

# M I N U T E S

## OKLAHOMA COUNTY PLANNING COMMISSION

October 19, 2000            1:30 P.M.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Ms. Cheryl Dorrance, at 1:30 P.M., in Room 103, Oklahoma County Office Building, 320 Robert S. Kerr, with the following individuals present:

**Ms. Cheryl Dorrance, Chairperson**  
**Mr. Everett Martin, Member**  
**Mr. Dee Wynn, Member**  
**Mr. David Richey, Member**

Also in attendance:

**Tyler Gammon, Jr., Secretary**  
**Richard Rolison, County Planner**  
**Harry Fenton II, P.E., Assistant County Engineer**  
**Cassandra Williams, Assistant D.A.**

The Planning Commission Secretary, Mr. Gammon called roll and a quorum was declared.

Mr. Wynn made a motion to approve the minutes of the September 21, 2000 meeting. Mr. Richey seconded the motion. Vote taken: Martin – Aye; Dorrance – Aye; Richey – Aye; Wynn – Aye. The minutes were unanimously approved.

### **Final Plat: (FP 00-3)**

### **FOSSIL CREEK ADDITION**

Application of:

**BARRY RICE d.b.a.**  
**HUNTER'S RIDGE DEVELOPMENT CO., L.L.C.**

This proposal is for a 5-acre lot subdivision with a total of 16 lots on a 78.61-acre tract. Each lot will be five (5) acres or greater in size. The Deer Creek Water Corporation will provide water. The subdivision will have specific covenants, conditions and restrictions as well as a design review committee for each home to be built. The following is the legal description of the property:

**A contiguous tract of land known as Government Lot #4 and the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4), both in Section 7, Township 14 North (T14N), Range 3 West (R3W) of the Indian Meridian, Oklahoma County, Oklahoma, said tract being described by a perimeter metes and bounds legal description as follows:**

**Beginning at the Southwest corner of the Southwest Quarter (SW/4) of said section 7; THENCE North 00°06'00" West along the West line of said Section 7 a distance of 1322.27 feet; THENCE South 89°22'00" East a distance of 2588.72 feet to a point on the East line of said Southwest Quarter (SW/4); THENCE South 00°11'00" East along the East line of said**

Southwest Quarter (SW/4) a distance of 1322.44 feet to a point on the said South line of said Section 7; THENCE North 89°22'00" West along the South line of said Section 7 a distance of 2590.65 feet to the Point or Place of Beginning

Containing 78.612 Acres or 3,424,350,898 square feet, more or less. Subject to all easements, restrictions and covenants of record.

**Location:** North of N. W. 220<sup>th</sup> (Coffee Creek) and East of North May Ave.  
(County Highway District #3)

Mr. Gammon gave a staff report: Mr. Rice had met all of the requirements set by the Planning Commission on his application. Mr. Rice's plans are to build the road to meet or exceed county specifications.

Mr. Rice stated that there was a correction needed from the Agenda. "One of the lots would be 3.5 acres. All of the other lots would exceed 5 acres."

Mr. Richey made a motion to approve the Final Plat of the Fossil Creek Addition. Mr. Martin seconded the motion. Vote taken: Richey – Aye; Dorrance – Aye; Martin – Aye; Wynn – Aye. The item was unanimously approved.

**Final Plat: (FP 00-4):**

## **SOMMERSET FARMS, SECTION I**

Application of: **DOMINUS, L.L.C.**

The applicant proposes to develop the first phase of an Acreage Residential Plat. This proposal is for approximately 16 lots on 31.16 acres. The Homeowners Association will privately maintain streets, common areas and drainage ways. Covenants and restrictions covering the proposed subdivision will be highly restrictive, and will not permit manufactured housing. The following is the legal description of the property:

**Part of the East Half (E/2) of the Northwest Quarter (NW/4) of Section Sixteen (16), Township eleven (11) North, Range One (1) East of the Indian Meridian, in Oklahoma County, Oklahoma. Being more particularly described as follows**

**BEGINNING at the NE Corner of said NW/4, Thence S89°35'56"W along the North Line of said NW/4 a distance of 1321.22 feet, to the NW Corner of the E/2 of said NW/4; Thence S00°00'24"W along the West Line of the E/2 of said NW/4 a distance of 1179.83 feet; Thence S89°59'36" a distance of 240.28 feet; Thence S05°52'44"E a distance of 113.79 feet; Thence N83°15'59"E a distance of 432.00 feet to a point on a curve: Thence Southwesterly along a curve to the right having a radius of 298.58 feet, a chord bearing of S09°34'03"W and a chord length of 5.00 feet, a distance of 5.00 feet to a point of reverse curvature; Thence Southwesterly along a curve to the left having a radius of 1310.35 feet, a chord bearing of S09°17'28"W, a chord length of 34.58 feet, a distance of 34.58 feet; Thence S81°27'54"E a distance of 60.00 feet; Thence N87°20'50"E a distance of 280.00 feet; Thence N01°07'36"W a distance of 239.87 feet; Thence N10°03'39"W a distance of 380.00 feet; Thence N00°24'04"W a distance of 280.00 feet; Thence N89°35'56"E a distance of 380.74 feet to the East line of said NW/4; Thence N00°00'42"E along the East line of said NW/4 a distance of 390.01 feet to the Point of Beginning.**

**The above-described tract contains 31.1675 acres, more or less.**

**Location:** South side of SE 29<sup>th</sup>, ¼ mile East of Peebly Road. (Hwy Dist. #2)

Mr. Gammon gave the staff report: The applicant has met all requirements for the final plat and has started road construction.

Mr. Joe Atkinson, Dominus, L.L.C., stated that they had exceeded County Standards in the construction of the road. Curb and gutter was added with a roadbed of 6-inch stabilized base with 4 inches of asphalt.

Mr. Wynn made a motion to approve the Final Plat for Sommerset Farms, Section I. Mr. Martin seconded the motion. Vote taken: Martin – Aye; Dorrance – Aye; Richey – Abstained; Wynn – Aye. The motion was approved.

**Final Plat: (FP 00-2)**

### **DEER CREEK HILLS, III**

Application of:

**TIMOTHY SMITH d.b.a.  
C. & S. DEVELOPMENT COMPANY, INC.**

The applicant is proposing an additional phase to a previously approved residential plat. This phase of the subdivision is located to the East of the original plat and will consist of twelve (12) lots on 23.21 acres. The following is the legal location of the property:

**A part of the Southeast Quarter (SE/4), Section 28, T14N, R4W, I.M., in Oklahoma County, Oklahoma.**

**Location:** Northwest Corner of North Mac Arthur Blvd and NW 178th  
(County Hwy District #3)

Mr. Gammon gave the staff report: “The applicant decided to make the lots larger therefore, the final plat is a little different from the preliminary plat. The cul-de-sac to the north has been eliminated allowing the lots to increase in size.”

Mr. Brian Coon of Coon Engineering, representing the developer stated that the density has gone down from what the preliminary plat showed.

Mr. Gammon stated that there was one letter submitted from a citizen stating his concern for the street name changes shown on the plans.

Mr. Richey made a motion to approve the Final Plat for Deer Creek Hills III. Mr. Wynn seconded the motion. Vote taken: Richey – Aye; Dorrance – Aye; Martin – Aye; Wynn – Aye. The motion was approved unanimously.

**Special Permit: (SP 00-2)**

**Purpose: Develop and operate a Power Plant powered by Natural Gas**

Application of:

**DAVID D. KENNEDY atty. for:  
RAY R. MIZE / CINDY J. MIZE d.b.a. ENERGETIX**

If approved the plant will be centrally located on approximately 50 acres of the 160 acres that was rezoned to IU-Urban Industrial District May 15, 2000. The balance of the acreage would be largely maintained as property to form a buffer between the plant and the community. The following is the legal description of the property involved:

**The Southwest Quarter (SW/4) of Section Seventeen (17), Township Fourteen (14) North, Range One (1) East of the Indian Meridian, in Oklahoma County, Oklahoma.**

**Location: North of NE 206<sup>th</sup> (Covell Rd.), East of Triple XXX Rd.  
County Highway District #1)**

Mr. Gammon gave a staff report.

Representing the applicant was Attorney Mr. David Kennedy who filed the application on behalf of Ray and Cindy Mize doing business as Energetix. "In terms of the application as it moves forward, the name of the owner of the facility will be known as "Redbud Energy, L.P." That is a single asset entity that is going to do nothing but own the property." Mr. Kennedy stated that the staff had received several protest letters but none apparently were legal protests from anyone within the 1,000-ft area requiring to be notified.

Mrs. Dorrance asked staff if there were any protests. Mr. Gammon stated that there were protests, but none from within the 1,000-ft. notification area.

Mrs. Cindy Mize stated that she was the General Manager of Energetix, the company that is proposing to build a power plant to be located at Triple XXX and Covell Rd. She stated that they were before the commission for the next step in the permitting process with an application for a Special Use Permit. Mrs. Mize provided a rendering that showed what the facility would look like and location of the property. Mrs. Mize stated that the area around the facility would be left heavily wooded to serve as a buffer between the community and the plant. With the need of a reliable water source, they have looked into the North Canadian River wastewater treatment plant, which currently discharges 40-80 million gallons of treated water into the North Canadian River per day. She stated that arrangements have been made to purchase up to 11 million gallons of water per day. "The supply of the water would be via an underground pipeline from the North Canadian wastewater treatment plant to the facility. The Department of Environmental Quality (DEQ) will govern the air quality and water discharge permits. DEQ has issued a DRAFT air quality permit. DEQ has certain guidelines that need to be followed and have determined that Coon Creek would not be an option for water discharge. Revisions have been made for the discharged water to be returned to the North Canadian River. It would be in a return pipeline in the same trench as the supply line. DEQ will not issue permits that will compromise the air and water quality of the community. "Mrs. Mize also stated that along with the permit applications, they have had to undergo a number of surveys and studies. "An Endangered Species Review has

been conducted. We have consulted with the Oklahoma Department of Wildlife Conservation, the Oklahoma National Heritage Inventory, and the US Fish and Wildlife Agency. They review the location of the plant and determine whether it will have an impact on endangered species or the wildlife. Correspondence from those agencies has been included in the application and indicates that there will not be an impact. The application includes such information as engineering, engineering diagrams, and not only how they will comply with the County, State, and Federal Regulations but also how they will safeguard the health and safety of the surrounding community. The project has been developing over a year now and is moving into the pre-construction phase. As part of the project team, we now have a company called Entergin North America. They have been building power plants internationally throughout the U.S. for years. Their parent companies are Shell Oil and Bechtel. Bechtel will be the Engineering Procurement and Construction (EPC) Contractor of the facility. "Mrs. Mize continued by stating that they had made a strong effort to be part of the local community. The community had requested that they change the name of the project. They had asked Entergin how they named their projects and were told that they name them after state trees and etc. Due to the tremendous amount of Redbud Trees in the area they have decided to name this plant "Redbud Energy, L.P."

Mr. Ken Budreau, Entergin North America stated that as far as Entergin was concerned, they are a company where power generation is their business. "The founder of the Bechtel Corporation started here in Oklahoma on the railroad. Bechtel has over 19,000 projects that they have done over the last 100 years. Four hundred and fifty (450) of those have been power plants. Bechtel's specialty is building power plants in such a way that they last for 40-50 years. Bechtel Corporation will be providing the design and construction for this project. The plan for completion of this project and to be in operation is by mid 2003."

Mr. John Emory, Chief Project Engineer, stated that there was a potential concern about noise and lighting. "We are going to meet all the requirements in the zoning regulations for Oklahoma County. We in fact plan to exceed the requirements. Concerning the noise, we have had a background noise survey done. Bechtel Engineering did that at the end of August over a two-day period including two nights. During the day the noise levels averaged 36 decibels. That is considered a faint noise level, less than a normal conversation. At night, the level is approximately 50 decibels, which is primarily a result of insects in the area. We are evaluating additional noise abatement features that will significantly reduce the sound levels from the plant. The plant has been designed for minimal lighting levels with two requirements, security and safety. Anticipating low-level lighting at the entrance road, within the property there will be light poles 20-30 ft high that will surround the access road going around the plant. Within the plant the lighting will provide a safe work environment. The lamps are highly directional pointed downward and low wattage. There will not be flashing lights at the plant or on the stacks."

Mr. Budreau stated that the noise and lighting would not be intrusive to the surrounding community at all.

Mr. Javier Perez representing safety for the project stated that one of the things that the environmental health and safety groups in the power project companies are charged with is ensuring the investment, the community, and the workers. "Cross-checking from start to finish

ensuring everything is on schedule and according to code. The company has their own auditors who will check on the contractors. There is an Environmental Health and Safety person located at each of the sites. That person will remain there during the operation but start early on during construction. In order to ensure that they do things right, they operate under well-established policies and procedures. The construction contractor and operator operate under procedures that go well beyond Occupational Safety and Health Agency (OSHA) procedures and standards.”

Mr. Wynn asked if the water supply would last 40-50 years along with the plant.

Mr. Budreau stated that as long as Oklahoma County exists and grows, the water supply would be there for the life of the project.

Mr. Martin asked what the project would do for the community.

Mrs. Mize stated that the project is estimated to be a \$500,000,000 project. “That alone will be a tremendous increase to the property tax base. The assessor will determine exactly how much the hard cost value of the project is. The Luther schools will be receiving about 58% of those tax dollars. Along with the taxes, there will be a large amount of jobs that will be created from the construction of the facility. They will be conducting a Labor Study to see the available market. They will be pulling from Luther and the surrounding communities for employees for those jobs during construction. Once the plan is in operation, the plant will employ approximately twenty-five people of various skill levels. The local merchants will too benefit from services and goods that would be purchased during construction and after the plant is in operation.” She also stated that they plan to make some direct contributions to the community.

Mrs. Dorrance asked that if anyone in the audience wished to speak for or against the project to limit their comments to three minutes and to state their names for the record.

Attorney Bill Comstock stated that he was representing Dr. Richard Dawson who owns property one (1) mile south of the proposed property for the project. Mr. Comstock stated that what needed to be focused on were sound land use principles. “What have been heard were hopes and plans and they don’t equate to a direct benefit, it’s a maybe. As commissioners, you have here before you an incomplete application. It does not contain all of the information you need to make an informed decision.” Mr. Comstock felt that the application should be deferred, continued, or denied until the applicant could come back with a complete application.

Dr. Richard Dawson stated that he was representing 20 or 30 people who could not be here for the hearing.

Mr. Richey asked if those 20 or 30 people had filed notices with the Planning Commission individually?

Dr. Dawson stated that to his knowledge they had not because they only had four days to know about the meeting. He was there to represent them.

Mrs. Dorrance asked Dr. Dawson if he had a list of those people that he was representing; Dr. Dawson stated that he did not.

Dr. Dawson stated that he was addressing the concerns from the Citizens for Health.

Mrs. Dorrance asked Dr Dawson where his residence was located. He stated that he lived at 1125 NE 58<sup>th</sup> St. in Oklahoma City. He requested that any consideration for the Special Use Permit be put off until DEQ has issued their permits and the citizens have had a chance to see, understand and comment on those and the situation. Dr. Dawson stated that the issues were critical for what would be the largest major pollutant source in Oklahoma County according to the information, which he had obtained and also sent to the Commission. He requested that the meeting for the special permit be known far enough in advance that people in the surrounding area who need adequate notification to be there could be notified. "Specifically speaking for the citizens I am representing who do not live within 1000 feet, but have very nice houses and are close. Citizens for Health would like to see an accurate, complete site plan showing all buildings, pumping stations, electrical connections, and holding pumps, which could contain hormones, pills, and heavy metals." He stated that he felt that the Planning Commission has a duty under the Zoning Regulations to consider facts before making a decision on this huge source of pollution. Dr. Dawson had several suggestions and opinions for the Planning Commission to review.

Mr. Greg Winters stated that he lived at 19303 Peartree Lane in Harrah. He stated that he was there as the Superintendent of the Eastern Oklahoma County Area Technology Center at 4601 N. Choctaw Rd. He stated that this plant would further the economic development of the state of Oklahoma and particularly Eastern Oklahoma County. He feels that this project would do many things that are congruent with their mission as a technology center. He stated that when investors put up \$500,000,000, they are pretty interested in maintaining health and safety standards due to the great liability.

Mr. David McCorkle lives in Harrah and stated that he was representing Glenn Valley Inc., McCorkle Family Partnership, the property owner, where the plant would be located. Mr. McCorkle stated that they had looked at the benefits and were convinced that it would be a good idea. He stated that they are in support of this project. Property and rental values will go up.

Mr. Gary L. Martin has lived in Luther for the past 10 years. He stated that he was planning on staying in Luther. He stated that he was representing himself and Lisa Grant, who could not be present but wrote a letter for him to read. In the letter (read to the Planning Commission), she stated that she was a lifelong resident of Luther, has 3 children who are the 4<sup>th</sup> generation to the Luther Community. She said that she was a member of the Luther School Board. She is a supporter of the Redbud project, and feels that it will greatly benefit the Luther Community and Luther schools. She also stated that she had spoken with Cindy Mize and is convinced that she is concerned about the residents of Luther and the surrounding area and will do everything that she can to make sure that the project is a benefit to all. Mr. Gary Martin continued by stating that next to the Horseshoe plant in Harrah, there were people growing alfalfa hay, which has not been affected by heavy metals, and etc.... He stated that out at Lake Konawa that feeds a power plant,

the person holding the record for the biggest bass ever caught was caught in that lake. He stated that he was all for the plant.

Mr. W. B. Wilson stated that he lives within 1-½ miles South and West of the proposed project. He stated that he is also the Superintendent of schools for Luther. He stated that he was in favor of this project. Mrs. Mize had joined them at their school carnival to answer questions from citizens, which in his eyes was above and beyond the call of duty.

Mr. John Tytenicz stated that he lives at 16450 E. Danforth in Luther. He stated that his family farms the land that is adjoined to the West of where the plant will be. He stated that he and Mr. & Mrs. Abbott who own the property bordering on the North approve of this project. He also stated that so far at this hearing he had been the only one to speak up with land within 1000 ft and we support the project. He said that he wanted them to consider putting in fireplugs for fire protection and would like to use the water sent back for irrigation on their farm. He said that he thinks it would be an asset for everyone concerned.

Mr. Steven H. Miller stated that he lives 2 miles directly south of the proposed site at 178<sup>th</sup> and Triple XXX Rd. He stated that he was speaking for himself, his wife, and his in-laws who live 5 miles NW. They are all for the project. He added that specialized training in the area of fighting specialized type fires if something were to happen had been discussed with the project managers.

Mr. Glen West, Mayor of Harrah, stated that both sides had contacted him. He stated that some of the best farming area in Harrah is near the Horseshoe Power Plant. He encouraged the board to look into it and make sure they have all their stuff together. If they have everything together he stated that he would encourage the board to approve the Special Use Permit.

Mr. Gene Rainbolt stated that he lives 1717 Randal Rd. in Oklahoma City. He stated that he was there because of his respect for Ray and Cindy Mize with whom he became an investor in his capacity in the banking business. His bank has plant locations in several areas of the country and the schools are heavily benefited by the existence of those plants. "Based on the mortgage loans provided by the banks we know that these plants have also been a very positive impact on property value." Mr. Rainbolt stated that he had always opposed environmentally destructive economic developments. If there is an environmental problem with the generation of electricity, it exists in the plants that have been built using coal fire technology.

Mr. Goldfield stated that he was a professional engineer and registered architect in the state of Oklahoma. Mr. Goldfield stated that he was out of the 1000 ft area but wanted to voice his concerns about the power plant. Mr. Goldfield said that he would spend his time promoting the plant if he would have the literature to be able to review it. He stated that he would spend equally the amount of time rejecting it if he found flaws in the math.

Dr. Dawson returned to the podium to speak for himself and on behalf of his patients in Oklahoma County. He stated that he has patients that have severe asthma and they will breathe in the amount of this sort of pollution. He continued to suggest to the board to cut the turbines down to two, selective catalytic reduction, and a cleaning plant.

Mrs. Dorrance asked staff if they had defined what needed to be included in the Special Use Permit for this project. Mr. Rolison stated that they had.

Mr. Richey asked if there were a possibility for fire hydrants coming off of the water supply in the area?

Mrs. Mize stated that she met with Fire Chief Trey Arthur and he had mentioned that was something he would like to see put in by the plant. They need to look further into it and would really consider that. They will have a self-contained fire protection system at the plant but an additional fire hydrant would add to the ability for the fire department to assist us if needed.

Mr. Rolison, Oklahoma County Planner stated that the staff had two preliminary meetings with the applicant to discuss the type of material that they needed to submit for the Special Permit Application and they have complied.

Mr. Budreau stated that preliminary engineering as part of the financing, contains permitting, the next phase will be Design & Construction. Details are inappropriate at this time. These things are ongoing and will be addressed at each phase.

Mr. Rolison stated that the staff in their meetings had developed a list of general information that the Planning Staff needed engineering information and special permit information for this project.

Mrs. Dorrance asked what the EPA noise level limits were.

Mr. Budreau stated that they were 70 dba during the day and 80 dba at night.

Mr. Rolison gave the commission copies of the checklist developed for the applicants to provide to the staff for review during each phase of the project.

Mrs. Dorrance emphasized that the following conditions should be components of approval of the Special Permit:

- 8-month review.
- Exterior lighting.
- No intrusive lights on stacks.
- No flashing lights.
- Fire training specific to the plant.
- Look into adding fire hydrants to the water supply lines.
- Retain the existing trees and vegetation outside of the footprint of the facility.

Mr. Richey made a motion to approve the Special Use Permit for Energetix with the above conditions included in the recommendations for approval to the Board of County Commissioners. Mr. Wynn seconded the motion. Vote taken: Richey – Aye; Dorrance – Aye; Martin – Aye; Wynn – Aye. The motion was approved unanimously.

**September 2000 Planning Commission Fee Fund Reports:**

Mr. Gammon reported that the fees collected for September 2000 was \$3,184.80. Mr. Richey made a motion to accept the report. Mr. Martin seconded the motion. Vote Taken: Richey – Aye; Dorrance – Aye; Martin – Aye; Wynn – Aye. The motion was approved unanimously.

**Adjournment:** Mr. Richey motioned for adjournment. Mr. Wynn seconded the motion. Vote taken: Richey – Aye; Dorrance – Aye; Martin – Aye; Wynn – Aye.

The meeting was adjourned at 4:15 P.M.