TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT

TRS: 7419
CZM: 68

HEARING DATE: 02/16/2021 1:30 PM

APPLICANT: Tanner Bemies

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

LOCATION: 10335 E 161 ST S

ZONED: AG

FENCeline: Bixby

PRESENT USE: Mining and Mineral Processing

TRACT SIZE: 68.99 acres

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

RELEVANT PREVIOUS ACTIONS:

Subject Property:

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

Surrounding Property:

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

- Statements contained in the letter from Mr. Frazier dated April 25, 2012 will be applicable. (See Exhibit A, pages 3.5 and 3.6.)
- No more than 100 loads of sand to be exported from this mining operation per year.
- The applicant will ensure that the road used to access the property, 151st Street, shall be maintained, whether it is through private efforts or through efforts with Tulsa County, for reasonable and appropriate use for truck and suitable for standard automobile traffic.
This special exception will have a time limit of one year from today's date, May 15, 2012.
- The debris on the property is to be depleted or removed.

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

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

A special exception is required as the proposed soil mining operation is a use which is not permitted by right in the AG district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the surrounding area and to the general welfare, may be permitted. The use must be found to be compatible with the surrounding area.
The applicant contacted the City of Bixby in 2019 and included a statement from Jason C Mohler, P.E., Development Services Director, in the application. In summary, the statement says “The existing low water crossing provides access (to) the agricultural land north of the creek. I am not aware of any limitations on that access.”

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

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

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

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

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

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

Sample Motion:

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

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

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

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

2786—Tanner Bemies

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

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

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

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

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

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

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

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

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

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

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

**Interested Parties:**

**Jan Bartlett,** 3773 Chesapeake Street, Springdale, AR; stated she grew up on the Bolton farm which is adjacent to the proposed mine, and she is also here today on behalf of Mr. Rick Nelson who spoke with the Board before; he is a property owner across the street of the subject site. Ms. Bartlett read a letter that was written by Mr. Nelson regarding his concerns.
Wayne Mark, 3118 East 146th Street South, Bixby, OK; stated he is a cyclist and he uses the roads for cycling. Those streets are the only way to get farther out of the City and the problem he sees is the amount of dump truck traffic that will be on the streets. Not only will they tear up the roads, because they are only chip and seal roads, but from his personal experience it does not make a difference what the drivers are told to do they will drive the roads as fast as they possibly can and will not give an inch to a cyclist. Mr. Mark stated he is concerned about future safety.

Gary Pereschuk, 13315 South 90th East Avenue, Bixby, OK; stated his concern is also as a cyclist; he has lived in the area for about 25 years. He used to ride at 141st and 129th but there is a sand mining operation there now, and with the speed and the flow of the dump trucks he no longer rides there so his only option is go across the pedestrian bridge at Bixby, which is now closed. His concern would be the additional amount of dump trucks that drive on the proposed route. Having seen what happens at the sand operation at 141st and 128th, the trucks are backed up at 6:00 A.M. because they want to be the first in line. He is also afraid this will happen around the Bixby school area. The traffic is horrendous so imagine what is going to happen with another 100 dump trucks. He knows everyone will not be in the area at the same time, but those trucks want to be in line early and that will be another pressure on the bridge; that is the only arterial direction to go north. If something happens on the bridge that will lock traffic up because there is no other way out. Mr. Pereschuk stated that Bixby has done a lot of flood control work, but the water backs up from the Arkansas River through a canal that is on Mingo and it goes back through the neighborhoods, and the River was up 20 feet this spring. There are many new houses being built on 131st and Memorial with future projection of other residences being built. The water will back up if there is another event like 2019.

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

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

Rebuttal:
Tanner Bemies came forward and deferred to Mr. Joseph Watt.
Joseph Watt came forward and stated the amount of soil in the 60 acres, there was no reason to spend a lot of money testing, drilling and boring prior to the Special Exception being approved. If the Special Exception is not approved, he has saved his client that money. There was initial digging done with an excavator; went down 10 feet and there was still good soil with no evidence of water percolating up through the ground. He thinks a generalized map has been put together of how the site will be dug, so that trucks can be stacked on site while they are waiting to be loaded and not backing them onto 161st.

In May a stacking lane was started around the perimeter so that not one truck will be waiting on 161st and interfering with the bicyclists or the morning traffic that utilizes the east-west direction. The trucks will pass a school, Bixby Central Intermediate School, and hopefully if the Special Exception is approved the client will be able to work out with the school an alternate route during the peak times of school use which would minimize the disturbance to the school traffic, their children and their operation. In regard to flood control and flood draining, there is nothing being put in, but the client is taking out giving more area for storm water to store itself. Most of the area is under the 500-year flood plain, under the 100-year flood plain, under the 50-year flood plain, and most of it is under the 25-year flood plain. There is not going to be any acceptable use of the property unless it is agricultural or mining because it floods. When his client first came to the Board there was nothing on paper regarding the hours of operation, and now the hours are on paper. Mr. Watt hopes this will help relieve the concerns of the residents, because a great deal of steps have been taken to make this a positive operation.

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

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

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

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

Mr. Dillard stated he is very impressed with the Architect, the Engineers but he is not sure that Mr. Bemies realizes what he is getting in to, because when there was a little bit of consternation he backed off, that is why he wanted to know if the policy could be filed of record. He can support the request if there is a one-year time limit providing the policy is kept on the record, and the applicant complies with everything in the policy.
Board Action:
On MOTION of HUTCHINSON, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to APPROVE the request for a Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1), subject to conceptual plan 2.36 of the agenda packet. The approval is contingent with the written policy that was supplied by the applicant and there is to be a one-year time limit; January 2021, at which time the case is to be reviewed by the Board of Adjustment. Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

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

NEW APPLICATIONS

2789—Michael Abboud

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

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

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

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

Mr. Charney asked Mr. Abboud if he was speaking of the most westerly long narrow piece of land. Mr. Charney stated that it is a strip of land in the southwest corner of the subject tract. Mr. Abboud answered affirmatively.
Comments and Questions:
None.

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

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

2786—Tanner Bemies

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

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

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

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

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

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

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

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

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

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

**Interested Parties:**

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

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

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

Mr. Crall asked Mr. Bemies if he had said he has agreed with the City of Bixby that he will repair any of the roads. Mr. Bemies stated his agreement was regarding the low water crossing that is located in the middle of the property. Mr. Crall read a short
paragraph from an agreement that states the damages caused to city street caused by the mining operation must be repaired by the applicant. Mr. Crall asked Mr. Bemies if he had agreed to that. Mr. Bemies stated that he did not agree to that statement.

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

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

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

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

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

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

Rick Nelson, 3120 East 71st Street, Tulsa, OK; stated he owns the 80-acre property just to the south of the subject site. Mr. Nelson asked if Mr. Bemies is going to bring fill back in after the hole is dug? Mr. Nelson stated that he is in the sod business and he had a piece of property at 131st and Sheridan that he leased. Dirt was harvested there
for about five years and then it was turned into a landfill and it was unregulated. That is not something a person wants to see, and he thinks this will be a negative for the water quality. The closer a person gets to the water table the less filtration there is for runoff and potential pollution to the water supply. He is concerned about what will be used as backfill for the subject site once the excavation is done. Who is responsible for checking to see what comes back in as fill? Who will be responsible for the roads and how long will it be before they start repairing the roads once they are damaged? These are some of his concerns, but to him the water quality is of the utmost importance.

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

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

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

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

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

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

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

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

Mr. Charney asked Mr. Bemies to describe the equipment that will be on site. Mr. Bemies stated that he plans to use crawlers that range from 20-Tons to 40-Tons. Additionally, there will be a front loader which would hold about four cubic yards of material at a time and it would be used for loading the trucks. There would also be a small dozer to push off the topsoil.
Mr. Hutchinson asked Mr. Bemies what the hours would be to allow the trucks to line up for loading. Mr. Bemies said that in order to be a good neighbor he would have a good neighbor policy with all truck companies.

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

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

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

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

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

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

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

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

Board Action:
On MOTION of DILLARD, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to CONTINUE the request for a Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1) to the January 21, 2020 Board of Adjustment meeting to allow the applicant to submit a
thorough set of comments, conditions, and how this will be accomplished; for the following property:

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

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

2787—Eller & Detrich – Lou Reynolds

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

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

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

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

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

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

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

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

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

Action Requested:
Special Exception to permit sand extraction within Use Unit 24 – Mining & Mineral Processing – in an AG District (Section 310). Location: SE/c of 151st Street South and South Mingo Road
Mr. Sansone stated that this case is a continuation from the last Board of Adjustment meeting on April 17th. Since that continuation a letter has been received from the applicant that changes the operation. In the letter it was stated that there is not enough sand located in the river at the point of extraction to allow the sale of the sand to the public. The applicant will address this change today.

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

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

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

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

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

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

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

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

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

Mr. Osborne asked Ms. Cravens if she had seen sand trucks coming into the property and leaving the property. Are they loaded when they are coming in or going out? Ms. Cravens stated that the trucks are usually loaded with junk or trash when they are coming in. Mr. Osborne asked if she had seen sand being brought into the property.
Ms. Cravens stated that she had not seen sand brought in lately, but the sand is leaving the property.

**Rebuttal:**
Mr. Frazier came forward for a rebuttal.

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

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

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

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

**Board Action:**
On MOTION of CHARNEY, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker “aye”; no “nays”; no “abstentions”) to APPROVE the request for a Special Exception to permit sand extraction within Use Unit 24 – Mining & Mineral Processing – in an AG District (Section 310), with the following conditions. Statements contained in the letter from Mr. Frazier dated April 25, 2012 will be applicable, see attached Exhibit A, pages 3.5 and 3.6. No more than 100 loads of sand to be exported from this mining operation per year. The applicant will ensure the road that is used to access the
property, 151st Street, shall be maintained, whether it is through private efforts or through efforts with Tulsa County, for reasonable and appropriate use for truck and suitable for standard automobile traffic. This special exception will have a time limit of one year from today's date, May 15, 2012. The debris on the property is to be depleted or removed. Finding that the approval of the special exception, the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

GOVT LTS 3 4 6 & 8 & 27AC ACCRETED LAND LESS BEG SWC GOVT LT 4 TH N466.69 E466.69 S466.69 W466.69 POB & LESS BEG 1322.52N & 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY72.66 SE157.78 S154.42 W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

Case No. 2429—Ronnie VanLandingham

Action Requested:  
Variance to permit a detached accessory structure in an RS District larger than 750 square feet (Section 240.2.E); Variance to permit a detached accessory structure in the side yard (Section 420.2.A.s).  

Location: 1325 South 214th West Avenue

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

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

Case No. 2424—Phil Frazier

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

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

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

Mr. Frazier stated there is no distinction because it is two different operations but the sand is used as a part of the agricultural use of the sod farming. Sod farming is an agricultural use and the sand is utilized in the production of the sod. This operation will be at least a half mile from any residence. Any reference to the detriment of the neighborhood would not be accelerated because the requirements the sand extraction will have placed upon them will be far more stringent than what exists today. There are several licensing authorities that would be involved, and their regulations are very strict. The roadway would be the only contact with the neighborhood, and there are only a couple of houses in the immediate vicinity. There would be no dust raised from the obtaining of the sand from the river because the sand would be wet. Mr. Frazier stated that he believed there would no adverse effect on the neighborhood.
Mr. Walker asked Mr. Frazier if the half mile distance was measured from the dredging point. Mr. Frazier stated the operation would be a half mile from the residences, because the closest residences are on 151st Street and Mingo. The operation is half mile away from 151st Street and a half mile away from Mingo Road.

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

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

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

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

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

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

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

Gloria Cravens, 9723 East 151st Street South, Bixby, OK; stated that she opposes the approval of this special exception. There is sand in the air all the time, because once the wet sand extracted it dries out and blows in the wind. The cement is breaking off her house and around her pool because of the shaking the truck traffic causes. She
has been awakened early in the morning because her house is shaking so much from the uncovered dump trucks going up and down the street so fast. A supervisor from one of the trucking companies came to speak to her about her complaints and he told her to call her county commissioner. The reason she bought her home is because it is located on a dead-end road in what used to be a peaceful area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Alerty agreed with Mr. Charney. There has been a lot of abstract discussion today. Typically whenever there is a request of this magnitude before the Board, there are more specifics presented, not only specifics on how the sand operation is going to operate, but is the sand operation only going to provide sand for Mr. Easton's use or will it be sold and trucked out. The Board can make a motion on one or the other, if the motion for support the Board can list a series of conditions that Mr. Easton would need to comply with. Mr. Alerty thinks Mr. Easton would be better served, because he heard concerns of nearby neighbors and the Board, if the applicant were allowed to come back with a specific plan. The plan should stipulate how the issues will be addressed. If the applicant is not willing to come back then the Board can definitely take action today.
Mr. Walker stated that he could support the sand operation because it will not be a problem on the river; the problem is the trucking. That is why he would like to see the ingress and egress moved and 151st Street be restored. Mr. Easton is in the business so he will be trucking the sand in from an outside entity, so by granting the use of his own sand plant it helps the situation by possibly lowering the truck traffic.

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

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

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

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NEW APPLICATIONS

Case No. 2428—Billy Frazier

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

Presentation:
Billy Frazier, 7798 West 51st Street, Tulsa, OK; stated he wants to develop the property; this is not just a mining proposition. Mr. Frazier stated that he had a meeting with Mr. Terry West about two years ago, because Mr. West had seen him digging out an existing pond to make it deeper and working on the property. At that time Mr. West informed Mr. Frazier that he needed to obtain a development permit, which Mr. Frazier...
Mr. Walker explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today the application would be denied. Mr. Walker asked the applicants if they understood and asked the applicants what they would like to do. Two of the applicants stated that they would like to continue their cases to another meeting.

NEW APPLICATIONS

Case No. 2425—Zelda Weathers

Action Requested:
Special Exception to permit a Go-Kart Track within Use Unit 20 in an AG District.
Location: 9600 North Harvard Avenue

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

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

Comments and Questions:
None.

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

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

Case No. 2424—Phil Frazier

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

03/20/2012/#382 (2)
Presentation: Phil Frazier, 1424 Terrace Drive, Tulsa, OK; requested to have his hearing rescheduled to the April 17, 2012 meeting.

Interested Parties: There were no interested parties present.

Comments and Questions: None.

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

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

Case No. 2416—Ronald L. Hall

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

Location: 12612 North 143rd Avenue East

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

Interested Parties: There were no interested parties present.

Comments and Questions: None.
Case No. 2273

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

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

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

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

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

Interested Parties:

Joe Davidson, P.O. Box 666, Bixby, Oklahoma, stated his land adjoins on the east side along Snake Creek. He owns 50 acres with a residence. He asked if the trucks run seven to seven or are those hours for the dredging or is that 24 hours per day. He expressed concern about the widening of Garnett and the bridge as a big project. He added this is a school bus route. Mr. Davidson stated he made phone calls randomly to 12 of the 27 sand supply companies listed in the phonebook and everyone of them informed him they had excess capacity in sand at that time. He indicated that the Department of Mining does not do a lot of engineering review once the County gives approval. The Army Corp of Engineers informed him today that because of a Supreme Court ruling they no longer have authority to issue a 404 Permit.

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

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

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

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

Ray Bowen, Mayor of the City of Bixby, stated that Holliday Sand and Gravel has been a good corporate citizen.
(name inaudible), 12925 East 161st Street South, opposed the application for the noise of the proposed plant.

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

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

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

Mr. Hutson asked how they selected this site. Mr. O'Dell replied they selected this site because it is convenient, close to the market. Less transportation time decreases the cost of delivery. The distance from residential homes makes this a good site and they will not be hauling past houses.
David Iski, Assistant District Attorney, encouraged the Board to address the concerns within Section 1224.3 and Section 1680.3 in their findings.

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

**Board Action:**

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

"That portion of the Arkansas River lying South of the centerline, upstream of the confluence of Snake Creek, in the South ½ of Section 20, and in the North ½ of Section 29 all in Township 17N, Range 14E of the Indian Base and Meridian, in Tulsa County, Oklahoma, and more particularly the South half of the Arkansas River, beginning at the extension of S. Garnett Road, easterly and downstream along the south bank of the Arkansas River approximately 4600 feet to the mouth of Snake Creek, containing 105 acres more or less; AND certain real property in Tulsa County, Oklahoma, in the North ½ of Section 29, Township 17 North, Range 14 East of the Indian Base and Meridian and lying north of Little Snake"
Creek, less the south 1000 feet (containing 23.6 acres), containing 160 acres, more or less."

NEW BUSINESS

There was no new business.

OTHER BUSINESS

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

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

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

Date approved: 8/21/07

Chair


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

Aerial Photo Date: February 2018
Looking north into entrance from East 161st Street South

Looking west down East 161st Street South from the subject property
Operations and Friendly Neighbor Manual

Tanner Bemies Mining

Tulsa County BOA CBOA-2786

East ½ of the SW Quarter of Section 17, T-14-N, R-19-E

Prepared by:

SISEMORE & ASSOCIATES

C. Joseph Watt, P.E.
6111 East 32nd Place
Tulsa, OK 74135
918-665-3600
Tanner Bemies Mining Operations Manual

I. Location Map and Surrounding Zoning

II. Adjacent Schools

III. Hours of Operation

IV. Traffic Routes

V. On Site Dust Control
   a. Prevailing winds
   b. Annual rainfall
   c. Periods of drought

VI. Internal Site Control

VII. Public Street Protection

VIII. Policy on Public Street Cleaning

IX. Long Term Plan on Reclamation Options

X. Participating Companies Agreement
Location Map and Surrounding Zoning

I. The proposed operation is located along East 161st Street South just east of South Mingo road. It is in an AG district and surrounded by “AG” districts. Exhibit “A” shows the surrounding zoning of the areas.

Adjacent Schools

II. The site is located within ¼ of a mile to the following Bixby public schools:
   a. Bixby Central Intermediate School
   b. Bixby Middle School
   c. Bixby High School
   d. Bixby Central Elementary

Hours of Operations

The normal working hours for the facility will be from 7:00 am to 4:00 p.m. for sales. Work at the facility shall be from 6:00 am to 6:00 p.m.

Traffic Routes

During those times the schools are beginning and ending, alternative routes for all trucks will be mandated to not be allowed to go north on S. Mingo or North on South Riverview Drive but instead proceed west to South Memorial and then proceed north. Exhibit “B” shows the relationship of the location of the Bixby Schools to the Project Site.

Exhibit “C” shows that traffic lighted intersections on Memorial will better help traffic movement than the “STOP” intersections at Mingo or Riverside and East 151st Street South.

Exhibit “D” shows that the recent traffic counts on Memorial, Riverside, Mingo as well as 151st and 161st. Even though more traffic exists Memorial, it is also the only fully expanded 5 lane arterial in the area and therefore is more accommodating to this type of trucking.

On Site Dust Control

During the times of the year that activities would create dust on site water trucks will be used to control the dust. If the prevailing winds and periods of drought are such that excessive dust would be generated then more than one water truck system will be put into action.

Internal Site Control and Public Street Protection

Weekly routine measures on the site will be the collection of any trash and debris and that shall be disposed of properly. There will be a section of the entrance and exit drive that will constructed of 3-6” rock that will allow mud to be removed from the tires of trucks leaving the site.
Public Street Cleaning and Protection
If any undesirable amount of mud does get East 161st St. South then power brooms will be used to routinely clean the street of the all mud and or debris.

Long Term Plan on Reclamation Options
There are two options that can be incorporated into the finished site. 1) the area can be left lowered and used as compensatory storage for the storm water runoff from the upstream rain storms. 2) If desired by some organization, the fields which will be left could be used for outdoor sporting events like what Tulsa did with its storage facilities in the Mongo Creek basin. At the very least the topsoil will be returned and sustainable grasses will be planted to provide a protection against erosion.

Participating Companies Agreement
Each and every trucking organization that wishes to do business with the mine will have to agree and sign into effect a contract that will bind all drivers to the routes and times established by the owners of this mine.