, the assessment may be made without considering this criterion and may be reassessed after the violation has been abated.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.3, OK ADC 460:25-17-6.3

End of Document

Oklahoma Administrative Code

Title 460. Department of Mines

Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations

Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-6.4

460:25-17-6.4. Determination of amount of penalty

Currentness

The Department shall determine the amount of any civil penalty by converting the total number of points assigned under Section 460:25-17-6.3 to a dollar amount, according to the following schedule:

- (1) 1 point = \$20
- (2) 2 points = \$40
- (3) 3 points = \$60
- (4) 4 points = \$80
- (5) 5 points = \$100
- (6) 6 points = \$120
- (7) 7 points = \$140
- (8) 8 points = \$160
- (9) 9 points = \$180
- (10) 10 points = \$200
- (11) 11 points = \$220
- (12) 12 points = \$240

- (13) 13 points = \$260
- (14) 14 points = \$280
- (15) 15 points = \$300
- (16) 16 points = \$320
- (17) 17 points = \$340
- (18) 18 points = \$360
- (19) 19 points = \$380
- (20) 20 points = \$400
- (21) 21 points = \$420
- (22) 22 points = \$440
- (23) 23 points = \$460
- (24) 24 points = \$480
- (25) 25 points = \$500
- (26) 26 points = \$600
- (27) 27 points = \$700
- (28) 28 points = \$800
- (29) 29 points = \$900
- (30) 30 points = \$1,000

- (31) 31 points = \$1,100
- (32) 32 points = \$1,200
- (33) 33 points = \$1,300
- (34) 34 points = \$1,400
- (35) 35 points = \$1,500
- (36) 36 points = \$1,600
- (37) 37 points = \$1,700
- (38) 38 points = \$1,800
- (39) 39 points = \$1,900
- (40) 40 points = \$2,000
- (41) 41 points = \$2,100
- (42) 42 points = \$2,200
- (43) 43 points = \$2,300
- (44) 44 points = \$2,400
- (45) 45 points = \$2,500
- (46) 46 points = \$2,600
- (47) 47 points = \$2,700
- (48) 48 points = \$2,800

- (49) 49 points = \$2,900
- (50) 50 points = \$3,000
- (51) 51 points = \$3,100
- (52) 52 points = \$3,200
- (53) 53 points = \$3,300
- (54) 54 points = \$3,400
- (55) 55 points = \$3,500
- (56) 56 points = \$3,600
- (57) 57 points = \$3,700
- (58) 58 points = \$3,800
- (59) 59 points = \$3,900
- (60) 60 points = \$4,000
- (61) 61 points = \$4,100
- (62) 62 points = \$4,200
- (63) 63 points = \$4,300
- (64) 64 points = \$4,400
- (65) 65 points = \$4,500
- (66) 66 points = \$4,600

$$(67)$$
 67 points = \$4,700

$$(68)$$
 68 points = \$4,800

$$(69) 69 \text{ points} = \$4,900$$

$$(70)$$
 70 points = & above \$5,000

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.4, OK ADC 460:25-17-6.4

End of Document

Oklahoma Administrative Code

Title 460. Department of Mines

Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations

Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-6.5

460:25-17-6.5. Assessment of separate violations for each day

Currentness

- (a) The Department may assess separately a civil penalty or each day from the date of the issuance of the notice of violation or cessation order to the date set for abatement of the violation. In determining whether to make such an assessment, the Department shall consider the factors listed in Section 460:25-17-6.1 and may consider the extent to which the person to whom the notice or order was issued gained any economic benefit as a result of a failure to comply. For any violation which continues for 2 or more days and which is assigned more than 70 points under Section 460:25-17-6.3, the Department shall assess a penalty for a minimum of 2 separate days.
- (b) In addition to the civil penalty provided for in (a) of this Section, whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended, a civil penalty of not less \$750.00 shall be assessed for each day during which such failure to abate continues, except that:
 - (1) The entry of a final order by the Department after an expedited hearing which ordered the suspension of the abatement requirements of the citation because it was determined that the person will suffer irreparable loss or damage from the application of the abatement requirements; or
 - (2) The entry of an order by the court in any review proceedings initiated by the person in which the court orders the suspension of the abatement requirements.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.5, OK ADC 460:25-17-6.5

End of Document

Okla. Admin. Code 460:25-17-6.6

460:25-17-6.6. Procedures for assessment conference

Currentness

(a) The Department shall arrange for a conference to review the proposed assessment or reassessment, upon written request of the person to whom notice or order was issued, if the request is received within 30 days from the date the proposed assessment or reassessment is mailed.

(b) Assessment conference.

- (1) The Department shall assign a Conference Officer to hold the assessment conference. The assessment conference shall be held within 60 days from the date of issuance of the proposed assessment or end of the abatement period, whichever is later, provided that a failure by the Department to hold said conference within 60 days shall not be grounds for dismissal of all or part of an assessment unless the person against whom the proposed penalty has been assessed proves actual prejudice as a result of the delay.
- (2) The Department shall post notice of the time and place of the conference at the State or field office closest to the blast site at least 5 days before the conference.
- (3) The Conference Officer shall consider all relevant information on the violation and within 30 days after the conference is held, the conference officer shall either:
 - (A) Settle the issues, in which case a settlement agreement shall be prepared and signed by the Conference Officer on behalf of the Department and by the person assessed; or
 - (B) Affirm, raise. lower, or vacate the penalty.
- (4) An increase or reduction of a proposed civil penalty assessment of more than 25 percent and more than \$500.00 shall not be final and binding until approved by the Director.
- (c) The Conference Officer shall promptly serve the person assessed with a notice of his or her action in the manner provided in Section 460:25-17-6.2 (b) and shall include a worksheet if the penalty has been raised or lowered. The reasons for the conference officer's action shall be fully documented in the file.

(d) Settlement agreements.

- (1) If a settlement agreement is entered into, the person assessed will be deemed to have waived all rights to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a clause to this effect.
- (2) If full payment of the amount specified in the agreement is not received by the Department within 30 days after the date of signing, the Department may enforce the agreement or rescind it and proceed according to (b)(3)(B) of this Section within 30 days from the date of the rescission.
- (e) The Conference Officer may terminate the conference when he or she determines that the issues can not be resolved or that the person assessed is not diligently working toward resolution of the issues.
- (f) At a formal review proceeding on the results of the assessment conference no evidence as to statements made or evidence produced by one party at a conference shall be introduced as evidence by another party or to impeach a witness.

Credits

[Source: Amended at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.6, OK ADC 460:25-17-6.6

End of Document

Okla. Admin. Code 460:25-17-6.7

460:25-17-6.7. Request for hearing

Currentness

- (a) The person charged with the violation may contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty or, if a conference has been held, the assessed or affirmed penalty to the Department (to be held in escrow as provided in (b) of this Section) within 30 days from receipt of the proposed assessment or reassessment or 15 days from the date of service of the Conference Officer's action, whichever is later. The fact of the violation may not be contested if it has been decided in a review proceeding commenced under 460:25-17-9.
- (b) All funds submitted under (a) of this Section to the Department, which shall hold them in escrow pending completion of the administrative and judicial process, at which time it shall disburse them as provided in Section 460:20-61-12.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.7, OK ADC 460:25-17-6.7

End of Document

Oklahoma Administrative Code

Title 460. Department of Mines

Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations

Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-6.8

460:25-17-6.8. Final assessment and payment penalty

Currentness

- (a) If the person to whom a notice of violation or cessation order is issued fails to request a hearing as provided in 460:25-17-6.7, the proposed assessment shall become a final order of the Director and the penalty assessed shall become due and payable upon the expiration of the time allowed to request a hearing.
- (b) If any party requests judicial review of a final order of the Director, the proposed penalty shall continue to be held in escrow until completion of the review. Otherwise, subject to (c) of this Section, the escrowed funds shall be transferred to the Department in payment of the penalty, and the escrow shall end.
- (c) If the final decision in the administrative and judicial review results in an order reducing or eliminating the proposed penalty assessed under this Subchapter, the Department shall within 30 days of the receipt of the order refund to the person assessed all or part of the escrowed amount.
- (d) If the review results in an order increasing the penalty, the person to whom the notice or order was issued shall pay the difference to the Department within 15 days after the order is mailed to such person.

Credits

[Source: Added at 18 Ok Reg 3221, eff 7-26-01]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-6.8, OK ADC 460:25-17-6.8

End of Document

Okla. Admin. Code 460:25-17-7

460:25-17-7. Hearing request

Currentness

- (a) An administrative penalty shall be assessed by the Department only after the person charged with a violation described under section 460:25-17-6 of this Section has been given an opportunity for a hearing pursuant to Article II of the Administrative Procedures Act. Any hearing under this Section shall be of record.
- (b) Where such a hearing has been held, the Department shall make findings of fact and shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid.
- (c) When appropriate, the Department shall consolidate such hearings with other proceedings under the Oklahoma Explosives and Blasting Regulation Act.
- (d) Where the person charged with such a violation fails to avail himself of the opportunity for a hearing, an administrative penalty shall be assessed by the Department after determining that a violation did occur, and the amount of the penalty which is warranted, and issuing an order requiring that the penalty be paid.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-7, OK ADC 460:25-17-7

End of Document

Okla. Admin. Code 460:25-17-8

460:25-17-8. Informal conferences

Currentness

- (a) Any person having an interest which is or may be adversely affected by a decision on a permit application or a notice or order of the Department, may request in writing that the Department hold an informal conference on the application, notice or order. The request shall contain:
 - (1) Briefly summarize the issues to be raised by the requestor at the conference;
 - (2) State whether the requestor desires to have the conference conducted in the locality of the blasting operation; the Oklahoma Department of Mines Office in Oklahoma City shall be deemed reasonably close to the blasting operation unless a closer location is requested and agreed to by the Department.
 - (3) Be filed with the Department no later than thirty (30) days after notice of the affected action.
 - (4) The conference shall be conducted by a representative of the Department, who may accept oral or written statements and any other relevant information from any party to the conference. An electronic record shall be made of the conference, unless waived by all of the parties. The record shall be maintained and shall be accessible to the parties of the conference.
- (b) Except as provided in this Section, if an informal conference is requested in accordance with (a) of this Section, the Department shall hold an informal conference within a reasonable time following the receipt of the request. The informal conference shall be conducted as follows:
 - (1) If requested under (a)(2) of this Section it shall be held in the locality of the proposed blasting operation.
 - (2) The date, time, and location of the informal conference shall be sent to the applicant and other parties to the conference and shall be publicly posted by the Department.
 - (3) If all parties requesting the informal conference withdraw their request before the conference is held, the informal conference may be canceled.
- (c) Within thirty (30) days after the close of the informal conference, the Hearing Officer shall issue a proposed order affirming, modifying or vacating the decision, notice or order under appeal at the conference.

(d) The proposed order of the Hearing Officer shall be subject to formal review.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-8, OK ADC 460:25-17-8

End of Document

Okla, Admin. Code 460:25-17-9

460:25-17-9. Formal administrative review

Currentness

- (a) Within thirty (30) days after receipt of notification of a departmental decision concerning a permit application decision concerning approval, denial, suspension, revocation, a proposed order of the Hearing Officer or a notice or order of the Department, the applicant or permittee or any person with an affected interest may request a hearing on the reasons for the decision, in accordance with this Section, this Chapter and the Administrative Procedures Act.
- (b) The filing of any application for review and request for a hearing shall not operate as a stay of notice of violation or cessation order issued by the Department nor shall the request by a stay of any modification, termination, or vacation of said notice or order.
- (c) The Department shall start the administrative hearing within thirty (30) days of such request for administrative review. The hearing shall be on the record and adjudicatory in nature. No person who presided at an informal conference under 460:25-17-8 shall either preside at the hearing or participate in the decision following the hearing or administrative appeal.
- (d) The hearing shall be conducted under the following conditions:
 - (1) The hearing authority may administer oaths and affirmation, subpoenas, witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery and take evidence including, but not limited to, site inspections of the area to be affected.
 - (2) A verbatim record of each hearing required by this Section shall be made, and transcription made available on the motion of any party or by order of the hearing authority.
 - (3) Ex parte contacts between representatives of the parties appearing before the hearing authority and the hearing authority shall be prohibited.
- (e) The burden of proof at such hearing shall be on the party seeking to reverse the decision of the Department.
- (f) Within thirty (30) days after the close of the record, the hearing authority shall issue and furnish the applicant and each person who participated in the hearing with the written findings of act, conclusions of law and order of the hearing authority with respect to the appeal of the decision, which is subject to judicial review by a court of competent jurisdiction pursuant to the Oklahoma Administrative Procedures Act.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-9, OK ADC 460:25-17-9

End of Document

Okla, Admin. Code 460:25-17-10

460:25-17-10. Willful violators

Currentness

Any person who willfully and knowingly violates a condition of a permit issued pursuant to this Chapter or fails or refuses to comply with any order issued under this Chapter, or any order incorporated in a final decision issued by the Department under this Chapter, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than one (1) year, or both.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-10, OK ADC 460:25-17-10

End of Document

Okla. Admin. Code 460:25-17-11

460:25-17-11. Corporate Permittee violators

Currentness

Whenever a corporate permittee violates a condition of a permit issued pursuant to this Chapter or fails or refuses to comply with any order issued under this Chapter, or any order incorporated with a final decision issued by the Director of the Department of Mines under this Chapter, any director, officer or agent of such corporation who willfully and knowingly authorized, ordered or carried out such violation, failure or refusal shall be subject to the same administrative penalties, fines and imprisonment that may be imposed upon a person under sections 460:25-17-6 and 460:25-17-9 of this Chapter.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-11, OK ADC 460:25-17-11

End of Document

Oklahoma Administrative Code

Title 460. Department of Mines

Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations

Subchapter 17. Violations and Cessation Orders

Okla. Admin. Code 460:25-17-12

460:25-17-12. False information given

Currentness

Whoever knowingly makes any false statement, representation or certification, or knowingly fails to make any statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or any order of decision issued by the Department under this Chapter, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than one (1) year or, both.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-12, OK ADC 460:25-17-12

End of Document

Okla. Admin. Code 460:25-17-13

460:25-17-13. Corrective action

Currentness

Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction shall be assessed an administrative penalty of not less than Seven Hundred Fifty Dollars (\$750.00) for each day during which such failure or violation continues.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-13, OK ADC 460:25-17-13

End of Document

Okla. Admin. Code 460:25-17-14

460:25-17-14. Correction period

Currentness

The period permitted for corrections of violations shall not end until the following:

- (1) The entry of a final order by the Department after an expedited hearing which ordered the suspension of the abatement requirements of the citation because it was determined that the person will/would suffer irreparable loss or damage from the application of the abatement requirements: or
- (2) The entry of an order by a court in any review proceedings initiated by the person in which the court orders the suspension of the abatement requirements.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current: see credits for details.

OAC 460:25-17-14, OK ADC 460:25-17-14

End of Document

Okla. Admin. Code 460:25-17-15

460:25-17-15. Unlawful resistance

Currentness

Any person who shall, except as permitted by law, willfully resist, prevent, impede or interfere with the Department or any of the agents or employees thereof in the performance of duties pursuant to this division shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not more than one (1) year, or both.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-15, OK ADC 460:25-17-15

End of Document

Okla. Admin. Code 460:25-17-16

460:25-17-16. Penalty recovery

Currentness

Administrative penalties owed under the Oklahoma Explosives and Blasting Regulation Act may be recovered in a civil action brought by the Attorney General or any district attorney in the district in which the violation occurred at the request of the Department in the appropriate district court. Such action, also may be brought by the Department.

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current; see credits for details.

OAC 460:25-17-16, OK ADC 460:25-17-16

End of Document

KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment APPENDIX A. TABLE TO BE USED FOR DETERMINING WEIGHT OF EXPLOSIVES TO BE USED ON A SINGLE DELAY [REVOKED]

Oklahoma Administrative Code

Title 460. Department of Mines

Chapter 25. Oklahoma Explosives and Blasting Rules and Regulations

Okla. Admin. Code 460:25 App. A

APPENDIX A. TABLE TO BE USED FOR DETERMINING WEIGHT OF EXPLOSIVES TO BE USED ON A SINGLE DELAY [REVOKED]

Currentness

Credits

[Source: Added at 13 Ok Reg 1111, eff 1-11-96 (emergency); Added at 13 Ok Reg 3499, eff 8-26-96; Revoked at 39 Ok Reg 2036, OAR Docket #22-686, eff 9-11-22]

Current through rules published in Volume 41, Number 5 of the Oklahoma Register dated November 15, 2023. Some sections may be more current: see credits for details.

OAC 460:25 App. A, OK ADC 460:25 App. A

End of Document

From: Scott Yager
To: esubmit

Subject: Case Number CBOA-3299 – Opposition to Special Exception for Mining and Mineral Processing

Date: Sunday, September 07, 2025 11:51:33 AM

To:

Tulsa County Board of Adjustment c/o INCOG 2 W. 2nd Street, Suite 800 Tulsa, OK 74103

Email: esubmit@incog.org

Re: Case Number CBOA-3299 – Opposition to Special Exception for Mining and Mineral Processing

Dear Board Members,

I am writing to express my strong opposition to the application for a **Special Exception to allow Mining and Mineral Processing** in an **AG** (**Agricultural**) **District** at 55th Street N. & 66th Street NW of N. 145th E. Avenue (Case No. CBOA-3299).

Granting this exception would set a harmful precedent for agricultural zoning and bring significant negative impacts to nearby residents, farms, and the environment. My objections are based on the following concerns:

- 1. **Traffic and Road Safety** Heavy truck traffic from mining operations would endanger drivers, school buses, and local residents using rural roads not designed for industrial loads.
- 2. **Noise, Dust, and Blasting** Mining and mineral processing generate disruptive noise and airborne dust that can cause respiratory health problems, reduce air quality, and diminish the peaceful agricultural character of the area.
- 3. Water and Environmental Risks Mining raises serious concerns about water contamination, runoff, and long-term damage to soil and ecosystems, particularly in agricultural zones.
- 4. **Property Values** Studies show that proximity to mining operations depresses surrounding property values, unfairly impacting families who have invested in their homes and land.
- 5. **Zoning Integrity** The AG (Agricultural) zoning classification was not created to accommodate industrial mining. Granting a special exception undermines the purpose of zoning regulations and the expectations of landowners who rely on them for stability and protection.

For these reasons, I urge the Board of Adjustment to **deny Case No. CBOA-3299** and protect our community, our environment, and the intended use of agricultural land.

Thank you for your consideration.

Respectfully, Scott Yager

14312 E 59th St N., Owasso, OK 74055

From: Cynda Eastham
To: esubmit

Subject: Case #CBOA-3299

Date: Tuesday, September 09, 2025 8:54:14 AM

Reference # CBOA-3299

Greenhill Properties did not inform all families impacted, only those families whose property is adjacent to the subject tract.

Greenhill Properties has not posted required notices in the area informing the public of their intent to change zoning and the date and time of the public meeting.

Greenhill Properties is telling the families impacted this "change" in zoning is NOT a change, just an "addition". Any addition to or deletion from current zoning IS a change.

Greenhill Properties is being deceitful and not acting in good faith.

Ervin and Cynda Eastham 14311 E 59th St N Owasso, OK 918-272-9168 ercy4247east82@gmail.com

Sent from my iPad



Case Number: CBOA-3300

Hearing Date:9/16/25 1:30 PM

Case Report Prepared by:

Kendal Davis

Owner and Applicant Information:

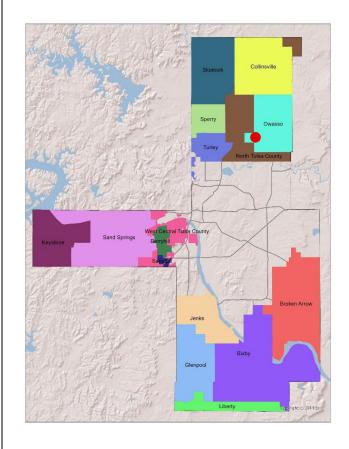
Applicant: Timber Wolf Excavating

Property Owner: Honor Enterprise

Funding, LLC

<u>Action Requested</u>: Special Exception to allow Mining and Mineral Processing in an AG District (Sec. 6.010, Table 6-1).

Location Map:



Additional Information:

Present Use: Agriculture

Tract Size: 20

Legal Description: S1/2 SW NW SEC. 25-21-

13

Present Zoning: AG (Agricultural)

Fenceline/Area: Owasso

Land Use Designation: Residential

TULSA COUNTY BOARD OF ADJUSTMENT CASE REPORT

TRS: 1325 **CASE NUMBER: CBOA-3300**

CASE REPORT PREPARED BY: Kendal Davis

HEARING DATE: 9/16/25 1:30 PM

APPLICANT: Timber Wolf Excavating

ACTION REQUESTED: Special Exception to allow Mining and Mineral Processing in an AG District (Sec.

6.010, Table 6-1).

LOCATION: 8405 N. Memorial Drive, Owasso, Ok, 74055 **ZONED:** AG (**Agriculture**)

FENCELINE: Owasso

PRESENT USE: Agricultural **TRACT SIZE:** 20

LEGAL DESCRIPTION: S1/2 SW NW SEC. 25-21-13

RELEVANT PREVIOUS ACTIONS: None

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned AG (Agriculture) and is surrounded by AG-zoned properties, with the exception of a large residential lot to the southwest developed with a single-family residence.

STAFF COMMENTS: The applicant is before the Board to request Special Exception to allow Mining and Mineral Processing in an AG District (Sec. 6.010, Table 6-1).

The extraction or quarrying of coal, ores, stone, minerals, topsoil or aggregate resources from the ground. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining and topsoil extraction. Also includes crushing, washing and grading coal, ore, stone, sand, gravel, minerals, topsoil or aggregate resources and manufacture of Portland cement.

If inclined to approve the request the Board may consider any condition, it deems necessary in order to ensure that the proposed home occupation is compatible and non-injurious to the surrounding area.

In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board of adjustment determines to be necessary to ensure compliance with the standards of §14.080-G, to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of these zoning regulations. That the special exception will be in harmony with the spirit and intent of these zoning regulations; and the special exception will not be injurious to property in the vicinity of the subject property or otherwise detrimental to the public welfare.



CBOA-3300

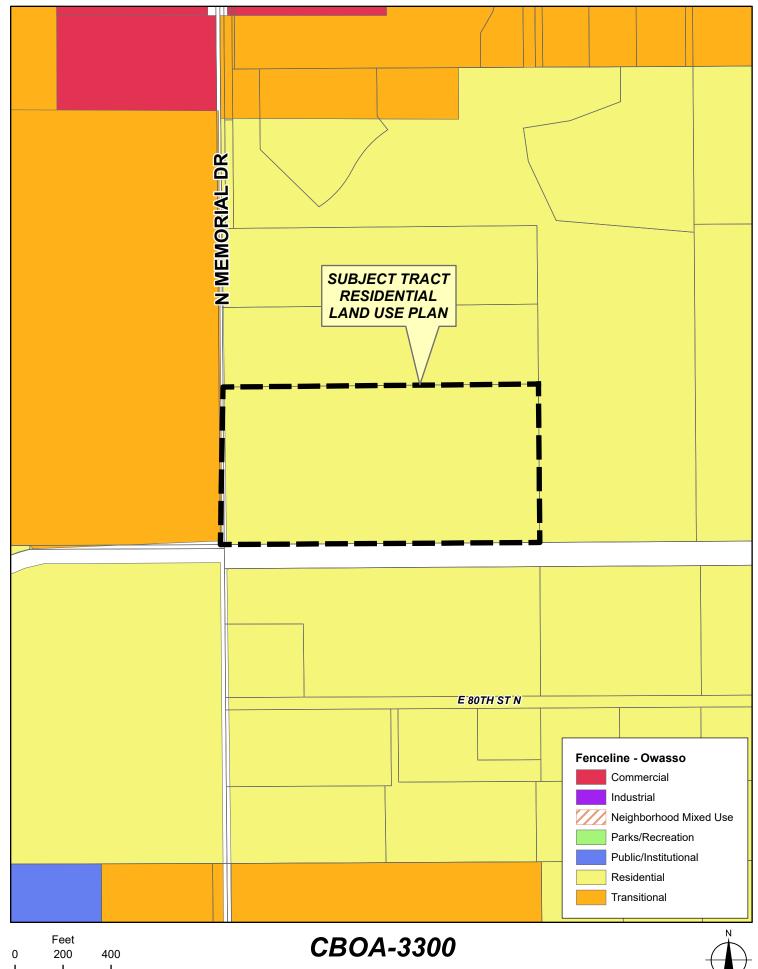
25 21-13

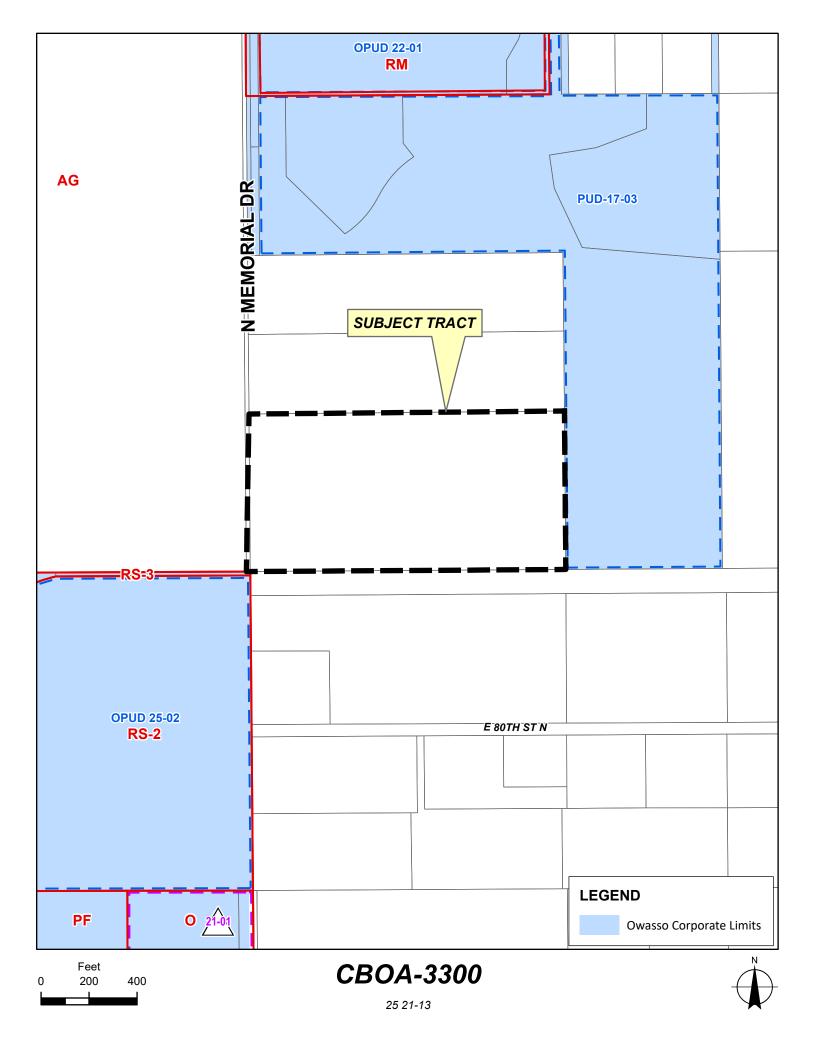


Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2024









Timber Wolf Excavating, LLC.

PO Box 636 Broken Arrow, Oklahoma 74013 office:(918)355-7458 fax:(918)355-8832

Tulsa County Board of Adjustment

Tulsa County

2 West Second Street, Suite 800

Tulsa Oklahoma 74103

August 12, 2025

Dear Members of the Tulsa County Board of Adjustment,

I am writing this letter to formally request an earth change permit for the construction of a pond located at 8405 N. Memorial Drive, Owasso, Oklahoma, 74055. This project aims to enhance the management of stormwater runoff; it will provide sufficient storage for the surrounding properties and also provide valuable ecological benefits to the area.

The proposed pond will serve as an effective water management solution, helping to mitigate flooding and manage runoff, which will ultimately greatly benefit to the surrounding community. By capturing and storing excess water, the pond can alleviate pressure on the stormwater drainage systems, ensuring that our neighborhoods remain safe and dry during heavy rainfall.

In addition to its functional benefits, the pond will create a habitat for local wildlife, promoting biodiversity in the region. The natural environment will flourish, attracting a variety of wildlife, which can be a source of enjoyment for all. Furthermore, the pond will enhance the aesthetic appeal of the area, becoming a beautiful and serene space.

We believe that this project aligns with the goals of promoting sustainable land use and enhancing the natural landscape of Tulsa County. We are committed to ensuring that all environmental standards are adhered to during the construction and maintenance phases.

We appreciate your consideration of our request for the permit and look forward to positively contributing to the local environment and community through the creation of this project.

Thank you,

J. Gus

