

AGENDA
Regularly Scheduled Meeting
Tulsa County Board of Adjustment
Tuesday, September 17, 2019, 1:30 p.m.
Ray Jordan Tulsa County Administration Building
500 South Denver, Room 119

Meeting No. 473

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of August 20, 2019 (Meeting No. 472).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

2. **2764—Scott Robbins**

Variance of the maximum size permitted for an accessory building in an RS District from 750 square feet to 1,200 square feet (Section 240.2-E). **LOCATION:** 5606 South 85th Avenue West

3. **2765—Lisa Lewis**

Variance of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** 16034 North 97th East Avenue

4. **2766—Michael Parrish**

Use Variance to permit Use Unit 3, Agriculture, in a Residential District (Chapter 4, Table 1). **LOCATION:** 451 South 74th West Avenue

5. **2768—Madison Freeman**

Variance of the side setback from 15 feet to 10 feet in an AG District (Section 330, Table 3). **LOCATION:** 5710 East 96th Street North

6. **2769—Holliday Sand & Gravel**

Special Exception to permit Use Unit 24, Mining and Mineral Processing, (Section 1224) in an AG District (Section 310, Table 1). **LOCATION:** SW/c of East 141st Street South and South 129th East Avenue

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.countyoftulsa-boa.org

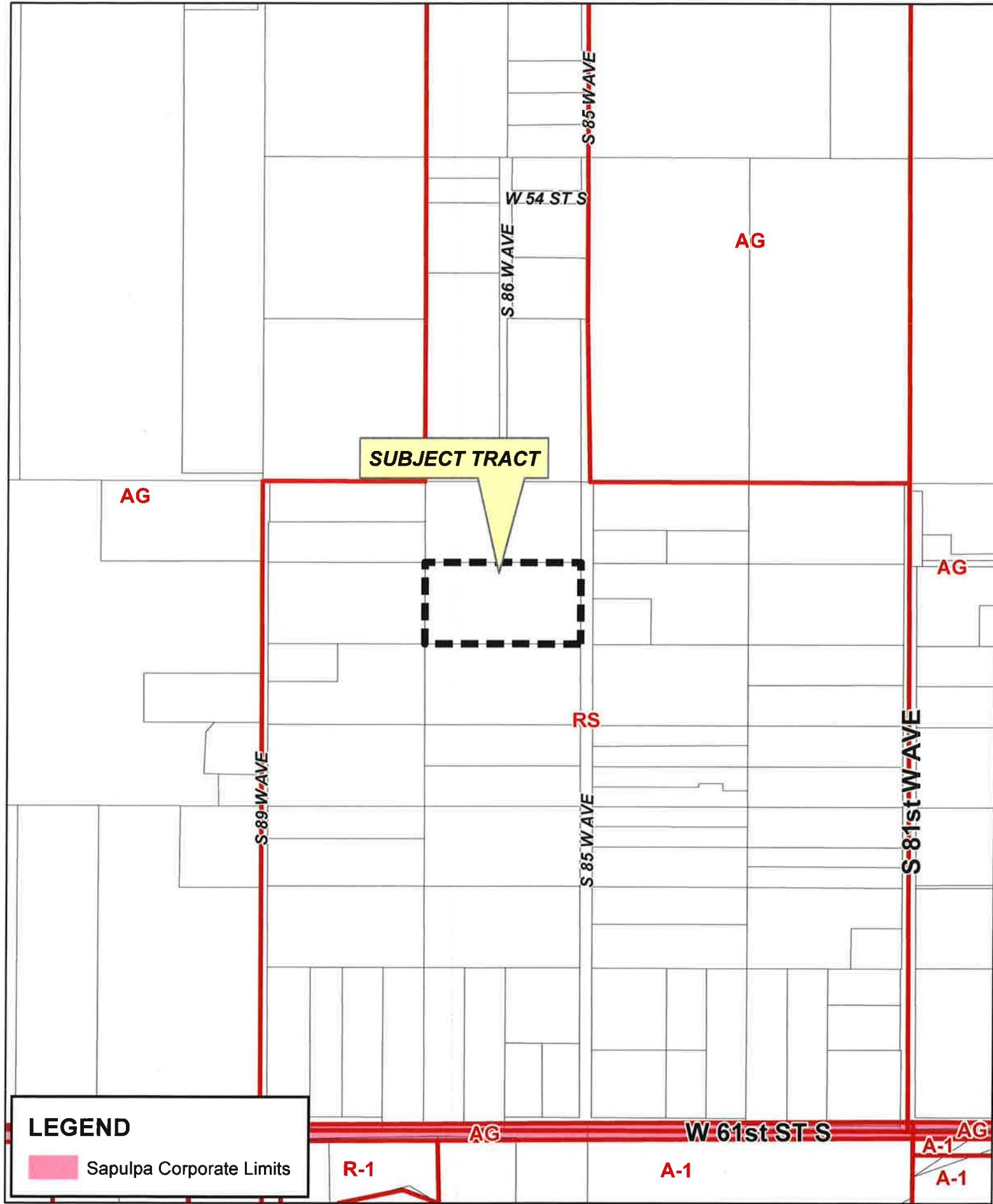
E-mail: esubmit@incog.org

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

NOTE: Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all electronic devices must be turned off during the Board of Adjustment meeting.

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

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CBOA-2764

19-11 36

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BOARD OF ADJUSTMENT CASE REPORT

STR:9136

Case Number: CBOA-2764

CZM:44

PD:

HEARING DATE: 09/17/2019 1:30 PM

APPLICANT: Scott Robbins

ACTION REQUESTED: Variance of the maximum size permitted for an accessory building in an RS district from 750 SF to 1,200 SF. (Sec.240.2-E)

LOCATION: 5606 S 85 AV W

ZONED: RS

PRESENT USE: Residential

TRACT SIZE: 4.81 acres

LEGAL DESCRIPTION: S/2 NE NW SE LESS E 25 FOR ST SEC 36-19-11,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-0258 October 1982: The Board **approved** a *special exception* to allow a mobile home and a *variance* to allow two dwelling units per lot of record in a RS zoned district for a period of 4 years. Property being located north of the northwest corner of West 61st Street South and South 85th West Avenue (5600 South 85th West Avenue).

Surrounding Property:

CBOA-2208 June 2006: The Board **approved** a *variance* of the maximum size permitted for an accessory building in an RS district from 750 SF to 2,832 SF, on property located at 5633 South 89th Avenue West.

CBOA-1537 October 1997: The Board **approved** a *variance* of the maximum allowed floor area for a detached accessory building from 750 SF to 1600 ST; and a *variance* to permit a garage as a principal use in an RS district, on property located at 5780 South 85th West Avenue.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by large rural residential lots with residential uses. The area is residential/agricultural in character.

STAFF COMMENTS:

The applicant is before the Board requesting a variance of the allowed square footage for an accessory building from 750 SF to 1200 SF (Section 240.2.E).

Section 240.2.E permits accessory buildings in the RS district; the total square footage of all accessory buildings on the lot cannot exceed 750 SF of floor area. The provision of the Code

attempts to establish and maintain development intensity of the district, preserve the openness of living areas and avoid overcrowding by limiting the bulk of structures.

The client has provided the following statement: "My wife told me if I didn't get my stuff out of the garage that she would start selling it or divorce me so she could park her car in there this winter."

According to the drawing provided the applicant is proposing to construct a 30' x 40', (1,200 SF), detached storage building northwest of the existing house on the site. The applicant has requested a variance to increase the total permitted square footage of accessory buildings to 1,200 SF.

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

Sample Motion:

"Move to _____ (approve/deny) a Variance of the maximum size permitted for an accessory building in an RS district from 750 SF to 1,200 SF. (Sec.240.2-E)

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

In granting a Variance, the Board must find that 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.

COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 313

Tuesday, June 20, 2006, 1:30 p.m.

County Commission Room

Room 119

County Administration Building

MEMBERS PRESENT **MEMBERS ABSENT** **STAFF PRESENT** **OTHERS PRESENT**

Charney, Vice Chair Hutson, Chair
Dillard, Secretary
Tyndall
Walker

Butler
Cuthbertson

West, Co. Inspector

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Thursday, June 15, 2006 at 3:53 p.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Vice Chair Charney called the meeting to order at 1:30 p.m.

Mr. Cuthbertson read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Walker**, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to **APPROVE** the Minutes of May 16, 2006 (No. 312).

UNFINISHED BUSINESS

Case No. 2208

Action Requested:

Variance of the maximum size permitted for an accessory building in an RS district from 750 to 2,832 sq. ft., located: 5633 S 89th AV W

Presentation:

The applicant was not present. Mr. Cuthbertson reminded the Board this case was heard last month. The application was advertised incorrectly and it was re-advertised correctly for this meeting.

Comments and Questions:

Mr. Charney summarized that the Board heard the case at the last meeting and this was simply a technical issue required it to be re-noticed on this agenda.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Dillard, the Board voted 4-0-0 (Walker, Tyndall, Dillard, Charney "aye"; no "nays"; no "abstentions"; Hutson "absent") to APPROVE a Variance of the maximum size permitted for an accessory building in an RS district from 750 to 2,832 sq. ft., on the following described property:

S/2 NW NW SE LESS W 25 FOR ST SEC 36-19-11 Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 2210

Action Requested:

Variance of the required 30 ft. of frontage on a public street to 0 ft. (Section 207), located: 408 West 41st Street North.

Presentation:

Andre Hornsby, 408 West 41st Street North, the applicant, submitted aerials and photographs (Exhibits A-1 and A-2). He indicated the neighbors are in support of the application. He pointed out the road from Cincinnati to his property has existed since at least 1950. There was never a legal easement for this road, yet all of the property owners along the road use it for access. He added that the County black-topped that road one year ago.

Comments and Questions:

Mr. Charney summarized that it appears to be an easement by use over time. Mr. Cuthbertson agreed, as it crosses three or four different properties. He added that Mr. Hornsby indicated that he has tried to get an easement but no one would agree to grant legal easement to any of the property owners at the back. The Board members discussed future issues for legal sale or transfer of property, and mortgage financing. Mr. Cuthbertson stated there is no right-of-way for 41st Street, but Tom Raines and Ray Jordan say the County has been maintaining it. He added that all indications point to it being a public road but there is no legal right-of-way.

Interested Parties:

There were no interested parties who wished to speak.

Case No. 1536 (continued)

Comments and Questions:

In response to Mr. Alberty, Ms. Richardson stated that there are singlewide trailers in the area that have been in the area for several years.

Ms. Richardson informed the Board that the three-perc tests have passed.

Mr. Glenn asked the applicant if the variance for the two dwelling units is on the north end of the subject property? Ms. Richardson answered affirmatively.

Board Action:

On MOTION of TYNDALL, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to APPROVE a Special Exception to permit 3 mobile homes permanently in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9 and a Variance to permit 2 dwelling units per lot of record on the north 331' of the subject tract. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; per plan submitted; subject to tie downs and skirting, subject to the Health Department approval and a building permit; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

W 566 25', S 660', SW, SE, Sec. 35, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 1537

Action Requested:

Variance of the maximum allowable floor area for detached accessory buildings from 750 SF to 1600 SF. SECTION 240.2.E.YARDS and a Variance to permit a garage as a principal use in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 23 (Storage, NEC), located 5780 South 85th West Avenue.

Presentation:

The applicant, **Timothy D. Spiker**, 1104 West Oakridge, Broken Arrow, submitted a site plan (Exhibit J-1), architectural drawing (Exhibit J-2) and photographs (Exhibit J-3). Mr. Spiker stated he purchased the subject five acres and would like to build the proposed facility to store maintenance equipment for the subject property. He explained that the five acres has a pond and requires additional upkeep. He indicated that he plans to build a home on the acreage in the near future. The building will not be used for a commercial use, but will be used for storage. The proposed building will be a double car garage and once the house is built it will be the main garage. Mr. Spiker stated that the proposed building is not different than the out buildings in the immediate area.

Case No. 1537 (continued)

Comments and Questions:

Mr. Alberty asked the applicant if he is requesting the garage before the house is built? He answered affirmatively.

Mr. Alberty asked the applicant what type of construction the building will be? He stated the garage will be metal construction.

Mr. Alberty asked the applicant if he planned to provide sleeping quarters in the proposed building or strictly a garage? Mr. Spiker stated that there will be a restroom facility for convenience. He explained that the proposed building is strictly for storage of construction materials.

Mr. Alberty asked the applicant when he plans to begin construction of the home? Mr. Spiker stated his goal is three years maximum.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Alberty, Eller, Tyndall, Walker "aye"; no "nays", no "abstentions"; Looney "absent") to APPROVE a Variance of the maximum allow floor area for detached accessory buildings from 750 SF to 1600 SF. SECTION 240.2.E.YARDS and a Variance to permit a garage as a principal use in an RS district. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 23 (Storage, NEC); per plan submitted; subject to a time limitation of 5 years; finding that the size of the land can handle the size of the building; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

N/2, SE/4, NW/4, SE/4, Sec. 36, T-19-N, R-11-E, IBM, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof.

Case No. 1538

Action Requested:

Special Exception to allow a doublewide manufactured home in an RMH zoned district, located 1919 East 62nd Place West.

Presentation:

The applicant, Peter J. Stahl, withdrew his application.

NEW APPLICATIONS:

Case No. 254

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to allow two dwellings on one lot. This property is located at 13915 North 90th East Avenue.

Presentation:

Melvin Teachman, 13915 North 90th East Avenue, was present requesting permission to place the mobile home on the subject tract for his divorced daughter and her two children to reside in. Mr. Teachman and his wife reside in a house presently on the subject property.

Protestants: None.

Board Comments:

Mr. Martin asked if there were other mobile homes in the area and Mr. Teachman answered in the affirmative. Mr. Walker asked if there were other lots with two dwelling units on them and the applicant answered in the affirmative.

Mr. Wines asked about the septic system and Mr. Teachman stated that he has two separate septic tank systems and it has been approved by the Health Department.

Mr. Gardner suggested that the Board might consider placing a time limit on the application.

Board Action:

On MOTION of WALKER and SECOND by ALBERTY, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwellings on one lot of record for a period of three (3) years, on the following described property:

A 2.51 acre tract of land situated in the W/2 of the SE/4 of Section 25, Township 22 North, Range 13 East, Tulsa County, State of Oklahoma, described as follows, to wit: Beginning at a point South 0°-05'-00" West a distance of 652.68' and due East a distance of 329.70' from the Northwest corner of the W/2 of the SE/4 of Section 25, Township 22 North, Range 13 East, Tulsa County, State of Oklahoma; thence South 0°-04'-57" West a distance of 331.63' to a point; thence due East 329.70' to a point; thence North 0°-04'-54" East a distance of 331.63' to a point; thence due West a distance of 329.69' to the point of beginning, containing 2.51 acres, more or less, according to the U. S. Government Survey thereof; subject to a 25-foot roadway on the West and subject to a 10-foot utility easement on the East.

Case No. 258

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to allow two dwellings on one lot of record; and a Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a special exception to allow a mobile home in an RS Zoned District. This property is located at 5600½ South 85th West Ave.

Case No. 258 (continued)

Presentation:

Melvin Gann, 5602 South 85th West Avenue, was present requesting permission to place a mobile home on the subject property for his daughter and her husband to reside in. Mr. Gann presently has a residence on the 10-acre subject tract. The proposed mobile home would be placed on 2 1/2 acres.

Protestants: None.

Board Comments:

Mr. Martin asked if there were other mobile homes in the area and Mr. Gann stated that there are approximately 5 mobile homes within one-half mile of the subject tract.

Board Action:

On MOTION of WINES and SECOND by TYNDALL, the Board voted 5-0-0 (Alberty, Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwellings on one lot of record; and a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a mobile home in an RS Zoned District, for a period of four (4) years, subject to Tulsa City-County Health Department's approval, and subject to the issuance of a building permit, on the following described property:

The S/2, NE/4, NW/4, SE/4 of Section 36, Township 19 North, Range 11 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 260

Action Requested:

Special Exception - Section 310 - Accessory Uses in Agriculture Districts- Request for a home occupation, (glass cutting and polishing) in a present residence. This property is located East of the SE corner of 41st Street and Coyote Trail.

Presentation:

Clyde Davis, P. O. Box 869, Sand Springs, Oklahoma, 74063, was present requesting permission to locate a home occupation in his residence. The business consists of cutting small mirrors in his home and chipping the edges. The applicant also cuts and grinds the glass for scanner glass for IBM Scanning Machines, which are used in grocery stores. Mr. Davis is presently constructing a barn-type structure which will be used for the business.

Protestants: None.

Board Comments:

Mr. Walker asked the applicant if he was familiar with the home occupation regulations and Mr. Davis answered in the affirmative.

The Board inquired as to the number of employees and Mr. Davis stated that he and his wife are the only employees for the business. The Board also inquired as to the number of customers who come to the residence and Mr. Davis stated that they deliver most of the glass and more than 90% of the goods go out of the State of Oklahoma.



0 Feet
250 500



Subject
Tract

CBOA-2764

19-11 36

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

Aerial Photo Date: February 2018

2.10





0 Feet
50
100



Subject
Tract

CBOA-2764

19-11 36

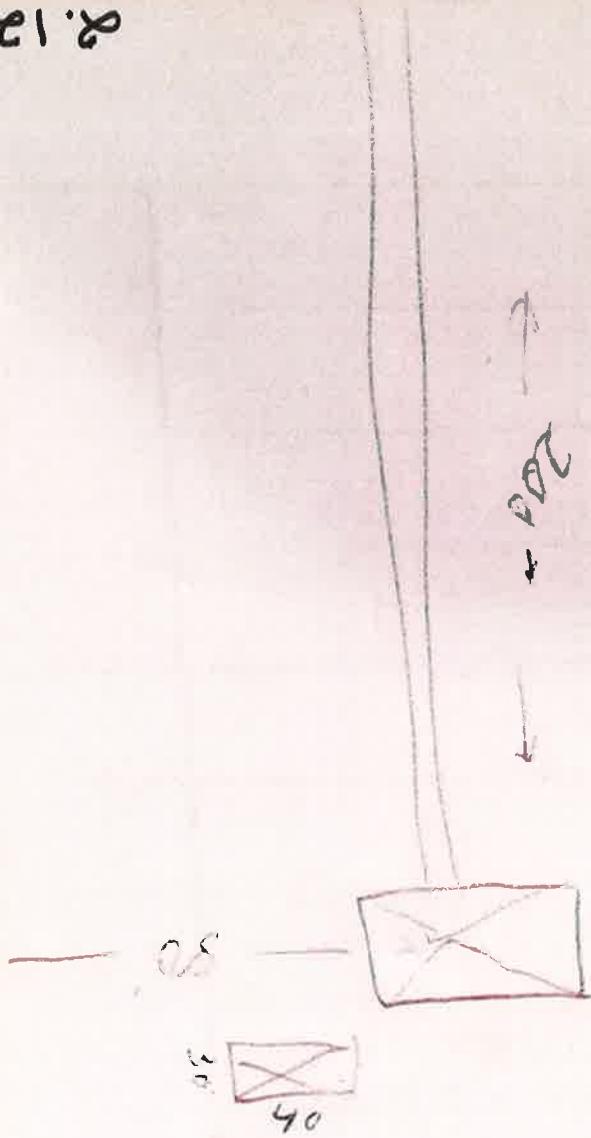
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

2.11



8.12



2.3

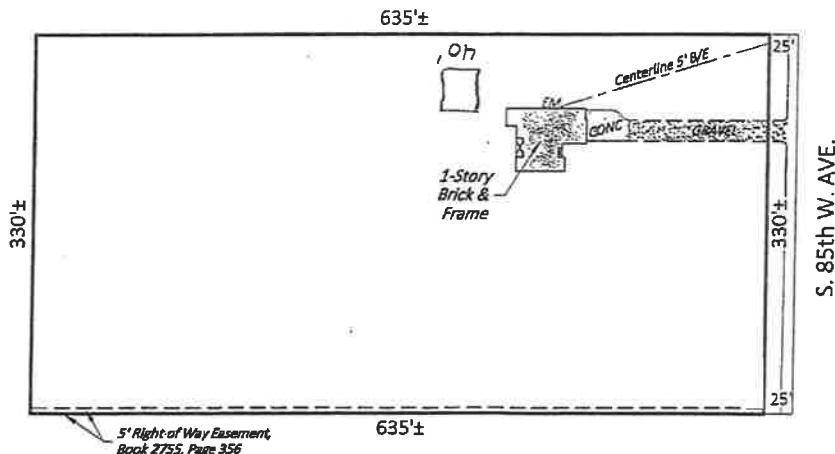
MORTGAGE INSPECTION PLAT

LEGAL DESCRIPTION AS PROVIDED:

PROJECT NO: 184683-561
MORTGAGOR: Scott Wayne Robbins & Kim Diane Robbins
CLIENT: Charter Title & Escrow Company, LLC
 Associated Mortgage Corporation
 File No.: 18060499

Property included within the lands described in Notice of Utilities, Doc. #2008006149, with Notice of Utilities, Doc. #2010004944, with Notice of Utilities, Doc. #2011012658, with Notice of Utilities, Doc. #2012003134, with Notice of Utilities, Doc. #2013016473.

Property included within the lands described in Right of Way Easement, Doc. #2015074952, however, the exact location of the 20' easement is not defined in this instrument.



LEGEND

- B/E BURIED ELECTRIC SERVICE CABLE (SMIT) [APPROX LOCATION]
- B/L BUILDING LINE
- D/E DRAINAGE EASEMENT
- U/E UTILITY EASEMENT
- EM ELECTRIC METER

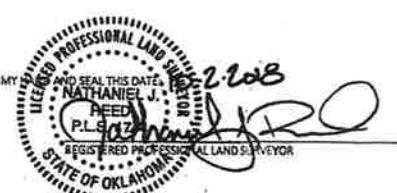
THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (S/2 NE/4 NW/4 SE/4), LESS THE EAST TWENTY-FIVE (25) FEET FOR HIGHWAY, OF SECTION THIRTY-SIX (36), TOWNSHIP NINETEEN (19) NORTH, RANGE ELEVEN (11) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, AND KNOWN AS 5606 SOUTH 85TH WEST AVENUE.



LOCATION MAP

SURVEYOR'S STATEMENT

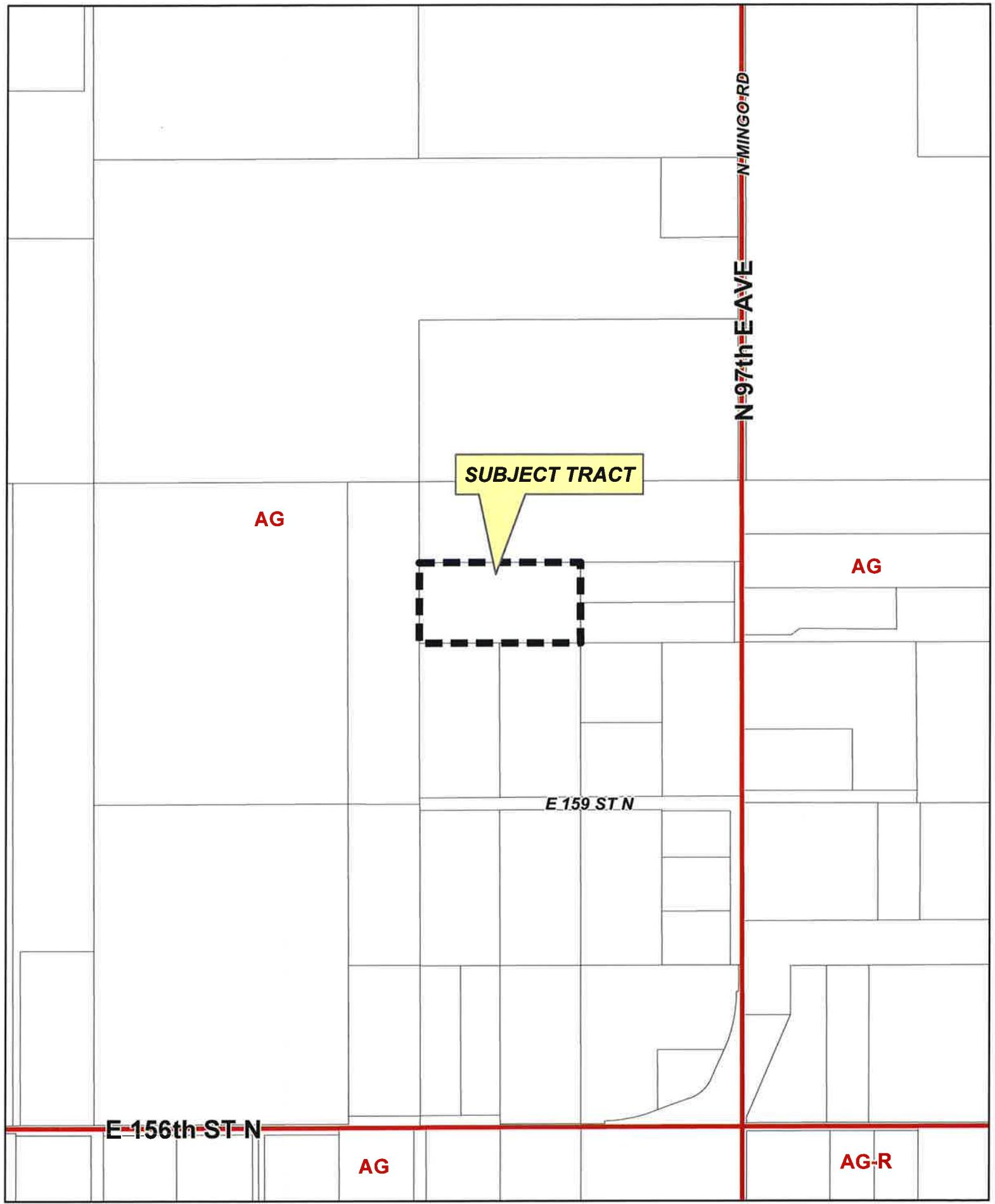
Harden & Associates, Surveying and Mapping, PC, an Oklahoma corporation, and the undersigned Registered Professional Land Surveyor, under Certificate of Authorization No. CA4656 renewal date June 30, 2019, do hereby state that in our professional opinion the above Inspection Plat shows the dwelling as located on the premises described, that it is entirely within the described tract boundaries, and there are no encroachments thereon by visible permanent improvements, except as indicated; that the above Inspection Plat shows all Recorded Plat easements and other such easements which have been disclosed by a current Title Opinion or Commitment for Title Insurance and copies thereof provided to us; that this Inspection Plat was prepared for identification purposes only for the mortgagee and is not a Land or Boundary Line Survey; that no property corners were set, and is not to be used or relied upon for the establishment of fence, building or other improvements; that underground or above ground utilities were not field located and therefore are not shown on this Inspection Plat unless specifically requested by the client; that this Inspection Plat is prepared solely for the client listed herein as of this date and may not be used for any subsequent loan closing, refinance, or other transaction and the no responsibility or liability is assumed herein or hereby to the present or future land owner or occupant.



WITNESS MY SIGNATURE AND SEAL THIS DATE:		
NATHANIAL J. REED P.L.S. #137		
REGISTERED PROFESSIONAL LAND SURVEYOR		
STATE OF OKLAHOMA		
HARDEN & ASSOCIATES SURVEYING AND MAPPING, PC		
8817 S. Cornell Road, Tulsa, Oklahoma 74146 (918) 234-4256 Office (918) 685-5352 Fax		
REVISIONS BY DATE Certificate of Authorization No. 4656 Expires June 30, 2019		
MORTGAGE INSPECTION PLAT		
Drawn By: ACD Checked By: NM Proj. No.: 184683		
Date: 12/03/2018 Scale: 1"=40'		
Sheet 1 of 1		

48 HOURS BEFORE YOU OBLIGATE CALL ONE
1-800-522-8543
Stamps On Call Systems, Inc.

My wife told me if
I Didn't get my stuff
out of the garage that
she would start selling it
or divorce me so she could
park her car in there this
winter.



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BOARD OF ADJUSTMENT CASE REPORT

STR:2313

Case Number: CBOA-2765

CZM:3

PD:

HEARING DATE: 09/17/2019 1:30 PM

APPLICANT: Richard Lewis

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

LOCATION: 16034 N 97 AV E

ZONED: AG

PRESENT USE: Agricultural

TRACT SIZE: 5 acres

LEGAL DESCRIPTION: S/2 NW NE SE SEC 13 22 13 5.00ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-556 May 1985: The Board **approved** a variance of the 200' lot width to 165' to permit a lot split in an AG zoned district, on the subject property.

Surrounding Property:

CBOA-2174 September 2005: The Board **approved** a variance of required minimum 30 ft. of frontage on a public street for residential purposes, only allowing development of the two abutting lots, on property located at 9210 East 159th Street North.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by agricultural land with a scattering of residential uses.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** of the minimum frontage requirement on a public street or dedicated right of way from 30 ft to 0 ft to permit a residence on the subject lot. The applicant provided the following statement with their application: "*The property was originally 10 acres with a mobile on this location. When frontage was sold, a 20-foot easement was established. This is the only way into the property where improvements are already established for the mobile home.*"

The submitted site plan indicates that the subject lot has access through an easement to North 97th East Avenue. The Code requires owners of land utilized for residential purposes to maintain 30 feet of frontage on a public street. The applicant has submitted a copy of an easement that provides access to the subject lot from N. 97th E. Ave.; the easement is attached to this case report for the Boards review.

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

Sample Motion:

"Move to _____ (approve/deny) a Variance to reduce the required 30 feet of frontage on a public road or public right of way to 0 feet in an AG District (Section 207).

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."

Case No. 554 (continued)

Board Action:

On MOTION of WALKER and SECOND by MARTIN, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to WITHDRAW Case No. 554 and GRANT a \$25 refund of fees.

Case No. 555

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required 30' street frontage on a public street to permit a lot split in an AG zoned district, located S & W of SW/c of 151st Street and Lewis.

Presentation:

The applicant, Gary Watrous, 161 East Kay Place, Jenks, Oklahoma, stated that he is the prospective buyer of the 5 acre tract stated above. He asked the Board to approve a lot split to enable him to build two homes, each having 2 1/2 acres of land.

Comments and Questions:

Mr. Jones pointed out that the Planning Commission had heard and approved the lot split on May 1; subject to approval by the County Board of Adjustment.

Mr. Martin asked the applicant if he had obtained a percolation test and Mr. Watrous replied that he was waiting for a Board approval on the lot split before pursuing other requirements. He stated that there is a water tap for the property on 151st Street.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a Variance (Section 207 - Street Frontage Required - Use Unit 1206) of the required 30' street frontage on a public street to permit a lot split in an AG zoned district; subject to Health Department approval; on the following described property:

S/2, E/2, E/2, NW/4, NW/4, NE/4, Section 19, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 556

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Use Unit 1206 - Request a variance of the 200' lot width to 165' to permit a lot split in an AG zoned district, located 1/2 Mi. N of NW/c of 156th Street North and Mingo.

Presentation:

The applicant, Glen Just Company Realtors, was represented by Joyce Aarons, who stated that she is asking the Board to allow the split of 2 1/2 acres from a 10 acre tract.

Case No. 556 (continued)

Comments and Questions:

Mr. Walker asked Ms. Aarons if she was aware that 70% of the land in question is in a designated floodway and that construction in the area would not be permitted. Ms. Aarons replied that she did not know the tract was in a floodway.

Mr. Martin asked if there is a house on the land and Ms. Aarons answered that there is not a house, but the prospective buyer of the 2½ acres has been living in a mobile home which is parked on the property.

Mr. Jones noted that the lot split has been approved by the Planning Commission on May 15 and gave the applicant a copyu of the Floodplain Determination (Exhibit B-1).

Mr. Martin inquired as to whether the applicant had a percolation test on the property. Ms. Aarons stated that Health Department approval has been secured for occupancy of the tract.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Use Unit 1206) of the 200' lot width to 165' to permit a lot split in an AG zoned district; on the following described property:

S/2, N/2, NE/4, DE/4, Section 13 T-22N, R-13-E containing 10 acres more or less.

Case No. 557

Action Requested:

Variance - Section 208 - One single-family dwelling per lot of Record - Use Unit 1215 - Request a variance to permit two dwelling units per lot of record in an AG zoned district, located ¼ mile west of SW/c of 101st Street and Lynn Lane.

Presentation:

The applicant requested by letter to withdraw the variance request.

Board Action:

On MOTION of MARTIN and SECOND by WINES, the Board voted 4-0-0 (Martin, Tyndall, Walker, Wines, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to WITHDRAW Case No. 557.

There being no further business, the meeting was adjourned at 1:58 p.m.

Date Approved

6-18-85

John N. Tyndall
Chairman
05.21.85:060(3)

3.5

Comments and Questions:

In response to questions, Mr. Parise stated there are trailers on adjacent properties. There was a trailer on the property previously and the utilities were run to the property. He informed the Board that the scrap metal place across the street is still in business. Mr. Walker remembered when the Board shut it down. Mr. Walker asked Mr. Cuthbertson to contact the County Inspectors' office of the scrap metal business. Mr. Parise stated he already had a septic tank in place from the previous home. Mr. Walker replied that DEQ may have to check out the old tank.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Hutson, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a **Special exception** to allow a manufactured home in an RS zoned district - Section 410, with tie-downs, skirting, DEQ approval, on the following described property:

LT 5 BLK 3HILL TOP ADDN, Tulsa County, State of Oklahoma

Case No. 2174

Action Requested:

Variance of required minimum 30 ft. of frontage on a public street for residential purposes (Section 207), 9210 East 159th Street North.

Presentation:

Robert Anderson, 9009 East 156th Street North, stated the 159th Street is a dead end and they needed a road easement. He stated the hardship is that they were landlocked. A map was provided (Exhibit B-1).

Interested Parties:

James Mann, 8920 East 159th Street North, objected to the plan because it would open up eighty acres to development. He stated the applicant has plenty of space to put a road on his own property.

Doris Rickerson, 9308 East 159th Street North, stated she lives next door to the subject property. She wanted to know why they need this.

Applicant's Rebuttal:

Mr. Anderson stated he owns more land that would not be affected by this request. He needs access to two small parcels abutting the road.

Board Action:

On Motion of Tyndall, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a

~~Case No. 2177~~
Variance of required minimum 30 ft. of frontage on a public street for residential purposes (Section 207), only allowing development of the two abutting lots; not larger properties to the west; finding the unique location and finding the public road was constructed to a "T" only leaving 25' of right-of-way per lot at the end, leaving the existing lots undevelopable; finding it will not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

N1320 E290 W/2 SE SEC 13 22 13 8.788ACS, N660 S1320 E290 W/2 SE SEC 13 22 13 4.394ACS, Tulsa County, State of Oklahoma

Case No. 2177

Action Requested:

Special Exception to permit a 180 ft. monopole communications tower in an AG zoned district (Section 301), located: N of the NE/c of 149th W. Ave. and 17th St.

Presentation:

Mr. Cuthbertson informed the Board that the notice was incorrect by address and legal description. Therefore, the Board could not hear Case No. 2177.

Board Action:

On Motion of Dillard, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays", no "abstentions"; no "absences") to CONTINUE Case No. 2177 to the meeting on October 18, 2005, on the following described property:

PRT NE & N/2 SE BEG INTSEC CL S 149 W AV & NL RIVERSIDE WEST II TH NW245 SW50 NW222.83 N641 E49.69 N350 RIVER ELY201.56 E40 S540 SE850.52 S185.12 E142RIVERSIDE ESTATES AMD, RIVERSIDE WEST II, Tulsa County, State of Oklahoma

Case No. 2175

Action Requested:

Special exception to permit Use Unit 20 (Commercial Recreation), a golf driving range in an AG district (Section 310); and a Variance of the required all-weather paving for a surface parking lot (Section 1340.D), located: northeast corner of East 106th Street North.

Mr. Charney abstained from Case No. 2175.

Presentation:

Ron Cates, 12990 East 100th Street North, Owasso, for the applicant, Lee Holmes, 11614 North 193rd East Avenue, proposed to build a golf driving range and a variance of the all-weather surface for parking. This is a fifteen-acre tract at



E 156th ST N

E 159 ST N

N 97th E AVE

N 97th E AVE

N MINGO RD

CBOA-2765

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

Aerial Photo Date: February 2018

3.8

0 Feet
250 500



Subject
Tract

22-13 13





0 Feet
50
100



Subject
Tract

CBOA-2765

22-13 13

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

Aerial Photo Date: February 2018

3.9



16032 N 97 E ave 5 acres Medric Dundem

N Est

South

North

Mobile home

Driveway

RV COVER
carport

10' 0" - 20'

E

Legal:

3.10

13 22 13



North

16032 N 97th East Ave (X)



Show search results for 160...



<- 105 ft ->

Green is 100 year flood

West

Medric
Dundom

Driveway

Mobile Home

<- 165 ft ->

E

- 20 ft -

Measurement

South





+

-



16032 N 97th East Ave, (X)



Show search results for 160...

<- 660 ft ->

5 acres

Dundom

16032 N 97 E Ave

16032
ft2.5 acres
Boyd

16034 N 97 E Ave

Driveway easement 20 ft +

660 feet

15922 N 97 E Ave

2.5 acres
Starr

300ft

-95.869 36.386 Degrees

156th St. N.

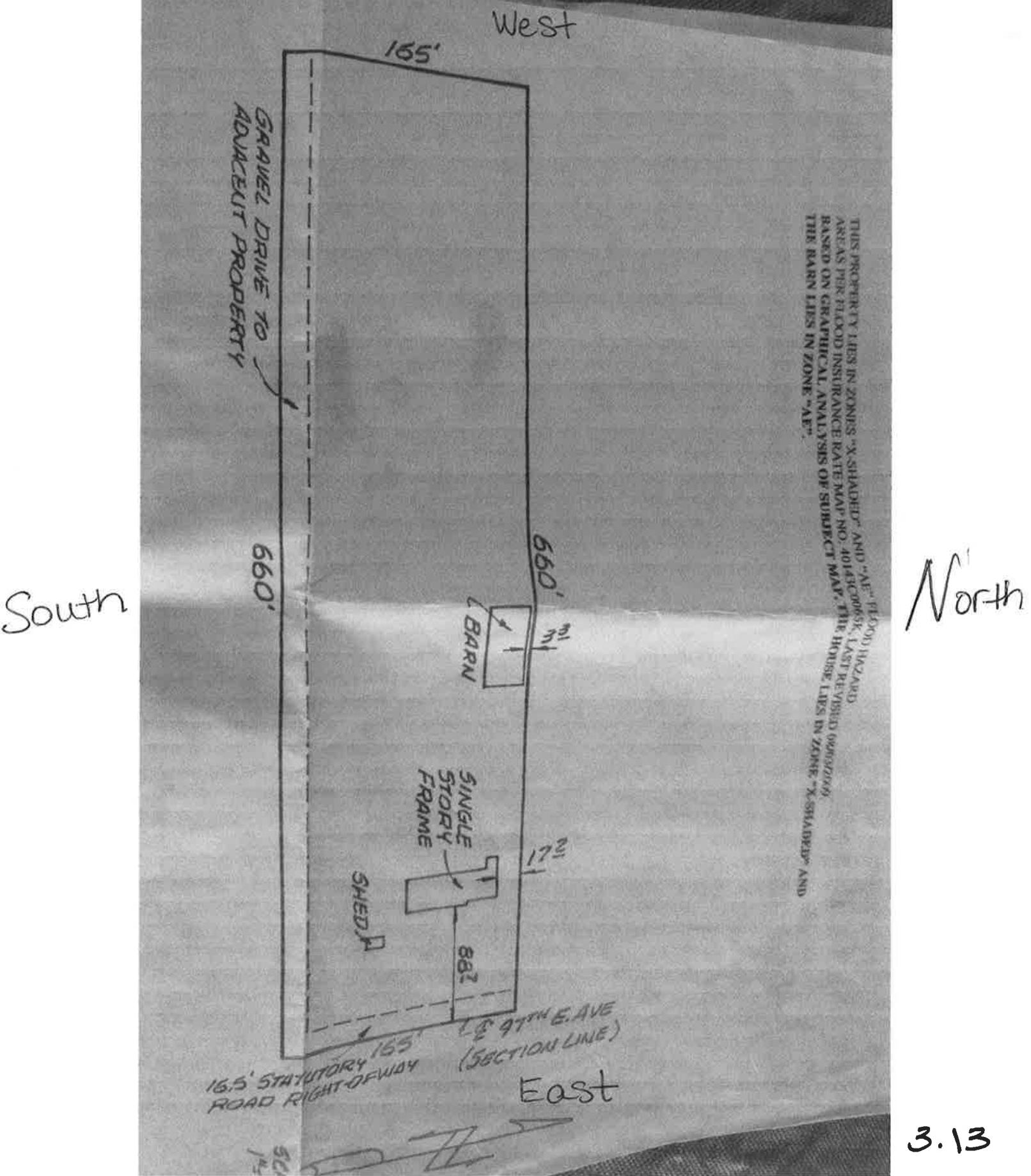
SEARCH

Garmin. INCRE...

TEST

3.12

THIS PROPERTY LIES IN ZONES "X-SHADED" AND "AE" (FLOOD HAZARD AREA) PER FLOOD INSURANCE RATE MAP NO. 40143C00065K, LAST REVISED (06/03/09). BASED ON GRAPHICAL ANALYSIS OF SUBJECT MAP, THE HOUSE LIES IN ZONE "X-SHADED" AND THE BARN LIES IN ZONE "AE".



THE EAST SIX HUNDRED SIXTY (660) FEET OF THE NORTH ONE HUNDRED SIXTY-FIVE (165) FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 N/2 NE/4 SE/4) OF SECTION THIRTEEN (13), TOWNSHIP TWENTY-TWO (22) NORTH, THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

which currently has the address of

16034 North 97th East Avenue
[Street]

(*"Property Address"*):
74021
OKLAHOMA
[State]
Collinsville
[City]
[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." ~~and numbered~~ except for encumbrances of BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right

TULSA COUNTY CLERK - JOAN HASTINGS RCPT 284116 05/13/98 14:14:59
DOC # 98050192 FEE 8.00 PGS 1 R/P 6050/2343-2343

WHEN RECORDED, MAIL TO:
Medric J. & Loylea G. Dandom
16034 N. 97 E. Ave.
Collinsville, OK 74021



* *Space Above For Recorder's Use**

2343

605.0

QUITCLAIM DEED

Without consideration, I (We): Medric J. Dandom and Loy Lea Dandom, husband and wife

grant to the intervivos trust: THE MEDRIC J. DUNDOM AND LOYLEA G. DUNDOM JOINT LIVING TRUST

and the initial trustee(s): Medric J. Dandom and Loylea G. Dandom

all that real property located in the City of: and/or County of: Tulsa State of: Oklahoma
the full legal description of which is:

The South Half of the North Half of the Northeast Quarter of the Southeast Quarter
(S1/2-N1/2-NE1/4-SE1/4) of Section Thirteen (13), Township Twenty Two (22) North, Range
Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma,
✓ according to the recorded U.S. Government Survey thereof.

LESS AND EXCEPT: one-half of the minerals that have been reserved by prior owners,
LESS AND EXCEPT: The east 660 feet of the North 165 feet of the above described
S1/2-N1/2-NE1/4-SE1/4-Section 13, Twp. 22 North, Range 13 East.

Tax Assessor's Parcel No: _____

NO TRANSFER TAX APPLIES

This Quitclaim Deed is executed on the 8 day of May, 1998.

a City/County of Collinsville / Tulsa, State of Oklahoma, by
Medric J. Dandom (and) Loylea G. Dandom
Signature Signature

NOTARY PUBLIC

STATE OF OKLAHOMA

COUNTY OF TULSA

On this 8 day of May, 1998 at City/County of Collinsville / Tulsa
before me, the undersigned, a Notary Public in and for said state, personally appeared:

Medric J. Dandom & Loylea G. Dandom personally known to me (or proved to me on
the basis of satisfactory evidence) to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to
me that he/she/they executed it.

Jean E. Johnson
Notary Public Signature



3.15

Tulsa County Clerk - EARLENE WILSON
Case # 02034699 Page 1 Date 6/7/2014-2614
Received # 571066 03/14/02 16:33:11
13.00

00005710660001*

QUIT CLAIM DEED

W^w THIS INDENTURE, made this 13th day of MARCH A.D. 2002, between MEDRIC J. DUNDOM and LOYLEA G. DUNDOM, Husband and Wife party of the first part, and Tommie J. Boyd

party of the second part.

WITNESSETH, That the said party of the first part, in consideration of the sum of TEN AND 00/100 DOLLARS, the receipt of which is hereby acknowledged, does hereby quit claim, grant, bargain, sell and convey unto the said party of the second part, her heirs and assigns, forever, all right, title, interest, and estate, both at law and in equity, of, in and to the following described real estate situated in County of TULSA, State of Oklahoma, to-wit:

The East Six hundred sixty (660) feet of the North One hundred sixty-five (165) feet of the South Half of the North Half of the Northwest Quarter of the Southeast Quarter (S/2 N/2 NE/4 SE/4) of Section Thirteen (13), Township Twenty-two (22) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

L# O.S. 3302 (3)

EXCEPT, Reserving unto grantors, their heirs, successors and assigns, an easement for ingress and egress across the South Twenty (20) feet of the above conveyed property to provide access for the property adjacent to and lying West of the above-described conveyed property.

Tommie Boyd

Tommie
easement

together with all and singular the hereditaments and appurtenances thereto belonging. To have and to hold the above granted premises unto the said party of the second part, her heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part have hereunto set their hand on the day and year first above written.



STATE OF OKLAHOMA
COUNTY OF TULSA

Metric J. Dandom
MEDRIC J. DUNDOM

Loylea G. Dandom
LOYLEA G. DUNDOM

Notary
8577 A
Oklahoma Exp. 06/05/05

My commission expires:
9/17/02



Cindy Inman
CINDY INMAN

P.R.

[Go to top of page](#)

3.16

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Tulsa County Clerk - EARLENE WILSON
 Doc# 01109369 Page 1 M/F 6602/2631-2631
 Receipt # 538129 09/25/01 15:38:26
 Fee 13.00 Stamps 154.50



888538129882

16034 NORTH 97TH EAST AVENUE
 COLLINSVILLE, OK 74021

WARRANTY DEED
 OKLAHOMA STATUTORY FORM

DOC STAMPS \$154.50

STATE OF OKLAHOMA, TULSA
 COUNTY, DOCUMENTARY
 STAMPS: \$ 154.50

THIS INDENTURE, made this 17th day of SEPTEMBER
 THE MEDRIC J. DUNDOM and LOYLEA G. DUNDOM JOINT LIVING TRUST

A.D., 2001, between

of TULSA County, State of OKLAHOMA, , party of the first part, and
 TOMMIE J. BOYD, A SINGLE PERSON

party of the second part.

WITNESSETH, That in consideration of the sum of TEN AND 00/100 DOLLARS, the receipt of which
 is hereby acknowledged, said party of the first part does, by these presents, grant, bargain, sell and convey unto
 said party of the second part, her heirs and assigns, all of the following described real
 estate, situated in the County of TULSA, State of Oklahoma, to-wit:
 The East Six hundred sixty (660) feet of the North One hundred sixty-five (165) feet
 of the South Half of the North Half of the Northeast Quarter of the Southeast
 Quarter (9/2 N/2 NE/4 SE/4) of Section Thirteen (13), Township Twenty-two (22)
 North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State
 of Oklahoma, according to the United States Government Survey thereof.

13.00

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments
 and appurtenances thereto belonging or in any wise appertaining forever. And said party of the first part,
 their heirs and assigns, do hereby covenant, promise and agree to and with said party of the second
 part, at the delivery of these presents that they lawfully seized in their own right of an
 absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular the above granted and
 described premises, with the appurtenances; that the same are free, clear, and discharged and unencumbered
 of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and
 encumbrances, of whatever nature, EXCEPT.

Reserving unto grantor, its successors and assigns, an easement for ingress and
 egress across the South Twenty (20) feet of the above conveyed property to provide
 access for the property adjacent to and lying West of the above-described conveyed
 property.

and that said party of the first part will WARRANT AND FOREVER DEFEND the same unto said party of
 the second part, her heirs and assigns, against said party of the first part, their heirs
 and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

3.17 1
 7/26/19, 11:03 AM
 Page 1 of 2

IN WITNESS WHEREOF, the said party of the first part hereto have hereunto set their hands
the day and year first above written.

J MEDRIC J. DUNDOM
MEDRIC J. DUNDOM, TRUSTEE
P.O. BOX 3018
TULSA, OK

Medric J. Dundom
MEDRIC J. DUNDOM, TRUSTEE

Loylea Dundom
LOYLEA DUNDOM, TRUSTEE



STATE OF OKLAHOMA

COUNTY OF TULSA

|
ss.

This instrument was acknowledged before me on this 17TH day of SEPTEMBER
2002, by THE MEDRIC J. DUNDOM and LOYLEA G. DUNDOM JOINT LIVING TRUST

My commission expires:

September 1,



Cindy Inman

Notary Public

(IA)
wd-as

773323

FILED BY GUARANTY ABSTRACT COMPANY AND
RETURNED TO E134423 North

Go to top of page

3.18

2

N
EAST
S
WEST

175 ft

EAST

25ft

50 ft

+

Drive
20ft

3.19

approx.
0.5 acre
in
100' (wide)

Upper Electric
pole

Septic

mobile home
FRONT 11'-0"
BACK 11'-0"

WEST

* North fence
100 ft

Dundon
16032 N 97 E Ave
Address
Colinsville Ok
Legal
Muscat County

S 2 NW NESE

Sec 13 Township 22 Range 13

5 acres

West fence 330 ft

Entrances
50' apart
back door

Creek

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

S-81ST-WAVE

W BRADY ST

AG

SUBJECT TRACT

S-8-1st-W-A-V-E

W5STS

W3STS

—RS

S71 WAVE

S72 WAVE

W6STS

W-7th ST-S

CS

RM-2

PUD-27

W PARKWAY BLVD

CS

LEGEND

Sand Springs Corporate Limits

Feet
0 250 500

CBOA-2766

19-12 06

4.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:9206

Case Number: CBOA-2766

CZM:35

PD:

HEARING DATE: 09/17/2019 1:30 PM

APPLICANT: Michael Parrish

ACTION REQUESTED: Use variance to permit Use Unit 3, Agriculture, in a Residential District (Chapter 4, Table 1)

LOCATION: 451 S 74 AV W

ZONED: RS

PRESENT USE: vacant

TRACT SIZE: 0.87 acres

LEGAL DESCRIPTION: PRT SW BEG 1710S & 931.76W NEC SW TH N109 E345 S109 W345 POB LESS BEG 1710S & 741.76W NEC SW TH E155 N109 W155 S109 POB SEC 6 19 12 .47AC; PRT SW BEG 1710S & 741.76W NEC SW TH E155 N109 W155 S109 POB SEC 6 19 12 .38AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

CBOA-2008 October 2002: The Board **approved** a *special exception* to permit selected Use Unit 5 and Use Unit 20 uses in an AG zoned district (uses limited to amphitheater, planetarium and botanical garden), per conceptual plans, with condition for detail site plans for any further approval; and **denied** a variance to permit a portion of the off-street parking on a non-all-weather material; and **denied** a variance of the required screening fence when abutting an R zoned district, on property located southeast of southeast corner of Sand Springs Road and South 81st West Avenue

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS zoning to the north, east, and south. It abuts AG zoning on the west. The neighborhood appears to have rural residential uses surrounded by large agricultural parcels.

STAFF COMMENTS:

The applicant is before the Board requesting a Use Variance to permit an Agricultural Use (Use Unit 3) on two parcels in a RS zoned lot. One parcel is .48 acres and the other is .39 acres. The applicant would like to have a grow facility for medical marijuana on the property.

A Use Variance is required as growing medical marijuana is not a use permitted in an RS zoned district because of the potential adverse effects on neighboring properties. Growing medical marijuana must be found to be compatible with and non-injurious to the surrounding area.

The applicant supplied the following statement: "No water meter. No public utilities. No sewer. Lot was purchased at auction – unseen by previous owner. Neglected – see order to mow, clean, maintain. Also, not in a residential area. Health issues, i.e.: sciatic nerve right leg, shoulder replacement."

According to the submitted site plan, there is, or will be, a 40 x 60 greenhouse and 30 x 30 garage on the property. There does not appear to be a house on the property. Staff has attempted to reach out to the applicant for clarification of the site plan. It appears that additional requests will need to be made to the Board in order for the applicant to meet bulk and area requirements/size of accessory buildings. At this time, staff has not heard back from the applicant. According to our records, the applicant also owns the property to the north of the subject property.

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

Sample Motion:

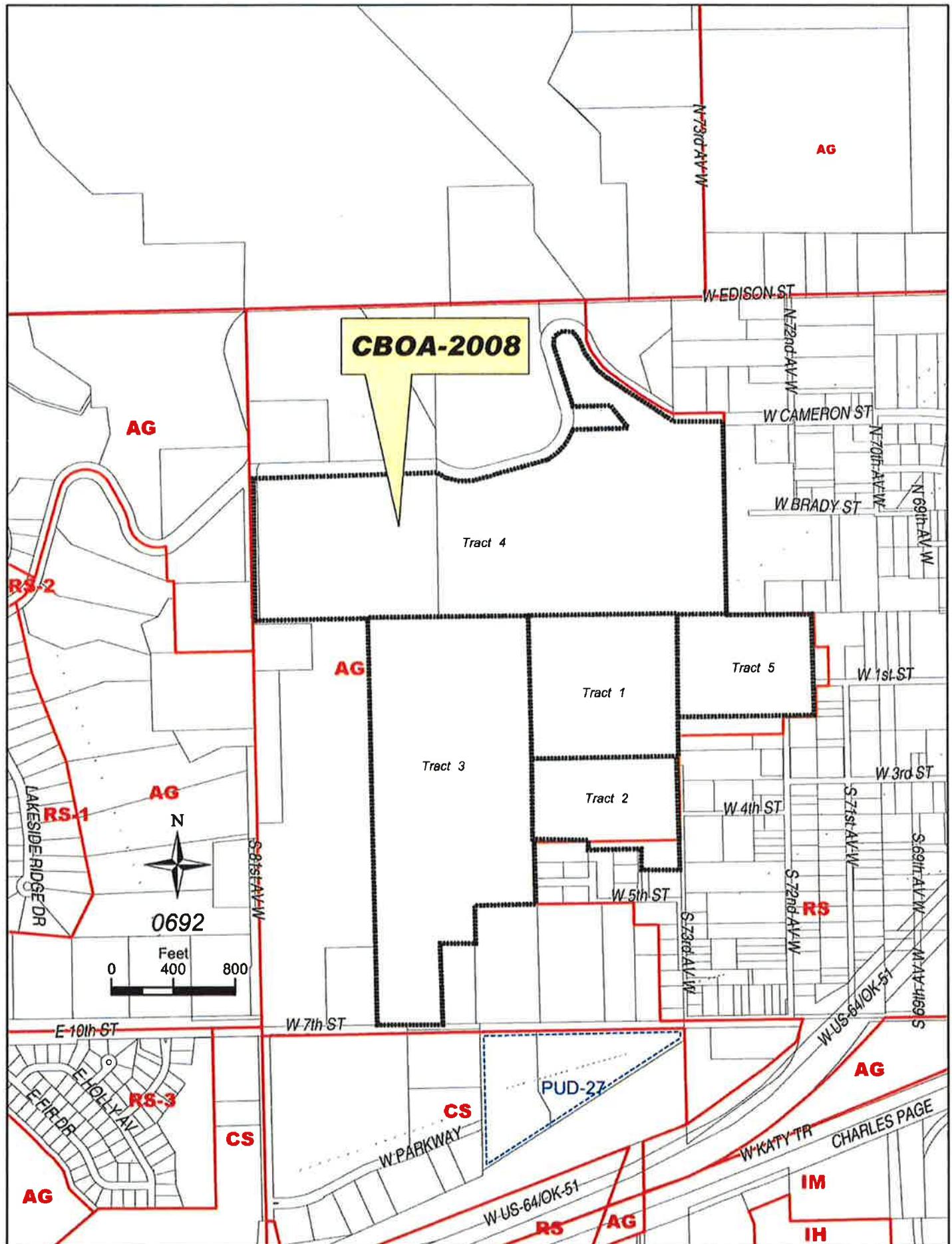
"Move to _____ (approve/deny) a Use Variance to permit an Agricultural Use (Use Unit 3) on an RS district.

Approved per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

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."



A part of the E/2 SW/4 SW/4 of Section 4, T-17-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit; Beg. at a point 220.00' E SW/c E/2 SW/4 SW/4; thence E 220.00' along the S line of said Section 4, thence N 500.00'; thence W 220.00'; thence S 500.00' to the POB.

..*.*.*.*.*

Case No. 2008

Action Requested:

Special Exception to permit selected Use Unit 5 and Use Unit 20 uses in an AG zoned district (uses limited to an amphitheater, planetarium and botanical garden). SECTION 1205. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES and SECTION 1220. USE UNIT 20. COMMERCIAL RECREATION: INTENSIVE – Use Unit 5 and 20; a Variance to permit a portion of the off-street parking on a non-all-weather material. SECTION 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS; a Variance of the required screening fence when abutting an R zoned district, located SE of SE/c Sand Springs Rd. & S. 81st W. Ave.

Presentation:

Mr. Alberty stated the application was sent to Sand Springs on a referral basis. The Sand Springs Board of Adjustment recommended approval of the concept subject to final approval of a detailed plan.

Ricky Jones, 5323 S. Lewis Ave., stated he is with Tanner Consulting. He introduced Chris Greer, with Access Venue Development Corporation, and Mr. Bill Bethman with KKEBBA Architectural Group out of California. Mr. Jones submitted a packet of information (Exhibit D-1) to the Board. The application is for a 142 acre tract, to allow selected Use Unit 20 uses, specifically limited to an amphitheater, planetarium and botanical garden in an AG zoned district. A local architect group prepared a conceptual master plan early in the process. Mr. Jones pointed out they are asking for the use alone at this time and plan to return with detailed plans later. The amphitheater would seat approximately 20,000 with about 8,500 in a fixed seat arrangement. The planetarium would be between 4,000 and 6,000 square feet. The botanical garden would be spread throughout the development. He stated they have assembled a team of experts to undertake this project. It was prepared by Sparks Architects, a local firm. Mr. Bethman specializes in entertainment developments. There are approximately sixty of these types of developments around the United States. Mr. Bethman has been involved in about one half of those projects. He indicated that not all of the required parking needs to be paved and they asked for a variance. He will have more details later regarding the amount of paved versus unpaved parking needed. Mr. Jones added they do not believe a six foot screening fence will be required for the full length of the property abutting the residential zoned district. They consider the natural screening by

topography and vegetation to be better screening than a fence in some places. He noted that the property is partially within the Sand Springs and Tulsa fence lines. They have considered applying for a PUD, but for now, this application is all they want to request.

Comments and Questions:

Mr. Alberty asked if the developer has done other projects like this. Mr. Jones replied that they probably have not done a project of this magnitude before. They have hired Sparks, Bethman and other experts to work with them on this project. They have done some development in Lawton and other areas but not in Tulsa. Some funds have been committed to the project. They have considered the roads, off and on ramps for the expressway. The amphitheater would be the first phase. They would like to start dirt work in March 2003 and be open with the amphitheater and some parts of the gardens in March 2004.

Mr. Beach commented to the Board that the screening requirement could be waived by Special Exception if they so chose.

Interested Parties:

Dale Hallford, 7200 W. Brady, stated about 1700' of his property abuts the east side of the subject property. He expressed concern that he would have people coming onto his property from the project and lose his privacy. He also stated concern for liability if the public were harmed by his livestock. He opposed allowing the natural buffers to be the only screening. He stated that because of the sandy soil, all parking should be on an all-weather-surface. He pointed out this would displace the wildlife.

Gayla Hallford, 7200 W. Brady, informed the Board that they purchased this property about one year ago, as their permanent residence after a forced buyout for the Gilcrease Expressway. She expressed concern for the wildlife and noise pollution.

Reba Helker, 9212 S. Hudson Ave., stated she owns property nearby the subject property. She expressed interest in the development as a benefit for Sand Springs and Tulsa.

Applicant's Rebuttal:

Mr. Jones had no response to the wildlife displacement. He stated that according to noise experts, the bass tones follow the terrain and higher pitches go up. They are definitely concerned about this subject and are planning the position of the amphitheater accordingly. They are willing to construct a screening fence if neighboring property owners prefer.

Board Action:

On MOTION of Hutson, the Board voted 4-0-0 (Alberty, Walker, Tyndall, Hutson "aye"; no "nays"; no "abstentions"; Dillard "absent") to APPROVE a

Special Exception to permit selected Use Unit 5 and Use Unit 20 uses in an AG zoned district (uses limited to an amphitheater, planetarium and botanical garden) per conceptual plans, with condition for detail site plans for any further approval; and to **DENY** a Variance to permit a portion of the off-street parking on a non-all-weather material; and a Variance of the required screening fence when abutting an R zoned district, but variances may be requested again with detail site plans, on the following described property:

Five tracts of land that are part of Section 6, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, said tracts being generally described as follows: Tract 1: The N 935.00' E 931.76' SW/4 of said Section 6; Tract 2: The S 935.00' N 1870.00' E 931.76' SW/4 of Section 6, less beg. at the SW/c of said Tract; thence Nly 403.00'; thence Ely 345.00'; thence Sly 53.00'; thence Ely 165.00'; thence Sly 20.00'; thence Ely 175.00'; thence Sly 122.00'; thence Ely 246.00'; thence Sly 208.00'; thence Wly 931.76' to the POB of Tract 2; Tract 3: The W 984.24' E 1916.00' SW/4 of Section 6, less the S 770.00' E 368.00' and less the W 210.00' E 1510.00' S 520.65' of Section 6; Tract 4: All that part of Gvt. Lot 3 of said Section 6, lying S of Old North Sand Springs Rd.; and all that part of Gvt. Lot 5 of Section 6, and the SE/4 of the NW/4 of Section 6, lying S of said S of said road and Ely of a line, said line beg. 1153.00' Ely SW/c of said Lot 5 and extending to the Sly line of said road and Wly of a line beg. at the SW/c E/2 E/2 SE/4 NW/4 of Section 6 and extending to the NW/c thereof; and the E/2 E/2 SE/4 NW/4 and the W/2 W/2 SW/4 NE/4, less beg. 471.20' Wly of and 695.00' Sly NE/c NW/4; thence Wly 234.40' to the road right-of-way; thence Sly along said road right-of-way, for a distance of 145.80'; thence Ely 353.30'; thence NWly 179.20' to the POB of Tract 4; and Tract 5: Block 8 of Twin Cities, less the S 200.00' of said Block 8.

..*.*.*.*.*

There being no further business, the meeting was adjourned at 3:10 p.m.

Date approved:

13/17/02
Wayne Allely
Chair



0 250 500
Feet



Subject
Tract

CBOA-2766

19-12 06

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

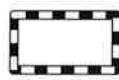
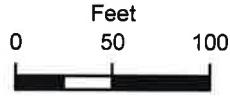
Aerial Photo Date: February 2018

4.8





W5STS



Subject
Tract

CBOA-2766

19-12 06

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

Aerial Photo Date: February 2018

4.9





99206-92-06-41930 (05/2018)

**John A. Wright
Tulsa County Assessor**
www.assessor.tulsacounty.org 918.596.5100 Date 6/10/2019

Account Number 99206-92-06-41930

Mailing Addr. PARRISH, MICHAEL C & LINDA K HAHN

449 S 74TH WEST AVE

TULSA, OK 74127

Property Addr. 451 S 74 AV W

Subdivision

-

Legal Description

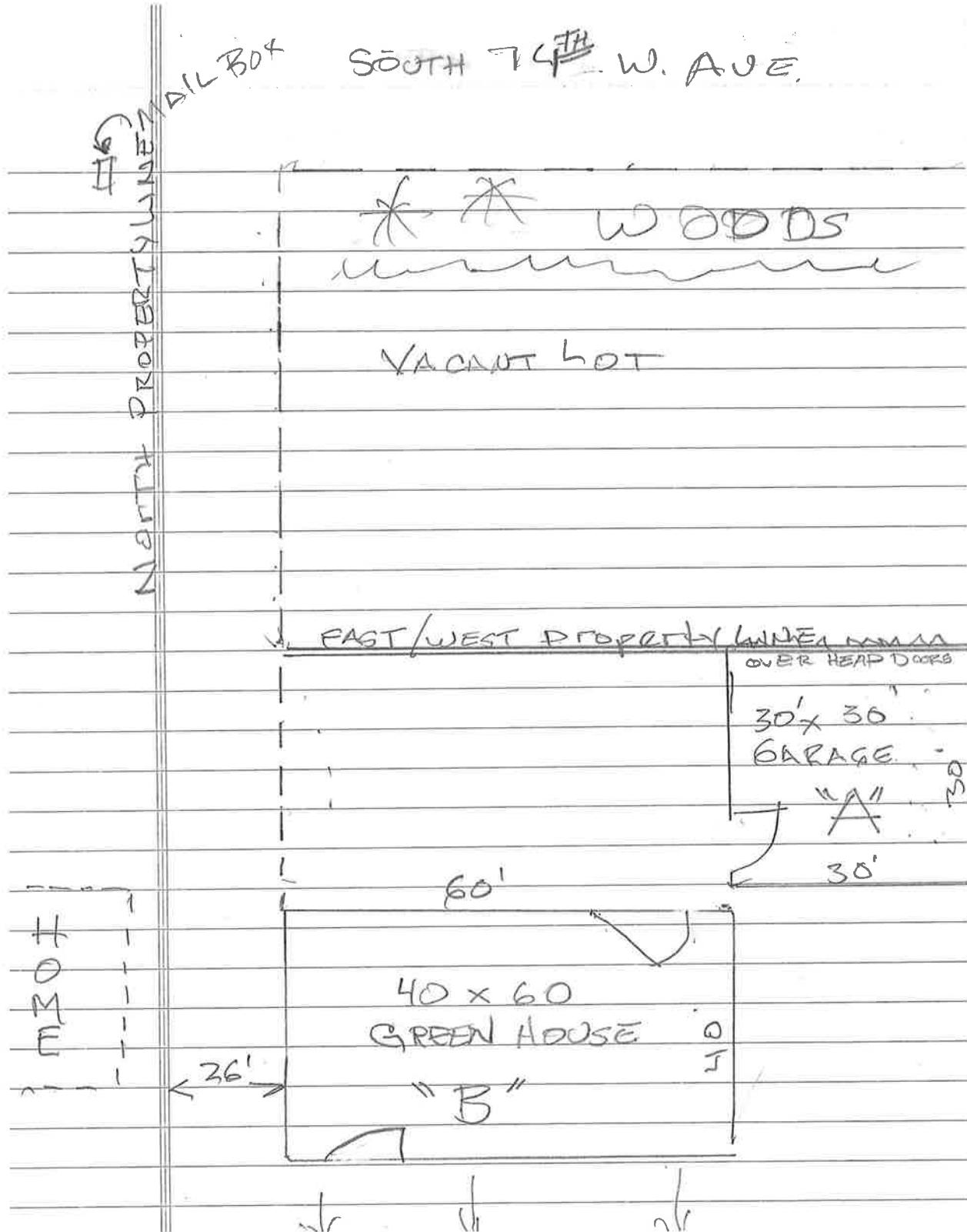
PRT SW BEG 1710S & 931.76W NEC SW TH N109 E34
5 S109 W345 POB LESS BEG 1710S & 741.76W NEC
SW TH E155 N109 W155 S109 POB SEC 6 19 12 .4
7AC

Acct Type :	Residential 1 imps	BltAs :	1½ Story Fin	Deed Date :	2013-06-28	Rec: 2013065322
Zone :	RS	Bldg Area :	3966	Deed Price :	\$5,000	
School Dist :	2B	Quality :	Fair	Multi Parcel Sale :	NO	
Neighborhd :	0632	Year Built :	1950	Allocated Val :		
LEA :	0632	Bath :	2	Verification :	16 Quit Claim Deeds	
Land Area :	20908.00 Sq. Ft.	Stories :	1.75	Land Value :	\$ 7,000	
		HVAC :	None	Adj Actual :	\$ 14,500	
		Roof :	Clay Tile	Actual :	\$ 14,500	PV-1
		Condition :	Poor	Adjustment :		
		Ext Wall :	Frame Siding/Brick/Stone Veneer	Adjustment :		
		Pool :	No	Adjustment :		
		Garage :	900	Adjustment :		

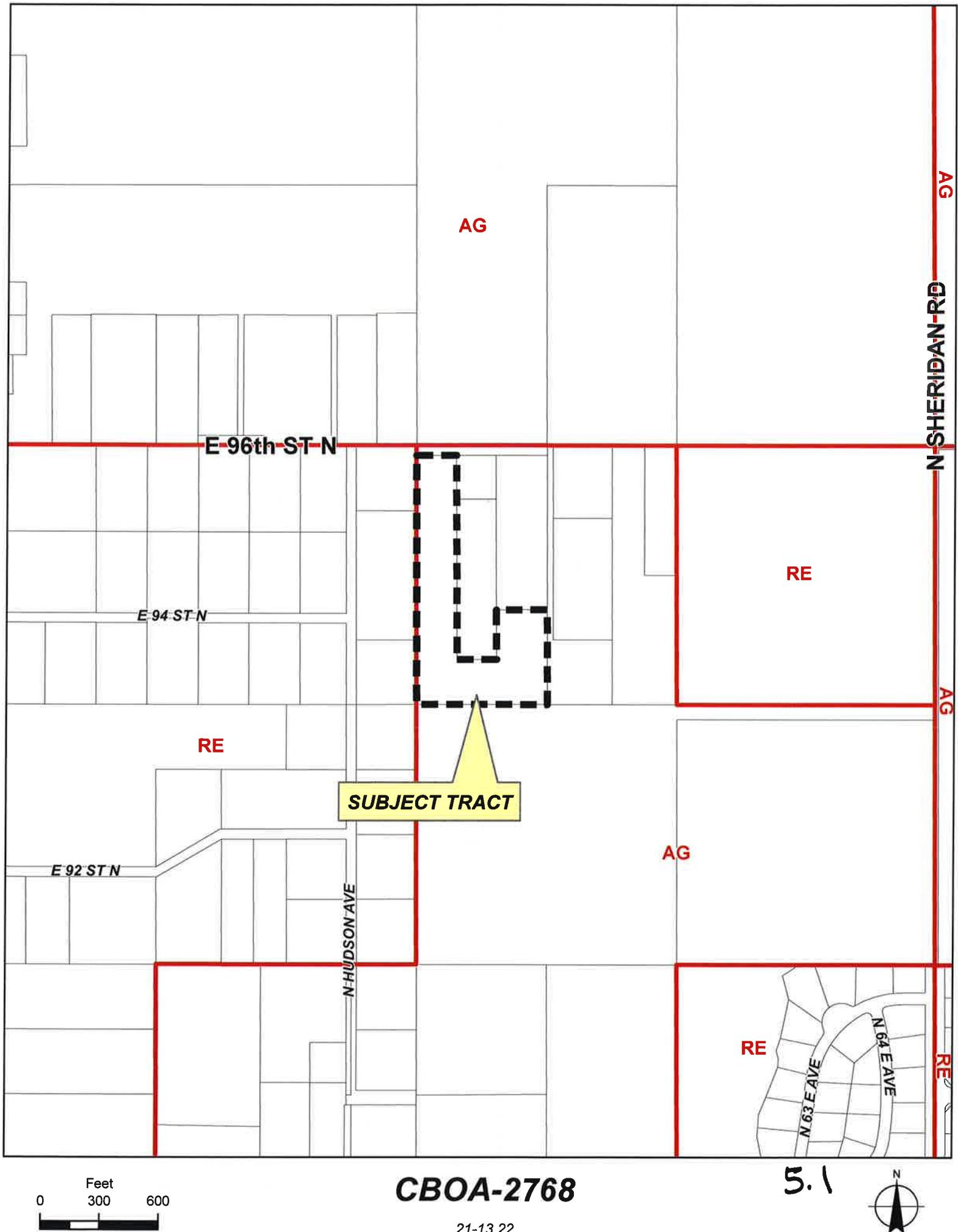


11
NORTHLAND LOT

SOUTH 7TH W. AVE.



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**BOARD OF ADJUSTMENT
CASE REPORT**

STR:1322

Case Number: CBOA-2768

CZM:17

PD:

HEARING DATE: 09/17/2019 1:30 PM

APPLICANT: Madison Freeman

ACTION REQUESTED: Variance of the side setback from 15 feet to 10 feet in an AG District (Sec. 330, Table 3).

LOCATION: 5710 E 96 ST N

ZONED: AG

PRESENT USE: Residential

TRACT SIZE: 9.77 acres

LEGAL DESCRIPTION: PRT W/2 NW NE BEG 50S NWC THEREOF TH S1270 E660 N482.93 W260 S251.93 W200 N1039 W200 POB SEC 22 21 13 9.774ACS,

RELEVANT PREVIOUS ACTIONS: No relevant history

ANALYSIS OF SURROUNDING AREA: The subject tract abuts agricultural lots to the north, east, and south. It abuts a residential neighborhood to the west that includes rural residential homes on large lots.

STAFF COMMENTS:

The applicant is requesting a **Variance** of the required side yard setback from 15 ft. to 10 ft. to permit an accessory building as shown on the attached site plan. The applicant stated the following: "Customer needs side setback to be at 10' due to the width of the building in relation to the house. At 15', the building sticks out too far into backyard and too close to the house to be able to drive between buildings to access the new detached garage structure. Moving the building back to 10' from property line allows adequate access between structures for access to east side of garage."

The Code requires a side yard setback of 15 feet in the AG District.

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

Sample Motion:

"Move to _____ (approve/deny) a Variance of the 15 ft. side yard setback to 10 ft. for an accessory building (Section 330)."

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

5.2

Finding the hardship to be _____.

Finding that 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.



0 Feet
300
600



Subject
Tract

CBOA-2768

21-13 22

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

Aerial Photo Date: February 2018 **5.4**





**Morton
Buildings, Inc.**

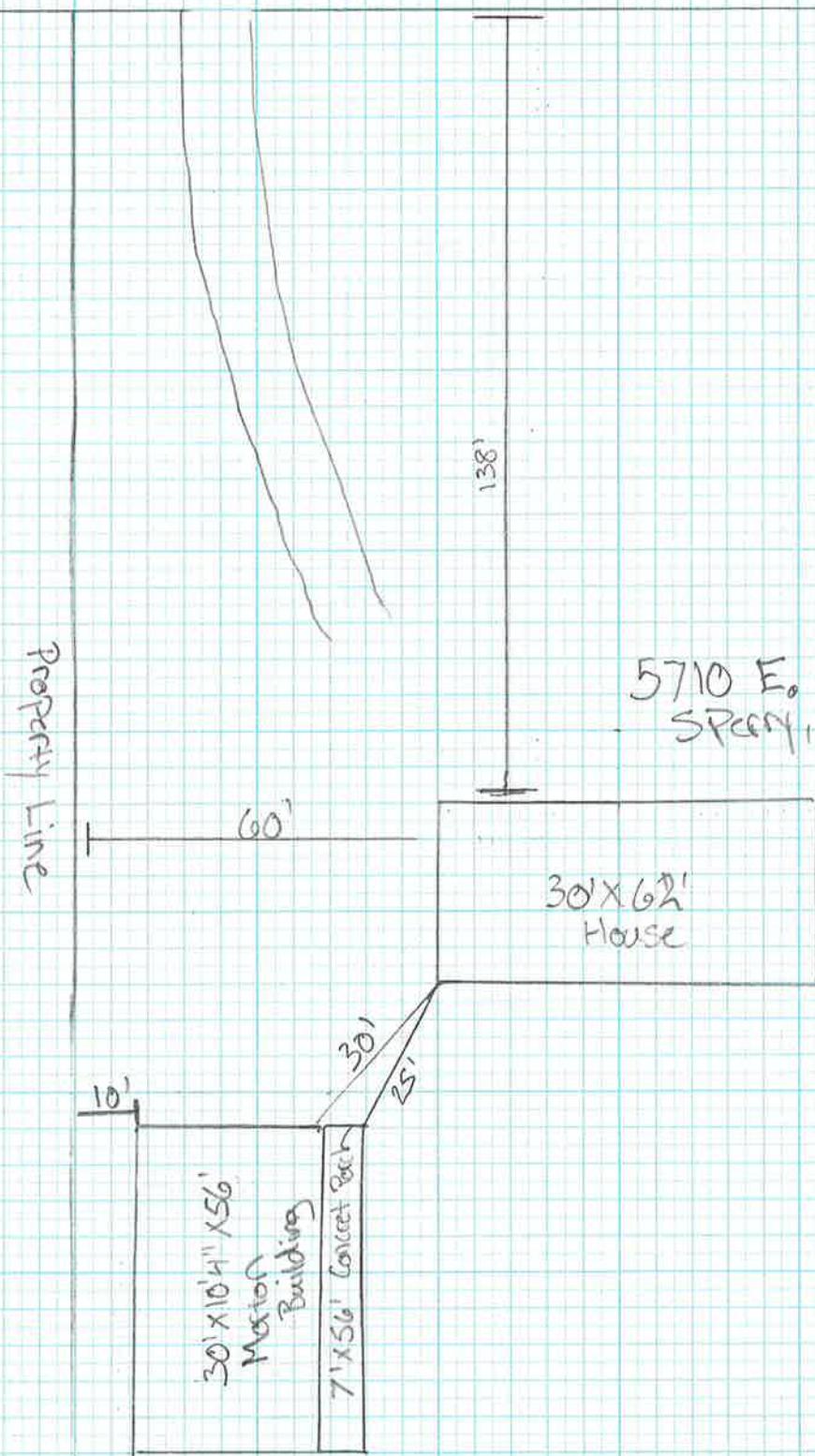
51

E 96th St N

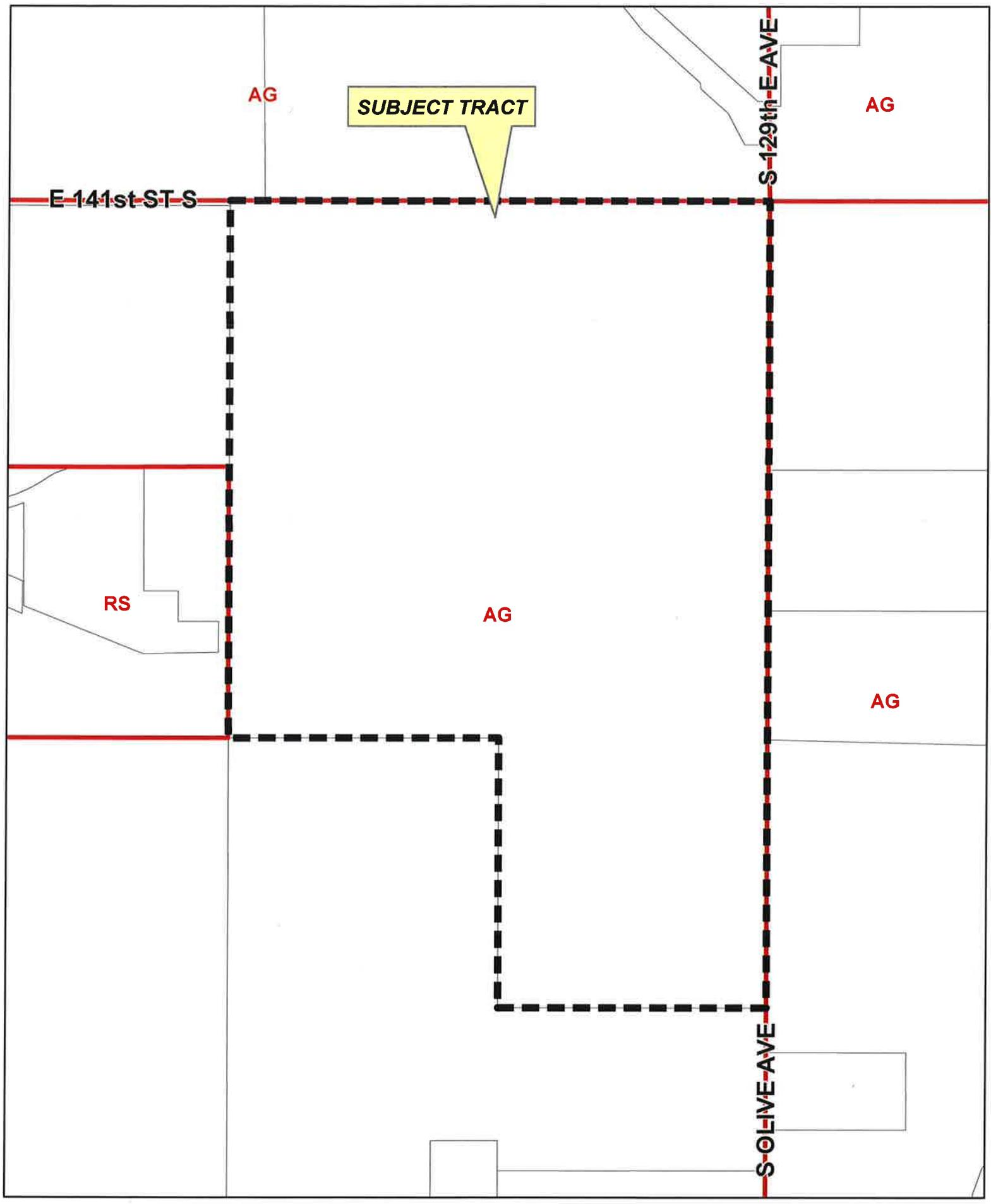
E 96th St N



E. 96th ST N



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0 Feet
300 600

CBOA-2769

17-14 17

6.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR:7417

Case Number: CBOA-2769

CZM:63

PD:

HEARING DATE: 09/17/2019 1:30 PM

APPLICANT: Holliday Sand & Gravel

ACTION REQUESTED: Special Exception to permit Use Unit 24, Mining and Mineral Processing, (Sec. 1224) in an AG District (Sec. 310, Table 1).

LOCATION: SW/c of E. 141st St. S. & S. 129th E. Ave.

ZONED: AG

PRESENT USE: Sod Farm

TRACT SIZE: 200 acres

LEGAL DESCRIPTION: NE QTR. & NE SE SEC 17-17-14,

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

CBOA-2629 April 2017: The Board **approved** a *special exception* to allow a mining and quarry operation in the AG District (Section 310, Table 1), subject to a five-year time limit, April 2022. There is to be no fuel storage on the subject site. The hours of operation are to be 7:00 a.m. to 5:00 p.m., Monday through Friday. The tarps are to be down on all trucks upon leaving the subject site, for the following property, East of the Southeast corner of 141st Street South and South 129th Avenue East.

CBOA-1803-C April 2016: The Board **approved** *modification to a previously approved special exception* (CBOA-1803) to permit dredging/classifying in the AG district permanently per the previously approved conditions of the County Board of Adjustment. Located at 14253 South 129th Avenue east.

CBOA-1803-B June 2014: The Board **approved** a *modification to a previously approved Special Exception* (CBOA-1803) for dredging/classifying system to amend the hours of operation with conditions. Located: 14253 S 129th Avenue

CBOA-2481 October 2013: The Board **approved** a *special exception* to permit mining (dredging) and quarrying of sand in an AG District. The approval is subject to the applicant continuing to explore means to properly buffer the wildlife from the operation as required by law and adhere to all wildlife rules and regulations. The applicant is to take noise abatement measures that are within their control, for the property located south east of the southeast corner of East 141st Street South and South 129th East Avenue.

CBOA-2056 September 2003: The Board **approved** a Special Exception to permit dredging and removal processing of sand, gravel, and soil, and mineral processing Located: East of S 129th E Ave and South of E 141st Street

CBOA-1803 December 2000: The Board **approved** a special exception to permit mining and quarry of sand and gravel in an AG district with conditions. Located: 14253 S 129th Avenue

CBOA-1644 May 1999: The Board **approved** an extension of a use variance to permit soil mining in an RS zoned district, on property located south of the southeast corner of East 141st Street South and South Garnett Road East.

CBOA-1409 April 1996: The Board **approved** a use variance to permit soil mining in an RS zoned district, on property located south of the southeast corner of East 141st Street South and South Garnett Road East.

ANALYSIS OF SURROUNDING AREA: The subject tract is mainly surrounded by agricultural zoning with limited residential uses on large parcels. According to the applicant, the site is adjacent to three existing sand quarries. The subject property abuts RS zoning on the west that is the former site of a sand quarry (see CBOA-1644 and CBOA-1409) and its current use is residential with a private lake.

STAFF COMMENTS:

The applicant is requesting a Special exception to permit mining (dredging) and quarrying of sand in an AG district. A Special Exception is required as the proposed mining and quarrying operation is not permitted by right in an AG district because of potential adverse effect, but which if controlled in its relationship to the neighborhood and to the general welfare, may be permitted.

1224.3 Use Conditions: The Board of Adjustment, in granting a mining and mineral processing use by Special Exception, shall consider potential environment influences, such as dust and vibration, and shall establish in the particular instance, appropriate protective conditions such as setbacks, screening, and method of operation, as will mitigate the adverse effect on proximate land uses.

The applicant has provided the following information:

- Truck deliveries from the site shall be directed west from the plant on East 141st Street South, onto South Garnett Road, rather than South 129th East Avenue. (See Designated Trucking Route.)
- Schedule of Operation:
 - Sales and Truck Loading: 7 AM to 4 PM on weekdays and 8 AM to 12 PM on Saturdays if needed during the peak construction season.
 - Overburden excavation/reclamation and sand dredging and processing activities: 7 AM to 7 PM on weekdays, 8 AM to 5 PM on Saturdays if needed.
 - The projected life of the operation is approximately 8 to 12 years.

The Board has approved similar request within the surrounding area; in granting the request the Board applied the following conditions:

- Loading will be of the Monday through Friday, 7:00 a.m. - 4:00 p.m., except legal calendar holidays;
- Trucking will be 7:00 a.m. - 4:00 p.m., except legal calendar holidays;

- Dredging will be limited to: two ten-hour shifts 7:00 a.m. - 3:00 a.m., Monday through Friday with an eight hour make-up day on Saturday which shall be 7:00 a.m. to 3:00 p.m.;
- Work on the community relationship of controlling the truck traffic on 129th E Ave.
- The approval is for a period of 2 years from the date of approval.

Staff has received numerous emails and phone calls of opposition. The emails are attached for the Board's review. A petition is also attached with over 600 electronic signatures.

The City of Broken Arrow has issued a comment and it is also attached for the Board's review. The subject property is located within the fenceline of Broken Arrow. The city does not support the request.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed mining (dredging) and quarrying of sand is compatible with the surrounding neighborhood.

Sample Motion:

"Move to _____ (approve/deny) Special Exception to permit mining and quarry of sand and gravel in a AG zoned district (Section 310).

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

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



5

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

Aerial Photo Date: February 2018

CBOA-2769

17-14 17

Subject Tract

Feet
0 475 950

S OLIVE AVE

E 151st ST S

E 141st ST S

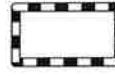


E 141st ST S

S 129th E AVE

S OLIVE AVE

0 Feet
300 600



Subject
Tract

CBOA-2769

17-14 17

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

Aerial Photo Date: February 2018

6.6





Looking directly east across South 129th East Avenue from subject property



Holliday Sand & Gravel currently operating east of subject property on S. 129th E. Ave.



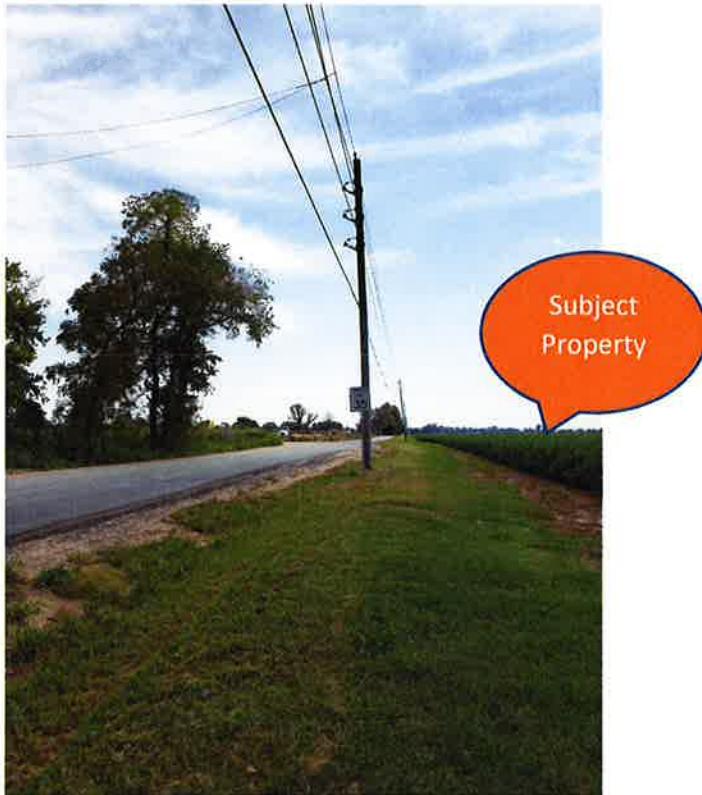
Anchor Sand Plant currently operating southeast of subject property on S. 129th E. Ave.



Bridge north of 141st St. and S. Garnett Rd.



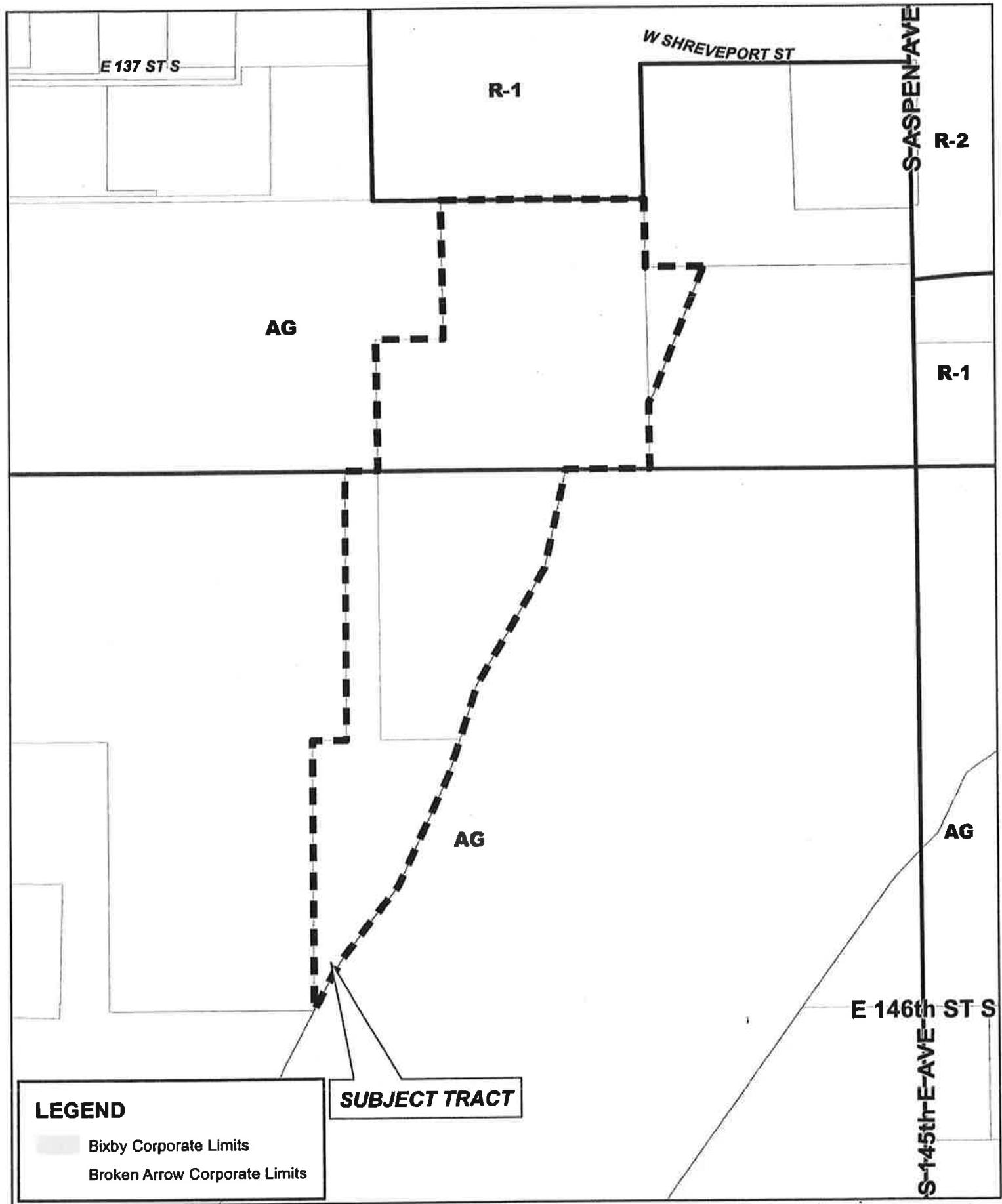
North of the bridge which is north of 141st St. and S. Garnett Rd



Looking south on S. 129th E. Ave.



Looking north on South 129th E. Ave.



Use Variance to allow for storage (Use Unit 23) of personal items in the RS District (Section 410). There is to be no outside storage and there is to be no rental to third parties for storage uses. The building is to be used by the record owner for storage of personal items. The building has been in existence for 20 years and has been cleaned up, and the size of the lot will accommodate the storage purposes; for the following property:

LTS 7, 8 & 9, BLK 15, EAST ADDN, OF TULSA COUNTY, STATE OF OKLAHOMA

2629—Chet Hiatt

FILE COPY

Action Requested:

Special Exception to allow a mining and quarry operation in the AG District (Section 310, Table 1). LOCATION: East of the SE/c of 141st Street South and South 129th Avenue East

Presentation:

Chet Hiatt, 2000 East Atkinson, Pittsburg, KS; stated he is with Triad Environmental Services and he represents Watkins Sand. Watkins Sand currently operates a sand dredging operation in the river at the south end of 129th Street. They were before the Board in 2001 for a Special Exception to have the dredging operation in the AG District and the request was approved. Today's request is an extension of that operation to the east along the sand bar in the river. There is no expectation to increase production at the site, it is only an ongoing operation continuing operation as it has been since approximately 2009.

Mr. Charney asked Mr. Hiatt if the operation was moving to accommodate where the resource is located. Mr. Hiatt answered affirmatively.

Mr. Charney asked Mr. Hiatt if there was going to be any new equipment on the site. Mr. Hiatt stated there would be no new equipment.

Mr. .Hiatt stated the nearest residence is approximately 4/10 miles away from the existing operation.

Mr. Charney asked Mr. Hiatt if the new location will be any closer to a residence than it is today. Mr. Hiatt answered no and stated the operation is in the middle of the river. Mr. Charney asked Mr. Hiatt if the equipment will be operating any closer to a residence than it is today. Mr. Hiatt stated the dredge itself is in the river but the processing will stay where it is located today.

Mr. Hiatt stated that he has seen comments from residents about the blasting, but there is no blasting in this operation because it is strictly a dredging operation. The water and sand are vacuumed into a pile and processed. To secure the permit to be able to extend the current permit Watkins will have to go through the Oklahoma Department of

CBOA - 2629

FILE COPY

Environmental Quality, the U. S. Corp of Engineers, Fish and Wildlife, the Oklahoma Archeological and Historical Society. In the past Watkins has worked with Fish and Wildlife for protection of threatened and endangered species. They has made agreements to suspended operations for periods of time during the nesting season. Mr. Hiatt stated there is no fuel stored at the site and haul trucks are parked at a separate location over night.

Mr. Charney asked Mr. Hiatt if the haul trucks will not be operating in any other location than they are today. Mr. Hiatt stated that it is correct and stated that Watkins operates a small number of trucks.

Interested Parties:

Frank Watkins, P. O. Box 687, Bixby, OK; stated he has gone to school to learn about the Least Tern so he is aware of their habits. As for the haul trucks, they are six wheelers and classified as 40-Ton. The trucks go back and forth once a day and are housed at 141st and Mingo using 141st to drive on.

Mr. Charney asked Mr. Watkins to explain to the Board about the trucks that load at his site. Mr. Watkins stated he uses five or six bobtail trucks, which are ten wheelers, and deliver to home builders exclusively. Mason sand is also sold to Apex, the rock quarry, because they use it in an asphalt mix. Mr. Watkins stated that he makes sure the trucks have insurance and are tarped or they cannot work for Watkins Sand. After that it is up to the City or law enforcement to monitor the trucks.

Mr. Dillard asked Mr. Watkins if trucks leave his location without being tarped. Mr. Watkins answered no. Mr. Watkins stated that he does the best he can but the drivers are independent contractors. There is a fine when a truck is caught without a tarp in use.

Mr. Charney asked Mr. Watkins if he sold his sand to third party contractors. Mr. Watkins answered affirmatively.

Mr. Charney asked Mr. Watkins about the hours of operation for the dredging and the hours of operation for loading the trucks. Mr. Watkins stated that his people punch the clock at 7:00 A.M. and start loading the trucks, and at 5:00 P.M. the people have to be off the clock, and he operated five days a week. He has not pumped in two years but there is another company in the area that operates differently.

Mr. Charney asked Mr. Watkins why he has not pumped in two years. Mr. Watkins stated that it is cheaper to use the six wheelers to bring out the material than it is to dredge.

Mr. Crall asked Mr. Watkins what he would guess the explosive sound the residents complained about is. Mr. Hiatt stated that not all the letters of complaint are firmly founded, but a lot of times people associate noises with the wrong operator. Mr. Hiatt stated that if there are explosions it has to be another operator.

CBOA - 2629

FILE COPY

Mr. Dillard asked Mr. Watkins if his company worked on Sundays or on any holidays. Mr. Watkins stated they do not work on Saturdays, Sundays or any holidays.

Comments and Questions:

None.

Board Action:

On **MOTION** of CHARNEY, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to **APPROVE** the request for a **Special Exception** to allow a mining and quarry operation in the AG District (Section 310, Table 1), subject to a five year time limit, April 2022. There is to be no fuel storage on the subject site. The hours of operation are to be 7:00 A.M. to 5:00 P.M., Monday through Friday. The tarps are to be down on all trucks upon leaving the subject site; for the following property:

E/2 E/2 E/2 NE NW & E 10.91 A LOT 2 SEC 16-17-14; LT-1-SEC-16-17-14; S1/2 SW SE & NE SW SE & E1/2 NW SW SE SEC. 9-17-14; BEG SWC N/2 N/2 SE SE TH S TO MEANDER LINE TH NE TO SL N/2 N/2 SE SE TH W POB SEC 9 17 14 2.275AC,, OF TULSA COUNTY, STATE OF OKLAHOMA

2625—Tania Bledsoe

Action Requested:

Variance to permit more than two dwelling units on a single AG zoned lot (Section 208), **LOCATION:** 14225 North Yale Avenue

Presentation:

The applicant was not present.

Interested Parties:

There were no interested parties present.

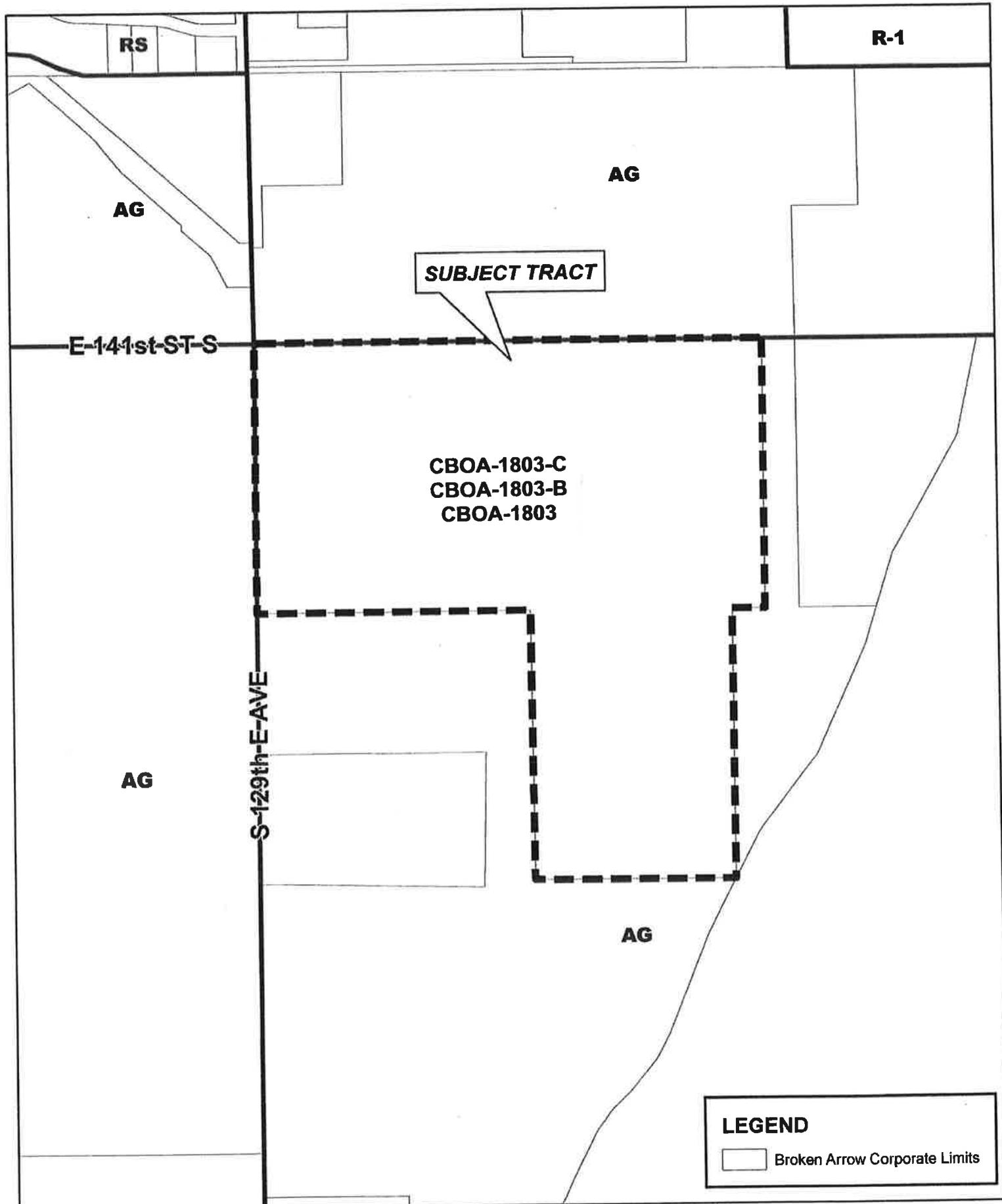
Comments and Questions:

None.

Board Action:

On **MOTION** of CHARNEY, the Board voted 4-0-0 (Charney, Crall, Dillard, Johnston "aye"; no "nays"; no "abstentions"; Hutchinson "absent") to **CONTINUE** the request for a Variance to permit more than two dwelling units on a single AG zoned lot (Section 208) to the May 16, 2017 Board of Adjustment meeting; for the following property:

PRT SW & NW BEG SWC SW NW TH N965.59 E16.5 NE215.17 E564.73 N165 E698.55 S1321.40 W1320.51 POB LESS W16.5 S965.59 SW NW & N70 W285 NW



0 Feet
300
600

CBOA-1803-C

17-14 16



6.15

FILE COPY

Action Requested:

Modification of a previously approved Special Exception to permit dredging/classifying permanently in the AG District per previous conditions of the County Board of Adjustment. LOCATION: 14253 South 129th Avenue East

Mr. Charney recused himself 1:51 P.M.

Presentation:

Michael M. Harnden, 398173 West 4000 Road, Ramona, OK; stated he is the Plant Superintendent and Sales Representative for the Tulsa area for Holliday Sand and Gravel. He is requesting the Board to approve the dredging and classifying process permanently. He has done studies on the truck traffic and noise and several things to be a good neighbor. Obviously, Holliday Sand is one of three plants in the area and they have 26% of the trucks that travel in the area. Holliday has drawn up a contract for their drivers that haul for Holliday and each driver signed a contract. If the driver were caught speeding, running stop signs, jake braking, etc. they were banned from the operation, which has been done with five of the drivers. Mr. Harnden stated that the problem he has is that the majority of the trucks hauling out of the area are not coming from Holliday Sand but he does get the telephone calls and follows up on it. He has a good response from the other companies in the area but he is the one attempting to enforce the rules and making the calls to the Sheriff's Department. Mr. Harnden stated that whether the request is approved today or not he will continue doing as he is doing today. He wants to help make the neighborhood a better neighborhood. He has held two neighborhood meetings, and the first meeting had more than 40 people that attended and the second had seven people that attended. At the last meeting there was still a complaint about the noise because they thought it was coming from Holliday Sand equipment, and it was determined that the noise was coming from Tulsa Grass and Sod equipment.

Mr. Crall asked Mr. Harnden if the company was going to be changing anything in their process. Mr. Harnden stated that they are not.

Mr. Harnden stated that the company is allowed to pump from 7:00 A.M. to 3:00 A.M. but they are not doing that. As the market increases the peak time for construction increases and there will be times the company needs to bump those hours.

Mr. Hutchinson asked Mr. Harnden to explain about the digital speed limit sign that is in the Board's agenda packet. Mr. Harnden stated that he and Mr. O'Dell thought it might help the drivers think about their speed and their actions.

FILE COPY

CBDA-1803-C

Mr. Hutchinson asked Mr. Harnden what the implications are for the drivers if they are issued a ticket from the Oklahoma Highway Patrol. Mr. Harnden stated that he knows it affects their insurance rates considerably.

Interested Parties:

Malcolm Rosser, 321 South Boston, Suite 500, Tulsa, OK; stated he represents Steve and Melissa Cox; they own property close to the subject property. Mr. Rosser stated that the truck issues are definitely real and they are a problem, but they are just a symptom. The underlying change that took place two years ago is the expansion hours of operation; dredging and classification operation that involves the pump until 3:00 A.M. five nights a week. That is what causes additional truck traffic and the noise problems. The property is zoned AG and there are only a couple of uses that are allowed as of right without additional permitting; agricultural use, i.e., raising crops or cattle, and single family residences. The activity that is going on right next door to the Cox property is industrial. Removing and processing sand is a heavy industry. If that is going to go on all night there needs to be a good reason. Mr. Rosser stated that the operating until 3:00 A.M. is the real issue. When the application was first filed it was based on the claim that there was a high market demand and the basis on which the approval was granted. Mr. Rosser read the Board of Adjustment meeting minutes from two years ago. Mr. Rosser stated that he does not agree that the change in market demand is a basis for changing operating hours or expanding a Special Exception. Business demands increase or decrease all the time and if every time that happened a client filed an application for needs there would no end to applications like that. Mr. Rosser stated that he compiled permit information from the Cities of Tulsa, Owasso, Bixby and Broken Arrow and found out that in the first quarter of 2014 compared to the first quarter of 2016 in Tulsa the number of permits dropped by \$46 million; Bixby dropped by \$8 million; Owasso dropped by \$1 million; and Broken Arrow rose about \$14 million. Consolidated on a net basis there is a decline in building permit activity of over \$41 million or a 14% decline. If the market is to be used as the justification or basis for granting the application it is not justified by the market. Mr. Rosser stated that his client is not asking that the sand plant be shut down completely, but only that it be shut down at the end of the work day so he does not have to hear the equipment run all night from his house. Mr. Rosser's client knows this company is injurious to his property; to the enjoyment of it as well as the market value. The Board should not allow the injury to continue in this situation.

Mr. Crall asked Mr. Rosser if he had a theory as to why Holliday Sand would want to dredge if they cannot sell the product. Mr. Rosser stated that the company can always sell the product and stock pile the sand as any other commodity. Mr. Crall asked Mr. Rosser if his theory is that the company is stock piling the product. Mr. Rosser stated that he did not know what they are doing with the sand, but he does know the market has declined.

Mr. Crall asked Mr. Rosser if he knew how late the other two sand companies dredged. Mr. Rosser stated that he spoke with Mr. Cox, his client, and Mr. Cox said the other companies do not dredge at night and that is why Holliday Sand is a problem for him.

FILE COPY

CBOA-1803-C

Mr. Hutchinson asked Mr. Rosser if he had to be the subject to hear the dredge noise. Mr. Rosser stated that he had not. Mr. Hutchinson stated that he had visited the subject site and when he was there he could not hear the dredging.

Steve Cox, 14503 South 129th East Avenue, Tulsa, OK; stated he lives right behind the sand plant and the dredging can be heard. Mr. Cox showed the Board where his house is on a map in relation to the sand plant. Mr. Cox stated that he believes the original operating hours were established for a reason. He thinks the noise level would have been the motivator. He does not think that market demand should be the basis to cause injury to him or the neighborhood. This approval was given two years ago to either fill the demand or get the neighbors use to the noise. The neighbors are not use to the noise and the demand has been filled so he does not see the reason to keep it going. Night time is when a person needs peace. He would ask the Board to vote no on this request.

Mr. Crall asked Mr. Cox if he knew the dredging hours of operation for the other two companies in the area. Mr. Cox stated the other companies close at 5:00 P.M.

Rebuttal:

Michael Harnden came forward and stated that the facts and figures presented by Mr. Rosser are a small part of who Holliday Sand sells to. There is bridge work, highway work, turnpike work, etc. The Muskogee Turnpike is going to be done in four phases three months at a time and will require approximately 95,000 tons of sand. Holliday Sand has not been able to keep up and stock pile sand to get ahead. Holliday Sand does not want to dredge until 3:00 A.M., it is just as needed. His employees do not want to work a second shift.

Mr. Hutchinson asked Mr. Harnden how often he ran the two ten-hour shifts in the last two years. Mr. Harnden stated that he would need to consult his records, but there were a couple of weeks in the winter that the dredging could not be done and there were several days of rain. The maintenance on the equipment because of the coarse product being dredged is never ending.

Mr. Hutchinson asked Mr. Harnden if he had been to Mr. Cox's property to hear his concerns. Mr. Harnden stated that he went to Mr. Cox's property to help him with a downed tree and brought dirt to the property to fill in the hole left by the tree.

Mr. Johnston stated that he looked at the report from Dr. Shadley and it states that from the parking lot of an outdoor sports field the dredging operation is basically and entirely inaudible. Mr. Johnston asked Mr. Harnden if something had changed since that test was performed. Mr. Harnden stated that nothing has changed.

Mr. Crall asked Mr. Harnden if the other plants in the area shut down by 5:00 P.M. Mr. Harnden stated the plant to the north have operation hours of 7:00 A.M. to 5:00 P.M., and the plant to the south, Anchor, will fire up their equipment before 7:00 A.M. but he

does not what their permit states. Mr. Harnden stated that he knows they have trucks running after and before Holliday Sand, as early as 6:00 A.M. Mr. Harnden stated currently Anchor has more trucks running than Holliday Sand, but that is subject to change.

Malcolm Rosser came forward and stated that unless he is misreading the report none of the sound levels were taken on Mr. Cox's property. Trucks are a problem but the night time dredging is the real problem. That is what causes injury to the neighborhood.

Comments and Questions:

Mr. Dillard stated that there are not very many citizens that would create an extensive log as Mr. Harnden has done. He has logged every one of his complaints. He has proven that he wants to be a good citizen. He had a sound study performed. There are not masses of protestants here today. Mr. Dillard stated that he can support the request to continue on with business.

Mr. Hutchinson stated that he agrees with Mr. Dillard. Mr. Harnden has done a tremendous amount and helped out people. He has spent a lot of money on the operation. He has hurt his business by banning some of the drivers. He does a great job.

Mr. Johnston stated that he believes Mr. Harnden has been trying very hard to take care of business and concerns of the neighbors.. Mr. Johnston stated that he does not know how the noise level at night could be taken care of any more than it already has been taken care of.

Mr. Crall stated that he is a business man. He does not pay overtime and he does not make people do things unless he needs them or can sell something. Mr. Crall believes market demand may not be market demand. Mr. Crall believes that Holliday Sand will not run until 3:00 A.M. unless they have a reason. Mr. Crall believes that since Holliday Sand knows how the neighbors feel they certainly have a reason not to run until 3:00 A.M. unless they have to.

Board Action:

On MOTION of HUTCHINSON, the Board voted 4-0-1 (Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; Charney "abstaining"; none "absent") to APPROVE the request for a Modification of a previously approved Special Exception to permit dredging/classifying permanently in the AG District per previous conditions of the County Board of Adjustment, subject to the previously approved conditions in Case #CBOA-1803-B, as follows:

1. Loading will be 7:00 A.M. to 4:00 P.M., Monday through Friday, except legal calendar holidays;
2. Trucking will be 7:00 A.M. to 4:00 P.M., except legal calendar holidays;
3. Dredging will be two ten-hour shifts from 7:00 A.M. to 3:00 A.M., Monday through Friday with an eight (8) hour make-up day on Saturday which would be 7:00 A.M. to 3:00 P.M.

CBDA-1803-C

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4. Holliday Sand is to continue to enforce the rules that the drivers have voluntarily signed.

The Board has found that the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief per Code; for the following property:

**NE NW LESS E1/2 E1/2 E1/2 NE NW & NW NW & W.10 A. OF E.20 A. LT 2-W.20 A.
LT 2 SEC 16-17-14., OF TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Charney re-entered the meeting at 2:37 P.M.

2571—James Hansen

Action Requested:

Special Exception to permit Use Unit 5 (Community Service & Similar Uses) in the RS District (Section 410, Table 1). LOCATION: 6701 North Trenton Avenue East

Presentation:

James Hansen, 1064 Pruitt Drive, Oklahoma City, OK; stated the subject property was purchased by his parents in 1946 and the adjacent parcel was purchased in the 1980s. The stewardship of the land is part of the issue to him. Mr. Hansen stated that he has not taken proper care of the property in recent times and the monks in Oklahoma City were seeking a piece of wooded land in Tulsa so he offered the land to the monks gratis. This proposed use would be the establishment of a Buddhist meditation retreat center. Mr. Hansen stated that he has received complaints about the proposed use, i.e., there would be too much noise. Mr. Hansen stated that there would be three to five meditating monks on the property, which to him is not a great deal of noise. Mr. Hansen stated that the Turley Rodeo Center is adjacent to the subject property and it creates quite a bit of noise. Mr. Hansen stated that the neighbors have also told him that the streets would not be able to handle the traffic load the proposed use would create.

Mr. Charney asked Mr. Hansen if overnight stays or living on the subject property would part of the program for the Buddhists. Mr. Hansen answered affirmatively.

Mr. Johnston asked Mr. Hansen where the rodeo was located. Mr. Hansen stated the rodeo is located on Victor which the next street over toward the east and a little bit north so that the two corners of subject property and the rodeo property meet. Mr. Hansen stated that as far as he is aware no one has complained about the noise generated by the rodeo.

Mr. Dillard asked Mr. Hansen how many living units would be on the subject property. Mr. Hansen stated that the total number of monks would be three to five. Mr. Dillard asked if each monk would have his own living quarters. Mr. Hansen stated that he was told by the permit office to take the long range view and plan for that.

application would be denied. Mr. Charney asked the applicants if they understood and asked the applicants want they would like to do. The applicants stated that they would like to proceed with the hearing today.

Mr. Charney stated that while he was reviewing the documents for the Holliday Sand and Gravel case, he wants everyone to know that he personally has no financial or business relationship with Holliday Sand and Gravel. However, when reviewing the case documents he saw people and companies that he does business with and those people do have significant relationships with Holliday Sand and Gravel. So it is one step removed, and even if there is no legal requirement for him to recuse himself from the case he is going to recuse from Holliday Sand and Gravel case to avoid any appearance of impropriety. It would not sway or alter how he views the case, or how he would vote, but there is a rule that he wants to hold the Board members to above and beyond. Given that he is not going to involve himself in any of the voting, deliberations or comments. He will call the interested parties forward, and will conduct the meeting but he will not vote or make any comments regarding the Holliday Sand and Gravel case. Given that, it is important for the applicant to know that for his case there are three remaining Board members to hear and vote on his case. In order to achieve the required result for the applicant there must be three positive votes. Mr. Charney asked the applicant if he will choose to proceed with the hearing of his case today. The applicant answered affirmatively.

Mr. Dillard stated that his profession is a banker and some of the people on both sides have been his customers. Mr. Charney stated that it is important to know that the legal standard is direct financial interest, and that would not be the case with Mr. Dillard. Mr. Charney stated that he appreciates the full transparency because that it is what the Board wants to be about. Mr. Charney stated that his clientele relationships are one step closer than Mr. Dillards so that is why he has chosen to recuse himself. Mr. Charney asked the Board if they were comfortable with proceeding with the three voting members, and all nodded their consent. No opposition to this was received from the audience.

UNFINISHED BUSINESS

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1803-B—Holliday Sand and Gravel

Action Requested:

Modification to a previously approved Special Exception (CBOA-1803) for dredging/classifying system to amend the hours of operation to meet market demand. LOCATION: 14253 South 129th Avenue East

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Presentation:

Mike Odell, Vice President of Holliday Sand and Gravel, 14900 South Garnett Road, Broken Arrow, OK; stated his company is before the Board requesting additional operating hours because as it is now the company cannot keep up with the demand. Sand is a commodity and is something that is produced on demand, it is not a situation where the more that can be produced the more that can be sold. When the demand grows there must be more produced. There are operating difficulties at Holliday's other two locations, i.e., low water. Since the April 15th meeting the staff at Holliday has been busy. Until that time the company had not been aware of the trucking issues, but they were aware of the noise issue. After that meeting he realized there was a need for communication with the neighborhood. The company should have known the issues raised but the fact that they did not proves they were not adequately communicating with the neighbors. Holliday Sand has since taken steps to improve the communications. Mr. Odell stated that he had brought Mr. Michael Harnden to explain what he has done since the last meeting. In regards to trucking safety, what Holliday Sand realized is two things, there needed to be a trucking safety program and one was established with rules. The rules were distributed to the customers and haulers, and the drivers signed the rules. The other thing established was a consequence to the rules. It was found that the consequences are quite effective. If a driver is seen breaking the law or receives a ticket that is reported to the employer then the driver is banned from Holliday Sand. It was discovered that the fear of this program is greater than fear of receiving a traffic ticket, because this usually results in the driver losing his job. That of course is the choice of the driver's employer but that has been the situation in one case already. Along with the trucking safety Holliday Sand recognized a need for noise reduction. Neighbors came forward and stated that they could still hear noise, so there were additional noise reduction measures taken. Holliday Sand purchased commercial enclosures to go on the dredge machinery, erected additional large concrete blocks around the booster station, instructed the employees on how to properly clean a loader bucket and there is a spare loader now for handling the dirtier materials. So there will be no more bucket banging at the plant. The back-up alarm on the equipment is no switched on at 5:00 P.M. is switched to the strobe light for a silent operation. What has been even more encouraging, and he received a letter of support from Anchor Stone a competitor of Holliday Sand, stating they are committing to all the things that Holliday Sand is doing. Holliday Sand has not only impacted trucks leaving their plant but impacted their competitors. Almost immediately Mr. Harnden erected a sign right in front of the plant that clearly displays his cell phone number for a contact. Holliday Sand also realized that there was a need for a meeting with the neighbors, and there were mailer sent out to 2,100 residents along 129th, and only 42 people attended the meeting that lasted 2 ½ hours. At the meeting there were 18 suggestions given and Holliday Sand has been following up on them, and a lot of the centered around road conditions. Mr. Harnden has also contacted the Highway Patrol and the Transportation Department for the school district to inform them of what was being done and give them the contact number. At this point Mr. Odell deferred to Mr. Harnden.

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CBDA-1803-B

Interested Parties:

Michael Harnden, 14900 South Garnett Road, Broken Arrow, OK; stated after the April 15th meeting he immediately contacted all the haulers that haul for Holliday Sand and Gravel. Mr. Harnden stated that he told them there was a problem that needed to be addressed, and they were in agreement. The company, as a whole, drafted a policy and the drivers must sign it. It was made very clear that if the rules are not followed then they will not be hauling for Holliday Sand any more. He has literally followed trucks into the Anchor plant that he observed committing a violation, and discussed it with the driver. He cannot do it all so that is why he contacted the Highway Patrol, Tulsa County Sheriff Department who has been making a presence also. The truckers know that he catches them on 129th, whether it is Jake braking, speeding, running the stop signs, they will not be loaded out of Holliday Sand. Holliday Sand has made a commitment to stick to that, because they want the neighborhood to be a better and safer neighborhood. Mr. Harnden stated that Dr. Shadley came to Holliday Sand and performed noise level testing prior to and after the installation of the noise barriers. One of the days that the test was performed was overcast and the wind was from the south, which couldn't have been a better day, and the report shows a great improvement in noise level.

Dr. John Shadley, 5111 South Houston Avenue, Tulsa, OK; stated that he wrote the report that was submitted to the Board at the last meeting. In that report he demonstrated that the sound levels during the night time hours, with the three machines that were to be operated at night, the sound levels in the community for those three machines would be well below the EPA standards. He read the minutes of the last meeting and he saw that people said they could still hear the equipment. So he met with Mr. Harnden and worked on some more improvements. The dredge was fitted some noise barrier materials that contains the noise within the dredge, and the noise level dropped 4.5 decibels or dba. The booster pump uses a concrete noise barrier and when the noise level was measured 15.6 dba. When both those noise sources are combined together and extrapolate them into the community it resulted in a change of -7 or -8 decibals. That is the acoustical equivalent of moving the plant twice as far away from the neighborhood. After the noise measurements were taken the barrier has been increased so the noise level is probably even less than it was before.

Mr. Hutchinson asked Dr. Shadley about the noise level of the condenser kicking on. Dr. Shadley stated the level was 40 dba through the neighborhood and then it jumped to 46 dba when the condenser unit kicked on. The noise reading was taken about four houses away, and in that particular location the sound was dominated by distance traffic and birds singing. He moved to another location that is closer to the plant where there are no houses and the condenser could not be heard and that was in the day time. Mr. Hutchinson asked if the readings were taken before the concrete barrier was erected. Dr. Shadley stated the readings were taken after the installation of the concrete barrier.

Mr. Odell came forward and stated that there was some misconceptions in the community that was brought out in the meeting with the neighborhood. One of the

CDA-1803-B

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misconceptions discussed was the idea of the trucking hours being increased. The trucking hours will be kept from 7:00 A.M. to 4:00 P.M. as they have always been. It was also stated at the community meeting that the number of trucks on the road were going to be doubled. Holliday Sand estimates that there will about 30 additional trucks on the road a day, or about an increase of 15%. Holliday Sand is not the only company that have trucks on the road. There are trucks from Anchor Stone, Watkins Sand, and other facilities in the area, and there are sod trucks certain times of the year. The company has changed the request from unlimited to two ten-hour shifts starting at 7:00 A.M., operate two shifts until 3:00 A.M., and keep Saturday as a make-up day from 7:00 A.M. to 7:00 P.M. especially if there was downtime during the week. Mr. Odell hopes the company has demonstrated the desire and the integrity to be good neighbors and to minimize the company's impact. The additional hours requested would be the maximum. The company does not operate 100% of the time, there is down time of about 40%.

Tralynna Scott, 12775 South 129th East Avenue, Broken Arrow, OK; she presented some pictures to the Board as support for her objection. Ms. Scott stated she cannot hear the company operating, but she wants to speak to the dangers presented by the trucking traffic on 129th. She has heard many claims stated today that the company has implemented a safety program. The pictures she presented to the Board showed an accident that occurred directly in front of her home, about June 1, 2014. She was not able to obtain a copy of the police report so she does not know the cause of the accident, but she knows it was extremely dangerous and if she had been pulling out of her driveway she would probably be dead. She does know that the trucking company was Yocham Trucking. Additional pictures depicted how an attempt to clean up the sand off the road and from her yard. The road clean up consisted of the sand being pushed into the drainage ditch in front of her house completely blocking the drainage pipe under her driveway. She dug a hole in the sand to keep her driveway from washing away in a rain. No one left a note or attempted to place a telephone call to her, she had to track down the trucking company to request a clean up crew. At that time she was told the sand would be cleaned up but it was wet so it will be awhile. Ms. Scott presented another picture of the ditch after the clean up and stated the picture was taken at 5:00 P.M. June 16th. Ms. Scott stated there is still several inches of sand, and the company merely scooped out a little of the sand and called it good. Ms. Scott stated that she knows Holliday Sand is aware of the problem because Holliday Sand had left a note on her door stating that Yocham Trucking had been contacted and requested to finish the clean up. She believes that Holliday Sand and Gravel is poor corporate citizen, they do not care about the damage that is done or the hazards they cause. She has contacted Tulsa County requesting the speed limit to be lowered. It is currently 45 mph on 129th between 121st and 131st, and it is 35 mph on 129th between 131st and 141st with signs stating no jake brakes. She has contacted Tulsa County and the City of Broken Arrow, both of which claim to have jurisdiction, of the road and both have failed to take any action on her requests. Every resident on the east side of 129th must walk across the street to gain access to their mailbox. A 15% increase in trucks is 30 more trucks that must be dodged to walk to her mailbox. She has contacted the U. S. Postal Service and requested the mailboxes be moved, but again to this day has not received

CBOA-1803-B

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any type of answer from the postal service. Ms. Scott is asking the Board to not put her family's safety in any more jeopardy than it already is in. Even with increased truck safety it is still dangerous. She would like to have the trucks start after the neighborhood children were on the school bus and stop before they got off the school bus. She has called the Highway Patrol and they have confirmed they have received many complaints about the trucks on 129th but they expressed that have a limited number of patrolmen and they must cover the entire that is outside the Tulsa city limits. She has lived in her house for 15 months and she has never seen Broken Arrow police, Tulsa County sheriff, or Oklahoma Highway Patrol on her road, and the truckers know this. Ms. Scott asked the Board, if it were their children that lived on that street how would they vote?

Dan Coley, 2404 West Pensacola Street, Broken Arrow, OK; stated he is in support of Holliday Sand's request. He wants to applaud the efforts that Holliday Sand has taken and made since the last Board of Adjustment hearing. He went to that meeting thinking it was all a noise issue and discovered it was a truck issue, not nullifying the noise issue altogether but 95% of the issues in the 200 pages in the Board's agenda packet all seem to be trucks, trucks, trucks. He thinks that Holliday Sand has taken the right steps to control what they can. Other efforts they have made to deaden the sound proves they are a good neighbor. Mr. Coley stated that on the flip side, from the neighborhood standpoint, he does not think it is a good situation for the neighbors to just say no. Holliday Sand have been there. They have three plants in town, two of which are hurting because of the discharges from the Keystone Dam. He does not think Holliday Sand wants to run 24 hours a day, seven days a week and that production will slow once the demand is met. His wife has accused him of having selective hearing, but he does not think selective hearing is gender specific it is with everyone. If a person wants to hear something they are going to hear it. If a person does not want to hear something they are not going hear it. If a person wants to be so focused on hearing something that is off in the distance, that they might be able to hear, then they are going to be upset for a long time.

Damon Martin, 12715 East 138th Street, Broken Arrow, OK; stated he was at the last Board of Adjustment meeting and had a lot of concerns over the trucks. He, too, thought the trucks are going to kill someone on 129th. His wife and children have almost been hit by one of the trucks. He has been almost run off the road by one of the trucks. It is a problem and there is nothing that Holliday Sand can do about it. It is going to be an individual truck driver that is going to cause it. Even today, the truck can be coming down the road in the middle of the road or be in his own lane. The area is a quiet area when there is nothing operating, nature can be heard. He and his family chose the area to live in because it was quiet and he never imagined there would be heavy machinery operating 24/7. To ask people to accept production to be allowed up to 3:00 A.M. is a lot to ask. If a person comes to the area to possibly buy a house and all they hear is noise from the sand company he can guarantee that person is going to look for another quieter area. This request, if it is approved, is going to hurt house values. He has children that are in school and they will have to deal with the trucks. The snow route for the Bixby schools is on 129th. The road is one busy road and any increase in truck

CBIA-1803-B

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traffic would be unacceptable. The company has been issued a permit to operate certain hours and he does not think that should be extended.

Mr. Hutchinson asked Mr. Martin if he had noticed any difference in the noise level since the improvements have been made for noise reduction. Mr. Martin that he lives close enough to the plant that he does not think there is anything they can do to stop the noise.

Joe Smith, 13705 South 129th East Avenue, Broken Arrow, OK; compared the noise to barking dogs. Just because a person moves his barking dogs six blocks farther away from a neighbor the barking dog can still be heard. That barking dog may not be as loud but the barking is still irritating. Mr. Smith compared the 10-hour days of operation to the barking dog being taken inside at midnight; the neighbor is still going to be irritated because he can hear the dog barking all day long. He lives very close to operation site and it can be tuned out if a person wants to. It is not that you tune it in, it is always heard. He is concerned about the safety of the neighbors. Two days after the neighborhood meeting with Holliday Sand he had an incident with one of the trucks on the road. A truck lost control, going into the ditch and then coming back across the road toward him. Some of the noise is caused by the trucks. Some of them do not have mufflers, some of them jake brake, and some of them speed. He asks the Board to think of themselves living in the neighborhood, and ask themselves if they would want to have the hours increased or be able to enjoy your home after 5:00 P.M.

Fred Perry, 11404 East 133rd Street, Broken Arrow, OK; stated that he lives three houses from Garnett as opposed to 129th. He is on the homeowners association board for the housing addition that is southwest of 131st and Garnett. His primary concern is if the company is allowed to operate 24/7 will that automatically lead to 24 hours of trucking. In the neighborhood Mr. Odell and Mr. Harnden assured everyone that would not happen. He is representing the homeowner's association is asking the Board to hold the company responsible for 24 hour truck operation. His neighborhood does not hear the noise so he has no input on that. Mr. Perry stated that he was a County Commissioner for six and a half years, and would like to let the people know that the Highway Patrol is not the agency to call for law enforcement, it is the Sheriff's Office. If the Sheriff's office does not respond lean on the County Commissioner and he can lean on the Sheriff. The same thing with the street signs. The County is the agency to contact not the state.

Steve Friebus, 2501 West Natchez Street, Broken Arrow, OK; stated that 60 days this request was tabled to see what could be done for the neighborhood, and things have been done. The Board asked for a compromise between the company and the neighborhood. A compromise is an agreement or settlement of a dispute that is reached by each side by making concessions. The original zoning language states this area is zoned AG and residential. In 2000 a Special Exception was allowed for extended hours provided it does injure the neighbors. In 2012 the hours were extended but due to ignorance the hours became 24/7 due to a need and demand. So again the residents were forced to concede the peace and quiet, and deal with increased traffic.

CBOA-1803-B

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In 2013 the hours officially became 24/7 and now they are being dropped down to 20 hours as if that were a concession. Mr. Friebus compared the noise level to a loud radio being played by a neighbor. The music is so loud you can sing the words but then volume is turned down a little. The music can still be heard but you can not hear the words. The noise from the operation is still audible. Some residents are affected by noise, others are affected by traffic, and some by both. He appreciates Holliday Sand having the neighborhood meeting. He knows of a business that closed because of the truck traffic, no one wanted to turn into the business because they were afraid of being hit by a truck. He saw the mess of sand in front of Ms. Scott's house, and it stayed there quite some time. It was there long enough that the clogged pipe caused her front yard to flood. It was mentioned that there would be an increase in the truck traffic by approximately 30 trucks. A truck going to the sand plant must come back up the road so that is 60 trucks down and back. He has a hard time believing this is the only spot of the river that can be dredged. He would ask the Board to vote no on the extension of the hours of operation.

Steve Cox, 14503 South 129th East Avenue, Broken Arrow, OK; stated that he still hears the noise and it can interrupt a night's sleep. He can hear the dredge from Memorial Drive which is a mile and a half away. At the neighborhood meeting truck safety was discussed and that is a good thing, but the problem is noise. The noise of dredging all night. Holliday Sand cannot control the trucks. There will be more trucks coming for sand. All the projects they are providing sand for will happen and they will pass, but what Holliday is asking is for eternity. Permanent decisions should not be made on temporary situations. He believes that dredging does not need to be done for 20 hours at a time, because they currently have a truck every 20 minutes. This request is injurious to the neighborhood, and they are attempting to turn the area into an industrial area rather than a neighborhood.

Malcolm Rosser, 321 South Boston, Suite 500, Tulsa, OK; stated there are a few points that he would like for the Board to keep in mind. He is sympathetic to the job the Board performs on the Special Exception requests, and especially in this case. This is a balancing act in terms of what amount of burden on the neighborhood is appropriate, and there will be some burden on the neighborhood if the request is approved. This is not a new application because there was an application made for this use and it is already in place so the amount on the neighborhood has already been considered. What has changed? The only thing he can see that has changed is that business is better, but is that a basis for allowing additional burden to the neighborhood over and above what has already been determined to be appropriate. If this application is granted for Holliday Sand then it must be done for Anchor Stone when they apply.

Henry Seymour, 12718 East 138th Street, Broken Arrow, OK; stated he lives two houses off 129th, and has been there for 20 years. When the permit is considered what seems to eluding everyone is that there is no enforcement. That is probably why the neighborhood is having such trouble with getting something done on their behalf. They feel that they are not being heard. He has called the Sheriff many times and nothing because the Sheriff says that if he stops one truck they all know, but when they are

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CBOA-1803-B

gone everything reverts back. The company is working 24/7 now so he feels the request for set working hours is bogus. It not just that sand is being removed, the company is dumping all kinds of stuff in the pits constantly to fill them back up. He has heard trucks at 2:00 A.M. driving down 141st Street to dump their load. The area used to have bald eagles and now they are gone. The wildlife is disappearing because of the operations of the companies. In the past the company has ignored any regulations that have been issued because there is no enforcement. He feels that if the company receives a permit they will do what they can to get around the rules because that is what they have done in the past. In the last two weeks he has witnessed three truck wrecks on 129th. There is a gouge in the middle of the road where a truck flipped and slid down the road. By the turnpike there is a car in the middle of a pasture because of a mishap with a truck. There have been three deaths on the hill between 131st and 138th, and he witnessed one of them. The truckers are not going to listen to anyone, and the noise is constant because there is no enforcement. The voice of the people is not being heard.

Mr. Walker asked Mr. Seymour if he attended the neighborhood meeting. Mr. Seymour stated that he did not attend.

Rebuttal:

Mike Odell came forward. As for the recent truck mishap it is more timing for the company but Mike Harnden closely followed the incident, and things were not done to Holliday Sand's standards. Mr. Odell informed Ms. Scott that Mr. Yocham from Yocham Trucking was in attendance today and will gladly speak with her after the meeting or at another time if necessary. Mr. Martin asked why the other Holliday Sand plants were not producing, and he is glad that was questioned. When the company finds there is a release from Keystone the crews are brought in to work; at the other plants there is pumping 24 hours. Holliday Sand has brought in a smaller dredge to operate at Mingo because it needs less water. Mr. Cox mentioned a huge pile of sand, and he wants everyone to know that sand belongs to Watkins Sand and it is their fill sand. The dumping operations is also Watkins Sand. Watkins is permitted by the state and the Corp of Engineers, and the island is private property of Watkins. Holliday Sand quits loading at 4:00 P.M., and Watkins quits at 5:00 P.M. so if there are trucks coming in in the middle of the night Holliday Sand was not aware of it, but it will be followed up. It does not seem as if there is enforcement in the area but Holliday Sand is before the Board today because of the enforcement. Mr. Odell stated they were ignorant because the permit and the building permit does state any hourly restrictions. The minutes from past meetings read the Special Exception was granted as presented. If you go through the minutes it stated that normal hours by Watkins, and Holliday Sand was not aware of that. The people of Holliday Sand are attempting to get together with Watkins Sand and Anchor Stone to jointly repair the road because everyone knows it is a mess. The road does not have enough base, there are no ditches, so if the road can be fixed to the County standards the three companies will do so. But the companies cannot just do it, specifications must be presented to the County and approved. Mr. Odell stated that he realizes none of this benefits anyone directly, but the County does need the sand and there are limited places to obtain sand because it is difficult to receive a permit. The

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CBDA - 1803 - B

dredge will not be run an actual 20 hours because there are normal down times of about 45%.

Mr. Dillard asked Mr. Odell if they had ever considered having a Deputy Sheriff appointed to them. If there were Deputy Sheriff appointed to the company there could be a lot of enforcement in the area. Mr. Odell thinks that is a perfect idea.

Mr. Odell stated that he knows the company can only be judged by the past but honestly the company was not aware of the situation. Holliday Sand thinks there is a lot of confusion who is Anchor Stone, who is Watkins Sand, and who is Holliday Sand. In the last 60 days Holliday Sand has made a lot of progress, and he hopes the people of the neighborhood will trust the company to correct their bad track record. The company has turned over a new leaf and established a line of communication for the neighborhood. Noise is the one factor that Holliday Sand has the most control over and the company has made improvements and there will certainly be more improvements made.

Jared Burden, 1717 South Boulder, Suite 900, Tulsa, OK; stated he is counsel for Holliday Sand. Granted Holliday Sand does have a bad reputation from the past, but today as they have been made aware of each issue they have made positive changes, to address the issues, and to meet with the residents of the neighborhood. Most sand operations do operate 24 hours a day, but it is difficult to operate 24 hours. Holliday Sand did not know there was any restrictions, and the minutes did not reflect that. As soon as Holliday Sand was made aware of the restrictions they immediately ceased on those operations and they began this proceeding to receive authority to operate lawfully. When Holliday Sand became aware of the multiple problems with the trucking and noise, they took immediate reactive measures going so far as to go to the industrial neighbors who also run trucks and get them aboard. They were successful because everyone realizes this is a problem. Holliday Sand is taking positive steps within the community and making real differences. Broken Arrow 25 years ago was very different than the Broken Arrow of today. There are a lot of concerns about trucks and they are valid concerns. It is not just limited to Holliday Sand and Gravel, however, there are company trucks on the road. There are WalMart Super Center trucks in the area. There are other sand and gravel trucks in the area. There is going to be an increase in trucks over the coming years. Granting or denying this request is not going to affect that. The City and County are going to continue to develop as they have been developing. This request is in line with that development.

Mr. Dillard stated that sometimes people want to receive forgiveness instead of permission, and he believes Mr. Burden's speech was primarily that. He hear the neighbors asking how are they going to be assured that Holliday Sand is not going to do that again. Mr. Dillard said that Holliday Sand has pleaded ignorance, so what will keep them from continuing to be ignorant of the law? The time frame was set on the front end, and they had to have a representative here when it was previously approved so he is confused. Is it being said that it is okay because they were dumb to the law, but it is okay now because everything is going to be fixed? Mr. Burden stated that he

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CBOA-1803-B

appreciates Mr. Dillard's opinion, but his client was not dumb to the law. They were leasees under the Watkins Sand lease and permit. Holliday Sand was not present at the previous meeting, several years ago, as far as he understands and there was no communication from Watkins Sand to the limitations. The way any misunderstandings or miscommunications can be stopped is to make everything very clear by stating in the motion exactly what the hours of operation are to be, include the hours of trucking, etc. Clarity will make the limitations understood by everyone.

Comments and Questions:

Mr. Walker stated most of the problems are the roads, and this Board does not officiate over roads.

Mr. Dillard agrees it is a road problem, but it is also a communication problem and a timing problem. He can support the continuance of company operating, but he does not know if he could support it on a permanent basis. He could support a one or two year approval so he could see that Holliday Sand is truly going to honor their words and actions. Mr. Walker agreed.

Mr. Hutchinson stated that he visited the subject site and he has been to the sports complex many times before this request came to the Board. He has been at the sport complex after the fact and he has never heard anything. As far as the noise level, the steps that Holliday Sand took are very noble. When a person stands on one side of the concrete wall surrounding the equipment the noise is very loud but walk to the other side of the wall and the noise level drops dramatically. He drove to one of the closest points in the subdivision and could only hear a condenser that was running. He drove to the farthest point of the sport complex and listened, and could not hear anything but a golf cart that was being driven on the grounds of the sports complex.

Mr. Dillard stated that he did not visit the site at the same time as Mr. Hutchinson because of the Open Meeting Act, so he and his wife drove around the area. The road and traffic issues are not something this Board can deal with, and he understands how awful the truckers can be because he purposely drove 35 mph and had truckers driving around him.

Board Action:

On MOTION of DILLARD, the Board voted 3-0-1 (Dillard, Hutchinson, Walker "aye"; no "nays"; Charney "abstaining"; Osborne "absent") to APPROVE the request for a Modification to a previously approved Special Exception (CBOA-1803) for dredging/classifying system to amend the hours of operation to meet market demand. The approval is to be with the hours as stated: Loading will be 7:00 A.M. to 4:00 P.M., Monday through Friday, except legal calendar holidays; Trucking will be 7:00 A.M. to 4:00 P.M., except legal calendar holidays; Dredging will be two ten-hour shifts from 7:00 A.M. to 3:00 A.M., Monday through Friday with an eight (8) hour make-up day on Saturday which would be 7:00 A.M. to 3:00 P.M. Holliday Sand is to continue to work on the community relationship of controlling the traffic on 129th East Avenue, they are not to stop. Holliday Sand is to continue to enforce the rules that the drivers have

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voluntarily signed. This approval is for a period of not longer than 24 months from today's date of June 17, 2014. A copy of the approved meeting minutes is to be given to Holliday Sand so when they come back before the Board in two years there cannot be a plea of ignorance. The Board does not find that the stated hours will be injurious to the neighborhood and will be in harmony with the spirit and intent of the Code or otherwise detrimental to the public welfare; for the following property:

**NE NW LESS E1/2 E1/2 E1/2 NE NW & NW NW & W.10 A. OF E.20 A. LT 2-W.20 A.
LT 2 SEC 16-17-14, OF TULSA COUNTY, STATE OF OKLAHOMA**

2494—Taylor King

Action Requested:

Special Exception to allow an event center (Use Unit 5) in an IL District (Section 910). LOCATION: 4812 East 76th Street North

Presentation:

Taylor King, Contractor, 2215 South Florence Avenue, Tulsa, OK; stated the property is currently zoned IL, and he has study the IL and assembly to know what the environmental impact would be on the surrounding area. In his research he found that established event centers do not have set times of operation, and he wants to be able to do the same thing. His client would like to be able to operate the event center at any time to accommodate the public's event that would want to use the center. His client would like to be able to operate seven days a week from 6:00 A.M. to 2:00 A.M., which allow for an hour set up time and an hour close down time. These hours would allow for a trade show to open at 7:00 A.M. or for a wedding to be held in late afternoon or early evening. He also researched sound levels, lighting levels, traffic patterns, occupant loads, etc. that could impact the surrounding area. His proposal for the event center would be a lower impact than if there were an industrial facility were to be placed on the subject property. What is happening there currently is trains, semi-trucks, and cars for three shifts a day. The event center would not be near that level. Highway 75 is just to the west of the subject property and Highway 75 has a dba of 100 and above. A highway is one of the loudest things that a person can be near, and the event center would not have a noise level of the capacity. The event center would be a much easier use from an environmental perspective. Mr. King thinks the event center would also enhance the property values in the area.

Mr. Charney asked Mr. King where the egress and ingress would be located for the event center. Mr. King stated it would be from 76th Street North and also from Whirlpool Drive. Mr. King stated that Mr. Kevin Banner of Impact Engineering stated there is a proposal for a Level II gas station and food establishment for the area between the subject property and Highway 75, but it has not been built as of yet.

Action Requested:

Modification to a previously approved Special Exception (CBOA-1803) for dredging/classifying system to amend the hours of operation to meet market demand. LOCATION: 14253 South 129th Avenue East

Presentation:

Michael Odell, 14900 South Garnett Road, Broken Arrow, OK; stated the request is a flexibility in the hours of production, not the hours of operation for sales or trucking. The need is multi-faceted, but is primarily due to the fact that the construction industry is increasing and the number of sand mines in the area have been shrinking. These two industries are on a collision course with the demand for concrete sand. For concrete construction. The additional hours of operation would be for the dredge, the booster and the processing plant on the bank. During the construction season there would be at least two ten-hour shifts for five days a week, which this would be the minimum request. He would hope to have the ability to run 24/7 if it is needed, but the intentions are not to do that. The reason there is less sand for construction is that there are fewer sites and difficulty in zoning. There are only three production sites currently in the river, which is an all time low. When the river is low two of the three sites have difficulty operating or floating the dredge.

Mr. Charney asked Mr. Odell to state what the existing permit allows, the hours of operation, etc. Mr. Odell stated there were no specific conditions, which is part of the confusion on hours. The application in 2000 stated in the narrative that operating hours of the facility would normally be from 7:00 A.M. to 7:00 P.M., Monday through Friday and a half day on Saturday when necessary. He did not realize that was a condition of the company's special exception, because that verbage only appears in the narrative from the applicant. Mr. Odell stated that Mr. West encouraged him to ask for extended hours and request a modification to the Special Exception since it was never addressed.

Mr. Charney asked if the existing permit stipulates hours. Mr. Odell stated that he was not aware of any hours on the permit. Ms. Back stated that permit does specify the original Special Exception. Mr. Osborne stated referred to page 4.5 and quoted, "... limits operations to 7:00 A.M. to 6:00 P.M., Monday through Friday ...". Mr. West stated that is what the applicant presented to the Board at that time and they approved those conditions.

Mr. Odell after the original filing requesting the additional hours a complaint came in about noise of the operation. Prior to the misunderstanding regarding the hours of operation the company did operate at night and because of that complaint the prior application was withdrawn so a study of the noise could be made. The company did an initial study which was favorable, and performed some modifications. There was a large silencer installed on the dredge, installed a heavy concrete sound barrier around the booster pump, and the back-up alarm was modified with a strobe after receiving permission for the modification. The strobe is used after 4:00 P.M. because there is no

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one in the plant except the dredge operator and the plant operator. Mr. Odell presented the Board with some letters showing the need for the product produced by Holliday Sand. Mr. Odell presented pictures of the equipment at the plant and the problems of low water. The company hired Dr. Shadley from the University of Tulsa, he has a Ph.D. in Mechanical Engineering and has a noise consulting business. He measured the noise emmissions during the day and at night, and submitted a copy of the report. At this point Mr. Odell deferred to Mr. Terry Fox.

Terry Fox, Engineering Geologist, Triad Environmental Services, P. O. Box 1507, Pittsburg, KS.; stated the study performed by Dr. Shadley took place on April 3rd. One of the readings was taken from the southern side of the Bentley sub-division, another reading was taken from the Indian Springs Sports Complex, and a third was taken from 129th north of Hailey Creek. Dr. Shadley then took readings at night near the plant equipment while it was working. The distances of the multiple readings varied in distance, but ranged from 141 feet up to 6,436 feet away.

Mr. Odell came forward and stated that because of the distances the noise levels are low. The summary of Dr. Shadley's findings state that because of the distance the levels of noise in the residential areas are low and on par with ordinary household sounds, i.e., the refrigerator or air conditioner running. Mr. Odell stated that Dr. Shadley determined what the equivalent sound level would be at night, and he brought in the EPA and other codes for allowable noise levels in a residential area. The noise levels are below a nuisance level and they are also do not deter from health and welfare. Mr. Odell stated that he knows the plant is making noise, and even though the plant is far away the company wants the public to know they are attempting to alleviate the noise problems. The company has taken steps to improve the equipment to reduce the noise pollution, and there is not a lot more that can be done. Part of the issue is to determine what is an acceptable noise level. The company will never get to the point where it can guarantee silence in the middle of the night. The company is providing a product that is in demand in the City. Construction is working at an exceptionally fast pace and making an increase in demands. The company knows it needs additional capacity because of this increased demand. If there is not a demand the company will not be operating.

Mr. Charney asked Mr. Odell to expand on his explanation of how this will not increase the hours of trucking or retail operation, but would increase the operations of the three sources of equipment in or near the river.

Mr. Odell stated the company is open for business from 7:00 A.M. to 4:00 P.M., meaning the gates are open and trucks are coming in, being loaded and weighed, then leaving. The company will not trying to load and haul at all hours of the night.

Mr. Charney asked if the 7:00 A.M. to 4:00 P.M. hours would be still the same for loading the trucks, weighing them and sending them on their way, or are you seeking to expand that portion also. Mr. Dillard stated the company currently has approval to operate from 7:00 A.M. to 6:00 P.M.; he asked Mr. Odell if he still wanted those operating hours or if he wanted the hours cut back to 7:00 A.M. to 4:00 P.M. Mr. Odell

CBDA-01803-B

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stated the contractors would appreciate the company being open later, especially if they have a big pour. Mr. Odell stated the normal hours are 7:00 A.M. to 4:00 P.M., Monday through Friday for loading only, but the plant has been operating 7:00 A.M. to 7:00 P.M. for production and even on weekends to keep up with demand.

Mr. Charney asked Mr. Odell to explain what has been done about the three pieces of equipment that make the noise in the riverbed, and tell the Board when the improvements were done. Mr. Odell stated the improvements have been made in the last 60 to 90 days. The dredge has always had the hospital grade muffler but the booster did not. The loader had the audible back-up alarm which can be annoying. The loader is used for carrying sand and relaying mixing sand. The major changes made in the last 60 days is the improvement on the silencer on the booster pump on the bank, the large 2'-0" x 3'-0" x 4'-0" concrete wall around the booster to absorb the noise and energy from the booster, and the dredge was already quiet.

Mr. Hutchinson asked Mr. Odell if there were any recordings or findings of the noise level before the improvements were made. Mr. Odell stated that he does an initial noise survey that was performed, but the people that performed those surveys were not necessarily experts in that area because they were from a testing lab. Mr. Odell stated there is not much difference between the two reports. The best improvement made was with the back-up alarm. When he went into the neighborhood he could hear the back-up alarm, but he had no way of knowing if the alarm was from his company equipment because the facility cannot be seen from the neighborhood.

Ms. Back stated on page 4.6 in Board's agenda packet, it states there are no hours of operation specified and there is no exhibit to tie the hours of operation to the previous approval. That is why it is very important for the Board members to add the hours to their motions and tie the motion to a specific document. But yet on page 4.12 there are hours of operation specified, which are 7:00 A.M. to 7:00 P.M., Monday through Friday with a half day on Saturday when necessary. Ms. Back strongly encourages the Board, if they are inclined to approve today's request, they would definitely make conditions that will protect the neighborhood, or protect the mining company.

Interested Parties:

Malcolm Rosser, 321 South Boston, Suite 500, Tulsa, OK; stated he represents two of the affected property owners, Steve Cox and Bessie Gathman. Regardless of the what the noise level is, the applicant is asking to expand the hours in which the noise would be generated. Those hours will from 55 to 60 hours a week to 144 hours a week, which is more than double. There will be more than double the amount of sand production, double the amount of noise, double the amount of dust pollution from the trucks and the loading of the trucks, and more than double the amount of truck traffic. This is being requested for all night six days a week. Mr. Rosser asked staff if the City of Broken Arrow had reviewed this application. Ms. Back stated she will check the case file to see if Broken Arrow was sent notice, and asked Mr. Rosser to continue. Mr. Rosser stated that he understands the business wanting to satisfy customer's demands, but he does not think that demand in itself constitutes any kind of changed condition that would

CBOA-01803-B

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justify the expansion to additional hours. At this point Mr. Rosser pointed out his clients properties on a map that was plotted by Dr. Shadley and used earlier in the meeting by Mr. Fox.

Ms. Back informed the Board that the City of Bixby, Commissioner Ron Peters, and Tulsa County was notified of the applicant's request, but the City of Broken Arrow was not notified.

Mr. Rosser stated that the protections that were put in place in the initial request are just as necessary today as they were then. There is a provision in the zoning code for Special Exceptions relating to mining, Section 1224.3. It specifically states "that the Board in granting a Mining and Mineral Processing use by Special Exception shall consider potential environmental influences such as dust and vibration, and shall establish in the particular instance appropriate protective conditions such as setbacks, screening, etc. that will mitigate adverse affect on approximate land uses".

Mr. Charney asked if this section was more specific than other Special Exception language in other use units. Mr. Rosser stated that he has not seen anything in the other use units that applies to a particular use for granting a Special Exception. Obviously there is still the general requirements for the granting of a Special Exception, which does have to be satisfied.

Ms. Back stated that for a Special Exception the appropriate protective conditions are still looked at, such as, setbacks, screening, method of operation, etc. All of that is still with any Special Exception requested.

Mr. Rosser this Special Exception still needs to be considered on its merits separate from the previous application. The question is, is it injurious to the neighborhood, is it detrimental to the public welfare, and it is clear that there will be more trucks. Even if the trucks do not run at night, they still need to remove all the extra sand that was dredged during the night. A few years ago there was an application, CBOA-2056, on the property south of the subject property, and it involved even more stringent protections than what is being discussed today.

Ms. Back stated the meeting minutes from that case are on page 4.24 in the Board's agenda packet.

Ron Clayton, 13717 South 125th East Avenue, Broken Arrow, OK; stated he finds it interesting that the hours of operation conflict, as on page 4.5 in the Board's agenda packet. He will be joining the local law enforcement agency in May and so will his neighbor. In the past week the neighbor was following one of the trucks at 5:30 A.M. that just left the facility. He observed the truck driver to be on his mobile phone. The driver lost control and went off the road near Sunrise Stables and almost struck the drainage culvert. It is interesting that an incident such as this can happen if the company is only open 7:00 to 6:00. Mr. Clayton stated that he saw a truck leave the subject facility on Friday evening at 10:30 P.M., so something is taking place outside of

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business hours. He asked, if the Board is to approve today's request, specify a trucking route and that route not allow the trucks to use Olive. There is a safety concern because of the hill and the traffic that comes and goes from the stables. There are also school buses that use Olive. He has seen trucks come very close to striking the Bixby school buses, and he has filmed trucks speeding in the area. His wife and son have almost been hit by one of the trucks. He has seen two young boys jump off their bikes to keep from being struck by a truck. Therefore, he asks the Board to define a truck route prohibiting the use of Olive. As recently as last week he could hear the front loader back-up alarm going off as late as 10:00 P.M. Mr. Clayton referred to page 4.12 in the Board's agenda packet which states the applicant is to maintain dust and debris, and there is sand covering the intersection of 141st Street and Olive which is a traffic hazard. He would request that a working telephone number be provided to the residents of the area, so when there is a concern they company can be reached. The telephone number he calls he hears a recording. He would also like to have signs posted along Olive informing truck drivers they are prohibited from crossing the area from 131st Street South, that they must detour to Mingo or Garnett coming back up 121st Street. That route would be safer and less hazardous.

Mr. Walker asked Mr. Clayton where he was when he heard the loader at night. Mr. Clayton states he lives off 138th Street South, which is north of the levy on Hailey Creek, in Hickory Hills. His family must sleep with fans on at night because of the beeping of alarm on the equipment, and it is louder than a running refrigerator.

Damon Martin, 12715 East 138th Street South, Broken Arrow, OK; stated he lives in Hickory Hills, and has lived there for seven years. Holliday Sand is not always operated at the prescribed hours, because they use to operate earlier than 7:00 A.M. One morning as he was going to work he had a problem with a truck driver because the driver tried to run him off the road twice. His wife, with two children in the car, had a problem with a truck driver running a red light and making a right turn on red. He has seen trucks coming to the plant 5:00 P.M. or later. As for the loader, he hears it at his house late at night. He purposely purchased his house because he knew no one could build south of him because it is a flood zone and there would not be a lot of traffic not realizing the amount of truck traffic in the area. He does think Holliday Sand is responsible for the truck drivers they contract with, but the truck drivers are a major concern. His daughter attends Bixby school and when there is a snow route the school buses are to pick up the kids at 129th Street. He would never have his daughter stand on 129th to ride a school bus because it is extremely dangerous. To expand Holliday Sand's hours will be a nightmare for anyone living in Hickory Hills, and he hopes the Board will not approve today's request.

Mr. Hutchinson asked Mr. Martin if he could hear other equipment operating other than the loader. Mr. Martin stated that he can hear the motor of the loader while it is going forward or backs up. Mr. Hutchinson asked if he had heard the loader within the last 60 or 90 days. Mr. Martin answered affirmatively.

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Mr. Osborne asked Mr. Martin at what times he could hear the loader operating. Mr. Martin stated that he used to hear it after 11:00 at night. But the company must have switched the operation hours because he no longer has to deal with their trucks on his way to work in the morning, other than the trucks coming down 129th to be loaded. The trucks start coming down at 6:00 A.M., even though they cannot load until 7:00 they line up on 129th to wait.

Mr. Charney asked Mr. Martin if he still heard the loader back-up alarm past 4:00 P.M. Mr. Martin stated the trucks are loaded past 4:00 P.M., and yes he has heard the beeping past 4:00 P.M. Mr. Charney asked Mr. Martin if he had heard the beeping in the last few weeks. Mr. Martin answered affirmatively.

Steve Fribus, 2501 West Natchez Street, Broken Arrow, OK; stated he lives at the corner of Dogwood and Natchez where one of the sound readings was recorded. Mr. Charney asked if this was in Bentley. Mr. Fribus stated technically it is Willow Springs. A Special Exception states that everything must be done in the harmony and spirit of code, and he does think that Holliday has maintained that harmony and spirit. Mr. Odell stated that it is unreasonable to expect silence. We had silence before all of this started. He has lived in the neighborhood for 15 years and never had an issue with any of the previous sand companies, Watkins or Anchor. Yes, you can hear the beeping and the buckets of loader dropping and clanging, but the dredger sounds like a diesel truck idling on the next block because it is so loud. Noise is an unwanted sound and it does not matter what the noise is. If the noise bothers you it is unwanted noise. The beeping starts with the first shift, usually at 6:00 A.M., and that is what wakes him up in the morning. When he lets his dog out at 6:10 A.M. the dredger can be heard and at night it is a lot worse because everything else becomes quieter. There is also a high pitched whine, sounds like a running ice cream maker. These are not natural normal neighborhood sounds. It was said that the company has implemented mufflers in the last 60 to 90 days and he has not noticed any decrease in the noise level. He knows that technically Holliday Sand is not responsible for the truck traffic, but one morning at 7:10 A.M. he was behind two sand trucks and in a one and a half mile stretch there were ten trucks coming south as he was driving toward the Creek Turnpike. In the time span of two and a half minutes there were 12 trucks on the road that is not designed to handle that type of traffic. He has called the Broken Arrow Police Department and the Police stated it was not their jurisdiction after a few runs in the area. He called the Bixby Police Department and they said it was not their jurisdiction. No one wanted to take jurisdiction over the problem. He and his wife chose to drive one night after midnight to track down the noise, and the pinpointed it to the processing of the sand. Holliday Sand has said they do not anticipate operating 24/7 but yet they operated 24/7 all last summer. The sound barriers are not working and the muffler is not working. He spoke to the Oklahoma Department of Mines and they sent someone to take sound readings, but their sound readings were taken on a day when the dredger was not operating. So sound readings are subjective. He finally spoke with Mr. Ron Peters, his County Commissioner. He looked up the permit and went to Holliday Sand telling them what the permitted hours of operation are and informing them they cannot operate outside the stipulated hours. He purchased his home in an agricultural area because he

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wanted quiet and now it has become an industrial area. Mr. Friebus stated that he has submitted a petition with over 100 signatures of residents in the Bentley Village and Willow Springs neighborhoods that oppose today's request.

Joe Smith, 13705 South 129th East Avenue, Broken Arrow, OK; Mr. Smith pointed out his house on the map that was provided by Mr. Fox. He gets his newspaper about 6:15 A.M. and see trucks at that time. He has to be especially careful when retrieving the newspaper in the morning or the mail in the afternoon because the trucks are going by so fast. Today Channel 6 visited with him at his house, and as long as the Channel 6 van was out of sight the trucks were speeding by his house in both directions. When the Channel 6 van was moved into sight of the road to take pictures the trucks crawled by the house. When it is said that the dredger is no worse than a refrigerator or air conditioner is wrong. The sound is a lot louder than a refrigerator or air conditioner while a person is standing inside my house. There are children in the neighborhood that ride bicycles and walk in the neighborhood. It is dangerous for them. He would like to know why Holliday Sand waited to make equipment improvements until they asked for the Special Exception.

Mr. Osborne asked Mr. Smith if he was referring to the sound of trucks and/or the equipment that he was hearing at night. Mr. Smith stated he hears the beeper after 4:00 P.M. He hears the sound of metal hitting metal all the time.

Dan Koehling, 2404 West Pensacola Street, Broken Arrow, OK; stated he lives in Bentley Village. He lives between Mr. Friebus and the sand pit. He hand the Board a couple of flyers that he had found in his mailbox. He runs in the morning and walks in the evening with his wife. On occasion he will hear the dredging, but he also hear soccer games being played at Indian Springs. He hears air conditioners. He hears dogs barking. He does not think that Holliday Sand controls the trucks, he thinks they are probably contracted. He uses 131st Street to drive to the Creek Turnpike and he does not see a lot of trucks. He has not heard any operating noises since last summer. He believes the operation helps control flooding in the area. He supports today's request.

Mr. Hutchinson asked Mr. Koehling if he had heard any beeping or anything late at night lately. Mr. Koehling stated that he had not.

Rebuttal:

Mr. Odell came forward. He stated that he takes any call or complaint seriously. The problem is that he has not received any. One gentleman asked why the noise issues were just being addressed, and Mr. Odell stated they were addressed as soon as it was discovered that the neighbors were being disturbed by noise. When a complaint was received that noise abatement was started. Mr. Odell stated that it took quite awhile to get the strobe equipment in for the loader, and that strobe has only been operational for a few days so that would explain the recent beeping noise being heard by the neighbors. The loader is moving sand into stockpiles, and the thunk being heard is the bucket of the loader. The thunking noise can probably be improved, because the

CBDA-01803-B

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operator does not need to slam the bucket. Mr. Odell assured the Board that the gates to Holliday Sand are locked at 4:00 P.M., and the gates are opened at 7:00 A.M. Trucks do arrive early. He has not received any complaints about trucks. He did expect trucking to be the big issue today because they could not locate a lot of noise. The trucks are not Holliday Sand's but that does not matter, if a truck can be identified the company will basically refuse to use that truck. But in order to refuse a truck the truck must be identified. Mr. Odell wanted the Board to take note that there two other operations in the area that run trucks, and those operations run just as many or more trucks than Holliday Sand runs. Holliday Sand does require the trucks to run legal and they are weighed. Holliday Sand enforces the tarping of the trucks, and they do not haul rock so there should not be an issue there. Mr. Odell firmly believes this issue should be further addressed, and he requested the neighbors give them help in identifying the trucks so the problems can be followed up. A 50% increase in production for the company does not necessarily mean a 50% increase in tonage in trucking. The dredging has gotten farther from the plant and as the dredging moves away from the plant the production rate goes down. It is not a one-to-one ratio as far as increasing hours to increasing trucks, but there will be some more trucks. Mr. Odell stated that he is concerned over the neighbors to the south, but the Holliday Sand trucks do not haul by their homes but possibly Holliday Sand competitors do. Mr. Odell stated that Holliday Sand's competitors are on board with all of this. They realize that everyone has to do a better job, especially when the companies hear things like being said today. Mr. Odell said if someone would the company regarding the sand at the intersection his company will attempt to keep the sand removed. He wishes he could get the Police to handle the problems, but that is not an excuse. He must be contacted and keep following up so he will provide a working telephone number to the people that would like to have it.

Mr. Dillard left the meeting at 3:14 P.M.

Mr. Charney asked Mr. Odell to address the issue that was raised by a opponent to a prescribed truck route for the ingress and egress. Mr. Odell deferred to Mr. Terry Fox.

Mr. Fox came forward. In the year 2000 Watkins Sand was before the Board of Adjustment and the truck route was to be 129th East Avenue because the Creek Turnpike was just opening and it is an entrance onto the Creek Turnpike. Later there was discussion of using Garnett Road as a haul route. As far he knows, though, the trucks have always used 129th.

Mr. Walker asked Mr. Fox why the sound readings were taken after a resident informed them the equipment was not operating. Mr. Fox stated the equipment was running. When the resident told them about the equipment he immediately went down to the area and all three pieces of equipment was operating all morning. The person that was taking the sound recordings wanted to make sure the equipment was operating. Mr. Walker asked if it was possible there was another source of noise. Mr. Fox stated that

CBOA-01803-B

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he did not know. All he knows is that when he went into the Indian Springs Sports Complex there were four different construction projects operating that required the use of three backhoes, dump trucks, diesel equipment, etc. There was also lawn maintenance happening at the same time.

Mr. Hutchinson asked Mr. Fox about the other sand companies not hearing any sounds. Mr. Fox stated the entrance to Holliday Sand operation there is an entrance to the sand operation to the south. So all those trucks all lined up in the morning, they go in and down to the river southward before they load. The dredges are probably less than a 1,000 feet away from each other, so he does not know how a person could identify which dredge is exactly making the sound. That is one of the reasons Dr. Shadley took ambient sound readings.

Ms. Back stated that on page 4.12 in the Board's agenda packet there is a statement regarding the proposed truck route in the original case CBOA-1803. On page 4.27 a Board action regarding Anchor Stone states several conditions but there is no route specified.

Mr. West stated, for clarification only, routing was taken up with the County Engineer and due to this area being public streets the Board cannot stipulate that a truck can or cannot use a specific street. That is why the routing can be imposed, because these are public streets.

Mr. Walker stated that he was on the Board for the original case, and Ms. Back had stated that the Board's motion had not tagged various comments or things presented, but almost every motion the Board made they said "per presentation" which would include all the information that was presented even though it was not stipulated page 4.7 or some other way of delineating that at the time. Ms. Back stated that when staff goes back to look at previous meeting minutes that is how it is seen what conditions were attached to a case. It does not give staff a lot of guidance when the motion is vague. Mr. Charney stated that he understands the need for more specificity in every motion. Ms. Back stated that Mr. West is correct in that the Board cannot say a street can or cannot be used, but the Board can encourage the applicant to provide a truck route.

Mr. Odell came forward and reiterated that the company was not aware of lot of the things discussed today. The things the company had been made aware of has been addressed and will continue to address any problems. They also want to address the truck issues, not only the driving practices but when the arrival and departure, and the route used. Holliday Sand will continue to work with Anchor Stone, a neighboring company, and inform them of the problems voiced today. Mr. Odell stated that Holliday Sand will continue to work on the noise pollution, and he would invite any one to come to the site. He hopes the company is given the opportunity to repair the problems presented.

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Comments and Questions:

Mr. Walker stated that Mr. Odell mentioned a field trip and since he has offered to hold a field trip he would suggest a continuation on this case, thus giving him an opportunity to resolve some of the issues with the neighbors. Whatever decision that is made by the Board the neighbors or the company is going to be impacted. Mr. Odell stated that the noise abatement had taken place within the last 60 to 90 days but then it was brought out that the back-up beeper had only been taken care of in the last few days.

Mr. Hutchinson stated that he has the same thoughts as Mr. Walker. He is sure the operation is a learning process for the operator to use the strobe instead of the beeper.

Mr. Osborne stated that part of the conditions from the previous case, and will be in this case, that the action not be injurious to the neighborhood or otherwise detrimental to the public welfare. What he is hearing today, and seeing 120 signatures of citizens, indicates there has been substantial detriment to the public welfare and it has been injurious to the neighborhood. Obviously an operation such as this cannot be a silent operation, there is machinery and things that are running so he finds this case a little difficult. The operation still impacts the neighborhood and the level of noise is certainly agitating those who live in the neighborhood. There are two operations that are close in proximity, so how can one operation be distinguished from the other. The entire trucking issue disturbs him greatly on a number of levels. The road usage. The quantity of trucks. The safety factor. But not all the trucks go to Holliday Sand, and they cannot be held responsible for all the trucks that are traveling the area streets. Obviously Holliday Sand has done some things but there are still 100 people willing to sign a petition to show their concern.

Mr. Charney stated that he does know if the Board is allowed to factor an increase in market demand as a test in whether it is injurious or in the spirit of the code. There is a test in granting a Special Exception. He understands the need to increase the hours but that isn't the test that the Board is asked. He likes good economic activity because it is good for everyone. He also sense that a lot of complaints is a trucking component that Holliday Sand has no control over because they're contractors. Forget the hours of operation, there is an existing problem even if the Board rejects the requested modification. There are ways of getting the truckers attention but it takes a cooperative group coming together. It takes the sand companies, the operators, takes law enforcement, and County departments. That may solve the majority of the complaints voiced today. Mr. Charney suggested Mr. Odell have a meeting with the neighborhoods to see if a resolution could be reached regarding the truckers, then there may be a leeway for the hours of operation. The larger problem for the company seems to be the trucking.

Ms. Back stated that before the Board, and all the input is very good for consideration toward a decision, today is the modification to a previously approved Special Exception for dredging classifying system to amend the hours of operation to meet market demand. That is all that is before the Board today.

CBOA-01803-B

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Mr. Charney agreed that is what before the Board, but in order to properly address the request the Board can forward right now or the Board can see if there is a cooperative spirit. The Board can vote yes or no on the request today but there will still be a trucking issue. Ms. Back stated the trucking issue is not before the Board today. Mr. Charney is trying to say that the wisest thing for the Board to do is consider a 30 day continuance. Mr. Charney stated there is a request before the Board whether to grant an increase in hours of operation, and it is the Board's decision whether it will be injurious to the neighborhood.

Ms. Back stated that the Board gave a lot of latitude and the transportation comments that came in is good to know. However that is not what is before the Board. She, as staff, is trying to remind you what is before the Board.

Mr. Walker stated that is what is before the Board, because the company is going to increase the number of trucks by 50%. Ms. Back stated the 50% is before the Board.

Mr. Charney suggested that there be a discussion, and let the issue come back before the Board in 30 days. There is a chance that a compromise can be achieved that would allow the Board to speak to the issue. He might feel it is less injurious to the public welfare if he felt there were issues that were addressed.

Mr. Osborne stated there have absolutely been issues and complaints about the noise levels surrounding the dredging/classification system. What the Board needs to do is to specify the hours of operation. If there is an agreed hours of operation between the company and the residents that is the type of input the Board would like to have. The Board needs to consider the needs of the business and the community.

Mr. Walker stated that if he must vote today his vote will be no. If the applicant will continue the case, and reach a compromise with the neighborhood, then would be open to hearing it. He does not want to see a company shut down. That is the reason he initially suggested a continuance.

Mr. Charney stated that he would entertain a motion. Mr. Odell asked permission to address the Board. Mr. Charney granted the request.

Mr. Odell came forward. He does not think it is their responsibility to get the truckers to operate their vehicles properly, that is the companies responsibility. He needs to get a consensus with the other operators in the area, and the Holliday Sand will work on that. With the conflicting testimonies before the Board today, he thinks Holliday Sand needs more time to prove themselves before the case proceeds and solve the problems. Mr. Odell requested a continuance to the June Board of Adjustment hearing.

Board Action:

On **MOTION** of **WALKER**, the Board voted 4-0-0 (Charney, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; Dillard "absent") to **CONTINUE** the request for a **Modification** to a previously approved Special Exception (CBOA-1803) for

CBDA -01803-B

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dredging/classifying system to amend the hours of operation to meet market demand to the June 17, 2014 County Board of Adjustment meeting; for the following property:

**NE NW LESS E1/2 E1/2 E1/2 NE NW & NW NW & W.10 A. OF E.20 A. LT 2-W.20 A.
LT 2 SEC 16-17-14, OF TULSA COUNTY, STATE OF OKLAHOMA**

0690-B—New Life Tabernacle – Dan Switzer

Action Requested:

Modification of a previously approved plan for a church in an RE District to add a porch that extends 5'-3" from building and to replace the green belt with a screening fence along the west property line. LOCATION: 13107 West 41st Street South

Presentation:

Dan Switzer, New Life Tabernacle, 13107 West 41st Street, Sand Springs, OK; stated the church wants to extend the porch on the existing building by 5'-3" to allow a covering for rain. They also want to replace a green belt that has been removed a long time ago with a fence. There is an existing fence but is barbed wire. The green belt had been removed several years ago with the neighbors permission, and now the neighbors would like to have a fence installed.

Mr. Charney asked staff to explain the green belt concept. Mr. West stated that originally there was a green belt, in 1996, on the original case's site plan. In 2011 it changed.

Mr. Walker stated that when the original application came before the Board the neighbors did not want the original area to turn into a concrete area. Therefore, they requested to have a green belt area between them and the church. Later the neighbors decided they did not need the green belt area. Mr. Switzer stated the church has a great relationship with the neighbors.

Interested Parties:

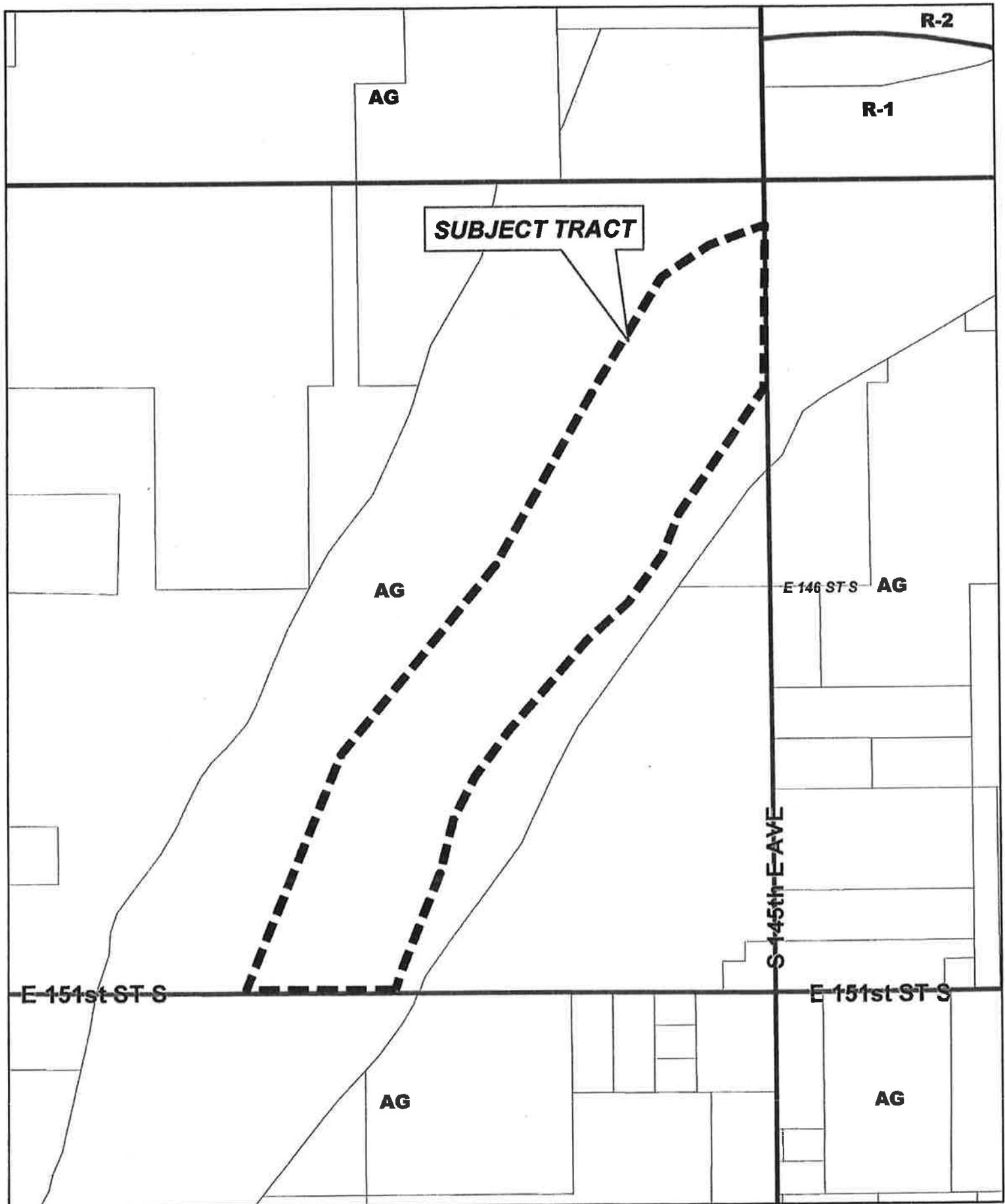
Rebecca Benge, 13209 West 41st Street, Sand Springs, OK; stated she has no problem with the parking lot but she would like to have a wooden privacy fence installed. She and the Pastor of the church came to an agreement that the fence would be the length of the church parking lot. It has also been agreed that the church would maintain the fence and be responsible for the expense of installing the fence.

Comments and Questions:

None.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Dillard, Hutchinson, Osborne, Walker "aye"; no "nays"; no "abstentions"; Charney "absent") to APPROVE the request for a



CBOA-2481

17-14 16



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place, which is actually an agreement with himself, and it has been filed with Tulsa County.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On MOTION of CHARNEY, the Board voted 3-0-0 (Charney, Dillard, Walker "aye"; no "nays"; no "abstentions"; Draper, Osborne "absent") to APPROVE the request for a Variance of the minimum frontage requirement of 30 feet on a public street or dedicated right-of-way to 0 feet (Section 207) to allow a lot-split with the stated hardship being the configuration of the land and the lack of access to a public road. This approval is subject to the standard permitting requirements; for the following property:

A tract of land being a part of the S/2 SE/4 NW/4 of S16, T19N, R12E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described by K.S. Collins, L.S. #1259 in and for the State of Oklahoma on 08/26/2013 as follows; BEGINNING at the Southeast Corner of said NW/4; thence S 89°53'29" W along the South line of said NW/4 a distance of 660.20 feet; thence N 00°02'51" W a distance of 659.04 feet to a point on the North line of said S/2 SE/4 NW/4; thence N 89°56'48" E a distance of 659.79 feet to a point on the East line of said NW/4; thence S 00°05'01" E along said East line a distance of 658.40 feet to the POINT OF BEGINNING, containing 9.98 acres of land, more or less, OF TULSA COUNTY, STATE OF OKLAHOMA

2481—Holiday Sand and Gravel

FILE COPY

Action Requested:

Special Exception to permit mining (dredging) and quarrying of sand in an AG district (Arkansas River Channel) (Section 310, Table 1). LOCATION: Southeast of the SE/c of East 141st Street South and South 129th East Avenue

Presentation:

Mike Odell, Vice President of Production for Holiday Sand and Gravel, 14900 South Garnett Road, Bixby, OK; stated the request will cover approximately 114 acres in the Arkansas River channel. Holiday Sand currently operates under a lease arrangement with Watkins Sand. Holiday does not propose any activity on South 145th East Avenue on the east side of the river, only in the river itself. Holiday proposes to operate a hydraulic dredge in the river channel and pump sand to the existing plant on the west side of the river. Holiday Sand has been dredging sand in the Tulsa area since 1992,

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primarily near Bixby. Holiday is the primary supplier for sand for the construction industry, and currently have one active site with three inactive sites. The sand deposits are very shallow in the river so the company is limited to the size of equipment that can be utilized in the dredging process, thus dredging requires more hours of operation. The purpose and need is to continue to meet the demand of the construction industry with a quality product without increased cost. The reason for today's request is to extend beyond a depleted area to another part of the river that has adequate deposits. This request is not for an increase in the scope of operation it is to be able to meet current sand demands. Holiday Sand also requests flexibility in their operating hours because there are times, such as now, to run the equipment 24 hours a day. The primary issue with the neighbors seems to be noise, therefore, Holiday equipped the grids with a hospital silencer knowing about the noise issue. The plant and equipped is down below ground level and is surrounded by earth on all sides. Mr. Odell stated that the company had a noise study performed and he submitted a noise level report which states the noise level is normal. Mr. Odell stated that he was told that the back-up beeper on the equipment can be heard at night, and he proposes to add a strobe for back-up purposes which would be used at night.

Mr. Charney stated that there seems to be multiple elements to this request. Watkins Sand is one element and then there is a request to amend a previous operating understanding in regards to the hours of operation and a new Special Exception request with a new legal description for sand in the river. Mr. Charney asked staff if both of those matters were properly before the Board today. Mr. West stated that the only request before the Board today is the mining of the sand out of the Arkansas River. The hours of operation is not a part of today's application.

Mr. Charney asked Mr. Odell how far the sand travels from the site of excavation before it is separated. Mr. Odell deferred to Mr. Terry Fox.

Terry Fox, Geologist for Triad Engineering Services, P. O. Box 1507, Pittsburg, KS; stated Mr. Odell did bring up two separate issues. One is the complaint of the neighbors and the hours of operation. The hours of operation is for the dredging only not the trucking and selling of the sand. The dredge in use is a hydraulic dredge and the hum of a pump is what is heard. The pipeline can extend anywhere from $\frac{1}{4}$ mile to $\frac{1}{2}$ mile to bring the sand to the plant. When the sand arrives at the plant it is deposited into a classifying system. Mr. Fox used photos as a show-and-tell for the Board members to show where the Holiday Sand operation under discussion is located.

Mr. Charney asked Mr. Fox if the dredging operation being discussed is closer to the residents than it is on the west side of the river. Mr. Fox stated that it will be about the same distance to different residents as it was to the residents on the west side.

Mr. Charney asked Mr. Fox if truck traffic would be impacting the residents. Mr. Fox stated that truck traffic would not be impacting the residents.

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Mr. Charney asked Mr. Fox if he was familiar with the back up beeping system on the equipment, and if he knew of a way to silence the beeping noise. Mr. Fox stated that he was familiar with the beeping system on the equipment, and as Mr. Odell stated, a strobe system can be added to the equipment for use at night.

Interested Parties:

Naomi Shanks, 17420 East 161st Street South, Bixby, OK; stated she owns approximately 160 acres on the river and it has always been her concern to take care of the river. Ms. Shanks stated there are five or six sand companies in approximately a two mile section of the river, and she wanted to know if there had been an environmental study made of the river because of this activity? There is also an eagle's nest in the immediate area and the nest has been there for about 20 years. Ms. Shanks stated she had called the avian research center in Bartlesville and asked them if the sand dredging would affect the eagles. The research center stated that it would affect the eagles because they need a certain depth of water for feeding. She also wanted to make sure the truck traffic stayed on the other side of the river because the roads in her area could not handle or withstand the heavy truck traffic. Ms. Shanks would also like to know who the governing body for the river would be, because she wants to know who to talk to if a concern arises.

Mr. Charney stated that the Board of Adjustment's focus is fairly narrow, it is the use the underlying land is being put to. The Board does not have environmental studies or eagle studies done. The Board looks at the land usage, and for this agricultural piece of land would be looked at to see if the request seems appropriate. The Board does goes beyond the land usage. Mr. Charney stated that there are other government bodies that can address river issues, whether it is Corp of Engineers, EPA, etc. Ms. Shanks stated that she had attempted to reach the Wildlife Fish and Game Department but due to the government shut down there was no one in the office. Ms. Shanks also wanted to know if there would be restrictions on a pumping station on the east side of the river. Mr. Charney stated that is not before the Board today. The Board is not hearing such a request because it has not been sought by the applicant.

Marsha Wolf, 14724 South Grant, Bixby, OK; stated the farm she lives on has been in her family for almost 100 years and she wants to see that preserved along with that type of lifestyle. She has looked at the subject site and she would not want that in her front yard. She also sleeps with her window open and she does hear noises at night. Some of the noises have been loud enough she went outside to see what the disturbance was. She is also concerned over the word "depleted" that heard several times in conversation today. Depletion concerns her and she would like to have that terminology clarified.

Mr. Walker stated that the sand depletes itself by the movement of the river but it replenishes itself with the water that comes down the river. So the company is looking for new areas to dredge after they deplete a particular dredged area, but that area will be replenished by the flow of the river itself.

OBOA - 02481

Mr. Charney asked Ms. Wolf if her farm was on the east side or the west side of the river. Ms. Wolf stated she is actually south. Mr. Charney stated for this case it would be considered on the east side.

Charles Benny, P. O. Box 100, Leonard, OK; stated there is a tree line along the river bank and he would not want that disturbed because it holds the earth in place. His neighbor lost 40 acres of land in the last flood because he had cleared the land. He is a sod farmer and has been since 1975, and wants to see that area remain as agricultural.

Rebuttal:

Mr. Fox came forward and stated that the Corp of Engineers govern the river. He has spoke with the Corp and they are in favor of dredging, but they do not want stockpiles or berms built in the floodplain which could alter the course of the river. The Oklahoma Department of Mines regulates the actual mining of the river. The County Board of Adjustment governs the planned land use portion. The U. S. Wildlife Department and the U. S. Conservation also has concerns with the river. Every year the Fish and Wildlife performs a study and they come by boat down the river to do the study. If they see sand plants, Least Terns which is a protected species, or Eagles they will make a visit to the operation and express their concerns. All the operators have had training from the Wildlife Department. When they see an area of concern they will stake out and set up a buffer zone that is not to be disturbed for a specified time period. Holiday Sand is not proposing to be close to or to distrub the trees. Holiday Sand also works with the DEQ and the Stormwater Department.

Mr. Charney asked Mr. Fox to confirm that there would be no equipment placed on the east side of the river, and no traffic generated by the operation. Mr. Fox answered affirmatively.

Mr. Charney asked Mr. Fox to address the concerns of the interested parties in regards to the noise levels. Mr. Fox stated that in the past there has been a loader working at night and the back up alarm is the possible beeping that was heard. The back up alarm on a loader is a high pitched noise because it is made to be heard, but the loader is at the plant. The only noise now is the hum of the pump.

Mr. Odell came forward and stated that he has the authority to address some of the issues raised today, i.e., the eagles nests, the back up alarm, and loud noises. His company will follow up on the issues by contacting Fish and Wildlife to confirm what sort of setback is needed for the eagle's nests. He is not sure what is making the loud noise that has been heard, but he will leave a copy of noise survey that was performed, and he will figure out what the noise is. He will also take care of the back up alarm that can be heard at night.

Mr. Benny stated that some of the noise that is heard at night is from the other sand plant in the area.

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Ms. Shanks came forward and stated that if the sand is an asset to Mr. Benny then the sand on her mile of land is her asset. So if the sand is pumped and replenished, then that is replenished by the sand upstream which means it is her sand that replenishes Mr. Benny's sand. That means part of her asset is being utilized.

Mr. Charney stated he appreciates her comments, but he knows enough to know that water flowing through sand and other minerals are constantly in motion, and will end up in the Mississippi River at some point in time.

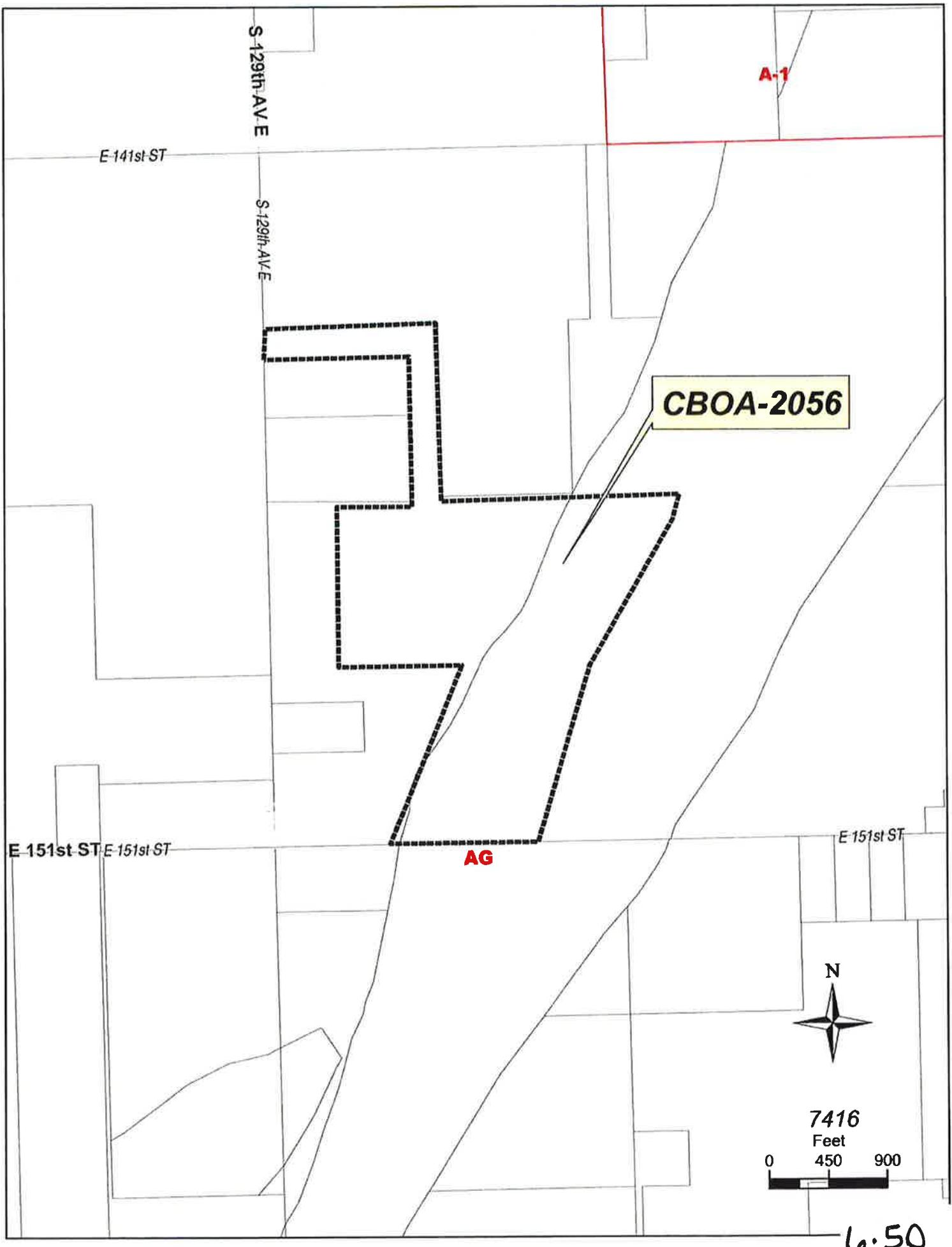
Comments and Questions:

None.

Board Action:

On **MOTION** of CHARNEY, the Board voted 3-0-0 (Charney, Dillard, Walker "aye"; no "nays"; no "abstentions"; Draper, Osborne "absent") to **APPROVE** the request for a **Special Exception** to permit mining (dredging) and quarrying of sand in an AG district (Arkansas River Channel) (Section 310, Table 1). This approval is subject to the applicant continue to explore means to properly buffer the wildlife from the opeation as required by law, and adhere to all wildlife rules and regulations. The applicant is to take noise abatement measures that are within their control; for the following property:

That part of the Arkansas River Channel described as follows: Beginning at a point 2080 feet East of the Southwest Corner of the Northwest Quarter of Section 16, Township 17 North, Range 14 East, thence North 13 degrees East a distance of 1578 feet to a point in the Arkansas River, thence North 42 degrees 10 minutes East a distance of 1588 feet to a point in the Arkansas River, thence North 31 degrees 40 minutes East a distance of 1288 feet to a point in the Arkansas River, thence North 33 degrees 30 minutes East a distance of 876 feet to a point in the Arkansas River, thence North 61 degrees 10 minutes East a distance of 379 feet to a point in the Arkansas River, thence North 77 degrees East a distance of 386 feet to a point in the Arkansas River, thence South 00 degrees 30 minutes East a distance of 1068 feet to a point on the East Bank of the Arkansas River, thence South 37 degrees 10 minutes West a distance of 991 feet along said East Bank, thence South 23 degrees West a distance of 285 feet along said East Bank, thence South 38 degrees 10 minutes West a distance of 384 feet along said East Bank, thence South 51 degrees 40 minutes West a distance of 365 feet along said East Bank, thence South 44 degrees 40 minutes West a distance of 776 feet along said East Bank, thence South 39 degrees 10 minutes West a distance of 381 feet along said East Bank, thence South 28 degrees 40 minutes West a distance of 307 feet along said East Bank, thence South 14 degrees 40 minutes West a distance of 364 feet along said East Bank, thence South 22 degrees 50 minutes West a distance of 710 feet to a point on the South line of said Northwest Quarter, thence East along said South line a distance of 952 feet to the Point of Beginning, OF TULSA COUNTY, STATE OF OKLAHOMA



COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 334
Tuesday, March 18, 2008, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT **MEMBERS ABSENT** **STAFF PRESENT** **OTHERS PRESENT**

Dillard	Charney, Chair	Alberty	West, Co. Inspector
Hutson		Butler	
Tyndall, Vice Chair			
Walker			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, Wednesday, March 12, 2008 at 10:21 a.m., as well as in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Vice Chair Tyndall called the meeting to order at 1:30 p.m.

Mr. Alberty read the rules and procedures for the County Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of Walker, the Board voted 4-0-0 (Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Charney "absent") to **APPROVE** the Minutes of February 19, 2008 (No. 333).

UNFINISHED BUSINESS

Case No. 2056

Action Requested:

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Special Exception under Section 310. Table 1, to permit dredging and removal and processing of sand, gravel, and soil, and mineral processing under Use Unit 24, Section 310, located: East side of South 129th East Avenue ¼ - ½ mile Southeast 141st.

Presentation:

Wayne Alberty, with INCOG, stated this case of Charles Norman's has been the subject of several meetings and discussion. At the Board's direction, legal council prepared the final document for adoption. Mr. Tyndall added the members have reviewed them.

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Board Action:

On Motion of Hutson, to APPROVE a Special Exception under Section 310. Table 1, to permit dredging and removal and processing of sand, gravel, and soil, and mineral processing under Use Unit 24, Section 310, submitted by Anchor Stone Company, in Tulsa County Board of Adjustment Case No. 2056, Hutson further moved that John Tyndall, the acting Chair be authorized to complete Findings by entering the attendance of the members present on page one of the Findings document; on page nine of the Findings document, the motion made and seconded by whom, and the roll call vote of the members of the Board and sign on behalf of the Board, the Board's formal Findings, setting out the basis for granting the original Special Exception in TCBOA Case 2056, which are subject to and conditioned upon appropriate conditions and safeguards as contained in these Findings, which will be so recorded, seconded by Dillard, Mr. Tyndall asked the Board members if there was any further discussion.

Charles Norman, on behalf of the applicant, suggested the findings should be read into the record. Mr. Tyndall found Mr. Norman out of order.

Mr. Hutson responded that he did not consider it beneficial to take the time to read the lengthy findings. He added that the findings would be available to everyone interested, as part of the record. He stated they could pick them up on the following day at the INCOG office. Mr. Dillard noted a typographical error on page four.

On Amended Motion of Hutson, the Board voted 4-0-0 (Tyndall, Walker, Dillard, Hutson "aye"; no "nays"; "abstained"; Charney "absent") to APPROVE a Special Exception under Section 310. Table 1, to permit dredging and removal and processing of sand, gravel, and soil, and mineral processing under Use Unit 24, Section 310, submitted by Anchor Stone Company, in Tulsa County Board of Adjustment Case No. 2056, Hutson further moved that John Tyndall, the acting Chair be authorized to complete the Findings by entering the attendance of the members present on page one of the Findings document; on page nine of the Findings document, the motion made and seconded by whom, and the roll call vote of the members of the Board, and sign on behalf of the Board, the Board's formal Findings, setting out the basis for granting the original Special Exception in TCBOA Case 2056, which are subject to and conditioned upon appropriate conditions and safeguards as contained in these Findings; in addition to make the correction of the word "he" to "the" hours of operation in Section 11, Item B, page 4. A copy of these Findings is attached to these minutes.

Mr. Dillard noted in the Findings, it was indicated they would request a vote by roll call. The Recording Secretary called the roll and recorded the votes as follows:

- 1 Roland Walker, "aye";
- 2 John Tyndall, "aye";
- 3 Gene Dillard, "aye";
- 4 Dana Hutson, "aye";

and

5 David Charney, Chair, was absent, APPROVED by a 4-0-0 vote, on the following described property:

Beg. at the SW/c NW/4 NW/4 of Section 16, T-17-N, R-14-E, and extending E 1,320.00', thence S a distance of 1,312.00' thence W a distance of 240.00' extending N 1° E of true N a distance of 1,122.00', extending W a distance of 1,105.00', thence N a distance of 190.00' to the POB; AND Beg. at a point 1,085.00' E of the SW/c NW/4 of Section 16, T-17-N, R-14-E, thence 33.00' S along a line running 1° W of true S, extending W on a line 1° N of W a distance of 550.00' thence due S 1,290.00' thence E a distance of 1,845.00' to a point in the Arkansas River, then extending northward 1,300.00' along a line 30° E of north to a point in the Arkansas River, then extending northward 190.00' along a line 20° E of N to a point in the Arkansas River, thence 2,000.00' W to the POB; AND Beg. at a point 970.00' E of the SW/c of Section 16, T-17-N, R-14-E, thence E a distance of 1,110.00' to a point in the Arkansas River, then extending northward 1,350.00' along a line 13° E of N to a point in the Arkansas River, thence W a distance of 1,045.00' to a point on the W bank of the Arkansas River, then S a distance of 1,368.00' along a line running 15° W of S to the POB, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 2290

Action Requested:

Special Exception to permit church use (Use Unit 5) in an AG district (Section 301), located: 4008 South 137th Avenue West.

Presentation:

Wallace Wozencraft, 1619 South Boston, Tulsa, Oklahoma, stated they are developing a one story church with about 7,600 square feet. The sanctuary seating is for about 200 people. They plan to have a family life center, classrooms, and administrative offices. There will be ample parking to meet the zoning code. There will be a detention pond. The property is zoned AG.

COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 280
Tuesday, September 16, 2003, 1:30 p.m.
County Commission Room
Room 119
County Administration Building

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Alberty, Chair	Tyndall	Butler	West, Co. Inspector
Dillard, Vice Chair	Walker	Beach	
Hutson			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, and on Monday, September 15, 2003 at 1:12 p.m., in the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Alberty called the meeting to order at 1:35 p.m.

MINUTES

On MOTION of Hutson, the Board voted 3-0-0 (Alberty, Dillard, Hutson "aye"; no "nays"; no "abstentions"; Walker, Tyndall "absent") to APPROVE the Minutes of August 19, 2003 (No. 279).

UNFINISHED BUSINESS

Case No. 2056

Action Requested:

Special Exception under Section 310. Table 1, to permit dredging and removal and processing of sand, gravel and soil, and mineral processing under Use Unit 24. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 24, located: E side S 129th E. Ave. ¼-½ mile S E. 141st St.

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, stated he represented Anchor Stone Company for a Special Exception. He was informed by Jim Beach that Jeff Levinson contended the adequacy of the notice. He offered to let Mr. Levinson speak first since inadequacy of the notice would mandate a continuance.

Jeff Levinson, 35 E. 18th St., stated he represented Cardinal Industries, LLC, an interested party. He referred to the changes in the size and configuration of the subject property since the plan was presented to the Broken Arrow Board of Adjustment.

Terry Fox, P.O. Box 1507, Pittsburg, Kansas, stated he is with Triad Environmental Services. He also questioned the difference in the plan that was presented to Broken Arrow from the plan presented at this meeting.

Comments and Questions:

Mr. Alberty explained that this difference in the plan is irrelevant to the jurisdiction of this Board. He stated this Board would consider the plan advertised for this meeting. He asked Mr. Norman for input regarding the change in the plan. Mr. Norman replied that the plan they presented to Broken Arrow was an expanded plan. Those plans were revised to reduce the plan to the original boundaries that correspond to the legal description in the notice. Mr. Norman and Mr. Beach agreed that the notice is adequate as amended and the legal description and zoning case map are consistent with the notice. Mr. Alberty noted that the area indicated to Broken Arrow was broader than the plan submitted today. Mr. Alberty stated for the record the notice was found adequate for this application.

Presentation:

Mr. Norman informed the Board that this matter was reviewed by the Department of Public Works and the Planning staff in Broken Arrow after referral because the area is in the annexation fence line of the City of Broken Arrow. Items submitted to the Board included a site plan, amended application, sandbar evaluation, water management analysis report, a noise survey report and letters to INCOG and the District 3 Commissioner (Exhibits A-1 through A-6). Mr. Norman stated there has been an increasing shortage of sand since the closure of the Keystone Dam and the low water dams have added to the problem. This business is dependent on natural sand deposits located at sites providing enough quantity for commercial use and at a feasible cost for hauling. The proposed process will be a sand dredging, so that no sand is removed above the bank of the river. All of the property immediately adjacent and all of the square mile to the west of the site is in the floodway, Hailey Creek, or the one hundred year flood plain. No further residential development or commercial building would be allowed in that area. He pointed out a distance of 1,300' to the Perryman home to the northwest from the center of the operation; the residence to the southwest is 1,050'; and two residences on the other side of 129th E. Ave. He described the shortened length of the proposed berm with the help of his exhibits, having breaks for equalization of water levels and a drainage swale. They propose to build a cedar plank fence that allows wind to pass through along the berm and a row of 10' to 12' Aristocrat Pear trees along the rear of the Perryman property as a screen to the access road. A sound study indicated that the dredge motor would not be heard from any of the site boundaries. The back up alarms on the equipment may be audible.

Interested Parties:

Frank Watkins, 43 W. 5th St., Bixby, Oklahoma, stated he is the president of Watkins Sand Company, Inc. He added he did not protest sand mining, but the applicant's attempt to obtain a ten ton load limit on 129th E. Ave. between 131st and 141st. Mr. Alberty commented that he did not feel the Board has the power to address the load limit on a public road.

Terry Fox, Engineer for Triad Environmental Services, expressed concern that no mention was made of buffer zones, and suggested that in previous cases the buffers were a requirement. He mentioned concern about the large drainage canal to be built under the road. He stated they had not been informed of the details and revisions.

Sam Perryman, 14503 S. 129th E. Ave., referred to a letter from Ray Jordan (Exhibit A-8), stating Tulsa County has not approved the proposed site for compliance with current Tulsa County floodplain regulations or the proposed load limit requests. Mr. Perryman submitted a book of exhibits (Exhibit A-9), which includes a list of numerous sand companies. He differed with Mr. Norman's statement that there is a shortage of sand, as there are 38 sources for sand in the Tulsa area. He provided an independent engineering report from a hydrologist (Exhibit A-11) offering his opinion that the proposed plan along the existing operations, combined with the Hailey Creek discharges could create a new channel that could jeopardize the Indian Springs Sports Complex Area. He cited a court case of Knight vs. Roberts in 1980 in which a Board of Adjustment decision to grant a special exception be reversed, finding it injurious to the area. The population has increased by over 5,000 people since 1980, but the roads are still the same as then, without improvements. He indicated the truck load limits would only encourage a change in routes. He expressed concern for safety on the roads; heavy traffic; speeding trucks; loss of property value; poor water drainage; noise from the trucks; school bus route on the truck route; and fish and game protection. He referred to (Exhibit A-10) as an example of recent storm damage on August 30th, 2003.

Richard Gathman, 14901 S. 129th E. Ave., stated opposition to the heavy truck traffic, and speeding trucks on a school bus route. He pointed out the topography with a steep hill on 129th E. Ave.

Dan Landiss, 12804 E. 138th St., Broken Arrow, Oklahoma, stated that he was promised the Watkins sand trucks would not use 129th E. Ave. He complained that the trucks awaken him in the early morning everyday, as they are loud and speeding. He is opposed to an increased number of trucks.

Carol Ann Clark, 13415 S. 127th E. Ave., stated they moved there in 1977 for the peace and quiet. She listed the same complaints as above. She added that the bridge has sunken and bird watchers no longer come to watch the birds.

Carol Eames, 7412 W. 38th St., stated on behalf of the Audubon Society concern for the eagles that nest in this area.

Larry Walden, 13137 S. 125th E. Ave., **Bob Hograth**, 13320 S. 121st E. Ave., **Charlie Hendrix**, 12650 E. 132th St., all expressed the same concerns already stated.

A Tulsa World article, a petition and a site map were submitted (Exhibits A-7, A-12, and A-13).

Applicant's Rebuttal:

Mr. Norman responded by asking where else they can go for sand. He reiterated the suggestions to re-route the trucks, and asked the commissioners to impose weight limits. He mentioned again the recommendation from Broken Arrow for this application. Mr. Norman stated the applicant was open to the Board's recommendations and conditions.

Comments and Questions:

Mr. Alberty asked if the applicant limited the hours of operation. Mr. Norman responded that they have no objection to a limitation of the hours from 7:00 a.m. to 5:00 p.m., Monday through Friday. They would appreciate the consideration to extend those hours for as many as six days during July, August and September (peak business months) for unusual demand or lost production days due to high water.

Mr. Dillard asked about the motor fuel storage tanks, shops, office trailers, truck scales, and a house that were mentioned, if they would all be allowed in the floodplain. Mr. Norman replied that the scale house was the only structure allowed in the floodplain. He stated the house is a manufactured building, not a mobile home. There would be no service or maintenance facilities on sight except for fueling the on-sight equipment. The fuel facilities would be on stilts or sleds for moving at times of high water.

Board Action:

On Motion of Hutson, the Board voted 3-0-0 (Alberty, Hutson, Dillard "aye"; no "nays"; no "abstentions"; Tyndall, Walker "absent") to APPROVE a Special Exception under Section 310, Table 1, to permit dredging and removal and processing of sand, gravel and soil, and mineral processing under Use Unit 24, with conditions for: County Engineer approval of plans for drainage, traffic flow and load limits, including recommendations per the City of Broken Arrow with the exclusion of #4; City of Broken Arrow recommendations that were imposed are: 1) A licensed engineer shall stamp all reports requiring an engineering study; 2) If any deterioration of the sandbar protection the Indian Springs Sports Complex occurs, Anchor Stone will correct the damage; 3) Anchor Stone shall provide annually to the City of Broken Arrow and Tulsa County aerial surveys, evaluated by an

independent engineer, for the first five years of operation. After the first five years, aerial surveys shall be provided every three years thereafter; 5) When the mining operations cease, the site shall be returned to its original condition; per plan, on the following described property:

Beg. at the SW/c NW/4 NW/4 of Section 16, T-17-N, R-14-E, and extending E 1,320.00', thence S a distance of 1,312.00' thence W a distance of 240.00' extending N 1° E of true N a distance of 1,122.00', extending W a distance of 1,105.00', thence N a distance of 190.00' to the POB; AND Beg. at a point 1,085.00' E of the SW/c NW/4 of Section 16, T-17-N, R-14-E, thence 33.00' S along a line running 1° W of true S, extending W on a line 1° N of W a distance of 550.00' thence due S 1,290.00' thence E a distance of 1,845.00' to a point in the Arkansas River, then extending northward 1,300.00' along a line 30° E of north to a point in the Arkansas River, then extending northward 190.00' along a line 20° E of N to a point in the Arkansas River, thence 2,000.00' W to the POB; AND Beg. at a point 970.00' E of the SW/c of Section 16, T-17-N, R-14-E, thence E a distance of 1,110.00' to a point in the Arkansas River, then extending northward 1,350.00' along a line 13° E of N to a point in the Arkansas River, thence W a distance of 1,045.00' to a point on the W bank of the Arkansas River, then S a distance of 1,368.00' along a line running 15° W of S to the POB, Tulsa County, State of Oklahoma.

NEW BUSINESS

Case No. 2060

Action Requested:

Special Exception to permit a home occupation (beauty shop) in a RS district.
SECTION 420.1. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory
Uses Permitted, located: 5725 S. 102nd W. Ave.

Presentation:

Dorothy Blake, 5725 S. 102nd W. Ave., Sand Springs, Oklahoma, proposed to open a beauty shop in her home.

Comments and Questions:

Mr. Alberty asked if she has read the rules and regulations of a home occupation. Ms. Blake replied that she is familiar with them. The hours of operation would be Tuesday through Saturday, 7:00 a.m. to 7:00 p.m.

Interested Parties:

There were no interested parties present who wished to speak.

Case No. 1802 (continued)

Mr. Woods responded that it was the same business, and though they have moved the vans, the vans still frequent there and the house is still used as the office.

Board Action:

On MOTION of Alberty, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to CONTINUE Case 1802 to the next hearing on January 16, 2001.

Mr. Alberty requested the County Inspector to investigate Case No. 1742, for possible violation.

..*.*.*.*.*.*.*.

Case No. 1803

Action Requested:

Special Exception to permit mining and quarry of sand and gravel in an AG district.
SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 24, located W side of 129th E. Ave., S of 141st St. S.

Presentation:

Ms. Fernandez informed the Board that she spoke with the planner in Broken Arrow. This was a referral case and they had the information that is before this Board. They expressed no concerns regarding this application.

Frank Watkins, Box 252, Bixby, OK, stated his application for mining in an AG district. He introduced **Terry Fox**, an engineer and geologist with Triad Environmental Services to present the application.

Mr. Fox, P.O. Box 1507, Pittsburg, KS, 66762, described this mining process in this location as a renewable resource. He described the plans, which would not disturb the flood zone elevations, nor remove any trees. They met with the County Building Inspector to prepare the mining permit application. They planned for a 100' drive to keep down dust from the traffic. He stated that the U.S. Fish and Wildlife Department was agreeable to the application and requested that they leave a few little islands when they are through developing because it works well for tern nesting areas.

Interested Parties:

None.

Board Action:

On MOTION of Alberty, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a **Special Exception** to permit mining and quarry of sand and gravel in an AG district, as presented, on the following described property:

FILE COPY

Case No. 1803 (continued)

The NW/4 NW/4 W/2 NE/4 NW/4 W 20 acres of Lot 2, and the E/2 SE/4 NE/4 NW/4, and W/2 E/2 NE/4 NW/4 and the W 10 acres of the E 20.90 acres of Lot 2, of Section 16, T-17-N, R-14-E of the IBM, in Tulsa County, State of Oklahoma.

..*.*.*.*.*.*

Case No. 1804

Action Requested:

Variance from requirement that any lot used for residential purposes must have at least 30' of frontage on a public street or dedicated right-of-way. SECTION 207. STREET FRONTAGE REQUIRED, located ½ mile N of E. 156th St. N., W side Memorial.

Presentation:

Beth Langston, 301 S. 22nd, Collinsville, OK, stated she owns 40 acres and desires to divide into three lots. The hardship would be the size of the property, the existing creek, and an existing access easement.

Interested Parties:

None.

Board Action:

On MOTION of Alberty, the Board voted 5-0-0 (Walker, Alberty, Tyndall, Dillard, Looney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance from requirement that any lot used for residential purposes must have at least 30' of frontage on a public street or dedicated right-of-way, finding the hardship to be the size of the tract, the flood plain restricting development potential, and an existing access easement for which the County has no responsibility for maintenance, on the following described property:

W/2, SE/4, NE/4, Section 14, T-22-N, R-13-E, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*

Case No. 1805

Action Requested:

Variance of the required 30' frontage on a public street to 0' to construct a dwelling. SECTION 207. STREET FRONTAGE REQUIRED, located N & E of NE/c E. 166th St. N. & Peoria.

AG

AG

E 141 ST S

S GARNETT RD E

AG

CBO A-1644

RS

AG

AG

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N
1774

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Case No. 1643 (continued)

Interested Parties:

None.

Board Action:

On MOTION of ALBERTY, the Board voted 3-0-0 (Alberty, Dillard, Tyndall, "aye"; no "nays", no "abstentions"; Looney, Walker "absent") to APPROVE Variance to allow two dwelling units per lot of record. SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD; a Special Exception to allow a mobile home on an RS zoned lot. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, subject to approval by the County Inspector, on the following described property:

Beg. 700' W 399.5' S NE/c SE SE thence W 280' SWly on RY ROW to PT. E 285' N 60' to Beg. Section 1, T-20-N, R-12-E, County of Tulsa, State of Oklahoma.

Case No. 1644

Action Requested:

Extension of a use unit variance to permit soil mining in an RS zoned district. This was originally approved for three years and applicant is requesting a three year extension. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 24, located 14502 S. Garnett.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, Watkins Sand Co., Inc., was represented by Terry Fox, who is a consultant for Watkins Sand Co., Inc. Mr. Fox submitted two aerials, one was from 1995 and one is from 1999 (Exhibit B-2) and a site plan (Exhibit B-1). When Watkins Sand came before the Board in 1996, they had two cases before the Board, one was for a new mining area located in Section 18 and the second was to complete their current mining operation. At that point in time, both applications were approved for a period of three years. There is approximately three acres of sand left to be removed from the area. Mr. Watkins would like an extension of the variance to allow the mining to continue. Mr. Fox asked the Board to consider allowing them to mine within 250' to 300' along the western boundary instead of the original 400' boundary. If they adhere to the 400' boundary, they will have a peninsula sticking out into the water boundary. The 250'-300' boundary would make the shoreline even. This extension request will not entail any new activity and will not increase the size of the project. The request is to

Case No. 1644 (continued)

allow the applicant to take out the road and clean up the property and in order to do that properly, they need more time.

LOONEY IN AT 1:45

Interested Parties:

None.

Board Action:

On MOTION of ALBERTY, the Board voted 4-0-0 (Alberty, Dillard, Looney, Tyndall, "aye"; no "nays", no "abstentions"; Walker "absent") to APPROVE Extension of a use unit variance to permit soil mining in an RS zoned district. This was originally approved for three years and applicant is requesting a three year extension. SECTION 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 24, subject to the 400' setback on the west being reduced to 250' to align with what is in existence and all other setbacks and conditions shall remain the same, on the following described property:

S/2, NW/4 Section 17, T-17-N, R-14-E, County of Tulsa, State of Oklahoma.

Case No. 1645

Action Requested:

Special Exception to allow Temporary Open Air Activities (Use Unit 2). SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES – Use Unit 2 and a Variance to the all-weather hard surface parking requirement. The purpose of the request is to allow a one day concert and children's carnival on September 18, 1999. SECTION 1340.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located SE/c Highway 67 and Elwood.

Comments and Questions:

Mr. Bruce reviewed Staff Comments from the Case Report.

Presentation:

The applicant, Heather L. Stanton, 7136 South Yale, Suite 500, Tulsa, OK 74135, submitted a site plan (Exhibit C-1) and stated that she is the Director of Special Projects, for Cox Radio. K95.5 FM radio has been in the community for about 20 years and is currently under new management. As a part of the new company structure, Cox Radio is implementing a philosophy of giving back to the community. One of the things that they would like to do is a free outdoor listener appreciation event. The event will be during daylight hours only to keep the

BIXBY F.C.

BROKEN ARROW LINE
FENCE

AG

141ST

STREET

(YAZZO)

AG

ROAD

1409

RS

GARNET T.

AG

151ST

STREET

6.64



Case No. 1408 (continued)

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Comments and Questions:

Mr. Alberty announced the County Inspector brought this before the Board and asked the County Inspector to explain the nature of this application.

Mr. Glenn stated the applicant needed a special exception approved for mining in Tulsa County. He further stated the applicants have an Oklahoma Mining Permit. He advised the hearing is needed to clarify records and keep the applicant in compliance with zoning codes as well as State and FEMA regulations.

Mr. Alberty asked Mr. Glenn why this use is considered non-conforming, he responded the use has never been approved by the Board of Adjustments and the applicants need a special exception to operate and also to keep Tulsa County in compliance with FEMA regulations.

Board Action:

On MOTION of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to APPROVE a Special Exception to permit dirt and sand mining in an AG zoned district. SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 24; finding the business has been in existence for over 15 years; finding this is appropriate use for the location; finding the approval of this request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

NW SW & NW NE SW & SW NE SW & SE NE SW ALL S of CREEK & SW SW LESS SE SW SW ALL LYING N & W OF CREEK, SEC. 20, T-21-N, R-13-E, Tulsa County, Oklahoma

Case No. 1409

Action Requested:

Use Variance to permit soil mining in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 24; located 14502 South Garnett.

Presentation:

The applicant, Frank D. Watkins, represented by Larry Colt 14503 South Garnett, submitted an application for a building permit (Exhibit B-1), Non-Coal Location Map (Exhibit B-2) and requested permission to continue mining for three (3) additional years. He stated the mining project started in 1982 and he estimates he will need an additional three (3) years to finish the project.

Case No. 1409 (continued)

Comments and Questions:

Mr. Alberty requested the applicant's anticipated schedule for the project, he responded the project will be completed in three (3) years.

Mr. Alberty asked the applicant what his plans were when the project was finished, he responded it will be a 60 acre lake with an island in the middle.

Mr. Alberty asked the applicant how much truck traffic is generated from the site, he responded approximately 100 loads a day.

Protestants:

Joe McCormick, 601 Park Tower, 5314 South Yale, representing the protestants, Ray Bagwell and Eric Kiser who live near this project. He stated Mr. Bagwell owns the property that adjoins Mr. Colt's property. He submitted a photograph of the project (Exhibit B-3) and stated this is a strip pit. He explained the applicant applied for a water park several years ago and suggested this was a subterfuge to dig this project out. He further explained there are 100 trucks a day hauling dirt out from this site. He detailed the area looks bad, it causes dust and the large trucks are tearing up the roads. He commented the applicant is asking for zoning on an 80 acre tract and the mining application shows a request for an eight (8) acre tract. Mr. McCormick stated the applicant informed the Board he intends to mine out 60 acres. He stated the applicant has been mining illegally and reminded the Board the property is zoned residential. He further stated the mining will effect the adjacent owners property and cause it to cave in and erode. Mr. McCormick informed the Board the zoning Code states the Board shall consider potential environmental influences when an application is applied. He further informed the Board the Code states the Board shall establish appropriate protective covenants such as setbacks, screening, method of operation and he advised the Board this needs to be done to mitigate adverse affects on proximate land uses. Mr. McCormick stated his clients object to this variance and stated a variance requires a hardship. He further stated there has been no hardship suggested by the applicant in his application or presentation. He commented it is an inappropriate use for the area. Mr. McCormick stated his clients cannot use the adjoining properties for residential with a strip mine operating. He requested the Board to deny this application. He further requested the Board to consider the following conditions for approval if this application is to be considered: 1.) The zoning should conform with the mining application by approving it for 8 acres and not 80 acres; 2.) The setback requirements to be met from each property line; 3.) Build berms and greenbelts to hide the view; 4.) Limit the operation to no more than one (1) year. 5.) Surface restored with an appropriate surface. Mr. McCormick indicated the area is near the river and has a high water table. He stated when the mining company digs down they will hit water and there is no catch basin because it is already full of water. He respectfully requested the Board to deny this application.

Case No. 1409 (continued)

Applicant's Rebuttal:

The applicant, Mr. Larry Colt, stated the mining had nothing to do with the waterpark application. He explained the waterpark was an idea to make a living, but the County requirements were too expensive and the waterpark was never developed. He further explained the waterpark would have been developed after the mining project was finished. He informed the Board he did not know that the mining was illegal and explained he applied for all of the State mining permits required. He explained a County official checking on the sewer plant nearby informed him he needed a variance to continue operation. He further explained he has 12' of free board and the lake will hold run off water. He told the Board the Mining Commission requires him to grade the remaining land and seed it when the project is done. He advised the Board the setback to the south, Mr. Cook's property, is 30' to 40', north setback is 60' to 70', east setback is 50'. He further advised the Board his neighbors have not complained and Mr. Cook irrigates his farm land from the lake as well as the east property owner. He stated Mr. Eric Kiser (protestant) fishes in the lake.

Additional Comments:

Mr. Looney asked the applicant what the Mining Act requirements are, he responded he did not know, he is the owner of the land and does not do the mining. He further responded Mr. Watkins is the owner of the mining company who is doing the actual mining.

In response to Mr. Looney, the applicant explained the mining company has never received any fines and the inspector reviews their progress every 8 acres to permit the mining company to continue the project.

Mr. Looney asked the applicant what the Mining Commission's view is on the lake remaining when the he project is finished, he commented they have never objected and the lake is what the mining company is building.

Mr. Looney asked the applicant to explain his hardship for this variance to be approved, he stated the project will not be done and the lake will not be finished.

Mr. Looney asked the applicant if he intends to build a waterpark, he responded negatively and stated his intends to have a 60 acre lake in his front yard. He informed the Board he could not afford to meet the requirements to build the waterpark.

Mr. Colt told the Board he has owned the land since 1980 and it is in a floodplain. He further commented the land south is in a floodplain as well, therefore it can never be developed for residential.

Case No. 1409 (continued)

Mr. Looney asked the applicant what his requirements are under a floodplain, the applicant responded you cannot fill the land or block the flow of water coming across your land. He recounted the 60 acres will result in a 12' retention for flood water.

Mr. Looney inquired the water level, the applicant informed the water table is approximately 14' low grade and stated the bottom of the pit is in the water table.

Mr. Alberty requested the applicant to explain the term 12' free board and stated he understands it to mean the average pool elevation to the top of the bank, the applicant affirmed the definition and responded the actual depth of the lake is 9' to 16'.

Mr. Walker asked the applicant if he had three (3) years left to mine and he asked the applicant after the three (3) years of mining is done, how much land area will be between the lake and the surrounding properties; he responded he does have three (3) years left to mine and the land area around the lake will remain as it is right now. He further responded the lake will not be enlarged.

In response to Mr. Looney, the applicant stated building berms will be against the floodplain requirements and he prefers to plant trees to improve the view of the project.

Mr. Walker asked the Staff if the property were zoned AG Agriculture would a variance be required or would it need a special exception? The Staff answered a special exception.

Mr. Tyndall explained if anyone tried to apply for residential permits in the area they would be denied due to the floodplain.

Mr. Alberty stated it is too late to determine if this project is appropriate for the area because it is basically completed. He further stated the Board's attitude should be how to correct this situation. He expressed the Board should approve the request with conditions.

Mr. Looney asked the Staff if the Board required berms, will it be adverse to the floodplain; Mr. Glenn responded berms would not be allowed.

Mr. Glenn advised the Board the mining project has a 4 - 1 slope on all perimeters and this is a standard slope in strip mining. He further advised the Board the setbacks are 50' on the east side, 30' to 40' on the north side and the south side he doesn't remember.

Case No. 1409 (continued)

Mr. Walker stated he does not agree with requiring several conditions for approval. He further stated Mr. Colt has already stated he will be planting trees, grading and seeding when the project is done. Mr. Walker pointed out that Mr. Colt lives on this land and none of his adjoining property owners are protesting about this project and so therefore, he could support the request with three year time limit.

Board Action:

On MOTION of ALBERTY, the Board voted 5-0-0 (Alberty, Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; no "absent") to APPROVE a Use Variance to permit soil mining in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 24; finding a hardship exists due to the RS-zoning and if this property was zoned AG consistent with the surrounding property it would require a special exception as opposed to a variance; subject to mining limited to three (3) years; subject to mining limited to the following setbacks: 30' from the south property line, 60' from the north property line, 50' from the east property line and 400' from the west property line, which is the frontage facing Garnett Road; subject to the regulations with regards to seeding for reclamation by the State Mining Commission be adopted as a condition; subject to tree areas being planted on the perimeter as per land owner's suggestion; finding approval of the request will not be detrimental to the area or violate spirit and intent of the Code; on the following described property:

S/2, NW/4, Sec. 17, T-17-N, R-14-E, Tulsa County, Oklahoma

Case No. 1410

Action Requested:

Special Exception to permit a single wide mobile home in an RS zoned district. SECTION 410. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 9; located 6802 North Utica Avenue.

Presentation:

The applicant, Rodney Gaston, 6802 North Utica Avenue, submitted a plot plan (Exhibit C-1) but was not present at the meeting.

Comments and Questions:

Mr. Jones advised the Board that the Board could continue this application to the next meeting. He further advised that the Staff would contact the applicant of the new date and time if continued.

Mr. Walker stated the application is straight forward and preferred to act on the application today.



GEOLOGICAL ENGINEERING SOLUTIONS FOR TODAY'S ENVIRONMENTAL CONCERNS
P.O. BOX 1507 • PITTSBURG, KS 66762 • (620) 231-5660 • FAX (620) 231-5661
triad@triad-es.com

August 14, 2019

Ms. Robi Jones, Land Reclamation Specialist
Tulsa County Board of Adjustment
2 West 2nd Street Suite 800
Tulsa, Oklahoma 74103

RE: Special Exception Application

Dear Board of Adjustment,

Holliday Sand and Gravel Co. is submitting an application to your office to request a Special Exception to mine and classify sand in Section 17, T17N, R14E, Tulsa County, Oklahoma.

All operations will be conducted in the upland area indicated on the attached map. The sand slurry will be transferred west via pipeline to the classifying area for processing, stockpiling and load out

Triad has attached the necessary maps, documentation and application to facilitate your review. Thank you for your time and cooperation in this matter.

If there are any questions, please do not hesitate to contact me at Triad Environmental Services (620) 231-5660.

Respectfully,

A handwritten signature in black ink that appears to read "Michael E. Green".

Michael E. Green

cc: M. Odell - Holliday Sand & Gravel
File

6.70

**Proposed Sand Plant
in
Tulsa County**

Presented To:

Tulsa County Board of Adjustment

September 17, 2019

By:

Holliday Sand & Gravel Company, LLC

Proposed Sand Plant in Tulsa County

Holliday Sand & Gravel Company

8/14/2019

Enclosures

Location Map

Reclamation Map

Project Description

Good Neighbor Trucking Policy

Designated Trucking Route Aerial

Hydraulic Impacts Analysis

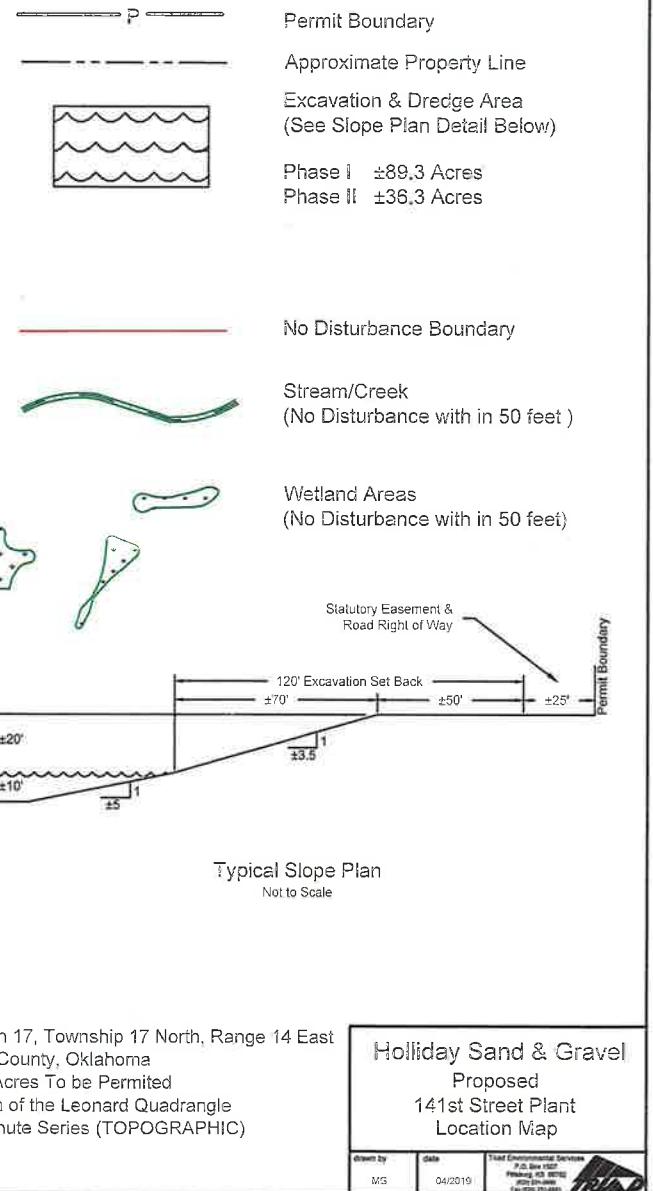
Local Runoff and Inundation Report

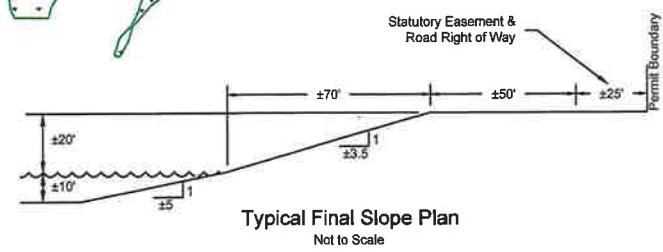
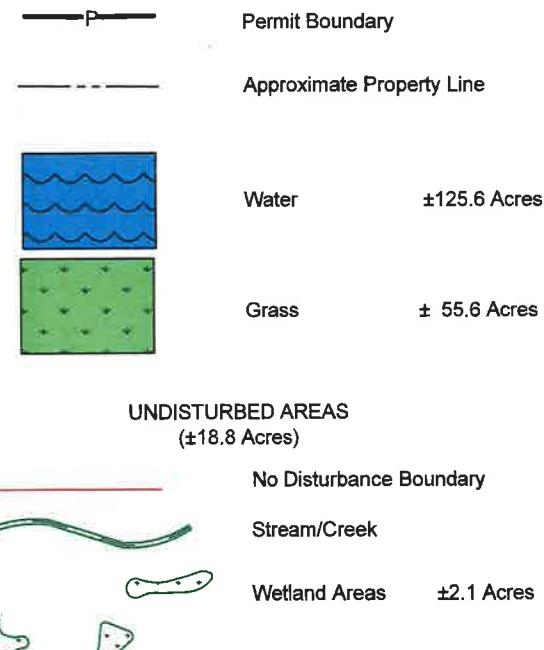
U.S. Army COE No Permit Determination

Archeological Field Survey

Agency Letters

6.72





Section 17, Township 17 North, Range 14 East
Tulsa County, Oklahoma
 ± 200 Acres To be Permitted
Portion of the Leonard Quadrangle
7.5 Minute Series (TOPOGRAPHIC)
USGS

Holliday Sand & Gravel
Proposed
141st Street Plant
Reclamation Map

drawn by	date	Tract Environmental Services
MG	04/2019	P.O. Box 1190 Pratt, KS 67162 (785) 234-1190

**Holliday Sand & Gravel Company
Proposed Sand Pit in Tulsa County**

1

Project Description

Holliday Sand & Gravel Company requests a Special Exception from the Tulsa County Board of Adjustment under Use Unit 24, Section 310, in an AG District to permit mining of sand and gravel in the flood plain.

Holliday proposes to operate a sand plant on 200 acres west of South 129th East Avenue South (Olive) and south of East 141st Street South (Yazoo), approximately one-half mile southwest of the Broken Arrow city limits.

Summary Points

- Ongoing need for fill and concrete sand
- An appropriate land use for floodplain land near sewage treatment.
- Location near future site developments minimizes trucking impacts
- Control of truck impacts by restricting the route and enforcement of established trucking rules.

Need

- Construction in the Tulsa area is booming.
- Demand for sand for concrete is growing beyond the capacity of the existing sand plants.
- As existing sand deposits and sites are exhausted new sites must be located, zoned, built and operated in time to prevent a shortage of construction aggregates.
- There is a particular need for flood plain deposits that have silt/sand for slab fill and masonry and concrete sand.
- Very low and conversely very high water levels in the Arkansas River often interrupt river dredging creating material shortages and a need for sand mining in the flood plain.

Siting Factors

The proposed sand plant site is an appropriate land use for the property:

- The site is in the flood plain and floodway of Haukey Creek and has not been earmarked for any development in the county land use plan, other than agricultural reserve.
- The site is adjacent to three existing sand plants.
- A similar previous sand pit immediately to the west is now a private lake and residence.
- Nearby to the south is the County sewage treatment plant.

**Holliday Sand & Gravel Company
Proposed Sand Pit in Tulsa County**

2

- The site would provide much needed fill dirt and sand and would be close to proposed developments and end users, minimizing transportation impacts (road maintenance, traffic congestion, energy use and air pollution.)
- Truck deliveries from the site shall be directed west from the plant on E. 141st Street South, onto South Garnett Road rather than S. 129th East Avenue. This avoids the more densely populated neighborhoods adjacent to Olive (129th).
- As the site is agricultural, minimal clearing of habitat vegetation is needed. Farming will continue on the property as long as is practical.
- Small wetland areas are on the property and will be avoided.
- 127 acres of lake will be created on the property providing flood retention and a conservation/habitat reserve.

Project Description

- The project will incorporate two operations. Initially an excavator will dig and load trucks with the loam overburden down to sand or the water table, approximately 14 feet below grade.
- Once approximately 5 acres of overburden has been excavated down to sand an additional acre will be excavated below water table and a floating hydraulic dredge will be installed and begin dredging sand down to bedrock, approximately 27 to 30 feet below grade.
- Dredging in the pit lake would be done with a small floating diesel-powered cutterhead dredge which sucks sand from the bottom and pumps a sand/water slurry through a 10" floating plastic pipeline connected to the plant and stacking conveyor.
- No excavation or dredging shall occur within 120 feet of the property limits or wetland areas.

Reclamation

- The excavation and dredging setback of 120 feet from the property lines and the wetland areas leaves adequate overburden and sand for reclaiming (sloping) the banks to a 3.5 to 1 slope and still provide a flat 50-foot wide bench at the top of the slope.
- The 120-foot setback exceeds the Oklahoma Department of Mines requirement of 50 feet minimum.
- Once excavation and dredging reach the 120-foot setback limit, the perimeter shall be sloped, mulched and revegetated for stability.

Schedule of Operation

- Sales and truck loading: 7 AM to 4 PM on weekdays and 8AM to 12 PM on Saturdays if needed during the peak construction season.
- Overburden excavation/reclamation and sand dredging and processing activities: 7 AM to 7 PM on weekdays, 8 AM to 5 PM on Saturdays if needed.

6.76

- The projected life of the operation is approximately 8 to 12 years.

Environmental Impact

Holliday Sand & Gravel Company is committed to being a good neighbor through:

- Continued adoption and enforcement of its *Good Neighbor Trucking Policy* (see page 8.)
 1. No trucks allowed to arrive before 7am or park on E 141st Street South, before opening. This reduces early morning truck noise.
 2. No trucks loaded before 7 AM weekdays, 8 AM Saturday and after 4 PM.
 3. Enforcement of designated trucking route: trucks must use South Garnett Rd. vs South 129th East Avenue (Olive), when south of East 121st Street South. Over time, this will reduce truck traffic impacts on 129th as business shifts from the existing operations to the proposed pit.
- Application of noise reduction methods and materials (e.g.: engine silencers, noise barriers, strobe backup alarms (when dark), rubber chute liners and screening media).
- Responding to and allocating resources to address concerns of our community (e.g.: speed signs, trucker training, enrollment in *Good Neighbor Trucking Policy* program, monitoring and follow up for observed violations, including those from the residents, street sweeping, and maintenance on 141st Street.

Studies Completed:

Holliday Sand contracted with Blackbird Environmental, LLC, Triad Environmental Services and Meshek and Associates, LLC, to conduct surveys.

Blackbird conducted a preliminary wetland determination to identify potential wetlands that will either be avoided or mitigated when the operation is within 5 years of the 3.2 acres of potential emergent and forested wetland areas (in 3 to 7 years).

Meshek & Associates has modeled the Haikey Creek flood flows to determine the project's impact to the flood plain and floodway. Their report "Hydraulic Impact Analysis on Haikey Creek" has been submitted. The study indicates no impact to flood plain elevations and no erosion of the pit lake from flood flows.

Triad Environmental has researched the potential for impacts related to antiquities and burial grounds and determined there would be no impacts.

**Holliday Sand & Gravel Company
Proposed Sand Pit in Tulsa County**

4

Following is our evaluation of potential impacts and how we will mitigate them.

Residences

Approximate location of residences from the plant site (northwest corner):

1/3 mile radius = 0 residences

½ mile radius = 40 residences

1 mile radius = 80 residences

Mitigation of impacts to residences consists of limited hours of loading and operation, a restricted truck route away from the majority of the residences, noise control and dust control. See further details below.

Schools

No schools are located on the proposed truck route from the plant to the Creek Turnpike.

Traffic

- A Designated Trucking Route has been determined that detours around the more populated area along South 129th East Avenue, between East 141st Street South, and East 121st Street South.
- Use of the Designated Route must be accepted and adhered to by the customer and truck driver as a condition of loading and sale of material.

All truckloads arriving and leaving the plant shall be directed to use South Garnett Road rather than South Olive Avenue (129th). They will not be allowed to exit to the east on East 141st Street South.

Trucks will then proceed north on Garnett to East 121st Street South and either turn west for local deliveries or east to South 129th East Avenue (South Olive Avenue) and then proceed north to the Creek Turnpike.

- The plant entrance drive shall be configured to encourage trucks to enter from and leave to the west from Garnett Road.
- A “NO RIGHT TURN” sign will be posted to prevent trucks from turning toward South 129th East Avenue.
- Holliday will regularly monitor trucking routes and if needed install cameras to document compliance.
- Violation of the designated trucking route will result in permanently being denied loading.

6.78

**Holliday Sand & Gravel Company
Proposed Sand Pit in Tulsa County**

5

Estimated volume of truck traffic coming and going from the plant:

Per Hour:	Min. = 0	Max. = 15	Ave. = 7
Per Day:	Min. = 0	Max. = 100	Ave. = 50

No loaded trucks are permitted to leave the plant overloaded or untarped.

Dust Control

- At least 75 feet of the plant driveway approach to E 141st Street South will be surfaced and, along with 141st Street, maintained to prevent tracking of material.
- Haul roads within the site will be watered during dry dusty conditions with a water truck.
- The washed sand stockpiles do not emit dust.
- There will not be any fill dirt stockpiled on the project. It will be directly loaded out as it is excavated.

Noise

- Loading and excavating equipment operating at ground level would have limited hours of operation from 7 AM to 4 PM on weekdays, and on Saturday from 8 AM to 4 PM during the peak construction season.
- The dredge is diesel powered and is equipped with a hospital rated silencer, so noise is not above 85 decibels at the dredge itself. The dredge would operate 18 feet below grade, at the level of the water table.
- The sand production, dredging and processing, portion of the operation in the pit lake would operate between 7 AM and 7 PM weekdays, and 8 AM to 5 PM if needed Saturdays.
- Application of noise reduction methods and materials (e.g.: engine silencers, noise barriers, strobe backup alarms (when dark), rubber chute liners and screening media).

Visual

The sand stockpiles provide an excellent visual and noise barrier.

6.79

Light

Light pollution to nearby residences (1/2 to one mile away) will be prevented with either light fixtures that emit downward light only or that are directed away from the sightline of residences.

Structures

The following is a list of the facilities or equipment to be erected on site:
(Structures, fuel tank, electrical and sanitary facilities would be placed 2 feet above the 100-year flood plain elevation of 600.0.)
Three phase pole mounted electrical power will be brought to the site by PSO.
Truck scale - 11' x 70' low profile
Office - 14' x 30' Prefabricated Quarry Office
Holding tank for domestic waste
Parking area adjacent to office – 20'x 50'
Fenced parking for front end loaders - 50' x 60, six-foot chain link
Fuel tank and containment area for 10,000 gallon diesel tank – 15'x 30', 8' tall.
Powerhouse for plant switchgear – small building 8'x 12', 10 feet tall.
Sand processing equipment - on 20' x 60'pad, 37 feet tall.
Sand stockpiling belt conveyors - 100' long, 30' high, 2 each.

Pollution Prevention

Holliday Sand is committed to the prevention of contamination of the ground and groundwater from project materials.
A Stormwater Pollution Prevention Plan is being prepared to address the potential contaminates such as fuel and oil. It will establish procedures for training and inspection for the prevention and if needed cleanup of spills.

Flood Plain

Much of the proposed mining operation is within the Hailey Creek floodway. Meshek and Associates have modeled the project's potential to impact the Hailey Creek floodplain and determined that: "There are no adverse impacts to the 100-year water surface elevations on the adjacent properties due to the proposed sand plant operations". The flood velocity at the project would not exceed 2 feet per second and potential erosion will be addressed generally with vegetation and with appropriately sized stone for any washes or drainage channels. No material shall be excavated/removed within 120 feet of the property lines and wetlands.

Should bank erosion occur during the project, Holliday has the equipment and resources committed to restore and stabilize any eroded areas over the life of the project.

Flood Contingency Plan

100-year Flood Plain Elevation = 600.0
Natural Ground Elevation = 593

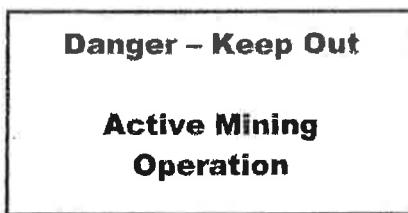
The following are actions to be taken should flooding be eminent at the proposed project site:

- Inspect drainage culverts and confirm they are unobstructed (ex. Under 129th Street)
- Sell and/or transport material stockpiles from the flood plain if possible.
- Contact PSO and electrician to disconnect electric power
- Cease operations, de-energize all electric powered equipment
- Verify an escape route out of the flood plain
- Secure or remove all equipment that could float: dredge, pontoons, fuel tank, pipe
- Remove all portable equipment from the floodplain to higher ground

Security Fencing

To prevent public access to the sand pit and mining activities, a 6-foot tall perimeter fence will be installed with warning signs attached every 100 feet.

Examples of signage design:



Reclamation/End Use for Property

As mining activities progress, Holliday will be sloping and stabilizing the banks of the pit/lake concurrent with the operation. Holliday Sand will be applying to Oklahoma Department of Mines for a mining permit that requires monthly inspections related to safety and stability of the mining area. Also required by the State of Oklahoma, Holliday Sand will provide a reclamation bond in the amount of \$1000.00 per acre to warranty the reclamation of the mine site.

Reclamation of the entire site is divided into three use areas:

1. The plant pad site of approximately 17 acres is where sand and gravel are processed, stockpiled and loaded onto customer trucks. This area would be reclaimed as a residential or commercial building pad site, by removing all equipment and stockpiles.
2. Once mining is completed, the sand pit will be a 127-acre lake approximately 10 feet in depth, similar to the existing 52-acre lake located just west of the site.
3. Holliday will maintain a 120-foot excavation/dredging setback from the property (or street ROW lines) and wetlands to ensure adequate overburden and space for sloping the bank on a 3.5:1 slope down to the lake and also provide a 50-foot wide bench at the top of the slope. This buffer is approximately 51 acres and will be planted with a variety of grasses for stabilization and to provide a conservation

**Holliday Sand & Gravel Company
Proposed Sand Pit in Tulsa County**

8

area. Included in this area are a several acres of existing wetlands which will remain undisturbed and preserved.

Additional Permits Pending

The Project will be regulated by the following agencies and application for those permits will ensue pending Tulsa County approval of a Special Exception:

- U.S. Army Corps of Engineers - Wetland determination and Section 404
- Oklahoma Department of Mines - Non-Coal Mining Permit
- Oklahoma Department of Environmental Quality - water permits

6.82

Holliday Sand & Gravel Company
Good Neighbor Trucking Policy

Holliday Sand & Gravel is committed to operate its facilities in a safe and courteous manner. That commitment requires your hauling our products on the local roadways and through neighborhoods like a professional.

Holliday Sand & Gravel will REFUSE TO DO BUSINESS with haulers that do not demonstrate safe and courteous practices and comply with the following rules.

HOLLIDAY SAND HAS ADOPTED THE FOLLOWING AS OUR MINIMUM SAFE AND COURTEOUS GUIDELINES FOR ALL TRUCKS THAT WE LOAD:

- ✓ **OBEY THE SPEED LIMIT – ESPECIALLY RESIDENTIAL AREAS**
- ✓ **DO NOT ARRIVE AT THE PLANT BEFORE THE POSTED OPENING TIME – THIS VIOLATES OUR COUNTY PERMIT**
- ✓ **NO PARKING ON PUBLIC ROADS OUTSIDE THE PLANT ENTRANCE**
- ✓ **NO AGGRESSIVE DRIVING – NEVER CROSS THE CENTERLINE**
- ✓ **DIENGAGE THE JAKE BRAKE SYSTEM AND DRIVE SLOW ENOUGH THAT IT IS NOT NEEDED TO STOP SAFELY**
- ✓ **WATCH FOR CHILDREN PLAYING, RIDING BIKES, AND AT BUS STOPS AND BE PREPARED TO SLOW DOWN OR STOP**
- ✓ **TARP AND DO NOT ALLOW SAND TO SPILL OUT ON THE ROAD**
- ✓ **COMPLY WITH ANY SPECIALLY DESIGNATED HAULING ROUTES**

FAILURE TO FOLLOW THESE GUIDELINES WILL RESULT IN A REFUSAL TO LOAD YOUR TRUCK AT ANY OF OUR FACILITIES.

As a truck operator that wishes to be loaded by Holliday Sand & Gravel Company, I have read these Guidelines, and agree to comply with them as a minimum standard.

Printed Name: _____

Signature: _____

Today's Date: _____

Holliday Sand & Gravel Company

Good Neighbor Trucking Policy

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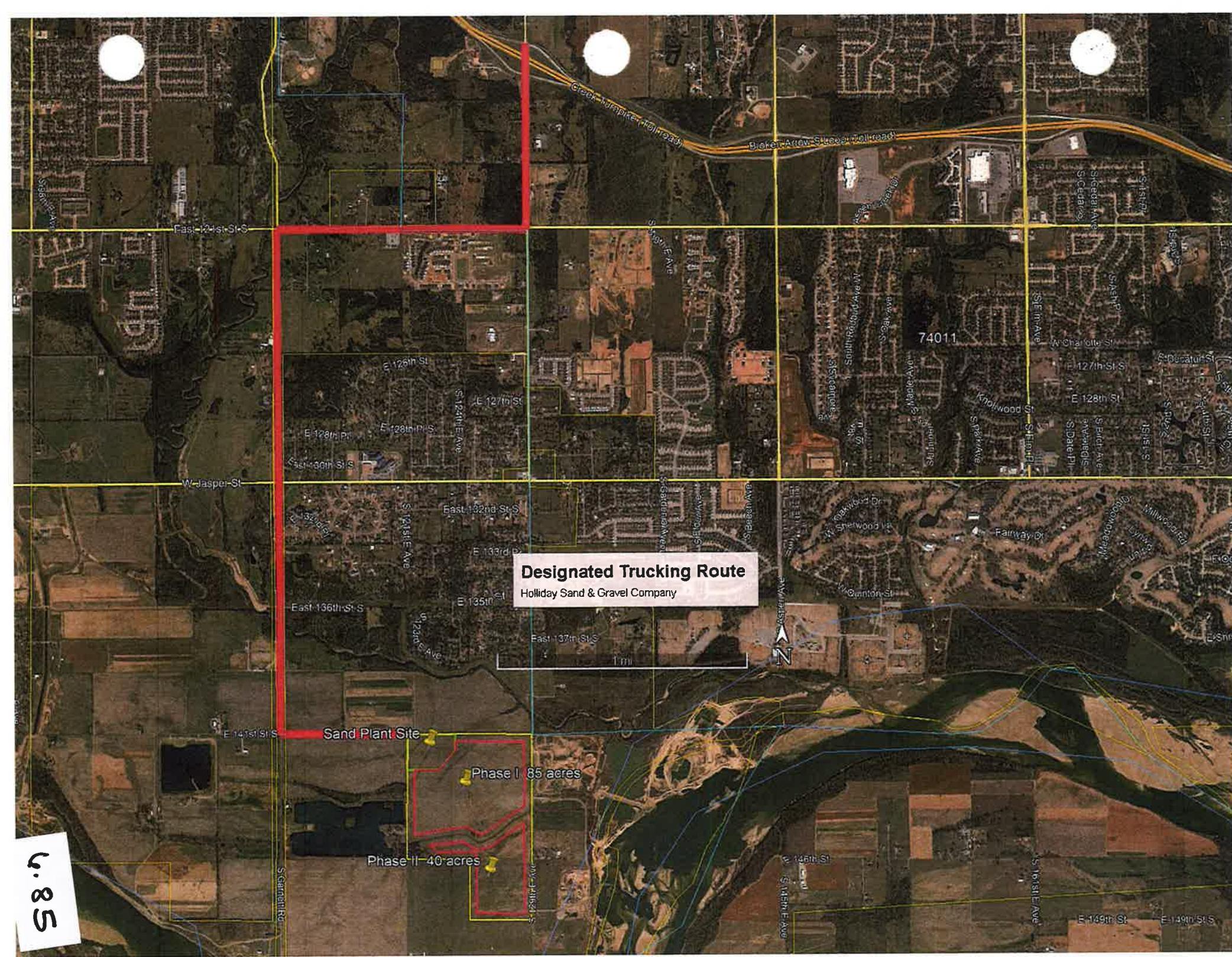
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As a truck operator that wishes to be loaded by Holliday Sand & Gravel Company, I have read these Guidelines, and agree to comply with them as a minimum standard.

Printed Name: _____

Signature: _____

Today's Date: _____



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Holliday Sand & Gravel

Hydraulic Impact Analysis On Haikey Creek

**141st Street South &
129th East Avenue**

**Prepared by:
Meshek & Associates, LLC
(CA 1487 June 30th 2019)**

November 2017

www.meshekengr.com

1437 South Boulder Avenue, Suite 1550, Tulsa, Oklahoma 74119

918.392.5620 fax: 918.392.5621

MESHEK
ASSOCIATES

6.86

Section 1 - Background

Meshek & Associates, LLC was asked to perform the necessary engineering services to determine if there would be an adverse impact to the base flood elevations on adjacent properties if the proposed sand plant operation was implemented on the subject property. The proposed plant location is on the southwest corner of 141st Street South and 129th East Avenue.

This area is completely within the FEMA floodplain and the northern portion is within the designated floodway of Hailey Creek. Therefore, a no rise condition is required by Tulsa County in order to develop within this area.



Figure 1: Vicinity Map

Section 2 - Hydrology

New hydrology was not generated for this study. The flow rates from the existing Flood Insurance Study (FIS) were utilized. This FIS provided known flow rates at the 111th Street crossing. This location is several miles upstream of the project site. The floodway data table was used to estimate the 100-year flow rate at the mouth of Haikey Creek. The floodway data table shows the cross-section area and the average velocity at a specific cross-section. The average of the computed flow rates for lettered cross-sections A and B we used. Once the 100-year flow rate was determined then the known flows at 111th Street were plotted and the other frequency flow rates at the mouth were estimated to match the slope of the plotted curve. The resultant flows are shown in Figure 2.

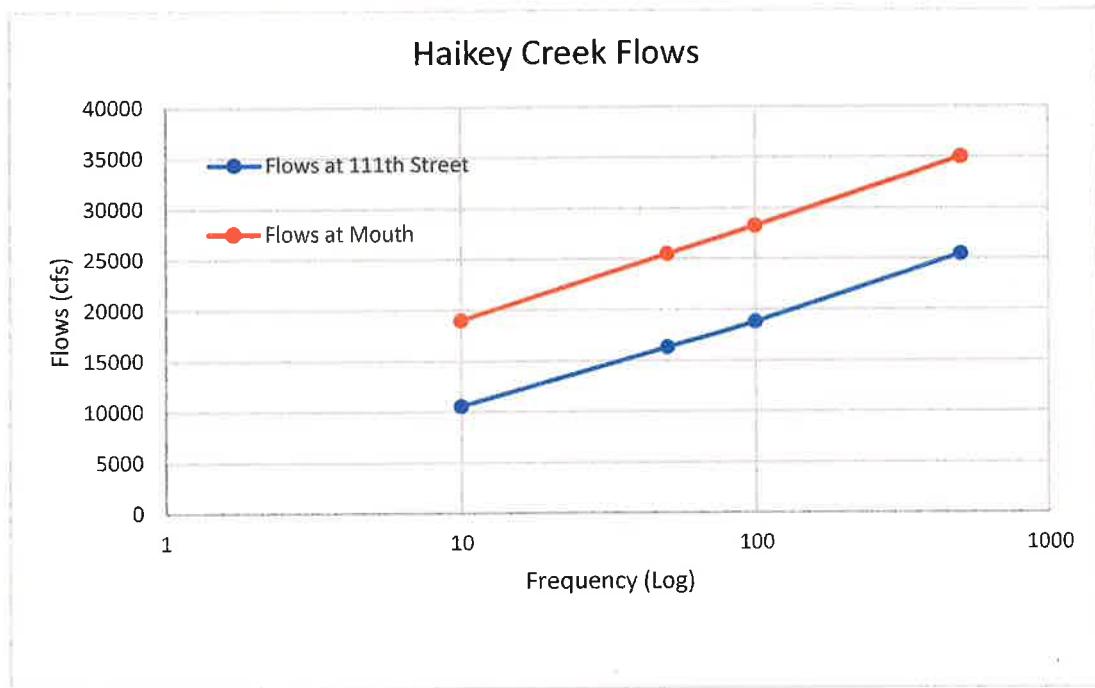


Figure 2: Haikey Creek Flows

Section 3 - Hydraulics

The effective hydraulic model could not be located. None of the surrounding communities have copies of the model. Therefore, a new hydraulic model was created for the reach impacted by the proposed sand plant operations. The available 2-foot contours were utilized to generate the cross-sections for the model. Aerial photographs as well as site visits were utilized to determine appropriate Mannings n-values. The structure under 129th E. Avenue was input into the model using field measurements. Figure 3 shows the existing contours and the locations of the cross-sections used in the modeling. A normal depth condition was used for the downstream boundary condition and a slope of 0.00043 ft/ft was used.



Figure 3: Existing Conditions

The proposed conditions for the site will include an area of excavation as well as an area for the plant operations. Figure 4 show the limits of the excavated area (blue) and the operations area (tan). The operations area was modeled as a blocked obstruction. In reality, there will be a lot of open area in the equipment which will allow for some conveyance. The excavated area was modeled as ineffective flow area. Due to the size of the proposed excavated area, there will be a portion of that area that will convey flow. Both of these assumptions take the conservative approach and will provide the "worst-case" scenario in the determination of any adverse impact. This also allows for flexibility in the actual operations of the plant.

The excavated area was taken down to elevation 580. The operational plan for the excavated area is to keep a buffer of approximately 100 feet from the property line. No dredging would take place within that buffer. This would allow protection to the adjacent roadways. Beginning at the buffer limits,

excavation would take place and a side slope of 3:1 would be maintained on the outer limits. Vegetation would be allowed to cover this slope to provide erosion protection in order to keep the buffer between the excavation and the roadways.

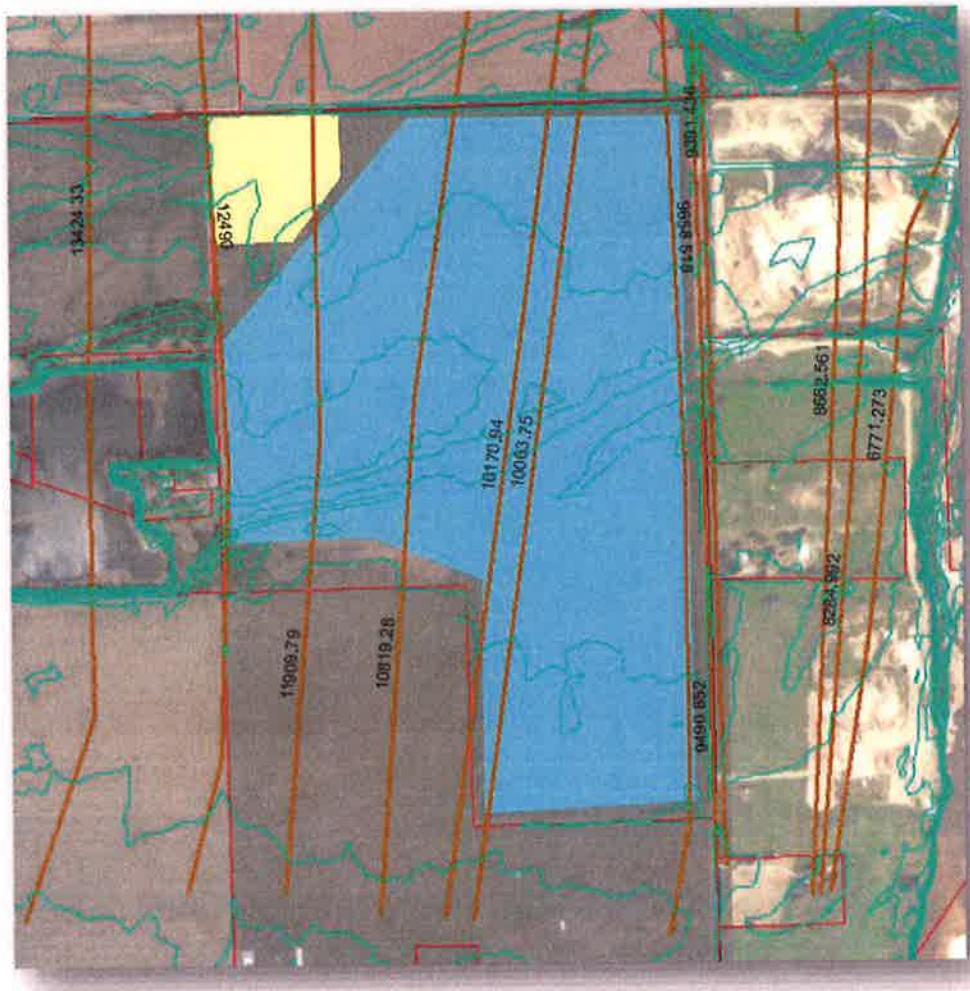


Figure 4: Proposed Conditions

Section 4 - Results

There is no adverse impact to the 100-year water surface elevations on the adjacent properties due to the proposed sand plant operations. There is a slight decrease in elevation (maximum of 0.4 decrease) in the area of excavation. The comparison water surface profile is shown in Figure 5. The average velocity in the overbanks of the stream are close to 2 feet per second. This velocity should not create erosion concerns.

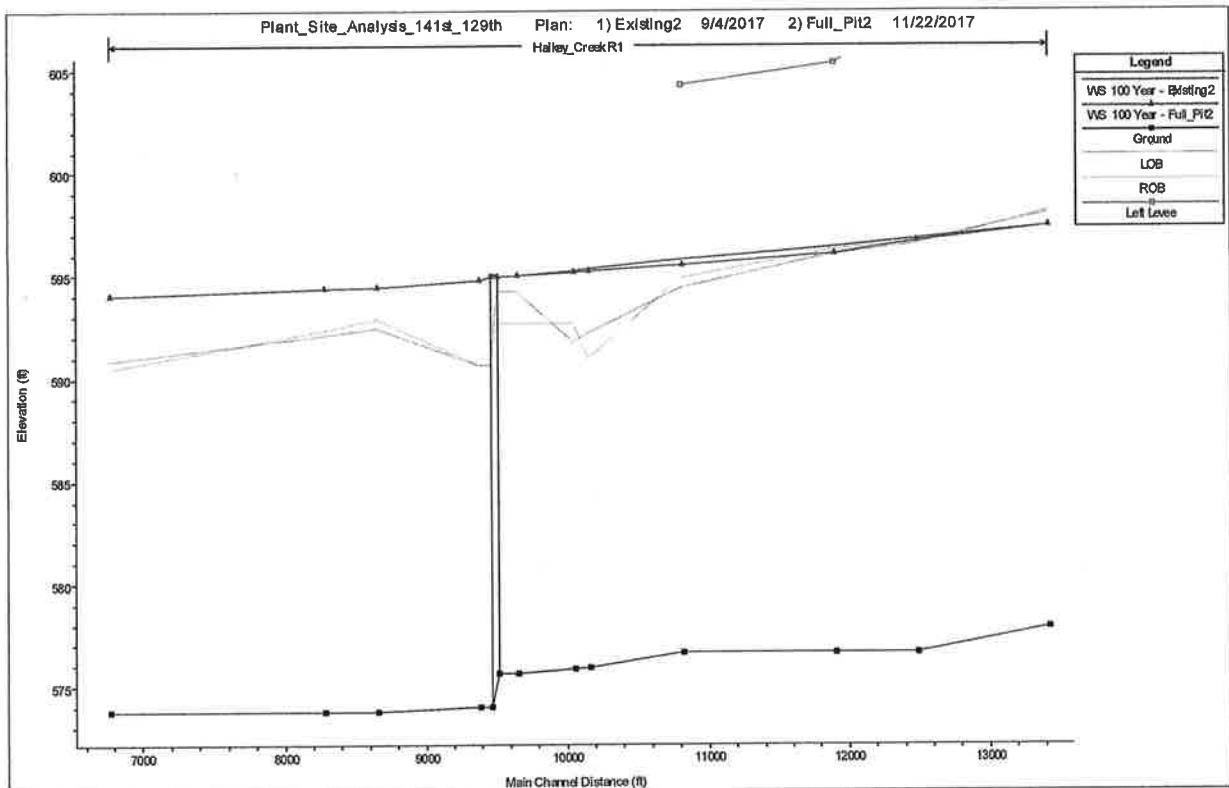


Figure 5: Comparison 100-Year Water Surface Profile

Figure 6 shows a comparison of the cross-sections through the sand plant area. The existing ground is shown in magenta and the proposed ground is shown in black. The green hatched areas are areas that are coded as ineffective flow area.

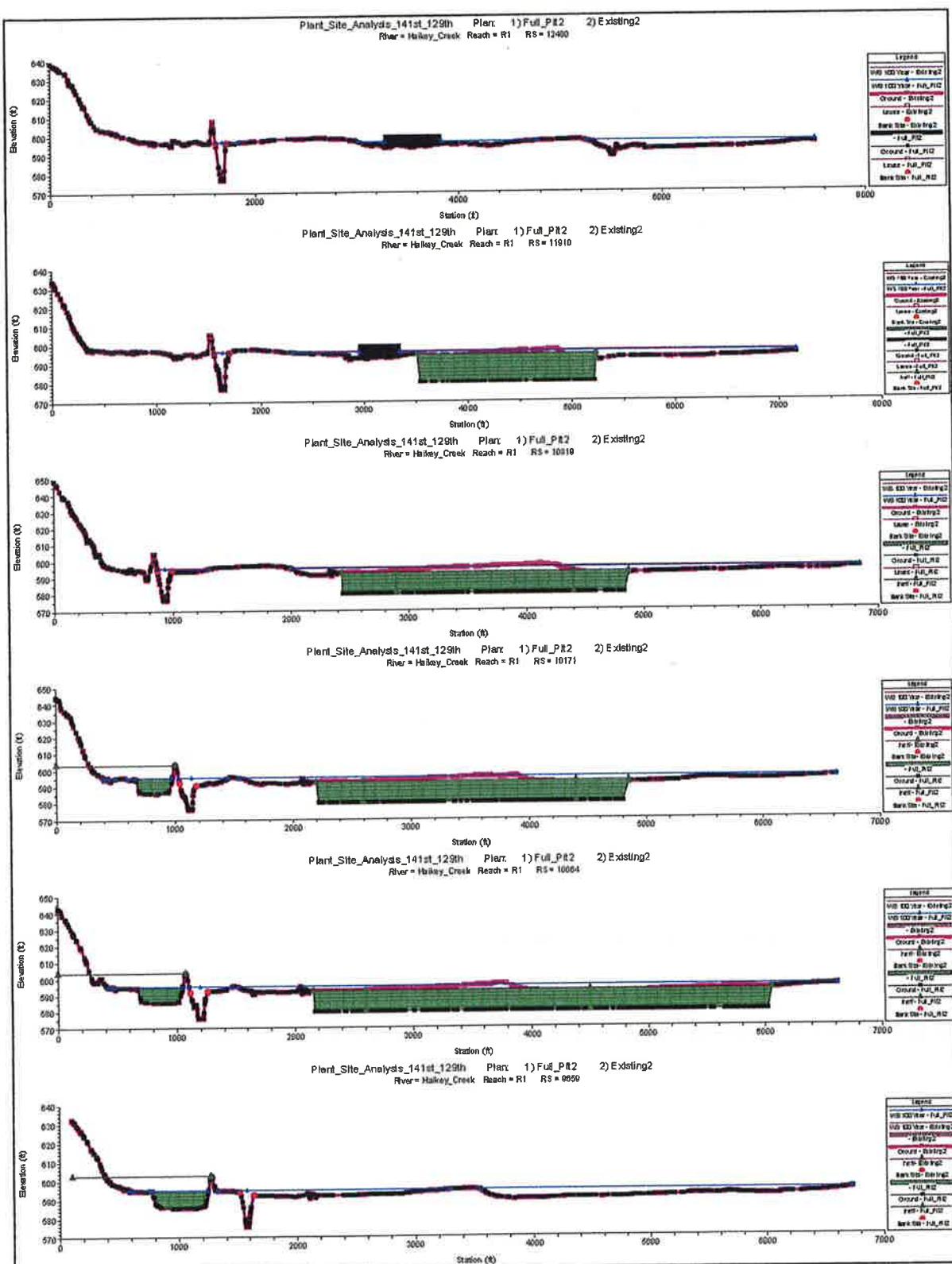


Figure 6: CROSS-section Comparison

6.92

1437 S. Boulder Ave.
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Tulsa, OK 74119
(o) 918.392.5620
(f) 918.392.5621
meshekengr.com

MESHEK
& ASSOCIATES, LLC

Proposed Project: Holliday Sand & Gravel Company – 141st Street Sand Pit

Potential Filling and Percolation of Pits

Tulsa County voiced a concern regarding the potential filling of the sand pits with water and the possibility of not being able to continue operations during the time that the pits would be filled. Also, if the pits filled up, would there be an adverse impact on the adjacent roadways due to under seepage into the roadway base.

Several geotech bores were conducted in the area and the soil profiles from those samples were reviewed. The northern pit consists of layers of silt (top 8.5'), clay (8.5'-13'), and sand (down to 20') down to groundwater. The southern pit has silty clay (top 9') down to groundwater. Most of these soil profiles allow for water movement easily.

The next item to consider was the amount of off-site water that would enter the pits during a rain event. Obviously, if Hailey Creek is in a flood condition there would be a significant amount of water in the area and there could be a delay in operations. Due to the size of the Hailey Creek watershed, there is some lead time before the crest of the flood arrives so equipment could be relocated if needed. The local basins that would drain to this area is approximately 770 acres. To determine the amount of excess runoff there would be in a 100-year event, a rainfall-runoff model was created. The composite curve number for the local basin is 65. The model showed that in a 100-year rainfall event, there would be approximately 303 acre-feet of excess runoff. Even though some of this runoff would bypass the pits via the existing channel that is going to be left in place, for this analysis, it was assumed that all the excess would enter the pits. The 2 pits are approximately 125 acres. Therefore the 303 acre-feet of excess runoff would only get 2.4 feet deep. The depth down to groundwater in the northern pit is approximately 20' and the depth to groundwater in the southern pit is approximately 10'.

Therefore, runoff from the local basin should not impact the operations of the sand pit because the depth of inundation will be small.

For the potential impacts on the roadway, when the pits are fully excavated, there will not be an issue because the water depth would be well below the roadway elevation. Initially when the site begins operations, the pits will be much smaller. Therefore, to mitigate any potential impacts, it is recommended to not begin excavation near the adjacent roads. This will allow enough capacity to be obtained to hold the excess runoff before standing water would be adjacent to the roadways. That would require either 20 acres at least 15' deep, 40 acres at least 7.5' deep, or 60 acres at least 5 feet deep prior to excavating near the road. There will also be a 50' buffer adjacent to the statutory ROW, which will also mitigate any potential adverse impacts.

Chris D.
Chris Duncan
Meshek & Associates, LLC



6.93



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290

June 22, 2018

Regulatory Office

Mr. Clint Porter
Blackbird Environmental, L.L.C.
P.O. Box 720100
Norman, OK 73070

Dear Mr. Porter:

Please reference your correspondence dated May 23, 2018, concerning the proposed Holiday Sand & Gravel mining operation. The proposed project is located in Section 17, Township 17 North, Range 14 East, near Tulsa, in Tulsa County, Oklahoma. We have reviewed the submitted data relative to Section 404 of the Clean Water Act (CWA).

Your proposal is not subject to regulation pursuant to Section 404 of the CWA, and a Department of the Army (DA) permit will not be required. Should your method of construction necessitate such a discharge into jurisdictional water, we suggest that you resubmit that portion of your project so that we may determine whether an individual DA permit will be required.

This No Permit Required determination does not address nor include any consideration for geographic jurisdiction on aquatic resources and shall not be interpreted as such.

Although Section 404 of the CWA authorization is not required, this does not preclude the possibility that a real estate interest or other Federal, State, or local permits may be required. If you desire to complete a "Customer Service Survey" on your experience with the Corps Regulatory Program, you are invited to visit http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey on the internet at your convenience and submit your comments.

Your project has been assigned Identification Number SWT-2018-00344. Please refer to this number during future correspondence. If further assistance is required, contact Ms. Eva Zaki-Dellitt at (918) 669-7009.

Sincerely,

Andrew R. Commer
Chief, Regulatory Office

6.94



RECEIVED
JUN 05 2018

Oklahoma Archeological Survey

THE UNIVERSITY OF OKLAHOMA

May 29, 2018

Chet Hiatt
Triad Environmental Services
Geological Engineering Solutions for Today's Environmental Concerns
PO Box 1507
Pittsburg, KS 66762

Re: Holliday Sand and Gravel Company Propose Sand Dredge Operation.
Legal Description: E ½ of Section 17, T17N. R14E, Tulsa County, Oklahoma.

Dear Mr. Hiatt:

The Community Assistance Program staff of the Oklahoma Archeological Survey has reviewed the above referenced project in order to identify areas that may potentially contain prehistoric or historic archeological materials (historic properties). The location of your project has been crosschecked with the state site files containing approximately 23,000 archaeological sites, which are currently recorded for the state of Oklahoma. No sites are listed in your project area, but based on the topographic and hydrologic setting of your project, archeological materials are likely to be encountered. An archaeological field inspection is considered necessary prior to project construction in order to identify significant archaeological resources that may exist in the project area. This review has been conducted in cooperation with the Oklahoma SHPO. Please contact this office at (405) 325-7211 for additional information.

This environmental review and evaluation is done in cooperation with the State Historic Preservation Office, Oklahoma Historical Society. The responsible federal agency or their official delegate must also have a letter from that office to document consultation pursuant to Section 106 of the National Historic Preservation Act.

In addition to our review comments, under 36CFR Part 800.3 you are reminded of your responsibility to consult with the appropriate Native American tribe/groups to identify any concerns they may have pertaining to this undertaking and potential impacts to properties of traditional and/or ceremonial value.

Sincerely,

Paig A. Todd
for Christina L. Stewart
Staff Archaeologist

Kary L. Stackelbeck
Kary L. Stackelbeck
State Archaeologist

: brb
cc: SHPO



[ATTACHMENT]

DEQ STORM WATER DISCHARGE PERMITS AND SECTION 106

The Oklahoma Department of Environmental Quality has issued its new storm water discharge permit application and instructions. Before your agency/firm submits a request for review to the State Historic Preservation Office or the Oklahoma Archeological Survey, please carefully review the permit requirements with special attention to "Part XI. Historic Preservation" (reprinted below). Information about DEQ's new permit is at: <http://www.deq.state.ok.us/WQDnew/stormwater>. Click on "Final Construction General Permit [OKR 10]".

Part 10. Historic Preservation

The Environmental Protection Agency has determined that the Oklahoma Department of Environmental Quality's NPDES permitting activities are not Federal undertakings and, therefore, are not subject to review under Section 106 of the National Historic Preservation Act. However, applicants and permittees must comply with the State Antiquities Act (Title 53, Chapter 20, Section 361) where applicable and the Burial Disturbance Law (Title 21, Chapter 47, Sections 1168.0-1168.6), as well as with any applicable local laws concerning the identification and protection of historic properties.

Applicants and permittees who may receive Federal funding or other Federal assistance in the completion of their projects must be aware that compliance with Section 106 of the Act may apply. For information about the Section 106 review process in Oklahoma, Oklahoma properties listed on or eligible for the National Register of Historic Places, and related topics, contact:

State Historic Preservation Office
Oklahoma Historical Society
800 Nazih Zuhdi Drive
Oklahoma City, OK 73105
405/521-6249

Oklahoma Archeological Survey
111 East Chesapeake
Norman, OK 73019
405/325-7211

6.96

Triad

From: Chet Hiatt <triad-es.com>
nt: Thursday, July 19, 2018 3:52 PM
o: Michael R. Odell
Subject: Archeological Field Survey

Mike,

Learned through another project on Oklahoma.

“The EPA has determined that DEQ’s NPDES permitting activities are not Federal undertakings and, therefore, are not subject to review under Section 106 of the National Historic Preservation Act. However, applicants and permittees must comply with the State Antiquities Act (Title 53, Chapter 20, Section 361) where applicable and the Burial Desecration Law (Title 21, Chapter 47, Section 1168.0-1168.6), as well as with any applicable local laws concerning the identification and protection of historic properties.”

I believe no survey will be required at McCutchin.



ENVIRONMENTAL SERVICES

GEOLOGICAL ENGINEERING SOLUTIONS FOR TODAY'S ENVIRONMENTAL CONCERNS
P.O. BOX 1507 • PITTSBURG, KS 66762 • (620) 231-5660 • FAX (620) 231-5661
triad@triad-es.com

May 21, 2018

Ms. Kerry Stackelbeck
Oklahoma Archeological Survey
111 East Chesapeake, Bldg. 134
Norman, Oklahoma 73019

Re: Inquiry relative to possible sensitive sites.

Dear Ms. Stackelbeck,

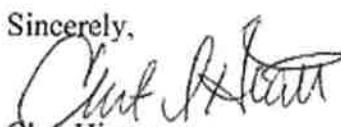
On behalf of our client, Holliday Sand & Gravel Co., Triad Environmental Services would very much appreciate an official opinion as to whether or not any known, historically sensitive sites exist in an area intended for storm water discharge.

Holliday Sand & Gravel Co. is proposing a sand dredging operation in the E/2 of Section 17, Township 17N, Range 14E in Tulsa County. The quarry will operate for about 30 years.

Return of your opinion by email triad@triad-es.com or fax to 620-231-5661 will be greatly appreciated.

Triad appreciates your cooperation in the effort to protect Oklahoma's heritage.

Sincerely,


Chet Hiatt
Triad Environmental Services

6.98



GEOLOGICAL ENGINEERING SOLUTIONS FOR TODAY'S ENVIRONMENTAL CONCERNS
P.O. BOX 1507 • PITTSBURG, KS 66762 • (620) 231-5660 • FAX (620) 231-5661
triad@triad-es.com

May 21, 2018

Oklahoma Ecological Services Field Office
U.S. Fish & Wildlife Service
9014 E. 21st St.
Tulsa, Oklahoma 74127-8909

**RE: Potential Stormwater Discharge
Request for Determination of No Adverse Impact**

Dear Mr. Stubbs,

Our client, Holliday Sand & Gravel Co., is filing a Notice of Intent to be covered by General Permit GP-005A for stormwater discharges from their facility in Tulsa County, Oklahoma. The legal description of the property is the E/2 of Section 17, Township 17N, Range 14E in Tulsa County, Oklahoma. (Please refer to the attached map).

As part of that process and since the facility is located within one mile of the mainstream of the Arkansas River, Triad is seeking a concurrence from the Service with Triad's determination of no adverse impact or jeopardy to threatened or endangered species by infrequent stormwater discharges from the site.

The proposed activity is a sand dredging operation that, including stockpiles, will be contained in a sub-surface pit. Stormwater will flow away from or into the active portion of the site and any rain falling on the footprint of the active portion will be incorporated into the surface water through which the sand is recovered.

Triad is including a general location map and a portion of the site map. The map indicates that the berm directs storm water contacting the active portion of the mine into the open pit. Very little runoff leaves the site.

Your earliest convenient review of this request is appreciated.

Please call Triad with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chet Hiatt".

Chet Hiatt
Triad Environmental Services

6.99



GEOLOGICAL ENGINEERING SOLUTIONS FOR TODAY'S ENVIRONMENTAL CONCERN
P.O. BOX 1507 • PITTSBURG, KS 66762 • (620) 231-5660 • FAX (620) 231-5661
triad@triad-es.com

May 21, 2018

Ms. Melvena Heisch
State Historical Society
800 Nazih Suhdi Drive
Oklahoma City, OK. 73105

Re: Inquiry Relative to Sensitive Sites

Dear Ms. Heisch,

On behalf of our client, Holliday Sand & Gravel Co., Triad Environmental Services would very much appreciate an official opinion as to whether or not any known, historically sensitive sites exist in an area intended for storm water discharge. The legal description of the property is the E/2 of Section 17, Township 17N, Range 14E, in Tulsa County, Oklahoma. (Please refer to the attached map).

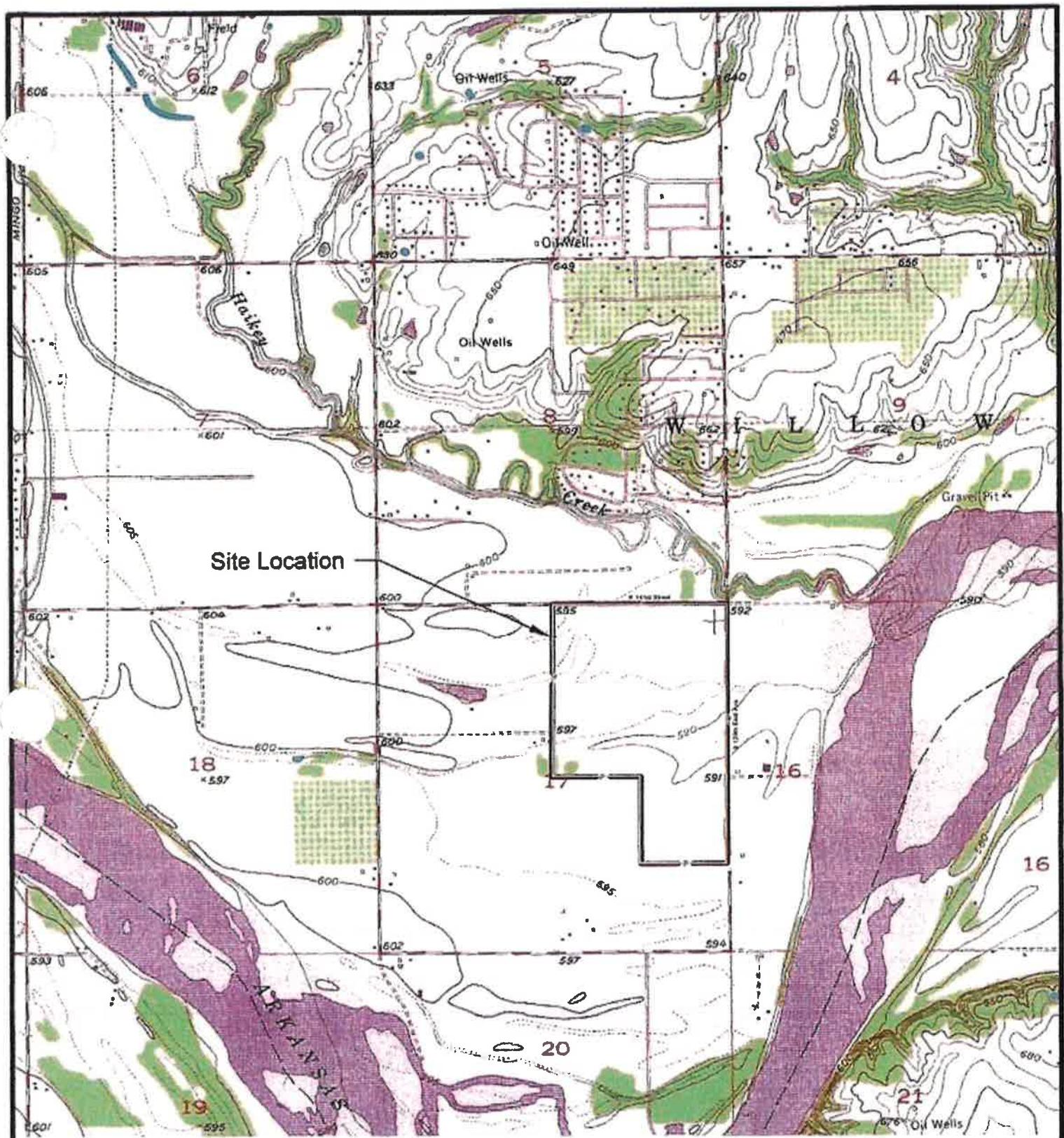
Triad appreciates your cooperation in the effort to protect Oklahoma's heritage.

Sincerely,

A handwritten signature in black ink, appearing to read "Chet Hiatt".

Chet Hiatt
Triad Environmental Services

6.100



Section 17, Township 17 North, Range 14 East

Tulsa County, Oklahoma

±200 Acres

Portion of the Leonard Quadrangle

7.5 Minute Series (TOPOGRAPHIC)

JSGS

Scale

1,000' 0 2,000'

X:\Triad Projects\6B-21\McCutchin Dredge Pit.dwg(Gen Loc.)

Holliday Sand & Gravel

McCutchin Dredge Pit

General Location Map

Drawn by	Date	Triad Environmental Services P.O. Box 1607 Prattburg, KS 66752 FAX 211-0009 F 323-2314 M/F
MG	01/2018	

6.101



September 10, 2019

Tulsa County Board of Adjustment
500 South Denver Avenue
Tulsa, Oklahoma 74103

INCOG
c/o Robi Jones, Community Planner
2 West Second Street, Suite 800
Tulsa, Oklahoma 74103

Subject: CBOA-2769 Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224) in an AG District (Section 310, Table 1)

Dear Board Members:

On behalf of the City of Broken Arrow, I am providing comment on the above-referenced request for a Special Exception by Holliday Sand & Gravel for a sand mining operation scheduled to be heard by the Tulsa County Board of Adjustment on Tuesday, September 17, 2019 at 1:30 p.m.

The City of Broken Arrow's objections to this request are summarized as follows:

- The project site of this request is within the City of Broken Arrow fenceline and may potentially be annexed into the city limits.
- The proposed mining and processing of raw materials use is not in conformance with the City of Broken Arrow Comprehensive Plan because it is in an area that is designated as Greenway/Floodplain.
- The City of Broken Arrow zoning districts in which the proposed use is permitted are not in conformance with the City of Broken Arrow Comprehensive Plan designation of Greenway/Floodplain.
- The site of the proposed sand mining operation is partially within a floodway and partially within a floodplain. The City of Broken Arrow does not permit development within a floodway or floodplain other than flood-tolerant land uses as cited in Section 25-317 (Stormwater Management Program) of the Broken Arrow Municipal Code (including parks, open space, golf course, parking lot, agricultural uses, and regional detention facilities).

- A Specific Use Permit is required for approval of mining and processing of raw material uses in the City of Broken Arrow. It is not likely that a Specific Use Permit request would be supported, should this property be annexed into Broken Arrow, given that the use is not in conformance with the Zoning Ordinance, Comprehensive Plan, and the Stormwater Management Program.
- The proposed 50 to 100 sand truck trips per day will impact the safety, noise and quality of life of Broken Arrow residents.

The subject property is located in an unincorporated area of Tulsa County that is within the fenceline of the City of Broken Arrow. As such, there is potential that this property may be annexed into the city limits in the future. The City is concerned that properties within the fenceline are not in conformance with the City of Broken Arrow Zoning Ordinance and the Future Development Guide of our Comprehensive Plan.

The Broken Arrow Zoning Ordinance allows the mining and processing of raw materials in Agricultural (A-1) and Industrial Heavy (IH) zoning districts with approval of a Specific Use Permit. The City of Broken Arrow uses a Land Use Intensity System (L UIS) to classify properties in the Future Development Guide that includes seven (7) levels of land use intensity. The LUIS system designates which zoning districts are allowed in each level to be in conformance with the Comprehensive Plan. According to the LUIS system, A-1 zoning is in conformance in Level 1, and IH is in conformance in Level 7. In addition to the seven (7) levels are land use areas designated as Greenway/Floodplain, Public Recreation, Private Recreation, and Public/Semi Public. The property that is the subject of this Special Exception request is designated as Greenway/Floodplain on the Future Development Guide. The proposed mining and mineral processing use on this site would not be in conformance with the Comprehensive Plan in the Greenway/Floodplain designated area.

The Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), indicates that a majority of this property is a floodway area and other portions of the site are in floodplain (see FIRM, Flood Insurance Rate Map Number 40143C0454L). Areas that are designated as floodway and floodplain within the City of Broken Arrow are zoned Floodplain District (FD) and are designated as Greenway/Floodplain in the Comprehensive Plan. Further, the proposed sand mining use is not designated as a permitted use outlined in the Stormwater Management Program (Section 25-317) of the Broken Arrow Municipal Code. Only flood-tolerant land uses such as parks, open space, golf course, parking lot, agricultural uses and regional detention facilities may be permitted in areas designated as floodway or floodplain. Therefore, the proposed sand mining use is not in conformance with the Zoning Code, the Comprehensive Plan, or the Stormwater Management Program. In its definition of the term floodway, the Oklahoma Water Resources Board (OWRB) states that most communities allow no development in these areas (<https://www.owrb.ok.gov/floodplain/definitions.php>).

The City of Broken Arrow has safety and quality of life concerns due to the increased truck traffic that the proposed sand mining operation will have on residents and on our community. According to the information provided in the application packet, an average of 50 truck trips and a maximum of 100 truck trips per day will be travelling on Broken Arrow

roadways, namely S. Olive Avenue (129th E. Avenue) and Tucson Street (121st Street), should this request be approved. Both roadways are two-lane roadways in this section of Broken Arrow. The additional volume of semi-truck traffic will increase the already-existing impact of sand mining operations on local traffic and roadways and increases concerns related to safety, noise and quality of life.

For these reasons, we have concerns that this Special Exception request is not in conformance with the Comprehensive Plan, has potential adverse effects on public safety and quality of life, and has potential adverse effects on proximate land uses, specifically, those on the City of Broken Arrow and within its fenceline. For these reasons, we recommend that the request be denied.

Sincerely,



Larry R. Curtis
Director of Community Development

Cc: Ron Peters, Tulsa County Commissioner

LRC/jmw

6.104

Jones, Robi

From: ljbeck@reagan.com
Sent: Friday, September 6, 2019 3:24 PM
To: Jones, Robi
Subject: Case Number CBOA-2769. Rezoning SW Corner of East 141st S & South 129th E Ave

Subject: Case Number CBOA-2769. Rezoning SW Corner of East 141st S & South 129th E Ave

Dear Ms. Jones:

We have just been made aware by a community member of this rezoning project with Holiday Sand. We have been notified neither by the company nor the county of this plan that routes additional truck traffic by our driveway entrance. Garnett Road South of 131st is narrow and already has more truck traffic than it can handle. Our drive is north of the narrow Haikey Creek Bridge at 136th St S and is blind to the south which results in a dangerous intersection which will only become more dangerous with additional traffic. This project needs to be postponed until all these issues are addressed and solutions are established. Mr. Peters has informed us that you only have to notify property within a 300 ft. radius about these plans. This plan affects a lot of people in regards to the road not just one house in the 300 ft. radius. I look forward to your response and better communication from Tulsa County in the future. Thank you for your time.

Sincerely, Stephen Beck

Jones, Robi

From: Leslie D <davislk26@gmail.com>
Sent: Friday, September 6, 2019 9:26 AM
To: Jones, Robi
Subject: Proposed Holliday sand mine concerns - Case # CBOA-2769

Good morning Robi,

I am writing to you as a concerned parent and resident. The proposed Holliday sand mine at 141st and Olive will include a truck route which passes directly in front of my neighborhood, Shadow Trails. There is already a sand mine nearby, with a high volume of semi trucks passing through the 121st and Olive intersection daily. I personally have witnessed these trucks not stopping at stop signs, driving erratically, crossing over yellow lines, and swerving all over the road. To add another sand mine nearby would be insanity.

My son just began kindergarten and boards the bus directly on 121st St. He is not yet the best at looking for cars while crossing the street, despite my best efforts to teach him. I fear that one of these semi trucks will not stop one day and that could be catastrophic. We do not need a parade of trucks passing by every single day, making it even more difficult to get through traffic on these one lane roads. Traffic has already increased significantly at the 121st and Olive intersection, particularly during rush hour, when these trucks would be operating.

For the sake of our children's safety, the peacefulness of our community, the quality of our already poor roads, and the nearby land which is prone to flooding, please do not let an outside company come in and change our community forever. The company is not even based in Oklahoma.

I beg you, do not let this sand mine proposal pass. I cannot be at the meeting Sept 17th because I work, so please accept this letter as my disapproval of this plan. I truly hope you will think about the repercussions of this proposal and choose to keep your OK residents safe.

Sincerely,
Leslie Davis
918-568-9116

Jones, Robi

From: Jeri Townsend <jeritownsend@cox.net>
Sent: Thursday, September 5, 2019 4:53 PM
To: Jones, Robi
Subject: Concerns near my neighborhood

Hello Ms. Jones.

I live off of 121st and 129th E. Ave and found out that the large sand semi sized trucks will be permanently coming beside our neighborhood.

The turn north from 121st is a dangerous one and twice today there were near accidents with two trucks. This morning a truck nearly ran the stop sign and almost hit a vehicle which would have in turn hit me and on my return home a family had to rapidly back up to prevent from behind hit by a turning truck.

The intersection is fine for trucks traveling straight down 129th (Olive) from 131st to the highway; however, there have been near misses since they have been traveling down 121st from Garnett trying to make the turn.

Another concern, last week a truck had trouble stopping when a parent went to drop their child off at the edge of the neighborhood which could have been horrific. Small children are sitting out there by themselves waiting on the bus or getting off in the afternoons. I am not sure with buses not actually entering the neighborhood how safe having those trucks constantly driving past these children will be. They kick up rocks and bounce out sand all the time and hitting a waiting child could end in a terrible event.

I believe keeping the trucks running down 131st to 129th and over to the highway is a better plan. Or maybe the company would prefer to save money and send the trucks down 151st to Highway 75 instead of paying the toll.

Either way, 121st and 129th intersection needs to be widened and a light placed and some protection for the children needs to be placed by the company or city to protect these children from flying debris.

Please feel free to contact me any time.
918-232-2292

Jeri Townsend

Jones, Robi

From: Elizabeth Holleyman <thepassionateflea@yahoo.com>
Sent: Saturday, September 7, 2019 9:07 AM
To: Jones, Robi
Subject: CBOA-2769

Dear Ms. Jones,

I am writing in regards to the above referenced CBOA-2769, which is the case for a hearing regarding an application by Holliday Sand and Gravel, LLC for a proposed sand plant located south of the Broken Arrow city limits.

I have several concerns about the designated truck routes that Holliday Sand and Gravel, LLC is indicating on their application. The routes of concern are the use of East 121st S (W Tucson St) from the intersection at Garnett to South 129th East Avenue (South Olive Avenue). The road on this route is a narrow, two lane road with a no passing zone and a 40 mph speed limit.

The Shadow Trails neighborhood is on the south side of W Tucson on this stretch of the proposed truck route. It lies within the Bixby School District and busses stop at locations along the road to load and unload children in front of the neighborhood, rather than entering the neighborhood itself. Large trucks hauling heavy loads of sand cannot stop easily for a school bus.

Holliday Sand and Gravel, LLC states that sand trucks will access the turnpike by turning at the intersection of W Tucson and S Olive. This four-way stop intersection is extremely tight, with deep culverts on three sides. Large trucks have difficulty navigating the turns at the intersection and it is common to have traffic blocked in all directions when a truck is stuck in the ditch because it couldn't make the turn. Already there are portions of the road which are caved in and damaged due to large trucks getting their wheels stuck in the turn. Also, consider the proximity of a small golf course with greens right near the intersection, possibly putting golfers at risk should a truck fail to navigate the turn.

This particular intersection sees heavy traffic during peak rush hours of the day. At this time there are already dozens of sand trucks that travel daily through the intersection of Olive and Tucson, all of them going north to the turnpike and back south to another sand plant. If one adds the minimum of 50 additional trucks (and a maximum of 100) per day coming to and from the turnpike through that same intersection, the congestion at a busy four-way stop and the likelihood of even more trucks in the ditch will increase, thus making an already heavily traveled area more congested.

I am asking that you carefully consider the implications that such a proposed route for sand trucks will have for the infrastructure of this area. To have a maximum of 100 trucks per day, 5-6 days a week crowd an already heavily traveled section of road that has two narrow intersections will be dangerous.

Sincerely,

Elizabeth Holleyman
4007 W Tucson PI
Broken Arrow, OK 74011
(405) 471-1445

Jones, Robi

From: RT Clayton <claytonsathome@gmail.com>
Sent: Sunday, September 8, 2019 3:19 PM
To: Jones, Robi; esubmit
Subject: Fwd: Case Number: CBOA-2769

This letter is in reference to CBOA- 2769 - Holliday Sand's proposal to put in a **SAND PLANT in AG ZONED land and literally STRIP MINE some of the best agricultural land in the area** South of 141st between Olive and Garnett. Their plan is to direct 100+ trucks up Garnett, in order to NOT ADD TO the nuisance we already have on Olive from the 100+ trucks coming and going to Watkins and Anchor Sand Companies. Let me be clear...this means DOUBLE the number of semi-trucks using Olive AND Garnett 5.5 days a week. Don't let them tell you it will be just dump trucks, the majority of the trucks coming and going to Watkins and Anchor quarries are full sized 18 wheel SEMIs. Additionally, the claim of 100 trucks a day is not true. The true number is closer to 200 or more. I would apologize for the length of this email, but there are just THAT many reasons why this is a bad idea.

1. There is **NO shortage of sand**, as they are suggesting in their proposal, the river is still full of it, the pile at Watkins so HIGH vegetation is growing on it, Anchor has an equally high stash at Delaware. **There are already 4 quarries between Mingo and Olive along 141st and South**, hauling more than 100+ truckloads now. There is **NO need to STRIP MINE precious AG LAND**. Once that is gone, it's GONE and we all know they will NOT stop at one small section. The sand companies can't really tell these trucks which roads to take - the easiest route for them is up Olive.

2. **NOISE:** There is **no way to reduce the noise or dust** that will float over to us because there is no tree line on Haikey Creek anymore. Some Hickory Hills residents already have respiratory issues due to the dust from existing quarries. The dust will also decrease the life of our HVAC units. We experienced a bit of this when the temporary work to widen Haikey Creek was being done. We moved out here 10 years ago because there was nothing but sod farms and ag land South of Hickory Hills. We wanted raise our kids away from the traffic and noise of the city, but with close access to work and amenities. It was SUCH a great area to live. Then the BOA gave Watkins (I believe it was under Holliday Sand at the time) the exception to open another quarry and they have destroyed our quality of life. I have a beautiful wrap around porch and I can't even enjoy a cup of coffee out there in the morning because of the noise. There is no longer a tree line along Haikey Creek, due to the need to remove it for the flood management upgrades done last year, which we are truly grateful for. I'm not sure how they can silence a dredger and other industrial equipment in an open air environment. Ask Bentley Village residents how well the noise reduction attempts at Watkins quarry have worked for them. Where is the UNBIASED noise abatement study? Where are the protections that the residents should lawfully be given?

3. **ALL of the SAME promises** Holliday gave when the Watkins quarry was established. Which are **ALL UNENFORCEABLE!** **NONE of the conditions put on the Watkins quarry have any teeth**, per the County Commissioner, they can only send a letter saying "don't forget the conditions" so any conditions put on this new operation will not have any consequences either!

4. **This will also adversely affect the safety and the traffic flow around Bixby Northeast Elementary/Intermediate located between Olive and Garnett at 131st Street South (close to 1000 students!).** Most of the parents and buses use Garnett to get to and from Bixby Northeast and a lot of these parents also

circle around to Olive and get stuck in a $\frac{1}{2}$ mile or longer line of traffic going North intermingled with multiple trucks during drop off and pickup times.

5. We already have to deal with several hundred semi-trucks a day on Olive, which continues to be a public safety issue. These are 2 lane county roads with NO shoulders that were not built for this purpose, not only are there no shoulders, the sides are literally breaking off. The sand companies CANNOT promise these trucks will take one road over another. The path of least resistance for a loaded SEMI is Olive...this WILL increase the truck traffic on Olive, despite what their proposal says. Truck drivers regularly drive over the centerline and this has resulted in numerous trucks running residents off the road, striking vehicles or over-correcting, flipping over and blocking the road. If they go up Garnett it could potentially run a significant number of trucks right through the heart of Hailey Creek Park which is a 30mph zone because people walk across between the sections of the park. If they go up Garnett and turn East 121st to Olive, this will MERGE all of these trucks at an intersection that is known for semi's jack-knifing. Broken Arrow Police, Tulsa County Sheriff, and Oklahoma Highway Patrol have to shut down this intersection due to jack-knifed semis a few times a year as it is, when delivery trucks make the mistake of trying to turn right.

5. There will be no "alternate" route for the residents. This onset of industrial traffic will impede the flow of traffic for everyone, including school buses, getting to and from the school 10 months out of the year. I witnessed THREE dump trucks speeding through the school zone just the other morning. I called both Broken Arrow and Bixby police to report the speeding trucks, but of course, they were long and the response time for any law enforcement to this area is quite a bit longer than in the city limits. For the past few years, we have used the back exit to our neighborhood and gone out by the school to Garnett to avoid the bullying trucks on Olive. This will no longer be an option and everyone South of 111th will be FORCED to travel these narrow roads with HUNDREDS of trucks that I can guarantee will not follow any sort of neighborly conduct, because the ones on Olive haven't followed it for years (except for the 2 weeks prior and after a new proposal goes before the BOA, then they watch their P's and Q's until the sand companies get more permits). **It feels like we live in an industrial area already!**

6. There has always been confusion and delay on who has jurisdiction when we do have issues with trucks. Tulsa County Sheriff and OHP don't want to police South of 131st and I RARELY see a Bixby or Broken Arrow police officer on Olive or Garnett between 131st and 111th. It's a "not me" scenario when residents call to ask for help and if they do come, it takes an hour for the Sheriff's department to respond. I (Tiffany) personally was bullied by one of the sand trucks on Olive just a couple of months ago. The truck was dropping sand on my vehicle and since my windshield already looks like a series of constellations, I tried to pass him in the only legal passing area on Olive. The trucker intentionally crossed the center line and nearly side-swiped me. Thankfully my kids weren't in the car with me! That's just one of hundreds of times we've had issues with trucks on Olive and every resident out here has their own set of stories. This WILL BE the same experience on Garnett.

This is a continuing Public nuisance/Public Safety issue, there are way too many subdivisions and more development going in along Garnett out here now to allow such industrial traffic. The county just paid for a brand-new waterline to be installed all the way South of 131st street, which I assumed that was to add more subdivisions down Garnett. Broken Arrow and Bixby are BOTH growing in this area.

We are imploring you to deny this permit, it's the right thing to do for NE Bixby AND SW Broken Arrow. This is not the "the country" any more, it's suburbia. The river goes on for miles and it's full of SAND, Holliday owns 2 or 3 of the 6 or 7 quarries that I found on the map, so they aren't hurting for resources.

Here is a link to a Vimeo folder of videos I have on the current trucks on Olive and **noise** at the Watkins quarry that is just across the street from the proposed land. <https://vimeo.com/manage/folders/932105>

Sincerely,
Ron and Tiffany Clayton
Hickory Hills Subdivision

Jones, Robi

From: Gary and Karen Williams <okiewilliams@gmail.com>
Sent: Sunday, September 8, 2019 4:08 PM
To: rpeters@tulsacounty.org; Jones, Robi; esubmit; mspurgeon@brokenarrowok.gov
Subject: RE: CBOA-2769
Attachments: 20190908_152714.jpg; 20190908_152825.jpg; 20190908_152857.jpg; 20190908_153234.jpg

Dear All,

I am writing to you in regard to the Holliday Sand company's request for yet another exception to allow dredging on additional properties adjacent to my neighborhood. I have reviewed their application and would like to point out a few things that Tulsa County and the city of Broken Arrow should consider before approving their request.

First, has Holliday volunteered to repair the damaged streets that the sand trucks have broken up? A few short years ago, before the dredging operations began, S. 129th E. Ave was a smooth street with few potholes and cracks in the pavement. Today, it is becoming a slalom course of damage to be avoided as we make our way to the turnpike. I should hope that as you approve additional damage to this turnpike access road, you are planning a budget to repair it and shore it up against the additional loading.

Second, while I heartily applaud the recommendation that the trucks will be making a turn on E. 121st St. S. over to Garnett Road, has anyone looked at that intersection? I have watched tractor trailers try to negotiate that turn from a tight two-lane road to another tight two-lane road many times. It is impossible for them to make that turn without encroaching oncoming traffic on both streets. This intersection is quite busy in the morning and afternoon rush hours and during the start and end times of Aspen Creek elementary school as well as Bixby elementary to the south. There is no way the trucks are going to be able to take this route safely. It is an empty promise unless, again, someone wants to write the check to widen this intersection to allow the trucks to safely make this turn.

Third, when the original exception was granted, the residents of Broken Arrow were promised that the operation would only be active during normal business hours on weekdays. Then, the envelope got pushed and while the trucks weren't allowed to run on Saturday, the dredge was allowed to operate. Now, I see that they want to push the envelope further by saying the dredge AND trucks will operate on Saturday.

Fourth, what part of mining allows for dumping? We were never told that dumping on the property would be allowed, yet waste is delivered to the site daily. Now, the dumping is done behind some trees so you can't see the mess, however, the new site is in plain view from all directions.

Respectfully, the Arkansas is a long river with many industrial sites along it where the additional trucking and dust and noise of a dredging operation would not be noticed. There are many sites where sand can be gotten that don't impact the lives of Broken Arrow citizens who would like to continue to enjoy the high quality of life that Broken Arrow used to afford us.

When the last exception was granted, the citizens were caught off guard and weren't prepared to defend ourselves against this affront to our lives. As I write this email, an online petition has almost 400 signatures and counting. When the last exception was granted, we didn't have any evidence that the operation would damage infrastructure and ultimately cost the city and county money. We now can point to evidence of damage on our streets from the heavy trucks. See attached photos.

When the last exception was granted, we believed the promises made by the sand company that the noise and trucks would only operate on weekdays. Now we see the continuous expansion of the operating hours.

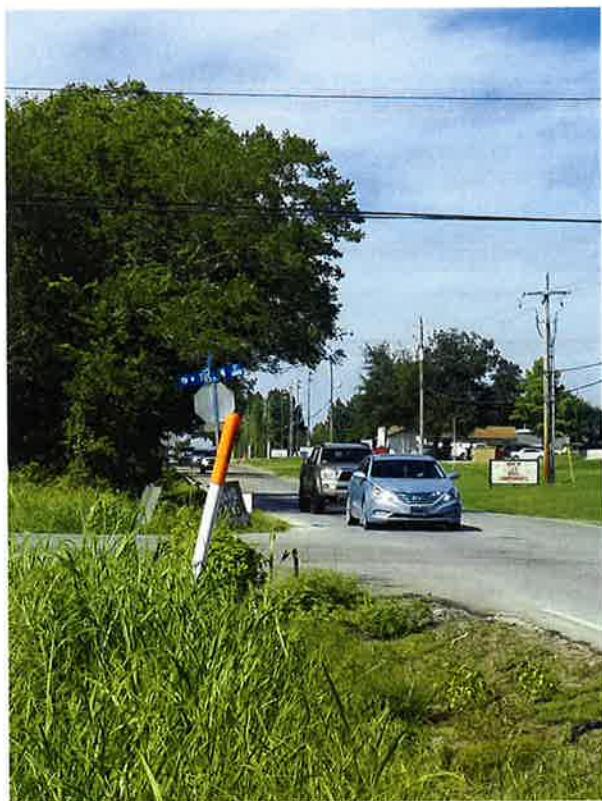
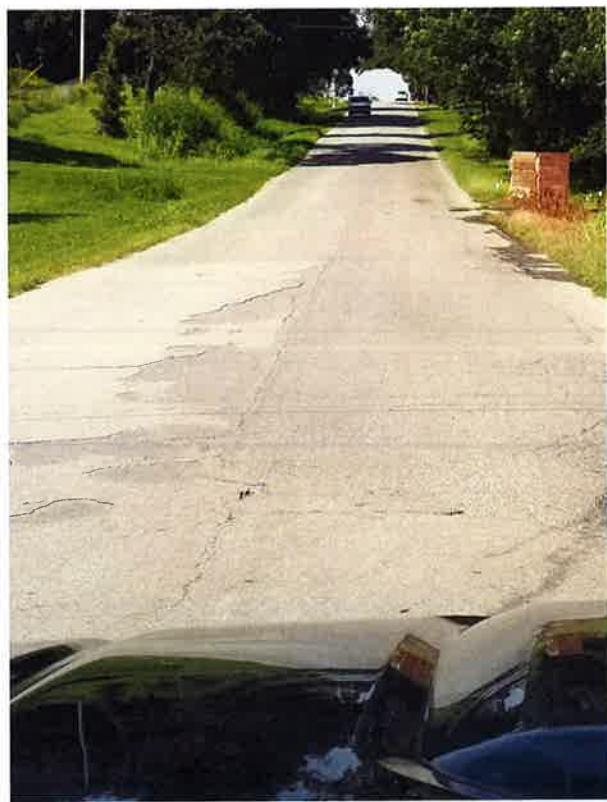
When the last exception was granted, you sided with the sand company. Now we expect you to side with the citizens of Broken Arrow over the extra profits for this Kansas based corporation.

I am attaching a few quick photos to illustrate the damage to the roads, the tight corner at 121st and 129th, and the sign regarding the dumping on the property. In order to keep the email size down, I'm only including brief examples. Please feel free to drive by sometime and check it out for yourself. I would be happy to meet with you on the subject.

If there is anything at all that I can do to clarify any of these points, or satisfy any questions you have, please don't hesitate to reach out via this email address or the phone number included below.

Kind Regards,
Gary Williams
918-605-0561

See Pictures



6.114

Jones, Robi

From: Charla Horn <charlatom@yahoo.com>
Sent: Monday, September 9, 2019 11:46 AM
To: Jones, Robi; esubmit
Subject: CBOA-2769

I strongly oppose the subject. I built my home in this area in 1971 and have witnessed a decline in the area quality due to encroachment, both domestic and commercial. The conditions imposed on the current sand operations have gone unenforced. No matter what Holliday Sand Co. proposes to abate noise, dust and traffic will come to fruition. They have demonstrated this in the past and the County Commissioners have indicated there is no recourse to make them comply. Natural noise abatement (trees) was destroyed by the recent Hailey Creek flood control project. The roads are being destroyed by the truck traffic as we speak. 129th (Olive) is worse now than Wagoner County roads. This was not the case prior to commencement of the current sand operations. Wild life is being pushed out of the area by such disregard. There is plenty of sand available without destroying more land.

Jones, Robi

From: David Belongia <dlbelongia@peoplepc.com>
Sent: Monday, September 9, 2019 2:00 PM
To: Jones, Robi
Cc: esubmit
Subject: CBOA-2769

Gentlemen, I am shocked and appalled that you may consider strip mining more agricultural and potential residential property.

1. First lets consider the damage to county roads. I am a Registered Professional Engineer practicing geotechnical engineering in Oklahoma since 1982. I have worked with county engineers Ray Jordan and Tom Raines on the design of numerous county road projects. I can assure you that Garnett Rd, 141st St and Olive are not designed to handle that kind of heavy truck traffic. Seems like the citizens of Tulsa County should have a say as to whether they want to spend millions of dollars to repair these roads to benefit Holliday Sand.
2. Strip mines become virtually unusable land. You would think we would have learned something from the old strip coal mines. Even if they are filled back in, they cannot be built on because the fill continues to settle with time. This property has significant potential for housing, schools, ect. There is no benefit to the county tax wise, job wise or quality of life. The strip mine only benefits Mike Odell.
3. I am in contact with concrete companies, asphalt plants and earthwork contractors on a continual basis as part of my work--THERE IS NO SHORTAGE OF SAND!!!
4. I understand when you buy property, there are no guarantees that conditions will not change affecting property values. My property at 12500 E. 138th St has lost significant value because of the needless truck traffic.

Thank you for your consideration. Belongia Consultants and David L Belongia,PE

Jones, Robi

From: Griffin, Chris <ChGriffin@geico.com>
Sent: Monday, September 9, 2019 2:34 PM
To: Jones, Robi; esubmit
Subject: changes for sand plant

I am writing this to you in order to express my concern about the changes to allow an additional sand plant and create more traffic in the area of 129th east avenue and Garnett road as well on 131st street south. I have lived in this located for many years and when Holiday Sand Plant requested the re-zoning they promised to work with the neighborhood and would ensure the safety of the children and neighborhoods. Well as of today I don't think that any children have been ran over, but the amount of close calls we have had are enormous! Myself as well as many other neighbors have requested the Tulsa County Sheriff's Office to come and sit and issue citations, but again deaf ears. The large trucks exceed the speed limit by 10-15 mile per hour daily, hourly and constantly jake brake creating more noise than is comforting for a neighborhood.

This is only part of the problem as now the school days have 2 groups of walkers that have to make their way across 131st street 2 times a day. If the normal car traffic is not dangerous enough add in the larger trucks from not only the sand plant but other large trucks fully loaded down flying through the school zone at an excess of 35-40 MPH! This is truly a disaster waiting to happen. There is no other way to put it this is a bad idea! It is not IF it is when a child will be ran over! I ask you to please consider this when considering the benefit of a sand plant. I strongly believe that not only will neighborhoods be affected, but it will create a great risk to the children in the area!

I would ask that the meeting be moved to a local venue that is very close to the neighborhoods affected such as the Bixby North East Elementary as the location of the meeting at this time makes is cumbersome for many to attend.

Thank you for your consideration,

Chris Griffin
Concerned resident
918 261 0009

Sensitivity: General/Internal

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Jones, Robi

From: Jeremy Popkess <JRPopkess@hotmail.com>
Sent: Monday, September 9, 2019 3:13 PM
To: Jones, Robi; esubmit
Cc: rpeters@tulsacounty.org; mspurgeon@brokenarrowok.gov
Subject: Opposition to Broken Arrow Case Number CBOA-2769

September 9, 2019

Robi Jones
Variances and Special Exceptions
Tulsa County Board of Adjustment
2 West Second Street
Suite 800
Tulsa, OK 74103

Dear Ms. Jones,

I am writing to you today in regard to the potential exception for mining being granted for Case CBOA-2769 near the intersection of (Olive) 129th and 141st St S. I am a resident of the nearby Hickory Hills subdivision and am wholly opposed to the granting of any exception to mine sand (or any other material) on land zoned for agricultural use. There are two existing sand companies in the area which operate from dawn to dusk with the noise of diesel mining equipment, loaders, and tractor trailers accompanying those operations. The volume of truck traffic is overwhelming as it is, much less with the proposed 100+ units per day from the addition of another mining facility. Even worse, this proposed facility will be even closer in proximity to our residences than the two existing sand mining operations, which will no doubt make the noise unbearable. In addition to the noise, the sight of industrial mining equipment and tractor trailers will tower into view for everyone in the neighborhood, which will heavily impact property values as well as the marketability of home sales in the future.

This neighborhood is predominantly situated on the side of hill, which allows for views of the agricultural land below, including the trees, wildlife, and river basin. We currently have deer, coyote, fox, eagles, hawks, and barred owls who transit the area and are in view almost daily. The noise and invasion of that land will certainly drive the wildlife to seek refuge elsewhere, which is untenable to the residents who chose to live in this neighborhood for those very reasons. With the excellent view of the countryside for most of the neighborhood residents, we would undoubtedly have an equal view of an industrial mine if the exception is allowed. Children are frequently exploring along the banks of the creek as well, which would no longer be a viable retreat with the noise and truck traffic nearby.

Lastly, the truck traffic has made morning/evening commutes extremely frustrating from 111th and South to 141st. The trucks are slow to accelerate and maneuver, and frequently cross the center line to avoid curves or low hanging trees which overhang 129th. They have forced several off the road, and many are reluctant to

come to a stop at intersections due to the aforementioned slow acceleration. The roads in this section are only 2-lane with no shoulder and deep drainage culverts on the side, so there is no ability to go around them. The Tulsa County Sheriffs Office has admitted that they do not have the time and resources to patrol this area with any regularity that would absolve these issues. The proposal suggests that all traffic would be directed onto Garnett up to 121st. The problem with that solution, is that there is no turnpike entrance West on Garnett, so all of the truck traffic will take 121st East to 129th, and the traffic problem is just as bad, or worse. I say "or worse", because as these are simply 2-lane roads and intersections, 121st/Olive (129th) is a small intersection with a 4-way stop sign which means all of the truck traffic will be merging in one intersection to get onto the turnpike! Additionally, that intersection has a semi truck off in the ditch about once every month or two after it failed to negotiate a right-hand turn from 129th West onto 121st. The turn cannot be made with traffic sitting in Eastbound lane on 121st, so with no shoulder, the trailer slides off into the ditch, blocking both lanes for hours until a wrecker can extract it.

I want to be clear, I am not anti-mining, or anti-commerce/business. I believe there are other suitable locations along the river with ample sand to mine where there is little in the way of residential interaction or increased traffic congestion in an area already booming with development (like South Broken Arrow/Bixby). There are no less than five additional subdivisions under construction within 2 square miles of this region which will add to the 129th turnpike entrance corridor, so traffic is going to be bad enough as it is without additional truck traffic which the mining operation has no real way of enforcing control over.

I could go on, but I'll just reiterate that this is the wrong area to add another sand mining operation and I am against the granting of an exception for their operation.

Sincerely,

Jeremy and Kara Popkess
12727 E 137th St S
Broken Arrow, OK 74011

Sent from Outlook

Jones, Robi

From: Paul F <paulferree@gmail.com>
Sent: Monday, September 9, 2019 8:40 PM
To: Jones, Robi; esubmit
Subject: Regarding Holliday Sand Plant - Case No. CBOA-2769
Attachments: Video_1.MOV

We've been informed about the plans for rezoning the area around 141st & Garnett to Olive/129th.

As a resident of the Hickory Hills neighborhood off of 138th and Olive, I'm very concerned about the impact this will have given the experiences we've already had with the existing plant at 141st and Olive.

We've had multiple complaints over the years regarding the sand plant operations:

- Shear number of the volume of trucks is a nuisance
- Danger it poses to school children's bus stops
 - See attached picture of one incident where one of the trucks came off the road (taken from the bus stop at 138th and olive, we've forced the school to change their route every year due to this danger)
 - See the attached video of the same bus stop where multiple trucks pass through while children wait for the bus (the video just captures 2 back to back, this is a constant because the sand plant opens at 7 and all the trucks come barreling in.) It's one thing to just think about trucks driving down the road, it's another thing to see it, these are huge trucks coming down the hill while kids are just standing out there. It's simply ridiculous.
- Additionally, we have a new driver in the family and it makes us very nervous to send him out on olive due to these trucks
- Noise complaints after hours. We have Mike Odell's cell phone number because we've had to complain so many times about workers operating their machinery late in the night. We've had to call and wake him up multiple times passed midnight to tell him someone is out working and the either the beeping or constant hum of the machinery is waking us up! He's nice every time we call, but it's never stopped completely and we're always stuck having to make the call.
- Will all trucks be forced to take the new route, or just those utilizing the new plant? Will we have trucks barreling down Olive AND Garnett now?
- We don't trust their ability or desire to enforce their self-regulations regarding routes and hours of operation given our experience.
- Very worried about property values as a result of this area becoming overrun by sand mining.
- Commuter traffic on olive towards the turnpike is already backing up as it is. Can't imagine how much worse it will be with an additional 50-100 trucks a day! We don't have an alternative route to take.



Thank you for considering our concerns,

Paul Ferree
918-863-6792

Jones, Robi

From: Jerree Ehrlich <jjekeynotes@windstream.net>
Sent: Monday, September 9, 2019 8:16 PM
To: Jones, Robi
Subject: Reference:CBOA-2769

When we moved to the Hickory Hills/Rambling Oak neighborhood in the 70s, it was a beautiful, quiet and peaceful place to live and raise our children. Now, when we leave our addition, using Olive, we are being bombarded and over run by sand trucks all day long. They are noisy, dirty and driving fast.

Now there is a petition to add a strip mine to the area south of 141 from Olive to Garnett. This will create more noise, more dirt, more traffic. This would create poor air quality and possibly health problems as well as effecting the value of our homes. We strongly protest this mine and implore the board to deny this petition. Also, this is zoned for Agriculture and it is such a travesty to turn this land into another quarry. It should be kept for growing crops because that is what it was originally intended for.

Larry and Jerree Ehrlich

Sent from my iPad

Jones, Robi

From: Noël Freeman <noelhunt7@gmail.com>
Sent: Monday, September 9, 2019 7:43 PM
To: Jones, Robi
Subject: Sand development

Our family is highly against anything relating to the new development for holiday sand. We bought our house because we are on the outskirts and really enjoyed the country road. The semi's that currently operate are extremely dangerous and have nearly ran my husband and children over on multiple occasions. Increased truck traffic will be a huge mistake.

We will do whatever it takes to prevent this from happening. Please let us know what you need from us. Thank you!

Matt and Noel Freeman
12311 E 138th St S
Broken Arrow
575-749-5733

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Sent from Mobile

Jones, Robi

From: suzanne rausch <sr2642@hotmail.com>
Sent: Monday, September 9, 2019 6:04 PM
To: Jones, Robi
Subject: CBOA-2769 Holliday Sand & Gravel Co.

Please, we and our neighbors need help.

We were not notified of the proposed sand mining plant proposed at 141st Street and 129th East Ave (Olive) here in Broken Arrow. We learned about it in the Tulsa World.

It will have:

Sand processing equipment - on a 20' x 60' pad, 37 feet tall. Sand stockpiling belt conveyors - 100" long, 30' feet high, 2 each. They say they will keep the sand piles wet to keep the dust down. I would like to see that as those south winds blow. There will be a projected 100 trucks a day. They are planning on directing them down 141st to Garnett so they won't mix with all the trucks already using 129th. We know how that will work out. The quarry is projected to operate for about 30 years!!

There are already four plants operating in our area. The noise, dust, and number of trucks hauling sand are a health and safety hazard. Adding another one hundred will make matters intolerable. They speed by Bixby Northeast elementary school every day. All the streets around here are older two-lane and not in good condition.

Thank you for your consideration in this matter.

Wayne & Suzanne Rausch
13125 South 121st East Avenue
Broken Arrow, OK

Dear Sir - Madam,

Mike and Debbie Pennell live at 12350 E. 136th Street S., Broken Arrow, OK.

1. Noise Pollution - We currently experience a very noisy environment due to heavy equipment at the sand plant. On any day at 0430 you can hear the equipment engines and reverse safety "beeping" from our home. Before the sand plant came into existence we lived in a sleepy quiet neighborhood. Add in the proposed expansion and we are certain the noise pollution will increase several fold.
2. Truck Traffic/Safety - While the trucking traffic is currently well over 100 trucks per day traversing Olive between 131st and the sand plant this traffic presents a safety concern. With school children exposed to this traffic safety becomes an issue. While the posted speed limit is 35 mph many truck drivers exceed this limit consistently presenting safety concerns for both children and neighborhood vehicles leaving and entering the neighborhood.
3. Road Deterioration - The Olive road deterioration continues to be a problem especially at the intersection of 131st and Olive. This will certainly continue with the projected increase in trucking traffic.
4. Property Value - Considering the expansion, safety, and noise issues as stated above we strongly feel property values will be adversely affected.

Sincerely,

Mike and Debbie Pennell
mpennell@newnet66.org

3

Jones, Robi

To: Kyler Mehl
Subject: RE: CASE NUMBER: CBOA-2769

From: Kyler Mehl <kmehl5015@gmail.com>

Sent: Tuesday, September 10, 2019 2:26 PM

To: esubmit <esubmit@incog.org>

Subject: CASE NUMBER: CBOA-2769

To Whom It May Concern,

This letter is in reference to Holliday Sand's proposal to put in a SAND PLANT in AG ZONED land and strip mine some of the best agricultural land in the area South of 141st between Olive and Garnett. Their plan is to direct 100+ semi trucks up Garnett, in order to not ADD TO the nuisance we already have on Olive from the 100+ trucks coming and going to Watkins and Anchor Sand Companies. Let me be clear...this means hundreds of semi-trucks using Olive AND Garnett 6 days a week. Don't let them tell you it will be just dump trucks, the majority of the trucks coming and going to Watkins and Anchor quarries are full sized 18-wheel SEMIs. I would like to apologize for the length of this email, but there are just too many reasons why this is a bad idea!

1. These are 2 lane county roads with NO shoulders that were not built for this purpose. Olive (129th) is literally caving in on both sides from the weight of these trucks. Not only are there no shoulders, the sides are literally breaking off. Truck drivers regularly drive over the centerline and this has resulted in numerous trucks running residents off the road, striking vehicles or over-correcting, flipping over and blocking the roads for hours on end. These trucks do not stop at the stop signs, yet roll through them.
2. Make no mistake, this will send HUNDREDS of semi-trucks right through the heart of Hailey Creek Park which is a 30mph zone where children play and where people walk across and between the sections of the park. The alternative is to turn up 121st to Olive, MERGING all of these trucks at an intersection in desperate need of repair and known for semi's jack-knifing when trying to turn West from the South bound lane. Broken Arrow Police, Tulsa County Sheriff, and Oklahoma Highway Patrol have to shut down this intersection due to jack-knifed semis a few times a year, when delivery trucks make the mistake of trying to turn left or right.
3. This will also adversely affect the safety and the traffic flow around Bixby Northeast Elementary/Intermediate located between Olive and Garnett at 131st Street South. Most of the parents and buses use Garnett to get to and from Bixby Northeast and a lot of these parents also circle around to Olive and get stuck in a ½ mile or longer line of traffic going North intermingled with multiple trucks during drop off and pickup times. This will also affect the daycare center located at the intersection of 131st & Olive (129th). I personally have seen these semis using the parking lot of this daycare facility so they can cut without stopping at the signs.
4. We already have to deal with several hundred semi-trucks a day on Olive. This is a huge public safety issue. The road is deteriorating and we've had a few residents run off the road by these trucks. The trucks keep going and we have no way to hold them accountable for what they've done. They are gone before the Sheriff, OHP, or Broken Arrow police can respond. They aren't tagged on the back in order to get a license plate number to report and the company names are on the sides, hard to see when they go speeding by you.

5. There will be no "alternate" route for the residents. This onset of industrial traffic will impede the flow of traffic for everyone, including school buses, getting to and from the school 10 months out of the year. I witnessed THREE dump trucks speeding through the school zone just the other morning. I called both Broken Arrow and Bixby police to report the speeding trucks, but of course, they were long and the response time for any law enforcement to this area is quite a bit longer than in the city limits. For the past few years, we have been forced to use the back exit to our neighborhood and go out by the school to Garnett to avoid the bullying trucks on Olive. This will no longer be an option and everyone South of 111th will be FORCED to travel these narrow roads with trucks that I can guarantee will not follow any sort of neighborly conduct, because the ones on Olive haven't followed it for years. It feels like we live in an industrial area already!

6. Holliday Sand is the same company that helped Watkins Sand get their exception to mine. ALL of their promises that the trucks will only be on the road only during operating hours, obey the speed limits and not cross the centerline were the same promises they gave 8 years ago. We see these promises violated DAILY and there is really no way to hold them accountable. The conditions the BOA gave for Watkins Sand are not even enforceable (at least you haven't revoked their permits to date, with all of the violations over the years, even though I know I have personally sent several emails, reporting issues and my husband has called the zoning commission more times than we can count). So we guarantee whatever conditions you give to Holliday Sand will not be enforceable either, just more hot air. The citizens will be left with their hands tied even more. This company only informed 1 household regarding this new business. The way this company decided to HIDE this from all of us is shady. Were they even going to tell us till it was too late?

7. There is a question of who has jurisdiction when we do have issues with trucks. Tulsa County Sheriff and OHP don't want to police South of 131st and I RARELY see a Bixby or Broken Arrow police officer on Olive or Garnett between 131st and 111th. It's a "not me" scenario when residents call to ask for help. I (Kyler) personally was bullied by one of the sand trucks on Olive just a couple of months ago. The truck was speeding down a blind hill where they were crossing the center lines. I was literally ran off the road in my convertible. I choose the ditch versus being crushed to death. When questioned by someone at Watkins Sand I was told it was a "he said/she said" situation. The damage to my car resulted in over \$1000 in damages which I was responsible for. I choose the safety of my life and it cost me. Thankfully my family wasn't in the car with me! That's just one of hundreds of times we've had issues with trucks on Olive and every resident out here has their own set of stories. This WILL BE the same experience on Garnett.

8. NOISE: We moved out here 10 years ago because there was nothing but sod farms South of Hickory Hills. We raise our kids away from the traffic and noise of the city, but with close access to work and amenities. It was SUCH a great area to live. Then the BOA gave Watkins the exception to mine and they have destroyed our quality of life. We regularly hear backup beepers and trucks working in the quarry in the early hours of the morning. We are fortunate enough to own a piece of property that has a beautiful patio overlooking miles of landscape and I can't even enjoy a cup of coffee out there in the morning because of the noise. Plus, this facility will create an eyesore and our property values will decrease! There is no longer a tree line along Hailey Creek, due to the need to remove it for the flood management upgrades done last year, which we are truly grateful for. I'm not sure how they can silence a dredger and other industrial equipment in an open-air environment. Ask Bentley Village residents how well the noise reduction attempts at Watkins quarry have worked for them. Where is the UNBIASED noise abatement study? Where are the protections that the residents should lawfully be given?

9. There are sand piles so high there are trees growing on top of them at the Watkins quarry, so I HIGHLY doubt we have a shortage of sand to supply the new construction in this area. This is a continuing Public nuisance/Public Safety issue, there are way too many subdivisions and more development going in along Garnett out here now to allow such industrial traffic. The county just paid for a brand-new waterline to be installed all the way South of 131st street. I assumed that was to add more subdivisions down Garnett.

We are imploring you to deny this permit, it's the right thing to do for NE Bixby AND SW Broken Arrow. This is not the "the country" any more, it's suburbia. The river goes on for miles and it's full of SAND, so why we would allow our prime AG land to be poached by an out of state company is beyond me. Surely there is another place that is a better spot for a sand plant operation.

Sincerely,
Kyler Mehl
12716 E 137th St S
Broken Arrow, OK 74011
Hickory Hills Subdivision

--
Kindest Regards,

Kyler Mehl

Jones, Robi

From: Al Folske <jfolske@cox.net>
Sent: Tuesday, September 10, 2019 2:46 PM
To: Jones, Robi
Subject: Reference Case No. CBOA-2769

Dear Sir - Madam

Albert and Judyth Folske, 12606 E 134th St S.

We are against this case for the following reasons:

- 1) Traffic on 129th it causing a safety issue as the trucks do not come to a complete stop at 131st street. Also they do not obey the speed limit of 35MPH. And some of the truckers that have the tall fancy smoke stacks move into the wrong lanes to avoid hitting trees. This has caused some folks to drive off the road into the ditch.
- 2) If the truckers use the new proposed route of Garnett to 121st and the over to 129th E Ave, this is also very dangerous as this route goes by Summit Christian Schools sport complex which has kids coming and going. Also at the corner of 121st and 129th E Ave there have been several semi trucks go off the road when they turn and they have to be pulled out to get there trailers out of the ditch. So as soon as they have this happen, the trucks will continue on 129th E Ave as the preferred route.
- 3) As the approving commission you should be concerned for the people who live here and not about a business that does not give anything to the community.
- 4) I would believe there should be a lot of open land between Broken Arrow and Muskogee out in the country that could be used for this where it would not affect large neighborhoods.

So please do not approve this request that Holiday has submitted

September 11, 2019

**Board of Adjustment
Tulsa County
500 South Denver Avenue
Tulsa Oklahoma**

RE: Case Number CBOA-2769

**I am writing this letter in opposition to Holiday Sand and Gravel receiving a special exemption to permit Use Unit 24, Mining and Mineral Processing.
You will note that I live at 13323 South 129th East Avenue. I live less than a mile from the proposed exemption address.**

I oppose the exemption on the following grounds.

- 1. The safety of our neighborhood school students who wait along 129th East Avenue for school bus transportation.**
- 2. The excess speed utilized by the drivers of sand and dirt trucks and eighteen-wheelers along this corridor. Speeding tickets would enrich Tulsa County if properly patrolled by law enforcement.**
- 3. The roar of these vehicles at 5:00 -6:00 a.m. as they speed to achieve the earliest possible time for their being loaded out for delivery.**

I was informed that as a concession drivers would be required to utilize 141st street west to Garnett for their route. If this exemption is passed it is only a matter of time before the drivers will change their routes back to 129th as it is the fastest route to enter the expressway system to expedite their deliveries.

We already have drivers utilizing Watkins Sand at 141st and South 129th. Any additional sand, dirt and gravel company drivers would overburdened the already hazardous conditions that exist from traffic to/from Watkins Sand to the expressway onramp already being utilized.

Please consider the appeals of tax paying, voting neighborhood residents and decline this exemption. Thank you.

**W. Joe Deitz
13323 South 129th East Avenue
Broken Arrow, Oklahoma 74011**

6.130

September 10, 2019

Letter in Opposition to Case Number: CBOA-2769

To Whom It May Concern:

This letter is to serve as notification of our **OBJECTION** to the above proposed request for a Special Exception to permit Mining and Mineral Processing in an AG District. We are also very disturbed that we were not even notified of this proposed change even though we are going to be one of the most affected.

We live directly on Garnett and our home sits only a few feet from Garnett. We are already experiencing a large amount of dump truck traffic from the existing sand mining sites along with the excessive traffic from the sports complex, which is located just north of 141st on Garnett. The current truck traffic is supposedly alternately using Garnett, 129th and Mingo. With them supposedly using all three roads, we still get in excess of 50+ trucks per day traveling up Garnett alone. Adding another 100+ will be an unbearable violation of our rights and a danger to all who have to travel the road. Also, it is not only regular sized dump trucks there are also 18-wheeler dump trucks as well.

Despite what the sand company tells you in their proposals, they do not abide by what they say they will do. You can talk to anyone living on any of the three roads the trucks travel and they will tell you the same thing. I have attended many other meetings in regard to other proposals they tell you the same thing every time.

1. That the trucks are required to abide by the speed limit.

The trucks do not abide by the speed limit. The speed limit on Garnett is 35 mph from 131st to 141st and they rarely ever abide by the speed limit. We have been told that if we call the company and tell them, they will fire the drivers who don't abide, however that doesn't happen either as we have seen the same drivers continue to travel the road daily. Sometimes you can't even get the numbers off the trucks as they are moving so fast in order to report them. We have also had instances of calling in on a truck and that same truck will then proceed to honk their horns as they come and go past our home or gear down right in front of our home in response to you calling to report them. It is hard to get documented proof of the speeding, which the truckers are using as their defense, when Tulsa County will not send out officers to patrol. We have called so many times and no one ever shows. **Even people who work at the existing plant state that it is the County's job to do something about the issues and they know that they will not so they just continue to do as they please.**

2. Do not arrive at the plant before the posted opening time as this violates their county permit. We have been told they do not load before 7:00 a.m.

The first truck I heard this morning came by before 6:30 a.m. and that is more common than not as there are numerous times that they are already coming past long before 7:00 a.m. and then they are all lined up waiting for 7:00 to load.

As the trucks are paid by the load, their objective is to get loaded and to their destination as soon as possible so that they can get back for the next load, which obviously is incentive for them to get there as fast as possible regardless of the posted speed limit.

What do you think this is already doing to the value of our property and what will an increase do to our property value? Even though Garnett may have less homes to pass than 129th that doesn't make it ok to bombard us with the constant noise and traffic.

Everyone should also be considering the noise ordinances and that these trucks are breaking those ordinances as these trucks are in violation of our right to peace and quietude or the life, health or safety of any individual in any manner by creating any noise of such character or duration as to be unreasonably loud or disturbing

1. Pursuant to All noises, sounds, or vibrations of such a character or duration so as to be unreasonably loud or disturbing to the peace and quiet of persons of ordinary sensibilities, including but not limited to those persons inside a building or structure used in whole or in part as a domicile, residence, or dwelling;
2. The sounding of a horn or signal device on any vehicle, except as a danger signal;
3. The discharge of the exhaust of any internal combustion or motor vehicle, except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom;
4. The use of any mechanical device operated by compressed air, unless same is effectively muffled and reduced; and

Our windows rattle and the ground shakes with every truck that passes. We hear every truck from inside of our home, so you can imagine what it sounds like outside. When they all line up in the morning there can be 10+ trucks at a time that pass in one direction and then the others start coming back right behind them. Taking a day of vacation to sleep in and enjoy a day off of work doesn't happen. We also have to put up with the truck travel on occasion on Saturdays along with the ball field traffic. We are awakened by the constant noise of dump trucks and other traffic going to the existing plant before daylight and all day long. The noise of the semi-trucks is loud enough alone on top of when they decide to gear down in front of your house and as they are coming and going in either direction either on purpose or as they gear up to increase their speed once they pass the neighborhood entrances or when they have to gear down because someone pulls out of the neighborhood or homes and they are traveling so fast they have to gear down to quickly try to slow down. We have to hear it all!

My mother runs a small business beauty shop also out of our home. Most all of her clients are elderly people. They have all had close calls with the speeding trucks when they attempt to enter or leave our residence. Her clients also complain about the noise of the trucks, which they hear inside the shop and constantly talk about how dangerous and concerning it is. Everyone who ever comes to our home cannot believe how fast the trucks travel down the roadway.

All members of my family, including my teen drivers and their friends have all had close calls with the trucks as they come flying over the hill from the north. All of our friends, family and invited guests and clients are all afraid to pull in and out of our drive as they are fear they are going to get hit. We are very concerned already about our safety and that will become even more dangerous with more traffic.

The route is not prepared to handle the trucks nor are the intersections wide enough for them to turn. No infrastructure has been set up to handle it nor have safeguards been implemented to protect kids sitting outside their neighborhoods for the bus or vehicles attempting to travel the same roads or parked nearby when these huge trucks drive by and throw or kick up debris, sand or rocks. The trucks roll through stop signs at 141st, cross the center line when driving on the narrow roadway and turn into the oncoming lane of traffic when navigating the intersections. We have even had truck drivers take the speed limit sign down in the past just to make a point. The roadway is buckling and crumbling on the sides due to the heavy loads carried in these trucks. The structural integrity of the bridge on Garnett between 131st & 141st has already been a concern to the County. That bridge is also so narrow that it is difficult for two normal size vehicles to pass each other let alone attempting to cross it when a dump truck is coming across. The intersection of 131st & Garnett is now also heavily congested with traffic to and from the Bixby Northeast Elementary that cause both Garnett & 131st to be completely backed-up through the intersection in all directions as cars with parents and children as well as buses carrying children are attempting to get into and out of the school. This additional heavy loaded truck traffic will increase the danger to those children and their families.

There are also serious concerns with the animal population in this area. With the continued building north of us, the wildlife population has been pushed to the south. Coyote, deer, raccoon, opossum, birds of all kinds, including owls & bald eagles have now made the area of issue and surrounding areas their home. We have to protect the wildlife habitat as well.

County officials will tell you they know there is a problem in your area but do nothing to alleviate the problem. Continued non response from the County to any and all issues that concern the people who live in this area has to change and now is the time for them to show they do care for the voting tax paying constituents in their districts and not just about the mighty dollar of businesses.

Kim and Bret Worthington

Jones, Robi

From: Torrey White <torrey.w.white@gmail.com>
Sent: Wednesday, September 11, 2019 11:29 AM
To: Jones, Robi; esubmit
Subject: CBOA 2769

To Whom It May Concern,

It has been brought to my attention that Holliday Sand & Gravel has proposed a new site at 141st and Garnett. While there are many concerns over the environmental impact and the loss of agricultural land, I am concerned most with the safety and protection of property values in the area. The new site will increase and redirect the traffic that now travels up Olive to now move north on Garnett and east across 121st Street. This means the path will now go directly past my yard. These trucks already serve as a massive burden on the residents in the area and adding 50-100 more a day would only make matters worse. They constantly run the stop sign at Olive and 121st, speed excessively, cross center lines and send debris flying. My work truck that is only three months old already has a cracked windshield from them. I chose to move to Shadow Trails because it was away from busier areas and quiet. I fear that letting sites like this develop will only cause increased damage to already dire roads, increase potentials for accidents and severely impact property values in the area. Please do not let this proposal pass. Thank you for your time and feel free to reach out if you would like any more information.

Torrey White
Shadow Trails Resident
405-250-2997

Jones, Robi

From: Sue Cole <scole116@windstream.net>
Sent: Wednesday, September 11, 2019 11:20 AM
To: Jones, Robi
Subject: Sand plant 141st

I am very much against a sand plant on 141 between garnett and 129th. I have a small in home business on garnett and any additional truck traffic is very dangerous there is already a lot of trucks traveling on garnett Thank you Sue cole

Sent from my iPhone

Jones, Robi

From: Lena VanVoorhis <lenavanv78@gmail.com>
Sent: Wednesday, September 11, 2019 8:45 AM
To: Jones, Robi
Subject: Case CBOA-2769

Hello Mr. Jones,

I want to voice my support of this issue. We should not want to stifle business, and therefore revenue for the city and county. If speeding trucks around Northeast Elementary is a problem then we need to station police officers to manage that. There is also plenty of other land for squirrels and coyotes, both of which are nuisances anyway.

Thank you for your consideration.

Lena VanVoorhis

and the same general character
as the others but the amount
of sand and gravel is
less. The valley boundaries are
steep and the valley floor
is well set the local material
here being all fine sand.
In section the rock is
the first stage of the
Molasse series as the erosion
has not ~~occurred~~ occurred
completely. We rest on it
the base of which is
about 100 ft above the
water. In the bed of the
valley there is a thin
layer of sand and gravel
which is probably derived
from the bedrock.

It has always been quiet
and peaceful. And in the past
few years, It's gotten very loud
and disruptive. With her aging
and her health, it is very
disturbing to her. The issue of
the dust and constant loud
traffic, is very disturbing to her
and her ^{no} health. We can see
absolutely no positive coming from
this. The trucks are taking the
Roads up and in return, its leaving
our vehicles up.

Sincerely,

Taylor Kaiser
Joni O'Brien
Matthew
Raymond Taylor
Hannah Kaiser

Sparger, Janet

From: KERRI <KGIFT@msn.com>
Sent: Wednesday, September 11, 2019 9:44 AM
To: esubmit
Subject: Holliday Sand & Gravel Expansion

To Whom It May Concern,

I live in the Hickory Hills addition in Broken Arrow.

I am opposed to the expansion of Holliday Sand & Gravel.

The traffic is already bad enough.

The truckers are not "Good Neighbors".

Today (9/11), I passed at least 25 trucks at 8:45 heading south between our neighborhood on Olive and the toll gate on the Creek Turnpike all in just a matter of minutes.

They either go too fast or too slow on Olive.

They often drive recklessly and cross the center line, and they won't let cars pass in the designated zone.

As the mother of two little boys, and a neighbor to countless other children who play and wait for the bus along Olive, this is of great concern.

Not to mention, the proposal of a giant lake behind our addition and the noise pollution that comes with dredging and increased trucking.

I cannot help but see how our home values would not decrease with this expansion. Who wants to live next to all of that?

The view from our home is one of the reasons we moved here in 2007. Wide open spaces will now be replaced by an industrial eyesore.

Perhaps the company should pay us the difference?

Thank you for your time.

And I hope you will take into consideration the number of families impacted by a decision in favor of Holliday Sand & Gravel.

Sincerely,

Kerri Gift-Dabars

Hickory Hills Resident/Mother/Concerned Citizen

Jones, Robi

From: Sparger, Janet
Sent: Tuesday, September 10, 2019 8:18 AM
To: Jones, Robi
Subject: FW: Reference:CBOA-2769

Want to make sure you received this.

Janet Sparger
Recording Secretary
City and County Boards of Adjustment
Tulsa Planning Office
2 West 2nd Street, Suite 800
Tulsa, Oklahoma 74103
918.579.9417
jsparger@incog.org

-----Original Message-----

From: Jerree Ehrlich <jekeynotes@windstream.net>
Sent: Monday, September 9, 2019 8:30 PM
To: esubmit <esubmit@incog.org>
Subject: Reference:CBOA-2769

When we moved into the Hickory Hills/Rambling Oaks neighborhood in the 70s, we loved the quiet, peaceful, wooded place to live and raise our children. Now, sadly, when we leave our neighborhood driving onto Olive, we are being over run with sand trucks, lined up 4 or 5 at a time and driving fast, creating noise and dirt and danger. Our children used to ride bikes on 129th (Olive). There is danger everywhere now with the sand trucks.

Now, there is a petition to add another quarry and to strip mine and add a sand plant on 141st from Olive to Garnett. This will add more trucks, more noise, more dirt in the air. There will be more health problems and more danger on the roads not to mention decreasing our home values. This is a terrible travesty to land already zoned AG. It will never be the same and we can't ever get it back. We strongly protest this petition and ask the board to reject this request for more mining in the area. We love our neighborhood and do not want in any way for more noise, dirt, and danger.
Larry and Jerree Ehrlich

Sent from my iPad

Dear Sir - Madam,

Mike and Debbie Pennell live at 12350 E. 136th Street S., Broken Arrow, OK.

1. Noise Pollution - We currently experience a very noisy environment due to heavy equipment at the sand plant. On any day at 0430 you can hear the equipment engines and reverse safety "beeping" from our home. Before the sand plant came into existence we lived in a sleepy quiet neighborhood. Add in the proposed expansion and we are certain the noise pollution will increase several fold.

2. Truck Traffic/Safety - While the trucking traffic is currently well over 100 trucks per day traversing Olive between 131st and the sand plant this traffic presents a safety concern. With school children exposed to this traffic safety becomes an issue. While the posted speed limit is 35 mph many truck drivers exceed this limit consistently presenting safety concerns for both children and neighborhood vehicles leaving and entering the neighborhood.

3. Road Deterioration - The Olive road deterioration continues to be a problem especially at the intersection of 131st and Olive. This will certainly continue with the projected increase in trucking traffic.

4. Property Value - Considering the expansion, safety, and noise issues as stated above we strongly feel property values will be adversely affected.

Sincerely,

Mike and Debbie Pennell
mpennell@newnet66.org
3

Jones, Robi

From: Yvette Martinez <ymart2012@gmail.com>
Sent: Wednesday, September 11, 2019 8:07 AM
To: Ron Peters; esubmit; kkeith@tulsacounty.org; Jones, Robi; ssallee@tulsacounty.org
Subject: Re: CBOA Hearing - 2769 Holliday Application Opposition Letter

All:

I forgot to add the picture of one of the trucks attempting and failing to take the corner in question. The asphalt on this turn is battered and beaten from cars and trucks falling in and then being hoisted out of the culvert. The intersection was closed for a period of time, which is what usually happens. Please add this to my objection letter.

Thank you-
Yvette



From: Yvette Martinez <ymart2012@gmail.com>
Sent: Tuesday, September 10, 2019 11:49 PM
To: rjones@incog.org; esubmit@incog.org; Karen Keith <kkeith@tulsacounty.org>; Ron Peters <rpeters@tulsacounty.org>; Stan Sallee <ssallee@tulsacounty.org>
Subject: CBOA Hearing - 2769 Holliday Application Opposition Letter

CAUTION: This email originated from outside of Tulsa County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All:

Please accept my letter as a request to deny the application submitted by Holliday CBOA Case # 2769.

Thank you for your consideration in advance, I look forward to seeing you all at the meeting on Sept 17th. It will also give me the opportunity to see my mother at work, Cheryl Martinez.

Thanks again,

Yvette Martinez

Resident of Shadow Trails Neighborhood and HOA Board

Letter to Board of Adjustments

The information in this e-mail message (including any information contained in attachments hereto) is intended only for use of the addressee. This e-mail message may contain confidential or privileged information. If you receive this e-mail message unintentionally, please notify the sender promptly and then delete this message. E-mail transmission is not guaranteed to be secured or error free. The sender is in no way liable for any errors or omissions in the content of this e-mail message, which may arise as a result of e-mail transmission. E-mails, text messages, and other electronic communications made or received in connection with the conducting of public business, the expenditure of public funds, or the administration of public property are subject to the Oklahoma Open Records Act and the Records Management Act.



6.145

Jones, Robi

From: Susan Bevard <sbevard@cbtulsa.com>
Sent: Wednesday, September 11, 2019 1:07 AM
To: Jones, Robi; esubmit; rpeters@tulsacounty.org
Subject: CBOA-2769

To the Board of Adjustments,

Re: CBOA-2769 Special Exception request by Holliday Sand & Gravel for Mining and Mineral Processing at SW/c of East 141st St South & South 129th E Avenue.

I serve as Trustee of the Eva Sue Bagwell Trust. The Trust has property directly south of the property where Holliday Sand & Gravel plans to operate a sand plant. The Bagwell Family has lived on the property over 35 years. On behalf of the Family I asked that you deny the request for the Special Exception.

With a sand plant adjacent to their property they will suffer from the constant noise from this business operation being in such close proximity. The existing Holliday business operation is noisy all day and on weekends, they already exceed the business hours they stated in their Good Neighbor Policy in the application.

There will be sand and dust blowing from the daily business operations of a sand plant in such close proximity, especially on windy days which the family will not be able to prevent.

The application submitted by Holliday Sand & Gravel states there is a shortage of sand and they need the plant to process more sand for the growth. If this is so, then why are there large piles of sand at several sand plants in the area? Some of these piles have been there so long, grass and weeds are growing on top of them.

The proposed route for trucks could be detrimental to school children waiting for the bus along Garnett and 121st St South as both of these roads are 2 lane roads without a shoulder. The semi-trucks going to and from the plant would have to go 3 miles further and make 2 additional turns on the narrow 2 lane intersections. Many of these drivers would not go the extra 3 miles, therefore these semi-trucks would go north on 129th E Ave, where there are children (and even a child care center) waiting on school buses. Holliday Sand & Gravel already has a sand plant across the street from the proposed new plant and the trucks come and go outside of posted business hours and "jake break" frequently in residential areas even though there are signs saying not to.

As a licensed Realtor, I believe allowing a sand plant this close to the Bagwell residential property will decrease their property value. Allowing a sand plant to operate in this area is not the best use of the land. I have spoken to an Engineer that feels the Bagwell property could be taken out of the flood plain and developed, similar to other housing developments along the Arkansas River in the Bixby and Jenks areas that did not have any flooding in May, 2019. The referenced property the Special Exception is being requested for is good bottom land for farming. At this time there is a beautiful green crop of soybeans growing on the property. This land would also be good for growing hemp. Any of these uses would be far better than a sand plant operation. I ask you, is a sand plant the best use for this 200 acre parcel of land?

Please listen to the voices of the residents in the area within a two mile radius of the proposed Holliday Sand & Gravel's additional sand plant and **Vote NO** on approving their Special Request.

Thank you for your time and consideration,
Susan Bevard-Bagwell
Trustee, Eva Sue Bagwell Trust
15088 S 129th E Ave
Broken Arrow, OK 74011
Coldwell Banker Select

Jones, Robi

From: Virginia Raney <vsraney6742@gmail.com>
Sent: Wednesday, September 11, 2019 12:10 AM
To: Jones, Robi
Subject: CASE NUMBER CBOA-2769

To Whom It May Concern,

This letter is in reference to Holliday Sand's proposal to put in a SAND PLANT in AG ZONED land and strip mine some of the best agricultural land in the area South of 141st between Olive and Garnett. They are planning to add 100+ more trucks coming down Olive and Garnett. This is going to be 6 days per week making it nearly impossible for us to access the turnpike or the ability to easily make it to work, school, or appointment. There are too many reasons why this is a bad idea! We DON'T want this rezoning approved!

The streets out here are only 2 lane ,no shoulder, residential streets. Not industrial streets. These roads are already wearing down and breaking on the edges due to the current amount of trucks we have barreling through our neighborhoods. These trucks are dangerous by crossing centerlines, not stopping at stop signs, speeding in zones where limits are posted. Why would we want to add 100+ more trucks? There have already been several accidents reported, long commute times following behind them, broken windshields, and even being ran off the road. These intersections we currently have do not support the proper width needed for these monster trucks to turn.

This added traffic will make it nearly impossible to access Bixby Northeast Elementary/Intermediate School located between Olive and Garnett on 13st ST South. The hours of operation for this sand quarry will be during prime pick up and drop off times. Do we really want school buses tangled in the mess of a semi truck. I don't think so. This new proposed route will provide no "alternate" route for the residents. This onset of industrial traffic will impede the flow of traffic for everyone.

Holliday Sands promises lots of driver rules which none have been followed in the past. We see these promises violated DAILY and there is really no way to hold them accountable. The conditions the BOA gave for Watkins Sand are not even enforceable (at least you haven't revoked their permits to date, with all of the violations over the years. We guarantee whatever conditions you give to Holliday Sand will not be enforceable either, just more hot air. This company only informed 1 household regarding this new business. The way this company decided to HIDE this from all of us is shady. Were they even going to tell us till it was too late?

I personally know of hundreds of horror stories we've had with trucks on Olive and every resident out here has their own set of stories. This WILL BE the same experience on Garnett.

Also if I may speak on behalf of the property values. This unnecessary site will deplete our home values which will result in more frustration for us law abiding, tax paying citizens. Would you really like to see Tulsa county tax payers money moved out of the area? I don't think so. I have several neighbors already in talks of wanting to move.

This is a continuing Public nuisance/Public Safety issue, there are way too many subdivisions and more development going in along Garnett out here now to allow such industrial traffic. The county just paid for a brand-new waterline to be installed all the way South of 131st street. I assumed that was to add more subdivisions down Garnett.

We are imploring you to deny this permit, it's the right thing to do for NE Bixby AND SW Broken Arrow. This is not the "the country" any more, it's suburbia. The river goes on for miles and it's full of SAND, so why we would allow our prime AG land to be poached by an out of state company is beyond me. Surely there is another place that is a better spot for a sand plant operation. The previous sites are claiming no more supply, no more resource which is false. If you travel out

here you will see piles and piles of sand that have vegetation growing. This simply is not needed nor wanted out here.

Sincerely,

Virginia Raney
12716 E 137th St S
Broken Arrow, OK 74011
Hickory Hills Subdivision

Jones, Robi

From: Yvette Martinez <ymart2012@gmail.com>
Sent: Tuesday, September 10, 2019 11:49 PM
To: Jones, Robi; esubmit; kkeith@tulsacounty.org; rpeters@tulsacounty.org;
ssallee@tulsacounty.org
Subject: CBOA Hearing - 2769 Holliday Application Opposition Letter

All:

Please accept my letter as a request to deny the application submitted by Holliday CBOA Case # 2769.

Thank you for your consideration in advance, I look forward to seeing you all at the meeting on Sept 17th. It will also give me the opportunity to see my mother at work, Cheryl Martinez.

Thanks again,
Yvette Martinez
Resident of Shadow Trails Neighborhood and HOA Board



Letter to Board of Adjustments

Jones, Robi

From: Susan Bevard-Bagwell <sbevard_bagwell@yahoo.com>
Sent: Tuesday, September 10, 2019 10:57 PM
To: Jones, Robi; esubmit; rpeters@tulsacounty.org
Subject: CBOA-2769

To the Members of the Tulsa County Board of Adjustment,

I respectfully ask that you deny the Special Exception CBOA-2769 for Holliday Sand and Gravel for Mining and Mineral Processing at SW/c of East 141st St South & South 129th East Avenue, Broken Arrow, Tulsa County for the following reasons:

1. The existing business noise is a constant disruption to our neighborhood community now and with an additional sand plant in this open area would be detrimental as it would be even closer to our neighborhood with fewer trees to absorb the sound.
2. This is not a need for an additional plant at this time in this area as there are stock piles of sand at all of the existing plants in the area, some of which have been there so long there is vegetation growing on top of them.
3. An additional sand plant at this location would decrease the values of the existing home owners property in the area and permanently discourage any new housing developments. By discouraging development and decreasing property values of the existing homes in the area, Ad Valorem property taxes would go down and our schools would suffer even more budget cuts.
4. Holliday Sand's so called "Good Neighbor Policy" referenced in the application is only a policy of words on paper and not of actions. If their existing facility across the street is not a good corporate citizen in the community then we don't need another facility in the area.

For the existing home owners in the area such as myself and the children of the surrounding neighborhoods within 2 miles of this proposed Mining and Mineral Processing Special Exception, I ask you to **please deny this special exception requested from Holliday Sand and Gravel.**

Gary Bagwell
13137 S 125th E Ave
Broken Arrow, OK 74011

Jones, Robi

From: Gayle Davis <gdavis5556@hotmail.com>
Sent: Tuesday, September 10, 2019 10:45 PM
To: Jones, Robi
Subject: CBOA-2769

I am a resident of Hickory Hills in Broken Arrow. I am against this as it will certainly negatively affect our property value, our peace, our traffic which has proven a danger to several by uncaring reckless truck drivers including myself, etc etc.
Gayle Davis

Sent from my iPhone

Jones, Robi

From: Lonny Yocham <l.yoch@yahoo.com>
Sent: Tuesday, September 10, 2019 7:09 PM
To: Jones, Robi; esubmit
Subject: Holiday Sand & Gravel

This email is in regard to the Holiday Sand and Gravel that is wanting to go in at 141st south and 129th East Avenue. Since I'm unable to attend the meeting on the 17th, I'm sending my comments by email. I live on 132nd st S and 129th. There is a lot of trucks going down 129th now and with another sand plant it would double. The noise would be worse. Our property values would decrease.

Thank you
Judy Yocham

Jones, Robi

From: Virginia Raney <vsraney6742@gmail.com>
Sent: Wednesday, September 11, 2019 12:11 AM
To: esubmit
Subject: CASE NUMBER CBOA-2769

To Whom It May Concern,

This letter is in reference to Holliday Sand's proposal to put in a SAND PLANT in AG ZONED land and strip mine some of the best agricultural land in the area South of 141st between Olive and Garnett. They are planning to add 100+ more trucks coming down Olive and Garnett. This is going to be 6 days per week making it nearly impossible for us to access the turnpike or the ability to easily make it to work, school, or appointment. There are too many reasons why this is a bad idea! We DON'T want this rezoning approved!

The streets out here are only 2 lane ,no shoulder, residential streets. Not industrial streets. These roads are already wearing down and breaking on the edges due to the current amount of trucks we have barreling through our neighborhoods. These trucks are dangerous by crossing centerlines, not stopping at stop signs, speeding in zones where limits are posted. Why would we want to add 100+ more trucks? There have already been several accidents reported, long commute times following behind them, broken windshields, and even being ran off the road. These intersections we currently have do not support the proper width needed for these monster trucks to turn.

This added traffic will make it nearly impossible to access Bixby Northeast Elementary/Intermediate School located between Olive and Garnett on 131st ST South. The hours of operation for this sand quarry will be during prime pick up and drop off times. Do we really want school buses tangled in the mess of a semi truck. I don't think so. This new proposed route will provide no "alternate" route for the residents. This onset of industrial traffic will impede the flow of traffic for everyone.

Holliday Sands promises lots of driver rules which none have been followed in the past. We see these promises violated DAILY and there is really no way to hold them accountable. The conditions the BOA gave for Watkins Sand are not even enforceable (at least you haven't revoked their permits to date, with all of the violations over the years. We guarantee whatever conditions you give to Holliday Sand will not be enforceable either, just more hot air. This company only informed 1 household regarding this new business. The way this company decided to HIDE this from all of us is shady. Were they even going to tell us till it was too late?

I personally know of hundreds of horror stories we've had with trucks on Olive and every resident out here has their own set of stories. This WILL BE the same experience on Garnett.

Also if I may speak on behalf of the property values. This unnecessary site will deplete our home values which will result in more frustration for us law abiding, tax paying citizens. Would you really like to see Tulsa county tax payers money moved out of the area? I don't think so. I have several neighbors already in talks of wanting to move.

This is a continuing Public nuisance/Public Safety issue, there are way too many subdivisions and more development going in along Garnett out here now to allow such industrial traffic. The county just paid for a brand-new waterline to be installed all the way South of 131st street. I assumed that was to add more subdivisions down Garnett.

We are imploring you to deny this permit, it's the right thing to do for NE Bixby AND SW Broken Arrow. This is not the "the country" any more, it's suburbia. The river goes on for miles and it's full of SAND, so why we would allow our prime AG land to be poached by an out of state company is beyond me. Surely there is another place that is a better spot for a

sand plant operation. The previous sites are claiming no more supply, no more resource which is false. If you travel out here you will see piles and piles of sand that have vegetation growing. This simply is not needed nor wanted out here.

Sincerely,

Virginia Raney
12716 E 137th St S
Broken Arrow, OK 74011
Hickory Hills Subdivision

Jones, Robi

From: Gayle Davis <gdavis5556@hotmail.com>
Sent: Tuesday, September 10, 2019 10:50 PM
To: esubmit
Subject: CBOA-2769

I am a resident of Hickory Hills addition in Broken Arrow and am Against this as it will negatively impact our property value, our traffic by these huge sand trucks, our overall living conditions, etc.

Gayle Davis

Sent from my iPhone

Jones, Robi

From: Lou_Shelton <LShelton@fatincusa.com>
Sent: Wednesday, September 11, 2019 12:47 PM
To: Jones, Robi
Subject: Holliday Sand and Gravel Expansion

We would like to add our names to the concerned residents of Hickory Hills who are in opposition to Holliday Sand and Gravel's expansion to the corner of 129th East Avenue and 141st Street.

We live at 12309 E 136th Street S in Hickory Hills addition, Broken Arrow.

We agree with these points made by our neighbors:

1. Noise Pollution - We currently experience a very noisy environment due to heavy equipment at the sand plant. On any day you can hear the equipment engines and reverse safety "beeping" from our home. We have lived in this neighborhood long enough to remember the quiet and we don't need them to move even closer to our homes. We appreciate that there have been many other additions built and changes in the area since we built in 1973, and we understand growth. We just feel the proposed expansion moving the Sand company a mile closer to our home is unfair.

2. Truck Traffic/Safety - The Sand Company truck traffic is currently well over 100 trucks per day traversing Olive between 131st and the sand plant. We have read an ADDITIONAL 100 trucks per day will be added as a result of this expansion.

This added traffic presents a safety concern. It has been suggested the trucks will travel down Garnett for access to 141st. Let's be real! This is an unlikely probability! There is not an exit from the Creek Turnpike at Garnett. They will still exit on Olive. No driver is going to turn and travel 3 miles out of their way to accommodate the locals. If they do agree to the detour, they will have to make a complex and difficult right turn at 121st to travel a mile west to Garnett and history has shown several times a semi is unable to make that turn without getting stuck.

If a driver travels to 131st and then turns to travel to Garnett, it will be necessary to go through the elementary school morning traffic with cars and children exposed. While the posted speed limit is 25 before and after school and 35 mph the rest of the day, many truck drivers exceed this limit consistently presenting safety concerns for both children and neighborhood vehicles leaving and entering the neighborhoods.

3. Road Deterioration - The Olive road deterioration continues to be a problem especially at the intersection of 131st and Olive. This will certainly be compounded with the projected increase in truck traffic.

4. Property Value - Considering the expansion, safety, and noise issues as stated above we strongly feel property values will be adversely affected.

Thank you for your involvement in this issue and we will appreciate anything you can do on our behalf.

Louanne Shelton
David Shelton
Megan Staat
Nick Staat



Recipient: **The Board of Adjustment County of Tulsa**

Letter: **Greetings,**

**Vote NO to Case Number CBOA-2769. Rezoning SW Corner of East 141st S
& South 129th E Ave.**

6.157

Signatures

Name	Location	Date
Kyler Mehl	Broken Arrow, KS	2019-09-06
Virginia Raney	Broken Arrow, OK	2019-09-06
Gina Anderson	Broken Arrow, OK	2019-09-06
Denise Stevens	Broken e, OK	2019-09-06
Ross Strube	Broken Arrow, OK	2019-09-06
Leslie Davis	Broken Arrow, OK	2019-09-06
Carrie Hood	Broken Arrow, OK	2019-09-06
Ron Clayton	Broken Arrow, OK	2019-09-06
Brett Wagner	Broken Arrow, OK	2019-09-06
Judith Everspaugh	Broken Arrow, OK	2019-09-06
Jennifer Jones	Broken Arrow, OK	2019-09-06
Mike Davis	Broken Arrow, OK	2019-09-06
Madison Hibbard	Broken Arrow, OK	2019-09-06
Crystal Wilson	Broken Arrow, OK	2019-09-06
Angelo Pezzullo	Broken Arrow, OK	2019-09-06
Lindsey Groves	Broken Arrow, OK	2019-09-06
Acacia Strube	Broken Arrow, OK	2019-09-06
Jacqueline York	Broken Arrow, OK	2019-09-06
Yvette Martinez	Broken Arrow, OK	2019-09-06
Audra Powell	Broken Arrow, OK	2019-09-06

Name	Location	Date
Todd McPhail	Pryor, OK	2019-09-06
Jason Gates	Broken Arrow, OK	2019-09-06
Jeffrey Scott	Broken Arrow, OK	2019-09-06
Ramy Tadros	Broken Arrow, OK	2019-09-06
Susan Ginter	Broken Arrow, OK	2019-09-06
Ryan Woods	Broken Arrow, OK	2019-09-06
Sara Johnson	Broken Arrow, OK	2019-09-06
Seth Nichols	Broken Arrow, OK	2019-09-06
Pat Whittaker	Broken Arrow, OK	2019-09-06
Steve Whittaker	Broken Arrow, OK	2019-09-06
Jeri Townsend	Broken Arrow, OK	2019-09-06
Wendy Wrona	Broken Arrow, OK	2019-09-06
Matthew Bsrth	Broken Arrow, OK	2019-09-06
Becky Tucker	Broken Arrow, OK	2019-09-06
Lisa Sherl	Broken Arrow, OK	2019-09-06
Tara robinett	Oklahoma City, OK	2019-09-06
Christine Bailey	broken arrow, OK	2019-09-06
Jeff Creed	Broken Arrow, OK	2019-09-06
Kathryn Gibson	Chicago, IL	2019-09-06
Tiffany Clayton	Broken Arrow, OK	2019-09-06
Kimberly Woodhead	Broken Arrow, OK	2019-09-06
Larry Zayat	Broken Arrow, OK	2019-09-06

Name	Location	Date
Jennifer Jones	Bixby, OK	2019-09-06
Katherine Wiley	Broken Arrow, OK	2019-09-06
Kelly Lang	Bixby, OK	2019-09-06
Linda Exendine	Broken Arrow, OK	2019-09-06
Candace Muse	Broken Arrow, OK	2019-09-06
paula ontko	Tulsa, OK	2019-09-06
Patricia Guion	Broken Arrow, OK	2019-09-06
Deborah Potter	Broken Arrow, OK	2019-09-06
Raymond Nelson	Broken Arrow, OK	2019-09-06
Aaron Berry	Broken Arrow, OK	2019-09-06
Katherine Fondren	Tulsa, OK	2019-09-06
Nancy Horn	Broken Arrow, OK	2019-09-06
Christina Knam	Bixby, OK	2019-09-06
Penny Brokaw	tulsa, OK	2019-09-06
Lana Riddle	Broken Arrow, OK	2019-09-06
Patty Morales	Tulsa, OK	2019-09-06
Terry Robertson	broken arrow, OK	2019-09-06
Teresa Scott	Broken Arrow, OK	2019-09-06
Lewis Beck	Bixby, OK	2019-09-06
Jim Cheek	Owasso, OK	2019-09-06
Louanne Shelton	Tulsa, OK	2019-09-06
Ronald Allen	Broken Arrow, OK	2019-09-06

Name	Location	Date
Susan poplin	Oklahoma City, OK	2019-09-06
Moses Tho8	Tulsa, OK	2019-09-06
Denise French	Jenks, OK	2019-09-06
Jayne Roach	Broken Arrow, OK	2019-09-06
Glenda Hendrickson	Broken Arrow, OK	2019-09-06
Aaron Fischer	Broken Arrow, OK	2019-09-06
Rick Kirkendoll	Broken Arrow, OK	2019-09-06
Jon Herring	Broken Arrow, OK	2019-09-06
Nick Hall	Tulsa, OK	2019-09-06
Taylor Johnson	Sapulpa, OK	2019-09-06
Diane Knights	Broken Arrow, OK	2019-09-06
Melissa Babb	Broken Arrow, OK	2019-09-06
WAYNE RAUSCH	Broken Arrow, OK	2019-09-06
Paul Ferree	Broken Arrow, OK	2019-09-06
Linda S Bevard	Broken Arrow, OK	2019-09-06
Sharon Baker	Broken Arrow, OK	2019-09-06
Gary Bagwell	Broken Arrow, OK	2019-09-06
Katie Merritt	Tulsa, OK	2019-09-06
Molly Selman	Oklahoma City, OK	2019-09-06
Vickie Smallen	Bixby, OK	2019-09-06
Chris Babb	Broken Arrow, OK	2019-09-06
Lucy Keltner	Broken Arrow, OK	2019-09-06

Name	Location	Date
Melissa Elliott	Broken Arrow, OK	2019-09-06
Ashley Ward	Broken Arrow, OK	2019-09-06
Carlos Morales	Broken Arrow, OK	2019-09-06
Elizabeth Holleyman	Broken Arrow, OK	2019-09-06
Kim Worthington	Tulsa, OK	2019-09-06
Amy Ciucci	Broken arrow, OK	2019-09-06
Ashley Lahn	Broken Arrow, OK	2019-09-06
Britney Worthington	Broken Arrow, OK	2019-09-06
Carol Ghere	Tulsa, OK	2019-09-06
Pam Taylor	Bixby, OK	2019-09-06
teresa brown	bixby, OK	2019-09-06
Brody Brown	Bixby, OK	2019-09-06
Nathan Brown	Bixby, OK	2019-09-06
Lisa Hillstrom	Broken Arrow, OK	2019-09-06
Laurie Nevins	Broken Arrow, OK	2019-09-06
Kim Hanna	Broken Arrow, OK	2019-09-06
Ruscelia Gibson	Broken Arrow, OK	2019-09-06
Johnnie Herring	Broken Arrow, OK	2019-09-06
Marcia Perry	Broken Arrow, OK	2019-09-06
Steve and Patty Keltner	Broken Arrow, OK	2019-09-06
Kelly Johnston	Broken Arrow, OK	2019-09-06
Kimberly Bevins	Broken Arrow, OK	2019-09-06

Name	Location	Date
Patricia Long	Broken Arrow, OK	2019-09-06
Rebecca Davis	Tulsa, OK	2019-09-06
James Nichols	Tulsa, OK	2019-09-06
Hannah Hummel	Broken Arrow, OK	2019-09-06
Karl Keltner	Broken arrow, OK	2019-09-06
Julie Cavender	Broken Arrow, OK	2019-09-06
Joan Wattoff	Broken Arrow, OK	2019-09-06
JJ Cavender	Broken Arrow, OK	2019-09-06
Stephanie Parker	Bixby, OK	2019-09-06
N A	Twinsburg, US	2019-09-06
Stormy Cole	Bixby, OK	2019-09-06
Douglas Stephens	Bixby, OK	2019-09-06
Lynn Mize	Broken Arrow, OK	2019-09-06
Thomas Horn	Broken Arrow, OK	2019-09-06
Angela Lane	Bixby, OK	2019-09-06
Jan Clark	Broken Arrow, OK	2019-09-06
Julie Riley	Bixby, OK	2019-09-06
Sammi Byrne	Bixby, OK	2019-09-06
Jeanne Buchanan	Broken Arrow, OK	2019-09-06
Valerie Cooper	Broken Arrow, OK	2019-09-06
Cody Young	Broken Arrow, OK	2019-09-06
Colten Worthington	Broken Arrow, OK	2019-09-06

Name	Location	Date
Royce Macklin	Broken Arrow, OK	2019-09-06
Ruth Terry	Broken Arrow, OK	2019-09-06
Cheryl Florence	Bixby, OK	2019-09-06
pam martin	Broken Arrow, OK	2019-09-06
Sherry Provencher	Grand Prairie, TX	2019-09-06
Janice Stillwell	Broken Arrow, OK	2019-09-06
Vicky Hensley	Tulsa, OK	2019-09-06
Andrew Shoemaker	Broken Arrow, OK	2019-09-06
Kathleen Neal	Tulsa, OK	2019-09-06
Dawn Laverty	Broken arrow, OK	2019-09-06
Kay Anderson	Claremore, OK	2019-09-06
Chelsi Singleton	Broken Arrow, OK	2019-09-06
Megan Staat	Broken Arrow, OK	2019-09-06
Desire Burdg	Augusta, KS	2019-09-06
Derek Ley	Broken Arrow, OK	2019-09-06
Julie Myres	Broken Arrow, OK	2019-09-06
Jennifer Wise	Broken Arrow, OK	2019-09-06
Melissa Kunz	Tulsa, OK	2019-09-06
Kendrin Keserich	Broken Arrow, OK	2019-09-06
Deborah Rose	Broken Arrow, OK	2019-09-07
Kayla Hill	Broken Arrow, OK	2019-09-07
Tyler Glowacki	Tulsa, OK	2019-09-07

Name	Location	Date
Katie Kelley	Broken Arrow, OK	2019-09-07
Carol Moran	Broken Arrow, OK	2019-09-07
Tralynna Scott	Broken Arrow, OK	2019-09-07
Rebecca Wyatt	Broken Arrow, OK	2019-09-07
Timothy Barteaux	Bixby, OK	2019-09-07
Cynthia Bradley	Broken Arrow, OK	2019-09-07
Crystal Murphy	Dallas, TX	2019-09-07
Brandon Scott	Broken Arrow, OK	2019-09-07
Joyce Merritt	Bixby, OK	2019-09-07
rashana edmonds	Broken Arrow, OK	2019-09-07
Ray Hilligoss	Broken Arrow, OK	2019-09-07
Lori Richardson	Broken arrow, OK	2019-09-07
Rita Rice	Broken Arrow, OK	2019-09-07
Andrew F	Broken Arrow, OK	2019-09-07
Julie Esparza	Broken Arrow, OK	2019-09-07
Sherri Noonkester	Broken Arrow, OK	2019-09-07
Tiffany Robison	Broken Arrow, OK	2019-09-07
Dwight Johnson	Broken Arrow, OK	2019-09-07
John Bates	Broken Arrow, OK	2019-09-07
Andrea Framel	Broken arrow, OK	2019-09-07
Whitney Elliott	Broken Arrow, OK	2019-09-07
Evan Herrman	Broken Arrow, US	2019-09-07

Name	Location	Date
Gayle Conger	Broken Arrow, OK	2019-09-07
Cindy Kibby	Broken Arrow, US	2019-09-07
Sarah Mitchell	Broken Arrow, OK	2019-09-07
Joni Boughers	Broken Arrow, OK	2019-09-07
Amy Hilligoss	Broken Arrow, OK	2019-09-07
Tom Bates	Broken Arrow, OK	2019-09-07
Linda Landino	Broken Arrow, OK	2019-09-07
Kelsey Pruett	Broken Arrow, OK	2019-09-07
Ricarda Olvera	Broken Arrow, OK	2019-09-07
Crystal Sanchez	Broken Arrow, OK	2019-09-07
Cassidy Bailey	Morris, OK	2019-09-07
Rebecca Claridy	Broken Arrow, OK	2019-09-07
Igor Bogoslov	Tahlequah, OK	2019-09-07
Schuylar Morris	Tulsa, OK	2019-09-07
Katelynn Sanders	Bixby, OK	2019-09-07
Kandice Nowak	Tulsa, OK	2019-09-07
Damon Dickson	Bixby, OK	2019-09-07
Tyler McCall	Broken Arrow, OK	2019-09-07
Laisne Shields	Broken Arrow, OK	2019-09-07
Desiree Jenkins	Broken arrow, OK	2019-09-07
Allison Freswick	Beachwood, OH	2019-09-07
Neisha Higgins	Broken Arrow, OK	2019-09-07

Name	Location	Date
Olivia Camel	Independence, MO	2019-09-07
Xuyen Ha	Tulsa, OK	2019-09-07
Jerrilyn Henry	Ashburn, VA	2019-09-07
Julie Irvin	Collinsville, OK	2019-09-07
John Irvin	Tulsa, OK	2019-09-07
Jacob Keltner	Broken Arrow, OK	2019-09-07
Hayden Henry	Broken Arrow, OK	2019-09-07
Michael McGinnis	Broken Arrow, OK	2019-09-07
Adele Dominy	Tulsa, US	2019-09-07
Tiffanie Garrett	Bixby, OK	2019-09-07
Dawn Bitting	Broken Arrow, OK	2019-09-07
Jennifer Stockton	Tulsa, OK	2019-09-07
Laura Rollins	Broken Arrow, OK	2019-09-07
Johannah Schwartz	Oklahoma City, OK	2019-09-07
Mayghen Hipple	Tulsa, OK	2019-09-07
Steve Coder	Broken Arrow, OK	2019-09-07
Michelle Lee	Broken Arrow, OK	2019-09-07
Susan Poe	Broken Arrow, OK	2019-09-07
Geoff Wattoff	Broken Arrow, OK	2019-09-07
Dawn Slattery	Broken Arrow, OK	2019-09-07
Andrew Cole	Atlanta, GA	2019-09-07
Jesse Worthington	Houston, TX	2019-09-07

6.167

Name	Location	Date
Dana Morris	Broken Arrow, OK	2019-09-07
Therese Watson	Tulsa, OK	2019-09-07
Trisha Goodman	Skiatook, OK	2019-09-07
Karrie Paul	Broken Arrow, OK	2019-09-07
Pamela Whitworth	Glenpool, OK	2019-09-07
Dennis Harms	Oklahoma	2019-09-07
Anthony Hummel	Broken Arrow, OK	2019-09-07
Tanya Schimon	Lafayette, LA	2019-09-07
Carey Martin	Broken Arrow, OK	2019-09-07
Stephanie Schrader	Bixby, OK	2019-09-07
Rhonda Zuvanich	Tulsa, OK	2019-09-07
Lindsay Sparks	Broken Arrow, OK	2019-09-07
Rebekah Hipp	Glenpool, OK	2019-09-07
Robin Hunt	Sapulpa, OK	2019-09-07
MARK mOSELEY	TULSA, OK	2019-09-07
Gary Woltjer	Broken Arrow, OK	2019-09-07
Sue Danzl	Springfield, MO	2019-09-07
Ashley Miller	Inola, OK	2019-09-07
Paul Blaes	Broken Arrow, OK	2019-09-07
brittany evins	Oklahoma City, OK	2019-09-07
David Mcdaniel	Bixby, OK	2019-09-07
Edwin Fernandez	Tulsa, OK	2019-09-07

Name	Location	Date
Kenneth Herrman	Broken Arrow, OK	2019-09-07
Donna Woods	Bixby, OK	2019-09-07
Billye Flanary	Broken Arrow, OK	2019-09-07
Erin Vick	Tulsa, OK	2019-09-07
Marcia Zuvanich	Ponca City, OK	2019-09-07
Bryan Ortiz Jiménez	Orlando, US	2019-09-07
Tena Sweetin	Pittsburg, OK	2019-09-07
Debbie Snider	Bristow, OK	2019-09-07
Kenzie Royce	Bixby, OK	2019-09-07
Dave Parcell	Broken Arrow, OK	2019-09-07
Trevan Sherrill	Broken arrow, OK	2019-09-07
Kelsey Parcell	Broken Arrow, OK	2019-09-07
Jayson Helns	Durango, US	2019-09-07
Barry Cooper	Broken Arrow, OK	2019-09-07
John Coles	Broken Arrow, OK	2019-09-07
Mandy Bost	Broken Arrow, OK	2019-09-07
C Ives	Broken Arrow, OK	2019-09-07
Jennifer McCall	Broken Arrow, OK	2019-09-07
Jason Bougetz	BA, OK	2019-09-07
Terry Teahan	Broken arrow, OK	2019-09-07
David Fitch	Broken arrow, OK	2019-09-07
Toni Aubuchon	Broken Arrow, OK	2019-09-07

Name	Location	Date
Jordan Haus	Broken Arrow, OK	2019-09-07
Tim Rodriguez	Broken Arrow, OK	2019-09-07
Spencer Aston	Broken Arrow, OK	2019-09-07
Corey Heim	Broken Arrow, OK	2019-09-07
Kayla Polk	Broken Arrow, OK	2019-09-07
Lacie Oxley	Broken Arrow, OK	2019-09-07
Drue Smallwood	broken arrow, OK	2019-09-07
Brandy Hibbard	Broken Arrow, OK	2019-09-07
Khia Sims	Broken Arrow, OK	2019-09-07
Beth Brandl	Bixby, OK	2019-09-07
Damon Hutson	Bixby, OK	2019-09-07
Peggy Counts	Huntsville, AL	2019-09-07
Kimberly Angel	Tulsa, OK	2019-09-08
Thomas Royce	Bixby, OK	2019-09-08
Clara Sims	Broken Arrow, OK	2019-09-08
Lisa Alexander	Broken Arrow, OK	2019-09-08
Wendy Hess	Broken Arrow, OK	2019-09-08
Melinda Johnston	Broken Arrow, OK	2019-09-08
Shelly Gordon	Bixby, OK	2019-09-08
Kimberly Norris	Tulsa, OK	2019-09-08
Misty Yonce	Broken Arrow, OK	2019-09-08
Robert Moody	Broken Arrow, OK	2019-09-08

Name	Location	Date
Lisa Smallwood	Broken Arrow, OK	2019-09-08
Susie Buedden	Broken Arrow, OK	2019-09-08
Karen Smallwood	Broken Arrow, OK	2019-09-08
Eric Knam	Bixby, OK	2019-09-08
Michael Schmitt	Pittsford, US	2019-09-08
Kimberly McAuliff	Broken Arrow, OK	2019-09-08
Teresa Whitney	Bixby, OK	2019-09-08
Jennifer Simpson	Broken Arrow, OK	2019-09-08
Blake Simpson	Broken Arrow, OK	2019-09-08
Debbie Beaver	Jenks, OK	2019-09-08
Holly Turvey	Broken Arrow, OK	2019-09-08
Paula Inbody	Jenks, OK	2019-09-08
Mary Vieira	Bixby, US	2019-09-08
Toni Ramirez	Broken Arrow, OK	2019-09-08
Joe Alcott	Dallas, TX	2019-09-08
Clinton Prater	Broken Arrow, OK	2019-09-08
Jing Sun	Broken arrow, OK	2019-09-08
Mary Labon	Sparta, US	2019-09-08
Justin Pierson	Joplin, MO	2019-09-08
Shannon Rainwater	Tulsa, OK	2019-09-08
Ginger Lloyd	Broken Arrow, OK	2019-09-08
Bryan Lloyd	Broken Arrow, OK	2019-09-08

Name	Location	Date
Steven Close	Broken Arrow, OK	2019-09-08
Joeleen Ferree	Broken Arrow, US	2019-09-08
Karen Williams	Broken Arrow, OK	2019-09-08
Michelle Nelson	Broken Arrow, OK	2019-09-08
David Shelton	Broken Arrow, OK	2019-09-08
Edward Mize	Broken Arrow, OK	2019-09-08
Cary Carlisle	Broken Arrow, OK	2019-09-08
Larry fugate	Tulsa, OK	2019-09-08
Tanya Berryman	Broken Arrow, OK	2019-09-08
Mike Baker	Lake Isabella, CA	2019-09-08
Roxie Parcell	Broken Arrow, OK	2019-09-08
Dylan Fotenopoulos	Broken Arrow, OK	2019-09-08
Jessica Upchurch	Wildwood, MO	2019-09-08
Denia Fotenopoulos	Broken Arrow, OK	2019-09-08
Stephanee Kockelman	Broken arrow, OK	2019-09-08
Christina Kockelman	Coweta, OK	2019-09-08
Sarah Williams	Broken Arrow, OK	2019-09-08
Jade Williams	Poteau, OK	2019-09-08
Johnna McMahan	Tulsa, OK	2019-09-08
Michele Hale	Broken Arrow, OK	2019-09-08
Christina Soergel	Broken arrow, OK	2019-09-08
Mallory Goins	Broken Arrow, OK	2019-09-08

6.172

Name	Location	Date
Rachelle McBride	Glenpool, OK	2019-09-08
Jenny Leaton	Columbus, WI	2019-09-08
Molly Parker	Broken arrow, OK	2019-09-08
Kelly Wratten	Broken arrow, OK	2019-09-08
Jennifer Lewis	Tulsa, OK	2019-09-08
Jared Hale	Coweta, OK	2019-09-08
Thomas Gleghorn	Tulsa, OK	2019-09-08
Johnathan Williams	Tulsa, OK	2019-09-08
Blake Martin	Tulsa, OK	2019-09-08
Uliana Petrenko	Santa Clara, US	2019-09-08
Jessica Hardy	Broken Arrow, OK	2019-09-08
Thomas Burns	Broken arrow, OK	2019-09-08
Candice Hagman	US	2019-09-08
Herb Elliott	Broken arrow, OK	2019-09-08
Michelle Herndon	Broken Arrow, OK	2019-09-08
Lisa Posey	Broken Arrow, OK	2019-09-08
Tanner Jackson	Broken Arrow, OK	2019-09-08
Bill Resh	Claremore, OK	2019-09-08
Bayle Stoker	Norman, OK	2019-09-08
Samantha Maxwell	Bixby, OK	2019-09-08
Shelia Parker	Broken Arrow, OK	2019-09-08
Michael Cleveland	Oklahoma	2019-09-08

6.173

Name	Location	Date
Michael Benning	Broken Arrow, OK	2019-09-08
Teri White	Broken Arrow, OK	2019-09-08
Shelly Suazo	Owasso, OK	2019-09-08
Patrick Hooker	Tulsa, OK	2019-09-08
Swelky Suazo	Tulsa, OK	2019-09-08
Jerry Crew	Broken Arrow, OK	2019-09-08
April Crew	Broken Arrow, OK	2019-09-08
Mark Jones	Broken Arrow, OK	2019-09-08
Samantha & Richie Moreno	Broken Arrow, OK	2019-09-08
Sierra Yost	Oak Grove, MO	2019-09-08
Jodie Hatton	Tulsa, OK	2019-09-08
Candice Bailey	Oklahoma City, OK	2019-09-08
J.R. Raz	Coweta, OK	2019-09-08
Shelley Vaugine	Springfield, MO	2019-09-08
Mendy McDonald	Broken Arrow, OK	2019-09-08
Janet McNutt	Oklmulgee, OK	2019-09-08
matthew Smith	Secaucus, US	2019-09-08
Amanda Glenn	Broken Arrow, OK	2019-09-08
Jordan Birch	Broken Arrow, OK	2019-09-08
Debbie Pennell	Broken Arrow, OK	2019-09-08
Tricia Roesler	Sand Springs, OK	2019-09-08
Lori Bartel	Broken Arrow, OK	2019-09-08

6.174

Name	Location	Date
Angela Gagnon	Tulsa, OK	2019-09-08
Matthew Calson	Jenks, OK	2019-09-08
Scott Newkirk	Tacoma, WA	2019-09-08
Neila Altreche	Isabela, US	2019-09-08
C Clooney	Cincinnati, US	2019-09-09
Jessica Lundy	Broken Arrow, OK	2019-09-09
Ligma Amgil	Pryor, US	2019-09-09
Agasne Bragado	Van Nuys, US	2019-09-09
Florentina Taylor	Wells, ME	2019-09-09
James Fowler	Muskogee, OK	2019-09-09
Kristin Stephens	Broken arrow, OK	2019-09-09
Ginger Sullivan	Broken Arrow, OK	2019-09-09
Eduardo Corona	Broken Arrow, OK	2019-09-09
Allison Aston	Broken Arrow, OK	2019-09-09
Desiere Lang	Tulsa, OK	2019-09-09
Ashley Barth	Broken Arrow, OK	2019-09-09
Derek Lang	Broken Arrow, OK	2019-09-09
Denise Kraemer	Broken Arrow, OK	2019-09-09
Norka Moran	Broken arrow, OK	2019-09-09
David Esparza	Broken Arrow, OK	2019-09-09
Eddie Garcia	US	2019-09-09
Darren Hoog	Broken Arrow, OK	2019-09-09

6.175

Name	Location	Date
Danny Castleberry	Broken Arrow, OK	2019-09-09
Deborah Houston	Broken Arrow, OK	2019-09-09
Kim Roark	Broken Arrow, OK	2019-09-09
Mike Roark	Broken Arrow, OK	2019-09-09
Nick Roark	Broken Arrow, OK	2019-09-09
Michaela Schweiger	Broken Arrow, OK	2019-09-09
Michael Nevins	Broken Arrow, OK	2019-09-09
Steve Owings	Broken Arrow, OK	2019-09-09
Heather Tillman	Broken Arrow, OK	2019-09-09
Nicholas Staat	Broken Arrow, OK	2019-09-09
Jackie Heardod	Owasso, OK	2019-09-09
Fernando Diaz	Broken Arrow, OK	2019-09-09
Nathaniel Downs	Dallas, TX	2019-09-09
Allison Rowe	Broken Arrow, OK	2019-09-09
Lauren Courtney	Broken Arrow, OK	2019-09-09
Lacie Oxley	Broken Arrow, OK	2019-09-09
David Kockelman	Broken Arrow, OK	2019-09-09
Craig Grotts	Broken Arrow, OK	2019-09-09
June Valentine	Broken Arrow, OK	2019-09-09
Jason Denney	Bartlesville, OK	2019-09-09
Anna Conklin	Sand Springs, OK	2019-09-09
Heather Joy	Glenpool, OK	2019-09-09

Name	Location	Date
Kayla Best	Bixby, OK	2019-09-09
Jennifer Lorton	Broken Arrow, OK	2019-09-09
Kali Abel	Bixby, OK	2019-09-09
Ryan Anderson	Brookeville, US	2019-09-09
C. George	Broken Arrow, OK	2019-09-09
Sara Dudas	US	2019-09-09
Cecelia Norris	Broken Arrow, OK	2019-09-09
Michael Carroll	Bixby, OK	2019-09-09
Jeremiah Calsing	Broken Arrow, OK	2019-09-09
Gretchen THOMPSON	Tulsa, OK	2019-09-09
Cindi Knippers	Broken Arrow, OK	2019-09-09
Jana SWANSON	Broken Arrow, OK	2019-09-09
michelle simmons	Tulsa, OK	2019-09-09
Courtney Mills	Tulsa, OK	2019-09-09
Anita Young	Fremont, NE	2019-09-09
Cynthia Matta	Carolina, US	2019-09-09
Belinda Lewis	Broken Arrow, OK	2019-09-09
Marge Holmquist	Boise, US	2019-09-09
Brenda Nickels	Tulsa, OK	2019-09-09
Keenan Meredith	Tahlequah, US	2019-09-09
John Foster	Westfield, US	2019-09-09
Barbara Killion	Arlington, TX	2019-09-09

Name	Location	Date
Barbara Jones	Bixby, OK	2019-09-09
Christy Taylor	Broken Arrow, OK	2019-09-09
Courtney Berg	Bixby, OK	2019-09-09
Erin Frentzel	Bixby, OK	2019-09-09
Breeann Spartan	Bixby, OK	2019-09-09
Angela Gardner	Bixby, OK	2019-09-09
Melissa Stuff	Bixby, OK	2019-09-09
Brandy Taylor	Bixby, OK	2019-09-09
Randy Wheatley	Broken Arrow, OK	2019-09-09
Ann Wilkerson	Chicago, IL	2019-09-09
Cheryl Thon	Bixby, OK	2019-09-09
Ron Shumard	Broken Arrow, US	2019-09-09
James Ennis	Montgomery, US	2019-09-09
Samantha Stewart	Bixby, OK	2019-09-09
Traci Call	Bixby, OK	2019-09-09
Carrie Harper	Bixby, OK	2019-09-09
Amber Crews	Dallas, TX	2019-09-09
Dana Level	Bixby, OK	2019-09-09
Brad Stieben	Broken Arrow, OK	2019-09-09
Chris Griffin	Broken Arrow, OK	2019-09-09
Debbi Coder	Broken Arrow, OK	2019-09-09
Robbie Cherry	Bixby, OK	2019-09-09

Name	Location	Date
Lindsey Medina	Tulsa, OK	2019-09-09
Nick Wheatley	Tulsa, OK	2019-09-09
Jackson Sisler	Sarasota, US	2019-09-09
Jimmy McKinzie	Tulsa, OK	2019-09-09
Eric Hollenbeck	Williamsport, OH	2019-09-09
Janet Joiner	Bixby, OK	2019-09-09
Aaron Smith	Broken Arrow, OK	2019-09-09
Callie Ingram	Broken Arrow, OK	2019-09-09
Joni Gibson	Bixby, OK	2019-09-09
Billy Hall	Tulsa, OK	2019-09-09
Leonardo Morazan	Washington, US	2019-09-09
Dara Macklin	Broken Arrow, OK	2019-09-09
Rebecca Strode	Tulsa, OK	2019-09-09
Beckee Schlomer	bixby, OK	2019-09-09
Opal Woltjer	Broken Arrow, OK	2019-09-09
Ashlee Pruitt	Miami, OK	2019-09-09
Chris hudson	bixby, OK	2019-09-09
Wilson Gough	Tulsa, OK	2019-09-09
Elizabeth Crews	Tulsa, OK	2019-09-09
Miranda Baxter	Bixby, OK	2019-09-09
Leslie Warner	Tulsa, OK	2019-09-09
Ashley Downs	Broken Arrow, OK	2019-09-09

6.179

Name	Location	Date
Owen Dalton	Norman, US	2019-09-09
Amber Bennett	Flower Mound, US	2019-09-09
Leona Fish	Choctaw, OK	2019-09-09
Michelle Phillips	Tulsa, OK	2019-09-09
Jacquelyn McJunkin	Bixby, OK	2019-09-09
Tyler Braxton	Richmond, US	2019-09-09
Ralph Moore	Broken Arrow, OK	2019-09-09
Matthew Gibson	Broken Arrow, OK	2019-09-09
Kerry Mose	Broken Arrow, OK	2019-09-09
Nicole Brewer	Tulsa, US	2019-09-09
Danielle Martin	Broken arrow, OK	2019-09-09
Brenda Corrigan	Rosiclare, US	2019-09-09
Kara Pitt	Bixby, OK	2019-09-09
Pam George	Jenks, OK	2019-09-09
Trisha Banks	US	2019-09-10
Scott Smith	Broken Arrow, OK	2019-09-10
Jamila Crews	Tulsa, OK	2019-09-10
Angela Fockler	Broken Arrow, OK	2019-09-10
Noel Freeman	Broken Arrow, OK	2019-09-10
Matt Freeman	Broken Arrow, OK	2019-09-10
Celeste Field	Broken Arrow, OK	2019-09-10
Kenley Utley	Broken arrow, OK	2019-09-10

Name	Location	Date
Andy Roach	Sallisaw, OK	2019-09-10
James Patton	Broken Arrow, OK	2019-09-10
Misty Compton	Bixby, OK	2019-09-10
Eric Suddarth	Oklmulgee, OK	2019-09-10
Adam Grover	Bixby, OK	2019-09-10
Fred Perry	Broken Arrow, OK	2019-09-10
Donald Emlaw	Silver Springs, US	2019-09-10
Jerree Ehrlich	Broken Arrow, OK	2019-09-10
Laura Miller	Broken Arrow, OK	2019-09-10
Diana Drake	Broken Arrow, OK	2019-09-10
Shawn Cole	Broken arrow, OK	2019-09-10
Kim Wilmering	Broken Arrow, TX	2019-09-10
Joy E.	Bixby, OK	2019-09-10
Manse Angieri	Broken Arrow, OK	2019-09-10
Lorie Brown	Bixby, OK	2019-09-10
Helene Pereda	Anaheim, US	2019-09-10
Diane Davies	Broken Arrow, OK	2019-09-10
Eric Davies	Broken Arrow, OK	2019-09-10
Lisa Copelin	Broken Arrow, OK	2019-09-10
Carole Howard	Broken Arrow, OK	2019-09-10
Trevor Harper	Denton, US	2019-09-10
Beth Wilkinson	Bixby, OK	2019-09-10

Name	Location	Date
Hannah Hill	Broken Arrow, OK	2019-09-10
Laura Jau	Broken Arrow, OK	2019-09-10
Tracy Stieben	Broken Arrow, OK	2019-09-10
Candice Silva	Jenks, OK	2019-09-10
Erik Fernandez	Danbury, US	2019-09-10
Vicky Kelley	Broken Arrow, OK	2019-09-10
Lesa Moore	Broken Arrow, OK	2019-09-10
Chanele Joy	Youngtown, US	2019-09-10
Carol McMath	Bixby, OK	2019-09-10
Johnathon Shepherd	Owasso, US	2019-09-10
Alicia Waggoner	Bixby, OK	2019-09-10
Justin Horishnyk	Muskogee, OK	2019-09-10
Linda Newton	Broken Arrow, OK	2019-09-10
michael noe	Twin Oaks, OK	2019-09-10
Mike Wolfinbarger	Broken Arrow, OK	2019-09-10
Candi Morgan	Twin oaks, OK	2019-09-10
Ashley Gallaway	Broken Arrow, OK	2019-09-10
Jacqueline Welch	Broken arrow, OK	2019-09-10
Tim Welsh	Pasadena, MD	2019-09-10
Nelson Orr	Tulsa, OK	2019-09-10
William Klinger	Claremore, OK	2019-09-10
Leslie Hubbard	Broken Arrow, OK	2019-09-10

Name	Location	Date
Chelsea Hanoch	Broken Arrow, OK	2019-09-10
caleb boice	US	2019-09-10
Mike Foster	Bixby, OK	2019-09-10
Ian Gollahon	Tulsa, OK	2019-09-10
Zach Downing	Broken Arriw, OK	2019-09-10
Travis Helms	Bixby, OK	2019-09-10
Tonya Holley	Bixby, US	2019-09-10
ysenia estrada	Arab, US	2019-09-10
Brian Welch	Broken Arrow, OK	2019-09-10
Glenn Morgan	Bixby, OK	2019-09-10
Lauren Longaberger	Broken Arrow, OK	2019-09-10
Mickey Swisher	Broken Arrow, OK	2019-09-10
Gist Mary	Muskogee, OK	2019-09-10
Isabel Deatherage	Seminole, OK	2019-09-10
Kristin Coursey	Broken Arrow, OK	2019-09-10
Sharon Clayton	Pineville, LA	2019-09-10
Cory Treece	Broken Arrow, OK	2019-09-10
Denny Larson	Broken Arrow, OK	2019-09-10
Ryan McRae	Tulsa, OK	2019-09-10
Bret Worthington	Broken Arrow, OK	2019-09-10
Patty Lansford	Broken Arrow, OK	2019-09-10
Bonnie Lemoine	Pineville, LA	2019-09-10

Name	Location	Date
RODNEY GARNER	Broken Arrow, OK	2019-09-10
Kait Morgan	Oologah, OK	2019-09-10
Shandi Welborn	Wilmer, US	2019-09-10
Josh Mecom	Coffeyville, KS	2019-09-10
David Welch	Wagoner, OK	2019-09-10
Marianne Woltjer	Broken Arrow, OK	2019-09-10
David Hedgpath	Land o lakes florida, FL	2019-09-10
Rachael Johnson	Jenks, OK	2019-09-10
Amy Cornwell	Bixby, OK	2019-09-10
Albert Folske	Broken Arrow, OK	2019-09-10
Deenie Hummel	Broken Arrow, OK	2019-09-10
Deborah Pringer	Owasso, OK	2019-09-10
Sandra Schwinn	Broken Arrow, OK	2019-09-10
LaQuita Bittle	Broken Arrow, OK	2019-09-10
Nicole Buckley	Broken Arrow, OK	2019-09-10
Marc Izzabell	Mcalester, OK	2019-09-10
Makayla Jungo	Broken Arrow, OK	2019-09-10
Jimmy Sanders	Broken Arrow, OK	2019-09-10
Alianny Diaz	Broke Arrow, OK	2019-09-10
jason gosnell	Tulsa, OK	2019-09-10
Melissa Toye	Tuscaloosa, US	2019-09-10
LYNDSEY RALLS	Mcalester, OK	2019-09-10

Name	Location	Date
Brooke Weaver	Bixby, US	2019-09-10
Terri Morgan	Mcalester, OK	2019-09-10
Dorrance Meyer	Broken Arrow, OK	2019-09-10
Matt Jarvis	Broken Arrow, OK	2019-09-10
Sandy Huffman	Broken Arrow, OK	2019-09-10
Grant Imler	Tulsa, OK	2019-09-10
diego hawkins	Chesapeake, US	2019-09-10
Derek Jones	Tulsa, OK	2019-09-10
Sheila Talbot	Mcalester, OK	2019-09-10
Sam Woodard	Tulsa, OK	2019-09-10
,Brenda Randolph	Broken Arrow, OK	2019-09-10
Kea Averill	Bixby, OK	2019-09-10
Matteo Grujic	Milwaukee, US	2019-09-10
Mike Bowen	Bixby, OK	2019-09-10
LaDonna Eaton	Coffeyville, KS	2019-09-10
Loretta richards	Tulsa, OK	2019-09-10
marty odom	Broken Arrow, OK	2019-09-10
Kristina Morrow	Broken Arrow, OK	2019-09-10