

SPECIAL EXCEPTIONS:

The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Further, if the **special exception** is for "**special residential facilities**" the following factors shall be considered. Please be ready to address each of these items at the hearing:

- | | |
|---|--|
| A. Size of the facility; | F. Compliance with state licensure and certification requirements; |
| B. Number of staff and staff-to-client ratio; | G. Proximity to similar uses; |
| C. Levels of treatment; | H. Distance from sensitive uses (single-family residential districts, schools, parks, child day care centers). |
| D. Location of site in relation to needed services; | |
| E. City infrastructure in the area; | |

In granting any special exception, the Board may make appropriate conditions or safeguards, may limit the approval to a specified period of time and may require a bond or other guarantee necessary to enforce compliance with the conditions.

If your application is approved, you WILL need additional permits. Contact the Permit Center at 918-596-9601 or Development Services Plans Review at 918-596-9456.

CITY OF TULSA BOARD OF ADJUSTMENT
2 West Second Street, Suite 800, Tulsa, Oklahoma 74103
(918) 584-7526

REVISED 10/16/2020

Whitewater Hash Company, LLC

2623 E. 36th St N Tulsa, OK 74110

(918)856-7645

Date: 11/12/2020

To: Board of Adjustment

From: Thomas A Beck
tom@whitewaterhash.com

Re: Request for "Special Exception" BLDC-044765-2019

The special exception will be in harmony with the spirit & intent of the Zoning Code in that the water-washing harvest/resin gland isolation process does not generate any noise, smoke, particulate matter, odors or vibration. It is a water sieve operation as opposed to an extraction or distillate method(s) which typically involve the use of butane, CO2 or other hazardous substances/chemicals.

The special exception will not be injurious in any way to the neighboring occupants/businesses &/or public welfare what-so-ever. As stated above it is a water sieve washing operation void of any hazardous substances or activities.

To expand on the water sieve operation:

- At harvest time, the "flower" of the plant is placed/washed in ice water. The cold water washes the resin glands, (aka "trichomes" – Trichomes hold all the medical beneficial cannabis elements), from the surface of the "flower". The trichomes are then water-sieved through various gauge mesh thereby "sifting" the trichomes from the water, resulting in the "Hash".

Tom Beck
Whitewater Hash Company, LLC

35.070-A Low-impact Manufacturing and Industry

Manufacturing and industrial uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of low-impact manufacturing and industrial uses include: commercial laundries and linen supply services, apparel manufacturing, bakery products manufacturing, production of medical marijuana edibles using medical marijuana components processed elsewhere, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, coffee roasting with a maximum roasting capacity of 45 kilograms per batch, musical instrument and parts manufacturing, newspaper printing and binderies.

1. Microbrewery

An establishment in which beer or malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (465,000 gallons) of beer and malt beverages per calendar year. Where allowed by law, microbreweries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.

2. Micro Distillery

A distillery producing distilled spirits in total quantity of no more than 40,000 proof gallons per calendar year. Where allowed by law, micro distilleries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.

Whitewater Hash Company, LLC

2623 E. 36th St N Tulsa, OK 74110

(918)856-7645

Date: 11/12/2020

To: BOA

From: Thomas A Beck
tom@whitewaterhash.com

Re: Whitewater Hash Company, 2623 E. 36th St. N. Tulsa BLDC-044765-2019

"Neighbor communications"

From time-to-time we have engaged in conversation with most all our neighbors. All have been more than welcoming.

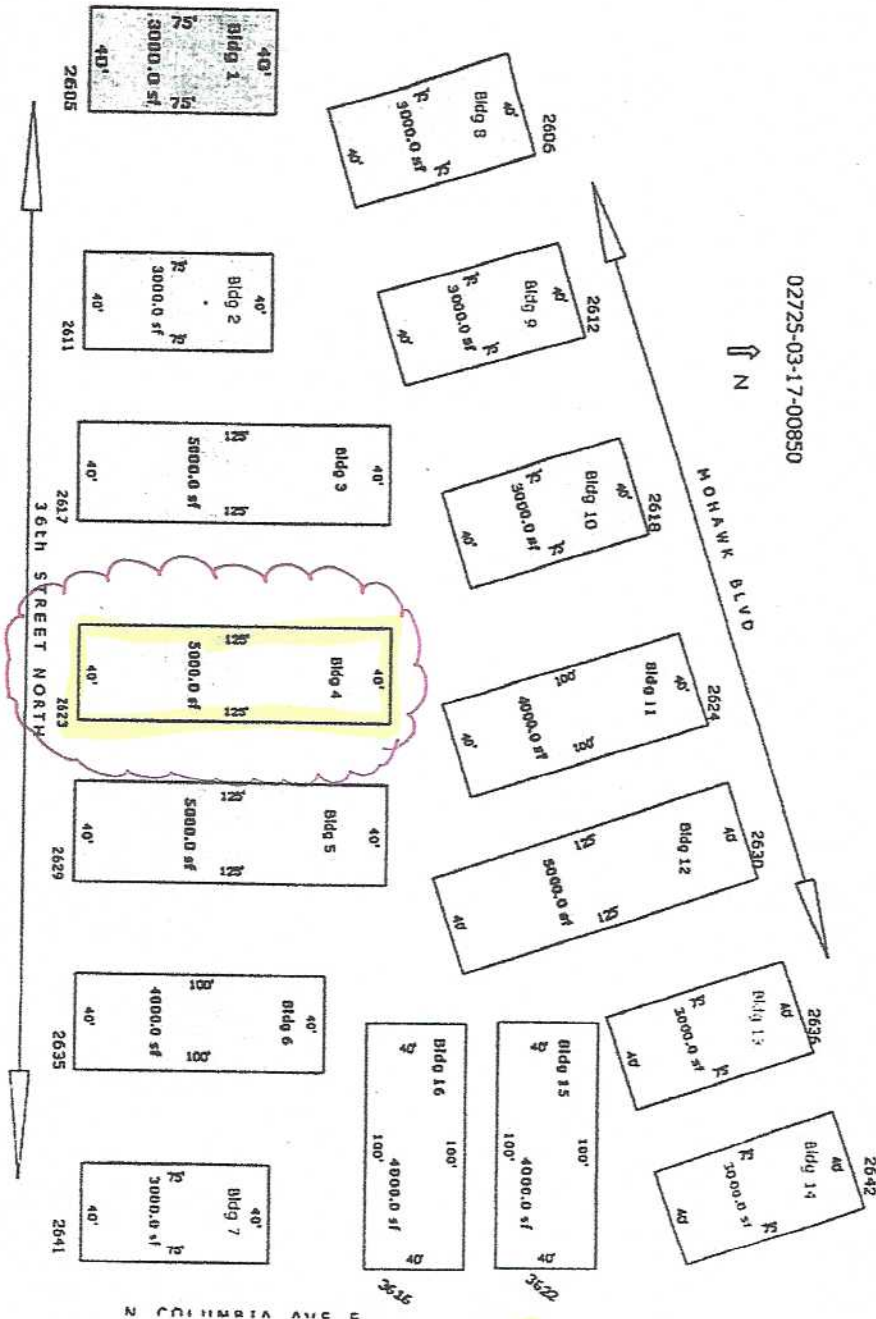
The following are immediate and/or close by neighbors/businesses with whom we have discussed, as well as provided tours of our facility/operation with from the outset and currently. There has never been a concern raised.

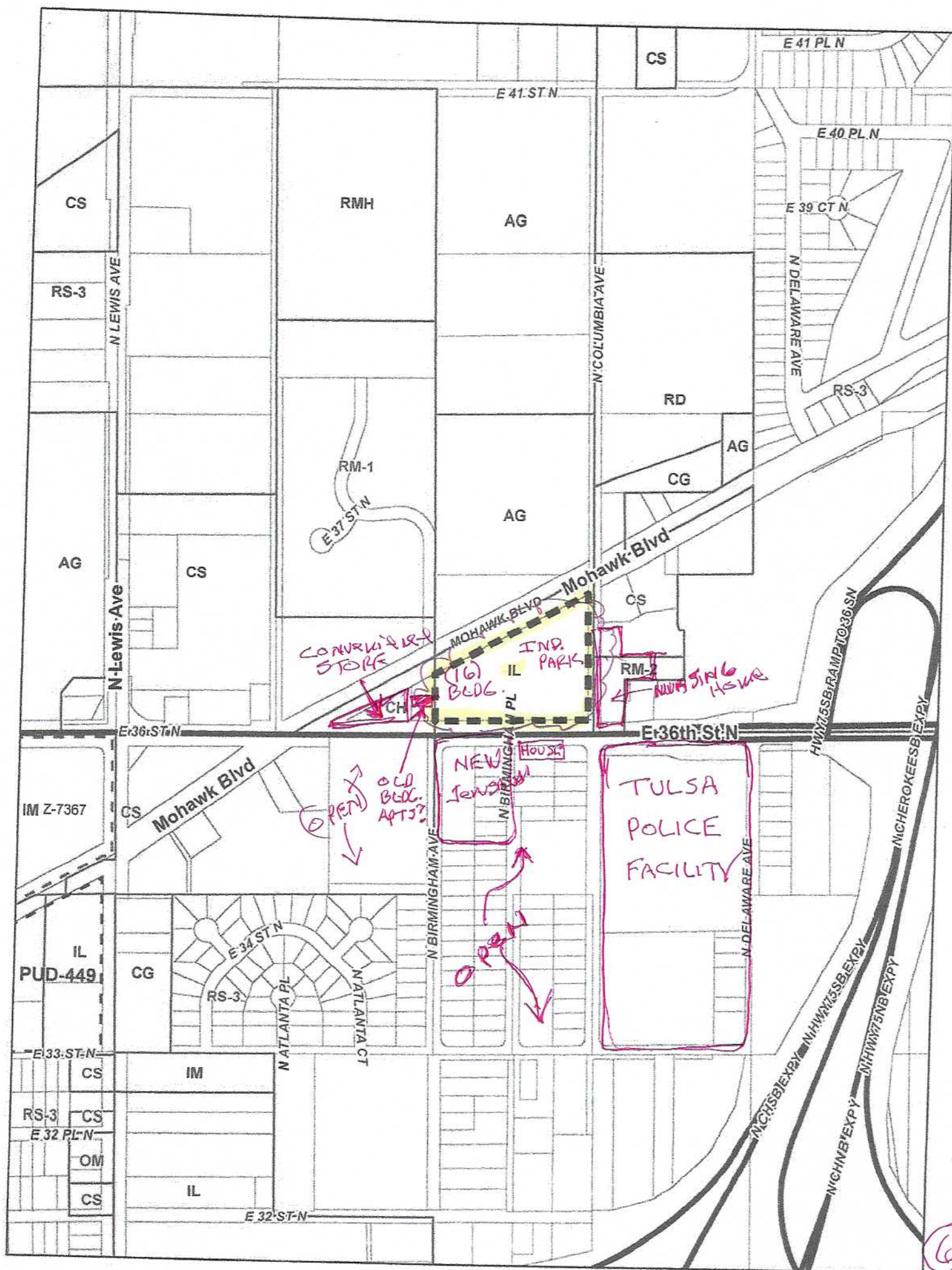
- Tom Hargrove, 3616 N. Columbia Ave - Crackshot Corporation, 918-504-8859
- Robert Timothy Chambers, 26 E. 36th St N. - Lastop Landscaping 918-851-5600
- "Gary" 2611 E. 36th St N. - U-Haul Moving & Storage 918-770-7003
- Stephen Buford, Buford Properties, owner & occupant of several bldgs. & business(s) in the immediate vicinity, 918-277-3701

02725-03-17-00850

↑ N

MOHAWK BLVD





January 5, 2021

City of Tulsa Board of Adjustment
c/o INCOG
2 W. 2nd St.
Ste. 800
Tulsa, OK 74103

RE: Case Number BOA-23058

To Whom It May Concern:

Tulsa Habitat for Humanity is building ten (10) new homes on Columbia Avenue, directly south across 36th Street North from the proposed marijuana processing facility at 2623 East 36th Street North. We are sharing this communication to voice our concern and disagreement with the possibility of allowing a marijuana processing facility to open at that location.

The neighborhood most directly affected is a nice, quiet neighborhood – home to a pond, walking path and a local park. Residents enjoy these amenities. Allowing a medical marijuana processing facility to conduct business in such close proximity to a neighborhood would not at all be conducive to the quiet and peaceful enjoyment of the neighborhood.

In fact, such a facility would bring the following consequences to neighboring homeowners:

- Increase in traffic, especially heavy vehicle traffic;
- Increase in noise associated with the production of marijuana;
- The off-putting smell - many have described the odor as similar to the smell a skunk emits;
- Harmful exposure to chemicals used in production of marijuana;
- If extra exhaust fans are in use in the facility to combat the odor and the chemicals, then there is increased risk of fire hazard;
- Heightened security concerns due to the product involved and the amount of cash on hand at the facility; and
- Resulting decrease in property values due to proximity to the processing facility.

For these reasons, we respectfully request denial of the proposed use in Case Number BOA-23058. Thank you for your time and consideration.

Sincerely,



Cameron Walker
CEO

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Whitewater Hash Company, LLC

2623 E. 36th St N Tulsa, OK 74110

(918)856-7645

Date: 01/08/2021

pg 1 of 2

To: Cameron Walker, Tulsa Habitat For Humanity

From: Thomas A Beck
tom@whitewaterhash.com

Re: Response to letter dated 01/05/21 – To City of Tulsa Board of Adjustment c/o INCOG - Case Number BOA-23058

To Cameron Walker,

Hi, my name is Tom Beck; I'm the sole owner of Whitewater Hash Company. We are a private, small, father/son business who have sunk every nickel I've acquired over my 63 yrs on this planet into this facility/business. I would like to address your letter & concerns as to our operation. Possibly the "processing facility" has been confused with a "dispensary"? I would like to clarify.

For the sake of efficiency/brevity I would like to directly address your bullet-points:

- **Increase in traffic, especially heavy traffic.**

Whitewater Hash Co. generates no "traffic" to speak of, other than myself & my son coming & going from our shop on a daily basis. Certainly exponentially less traffic than that of the adjoining businesses on the same property; i.e, to name a few; A landscape contractor, stone grinding operation, boot & safety equipment manufacture, medical PPE, emergency distribution facility of some sorts, an automobile repair shop, as well as a U-Haul truck & trailer rental facility that also encompasses a trucking/shipping firm. All these neighboring business have employees as well as customer traffic. Whitewater Hash is not open to the public, there is no retail customer traffic. we are a manufacture of all-natural medical marijuana medicine. There is also a City of Tulsa Police Department facility directly across the street from us that has literally hundreds of police vehicles zipping in & out – up & down the roadway every day of the week. All aside from the fact 36th St. is a substantially traveled/busy roadway. There is also a convenience store at the west end of the industrial complex we are in as well. Whitewater Hash Company pales in comparison to any & all of the neighboring businesses in the way of "traffic" and does not impact traffic in any way shape or form.

- **Increase in noise associated with the production of marijuana.**

Whitewater Hash Co. emits no noise what-so-ever

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- **The off-putting smell – many have described the odor as similar to the smell of a skunk emits.**

Whitewater emits no odor – Certainly none for the “processing” aspect. There are internal odor filters within the “grow rooms” that consume any plant odors. We are regulated via the OMMA as to the fact there can be no odors to outside the bldg. As for the processing, (for which this is about); The processing involves ice water – No chemicals/solvents etc.... No odors.

- **Harmful exposure to chemicals used in production of marijuana.**

Whitewater utilizes ice-water to remove/wash the trichomes from the flowers of the plant. No chemicals/solvents utilized what-so-ever.

- **If extra fans are in use in the facility to combat odor and the chemicals, then there is increased risk of fire hazard.**

No extra exhaust fans as there are no increased odor and there is no chemicals

- **Heightened security concerns due to the product involved and the amount of cash on hand at the facility:and**

There is no indication other than the recent signage displayed that there is a medical marijuana manufacture facility at the location.

There is no cash kept on-site. Actually most financial transactions are accomplished electronically.

Also, there's the fact there is a Tulsa Police Dept. facility across the street that is comforting.

- **Resulting decrease in property values due to proximity to the processing facility.**

I could not imagine how Whitewater Hash Company could affect property values other than increase due to the very low impact its operation has as compared to most any of the other businesses/government agencies in the immediate neighborhood.

Please feel free to give me a call anytime – I would love to chat about this.

Sincerely & best wishes,

Thomas, (“Tom”), A. Beck
918-856-7645



NEW JERUSALEM TULSA
Experience Love. Encounter Family.

New Jerusalem Baptist Church
3427 N Birmingham Ave,
Tulsa, OK 74110

January 3rd, 2021

Mr. Stuart Van De Wiele
Chairperson
City of Tulsa Board of Adjustment
2 W 2nd Street STE 800,
Tulsa, OK 74103

Re: Case Number BOA-23058 Special Exception

Dear Mr. Van De Wiele:

This letter is to express opposition to the proposed special exception that would allow for the development of a moderate-impact medical marijuana processing facility at 2623 E 36 ST N. It is our belief that the off-site impacts of the proposed development will irreparably disrupt day to day church and community operations. We do not believe that the addition of a grow facility is safe, helpful, or conducive to building a thriving neighborhood. While we support economic development in what has been a historically blighted area, this particular type of development is not positioned to serve the needs and desires of the surrounding community. For the following reasons we ask that this request be denied.

Off-Site Impacts

Our community has suffered from lack of investment, but with new developments underway in housing, jobs, and recreation, we are building a thriving family friendly community and environment where children and their families live, work, play, and pray. It is our strong belief that the off-site impacts of odor, particulate matter, and potential risk to environment jeopardize realizing that future and attracting additional desirable development to the area.

Good Faith

The Tulsa County Board of Adjustment process explicitly advises applicants to work with their neighbors to alleviate any concerns ahead of development. Unfortunately, our first notification that a marijuana processing facility was being considered was via the notice from the Board of Adjustment. This does not grant us good faith that the applicant(s) will work with us and our fellow neighbors in the future.

Sincerely,

Sean Jarrett
Senior Pastor
918-425-1369

pastorjarrett@newjtulsa.org

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Whitewater Hash Company, LLC

2623 E. 36th St N Tulsa, OK 74110

(918)856-7645

Date: 01/08/2021

pg 1 of 2

To: Sean Jarrett, Senior Pastor, New Jerusalem Baptist Church

From: Thomas A Beck
tom@whitewaterhash.com

Re: Response to letter dated 01/03/21 – To Mr. Stuart Van De Wiele, Chairperson, City of Tulsa Board of Adjustment

Dear Pastor Jarrett,

Hi, my name is Tom Beck; I'm the sole owner of Whitewater Hash Company. We are a private, small, father/son business who have sunk every nickel I've acquired over my 63 yrs on this planet into this facility/business. I would like to address your letter & concerns as to our operation.

For the sake of efficiency/brevity I would like to directly address your concerns:

- **Off-Site Impacts:**

Our operation produces no odor to the outdoors. We are specifically regulated per the OMMA, (Oklahoma Medical Marijuana Authority), as a condition of licensing/operation to not produce detectable odors outside our bldg.

There is no particulate matter other than the plants themselves to which all harvested/processed plant matter is utilized per our regenerative farming techniques.

Our operation provides no environmental risk what-so-ever as we do not utilize any chemicals/solvents in our processes. Our processing involves washing the plant flowers with ice water, which is also utilized in the plant irrigation process.

Whitewater Hash Company is by far the less "impacting" of all the businesses/operations in the immediate industrial complex, as well as the general area. The industrial complex includes, to name a few; An automotive repair shop, an industrial grinding facility, a landscape/construction/trucking operation, the U-Haul truck/trailer & trucking/shipping company, a boot/apparel manufacturing facility, a medical PPE supply & service of some sort, stone/rock storage, etc.....

(11)

There's a convenience store to the west of the complex. There is a Tulsa Police dept. station across the street which although is very comforting to have there, generates substantial traffic.

There is *one* vehicle that comes & goes from our shop & that is my son & myself at work everyday.

Whitewater Hash Co. generates no "traffic" to speak of, other than myself & my son coming & going from our shop on a daily basis. Certainly exponentially less traffic than that of the adjoining businesses on the same property as well as nearby who have both employees as well as customer traffic. Whitewater Hash Company does not deal with the public. We are wholesale only,

- **Good Faith**

Whitewater Hash Co. always strives to be a good neighbor and by all means adhere to any applicable laws & codes. This Board of Adjustment process was brought to our attention only *after* we completed over a year of construction, all permits inspected/approved, building permit close-out and certificate of occupancy issued.

Honestly, it never occurred to me to contact you as our business on-goings are so unnoticeable that I thought it a moot point. One would never know we were here, if it not for the recently posted BOA signs. By the way - We've been here for 1-1/2 years.

Please feel free to give me a call anytime – I would love to chat about this. We do want to be good neighbors.

Sincerely & best wishes,

Thomas, ("Tom"), A. Beck
918-856-7645

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Existing Buildings Only:
 Built Prior to 1/1/1994:
☐ Y ☐ N ☐ UNKNOWN
 YEAR BUILT: _____
☐ IEBC REVIEW
☐ IBC REVIEW

CITY OF TULSA
COMMERCIAL BUILDING, ZONING CLEARANCE, &
CERTIFICATE OF OCCUPANCY
PERMIT APPLICATION

Date: _____
 A/P#: _____
 CCP#: _____

Please print using blue or black ink or type all data.

LEGAL DESCRIPTION OF CONSTRUCTION PROPERTY:

LOT <u>12</u>	BLOCK <u>1</u>	ADDITION <u>Barrett & Evans</u>
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CONSTRUCTION ADDRESS 2623 E 36TH ST. N TULSA, OK SUITE NO. 2623 (Bldg. #4)

NAME OF BUSINESS/BLDG/COMPLEX BLUE SKY SUPPLY, INC.

LOCATION OF OCCUPANCY IN FACILITY: ENTIRE BLDG. #2623 IS THIS A SINGLE-TENANT: FLOOR? ☒ Y ☐ N BLDG? ☒ Y ☐ N

ACCOUNT NO. (IF APPLICABLE) _____ NO. OF PLANS _____ NO. OF PAGES OF ONE SET OF PLANS & SPECIFICATIONS 3

ARCHITECT/DESIGNER TOM BECK PHONE NO. 970-331-5081 FAX NO. NONE

ADDRESS 11106 N 144TH AVE E CITY OWASSO STATE OK ZIP 74055

APPLICANT: TOM BECK PHONE NO. 970-331-5081 FAX NO. NONE

ADDRESS 11106 N 144TH AVE E CITY OWASSO STATE OK ZIP 74055

CONTRACTOR: TOM BECK PHONE NO. 970-331-5081

TYPE OF WORK: ☐ NEW BUILDING ☐ ACCESSORY ☒ INTERIOR REMODEL ☐ EXTERIOR REMODEL ☐ ADDITION ☐ REPAIRS NO EXPANSION

☐ SHELL BUILD-OUT ☐ STORAGE TANKS ☐ COO ONLY ☐ OTHER: _____

NATURE OF USE: ☐ ASSEMBLY ☐ EDUCATION ☐ INSTITUTIONAL ☐ BUSINESS ☒ INDUSTRIAL ☐ MERCANTILE ☐ UTILITY ☐ MULTI-FAMILY

☐ STORAGE ☐ FOOD OR BEVERAGE RELATED ☐ OTHER: _____

DESCRIBE PROPOSED USE IN DETAIL: CANNABIS GROW & PROCESS

FIRE SUPPRESSION ☒ Y ☐ N TYPE: ☐ DRY ☐ WET ☐ FOAM SPRINKLER STANDARD: ☐ NFPA13 ☐ NFPA13R ☐ NFPA13D

DECLARED VALUATION FOR WORK TO BE DONE (VALUATION TO INCLUDE ALL FIXED EQUIPMENT TO OPERATE AND BE USED): \$ 18,886

IS THE PROPERTY SERVED WITH A SEPTIC SYSTEM? ☐ Y ☒ N IS MASSAGE PERFORMED ON THE PREMISES? ☐ Y ☒ N

STORM SHELTER EXISTS/WILL BE INSTALLED ON PROPERTY? ☐ Y ☒ N A SEXUALLY ORIENTED BUSINESS? ☐ Y ☒ N

WILL YOU REQUIRE ☐ LOW-POINT BEER ☐ LIQUOR LICENSE? DOES THE BLDG. CONTAIN ASBESTOS? ☐ Y ☒ N

IS THE CITY OF TULSA TAKING ANY ENFORCEMENT ACTION ON THIS PROPERTY? ☐ Y ☒ N IF YES, EXPLAIN IN DETAIL BELOW.

HAS THERE BEEN ANY SPECIAL ZONING ACTION IN RELATION TO THIS PROPERTY? ☐ Y ☒ N IF YES, EXPLAIN IN DETAIL BELOW.

BOARD OF ADJUSTMENT NO. _____ VARIANCE ☐ Y ☐ N APPROVAL DATE: _____
 SPECIAL EXCEPTION ☐ Y ☐ N P.U.D. No. _____

ARE YOU PLANNING NEW CONSTRUCTION OR ENLARGEMENT OF EXISTING CONSTRUCTION (INCLUDING PARKING)? ☐ Y ☒ N

DAY TIME CONTACT PERSON(S) FOR PLAN CONSULTATION: <u>TOM BECK</u>		TITLE <u>OWNER</u>	PHONE NO. <u>970-331-5081</u>	FAX NO. _____
ADDRESS: <u>11106 N. 144TH E. AVE.</u>		CITY <u>OWASSO</u>	STATE <u>OK</u>	ZIP <u>74055</u>
E-MAIL ADDRESS: <u>tom@whitewaterhash.co</u>				

Exhibit the Following Details (When Applicable) on the Plans: Use of Adjacent Spaces, Key Plan or Overall Floor Plan with Work Clearly Identified, Outside seating for Restaurants Etc., Fire Exit Accesses and Stairs Locations, Fire Ratings on Existing Demising, Ceiling, Corridor & Fire Walls, Scale, Dimensions, & North Arrow * A Separate Permit Is Required for Driveways and Signs*
 All Electrical, Plumbing, & Mechanical work must be done by a licensed contractor in each trade.

CITY OF TULSA

Building Permit - COMMERCIAL

Permit Number

BLDC-044765-2019

Date Issued

12/12/2019

Building Official

Yuen 100

Construction Address: 2623 E 36TH ST N - BARRETT & EVANS SUB RESUB PRT L7

Work Class: Alteration

Contractor:

Address:

EROSION CONTROL

Where construction disturbs the earth, a Placement of Erosion Control Inspection (PEC) must be requested by the responsible party and approved by the Building Inspector **BEFORE** further work.

This permit is subject to compliance with all applicable codes and City ordinances and can be cancelled for failure to comply with any applicable construction standard or for failure to comply with any applicable WIN construction Schedule or WIN Letter of Understanding.

Building GGoza

Building Code: IBC 2015, IEBC 2015

Building Area: 5,000 Fire Wall:

Permit Area: 5,000 FRTW: No

Alarm: No

Sprinkler Standard:

Fully Sprinklered: No

Partially Sprinklered:

COO Required: Yes

Special Inspections: No

Use Group

F-1 Factory and industrial, moderate hazard

Sq Ft Const. Type

5,000 IIB

5,000

Permit Notes

No CO2. Field verify emergency lighting at exterior landings. Single unisex toilet facility permitted in lieu of separate facilities required by limiting the occupant load to fewer than 50 persons.

Zoning CLange

Zoning District: IL

Required Parking: 1

PUD Number:

MPD Number:

Screening Fence Required: No

Allowable Building Height (ft):

Required Setbacks:

Front:

Rear:

Left:

Right:

Use/Permit Notes:

Use: Agricultural/Horticulture Nursery/Medical Marijuana Grower Operation

Permit Notes:

I/R only, with change in use and increase in required off-street parking. No approval is granted for any construction or use violating any provision of Title 42. No other structures are included in this permit. No change in footprint or increase in cubic content of structure for which approval is granted.

W/S/D RWestbrook

Cert of Elevation Req'd: No

Floodplain: No

IDP #:

Easements

NPL (ft):

EPL (ft):

SPL (ft):

WPL (ft):

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Sec.15.020 Table 15-2: Your proposed Medical Marijuana Grower Operation and processing facility is designated an Agricultural/Horticulture Nursery/Medical Marijuana Grower Operation and Industrial/Moderate-impact Medical Marijuana Manufacturing. You are in an IL zoned district. The grow operation is a use by right in this zoning district. The Moderate-impact Medical Manufacturing (processing) will require a Special Exception approved by the City of Tulsa Board Of Adjustment (BOA).

Review comment: Submit a copy of the BOA Special Exception to allow a Moderate-impact Medical Marijuana Manufacturing use in the IL district. Please contact Austin Chapman at 918-584-7526 or achapman@incog.org for assistance in applying for the Special Exception.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

<http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

Please notify the reviewer via email when your revisions have been submitted

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

NOV. 4TH 2020