

Planning Commission Minutes
January 23, 2025

(The agenda was filed with the City Clerk of The City of Oklahoma City at 7:30 a.m. on January 21, 2025)

12. (PUD-2047) Application by Antoni Munoz to rezone 10936 NE 122nd Street from R-1 Single-Family Residential and AA Agricultural Districts to PUD-2047 Planned Unit Development District. Ward 7.

Amended Technical Evaluation:

1. The minimum lot size for single-family residential development shall be 5 acres.
2. The Master Design Statement shall be modified to ~~incorporate the requirements of 59-9350.40.B, otherwise a Specific Plan including these requirements shall be required for the mining use.~~ include the following standards for the mining use: After topsoil has been redistributed, leveled, and smoothed, the appropriate seed varieties will be spread to ensure adequate coverage. The maximum depth below grade of any excavation shall be 30 feet.

The applicant was present. There were no protesters present.

RECOMMENDED APPROVAL SUBJECT TO TECHNICAL EVALUATION AS AMENDED.

MOVED BY PENNINGTON, SECONDED BY POWERS

AYES: CLAIR, POWERS, MEEK, PRIVETT, NEWMAN, GOVIN, PENNINGTON, NOBLE, LAFORGE



STAFF REPORT
The City of Oklahoma City
Planning Commission
January 23, 2025

Item No. IV. 12.

(PUD-2047) Application by Antoni Munoz to rezone 10936 NE 122nd Street from R-1 Single-Family Residential and AA Agricultural Districts to PUD-2047 Planned Unit Development District. Ward 7.

I. GENERAL INFORMATION

A. Contacts

Applicant's Representative

David Box
Box Law Group, PLLC
405-652-0099
david@boxlawgroup.com

B. Case History

This is a new application.

C. Reason for Request

The purpose of this application is to allow soil mining.

D. Existing Conditions

1. Size of Site: 96 Acres

2. Zoning and Land Use

| | Subject Site | North | East | South | West |
|-----------------|---------------------|--------------|-------------|-------------------------|-------------|
| Zoning | R-1/AA | R-1 | R-1 | R-1 | R-1/AA |
| Land Use | Undeveloped | Undeveloped | Undeveloped | Residential/Undeveloped | Undeveloped |

3. Comprehensive Plan Land Use Typology Area: Rural – Low Intensity (RL)

Rural – Low Intensity applies to areas where large-lot neighborhoods and residential acreages/estates may remain with no expectation of urbanization or provision of urban infrastructure such as water or sewer. RL areas are predominantly composed of residential uses but may support commercial and light industrial uses provided they do not negatively impact the rural residential character.

Comprehensive Plan Land Uses Typology Layer: Agricultural Preserve (AP)

AP preserves large scale acreages used primarily for agricultural purposes that are within the municipal boundaries. A large portion of the AP area consists of undevelopable

floodplains. Existing development patterns are expected to remain unchanged for a long period of time, allowing agricultural operations to exist and thrive at different scales. Commercial and light industrial uses may be appropriate provided they do not negatively impact agricultural operations and character.

II. SUMMARY OF PUD APPLICATION

8.1 USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the R-1 Single-Family Residential District shall govern this PUD, except as herein modified.

The following uses shall be permitted:

| | |
|---------|--|
| 8250.3 | Community Recreation: Property Owners Association |
| 8300.40 | Family Day Care Homes |
| 8250.13 | Light Public Protection and Utility: Restricted |
| 8200.5 | Low Impact Institutional: Residential-Oriented |
| 8450.1 | Mining and Processing: Minerals and Raw Material [limited to the conditions set forth in § 59-9350.40] |
| 8200.8 | Model Home |
| 8200.14 | Single-Family Residential |

9.0 SPECIAL CONDITIONS

The following special conditions shall be made a part of this PUD:

9.1 FAÇADE REGULATIONS

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, rock, stone, stucco, or wood, or other similar type finish. No more than 30% EIFS (Exterior Insulation Finish System) shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

9.2 LANDSCAPING REGULATIONS

The subject parcel shall meet all requirements of the City of Oklahoma City's Landscaping Ordinance in place at the time of development.

9.3 LIGHTING REGULATIONS

The site lighting in this PUD shall be in accordance with Chapter 59, Article XII, Section 59-12350 of the Oklahoma City Municipal Code, 2020, as amended.

9.4 SCREENING REGULATIONS

No less than a six-foot and no greater than an eight-foot-high wall or fence shall be required along the boundary of this parcel where it is adjacent to any residential development. Said wall or fence shall be constructed entirely of stucco, brick, or stone on a continuous footing, or may be constructed of wood and shall be solid and opaque.

9.5 SUBDIVISION REGULATIONS

Subdivision shall conform to the Oklahoma City Subdivision Regulations, as amended.

9.6 DRAINAGE REGULATIONS

Development of this parcel will comply with Chapter 16 of the Oklahoma City Municipal Code, 2020, as amended.

9.7 DUMPSTER REGULATIONS

Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning district or use.

Trash collection facilities in this PUD shall be in accordance with Chapter 49 of the Oklahoma City Municipal Code, 2020, as amended.

9.8 ACCESS REGULATIONS

Access may be taken from NE 122nd St. and N. Westminster Rd, subject to Public Works regulations policies and procedures.

9.9 PARKING REGULATIONS

The design and number of all parking facilities in this PUD shall be in accordance with Chapter 59, Article X of the Oklahoma City Municipal Code, 2020, as amended.

9.10 SIGNAGE REGULATIONS

9.10.1 FREESTANDING ON-PREMISE SIGNS

Freestanding accessory signs will be in accordance with the base zoning district regulations.

9.10.2 ATTACHED SIGNS

Attached signs will be in accordance with the base zoning district regulations.

9.10.3 OFF-PREMISE SIGNS/BILLBOARDS

Off-premise signs/billboards are prohibited.

9.10.4 ELECTRONIC MESSAGE DISPLAY SIGNS (EMD'S)

Electronic Message Display signs are prohibited.

9.11 ROOFING REGULATIONS

Each structure in this PUD shall have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

Sidewalk requirements are subject to Public Works regulations policies and procedures.

9.13 HEIGHT REGULATIONS

The base zoning district regulations shall regulate heights of structures in this PUD.

9.14 SETBACK REGULATIONS

Unless modified herein, yard requirements in this PUD shall be the same as the base-zoning district.

9.15 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as required by the City of Oklahoma City Public Works Department or other City, County, or State Department or agency. All Local, State, and Federal ordinances as they shall apply to the site will be adhered to fully.

9.16 COMMON AREAS

Maintenance of the common areas, private drainage easements, and islands / medians in the development shall be the responsibility of the property owner or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

9.17 SPECIFIC PLAN

A specific plan shall not be required.

10.0 DEVELOPMENT SEQUENCE

Developmental phasing shall be allowed as a part of the development of this PUD.

11.0 EXHIBITS

The following exhibits are hereby attached and incorporated into this PUD. These exhibits are:

Exhibit A - Legal Description
Exhibit B - Conceptual Master Development Plan
Exhibit C - Topography Plan
Exhibit D - Restoration Plan

III. REVIEW COMMENTS

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk * indicates that the agency, department, and/or division responded with no adverse comments.

A. Outside Agencies

- 1. Oklahoma City-County Health Department (OCCHD):**
- 2. Oklahoma City Urban Renewal Authority (OCURA):**
- 3. Oklahoma Gas and Electric (OGE):**
- 4. Oklahoma Natural Gas (ONG):**
- 5. Oklahoma Water Resources Board (OWRB):**
- 6. School District(s): Jones**
- 7. Oklahoma Department of Transportation (ODOT):**

B. City Departments

- 1. Airports: ***
- 2. Central Oklahoma Transportation and Parking Authority (COTPA):**
- 3. Fire (OCFD): ***
- 4. Information Technology/Geographic Support (IT/GIS):**
- 5. Parks and Recreation:**
- 6. Police (OCPD):**
- 7. Public Works:**

a. Engineering

Storm Sewer Availability

- 1) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.
- 2) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.
- 4) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.
- 5) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'. The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.
- 6) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 7) A Corps of Engineers 404 permit must be submitted with plans for any work contemplated within the floodplain, creek, or channel (waters of the United States) included in the case limits.
- 8) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees shall be made prior to construction. Building permits will not be issued until construction is complete. If a subdivision abuts a stream, the private drainage easements and/or common area along stream shall extend to flow line of stream at a minimum.
- 9) Place the following note on the plat and construction plans: Maintenance of the Common Areas and/or Private Drainage Easements shall be the responsibility of the property owner. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.
- 10) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 11) Construction within the limits of this PUD will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior

to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.

- 12) Sidewalk shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.
- 13) All private roads /streets will have private storm sewer systems.
- 14) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.
- 15) Amend section 7.7 Drainage to state that “The property within the Planned Unit Development is located within a mapped FEMA flood plain.”
- 16) Add to Section 9.8 Access Regulations: “Driveway widths and locations will comply with the requirements and policies and the City of Oklahoma City Public Works Department.”
- 17) The legal description of the property, Exhibit A, should be included in the PUD document.

b. Stormwater Quality Management

c. Traffic Services *

8. Utilities

a. Engineering

b. Solid Waste Management

- 1) No Solid Waste Management Services needed.

c. Water/Wastewater Quality

Water Availability

No water service is available for proposed development, private on-site water system is required. The developer must provide a water distribution system that is capable of supplying water to each lot or tract within the development in accordance with ODEQ and OWRB. Well permits must be obtained from OWRB and a copy of the permit must be filed with the Utilities Department. No private water source or groundwater source may be connected to any service or system connected to the City water system.

Wastewater Availability

No public wastewater service is available for the development. A private on-site wastewater disposal system is required in accordance with ODEQ rules and regulations. Applicants is responsible for obtaining all required City and ODEQ Permits. On-site

wastewater disposal system must be installed by an ODEQ certified installer and inspected by ODEQ.

9. Planning

a. Comprehensive Plan Considerations

The site is within the Rural - Low (RL) Intensity LUTA, and in an area where the Agricultural Preserve (AP) Layer applies. Policies for each are listed below.

1) LUTA Development Policies:

Site Design:

- Avoid developing within or modification of 100-year floodplains or floodways. (RL / AP)
- Design new buildings to compliment the character of surrounding areas and not detract from the open character of the landscape. (RL)
- Utilize Best Management Practices (BMP) for stormwater whenever possible. (RL)
- Minimize potential conflicts between development and agricultural operations, placing emphasis on supporting the economic viability of agricultural operations. (AP)
- Protect rural character by designing buildings and sites to complement the scale, character, and size of surrounding uses and structures. (AP)
- Utilize Best Management Practices for managing stormwater runoff to protect water quality and viability of agricultural operations. (AP)
- Protect soils classified by the USDA as “Prime Farmland” by minimizing impermeable surfaces and keeping at least 95 percent of the land free from restrictions (eg, conservation easements) that would prevent land from being easily converted back to farmland. (AP)

Floodway and 100-year floodplain for the Oklahoma River are present on a majority of the subject site. The development is required to comply with all City, State, and Federal requirements within the floodplain.

Density: The Rural Low LUTA outlines a minimum lot size of 5 acres (gross density of 0.2 du/acre) for residential. *The site is currently zoned AA and R-1. The PUD application proposes allowing single-family residential as part of the allowed uses. If water and sewer are not extended, the R-1 District would allow lot sizes based on DEQ requirements for well and septic; however, plan conformance would be achieved by maintaining the minimum lot size of 5 acres allowed by the AA District and outlined by the Rural Low LUTA.*

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating the proposed uses adjacent to existing agricultural or residential uses or zoning, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if the setbacks are significantly deeper or more shallow

than the predominant character of adjacent development; the building's orientation to the street differs from the predominant character of adjacent development; building size or street frontage dramatically differs from that of adjacent uses, the lot coverage (including buildings and paved areas) dramatically exceeds that of adjacent uses, or if buildings within 40 ft. of a single-family residential structure exceed a 3:1 ratio in height. *The PUD regulations utilize the base R-1 District requirements for setbacks, building size, and maximum building height. The PUD regulations reference the specific standards required by the Zoning Code for the mining and processing use, including prohibiting the activity within 70 feet of the property line or street right-of-way, or within 200 feet of a habitable dwelling.*

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology, or would substantially exceed the average daily traffic of existing, adjacent uses. *The subject site is located at the southwest corner of NE 122nd Street and North Westminster Road, both arterial streets in the Rural Low LUTA. NE 122nd Street and North Westminster Road serve a mixture of rural residential, agricultural, and industrial uses.*

Operational Impact: The comprehensive plan calls for mitigation measures if new projects propose uses that generate noise levels above those found in typical residential settings, have detectable odors, spill light above that found in typical residential settings, or operate after 10 p.m. within proximity to residential uses. When located near residential uses, the comprehensive plan calls for containing operating effects (including noise and odor) within building walls, using vertical screening to block any mechanical equipment and service areas, and directing light away from adjacent residential areas. *Potential operational impacts related to dust, noise and lighting are triggered with a mining operation adjacent to the residential zoning. The PUD regulations utilize the specific standards required by the Zoning Code for the mining and processing use, including prohibiting the activity within 70 feet of the property line or street right-of-way, or within 200 feet of a habitable dwelling. Several Special Permits for soil mining/excavation have been approved in the surrounding area.*

3) Service Efficiency:

- Water: *Not Served*
- Sewer: *Not Served*
- Fire Service: *Longer Than Rural Response*

4) Environmentally Sensitive Areas: The following apply to the proposed development site:

- Riparian Areas: Riparian areas are vegetated areas adjacent to streams, lakes, ponds, and wetlands that are composed of a mixture of trees, shrubs, and grasses. These areas may also contain floodplain. The comprehensive plan recommends a 100-foot buffer from stream banks. *Riparian area is present on the subject site in the form of floodway and 100-year floodplain for the Oklahoma River. The PUD regulations do not mention riparian or floodway / floodplain areas. Plan conformance could be strengthened by providing a*

continuous system of open space within the floodplain area. The development is required to comply with all City, State, and Federal requirements within the floodplain.

- Upland Forests: The subject area is within the upland forest ESA. The comprehensive plan directs to preserve the Cross Timbers and upland forests, including native understory, to the maximum extent practical. When new-growth or re-growth upland forest trees are removed during construction, trees and other native plants should be replanted on-site. New trees should be planted in clusters that mimic the original tree canopy. The comprehensive plan defines mitigation hierarchy in the following priority: 1) Avoidance and minimization, 2) Restoration, 3) Offset. *Upland Forest is present on the southern portion of the site. When 60 percent or less of the site is covered, the plan has a preservation goal of 100%. The PUD regulations do not mention upland forest or trees specifically. Plan conformance would be strengthened by adding language for preservation of healthy, mature trees, specifically in upland forest areas.*
 - Vulnerable Aquifers: The aquifer in this area is considered highly vulnerable to depletion. The comprehensive plan recommends preserving natural open spaces and utilizing low impact development techniques whenever possible in new developments in order to maintain water quality and allow for the infiltration of stormwater onsite. Low impact development techniques include, but are not limited to, using pervious surface materials wherever possible for the construction of driveways, parking areas, sidewalks, patios, etc., to promote increased water percolation and infiltration.
- 5) Transportation System:** This site is located at the southwest corner of NE 122nd Street and North Westminster Road, both Minor Arterial Streets in the Rural Low LUTA. Transit (bus) service is not available nearby. According to Streetlight data, last collected in 2022, NE 122nd Street had 373 average daily trips, with a capacity of 10,000 and North Westminster had 371 average daily trips, with a capacity of 10,000.
- 6) Other Development Related Policies**
- Ensure that development in rural areas is consistent with local design and scale and does not detract from the open character of the landscape. (SU-45)
 - Preserve overall landscape character and natural landforms (rolling hills, native vegetation, etc.) to the greatest extent possible. (G-4)
 - Incorporate natural features (such as ponds, lakes, streams, rock outcroppings, stands of mature trees, and/or sizable individual trees) into the design of all residential, commercial, and industrial projects rather than eliminating, hiding, or limiting access to those features. (E-31)
 - Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
 - Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)

b. Plan Conformance Considerations

The subject site is located at the southwest corner of NE 122nd Street and North Westminster Road. The site is within the Rural - Low (RL) Intensity LUTA, and in an area where the Agricultural Preserve (AP) Layer applies. The subject site is currently undeveloped and zoned AA and R-1. Floodway and 100-year floodplain for the Oklahoma River are present on a majority of the subject site. Land to the north, across NE 122nd Street, to the east, across North Westminster Road, and abutting the site to the south and southwest is zoned R-1. The area contains a mixture of agricultural land and rural residences. Land to the northwest, across the Oklahoma River, is zoned AA and utilized for agricultural purposes and a single-family residence fronting NE 122nd Street.

Riparian area is present on the subject site in the form of floodway and 100-year floodplain for the Oklahoma River. The development is required to comply with all City, State, and Federal requirements within the floodplain. Additionally, Upland Forest is present on the southern portion of the site. When 60 percent or less of the site is covered, the plan has a preservation goal of 100%.

The PUD is requested for soil mining. The majority of the site's existing zoning, R-1, does not allow the use. In other districts, including the AA District, the use is allowed with a Special Permit. The proposed PUD maintains the base R-1 District and adds the mining use, subject to the Specific Use Standards that would normally be required with a Special Permit. At least five other Special Permits for soil mining have been approved in the surrounding area.

These conditions are:

- A. No use shall be permitted within 200 feet of a habitable dwelling, provided that a caretaker's or watchman's house shall be exempt from this restriction.
- B. A restoration plan shall be submitted with the application and shall include the following:
 - (1) Final proposed topography of the site after all proposed restoration is completed.
 - (2) Proposed depth of topsoil, and a vegetation and landscaping plan.
 - (3) A drainage plan showing the direction of all drainage during excavation and after restoration.
- C. No excavation, stockpiling of material, or accessory or incidental use of the mining operation shall be permitted within 70 feet of any property line, street right-of-way line, or drainage or utility easement.

The PUD addresses items A and C in the use standards. The applicant's response to B is attached to this report but does not include the detail typically required in B (final topography, depth of topsoil, and vegetation and landscaping plans). This information should be provided prior to approval of the PUD, or a Specific Plan should be required. Additionally, while development as a residential subdivision is not expected, the PUD retains single-family residential as a permitted use. For consistency with the Rural Low

LUTA, the minimum lot size should be modified to a minimum of 5 acres, which would also be the minimum lot size for land zoned AA.

IV. STAFF RECOMMENDATION

Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning Commission. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.

Approval of the application subject to the following Technical Evaluation:

1. The minimum lot size for single-family residential development shall be 5 acres.
2. The Master Design Statement shall be modified to incorporate the requirements of 59-9350.40.B, otherwise a Specific Plan including these requirements shall be required for the mining use.

All Engineering Division and Water/Wastewater Utilities Division requirements must be met. Additional changes to the PUD may be required during either Divisions review of construction plans and prior to City Council approval.

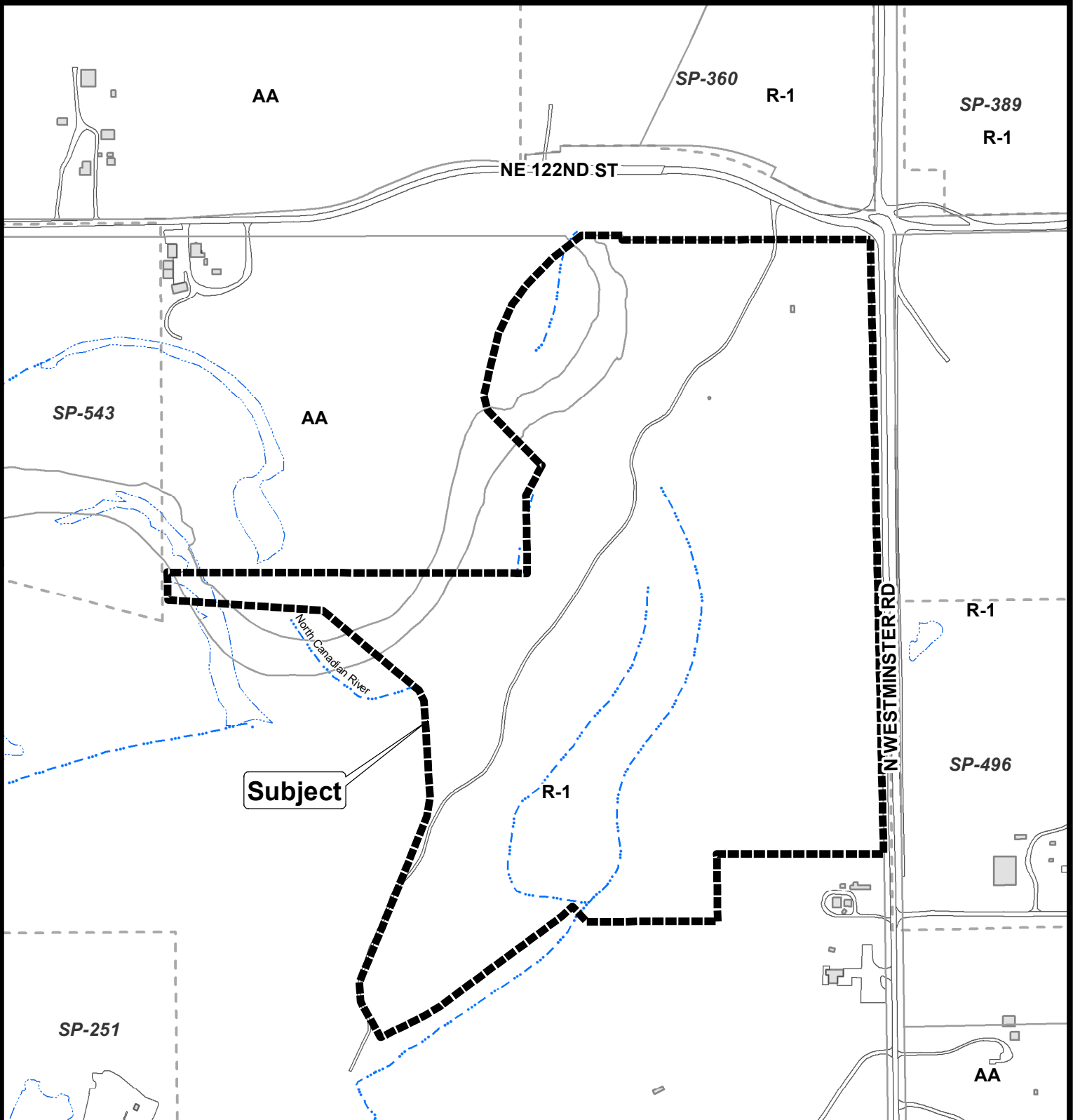
gjh

Case No: PUD-2047

Applicant: Antonio Munoz

Existing Zoning: AA / R-1

Location: 10936 NE 122nd St.



The City of
OKLAHOMA CITY

Planned Unit Development

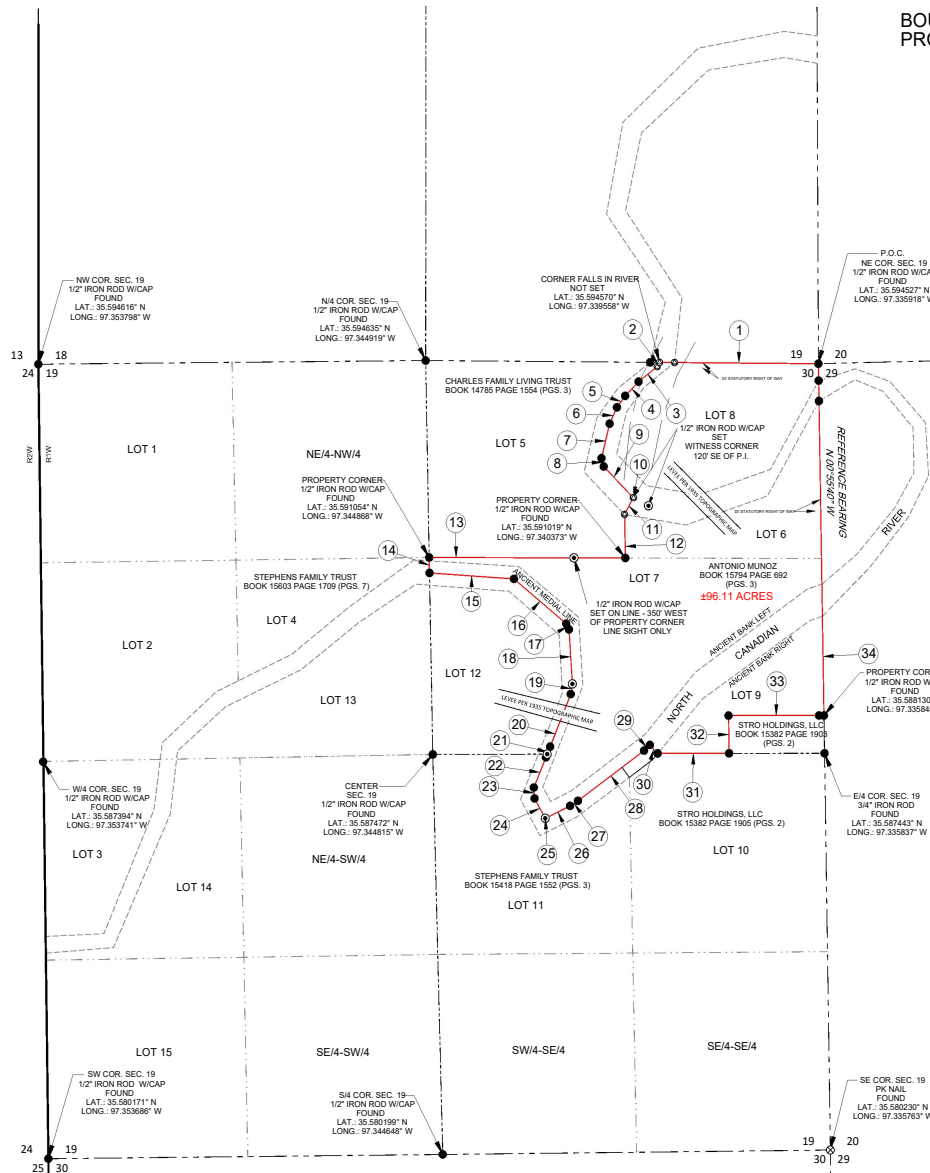


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Feet

AT BOOK 15794, PAGE 692
OKLAHOMA COUNTY,
OKLAHOMA

AT BOOK 15794, PAGE 692
OKLAHOMA COUNTY,
OKLAHOMA

SECTION LINE
 QUARTER LINE
 16TH LINE
 RANGE LINE
 TRACT BOUNDARY
 ANCIENT BANK
 EDGE OF RIVER
 IRON ROD W/CAP P
 CA5387
 IRON ROD W/CAP
 SET



OKLAHOMA COUNTY, OKLAHOMA

Commencing (P.O.C.) at a found 1/2" Iron Rod by PLS 1200, dated 4-6-2023 for the Northeast corner
of said Section 19, being the POINT OF BEGINNING(P.O.B.);

Thence along the North Line of the Northeast Quarter of said Section 19, North 89°33'03" West a distance of 1082.34 feet to a calculated point on the abandoned line, which falls in the river;

Thence along the abandoned Medial line of the North Canadian River, South 29°50'28" East a distance of 31.62 feet to a calculated point, which falls in the river;

Thence along the North Line of the Northeast Quarter of said Section 19, North 89°33'03" West a distance of 511°57'56" West a distance of 161.93 feet to an Iron Rod with Cap, Found;

Thence South 36°41'0657" West a distance of 131.05 feet to an Iron Rod with Cap, Found;

Thence South 36°21'13" West a distance of 94.29 feet to an Iron Rod with Cap, Found;

Thence South 24°55'57" West a distance of 119.32 feet to an Iron Rod with Cap, Found;

Thence South 24°55'57" West a distance of 235.08 feet to an Iron Rod with Cap, Found;

Thence South 15°19'18" East a distance of 56.81 feet to an Iron Rod with Cap, Found;

Thence South 44°14'36" East a distance of 284.97 feet to a calculated point, which falls in the river;

Thence South 62°21'27" East a distance of 2.36 feet to a calculated point, which falls in the river;

Thence South 27°38'33" East a distance of 126.60 feet to a calculated point for the Northwest Corner

Said Lot 7, well within the river;

Thence along the West line of said Lot 6, South 00°58'39" East a distance of 288.01 feet to an Iron Rod with Cap, Found for the Southwest corner of said Lot 6;

Thence along the North Line of Lot 7, North 89°51'14" West a distance of 1336.56 feet to an Iron Rod with Cap, Found for the Northwest corner of said Lot 7;

Thence along the West Line of said Lot 7 and the Northeast Quarter, South 01°04'06" East a distance of 106.36 feet to an Iron Rod with Cap, on the abandoned Medial line of the North Canadian River.

Thence along the abandoned Medial line of the North Canadian River, South 86°03'43" East a distance of 576.99 feet to an Iron Rod with Cap, Found;

Thence South 50°15'05" East a distance of 463.13 feet to an Iron Rod with Cap, Found;

Thence South 26°48'47" East a distance of 42.81 feet to an Iron Rod with Cap, Found;

Thence South 03°35'45" East a distance of 360.90 feet to an Iron Rod with Cap, Found;

Thence South 03°35'45" East a distance of 68.32 feet to an Iron Rod with Cap, Found;

Thence South 21°56'48" West a distance of 375.63 feet to an Iron Rod with Cap, Found;

Thence South 22°10'40" West a distance of 75.39 feet to an Iron Rod with Cap, Found;

Thence South 22°24'21" West a distance of 216.33 feet to an Iron Rod with Cap, Found;

Thence South 03°35'45" East a distance of 72.77 feet to an Iron Rod with Cap, Found;

Thence South 29°08'21" East a distance of 11.83 feet to an Iron Rod with Cap, Set;

Thence South 72°47'02" East a distance of 2.88 feet to an Iron Rod with Cap, Set;

Thence North 63°32'11" East a distance of 185.92 feet to an Iron Rod with Cap, Found;

Thence North 58°22'25" East a distance of 63.56 feet to an Iron Rod with Cap, Found;

Thence North 53°33'33" East a distance of 559.63 feet to an Iron Rod with Cap, Found;

Thence North 46°45'24" East a distance of 54.60 feet to an Iron Rod with Cap, Found;

Thence departing the abandoned Medial line of the North Canadian River, South 43°19'31" East

Thence along the East Line of the Northeast Quarter of said Section 19, North 00°55'50" East a distance of 55.93 feet to an Iron Rod with Cap, Found for the Southwest corner of said Lot 9;

Thence along the East Line of the Northeast Quarter of said Section 19, North 00°55'50" East a distance of 2528.72 feet to the Point of Beginning (P.O.B.), having an area of 98.11 Acres ±.

Rod with Cap, Found for the Southwest corner of the property at Book 15382 Page 1903;

Thence along the East Line of the Northeast Quarter of said Section 19, North 00°55'50" East a distance of 2528.72 feet to the Point of Beginning (P.O.B.), having an area of 98.11 Acres ±.

Thence along the East Line of the Northeast Quarter of said Section 19, North 00°55'50" East a distance of 2528.72 feet to the Point of Beginning (P.O.B.), having an area of 98.11 Acres ±.

Rod with Cap, Found for the Northwest corner of the property at Book 15382 Page 1903;

Thence along the East Line of the Northeast Quarter of said Section 19, North 00°55'50" East a distance of 2528.72 feet to the Point of Beginning (P.O.B.), having an area of 98.11 Acres ±.

This description was prepared on December 20, 2024, by Dan W. Rogers, Licensed Surveyor No. 1200.

Captain John H. Rogers, State Engineer of the Northeast Quarter of said Section 19 for the Northeast corner of said Lot 9.

Surveyed and Bounded 1982 Page 1903;

This plat of survey meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

| LINE | BEARING | DISTANCE |
|------|----------------|----------|
| 1 | N 89° 33'03" W | 1082.34' |
| 2 | S 29° 50'28" W | 31.62' |
| 3 | S 51° 57'06" W | 16.83' |
| 4 | S 2° 05'57" W | 131.01' |
| 5 | S 36° 21'13" W | 94.29' |
| 6 | S 24° 55'57" W | 119.32' |
| 7 | S 13° 30'39" S | 235.09' |
| 8 | S 1° 19'18" E | 50.24' |
| 9 | S 44° 14'36" E | 294.97' |
| 10 | S 62° 21'27" E | 2.38' |
| 11 | S 27° 38'33" W | 126.60' |
| 12 | S 01° 58'39" E | 268.01' |
| 13 | N 05° 15'11" E | 133.64' |
| 14 | S 01° 04'36" E | 132.65' |
| 15 | S 86° 03'43" E | 576.99' |
| 16 | S 80° 15'05" E | 463.13' |
| 17 | S 26° 48'47" E | 42.81' |
| 18 | S 1° 33'45" E | 367.80' |
| 19 | S 09° 15'21" W | 65.32' |
| 20 | S 21° 56'48" W | 375.63' |
| 21 | S 22° 10'40" W | 75.39' |
| 22 | S 22° 24'21" W | 216.33' |
| 23 | S 23° 31'07" E | 72.74' |
| 24 | S 29° 02'18" E | 149.83' |
| 25 | S 27° 47'02" E | 186.82' |
| 26 | N 63° 32'11" E | 2.85' |
| 27 | N 86° 42'25" E | 63.56' |
| 28 | N 3° 33'02" E | 529.63' |
| 29 | N 46° 25'24" E | 54.60' |
| 30 | S 43° 19'31" E | 77.35' |
| 31 | N 89° 57'23" E | 48.94' |
| 32 | N 85° 45'42" E | 255.83' |
| 33 | N 89° 57'40" E | 650.08' |
| 34 | N 00° 55'40" W | 2328.72' |

| LINE | BEARING | DISTANCE |
|------|----------------|----------|
| 1 | N 89° 33'03" W | 1082.34' |
| 2 | S 29° 50'28" W | 31.62' |
| 3 | S 51° 57'06" W | 16.83' |
| 4 | S 2° 05'57" W | 131.01' |
| 5 | S 36° 21'13" W | 94.29' |
| 6 | S 24° 55'57" W | 119.32' |
| 7 | S 13° 30'39" S | 235.09' |
| 8 | S 1° 19'18" E | 50.24' |
| 9 | S 44° 14'36" E | 294.97' |
| 10 | S 62° 21'27" E | 2.38' |
| 11 | S 27° 38'33" W | 126.60' |
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| 21 | S 22° 10'40" W | 75.39' |
| 22 | S 22° 24'21" W | 216.33' |
| 23 | S 23° 31'07" E | 72.37' |
| 24 | S 29° 02'12" E | 149.83' |
| 25 | S 27° 47'02" E | 186.82' |
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| 27 | N 66° 42'25" E | 63.56' |
| 28 | N 39° 33'02" E | 529.63' |
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| 34 | N 00° 55'40" W | 2328.72' |

TOPOGRAPHIC
LOYALTY INNOVATION LEGAL

0 NORTHWEST EXPY, Ste. 1500 • OKLAHOMA CITY, OKLAHOMA
18
TELEPHONE: (405) 843-4847 OR (800) 654-3219
CERTIFICATE OF AUTHORIZATION NO. 1292 LS
WWW.TOPOGRAPHIC.COM

[illegible]

Dan W. Rogers, P.L.S. No. 1289
 KEYED ON THE GROUND: DECEMBER 16, 1989
 Note description of even date accompanies this

Exhibit C

NE 122nd St

N Westminster

N

10936 NE 122ND ST
(Click for more information)

N Westminster Rd

RECLAMATION PLAN ATTACHMENT

1) RE-VEGETATION PLAN: Describe the plan for re-vegetation or other surface treatment of affected area(s). The re-vegetation plan shall include but not limited to following: **Each item must be addressed or plan will be returned. 460:10-15-3 (6)**

a) Planned soil tests:

N/A

b) Site preparation and fertilization:

Once mining is complete we will replace the natural top soil.

c) Seed and Plant selection:

The disturbed area will be replenished with natural topsoil and fertilizer.

d) Rate of seeding or amount of planting per acre:

We plan to use 40 lbs of nitrogen fertilizer per acre.

e) Are there other surface treatments that will be preformed to the affected land during reclamation?

☐ Yes ☒ No If yes, please explain:

- 2) Describe method to prevent or eliminate conditions that could be hazardous to animal or fish life in or adjacent to the permit area.

We will install silt fence around the perimeter to prevent soil displacement.

- 3) Provide, as a separate document, a closure plan of the mine and permitted facilities to prevent a release of contaminants for being harmful to the environments. **A closure plan is not necessary for all mines**, but is required where the possibility exist for (a) acid-forming materials handling or drainage; (b) Chemically treated tailings or stockpiles (excludes fertilizer or lime for re-vegetation purposes).

N/A

- 4) Method of control and disposal of mine waste, rock, mineral scrap, tailing, slimes, and other material directly connected with the mining, cleaning, and preparation of mineral substances mined and includes all waste materials deposited on or in the permit area from any source.

N/A

5) Method of reclaiming settling and/or sediment ponds.

N/A

6) For final reclamation, submit information about practices for safety to persons and to adjoining property in all excavations. Identify area of potential danger and appropriate safety provisions. These provisions can include but are not limited to setbacks, fencing, signs, benching, guardrails and boulders.

The perimeter will be enclosed with safety fencing and caution tape.

7) Identify structures (e.g. buildings, roads) that are proposed to remain as part of the final reclamation.

N/A No buildings in the area.

STATE OF OKLAHOMA
DEPARTMENT OF MINES
2915 N. Classen Blvd, Suite 213
Oklahoma City, OK 73106
405-427-3859
Fax 405-424-4932

New Permit

PERMIT TO ENGAGE IN NON-COAL MINING

The Mining Lands Reclamation Act, 45 O.S. 1981 §721-728

Date: September 10, 2024

Permit No: L.E.-2863

Permit is hereby issued to:

Munoz Construction Co., Inc.

405-620-0090

Name of Company, Corporation, Partnership, Individual

Telephone No.

1129 SW 27th Street

Oklahoma City

OK

73109

Street, R.F.D., Box No.

City

State

Zip Code

to mine Sand by the following method(s) (Please check method(s)):

Underground: _____ (Refuse) Surface: X

Auger Mining: _____ Dredging: _____ Hydraulic Mining: _____ Pumping: _____

Quarrying: _____ Stripping: X Other: _____

Permit period term is from 09-01-2024 to 08-31...(Life Expectancy)

Total estimated acres to be affected: 76

Total estimated acres to be covered by bond: 7

Name or Number of mine: _____

Nearest Town: Jones, OK

Section(s): 19 Township: 13N Range: 1W

Section(s): _____ Township: _____ Range: _____

Section(s): _____ Township: _____ Range: _____

County Oklahoma

Permit reviewed by:

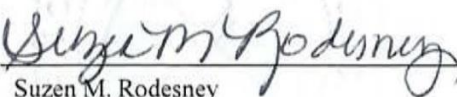


Ginna Harmon

Minerals Permit Manager

Title

Approved by:



Suzen M. Rodesney

Director

Title

If, for any reason whatever, you cease to operate at the location shown on this permit, notify the Department of Mines immediately as your liability continues in effect until the Department is notified and/or completed reclamation is approved.

Oklahoma Department of Mines
2915 N. Classen Blvd., Suite 213
Oklahoma City, OK 73106
(405) 427-3859

RECEIVED

JUL 23 2024

DEPT. OF MINES

**NON-COAL MINING APPLICATION & RECLAMATION PLAN
FIELD EVALUATION**

The Mining Lands Reclamation Act, 45 O.S. 1981 §721-728

Applicant: **Munoz Construction Co., Inc.**
1129 SW 27th Street
Oklahoma City, OK 73109

Date: July 10, 2024

The following has been reviewed for Permit # **L.E.-2863**

| | Reviewed | Additional Info Needed* |
|--|------------|-------------------------|
| Legal Description | ✓ | |
| Reclamation Plan | ✓ | |
| Perimeter Markers in Place | ✓ | |
| Permit Acreage | ✓ | |
| Bonded Acreage Sufficient | ✓ | |
| Blasting Plan Approved (if applicable) | N/A | |
| Front Gate GPS Coordinates | N 35.59472 | W -97.33724 |

* Comments or Recommendations based on field review:

Legal description is correct. Perimeter markers are in place and bonded acreage is sufficient.

Field Evaluation by:

Inspector

7-17-24

Date

Office Review by:

Minerals Permit Manager

Laura Harmon 9-10-24

Date

Approved by:

Wynne M. Roderney

Director
Title

9-10-2024
Date

LOCALiQ

The Oklahoman

PO Box 631643 Cincinnati, OH 45263-1643

AFFIDAVIT OF PUBLICATION

Munoz construction
1129 Southwest 27th Street
Oklahoma City OK 73109

STATE OF OKLAHOMA, COUNTY OF OKLAHOMA

The Oklahoman, a daily newspaper of general circulation in the State of Oklahoma, and which is a daily newspaper published in Oklahoma County and having paid general circulation therein; published and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated on:

07/12/2024, 07/19/2024, 07/26/2024, 08/02/2024

and that the fees charged are legal.

Sworn to and subscribed before on 08/02/2024

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SEP - 6 2024

DEPT. OF MINES


Legal Clerk


Notary, State of WI, County of Brown

10-28-26
My commission expires

Publication Cost: \$128.25

Tax Amount: \$0.00

Payment Cost: \$128.25

Order No: 10369945

Customer No: 1468806

PO #: LOKL0127453

of Copies:
0

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

RYAN SPELLER
Notary Public
State of Wisconsin

Munoz Construction Co., Inc. 1129 SW 27th St. Oklahoma City, OK 73109 has submitted a permit application to the Oklahoma Department of Mines (ODM) to mine sand through the surface mining method on portions of the following parcels of land: Section 19, Township 13 North, Range 1 West, Oklahoma County, Oklahoma. The total permit area contains 76 acres.

The permit site is located approximately 3.5 miles northwest of Jones OK and 5.5 miles east of I-35. The north running Canadian river is located west of the proposed permit area.

A copy of this complete permit application is available for public inspection on ODM's website <https://mines.ok.gov>. Interested parties without access to the internet may obtain a copy of the application by contacting ODM at 405-427-3859. Any landowner or resident of any occupied dwelling, any public entity or public agency, or any party that may be adversely affected has the right to submit comments or object to the issuance of the permit in writing. An informal conference will be provided if requested. Any objections or requests for an informal conference on this application must be in writing and received no later than fourteen (14) days after the final publication of this notice to the OKLAHOMA DEPARTMENT OF MINES 2915 N. Classen Blvd., Suite 213 Oklahoma City, Oklahoma 73106

LPXLP

July 12, 19, 26, August 2
2024

LOKL0127453

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SEP - 6 2024

DEPT. OF MINES

Case No: PUD-2047

Applicant: Antonio Munoz

Existing Zoning: AA / R-1

Location: 10936 NE 122nd St.



Aerial Photo from 2/2022



The City of
OKLAHOMA CITY

Planned Unit Development



0 250 500
Feet